THE TRANSFER OF POWER
1942–7
CONSTITUTIONAL RELATIONS
BETWEEN BRITAIN AND INDIA

THE TRANSFER OF POWER
1942–7

Volume XI The Mountbatten Viceroyalty
Announcement and Reception of the 3 June Plan
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HER MAJESTY’S STATIONERY OFFICE
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## ILLUSTRATIONS

**Frontispiece**

**Between pages 562 and 563**
Meeting with the Indian leaders, Viceroy’s House, 2 June 1947. Document 23. *(Nehru Memorial Museum and Library)*

Facsimile of Gandhi’s message to Lord Mountbatten written on the back of five separate old envelopes on his day of silence. Document 24. *(Trustees of the Broadlands Archives Settlement)*

Gandhi and Pandit Nehru with refugees from the Punjab in a camp at Hardwar, June 1947. Document 300, para. 2. *(Nehru Memorial Museum and Library)*
Foreword

On 9 March 1966 the Prime Minister, Mr Harold Wilson, announced in the House of Commons that the closed period for official records was to be reduced from fifty to thirty years. He stated that the Government also proposed that the range of Official Histories, which had hitherto been confined to the two great wars, should be extended to include selected periods or episodes of peacetime history and considered that there was scope for extending to other Oversea Departments the Foreign Office practice of publishing selected documents relating to external relations. The Prime Minister hoped that both of these subsidiary proposals, supplementing the reduction in the closed period to thirty years, would be acceptable in principle to the Opposition parties, who would be associated with their implementation.¹

On 10 August 1966 the Prime Minister announced that a standing inter-party group of Privy Counsellors was to be appointed to consider all such proposals² and on 8 June 1967 that its members were, for the Government and to act as Chairman, the Right Hon. Patrick Gordon Walker, Minister without Portfolio; for the Official Opposition, the Right Hon. Sir Alec Douglas-Home; and for the Liberal Party, Lord Ogmore.³

A project to publish documents from the India Office Records had been under discussion for some years and on 30 June 1967 the Prime Minister, in replying to a written question in the House of Commons, announced that the first of the new series of selected documents to be published was to relate to the Transfer of Power in India. His statement was as follows:

As I informed the House on the 9th of March 1966, the Government have decided to extend to other Oversea Departments the Foreign Office practice of publishing selected documents concerned with our external relations, subject to inter-party agreement through the Group of Privy Counsellors whose composition I announced on the 8th of June. I am happy to inform the House that the Group have agreed that in view of the great interest now being shown in historical circles in the last days of British rule in India the first selection of documents to be published under the new arrangements should be documents from the India Office records on the Transfer of Power and the events leading up to it.

The scheme will follow closely the lines of the Foreign Office series of Documents on British Foreign Policy from 1919 to 1939, and, as in that series, the editors will be independent historians who will be given unrestricted access to the records and freedom to select and edit documents for publication. Professor P. N. S. Mansergh, Smuts Professor of the History of the

² Ibid., vol. 733, cols. 1706-7.
³ Ibid., vol. 747, col. 1291.
British Commonwealth at Cambridge, has expressed willingness to accept appointment as Editor-in-Chief, and the scheme will be in full operation by the end of the year.4

Mr E. W. R. Lumby was appointed Assistant Editor and fulfilled the duties of that office until his death on 23 January 1972, by which time the first three volumes in the Series had been published and the fourth was in an advanced stage of preparation.

Sir Penderel Moon, O.B.E., sometime Fellow of All Souls College, Oxford, was appointed Assistant Editor in September 1972 when Volume IV was about to go to press and the editing of Volume V to begin.

Mr D. M. Blake, who from the time of his appointment in March 1968, and Dr L. J. Carter from August 1970 to September 1980 when, the editing of this volume then being well advanced, he left to become Secretary/Librarian in the South Asian Centre in the University of Cambridge, have assisted in the assembly, selection, preparation and indexing of documents for publication. The Editors would like to place on record their warm appreciation of Dr Carter’s many contributions to the work of the Historical Section in the decade in which he served as a member of it.

The Editors once again have pleasure in thanking Miss Lois Atkin who has undertaken the typing necessary for the production of the Volume.

The series will cover the period 1 January 1942 to 15 August 1947. The Volumes so far published with their subtitles and dates of publication are as follows:

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The principles of selection, the arrangement of documents—which is in chronological order throughout in so far as that has been ascertainable—together with other details of presentation were explained in the Foreword to the first Volume (pp. vi-x) with some further comments on particular points added in the Foreword to Volume III (pp. viii-xii). There is no need, therefore, to recapitulate what has been written on these matters here. It may, however, be worth while restating the purpose of the Series. It is to make available to scholars in convenient printed form the more important British historical records relating to the Transfer of Power in India.

N. MANSERGH

Historical Section
India Office Records
March 1981

Introduction to Volume XI

On 23 May 1947, the Cabinet had approved in principle the terms of a draft Plan which, in the event of a failure to secure a compromise on the basis of the Cabinet Mission Plan, the Viceroy was authorised to lay before the Conference of Indian leaders convened for 2 June [Vol. X, Nos. 521 and 404]: on 30 May, after a last meeting with members of the India and Burma Committee on outstanding issues on 28 May [Vol. X, No. 553], the Viceroy had returned to India. With his return years of debate and discussion on policy gave way to days of decision, the Viceroy’s Conference with Indian leaders, begun on 2 and resumed on 3 June, in fact determining the nature of the final Anglo-Indian transfer settlement. The proceedings of the Conference, momentous in their import, are recorded in Minutes [Nos. 23 and 39] in conjunction with which reports of consequential conversations and related correspondence [e.g. Nos. 24 and 27] may profitably be read. So also may be the lively narrative account of events in the round, as viewed from Viceroyal vantage ground, and contained in Mountbatten’s Personal Report of 5 June [No. 91].

While the date—2 June—of the Viceroy’s Meeting with the Indian leaders was already settled some final arrangements had still to be made on his return from London. First in importance was the question of attendance. On 13 May Nehru had suggested that Acharya Kripalani as President of Congress should be invited in addition to Nehru himself, Patel, Jinnah, Liaquat and Baldev Singh, but the Viceroy on 17 May had explained his difficulty in according to this request [Vol. X, Nos. 423 and 467]. Jinnah, when sounded, was most averse to the idea: Nehru, on behalf of the Congress Working Committee, insisted upon its adoption, the matter being finally resolved by the issue of an invitation to Abdul Rab Nishtar on the League to balance one to Kripalani on the Congress side [Nos. 4, 27 para. 6, and 91 para. 2; and 22 on possible additional Sikh representation]. Procedure for the meeting was discussed with Patel [No. 20]; a draft for the Viceroy’s opening speech submitted by Ismay, final amendments to the Plan and the text of the Viceroy’s post-Conference broadcast further considered and sent off to London all on 31 May [Nos. 1, 2, 3 and 13], the Viceroy proposing the insertion in his broadcast as an apparent ‘aside’, of an understanding allusion to Gandhi’s objections, strongly voiced at his Prayer Meetings, to the ‘vivisection of the motherland’ [Nos. 2 and 19], a proposal which, however, did not commend itself to the Secretary of State or the Prime Minister and was accordingly withdrawn [No. 30: for final text of broadcast see No. 44].

While these arrangements were being made disturbing accounts of developments in the Punjab continued to be received with the Governor writing of communal tension throughout the Province being ‘extremely high’, amounting
to 'mass hysteria' and Liaquat Ali Khan making representations to the Viceroy about what was happening especially in the Gurgaon district, (which the Viceroy, with the Governor, visited on 1 June) and on the need for a prompt warning to the rulers of certain Sikh States not to allow alleged participation by their troops or civilians to continue [Nos. 11, 12 and 16 and see also No. 5 and for later comment Nos. 72, 179, 232 and 234, also p. xx-xxi below]. With regard to Bengal, the other Province likely to be partitioned, the nature of its government after the Announcement was the object of pressing enquiry from the Viceroy to the Governor who felt that a coalition Ministry was the 'obviously ideal arrangement to manage Partition' and indicated that he would not wish to go into Section 93 [Governor's rule], unless forced to do so in the interests of law and order [Nos. 5, item 3, 10, 18 and 33].

The meeting of the Viceroy with the Indian leaders opened at 10 am on 2 June and lasted for two hours. At the outset the Viceroy remarked that he could remember 'no meeting at which decisions had been taken which would have such a profound influence on world history'. He then gave an account of the situation that existed as a result of his failure to obtain agreement on the Cabinet Mission Plan which he still thought of as representing 'the best solution' and his gradual recognition of a convergence of opinion on a partition, even though partition was contrary to Congress principles and the League would not agree to its application to Provinces [No. 23]. He had, he said, made clear 'to His Majesty's Government the impossibility of fully accepting the principles of one side and not of the other'. The Viceroy then dwelt upon particular problems consequent upon an application of the principle of partition to individual provinces as well as to the country as a whole—notably the position of the Sikhs (he did not think 'that any single question' had been discussed at such great length in London as this) and the future of Calcutta. There was also the new and critically important point of 'Immediate Transfer of Power' to meet Indian wishes. This last, the Viceroy explained, was to be made possible under the Plan by an extension of Dominion Status to the successor authorities that emerged, the Prime Minister having ruled that in the event of its acceptability top priority was to be accorded to the drafting of the necessary legislation and the leader of the Opposition, Mr Churchill, having given an assurance that the Opposition would facilitate its passage. It was understood on all sides that the new Indian government, or governments, would be completely free to withdraw from the Commonwealth whenever they wished.

Copies of the Plan were handed round to the Indian leaders, the Viceroy asking that they should take them away for discussion with their respective Working Committees, letting him know of their reactions by midnight. He did not ask for specific agreement to the terms of the Plan but for assurances that leaders and parties would 'do their best to have it [the Plan] worked out peacefully'.

In the discussion that followed Nehru sought elucidation of the difference between agreement and acceptance while Jinnah explained that the constitutional procedures of the League precluded his entering into any immediate commitment on its behalf, but adding in response to the Viceroy's representations, that while he felt unable to report the views of the League's Working Committee in writing he would make a verbal report to the Viceroy [Nos. 23, 27 for report to S/S, and 91, paras. 12–13].

Immediately after the meeting the Viceroy saw Gandhi who was observing a day of silence. Gandhi handed the Viceroy a note written on the back of five separate old envelopes; reproduced as the Centrepiece to this volume. The Viceroy deemed what passed between them reassuring [Nos. 24, 27 and 91, paras. 14–15]. With Lord Ismay, he also saw Jinnah for an hour that evening [Nos. 38 and 91, paras. 18–19: for brief for talk see No. 3].

The reactions of the Congress, the League and the Sikhs were conveyed to the Viceroy late on 2 or early on 3 June, those of the Congress Working Committee being in the form of a letter from the Congress President, J. B. Kripalani [No. 35]: those of Jinnah being given verbally at the meeting mentioned above and those of the Sikhs in a letter from Baldev Singh [No. 36]. The Viceroy cabled the substance of these reactions to the Secretary of State, drawing attention to the key paragraphs in the letters from the Congress (para. 7), the Sikhs (penultimate para) and repeating Jinnah's verbal assurances that he would support the Viceroy personally and 'do his utmost to get the plan accepted', Jinnah's delight at the Dominion status solution being described as 'unconcealed' [No. 38]. In the light of the expression of these views the Viceroy further suggested to the Secretary of State that the formula for use in Parliament should be that the Plan, including the offer of Dominion status, had been 'favourably received by all three parties' [No. 37].

When the meeting with the Indian leaders was resumed at 10 am on 3 June the Viceroy reported initial reactions to the Plan and said he had been 'very happy and much relieved' at the nature of them. The Indian leaders indicated that the Viceroy had correctly represented their views [No. 39]. There followed complaints from the Muslim leaders about the content of Gandhi's speeches to which the Congress leaders made rejoinder. The Viceroy then had circulated a comprehensive paper, prepared by the Viceroy's staff, entitled 'The Administrative Consequences of Partition', prefaced by a note by the Viceroy that it was his intention that the Act transferring power to the new Dominions should be brought into operation not later than 15 August [No. 28]. A very early date was mentioned, he explained to the Secretary of State, for tactical reasons as he was anxious to make the parties 'realize that they must move quickly and that vital decisions would have to be taken in the very near future' [No. 53]. He later recorded that the 'severe shock that this [i.e. the paper on Administrative
Consequences] gave to everyone present would have been amusing if it was not rather tragic’ [No. 91, paras. 24–25].

Later that day, 3 June, the Viceroy telegraphed the Prime Minister to let him know that while the three Indian leaders had not agreed to the Plan, ‘they had virtually accepted it’, it being understood that their acceptance ‘stood subject to ratification by the All-India Congress Committee and the All-India Muslim League Council, meetings of both of which are being called with extreme urgency’ [No. 40]. In the event such ratification was in essence forthcoming in both instances, the Council of the League at its meeting on 9 June, while unable to agree to the partition of Bengal and the Punjab, giving full authority to Jinnah to accept the fundamental principles of the Plan as a compromise [No. 127; see Nos. 129 and 130 for Nehru and Patel’s critical reactions] while on 15 June the Congress Committee welcomed the decision of the British government on the early transfer of power and though regretting ‘the secession of some parts of the country from India’ accepted such a possibility ‘in the circumstances now prevailing’ [No. 205].

Meanwhile, still on 3 June, at 3.30 pm the Prime Minister made his statement in the House of Commons [for text see No. 45]. It was announced over All-India Radio at the same time, preceded by the Viceroy’s broadcast and followed by those of Nehru, Jinnah and Baldev Singh [No. 41: for texts see Nos. 44, 46, 47 and 48]. The Viceroy’s talk, relayed from Delhi and prefaced with an introduction by the Prime Minister, also went out on the B.B.C. Home and Light Programmes in Britain that evening [No. 57].

The Prime Minister conveyed the congratulations of the whole Cabinet to the Viceroy [No. 56; see also No. 75]. But possibly the Viceroy cherished even more Gandhi’s allusion to ‘“you and your magic tricks” in getting Congress and the Muslim League to agree on anything’ [No. 69].

The Viceroy had invited Sardar Patel as Member for Information and Broadcasting to preside at the Press Conference he was to give on 4 June [No. 50]. The number and range of questions put to the Viceroy at the Conference may be seen from the considerable, though not complete, records of it that survive and are reproduced in Nos. 59 and 60, while those parts of the Announcement which aroused the most interest or were most likely to be the source of controversy in India may be inferred by a sharper concentration of questioning upon them. Striking tributes were paid to the Viceroy’s mastery of his complex subject and his handling of questions in a gathering of some 200 Press men whose reactions were described by Campbell-Johnson as ‘quite the most enthusiastic I have ever known’ [Nos. 66 and 84].

With the Announcement made, the Plan unfolded, its principal features explained in broadcasts and its implications elucidated in a Press Conference, there remained urgent questions of how the settlement the Plan envisaged,
contemplating as its principal features the partitioning of historic provinces and the transfer of power with consequential division of assets to two dominions, was to be given effect within a period of six weeks between the end of June and the target date of 15 August.

With regard to the first, the partitioning of Provinces, the Statement of 3 June declared that it was not the intention of H.M.G. to interrupt the work of the Constituent Assembly but recognised that any constitution framed by it could not apply to those parts of the country which were unwilling to accept it [No. 45]. Accordingly the Statement had laid down a procedure by which the wishes of the people in those areas might best be ascertained, the issue to be submitted to them being whether their constitution should be framed in the existing Constituent Assembly or in a new and separate Constituent Assembly which would consist of the representatives of those areas which decided not to participate in the work of the existing Constituent Assembly. 'When this has been done', the Statement continued, 'it will be possible to determine the authority or authorities to whom power should be transferred'. The doing of it was a matter of complexity involving, principally, the deciding of the issue in four provinces, Sind and three critically poised, namely Bengal, the Punjab and the North-West Frontier, to which were to be added Baluchistan and the predominantly Muslim district of Sylhet in the predominantly non-Muslim Province of Assam. The procedure outlined in the Statement contemplated that in Bengal and the Punjab the members of the Legislative Assemblies should sit in two parts according to Muslim and non-Muslim majority Districts for the immediate purpose of deciding on partition, there being also provision for a preliminary meeting of all members of the Legislative Assembly (other than Europeans) to determine which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united. It was emphasised that should a decision be taken in favour of partition Boundary Commissions would be set up to demarcate the final boundaries 'on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims' with 'other factors' also to be taken into account. To meet 'the exceptional position' of the North-West Frontier Province it was provided that should the Punjab decide on partition a referendum would be held there.

In the context of the partition assumed to be impending there were a number of meetings between the Viceroy, his staff and Indian leaders designed to clarify the issues and make recommendations on procedures to be adopted and a programme of action to be pursued. The point of departure was the paper on The Administrative Consequences of Partition copies of which, as has been noted, were handed to the Indian leaders at the meeting on 3 June [No. 28]. The paper came up for consideration in detail at The Viceroy's Sixteenth Miscellaneous Meeting on 5 June [No. 73]. One general question was posed which may conveniently be indicated at the outset. It derived from a conceptual difference
about the nature of the partition that seemed certain to take place, Nehru contending that while some parts of India were being given the opportunity to secede, India as an entity would remain and the Government of India would accordingly continue, inheriting the status, the treaty and other obligations of its British predecessor, whereas Jinnah maintained that what would happen would be not secession but division. The Viceroy noted that on any interpretation there would have to be division in respect of the Staff of the Central Civil departments and duplication of records relating to their work [No. 73]. As regards the wider implications of the issue the Viceroy the same day (5 June) in view of its 'great importance' sought a ruling from London [No. 76], and on 9 June forwarded a letter from Nehru [No. 116] reiterating his [Nehru's] opinion and asking if he might see in advance the text of legislation transferring power on a dominion basis. 'My own view', the Viceroy commented to the Secretary of State, 'is that we shall meet far greater difficulties from Congress if we oppose their view than from the League if we follow the Congress suggestion' [No. 115]. The Secretary of State, in a memorandum dated 13 June and circulated to the India and Burma Committee, likewise concluded that 'on balance, the advantage would seem to lie, so far as concerns the international position, in adopting the Congress doctrine and accepting Hindustan as the successor of the former India' [No. 188]. On 14 June the Viceroy, after a talk with Liaquat Ali Khan, in the course of which Liaquat indicated that as 'all he really wanted was a fair proportionate division of assets and liabilities' he did not wish 'to waste time arguing whether Hindustan should take the title of India or inherit membership of U.N.O.' [No. 202; see also No. 153], advised that the Congress view on these questions of status should be accepted, with concurrent agreement for division of assets and liabilities between Hindustan and Pakistan on an equitable basis. 'I am absolutely certain', the Viceroy concluded, 'that a wrong approach to this issue will cause a complete breakdown in the present settlement' [No. 202]. The India and Burma Committee on 17 June invited the Secretary of State to inform the Viceroy that H.M.G. accepted Nehru's view 'that Hindustan will succeed to the position of India as an international entity', but assumed there will be 'a financial adjustment of the assets involved' [No. 244, Minute 2].

The Viceroy's Miscellaneous Meeting of 5 June chiefly concerned itself with the specifying of arrangements to deal with the more important consequences that would follow from partition. It agreed in the first place upon the setting up 'forthwith' of a Partition Committee/Tribunal (both terms were used) consisting of four members of the highest status nominated by the party leaders; in the second upon the need for the selection of an Umpire experienced in judicial matters from names, again submitted by the party leaders; and in the third upon the appointment of a Steering Committee of Experts to assume a large share of detailed responsibility [No. 73]. Action on all these matters
followed in due course. But more immediately a question of the proper source of authority for action arose.

At a meeting of the Interim Government on 6 June the Viceroy explained to members the reasons that had prompted him to discuss the administrative consequences of partition at the meeting with Indian leaders before putting the paper on the subject to members of the Interim Government. With the target date for transfer fixed for 15 August, he had felt that, given the near-certainty that 'the vote in the Provincial Legislatures would be for Pakistan' and that consequently there would soon be two sovereign Governments in existence with the Congress and the League the only bodies which could in the meantime be said to represent them, there were sufficient reasons for including their Presidents in the discussions (neither Jinnah nor Kripalani were members of the Interim Government) [No. 95]. He considered moreover that, since the time factor was so pressing, the Partition Committee should be a whole time body and therefore 'separate from the Cabinet'. 'We were dealing' he said 'with an unprecedented problem. We had only 71 days in which to solve it.' The Cabinet decided, however, that such a Partition/Separation Committee should be set up only when partition had been legally decided on and the members of the existing Cabinet, i.e. the Interim Government, had resigned. In the meantime they would agree to the appointment of a Cabinet Committee, with the Viceroy as Chairman, to work out the machinery for implementing partition. They also decided that a panel of umpires should be set up to whom otherwise unresolved points of difference could be referred.

On 7 June at the next succeeding meeting—the Seventeenth Miscellaneous—with the Indian leaders the Viceroy reported that the 'Cabinet' had shown 'a certain air of slight grievance'—later he wrote of 'obviously strained feelings' [No. 162]—at not having been taken into confidence earlier and had further expressed the view that until a decision on Partition was taken it was necessary to go circumspectly [No. 100]. The Viceroy said his own wish was to preserve a balance between meetings with Indian leaders and those of the Cabinet: he wanted to get policy guidance at the former but the Cabinet provided the legal authority for setting up government committees and for supplying secretariat. Jinnah, however, maintained that it was the responsibility not of the Interim Government but for the Crown and H.M.G. to set up the necessary machinery. They should 'with no delay, tackle the business of partition'. The Viceroy 'could consult anybody that he liked; but it would be the Governor-General and not the Governor-General-in-Council who would issue the orders'. It was agreed to obtain a legal opinion on this point—which was done; but Jinnah dissented from it [Nos. 102, with enclosure, and 108]—and in the meantime the Viceroy said he intended to proceed with the appointment of a special (Cabinet) Committee consisting of two representatives of the Congress and two of the

1 In the event it was termed the 'Partition Council'.
League, all members of the Interim Government, with the Viceroy as Chairman with the responsibility of considering the steps to be taken to set up machinery, including the formation of sub-Committees, for carrying out Partition and that as soon as but not until a decision on Partition was known a Partition Council should be established consisting of two 'top ranking leaders of Congress and two of the Muslim League', the Viceroy being Chairman but without—on this point he had been insistent throughout—having arbitral powers vested in him [No. 100; see also No. 101 for further discussion with the League leaders and 124 for a parallel talk with Congress leaders]. A narrative account of these meetings and the tenseness of some of the proceedings will be found in the Viceroy's Personal Report of 9 June [No. 162].

The first meeting of the Special (Cabinet), generally referred to as the Partition Committee, took place on 12 June with Patel and Rajendra Prasad as Congress, and Liaquat and Nishtar as League, representatives [No. 152]. The Committee agreed upon a two-man membership—H. M. Patel and Mohamad Ali—of the Steering Committee, the terms of reference for which were defined, the Steering Committee being thereupon given responsibility for the making of recommendations in respect of terms of reference and membership of Expert Committees, including that of the Armed Forces Committee, the relationship of the last to the Partition Council and the Steering Committee to be exactly similar to that laid down for the other Expert Committees. The recommendations of the Steering Committee were circulated to members of the Special Committee by H. M. Patel on 15 June [No. 210] and considered by the Committee on 16 June [No. 217]. A paper by the Commander-in-Chief on the problems involved in the division of the Forces was also before the Committee and its adoption recommended. With reference to it, the Viceroy said that the Commander-in-Chief, who had been 'gloomy' about the probable effects of division on discipline and morale was now, as a result of the lead given by the party leaders, 'confident he could produce at the earliest reasonable moment two Armies each of which would be as efficient as the existing one, provided the advice of the experts on the question of division was given due consideration'. At the suggestion of the Viceroy, the Committee added to its more particular conclusions the following Decision: 'The Special Committee directed that the work of partition should be undertaken in a spirit of friendship and goodwill, and with the desire to give a fair deal to both sides' [No. 217].

While these administrative arrangements were being worked out, discussion proceeded about the Chairmanship of the Arbitral Tribunal, the League suggesting but Nehru dissenting from the idea that a member of the Judicial Committee of the Privy Council be invited to serve [Nos. 101 and 175, item 3]. On 10 June, on representations from the Viceroy, the Secretary of State made enquiry of the Lord Chancellor [No. 135]. The Lord Chancellor took soundings and learned that Sir Cyril Radcliffe was prepared, subject to the fulfilment of
certain conditions, to undertake the task [Nos. 185 and 224]. The Prime Minister was reported to have considered the idea 'eminently suitable'. The Secretary of State telegraphed the Viceroy that 'if in fact you do require a Chairman for the Arbitral Tribunal from this country I am convinced that you could not do better than secure Radcliffe' [No. 224, note 2].

However, consideration was also being given at this time to the membership of and terms of reference for the Boundary Commissions to be appointed to determine the line of division in each of the Provinces to be partitioned, the Viceroy alluding to the possibility of U.N.O. nomination of members [No. 101], Nehru at first feeling doubtful by reason of the delay likely to be involved [No. 124] and finally coming down against and favouring instead an independent Chairman with two representatives each of the Congress and the League [No. 128]. The alternatives were laid before the Viceroy's Eighteenth Miscellaneous Meeting on 13 June which decided in favour of the second [No. 175], and names of members were submitted [Nos. 207, 262 and 317]. On 23 June Jinnah suggested that, in view of the difficulty in finding a Chairman for the Boundary Commissions, whoever was appointed Chairman of the Arbitral Tribunal might also undertake the Chairmanship of the Boundary Commissions [No. 311]. The Viceroy informed Jinnah that Radcliffe had been suggested for the former, and on 26 June put forward his name to the Partition Committee as suitable for appointment as Chairman of the Boundary Commissions [No. 354]. This carried Congress as well as League support [No. 369, para 11] and the Viceroy, stressing the urgency of the situation, much hoped Radcliffe would see his way to accept [No. 378]. He did so [No. 378, note 3] and his services were thus secured for the Chairmanship of the Boundary Commission, while Sir Patrick Spens was appointed Chairman of the Arbitral Tribunal, membership of which otherwise consisted of one representative each of India and Pakistan [No. 516]. Draft terms of reference for the Boundary Commissions reproducing the language used in the Statement of 3 June were submitted by Nehru on 12 June [Nos. 45, 124 and 158], they were discussed at the Viceroy's Miscellaneous Meeting on 13 June [No. 175] and agreement on them reached on 23 June [No. 311; for text see No. 369, para. 10]. The announcement of terms of reference and membership was made on 30 June [No. 415].

There is substantial documentation on the making of decisions in the three Provinces the future of which was principally at issue. In each case there were particular features and problems. In Bengal various possibilities had been canvassed, autonomy or independence of the Province as a whole; partition with Calcutta as a free city or partition tout simple. The Viceroy, on 1 June, took the view that the Congress 'were determined to oppose any move towards an independent but united Bengal': the Governor that it was too late (2 June) to declare Calcutta a free City or a City under Joint Control, a possibility which
Jinnah at one time was reported as favouring [No. 10] and one that had also been canvassed by the Premier (and others) in the event of a partition of the Province [Nos. 18 and 33]. On 17 June the formation of a Coalition or regional government for the interim period was explored by the Governor with the Premier and the leader of the opposition K. S. Roy [No. 240] but a sounding of Jinnah on 18 June on ‘whether he would be prepared to authorise Suhrawardy to form a regional Ministry’ elicited ‘an absolute negative’ (No. 253; see also Nos. 291 and 292). The Governor concluded that there were ‘now only two courses left—to continue present ministry . . . or to go into Section 93’ and he concluded, ‘now that Jinnah has apparently ruled out regional ministries, the only way in which I can place the two parties on a level for the conduct of partition negotiations seems to be by going into Section 93’ (No. 268). On 20 June the Governor reported that members of the Bengal Legislative Assembly, voting in accordance with prescribed procedure, had decided in favour of partition with the amalgamation of Sylhet with East Bengal being agreeable to the latter [Nos. 277, 278 and 369].

On 21 June the Governor, sensing acquiescence on the part of Suhrawardy in the prospect of government under Section 93, sought the Viceroy’s concurrence in proclaiming it [No. 289] but on representations from Jinnah action was deferred [No. 291]. A paper by the Reforms Commissioner on the wider implications of what was at issue concluded that either the Chief Minister should reconstitute his Ministry acceptably to minorities or the Governor should go into Section 93 as an assurance of an impartial caretaker in charge [No. 306]. On 23 June Jinnah, after ‘hotly contesting’ the right of the Governor to go into Section 93, was reported as having agreed to the Viceroy’s proposal that the existing government should remain in office but that a shadow Cabinet should be formed in West Bengal with a right of veto on all matters affecting West Bengal [Nos. 311 and 379 and see p. xxiii-xxiv below].

In the case of the Punjab there was, as the Governor pointed out on 6 July, little similarity to Bengal [No. 540]. There, there had been and was no question of moving into Section 93, Governor’s rule being already in force and the Governor having declined to accede to Muslim League requests earlier advanced by the Nawab of MAMDOT, its provincial leader, to be permitted to form a government on the ground that the accession to office of what would in effect be one party government, with at best a narrow majority, would provoke protest and be likely to precipitate violence [see Vol. IX, Nos. 492–493, Vol. X, Nos. 212, 248 and 335]. There was a report of a willingness on the part of one Sikh leader, Giani Kartar Singh, to try to come to an agreement with Jinnah for the inclusion of a Sikh ‘Khalistan’ in Pakistan [No. 22] but this was discounted altogether by Baldev Singh who in accepting the Statement of 3 June on behalf of the Sikh leadership stated that Sikhs were unable to contemplate being forced into a Sovereign state founded on Islamic principles against their
will, acquiesced in the inevitability of partition and expressed concern that the Boundary Commission should be instructed to ensure that as large as possible a percentage of the Sikh population should be included in the Eastern Punjab [No. 36; see also Nos. 38 and 105]. When on 6 June the Governor held meetings separately with the provincial leaders of the three parties, the Congress, League and Sikhs, to elicit views on timing and arrangements for a decision on partition, and asked them how they would regard a “divisible” coalition government for the province in the short period remaining before partition, he received no positive response, only indication of preference for a continuation of Section 93 government from the Congress and Sikh leaders. ‘It will not be easy’, the Governor noted, ‘to get a Ministry or a Partition Committee going; but so far the Partition Committee appears to be the easier alternative’. The Viceroy indicated his own reluctant acquiescence in the continuation of the Section 93 régime adding that the cooperation of the parties ‘in a Partition Committee is in any case essential’ [No. 97 with note 4; for the report of a discussion between Abell and the Governor on the detailed arrangements see No. 98 and for criticism of them by Mamdot see No. 144, with note 1, and for Liaquat’s representations to the Viceroy see No. 145], On 15 June the Governor reviewed the situation in the Province, remarking that the Statement had had no discernible effect on communal relations and commenting upon the atmosphere of fatalism that prevailed—‘it was ordained from the first that the communities should massacre and loot one another’—and noting that ‘the old administrative machine is rapidly falling to pieces’ while it was difficult to get the politicians ‘to take the business [of partition] seriously and to undertake the really arduous work which it involves’. He concluded ‘here in the Punjab the boundary is vital’ [No. 209]. On 16 June, following upon a meeting with the Provincial party leaders at which they undertook to advise the Governor on the composition and formation of Partition, Steering and Interim Committees he struck a more sanguine note—‘I think we shall be able to get things going’ [No. 210]. On 17 June the three leaders reported their agreed decisions in respect of these committees [No. 233]. That there would be a boundary was settled in principle on 23 June when, ‘with large section of Lahore and scores of villages throughout the Province fire-blacked ruins’, the members of the Legislative Assembly meeting first in joint and then in separate session decided in accord with the prescribed procedures that the Province be partitioned [No. 304].

Meanwhile the law and order situation in the Province was a source of mounting protest and concern voiced by the party leaders, Nehru being reported as having been highly critical of the British administration in a speech to All India Congress Committee on 15 June [see No. 218 enclosure, and for Governor’s reaction to Nehru’s allegations see letter ibid], while on 17 June Liaquat once again conveyed information about the situation in the Gurgaon
area speaking of ‘the full-scale war of extermination’ being waged against the Muslims there [No. 232 with enclosure], the Governor agreeing that while the troops on the spot or arriving seemed adequate the district was in a very bad way [No. 290]. On 22 June Nehru, after visiting a refugee camp at Hardwar with Gandhi, wrote about Amritsar and more especially about Lahore ‘where fires are raging’ and where at this rate ‘the city . . . will be just a heap of ashes in a few days’ time. The human aspect . . . is appalling to contemplate’ [No. 300].

On 24 June the Viceroy conveyed the substance of conversations he had had with Jinnah and, separately, with Nehru, to the Governor, Jinnah asking for utter ruthlessness in suppressing disorder in Lahore and Amritsar and Nehru asking for a fresh approach with martial law declared forthwith in the two cities. ‘I entirely agree with Indian leaders’, commented the Viceroy to the Governor, ‘that something must be done’ and, subject to the Governor’s comments, he proposed to raise the matter at the Cabinet [No. 320]. The Governor, supported by the military commanders, did not think there was a case for introduction of martial law, and contended that the real remedy was ‘active intervention’ by political leaders to control ‘their own goonda supporters’ [No. 327; see also No. 305 and for Ismay’s observations see No. 328]. The situation—‘if we cannot stop this arson’ was the Viceroy’s comment on it, ‘both cities will soon be burnt to the ground’ [No. 369, para. 3]—and possible remedies were considered at a meeting of the Indian Cabinet on 25 June at which the Viceroy, so he reported two days later, was ‘violently attacked by leaders of both parties’ (ibid., para. 5) but at which he finally obtained agreement that the Governor be invited to form a Security Committee of the local leaders of Hindus, Muslims and Sikhs [No. 338; see also for sequel Nos. 339, 343, 357, 369 for the summary in the Viceroy’s Personal Report No. 10, and 370]. The proposal regarding the formation of a Security Committee was conveyed to the Governor immediately [No. 343] and was followed by the Viceroy’s confirmation that he had pressed the party leaders ‘to use their own influence to stop the trouble in Lahore’ (ibid., note 2 and No. 384), a decision that this would be done being recorded in the Cabinet Minutes [No. 338]. On 6 July, despite action taken including formation of a Security Committee [No. 357], the Governor reported the situation here ‘is generally explosive . . . Explosion may be touched off at any time and I expect trouble when Boundary Commission reports’. This was one among other reasons why he held to his view that the Punjab, much as he would himself welcome a transfer of responsibility for law and order to Ministers, could not follow the Bengal model of a Ministry with a shadow team to safeguard minority interests [No. 540].

The Assembly vote in Sind, taken on 26 June, was, as anticipated, in favour of the Province joining the new Constituent Assembly, i.e. in favour of partition of India [No. 369, para 9]. In the North West Frontier the Statement of 3 June laid down that the question which of the two new dominions its people
wished to join should be determined in a referendum. The issue, however, was clouded by mounting criticism of the Governor by the Congress Ministry, taken up by and raised to an All-India level by the Congress leadership, Nehru advising the Viceroy on 4 June that ‘there has been progressive deterioration in the relations between the Provincial Government and the Governor and it is hardly possible to carry on the administration with this continuous conflict going on’ [No. 61]. On 5 June the Premier, Dr Khan Sahib, discussed with the Viceroy the question whether an independent Pathanistan should be a third choice to joining India or Pakistan in the contemplated referendum—a possibility which the Viceroy ruled out; on which the Governor commented ‘reality of case is that Frontier could never stand alone’, and which Jinnah summarily dismissed [Nos. 81, 83 and 321; see also No. 228 for Kripalani’s backing for it and the Viceroy’s reply No. 237]. At the same time Dr Khan Sahib maintained that it was ‘absolutely necessary’ that Sir Olaf Caroe be replaced before the referendum took place [No. 81]. On 6 June the Viceroy wrote to the Governor saying that he felt the time had come when ‘I must . . . replace you as Governor of the N.W.F.P.’ [No. 96 and for the Governor’s reply see No. 142; for Liaquat’s reactions No. 143, and the Secretary of State’s Minutes to Prime Minister on the appointment of a successor Nos. 148 and 223; see also Nos 181, 211, 227 and 237]. Gandhi advanced suggestions whereby, given the cooperation of Jinnah, a referendum in the N.W.F.P. and ‘with it the risk of bloodshed’ might be removed [No. 156; see also Nos. 99, 139, 176–177 and 239]. They did not bear fruit though Gandhi and Jinnah met the Viceroy to consider them [Nos. 230 and 239]. On 28/29 June Gandhi conveyed to the Viceroy news of the Redshirts’ intention to abstain from the referendum since there was to be no option for a free Pathanistan [No. 396 and for Viceroy’s reply see No. 422]. The Provincial Ministry set out their position in a statement sent to the incoming Governor, Lieutenant-General Sir R. Lockhart, on 26 June to whom they gave assurances of their desire that the referendum should be peacefully conducted [No. 475]. The Viceroy’s misgivings about the likely consequences of ‘persuasion’ to abstain were expressed to Gandhi on 4 July [No. 496, for Gandhi’s reply see No. 515 and for the immediate sequel see Nos. 518, 530, 541]. The dates finally agreed upon for the holding of the referendum were 6–17 July and its outcome, therefore, falls outside the period covered in this volume.

When the Special/Partition Committee met on 26 June, the Viceroy noted that Bengal, the Punjab and Sind, having all voted in favour of the partition of India, the time had come when, in accordance with earlier decision [No. 100], the Committee should be replaced by the Partition Council (the membership of which was the same as that of the Committee with one notable exception, namely that Jinnah came in, in place of Nishtar), the first meeting of which was duly held the following day. The proceedings at the meetings of Committee
[No. 354] and Council [No. 367] reflected renewed concern with the time table, now that the question of partition was formally resolved. At the first meeting, i.e. the last of the Committee, arrangements, including the supply of office equipment, for the setting up of a new capital for Pakistan at Karachi, were considered, not without acrimony [on this see also Liaquat’s earlier letter of 17 June to the Viceroy asking that the military authorities be requested to undertake provision of accommodation and furniture and the transportation of stores to Karachi No. 231], it being decided that approved non-controversial demands should receive top priority and that controversial items should come before the Council on 27 June; a note by the Commander-in-Chief on the retention of British officers in India in limited number and with a restricted role in the service of the Dominion governments was agreed in principle; the actual process of division of the armed forces and the administrative problems needing to be resolved in connection with it were reviewed, with the Viceroy undertaking to prepare a paper for consideration by the Partition Council on 30 June; and the Viceroy also reported that, following discussions between Field Marshal Montgomery and Pandit Nehru and Mr Jinnah, H.M.G. had decided [see No. 381] that the withdrawal of British units should commence on 15 August and be completed by February 1948 at latest. (This was a question which, at the request of the India and Burma Committee, had been considered at the London end by the Chiefs of Staff whose observations rather different in tenor were circulated on 26 June [No. 362].) The Viceroy’s note on the partition of the Armed Forces [No. 372] was before the Partition Council on 30 June where its recommendations on the procedures to be followed received general approval [No. 416] the Viceroy later paying tribute to Sir C. Trivedi’s contribution to ‘one of the most important successes we have had to date, and Auchinleck is delighted beyond measure’ [No. 506, para 21]. One of the most important conclusions was for the setting up of a Joint Defence Council consisting of the Governor, or Governors, General, the two Defence Members and the C.-in-C. India.

The future of the Interim Government was much at issue at the meetings of Partition Committee and Partition Council on 26–27 June, at the first of which the Viceroy noted that the reconstitution of the Bengal government was inter-related with that of the Central government and said he was of the view ‘that the best way of handling the situation in Bengal was to appoint Congress ministers for West Bengal, and to give them the right to veto any action . . . likely to be harmful to the interests of West Bengal’ and that since ‘the position at the Centre was no different from that in Bengal . . . an identical course of action should be pursued’ [No. 354]. In respect of Bengal, agreement was reached at the Council’s Meeting the following day on instructions which were sent to the Governor on 29 June [Nos. 367, 409, 410 for instructions and footnote for action taken], but the analogy with the Centre was challenged, Jinnah,
noting, first, that it was only a matter of 40 odd days till transfer, appealed 'to the Congress to rise to the occasion and not put forward a proposal which may be humiliating to either side' [No. 367] but combining that appeal with a restatement of his opinion that 'legally and constitutionally the proposal was wrong and untenable'. The Congress, who had accepted the Bengal arrangement only, according to the Viceroy, 'on the understanding that I was going to impose an identical set of conditions upon the League in the Interim Government at Delhi', were quite uncompromising, threatening resignation unless the Interim Government were reconstituted on the same lines [Viceroy's Report No. 506, paras 9 and 10; see also Nos. 73 and 80 for an early (5 June) indication of Nehru's view that it would be 'very difficult to carry on as at present' despite the Viceroy's feeling that with the shortening of the period before transfer the seriousness of the position had diminished]. On 29 June Jinnah followed up his objection with a note setting out the basis of it, which the Viceroy forwarded to the Secretary of State with a covering telegram saying he was sure he should go ahead with reconstruction of the government provided the means contemplated were not unconstitutional [Nos. 412 and 413; see also No. 433 for Secretary of State's and India Committee's reactions]. On 30 June the Viceroy again alluded to the possibility of Nehru's resignation if he did not do so [No. 437; for an earlier reference see No. 379], but the India and Burma Committee meeting on the same day felt that while the Viceroy's discretion should not be fettered he should know Ministers felt there was 'much force in the contentions in Mr Jinnah's note' [No. 421]. The Prime Minister conveyed these reservations [No. 447] while the Viceroy reported hopes of modifying Nehru's views [No. 448]. 'Situation here incredibly explosive and more dangerous than any I have seen to date' the Viceroy cabled the Prime Minister on 2 July: 'Congress leaders are firmly united in their complete refusal to be dictated to by Jinnah any longer' [No. 458]. But the Secretary of State's reservations had 'come as a Godsend' since he (the Viceroy) could now point out that he had inadequate legal cover for action until the Independence Bill was enacted. He went on to suggest the terms of an appropriate telegram on this point to be sent him by the Prime Minister. The possibility was considered by the India and Burma Committee on the same day [No. 465] and in substance approved. The Prime Minister's telegram followed [No. 468]. Also on 3 July the Viceroy learned through Krishna Menon that there was now a chance that the Congress would accept continuation of the Interim Government for a further period [No. 478] and on 4 July at a meeting of the Cabinet, he asked his colleagues, the question of partition being legally decided, to tender their resignations but coupled this request with a statement of his intention to invite them to carry on with their present portfolios until the Indian Independence Bill was passed, when he would reconstitute his government [No. 493]. Legal opinion on the constitutional validity of reconstruction on the lines contemplated is set out in No. 454.
In his telegram of 3 July [No. 468] the Prime Minister had stated that he was taking every possible step 'to ensure speeding up' of the Bill through Parliament, with 20 July as a target date for its enactment. Drafting of and consultation on its provisions were a major preoccupation of the period and, as may be seen from the Chapter in the Summary of Contents devoted to the Bill, the documentation, which aims at being sufficiently comprehensive to enable the reader to identify all the more important considerations which went to the shaping of it, is substantial. The basic reason for this was evidently the range of consultation with other departments, notably the Dominions Office and the Ministry of Defence in Whitehall [e.g. Nos. 122, 131, 134, 186], and above all with the Viceroy and his advisers in Delhi where the text of the Bill was examined and commented upon clause by clause, as deemed necessary or desirable, in seeking to give final legislative form to the unravelling of an historic and complex relationship. A major point of difference to arise between Whitehall and New Delhi concerned the question whether the Independence Act should equip the new Dominions with as complete a transitional constitution as possible. The Viceroy, prompted by V. P. Menon's representations of Congress opinion on the matter, urged strongly (and in the event successfully) that this should be done. Prominent among his reasons was the hope that, if the interim constitution provided by the Independence Act worked well, then this would give Dominion Status a better chance of lasting [Nos. 255, 280, 286, 290, 293, 324, 347, 348; see also No. 419 for a subsequent opinion from the Attorney-General (Shawcross) broadly in agreement with the Viceroy's view].

On 31 May, on his return from London, the Viceroy had informed all Governors that 'the parliamentary draftsmen are already busy on the Bill' [No. 15]. On 13 June a draft of the Bill [No. 191] was circulated to the India and Burma Committee by the Secretary of State who explained that the aim was to introduce the Bill not later than 7 July. He also summarised its more important provisions [No. 190]. Copies were sent to the Viceroy with the assurance that the India and Burma Committee would take no decisions until his views were known [Nos. 189 and 214]. On 17 June the India and Burma Committee gave first consideration to the Bill and approved the Prime Minister's suggestion that what had hitherto been entitled the 'Indian Dominions Bill' should be called the 'Indian Independence Bill' [No. 244].

In a covering note sent with the Bill from the India Office to the Viceroy's Private Secretary attention was drawn to two points, one whether the Indian political leaders should be consulted on the terms of the Bill and the other, the extreme secrecy of the clause relating to the Andaman Islands [No. 189].

With regard to consultation Nehru had written to the Viceroy on 7 June indicating his hope, and expectation, that the fullest opportunities would be given to the Indian leaders to see and comment upon drafts of legislation on matters so closely concerning the future of India [No. 116]. The Viceroy asked
to be allowed to give a ‘categorical assurance’ that this would be so and on receiving a temporising reply from the Secretary of State telegraphed ‘I consider it absolutely essential that the Indian leaders should be shown the draft’ [Nos. 115, 138 and 172]. In a Memorandum to the India and Burma Committee the Secretary of State advised against showing the text of the Bill but in favour of oral exposition to the Indian leaders [No. 193]. The India and Burma Committee in turn decided that there should be consultation with the Opposition before reaching any conclusion. In conveying the Committee’s view to the Viceroy the Secretary of State noted that it would be contrary to Parliamentary practice to show the text of a Bill to other than members of Parliament before publication and essential to get Opposition concurrence for such a departure, and favoured ‘at most’ perusal in the Viceroy’s presence [No. 257]. Nehru remained firm in his expressions of a wish to be able to study the text of the Bill in reasonable time, in consultation with colleagues and without undue restrictions [Nos. 356, 397, 408, 411 and 435]. On 30 June the India and Burma Committee, subject to Opposition concurrence, which was later forthcoming, concluded that it would not be possible to refuse to comply with the wishes of the Indian leaders and that it should reasonably be assumed that Parliament would recognise the existence of special circumstances justifying a departure from convention [Nos. 421 and 438]. The upshot was that after a certain amount of correspondence as to who should study the text—Gandhi was invited at Nehru’s suggestion—and where [Nos. 408, 423, 424, 425, 436 and 439] the Congress and League leaders on 1 July [No. 452] forsook to do so in adjoining rooms in the Viceroy’s House ‘for nearly three days (and nights!)’ [No. 506, para. 4] with their comments being forwarded by the Viceroy to the Secretary of State on 3 July [Nos. 479, 480, 484 and 485; see also Nos. 441, 452, 460 and 463]. The draft Bill itself, as shown to Indian leaders, together with the changes made to it in the light of their comments, may be studied in Document No. 428.

The question of the Andaman and Nicobar Islands may be briefly stated. At a meeting of the India and Burma Committee on 28 May 1947 the Minister of Defence said the islands were of vital importance in the scheme of Commonwealth Defence and the Committee considered nothing should be done to suggest H.M.G. accepted the view that they could be regarded as an organic part of British India [Vol. X, No. 553]. It was noted on 10 June in the India Office that a specific provision would be needed in the Bill if the islands were not to pass under Indian sovereignty, together with observations on likely Indian reactions if one were included [No. 132]. The Secretary of State submitted the question to the India and Burma Committee [No. 165] and the Viceroy commented that ‘any attempt by His Majesty’s Government to claim the Andaman Islands as colonies, to be treated in the same way as Aden, will cause an absolute flare-up throughout the length and breadth of India’ [No. 162,
para. 25]. Despite the representations of the Chiefs of Staff who pressed strongly for the islands to be retained by Britain for strategic reasons [No. 221] and the Minister of Defence, the India and Burma Committee concluded that in the light of the Viceroy’s opinion it would not be possible to pursue the suggestion of separating the islands from India [No. 244; for League objection to placing the islands under Indian as against Pakistani jurisdiction see Nos. 460 and 536].

The Princely States lay outside the scope of the 3 June Statement though their future was bound to be greatly affected by the British withdrawal, the transfer of power to Indian successor states and the ending of paramountcy. On the day, 3 June, the Plan was made public, the Viceroy met with members of the States Negotiating Committee and underlined some of its consequences, chief among them being firstly that it was improbable that the two new dominions would have ‘such loose Centres as that at present envisaged by the existing Constituent Assembly’ and secondly that the two new dominions would be ‘voluntarily accepted into the Commonwealth’ which he believed would be welcome to the States in view of their past associations and loyalties. In reply to questioning the Viceroy said his instructions were that paramountcy should lapse on transfer and it was his belief that its impending lapse made negotiations possible by the States ‘on a basis of complete freedom, even at the present time’ [No. 43]. On the same day the Nawab of Bhopal resigned as Chancellor of the Chamber of Princes [No. 64] reputedly on the ground that the Chamber had no further official authority [No. 68]. Nehru accepted that this was so but maintained that some machinery had to continue to deal with States’ problems during the transition period if complete administrative chaos were to be avoided [Nos. 68 and 73].

Briefs were prepared by the Political Department on machinery for dealing with the questions of common concern between the States and the successor governments and submitted for consideration at the Viceroy’s ‘Miscellaneous’ Meeting with Indian leaders on 13 June [Nos. 146 and 175]. At its opening Nehru remarked that this was the first time members of the Interim Government had been invited to discussions concerning the States. There were sharp exchanges of view on the role of the Crown Representative and the Political Department Nehru contending, and Sir Conrad Corfield, the Political Adviser, disputing, that with the impending lapse of paramountcy all other matters dealt with by them were Government of India matters and would continue. There were also differences of opinion on whether any State could claim independence, Nehru maintaining this was precluded, Jinnah with Corfield, that it was not. Agreement was reached upon the advantages firstly of the Government of India setting up a new ‘States Department’ to deal with matters of common concern and secondly on a ‘Standstill Formula’, information on both being sent to Residents on 14 June [Nos. 197 and 198; see also Nos. 196 and 287].
On 12 June the Nizam of Hyderabad had announced his intention not to send representatives to either Constituent Assembly, and stated that on the departure of the Paramount Power, he would in law become Sovereign with any relationship to the successor states to be determined later [No. 163]. Sir Walter Monckton, acting for the Nizam, expressed himself as very troubled about how 'shamefully' H.M.G. were treating old friends and allies, something of which the British people should know, and indicated that, while he had made it plain to the Nizam that H.M.G. would not consider Hyderabad entering the Commonwealth as a dominion, he asked for modification of the Viceroy's statement to the effect that there could be 'no negotiation between H.M.G. and the States' [No. 199]. He discussed with Ismay the possibility of proceeding by way of a Parliamentary question and answer, drafts of both being sent to the Secretary of State [No. 261; see also No. 296]. On 17 June Jinnah reaffirmed his view on States' sovereignty [No. 225] and in face of Congress criticism the Maharaja of Travancore decided upon a declaration of independence on the lapse of paramountcy [No. 226, and see also No. 295]. On 19 June Nehru set out Congress views in a letter to Lord Ismay so that 'there should be clarity about this matter'. It was, he wrote, of the highest importance that the States should 'fit properly into the picture of India'; it was quite inconceivable for a State to become independent in the legal sense; it was bad enough for India to be partitioned without being 'Balkanised' [No. 264]. H.M.G.'s views on the lapse of paramountcy were questioned on the grounds of excess rigidity on the Congress side as may be seen in an exchange of letters between Rajagopalachari and Cripps [Nos. 197 and 303]. On 20 June the Viceroy forwarded a letter from the Nawab of Bhopal for the Prime Minister with the observation that while Congress would never have agreed to the Plan if there had been more than two dominions 'some of the States feel very unhappy, particularly . . . Hyderabad and Bhopal' [No. 273]. A memorandum on the constitution of the proposed States Department was sent to Nehru on 21 June [No. 288] and on 25 June the Indian Cabinet decided that it should be established [No. 338]. On 26 June the India and Burma Committee decided in respect of the proposed parliamentary question and answer that no new statement should be made on the ground that if H.M.G. admitted at this stage that they were prepared to maintain separate relations with States they would be charged with disintegrating India [No. 360; see also No. 326]. The Viceroy visited Kashmir 18–23 June, with accounts of his conversations being given in a note of 22 June [No. 294], a record of an interview with Nehru [No. 319] and in the Viceroy's Personal Report of 27 June [No. 369, para 30]. Arrangements for a visit by Gandhi to Kashmir were being made [Nos. 369, para 31, 386 and 387].

Matters arising from the forthcoming transfer of power were the subject of communication with Tibet and Bhutan [No. 245] while Afghan expressions of interest in the future of the North-West Frontier Province and its people elicited
uncompromising rejoinder [Nos. 140, 212, 272, 309, 377, 395, 431 and 483].

An issue of considerable constitutional moment, latent for some time, was brought to the point of decision by the testing of an assumption implicit in the provisions of the Bill. It related to the office of Governor-General in the two new dominions. On 17 May Nehru had conveyed Congress wishes that Mountbatten should continue as Governor-General of India and he hoped for an interim period of both dominions. The Viceroy had indicated acceptance of the invitation in respect of India but pointed out how difficult it would be for him to remain on as Governor-General of one Dominion only. The Viceroy sounded out Jinnah with Liaquat Ali Khan. Jinnah was opposed to the suggestion of a common Governor-General and thought it would be better to have two Governors-General with Mountbatten as a supreme arbitrator responsible for the division of assets between the two Dominions. Mountbatten indicated objections and said that he could not consider taking such a post, but asked Jinnah to send him a letter giving a full description of his suggestion of a supreme arbitrator. No such letter was ever written [No. 521 for summary; see also Vol. X, Nos. 471 and 473]. On 18 June the Secretary of State in commenting upon the text of the draft Bill suggested that the Viceroy should consult appropriate representatives of India and Pakistan enquiring whether or not they wished Mountbatten to serve as Governor-General of each of the new dominions after 15 August [No. 256]. On 23 June the Reforms Commissioner, V. P. Menon, pointed out that it was apparent from the relevant provision of the Draft Bill that the India Office was assuming that the Viceroy would be invited by Congress and League to become Governor-General of each of the new dominions when power was transferred and advised that the correctness of the assumption ought to be tested as far as Jinnah was concerned as a matter of urgency [No. 308]. On the same day the Viceroy made inquiry of Jinnah of his wishes both in respect of the first Governor-General of Pakistan and of Governors of the Pakistan Provinces [No. 311]. Jinnah deferred an answer both then and again, to the Viceroy’s astonishment, on 2 July [No. 457]. Eventually, on the evening of 2 July, Jinnah told the Viceroy that while he wished to have British Governors in every Province except Sind and had already agreed to the heads of the Pakistan Defence Services being British he wished, partly by way of counter-balance, to be himself first Governor-General of Pakistan [Nos. 470 and 506, paras. 23–25].

The advantages and disadvantages of the Viceroy staying on as Governor-General of India alone and of other possible courses of action were set out at a Staff Meeting on 2 July [No. 470]. The following day after spending four hours trying to make Jinnah ‘realise the advantages that Pakistan would gain from having the same Governor-General as India for the initial period, until partition is complete’, the Viceroy cabled the Prime Minister to let him have forewarning of ‘the appalling problem’ facing him of whether to accept Nehru’s
offer to stay on as Governor-General of India or ‘whether to pull out on August 15th’ [No. 483; see also following telegram to Prime Minister No. 508]. The Viceroy decided that Ismay should go to London taking with him a paper setting out the history of the Governor-Generalship question as background [No. 521] and a second paper setting out the reasons for and against Mountbatten’s staying on as Governor-General of India [No. 522]. Lady Mountbatten contributed a further appraisal [No. 524; see also Nos. 545, 551, 557, 558, 561]. The Secretary of State composed a minute to which was attached a note from the India Office on the Situation if there are Two Governors-General from 15th August, for the Prime Minister [No. 562; see also No. 563 for a critique of the India Office note by the P.M.’s P.S.] and the issue was considered by the India and Burma Committee on 7 July, the Prime Minister remarking that it was no easy matter for H.M.G. to decide what advice to give Lord Mountbatten but that for his part he felt ‘there were decisive arguments in favour of pressing him to accept the invitation of the Congress leaders to become Governor-General of India’. Members of the Committee concurred and further agreed that a statement be made by the Prime Minister on the Second Reading of the Indian Independence Bill and the Opposition consulted [No. 564].

The question that arose on the filling of the offices of Governor-General derived its importance from the Commonwealth foundation of the 3 June Statement. That had implications outside as well as within India. At the constitutional apex there was the Prime Minister’s advice to the King that as from the date of the transfer of power, when inter alia the Paramountcy of the Crown over the Indian Princes would cease, the Royal Title should be varied through provision of the Indian Independence Act by the omission of the words ‘Emperor of India’, a change to which the King gave assent and which under the Statute of Westminster further required the concurrence, which was forthcoming, of dominion governments and parliaments [Nos. 164, 184, 203 and 322 with note 3]. At the first meeting of a newly appointed Cabinet Committee on Commonwealth Relations held on 2 June there was approval of the idea of the appointment of a Secretary of State charged with responsibility for Commonwealth Relations which would include not only relations with the existing dominions but also countries such as Ceylon, Burma and India if they desired to retain a link with the Commonwealth [No. 31]. On 9 June at the second meeting of the Committee, the Prime Minister suggested there should be a review at Ministerial level of the status and inter-relationship of different parts of the British Commonwealth with reference to the possibility that India as a republic might desire membership [No. 118]. On 12 June the Prime Minister enquired of dominion Prime Ministers whether they would be agreeable to a change in the title of the Dominions Office to Commonwealth Relations (or Affairs) Office which would have the advantage of making easier the conduct of relations with India and possibly other Asian members [No.
The proposal was ‘warmly welcomed’ by Dominion Governments as well as being thought acceptable to successor Indian Governments [Nos. 443 and 451]. Dominion governments were kept informed of developments and evinced a warmly welcoming interest in the 3 June Announcement with its prospect of India’s Commonwealth membership [Nos. 62, 63 with note, 87 and 89].

A further proposition was later laid before them. On learning that the Bill was to be entitled ‘The Indian Independence Bill’ the Leader of the Opposition, Mr Churchill, indicated ‘much concern’. The correct title, he thought, was ‘The Indian Dominions Bill’ [No. 445]. The India and Burma Committee agreed that despite likely Opposition criticism no change should be made but thought it would be very helpful if some expression of support could be obtained from the Dominion Prime Ministers [No. 465]. The Prime Minister had enquiries made of his Dominion colleagues [No. 481] but with Mackenzie King mindful of the diplomatic exertions required ‘to coax’ General Hertzog out of the use of the word ‘independent’ in 1926 [No. 488]; the Labour Prime Ministers of Australia and New Zealand not happy in the first instance about the use of the word and in the second about the opening it might give to the Opposition [Nos. 492 and 494] and General Smuts finding the use in a South African setting ‘regrettable and embarrassing’ [No. 531] there was nothing to be done, despite assurances of dominion goodwill, but to withdraw as gracefully as might be [Nos. 512 and 555].

The Bill was published on 4 July and the following day the Reforms Commissioner held a Press Conference with Sardar Patel in the chair [No. 542]. It was reported that first reactions in India were ‘extremely favourable’, the Statesman commenting ‘there is that master stroke, the title: the Indian Independence Act, 1947’ [Nos. 542 and 543].

By far the greater part of the hitherto unpublished documents reproduced in this volume, are drawn from the official archives of the India Office in the custody of the India Office Records or from the Mountbatten Papers.

The documents reproduced from the India Office Records are from the following series of which the three most important are asterisked:

- L/E/8 Economic Department Files (including Communications and Overseas Department)
- L/F/7 Financial Department Collections
- L/I/1 Information Department Files
- *L/PO Private Office Papers
- L/P & J/5 Political Department Miscellaneous (including Governors’ Reports)
- L/P & J/7 Political Department Files
- L/P & J/8 Political Department Collections
- *L/P & J/10 Political Department Transfer of Power Papers
L/P &S/12 External Department Collections
L/P &S/13 Political 'Internal' Department Collections
L/S &G/7 Services and General Department Collections
L/WS/1 War Staff Files
R/1 Crown Representative's Records
*R/3/1 Papers of the Office of the Private Secretary to the Viceroy

Every document in these series is referred to in the text by the appropriate series notation followed by the number assigned to the particular file, collection, or volume in which the document is filed or bound. Thus the notation L/P &S/10/40 refers to the fortieth file in the series called Political Department Transfer of Power Papers. Each document in a file, collection, or volume is identified by a folio reference.

The Editors are indebted to the Trustees of the Broadlands Archives Settlement for the loan of their microfilms of those official and demi-official Indian Papers of the Earl Mountbatten of Burma which are in their custody and for permission to make copies of documents from those microfilms. Documents from this source are cited in the present Volume as the 'Mountbatten Papers'.

Some documents, not in any of these archives, have been obtained from elsewhere, notably the Cabinet Office and the Prime Minister's Office. The Editors have also consulted those papers of Sir Stafford Cripps which are now in the keeping of the Public Record Office, and those of Sir John Tyson, I.C.S., in the India Office Records, and one or two documents from these sources have been included.

The most important categories of telegraphic communications between the Secretary of State and the Viceroy were classified in the following ways. One category of telegrams from the Viceroy to the Secretary of State carried the letter 'S', or 'S.C.' if the Viceroy was at Simla or in Camp i.e. on tour. During the Viceroy's visit to Kashmir telegrams sent from there carried the suffix 'K' while those sent from Delhi by the Viceroy's staff continued to carry the suffix 'S'. Another category consisted of 'U' telegrams, which were reserved for the most secret and personal matters, the letter 'U' indicating the nature of the telegram, irrespective of whether it did, or did not, carry a 'Secret' or 'Private' prefix. 'U' telegrams could be enciphered or deciphered only in the Private Offices of the Secretary of State or the Viceroy. Some 'S' or 'S.C.' telegrams were marked 'Superintendent Series' which indicated to Superintendents of Telegraph branches that especial care should be taken to safeguard their security. Certain changes in the channels of communication between the Viceroy and the Secretary of State, made at the beginning of Lord Wavell's Viceroyalty, may be studied in the Appendix to Volume IV, and a small alteration in these ar-

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2 This series includes three files (R/3/1/176-8) from the Office of the Secretary to the Governor of the Punjab.
3 A file (R/30/1/11) containing copies of these documents can be consulted in the India Office Records.
rangements—made with regard to the likely wishes of members of an Interim Government—is recorded in the Appendix to Volume VIII.

It may also be helpful to mention that of the Papers and Minutes of the India and Burma Committee of the Cabinet those relating solely to Burma are excluded as treating of matters outside the scope of this Series.

In conclusion the Editors desire to acknowledge once again the friendly assistance and advice they have received from the officials at the India Office Library and Records, among whom they would like to mention the Director, Mr B. C. Bloomfield, and the Deputy Archivist, Mr Martin I. Moir.

N. MANSERGH
PENDEREL MOON
Abbreviations

A.D.C. Aide-de-Camp
A.F.P.F.L. Anti-Fascist People’s Freedom League (Burma)
A.F.R.C. Armed Forces Reconstitution Committee
A.G. Adjutant-General; Accountant-General
A.G.G. Agent to the Governor-General
A.H.Q. Army Headquarters; Air Headquarters
A.I.C.C. All-India Congress Committee
A.I.S.P.C. All-India States’ People’s Conference
A.O.A. Air Officer in charge of Administration
A.O.C.-in-C. Air Officer Commanding-in-Chief
A.P.S.V. Assistant Private Secretary to the Viceroy
A.R.D.Tp Army Remount Depot Troop
A.R.P. Air Raid Precautions
B.B.C. British Broadcasting Corporation
Bde Gps Brigade Groups
B.T.I. British Troops in India
C.A. Constituent Assembly
C.-in-C. Commander-in-Chief
C.C.C. Central Constitutional Committee
C.G.S. Chief of the General Staff
C.I.D. Criminal Investigation Department
C.I.G.S. Chief of the Imperial General Staff
Coy Company
C.P. Central Provinces
C.P.W.D. Central Public Works Department
C.V.S. Chief of the Viceroy’s Staff
D.B.S.T. Double British Summer Time
D.C.G.S. Deputy Chief of the General Staff
D.I.B. Director of the Intelligence Bureau
D.I.G. Deputy Inspector-General
D.P.R. Director of Public Relations
D.P.S.V. Deputy Private Secretary to the Viceroy
E.A. and External Affairs and Commonwealth Relations Department
C.R.D. Emergency Commission Officer
E.C.O.
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
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<tbody>
<tr>
<td>F.A.D. &amp;S.</td>
<td>Financial Adviser Defence and Supply</td>
</tr>
<tr>
<td>F.O.</td>
<td>Foreign Office</td>
</tr>
<tr>
<td>G.C.M.G.</td>
<td>Knight Grand Cross of St Michael and St George</td>
</tr>
<tr>
<td>G.G.</td>
<td>Governor-General</td>
</tr>
<tr>
<td>G.H.Q.</td>
<td>General Headquarters</td>
</tr>
<tr>
<td>G.M.T.</td>
<td>Greenwich Mean Time</td>
</tr>
<tr>
<td>G.O.C.</td>
<td>General Officer Commanding</td>
</tr>
<tr>
<td>G.R.</td>
<td>Gurkha Rifles</td>
</tr>
<tr>
<td>G.S.</td>
<td>Governor's Secretary; General Staff</td>
</tr>
<tr>
<td>H.E.</td>
<td>His Excellency</td>
</tr>
<tr>
<td>H.E.H.</td>
<td>His Exalted Highness</td>
</tr>
<tr>
<td>H.H.</td>
<td>His Highness</td>
</tr>
<tr>
<td>H.M.</td>
<td>His Majesty; Honourable Member</td>
</tr>
<tr>
<td>H.M.G.</td>
<td>His Majesty's Government</td>
</tr>
<tr>
<td>H.Q.</td>
<td>Headquarters</td>
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<tr>
<td>I.A.</td>
<td>Indian Army</td>
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<tr>
<td>I.C.S.</td>
<td>Indian Civil Service</td>
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<tr>
<td>I.D.C.</td>
<td>Imperial Defence College</td>
</tr>
<tr>
<td>I.E.F.C.</td>
<td>International Emergency Food Council</td>
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<tr>
<td>I.N.A.</td>
<td>Indian National Army</td>
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<tr>
<td>I.P.</td>
<td>Indian Police</td>
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<tr>
<td>I.S.T.</td>
<td>Indian Standard Time</td>
</tr>
<tr>
<td>J.P.S.V.</td>
<td>Joint Private Secretary to the Viceroy</td>
</tr>
<tr>
<td>M.F.A.</td>
<td>Minister for Foreign Affairs</td>
</tr>
<tr>
<td>M.L.A.</td>
<td>Member of the Legislative Assembly</td>
</tr>
<tr>
<td>M.S.V.</td>
<td>Military Secretary to the Viceroy</td>
</tr>
<tr>
<td>N.H.Q.</td>
<td>Naval Headquarters</td>
</tr>
<tr>
<td>N.W.F.P.</td>
<td>North-West Frontier Province</td>
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<tr>
<td>P.M.</td>
<td>Prime Minister</td>
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<tr>
<td>P.Q.</td>
<td>Parliamentary Question</td>
</tr>
<tr>
<td>P.R.O.</td>
<td>Public Relations Officer; Public Record Office</td>
</tr>
<tr>
<td>P.S.V.</td>
<td>Private Secretary to the Viceroy</td>
</tr>
<tr>
<td>P. &amp; T.</td>
<td>Posts and Telegraphs</td>
</tr>
<tr>
<td>Q.M.G.</td>
<td>Quarter-Master General</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>R.A.F.</td>
<td>Royal Air Force</td>
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<tr>
<td>RAJ RIF</td>
<td>Rajputana Rifles</td>
</tr>
<tr>
<td>R.I.</td>
<td>Rex Imperator</td>
</tr>
<tr>
<td>R.I.A.F.</td>
<td>Royal Indian Air Force</td>
</tr>
<tr>
<td>R.I.N.</td>
<td>Royal Indian Navy</td>
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<tr>
<td>R.N.</td>
<td>Royal Navy</td>
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<tr>
<td>R.S.S.S.</td>
<td>Rashtriya Swayam Sevak Sangh</td>
</tr>
<tr>
<td>S.E.A.C.</td>
<td>South-East Asia Command</td>
</tr>
<tr>
<td>U.K.</td>
<td>United Kingdom</td>
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<tr>
<td>U.N.O.</td>
<td>United Nations Organisation</td>
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<tr>
<td>U.P.</td>
<td>United Provinces</td>
</tr>
<tr>
<td>U.S.A.</td>
<td>United States of America</td>
</tr>
<tr>
<td>U.S.S.R.</td>
<td>Union of Soviet Socialist Republics</td>
</tr>
<tr>
<td>V.C.I.G.S.</td>
<td>Vice-Chief of the Imperial General Staff</td>
</tr>
<tr>
<td>V.C.N.S.</td>
<td>Vice-Chief of the Naval Staff</td>
</tr>
<tr>
<td>V.C.P.</td>
<td>Viceroy's Conference Paper</td>
</tr>
<tr>
<td>W.C.</td>
<td>Working Committee</td>
</tr>
<tr>
<td>W.M. &amp; P.</td>
<td>Works, Mines and Power</td>
</tr>
</tbody>
</table>
Principal Holders of Office

United Kingdom

Cabinet

Members of the India and Burma Committee are italicised.¹

Prime Minister and First Lord of the Treasury
Mr Clement Attlee

Lord President of the Council and Leader of the House of Commons
Mr Herbert Morrison

Secretary of State for Foreign Affairs
Mr Ernest Bevin

Minister without Portfolio
Mr Arthur Greenwood

Chancellor of the Exchequer
Mr Hugh Dalton

President of the Board of Trade
Sir Stafford Cripps

Minister of Defence
Mr A. V. Alexander

Lord Chancellor
Viscount Jowitt

Secretary of State for the Home Department
Mr J. Chuter Ede

Secretary of State for Dominion Affairs (Commonwealth Relations from 3 July 1947) and Leader of the House of Lords
Viscount Addison

Secretary of State for Scotland
Mr J. Westwood

Secretary of State for the Colonies
Mr A. Creech Jones

Secretary of State for India and for Burma
Earl of Listowel

Minister of Labour and National Service
Mr G. A. Isaacs

Minister of Fuel and Power
Mr E. Shinwell

Minister of Health
Mr Aneurin Bevan

Minister of Agriculture and Fisheries
Mr T. Williams

Minister of Education
Mr George Tomlinson

Lord Privy Seal
Lord Inman

¹ In addition the following were also members of the Committee: Mr Hugh Dalton (for financial questions only), Mr C. P. Mayhew (Parliamentary Under-Secretary of State for Foreign Affairs), Mr A. G. Bottomley (Parliamentary Under-Secretary of State for Dominion Affairs), Mr Arthur Henderson (Parliamentary Under-Secretary of State for India and for Burma), and Lord Chorley. P.R.O. CAB. 21/1739.
OTHER MINISTERS MENTIONED IN THIS VOLUME

Minister of Transport  Mr Alfred Barnes
Minister of Food     Mr John Stracey
Minister of Works    Mr. C. W. Key
Attorney-General     Sir Hartley Shawcross
Parliamentary Secretary to the Treasury and Chief Whip Mr W. Whiteley

INDIA OFFICE

Secretary of State  Earl of Listowel
Permanent Under-Secretary Sir David Monteath
Parliamentary Under-Secretary Sir Archibald Carter (from 25 June 1947)
Deputy Under-Secretary    Mr Arthur Henderson
Assistant Under-Secretaries Sir William Croft
Private Secretary to the Secretary of State  Sir Paul Patrick
                                      Mr G. H. Baxter
                                      Mr R. M. J. Harris

INDIA

Viceroy, Governor-General and Crown Representative Rear-Admiral Viscount Mountbatten of Burma
Chief of the Viceroy’s Staff  Lord Ismay
Principal Secretary to the Viceroy  Sir Eric Mieville
Private Secretary to the Viceroy  Mr G. E. B. Abell (cr. K.C.I.E., 25 June 1947)
Reforms Commissioner  Mr V. P. Menon

INTERIM GOVERNMENT

External Affairs and Commonwealth Relations  Pandit Jawaharlal Nehru
Finance  Mr Liaquat Ali Khan
Home, Information and Broadcasting, and (from 5 July 1947) States Sardar Vallabhbhai Patel
Commerce  Mr I. I. Chundrigar
Food and Agriculture  Dr Rajendra Prasad
Communications  Mr Abdur Rab Nishtar
Education and Arts  Maulana Abul Kalam Azad
Industries and Supplies  Mr C. Rajagopalachari
Transport  Dr John Matthai
Health  Mr Ghazanfar Ali Khan
Defence
Labour
Works, Mines and Power
Law

Sardar Baldev Singh
Mr Jagjivan Ram
Mr C. H. Bhabha
Mr Jogendra Nath Mandal

SPECIAL (i.e. PARTITION) COMMITTEE (12–26 JUNE 1947)
Rear-Admiral Viscount Mountbatten of Burma
Mr Liaquat Ali Khan
Sardar Vallabhbhai Patel
Dr Rajendra Prasad
Mr Abdur Rab Nishtar

PARTITION COUNCIL (from 27 JUNE 1947)
Rear-Admiral Viscount Mountbatten of Burma
Mr Mohammad Ali Jinnah
Mr Liaquat Ali Khan
Sardar Vallabhbhai Patel
Dr Rajendra Prasad

GOVERNORS OF PROVINCES

Madras
Bombay
Bengal
United Provinces
Punjab
Central Provinces and Berar
Assam
Bihar
North-West Frontier Province
Orissa
Sind

Lieutenant-General Sir Archibald Nye
Sir John Colville
Sir Frederick Burrows
Sir Francis Wylie I.C.S.
Sir Evan Jenkins I.C.S.
Sir Frederick Bourne I.C.S.
Sir M. S. A. Hydari I.C.S.
Sir Hugh Dow I.C.S.
Sir Olaf Caroe I.C.S.
Lieutenant-General Sir Rob Lockhart (acting from 26 June 1947)
Sir Chandulal Trivedi I.C.S.
Sir Francis Mudie I.C.S.

PRIME MINISTERS (PREMIERS) OF PROVINCES

Madras
Bombay
Bengal
United Provinces
Central Provinces and Berar

Mr O. P. Ramaswamy Reddiar
Mr B. G. Kher
Mr H. S. Suhrwardy
Pandit G. B. Pant
Pandit R. S. Shukla
Assam
Bihar
North-West Frontier Province
Orissa
Sind

Mr Gopinath Bardoloi
Mr Sri Krishna Sinha
Dr Khan Sahib
Mr Harekrishna Mahtab
Sir Ghulam Hussain Hidayatullah

The Punjab was administered by the Governor under Section 93 of the Government of India Act 1935.
Chronological Table of Principal Events

June

1 1947
Mountbatten, accompanied by Governor of Punjab, visits riot
torn areas of Gurgaon District

2 10 am Mountbatten meets Indian leaders and gives them
Partition Plan

3 10 am Indian leaders indicate acquiescence in Partition Plan
at resumed meeting with Mountbatten

4 pm Mountbatten meets States Negotiating Committee
and gives them Plan

7 pm Mountbatten gives broadcast on Plan over All India
Radio

7:10 pm (3:30 pm Double British Summer Time)
H.M.G.'s Statement on Indian Policy containing
Partition Plan is broadcast over All India Radio and
read out by Prime Minister to House of Commons
and by Secretary of State to House of Lords
Nehru, Jinnah and Baldev Singh give broadcasts on
Plan over All India Radio

Bhopal resigns as Chancellor of Chamber of Princes

4 Mountbatten gives Press Conference on Plan

5-7 Mountbatten discusses partition machinery with Indian leaders
and Indian Cabinet

9 All-India Muslim League Council authorise Jinnah 'to accept the
fundamental principles of the Plan as a compromise'

12 First meeting of Partition Committee
Nizam of Hyderabad issues Firman announcing decision not to
send representatives to either Constituent Assembly

13 Agreement at meeting between Mountbatten and Indian leaders
that Government of India should set up a States Department
Draft 'Indian Dominions Bill' is circulated to India and Burma
Committee and despatched to Mountbatten

15 All-India Congress Committee 'accepts the proposals embodied
in the announcement of June 3'

17 India and Burma Committee considers draft Bill for first time
and agrees, inter alia, to Attlee's suggestion that it should be
called the 'Indian Independence Bill'

18-23 Mountbatten visits Kashmir

1 Indian Standard Time unless otherwise stated.
June
20  Votes in Bengal Legislative Assembly result in decision that Province should be partitioned
21  Gandhi and Nehru visit refugee camps at Hardwar, Punjab
23  Votes in Punjab Legislative Assembly result in decision that Province should be partitioned
25  Indian Cabinet agrees to establish States Department
26  Sind Legislative Assembly decides that Province should join Pakistan Constituent Assembly
    Partition Committee agrees that it should be replaced by Partition Council
    Attlee reports to Cabinet that 'the main lines of the Bill were now settled'
27  Partition Council meets for first time
29  Representatives of Baluchistan decide that Province should join Pakistan Constituent Assembly
30  Announcement of appointment and terms of reference of Boundary Commissions for Bengal and the Punjab
    Attlee discusses draft Bill with Opposition leaders
    Partition Council agrees on establishment of Joint Defence Council

July
1–3  Leaders of Congress and Muslim League examine draft Bill
2   Jinnah informs Mountbatten that he (Jinnah) wishes to become Governor-General of Pakistan
3   India and Burma Committee finalise terms of Bill in light of Congress and League comments
4   Indian Independence Bill is published
    Announcement of appointment of Radcliffe as Chairman of both Boundary Commissions
5   On coming into being of States Department, Patel makes statement containing assurances to States regarding future
    Ismay leaves for London to discuss with H.M.G. question whether Mountbatten should remain as Governor General of India only
7   After discussion with Ismay, India and Burma Committee express hope that Mountbatten would be prepared to accept Congress nomination to become Governor-General of India
Summary of Documents

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1  *The 3 June Plan*. Meetings with Indian leaders; preliminary discussions on arrangements for partition; League and Congress resolutions on Plan: 31 May to 15 June 1947 | xliv
2  *Provincial Decisions on Partition*. Continuing discussions on partition arrangements; problems of law and order in the Punjab; decisions on Plan in Bengal, Punjab and Sind Legislative Assemblies: 16 June to 26 June 1947 | lxv
3  *Implementation of the Plan*. Establishment of Partition Council; crisis over reconstitution of Executive Council; question of the Governor-Generalship: 26 June to 7 July 1947 | lxxviii
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5  *The States* | cxiv
### CHAPTER I

**The 3 June Plan.** Meetings with Indian leaders; preliminary discussions on arrangements for partition; League and Congress resolutions on Plan: 31 May to 15 June 1947

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<th>Date</th>
<th>Main subject or subjects</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Viceroy’s Conference Paper V.C.P. 58</td>
<td>May</td>
<td>Circulates alternative versions of broadcast to be made by Mountbatten on 3 June depending whether it appears probable that Bengal would be partitioned or remain unified</td>
<td>1</td>
</tr>
<tr>
<td>2 Minutes of Viceroy’s Thirty Fourth Staff Meeting Items 1–7</td>
<td>31</td>
<td>(1) Viceroy’s broadcast; (2) prospects of Bengal remaining united with status similar to that of Indian State; future of Calcutta; (3) movement of troops to Punjab; (4) Gandhi’s recent utterances; (5) appointment of Governor(s) General; (6) Timetable of events; (7) best means of persuading Jinnah to accept plan for transfer of power</td>
<td>1</td>
</tr>
<tr>
<td>3 Ismay to Mountbatten Minute</td>
<td>31</td>
<td>Submits draft briefs for (1) Mountbatten’s opening speech at conference with Indian leaders on 2 June; (2) his talk with Jinnah</td>
<td>6</td>
</tr>
<tr>
<td>4 Nehru to Mountbatten Letter</td>
<td>31</td>
<td>Asks that Kripalani, as Congress President, be invited to the Conference on 2 June despite any objections raised by Jinnah; offers to stand down himself to enable meeting to be kept small</td>
<td>11</td>
</tr>
<tr>
<td>5 Minutes of Viceroy’s Thirty Fifth Staff Meeting Items 2–3</td>
<td>31</td>
<td>(2) Mountbatten accepts minimum force rule in suppression of disturbances; arranges question to be put at his Press Conference to enable him to state that Interim Govt unanimously of opinion that violence could not be tolerated; (3) government of Bengal after announcement is made</td>
<td>12</td>
</tr>
<tr>
<td>6 Cabinet India and Burma Committee Paper I.B.(47)91</td>
<td>31</td>
<td>Memorandum by Listowel commenting on Nehru’s interview with Norman Cliff (Vol. X, No. 560, Enclosure (iii))</td>
<td>13</td>
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<tr>
<td>7 Cabinet India and Burma Committee Paper I.B.(47)94</td>
<td>31</td>
<td>Memorandum by Listowel drawing attention to wide powers recommended for Centre by reports of Union Powers and Advisory Committees of Constituent Assembly; suggests authors had given up any idea of securing Muslim League participation, and points out possible adverse effect on willingness of States to adhere to Union</td>
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<td>8 Mackenzie King to Attlee Tel. 109 via Canadian High Commissioner in London and Dominions Office</td>
<td>May 31</td>
<td>Sends assurance of Canadian Govt's goodwill; suggests Royal style and titles might be discussed at conference of Commonwealth P.Ms</td>
<td>18</td>
</tr>
<tr>
<td>9 Nehru to Mountbatten Letter</td>
<td>31</td>
<td>Suggests that a Commission should meet the Jirgas and a referendum be held in Quetta Municipality to ascertain wishes of people of Baluchistan regarding future of that Province</td>
<td>19</td>
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<tr>
<td>10 Suhrawardy to Mieville Letter</td>
<td>31</td>
<td>Reports points made by Jinnah in interview with him, particularly need for referendum in Bengal and for Calcutta to become a free city</td>
<td>20</td>
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<tr>
<td>11 Liaquat Ali Khan to Mountbatten Letter</td>
<td>31</td>
<td>Has visited Gurgaon with Ghazanfar Ali Khan; asserts that disturbances there are pre-meditated plan to suppress Muslim Meo community and that troops from Alwar and Bharatpur are involved; urges that Indian rulers should be warned to keep their subjects out of disturbances, that more military forces of mixed communal composition should be sent to assist, and that machine-gunning from air should be considered</td>
<td>20</td>
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<tr>
<td>12 Jenkins to Mountbatten Letter 678</td>
<td>31</td>
<td>Communal tension amounting to mass hysteria throughout Punjab; situation in Lahore and Amritsar, where during last fortnight authorities defeated by incendiaryism, and Gurgaon; interviews with Liaquat, Baldev Singh, Nehru (who thought there might be a short 'civil war' in Punjab) and Swaran Singh; visiting members of Central Government behave 'as communal leaders and not as responsible Ministers'; growth of communal feeling in Services including High Court Judges; conference with senior military, police and civil officers on security arrangements for 3 June announcement; crime prevention; food situation</td>
<td>23</td>
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<tr>
<td>13 Mountbatten to Listowel Tel. 1221-S</td>
<td>31</td>
<td>Final amendments to text of draft announcement</td>
<td>27</td>
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<td>14 Caroe to Mountbatten Tel. CA/99</td>
<td>31</td>
<td>Reports on negotiations between Congress and League leaders possibly for coalition ministry</td>
<td>28</td>
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<tr>
<td>15 Mountbatten to Provincial Governors Tel. 1223-S</td>
<td>31</td>
<td>Outlines background to, and implications of, accelerated programme for transfer of power on basis of Dominion Status; indicates action to be taken in particular provinces</td>
<td>29</td>
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<td>16 Mountbatten to Liaquat Ali Khan</td>
<td>June</td>
<td>Refers to No. 11; has himself visited Gurgaon and informed himself of position; describes action being taken on two of points mentioned in No. 11</td>
<td>31</td>
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<tr>
<td>Letter 133/14</td>
<td></td>
<td>(2) Procedure for British Baluchistan to decide which Constituent Assembly it would join; (4) Suhrawardy’s letter (No. 10)</td>
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<td>17 Minutes of Viceroy’s Thirty Sixth Staff Meeting</td>
<td></td>
<td>Acknowledges No. 534 in Vol. X; requests views on necessity of going into Section 93 in Bengal; prospects of forming coalition government to work out partition and Suhrawardy’s plea for Calcutta to be made free city</td>
<td>35</td>
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<td>Items 2 and 4</td>
<td></td>
<td>Proposes to insert references to Gandhi in his broadcast</td>
<td>36</td>
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<td>18 Mountbatten to Burrows</td>
<td></td>
<td>Report of discussion between V. P. Menon and Patel on: Calcutta; procedure at meeting with Indian leaders; titles for Princes; Interim Govt issue; States</td>
<td>37</td>
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<tr>
<td>Tel. 1237–S</td>
<td></td>
<td>2 Reports interview with Raja of Faridkot in which latter stated that Kartar Singh was ready to reach agreement with Jinnah for inclusion of ‘Khalistan’ within Pakistan, but admitted split in Sikh leadership</td>
<td>38</td>
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<tr>
<td>19 Mountbatten to Listowel</td>
<td></td>
<td>2 Mountbatten in opening speech refers inter alia to following points: world importance of occasion; terrific sense of urgency in effecting transfer of power; Muslim League rejection of Cabinet Mission Plan (Jinnah signifies assent); differing views of parties on principle of partition and its implications; Cabinet and opposition views; position of Sikhs; reasons for rejecting referendum in Calcutta; new para. 20 in statement (No. 45) providing for early transfer of power on Dominion Status basis; procedure for appointment of Governors-General. Copies of statement handed round and Mountbatten asks for reactions of Working Committees by midnight that night; explains he does not ask either side specifically for agreement to it, but requests assurances from both that they would do their best to help work it out peacefully; Nehru states Congress did not approve, but did accept, plan and Viceroy would receive that evening letter giving Working Committee’s reaction; Jinnah states that his Working Committee could not commit League as a whole to acceptance which would have to come later but</td>
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<td>Tel. 1249–S</td>
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<td>20 Unsigned Note</td>
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<td>22 Thompson to Corfield</td>
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<td>Minute</td>
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<td>23 Minutes of Viceroy’s Meeting with Indian Leaders</td>
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<td>First Day</td>
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<td>23 (cont.)</td>
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<td>promises personal support for plan; feels unable to report his Working Committee's opinions in writing but will report verbally to Viceroy. Agreement that Mountbatten Nehru, Jinnah and Baldev Singh should each make broadcasts following day</td>
<td>48</td>
</tr>
<tr>
<td>24 Record of Interview between Mountbatten and Gandhi</td>
<td>2</td>
<td>Gandhi observing day of silence; hands Mountbatten a note in which he denies having said 'one word' against him; wishes to talk about one or two things 'but not today'; conveys Ghaffar Khan's request for Caroe's removal, recommending it 'If it can be done decorously'</td>
<td>48</td>
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<tr>
<td>25 Rowlatt to Simpson Letter</td>
<td>2</td>
<td>Encloses letter to Wilson Smith pointing out that assumption apparently made in C.-in-C.'s paper on division of Indian Army (Vol. X, No. 347) that a common Governor General could in some degree be responsible to H.M.G. in London, cut across fundamental conception of Dominion Status embodied in draft India Bill</td>
<td>48</td>
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<tr>
<td>26 Minutes of Viceroy's Thirty Seventh Staff Meeting Item 2</td>
<td>2</td>
<td>Consideration of procedures whereby people of Baluchistan could make a choice about adherence to the existing or a new Constituent Assembly</td>
<td>51</td>
</tr>
<tr>
<td>27 Mountbatten to Listowel Tel. 1258-S</td>
<td>2</td>
<td>Summarises No. 23; believes 'God must be on our side' since it was Gandhi's day of silence (see No. 24)</td>
<td>52</td>
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<td>28 Viceroy's Conference Paper V.C.P. 63</td>
<td>2</td>
<td>Circulates paper on Administrative Consequences of Partition listing matters for decision to enable partition to be put into effect and making proposals for administrative machinery to perform task; prefatory note indicates intention to transfer power by 15 August</td>
<td>53</td>
</tr>
<tr>
<td>29 Listowel to Mountbatten Tel. 7105</td>
<td>2</td>
<td>Arrangements to enable Rance to inform Aung Sang of general outline of announcement before it is made public</td>
<td>59</td>
</tr>
<tr>
<td>30 Listowel to Mountbatten Tel. 66</td>
<td>2</td>
<td>Opposes insertion in Broadcast proposed in No. 19.</td>
<td>59</td>
</tr>
<tr>
<td>31 Cabinet Committee Gen. 186/1st Meeting</td>
<td>2</td>
<td>Discussion of paper on Future of India and Burma Offices and concurrence in its recommendation that the work of these Offices and Dominions Office should become responsibility of a new Secretary of State for Commonwealth Relations</td>
<td>60</td>
</tr>
<tr>
<td>32 Cabinet India and Burma Committee I.B.(47)29th Meeting Minutes 4-5</td>
<td>2</td>
<td>Note taken of amended text of announcement; agreement on text of Attlee's broadcast</td>
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<td>33 Burrows to Mountbatten Tel. 142–S</td>
<td>June 2</td>
<td>Refers to No. 18; may be forced into Section 93 position for short time; indicates likely courses of action in other eventualities; now too late to declare Calcutta a free city</td>
<td>64</td>
</tr>
<tr>
<td>34 Listowel to Mountbatten Tel. 7132</td>
<td></td>
<td>To forestall questions in Parliament asks for information as to Working Committee’s acceptance of plan and attitude to transfer of power on Dominion basis</td>
<td>65</td>
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<tr>
<td>35 Viceroy’s Conference Paper V.C.P. 64</td>
<td></td>
<td>Circulates letter from Kripalani which states: Congress has consistently upheld unity of India and any separation of part painful to contemplate, but Working Committee accept proposed announcement as variation of Cabinet Mission Plan and in order to achieve final settlement; this is dependent on Muslim League acceptance and on clear understanding no further claims will be put forward; draws attention to particular points, including the predicament of Sikhs, and need for referendum in N.W.F.P. to provide for independence option; Committee will recommend ‘acceptance generally’ of H.M.G.’s statement ‘as a settlement of our political and communal problems’</td>
<td>66</td>
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<tr>
<td>36 Viceroy’s Conference Paper V.C.P. 65</td>
<td></td>
<td>Circulates letter from Baldev Singh which states: Sikhs have always stood for a united India and are unable to contemplate being forced into sovereign state likely to be based on Islamic principles; plan for division of India must ensure that Sikh community is not irreparably injured; brings certain matters to notice including Sikh fears regarding formation of Interim Ministries in Punjab and views on Boundary Commission; accepts ‘principle of division as laid down in the plan’ with the hope that views expressed above will be met in Boundary Commission’s terms of reference</td>
<td>69</td>
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<tr>
<td>37 Mountbatten to Listowel Tel. 1276-S</td>
<td></td>
<td>Refers to No. 34 and No. 38; suggests formula for use in Parliament on reactions of parties</td>
<td>71</td>
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<tr>
<td>38 Mountbatten to Listowel Tel. 1277-S</td>
<td></td>
<td>Reports terms in which Congress Working Committee and Sikhs have accepted plan and on interview with Jinnah; summarises reactions to para. on Dominion Status</td>
<td>71</td>
</tr>
<tr>
<td>39 Minutes of Viceroy’s Meeting with Indian Leaders Second Day</td>
<td></td>
<td>Mountbatten reports reactions of Working Committees to plan; Jinnah, Kripalani and Baldev Singh state they consider he has ‘correctly interpreted and recorded</td>
<td>72</td>
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<td>39 (cont.)</td>
<td>June</td>
<td>their views; all concur in need to restrain subordinates from making speeches of recrimination; discussion of Gandhi’s speeches; paper on <em>The Administrative Consequences of Partition</em> handed round (see No. 28, Annex II); initial reactions to it; division of armed forces; agreement to defer Sterling Balances negotiations</td>
<td>78</td>
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<tr>
<td>40 Mountbatten to Attlee Tel. 1282-S via India Office</td>
<td>3</td>
<td>Reports virtual acceptance of plan by leaders of all three parties</td>
<td>79</td>
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<tr>
<td>41 Mountbatten to Listowel Tel. 317-G.T.</td>
<td>3</td>
<td>Transmits small amendment (made at Jinnah’s request) to his broadcast; indicates order of broadcasts that evening</td>
<td>79</td>
</tr>
<tr>
<td>42 Cabinet C.M.(47)51st Conclusions Minute 1</td>
<td>3</td>
<td>Attlee communicates Mountbatten’s report that plan had been favourably received by Indian leaders</td>
<td>79</td>
</tr>
<tr>
<td>44 Text of Mountbatten’s Broadcast</td>
<td>3</td>
<td>Explains background to plan; states that need for earliest possible transfer of power is reason for adoption of Dominion Status solution; notes that special function of India Office will no longer have to be carried out; refers to freedom of new Dominions to decide their relationship to each other and to British Commonwealth; appeals for peace</td>
<td>86</td>
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<tr>
<td>45 Statement by H.M.G. on Indian Policy</td>
<td>3</td>
<td>Full text of Statement as published</td>
<td>89</td>
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<td>46 Text of Nehru’s Broadcast</td>
<td>3</td>
<td>Reviews events since Interim Government’s assumption of office; commends British Government proposals ‘with no joy in my heart’; appeals for end to violence; India will seek to build anew relations with England on friendly and cooperative basis</td>
<td>94</td>
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<td>47 Text of Jinnah’s Broadcast</td>
<td>3</td>
<td>Appeals to every community and particularly Muslims to maintain peace and order; does not wish to prejudge decision of League Council whether plan should be accepted as compromise but reaction in League circles in Delhi has been hopeful; since plan provides for referendum in N.W.F.P. calls for end of civil disobedience there and for verdict in favour of Pakistan; appreciates sufferings of all Muslims who had participated in movement, and hopes for peaceful referendum</td>
<td>97</td>
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<tr>
<td>48 Text of Baldev Singh’s Broadcast</td>
<td>3</td>
<td>Comments on troubled background in country to announcement of plan; commends its acceptance as a settlement; urges all communities to turn from past quarrels to build for future; refers to strong measures taken to enforce law and order; expresses</td>
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<td>48 (cont.)</td>
<td>June</td>
<td>encouragement and support for servicemen engaged in these duties</td>
<td></td>
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<td>49 Mountbatten to Nehru</td>
<td>3</td>
<td>Asks him to tell Khan Sahib that C.-in-C. is being asked to provide nine British Officers to supervise referendum in N.W.F.P.</td>
<td>101</td>
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<td>Letter 1446/2</td>
<td></td>
<td>Invites Patel as Member in charge of Information to take chair at Press Conference</td>
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<td>50 Mountbatten to Patel</td>
<td>3</td>
<td>Protests at partisan references to N.W.F.P. in Jinnah’s broadcast</td>
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<td>Letter</td>
<td></td>
<td>Refers to Vol. X, No. 288, Minute 2 and requests reconsideration of decision not to include in treaty with India provision to ensure future observance by India of certain treaties concluded in the name of the Crown or the U.K. Govt</td>
<td>103</td>
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<td>51 Patel to Mountbatten</td>
<td>3</td>
<td>Refers to No. 38; describes how he has dealt with points raised by leaders between the two meetings and summarises proceedings at second</td>
<td>104</td>
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<td>Letter</td>
<td></td>
<td>Refers to No. 33; now appears League will acquiesce in scheme; hopes Burrows will be able to persuade Suhrawardy to form coalition</td>
<td>106</td>
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<td>52 Bevin to Listowel</td>
<td>3</td>
<td>Congress will not object to use of term ‘Dominion’ in Bill</td>
<td>107</td>
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<td>Letter F 6535/905/G</td>
<td></td>
<td>Refers to No. 40 and conveys Cabinet’s congratulations</td>
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<td>53 Mountbatten to Listowel</td>
<td>3</td>
<td>Asserts that maintenance of Indian unity has been a prime object of British policy but that failure of Indian leaders to agree makes partition inevitable; twofold purpose of plan is to promote harmony between Indian parties, and facilitate orderly and early transfer of power by British; appeals for calm consideration of proposals which have ‘the full support of the British Government’; assures Indians of British goodwill whatever course they choose</td>
<td>107</td>
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<td>Tel. 1284–S</td>
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<td>Reports that Gandhi ‘is very disturbed’ and proposes to speak about his anxieties that day; also that Nehru wants him [Menon] to talk over some points of detail and principle relating to the plan with the Viceroy</td>
<td>109</td>
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<td>54 Mountbatten to Burrows</td>
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<td>Mountbatten’s opening remarks</td>
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<td>Tel. 1287–S</td>
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<td>Questions and Answers</td>
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<td>55 Abell to Turnbull</td>
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<td>Nehru to Mountbatten</td>
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<td>Tel. 1288–S</td>
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<td>Letter</td>
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<td>56 Attlee to Mountbatten</td>
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<td>Text of Attlee’s Broadcast</td>
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<td>Tel. 7185 via India Office</td>
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<td>57 Text of Attlee’s Broadcast</td>
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<td>58 Krishna Menon to Mountbatten</td>
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<td>Letter</td>
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<td>59 Proceedings of Mountbatten’s Press Conference</td>
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<td>60 Proceedings of Mountbatten’s Press Conference</td>
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<td>61 Nehru to Mountbatten</td>
<td>4</td>
<td>Acknowledges No. 49; urges change of Governors in N.W.F.P.</td>
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<td>62 Fraser to Addison</td>
<td>June 4</td>
<td>Asks him to give Attlee No. 63 and his congratulations</td>
<td>123</td>
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<td>Tel. 109</td>
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<td>63 Fraser to Addison</td>
<td>June 4</td>
<td>Transmits text of press statement on India</td>
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<td>Tel. 110</td>
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<td>65 Caroe to Mountbatten</td>
<td>June 4</td>
<td>Refers to No. 15, para. 12; reports discussion with Qazi Attaullah and Mehr Chand Khanna who say: Ministry will press that issue in referendum should be between independent Pathanistan and Pakistan; if Jinnah had agreed to this Ministry would have agreed to coalition; if referendum is on choice between India and Pakistan Khudai Khitmagars will boycott it. Caroe will forward representation which Ministry is preparing; he urges early public statement that referendum issue will be that in No. 45, para. 4</td>
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<td>Tel. CA/105</td>
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<td>66 Campbell-Johnson to Brockman</td>
<td>June 4</td>
<td>Summary of reactions to Plan (No. 45) and Press Conference (Nos. 59 and 60)</td>
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<td>Minute</td>
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<td>69 Record of Interview between Mountbatten and Gandhi</td>
<td>June 4</td>
<td>Gandhi suggests tripartite agreement between Britain and two new Dominions; speaks of Viceroy’s ‘magic tricks’; Mountbatten says plan should be called ‘Gandhi Plan’, and describes how he has followed Gandhi’s advice throughout; Gandhi agrees he has not been averse to Dominion Status in past. Krishna and V. P. Menon subsequently report that line taken with Gandhi has been successful</td>
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<td>70 Minutes of Viceroy’s Thirty Eighth Staff Meeting</td>
<td>June 4</td>
<td>(1) Bhopal’s resignation; (2) interview with Gandhi (No. 69); question whether Gandhi, Nehru or Mountbatten should visit Kashmir; (3) consideration of No. 28, and discussion of Nehru’s wish for reconstitution of Interim Government into two committees</td>
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<td>Items 1–3</td>
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<td>71 Listowel to Mountbatten</td>
<td>June 4</td>
<td>Conveys comments by F.O. on proposals made for appeals against decisions of Boundary Commission</td>
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<td>Tel. 7251</td>
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<td>72 Jenkins to Mountbatten</td>
<td>June 4</td>
<td>Situation in Lahore, Amritsar and Gurgaon; first intelligence reports show reception of partition plan ‘very mixed’ in Lahore and Amritsar</td>
<td>136</td>
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<td>160 Mountbatten to Kripalani Letter</td>
<td>June 12</td>
<td>Reports that, subject to A.I.C.C. accepting plan, Jinnah has given his word to sign joint document with Congress accepting plan as settlement</td>
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<td>161 Mountbatten to Listowel Letter</td>
<td>June 12</td>
<td>Refers to No. 78; difficulties caused by League resolution (Enclosure to No. 127); Gandhi's desire that H.M.G.'s agreements with India and Pakistan should be the same; favourable reception of plan in Parliament and India; work on administrative consequences; 'transfer of power' honours; Caroe's replacement, gaffe by American Ambassador Elect; Mountbatten to visit Simla and Kashmir</td>
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<td>162 Viceroy's Personal Report No. 9</td>
<td>June 12</td>
<td>Reactions to 3 June announcement continue to be favourable; interview with Gandhi; announcement has eased tension throughout country except in Gurgaon; reactions in armed forces; strong protests from Congress against League resolution (Enclosure to No. 127) and difficulties about satisfactorily registering League acceptance of plan; 'very difficult' Cabinet meeting about high grade appointments; agreement at meetings of Cabinet and with Indian leaders (Nos. 95 and 100) to set up partition machinery; discussions in progress on composition of Arbitral Tribunal and Boundary Commissions; question of H.M.G.'s wish to retain Andaman and Nicobar Islands; progress and prospects on setting up coalition Governments and partition machinery in Punjab and Bengal; tension in Calcutta greatly eased by 3 June announcement; difficulties expected in both Provinces over Boundary Commission; prospects of British officials staying on; Jenkins and Burrows each believes he should not remain as Governor of either half of his Province; Caroe's replacement</td>
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<td>164 Attlee to Adeane Letter</td>
<td>June 12</td>
<td>Asks him to lay before King proposals for procedure for U.K. and Dominion Parliaments to assent to alteration of Royal Title, and for disposal of Indian crown</td>
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<td>165 Cabinet India and Burma Committee Paper I.B.(47)97</td>
<td>June 12</td>
<td>Memorandum by Listowel submitting draft telegram to Mountbatten raising question of possible repercussions if Andamans and Nicobars are taken from India before transfer of power</td>
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<td>Attlee to Mackenzie King, Chifley, Fraser and Smuts Tel. D. No. 520 via British High Commissioners</td>
<td>June 12</td>
<td>Requests views on proposed change of titles of S/S for Dominion Affairs and Dominions Office</td>
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<td>Ismay to Montecath Tel. 1416-S</td>
<td>June 12</td>
<td>Refers to No. 149; thanks for Enclosures to No. 131; warns that any proposal to reserve powers to Governor-General, or that he should have any arbitral authority whatever 'would blow the whole scheme sky high'</td>
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<td>Abell to Montecath Tel. 1418-S</td>
<td>June 12</td>
<td>Question of possible appointment of Rowlands to advise Pakistan</td>
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<td>Mountbatten to Jenkins Tel. 1419-S</td>
<td>June 12</td>
<td>Summarises interview with Mamdot regarding composition of partition machinery in Punjab; has suggested solution of adding Muslim members to committees already set up and urges Jenkins to accept this</td>
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<td>Abell to Lowis Tel. 1420-S</td>
<td>June 12</td>
<td>Refers to No. 136; reports Mountbatten’s agreement to announcement of dates and outlines what should be said; Mountbatten agrees all delaying moves should be resisted</td>
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<td>Mountbatten to Listowel Tel. 1414-S</td>
<td>June 12</td>
<td>Outlines India’s food position; requests assistance from H.M.G. for crucial period of July–Sept. 1947; 'gesture by H.M.G. would have very valuable results at this particular juncture'</td>
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<td>Mountbatten to Listowel Tel. 1421-S</td>
<td>June 12</td>
<td>Refers to No. 138; considers it absolutely essential to show Indian leaders draft Bill</td>
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<td>Mountbatten to Attlee Tel. 1422-S via India Office</td>
<td>June 12</td>
<td>Suggests visit by Montgomery should be used to settle question of Gurkhas</td>
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<td>Mountbatten to Listowel Tel. 1423-S</td>
<td>June 12</td>
<td>Reports press comment on future of Andamans and Nicobars; feels there can be no question of raising this controversial subject at present delicate stage of political negotiations; proposes to take line that matter is one of many to be settled by treaty or agreement</td>
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<td>Minutes of Viceroy’s Eighteenth Miscellaneous Meeting Items 2–5</td>
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<td>Meeting between Mountbatten and Indian leaders on (2) Boundary Commissions—agreement on method of composition; terms of reference to be further considered; (3) Arbitral Tribunal—Patel and Liaquat to consider further its composition; (4) winding up of Calcutta Enquiry; (5) N.W.F.P. election posters</td>
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<td>Gandhi to Mountbatten Letter</td>
<td>June 13</td>
<td>Refers to Nos. 155 and 156; Jinnah’s condition regarding his visit to N.W.F.P. is ‘dangerous in its implication’; visit should be to convert Ministers, Badshah Khan</td>
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<td>176 (cont.)</td>
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<td>and Khudai Khitmatgars not a propaganda tour; enclosure: letter to Jinnah stating he does not understand condition</td>
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<td>177 Jinnah to Mountbatten Letter</td>
<td>13</td>
<td>Encloses: (i) copy of Enclosure to No. 176; (ii) copy of reply stating that he thought it quite clear he meant Congress should undertake not to interfere with people of Frontier 'in any way whatsoever'</td>
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<td>178 Kartar Singh to Mountbatten</td>
<td>13</td>
<td>Refers to question of safeguards for Sikh interests; premature to say anything in respect of Western Punjab; many people have moved to Eastern Punjab and before demarcation of boundary impossible to say how many Sikhs will remain in West; Sikhs trust Boundary Commission will maintain integrity of community in Eastern Punjab; lists suggestions for safeguards there and elsewhere</td>
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<td>179 Auchinleck to Jenkins Tel. (unnumbered)</td>
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<td>Refers to No. 137; explains why troops in Gurgaon have been 'thin on the ground'; infantry brigade now taking over; situation at present under control from military point of view</td>
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<td>180 Jenkins to Mountbatten Letter 681 (extract)</td>
<td>13</td>
<td>Refers to No. 169; will deal with Mamdot as desired by Mountbatten, but adds that leaders of all parties must be consulted; will form Partition Committee as soon as possible and put point to them</td>
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<td>181 Caroe to Mountbatten Letter</td>
<td>13</td>
<td>Refers to No. 154; encloses letter on lines suggested asking that, in view of wider political considerations and to avoid slightest suspicion over conduct of referendum, he should be allowed to go on leave for about two months</td>
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<td>182 Listowel to Mountbatten Letter</td>
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<td>Refers to Nos. 90 and 91; has read Nos. 23, 39 and 43 with great interest; Radcliffe a possible candidate for Chairmanship of Arbitral Tribunal; composition of Boundary Commissions and danger of parties staking out claims in advance; Suhrawardy's economic plans for East Bengal and offers made by American businessmen contrasted with slower methods of British; Caroe: plans to establish Commonwealth Relations Office; draft Indian Bill; attendance of Indian Officers at U.K. military colleges; India Office in close touch with British commercial and industrial organisations with interests in India; Govt of India's temporary scheme for handling its</td>
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<td>diplomatic relations with smaller European countries; excluded and partially excluded areas of Assam; Burma likely to opt for complete independence outside Commonwealth</td>
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<td>183 Listowel to Attlee Minute 89/47</td>
<td>June 13</td>
<td>Refers to No. 79; thinks it inappropriate for Mountbatten and Governors to resign on day of transfer of power; suggests alternative means of publicising fact that persons appointed to these offices hold them by wish of Indians; believes Mountbatten's remaining as common Governor-General would facilitate partition</td>
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<td>184 Adeane to Attlee Letter</td>
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<td>King agrees with proposals contained in No. 164, but points out that some Dominions may raise question of further changes in Royal Title; King hopes any such discussion may be avoided at present</td>
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<td>185 Jowitt to Listowel Letter</td>
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<td>Refers to No. 135; has sounded Radcliffe who is prepared to undertake task; financial and other terms on which Radcliffe would accept appointment</td>
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<td>186 Stapleton to Monteath Letter</td>
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<td>Chiefs of Staff note that draft Bill does not appear to conflict with British military requirements, but wish to be advised on how negotiations concerning those requirements are to be conducted</td>
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<td>187 Chiefs of Staff Committee Paper J.P.(47)87 (Final)</td>
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<td>Report by Joint Planning Staff concluding that Laccadive Islands should be transferred from Govt of Madras to H.M.G. to ensure that necessary facilities for air route to Far East remain available</td>
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<td>188 Cabinet India and Burma Committee Paper I.B.(47)99</td>
<td>May 13</td>
<td>Memorandum by Listowel on the International Status of the Indian Dominions concluding that, on balance, Congress doctrine should be adopted and Hindustan accepted as successor of former India</td>
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<td>192 Cabinet India and Burma Committee Paper I.B.(47)101</td>
<td>May 13</td>
<td>Memorandum by Listowel on assumption of international obligations by successor authorities supporting Bevin's request (No. 52) for reconsideration of question</td>
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<td>193 Cabinet India and Burma Committee Paper I.B.(47)102</td>
<td>May 13</td>
<td>Memorandum by Listowel opposing Mountbatten's recommendation that Indian leaders should be shown draft Bill and suggesting instead he should tell them orally what its main provisions will be</td>
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<td>195 Listowel to Mountbatten Tel. 7673</td>
<td>May 13</td>
<td>Refers to No. 120 and conveys Foreign Office views on method of constituting Boundary Commissions</td>
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<td>200 Viceroy's Conference Paper V.C.P. 76</td>
<td>June 14</td>
<td>Circulates paper by V. P. Menon reporting discussion with Nehru, Patel and Krishna Menon on reconstitution of Executive Council, and outlining proposals for timetable and method of reconstitution</td>
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<td>201 Krishna Menon to Mountbatten Letter</td>
<td>June 14</td>
<td>Reports plan for transfer of power encountered 'heavy weather' at A.I.C.C. meeting; mentions his fears that Britain still thought in terms of Empire and hoped to use territory of North-West Frontier and Kashmir as part of an imperial strategy; if N.W.F.P. and Kashmir go to Pakistan 'all hopes of the plan being a settlement will prove fanciful'; enclosure: note by Menon outlining his conception of how proposed Parliamentary legislation should be framed</td>
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<td>202 Mountbatten to Listowel Tel. 1439-S</td>
<td>June 14</td>
<td>Discusses question of international status of India and Pakistan; advises that H.M.G. should take view that India minus Pakistan inherits international entity and obligations of present G. of I. and that agreement should be reached between two new Govts regarding division of assets etc.; prophesies 'untold trouble' if course he suggests is not adopted</td>
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<td>204 Abbott to Abell Tel. 131-G</td>
<td>June 15</td>
<td>Casualty figures in Punjab communal disturbances, Nov. 1946-May 1947</td>
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<td>207 Nehru to Mountbatten Letter</td>
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<td>208 Mountbatten to Listowel Tel. 1451-S</td>
<td>June 15</td>
<td>Refers to No. 195; reports decisions reached on composition of Boundary Commissions in No. 175, Item 2; asks that no further action be taken on suggestion that U.N.O. be approached</td>
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<td>209 Jenkins to Mountbatten Letter 683</td>
<td>June 15</td>
<td>Reactions in Punjab to 3 June plan; doubtful whether many British officials will wish to serve new Governments; reactions among Indian members of Services; 'the old administrative machine is rapidly falling to pieces'; difficulties which Jenkins foresees in implementing partition; situation in Lahore, Amritsar, Gurgaon and elsewhere; liaison with Army Command</td>
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<td>210 Note by H. M. Patel</td>
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Steering Committee regarding Expert Committees, their terms of reference and personnel; (2) Paper by Auchinleck on Reconstitution of the Armed Forces in India

211  
Monteath to Ismay  
Tel. 7702  
Arrangements for announcement of change of Governors in N.W.F.P.; Listowel and Attlee are opposed to resumption of Governorship by Caroe after referendum  
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**CHAPTER 2**

**Provincial Decision on Partition.** Continuing discussions on partition arrangements; problems of law and order in the Punjab; decisions on Plan in Bengal, Punjab and Sind Legislative Assemblies: 16 June to 26 June 1947

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<td>212 S. of S. to H.M. Minister, Kabul Tel. 51</td>
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<td>Refers to No. 140; reports representations to Foreign Office by Afghan Minister in London of his Government's views on question of N.W.F.P.</td>
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<td>213 Ismay to Mountbatten Minute</td>
<td>16 June</td>
<td>Criticises recommendations for withdrawal of British troops made in Enclosure to No. 159; Viceroy's staff submit that proper policy is to commence withdrawal on 15 August and carry it out as rapidly as possible</td>
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<td>215 Abell to Mountbatten Minute</td>
<td>16 June</td>
<td>Question whether appeals should be made to British officials in India or Pakistan to stay on</td>
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<td>16 June</td>
<td>(1) Mountbatten's discussions with Auchinleck on division of Armed Forces; suggestion that Trivedi should come to Delhi to help with this matter; (3) question of H.M.G.'s relations with any Indian States declaring themselves independent</td>
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<td>217 Meeting of Special Committee of Indian Cabinet</td>
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<td>Consideration of Enclosures to No. 210</td>
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<td>218 Jenkins to Mountbatten Letter 684</td>
<td>16 June</td>
<td>Defends British officers against attacks made by Nehru in speech to A.I.C.C. on their handling of disturbances; asks how far Nehru's views are endorsed by H.M.G. and Viceroy</td>
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<td>219 Jenkins to Mountbatten Letter 685 (extract)</td>
<td>16 June</td>
<td>Encloses note on meeting with Punjab Party Leaders on partition arrangements in Punjab</td>
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<td>16 June</td>
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<td>221 Chiefs of Staff Committee C.O.S.(47)76th Meeting Minute 4</td>
<td>June 16</td>
<td>Agreement that it was of utmost importance for H.M.G. to retain Andaman, Nicobar and Laccadive Islands but that timing and method of approach was matter for political decision; Annex: minute by Hollis to Minister of Defence reporting these views and drawing attention to absence from draft Bill of any provision for holding negotiations on British military requirements</td>
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<td>222 Attlee to Listowel Minute M.246/47</td>
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<td>Encloses and asks for his views on exchange of letters with Halifax in which latter refers to importance of holding India in Commonwealth, notes that Indians are 'much more moved by sentiment than by reason', and suggests that King and Queen should visit Delhi in autumn for purpose of 'formally saying goodbye, and wishing them [the Indians] good luck'</td>
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<td>223 Listowel to Attlee Minute 90/47</td>
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<td>Refers to No. 148 and reports on arrangements for change of Governors in N.W.F.P.</td>
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<td>224 Listowel to Jowitt Letter</td>
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<td>Is grateful for Jowitt's efforts (see No. 185) towards securing Radcliffe's services for chairmanship of Arbitral Tribunal</td>
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<td>227 Mountbatten to Caroe Letter 1450</td>
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<td>Refers to Enclosure to No. 181; is convinced there is no truth in allegations made against Caroe; latter's offer to take leave during referendum 'will be widely recognized as prompted by your public spirit and your devotion to the people of the Frontier'; will recommend Lockhart as Acting Governor; sends 'warmest thanks' for all Caroe has done</td>
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<td>228 Kripalani to Mountbatten Letter</td>
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<td>Refers to difficulties concerning Governor in N.W.F.P.; reviews position taken up by Congress and Frontier Ministers on question of N.W.F.P.; Ghaffar Khan has again represented that referendum should be on issue of independence, failing which he would advise his followers to abstain from participating in it</td>
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<td>230 Record of Interview between Mountbatten, Gandhi and Jinnah</td>
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<td>Gandhi's wish that Jinnah should visit N.W.F.P. Congress leaders to woo them for Pakistan and his dissatisfaction with outcome of his correspondence with Jinnah; meeting arranged between Gandhi, Jinnah and Ghaffar Khan; Gandhi urges Mountbatten not to make immediate statement on position of States who declared their independence</td>
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<td>231 Liaquat Ali Khan to Mountbatten Letter</td>
<td>June 17</td>
<td>Asks that the military authorities be requested to undertake provision of accommodation, furniture, telephones, etc. for the Pakistan Govt at Karachi, and the transportation thither of personnel and stores</td>
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<td>232 Liaquat Ali Khan to Mountbatten Letter</td>
<td>17</td>
<td>Encloses letter from Daulatana on situation in Gurgaon area; Muslims there 'feel helpless and unprotected against the full-scale war of extermination which is being waged against them'; repeats appeal to Mountbatten that handling of situation should not be left entirely to non-Muslim troops and hopes he 'will take more personal interest in this matter'</td>
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<td>233 Mamdot, Swaran Singh and Sachar to Jenkins Letter</td>
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<td>Refers to Enclosure to No. 219; agreed decisions of Punjab Party leaders regarding partition machinery in Punjab</td>
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<td>234 Ismay to Ghazanfar Ali Khan Letter</td>
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<td>Encloses statement supplied by C.G.S. showing class composition of troops employed in Gurgaon area; is shocked to find Muslim Company of 3/15 Punjab regiment not due to arrive until after 1 July; Auchinleck is being asked to see whether any other Muslim troops could be moved to area in near future; C.G.S. emphasises difficulty of dealing with disturbances on communal basis</td>
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<td>235 Ghazanfar Ali Khan to Ismay Letter</td>
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<td>Refers to No. 234; comments pointedly on fact that Muslim Company of 3/15 Punjab has been left behind; notes C.G.S.'s remark but whole point of Muslim complaint is that disturbances are actually being dealt with on communal basis; asks whether British troops could be made available; fears clashes between Muslim villagers and troops unless reassuring steps are taken</td>
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<td>236 Mountbatten to Kripalani Letter 1446/3</td>
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<td>Refers to No. 228; not feasible to alter terms of referendum; draws attention to No. 237</td>
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<td>237 Mountbatten to Nehru Letter 1446/3</td>
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<td>Refers to No. 228; encloses copy of exchange of letters with Caroe; points out that both his (Mountbatten's) and Nehru's position would be untenable if either of them were to go back on arrangement that Provinces should not have independence option</td>
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<td>239 Minutes of Viceroy's Forty Fifth Staff Meeting Items 1, 3, 5, 6, 8 and 9</td>
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<td>June</td>
<td>(5) reconstruction of Executive Council; (6) withdrawal of British forces; (8) Sir C. Trivedi; (9) Dominions Office papers on Dominion Status (Enclosures to No. 131) to be sent to Indian leaders</td>
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<td>240</td>
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<td>Reports talks with Suhrawardy and Roy on formation of coalition Government (which neither wanted) and alternative of regional Ministries proposed by Roy and which Suhrawardy did not turn down; partition machinery also discussed</td>
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<td>Listowel to Attlee</td>
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<td>Refers to No. 222; points out practical difficulties of Royal visit to India and Pakistan in current year; but thinks that, given assurance of cordial welcome, visit to inaugurate new Dominions might be valuable, possibly in cold weather of 1948-9; until Princes have defined their relations with new Dominions, Royal visit might cause embarrassment in that regard</td>
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<td>Mountbatten to Nehru</td>
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<td>Thanks for note about Kashmir; indicates importance he attaches to meeting arranged next day, with Ismay in chair, between Gandhi, Jinnah and Ghaffar Khan about N.W.F.P.</td>
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<td>Cabinet India and Burma Committee</td>
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<td>Consideration of (1) draft Bill (No. 191); agreement on certain amendments including suggestion by Attlee that it should be called 'Indian Independence Bill'; (2) international status of new Dominions; agreement that H.M.G. should accept Nehru's view that Hindustan would succeed to India's position as international entity; (3) assumption of international obligations by successor authorities; agreement that assurance on this point be sought from Interim Govt on behalf of both future Dominions; (4) Andamans and Nicobars; agreement to omit clause in existing form on these Islands from Bill and to seek Mountbatten's advice on alternative; also to seek by negotiation facilities in Laccadive Islands</td>
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<td>G. of I., External Affairs and Commonwealth Relations Dept., to S. of S.</td>
<td>17</td>
<td>Question of explaining to Govts of Tibet and Bhutan effect of constitutional developments in India on H.M.G.'s relationships with those countries</td>
<td>483</td>
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<tr>
<td>251</td>
<td>18</td>
<td>Memorandum by Listowel on Indian Food Situation; supports on political grounds Mountbatten's request (No. 171) for gesture by H.M.G. to assist India;</td>
<td>491</td>
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<td>252</td>
<td>June 18</td>
<td>Note by Listowel circulating Nos. 248 and 249; Annex: extracts from telegrams exchanged in 1935 concerning India Office building and its contents</td>
<td>493</td>
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<tr>
<td>253</td>
<td>June 18</td>
<td>Reports inconclusive result of meeting between Ismay, himself, Gandhi, Jinnah and Ghaffar Khan; also Jinnah’s refusal in private conversation with Ismay to authorise Suhrawardy to form Regional Ministry in Bengal</td>
<td>494</td>
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<tr>
<td>254</td>
<td>June 18</td>
<td>Is ‘immeasurably shocked’ that his promise to Liaquat that Muslim troops would be sent to Gurgaon has not been honoured</td>
<td>495</td>
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<tr>
<td>257</td>
<td>June 18</td>
<td>Refers to No. 115 and communicates India and Burma Committee’s views on question of showing draft Bill to Indian leaders</td>
<td>500</td>
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<tr>
<td>258</td>
<td>June 18</td>
<td>Refers to Nos. 174 and 162, paras. 24–25; communicates India and Burma Committee’s views on question of Andaman and Nicobar Islands</td>
<td>501</td>
</tr>
<tr>
<td>259</td>
<td>June 19</td>
<td>Refers to No. 173; suggests despatch of further telegram to London pointing out advantage of getting Gurkha question settled before Nehru discovers proposal to exclude Andamans and Nicobars from India</td>
<td>502</td>
</tr>
<tr>
<td>262</td>
<td>June 19</td>
<td>Refers to No. 175, Item 2; outlines position reached regarding composition of Boundary Commissions; informs him of names suggested by Nehru and asks for his suggestions</td>
<td>506</td>
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<td>263</td>
<td>June 19</td>
<td>Refers to No. 218; explains difficulties with Nehru, and what he proposes to say to him about onslaught on British officers; neither he nor H.M.G. believe a word of such charges</td>
<td>508</td>
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<tr>
<td>265</td>
<td>June 19</td>
<td>Consideration of (1) terms of service of British Officers continuing to serve in Indian Armed Forces; (2) Indian Food situation</td>
<td>513</td>
</tr>
<tr>
<td>266</td>
<td>June 19</td>
<td>Refers to No. 161, para. 4; argues that any statement on H.M.G.’s relations with India and Pakistan ‘should be a little less pro-Gandhi than the Viceroy’s formula’, and should neither state that there can be no question of differentiation between the two new Dominions, nor refer to a tripartite arrangement</td>
<td>517</td>
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<td>267 Ismay to Mountbatten Tel. 1497–S</td>
<td>June 19</td>
<td>Refers to Nos. 256 and 257; staff are considering former; communicates terms of telegram they suggest Mountbatten might send in reply to latter on question of showing draft Bill to Indian leaders</td>
<td>$19</td>
</tr>
<tr>
<td>268 Burrows to Mountbatten Tel. 163–C</td>
<td>June 19</td>
<td>Refers to No. 253, note 4; reviews position in light of Jinnah’s rejection of proposal to form Regional Ministries; suggests Section 93 may now offer best chance of securing cooperation of both parties in partition of Bengal</td>
<td>$20</td>
</tr>
<tr>
<td>269 Ismay to Mountbatten Tel. 1503–S</td>
<td>June 19</td>
<td>Comments on No. 256, paras. 6 and 20.</td>
<td>$22</td>
</tr>
<tr>
<td>270 Listowel to Mountbatten Tel. 7893</td>
<td>June 19</td>
<td>Refers to No. 115; communicates India and Burma Committee’s decision that H.M.G. should accept that Hindustan would continue existing India’s international personality, subject to equitable division of central assets</td>
<td>$23</td>
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<tr>
<td>272 S. of S. to H.M. Minister, Kabul Tel. 52</td>
<td>June 20</td>
<td>Transmits gist of note received from Afghan Minister in London, following interview reported in No. 212, in which he outlines his Government’s views on question of N.W.F.P.</td>
<td>$26</td>
</tr>
<tr>
<td>273 Mountbatten to Listowel Letter 1446/18</td>
<td>June 20</td>
<td>Encloses letter and note from Bhopal to be passed to Attlee; has explained to Bhopal and Zafrullah Khan that Congress would never have agreed to plan if there were to be more than two Dominions; but some States, particularly Hyderabad and Bhopal, feel very unhappy; enclosure: Bhopal’s letter alleging that, if H.M.G.’s treatment of States is based on hope of conciliating Congress, that hope will prove futile; that Congress will be dominated by left wing whose socialism ‘is only a thin veneer covering a mass of rank communism’; and that decisions already made by Constituent Assembly offer little incentive to States to join Hindustan</td>
<td>$28</td>
</tr>
<tr>
<td>274 Auchinleck to Ismay Letter</td>
<td>June 20</td>
<td>Adheres to advice given in Enclosure to No. 159 on withdrawal of British troops; contests Ismay’s statement that ‘handful’ remaining could do little to safeguard British lives and requests his opinion be conveyed to H.M.G.; points out that Indian Army will soon be undergoing reconstitution; wishes to make it clear to Viceroy and H.M.G. that he ‘can no longer be responsible in grave emergency</td>
<td>$30</td>
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<td>274 (cont.)</td>
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<td>275 Ismay to Mountbatten Minute</td>
<td>June 20</td>
<td>Reports talk with Liaquat on (1) despatch of Muslim troops to Gurgaon; (2) his request for assistance of military officer in making plans for accommodation of Pakistan Govt at Karachi; (3) his request for help in finding a ‘Controller of Currency’; (4) composition of Arbitral Tribunal; (5) composition of Boundary Commissions; (6) question whether there was to be common Governor General and procedure for appointing Governors; (7) Governor General’s Bodyguard; (8) Liaquat’s doubts about speed at which Army was being partitioned and his and Jinnah’s insistence that they would not take over the reins of Government in Pakistan without an Army on the spot under their control; (9) Liaquat’s suggestion that British troops should remain in India while Indian Army was in process of transition</td>
<td>532</td>
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<tr>
<td>276 Menon to Abell Tel. 1504–S</td>
<td>June 20</td>
<td>Nehru now agrees that decision on future of Baluchistan should be taken by Shahi Jirga (excluding Sardars nominated by Kalat State) and non-official members of Quetta Municipality; Ismay is putting proposal to Jinnah</td>
<td>535</td>
</tr>
<tr>
<td>277 Burrows to Mountbatten Tel. 978–S</td>
<td>June 20</td>
<td>Reports joint meeting of Bengal Legislative Assembly has voted to join new Constituent Assembly if Province remains united</td>
<td>536</td>
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<tr>
<td>278 Burrows to Mountbatten Tel. 979–S</td>
<td>June 20</td>
<td>Reports West Bengal M.L.As have voted for partition and to join existing Constituent Assembly; East Bengal M.L.As have voted against partition and to join new Constituent Assembly and to agree to amalgamation of Sylhet</td>
<td>536</td>
</tr>
<tr>
<td>279 Mountbatten to Listowel Tel. 8–S.K.</td>
<td>June 20</td>
<td>Refers to No. 256, paras. 6 and 20; question of consultation with Indian leaders on particular points arising on draft Bill; agrees with Reforms Office and Political Dept in deprecating formal denunciation of treaties with States</td>
<td>537</td>
</tr>
<tr>
<td>281 Listowel to Mountbatten Letter</td>
<td>June 20</td>
<td>Refers to Nos. 161 and 162; A.I.C.C. resolution on 3 June plan; need for ‘very careful watching and handling’ of Gandhi; question of agreements between H.M.G. and two new Dominions; change of Governors in N.W.F.P.; Mountbatten’s</td>
<td>538</td>
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<td>281 (cont.)</td>
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<td>meetings with leaders on administrative implications of partition and composition of Arbitral Tribunal and Boundary Commissions; intensity of work in New Delhi and London; Congress pressure and H.M.G.'s policy on States; food situation; Ramamurty as Acting Governor of Bombay</td>
<td></td>
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<tr>
<td>284 Ismay to Mountbatten Tel. 1512–S</td>
<td>20</td>
<td>Refers to No. 258 and transmits draft reply for Mountbatten to send to it, pressing strongly for complete exclusion from draft Bill of any reference to Andaman and Nicobar Islands</td>
<td>544</td>
</tr>
<tr>
<td>285 Ismay to Mountbatten Tel. 1513–S</td>
<td>20</td>
<td>Refers to No. 270 on international status of India and Pakistan and transmits draft reply for Mountbatten to send agreeing with it</td>
<td>544</td>
</tr>
<tr>
<td>289 Burrows to Mountbatten Tel. 166–C</td>
<td>21</td>
<td>Refers to No. 268; reports discussion with Suhrawardy at which latter appeared to acquiesce in prospect of Section 93 and promised full cooperation in processes of partition; stresses cordiality of talk and, since he is assured of cooperation of League as well as Congress, seeks Mountbatten's formal concurrence in Section 93 proclamation</td>
<td>550</td>
</tr>
<tr>
<td>291 Ismay to Burrows Tel. 1533–S</td>
<td>21</td>
<td>Informs him of message from Jinnah that Suhrawardy has telephoned saying that Burrows 'threatened' him with Section 93 which Jinnah argues is ultra vires; indicates to Burrows that he should take no final decision until he hears from Mountbatten</td>
<td>553</td>
</tr>
<tr>
<td>292 Ismay to Mountbatten Tel. 1534–S</td>
<td>21</td>
<td>Reports events described in No. 291 and his instructions to Burrows</td>
<td>554</td>
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<tr>
<td>298 Jinnah to Ismay Letter</td>
<td>22</td>
<td>Is unable to approve proposal (see No. 276) for body to decide future of Baluchistan</td>
<td>559</td>
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<tr>
<td>299 Jenkins to Mountbatten Letter</td>
<td>22</td>
<td>Reports on visit to Gurgaon; troops on spot now seem adequate but district is in 'a very bad way'; Brendon sent on leave; Bharatpur 'very seriously disturbed' and refugees from there may add to Punjab problems</td>
<td>560</td>
</tr>
<tr>
<td>300 Nehru to Mountbatten Letter</td>
<td>22</td>
<td>Describes conditions in Punjab, especially Lahore; mentions inter alia allegations made against police and that 'insistent demand is either for the military to take charge, or for the withdrawal of the police and the military so that the people can look after themselves'; suggests appointment by Central Govt of Relief Officer to collect</td>
<td>561</td>
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<td>300 (cont.)</td>
<td>June</td>
<td>necessary data for formulation of relief policy</td>
<td></td>
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<tr>
<td>301 Note by C. P. Scott</td>
<td>23</td>
<td>Tyson has reported on telephone that (1) Suhrawardy has written stating Bengal League Party prefer Coalition or Regional Ministry to Section 93; (2) Burrows has asked whether Suhrawardy shares this view; (3) great difficulty is being found in drafting Section 93 Proclamation within terms of Act</td>
<td>564</td>
</tr>
<tr>
<td>302 Note by I. D. Scott</td>
<td>23</td>
<td>Tyson has reported on telephone that Suhrawardy has replied to Burrows (see No. 301) that, as between Section 93 and Regional Ministry, he considers latter 'lesser of two evils'</td>
<td>565</td>
</tr>
<tr>
<td>304 Reuter report</td>
<td>23</td>
<td>Joint meeting of Punjab Legislative Assembly votes to join new Constituent Assembly if Province remains united; East Punjab M.L.As vote for partition and to join existing Constituent Assembly; West Punjab M.L.As vote against partition</td>
<td>566</td>
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<tr>
<td>305 Note by Jenkins</td>
<td>23</td>
<td>Record of conversation with Mamdoot, Sachar and Swaran Singh on: law and order situation (Jenkins stresses contribution parties could make by controlling their followers; party leaders want British officers in charge of disturbed areas replaced by Indians); Constituent Assembly elections; setting up of Partition Committee. Separate talk with Sachar and Swaran Singh on: League resolution against Jenkins; alleged misconduct of an official and difficulties facing Services generally</td>
<td>567</td>
</tr>
<tr>
<td>306 Viceroy's Conference Paper V.C.P. 88</td>
<td>23</td>
<td>Circulates paper by V. P. Menon on position of Government in Bengal and implications of decision there for Punjab, N.W.F.P., and Centre</td>
<td>570</td>
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<tr>
<td>307 Viceroy's Conference Paper V.C.P. 90</td>
<td>23</td>
<td>Circulates draft telegram on withdrawal of British forces</td>
<td>572</td>
</tr>
<tr>
<td>308 Minutes of Viceroy's Forty Sixth Staff Meeting Items 1, 3–11</td>
<td>23</td>
<td>(1) composition of body to decide future of Baluchistan; (3) reconstitution of Govt in Bengal; (4) reconstitution of Executive Council; (5) Governor-Generalship of new Dominions; (6) withdrawal of British forces; (7) arrangements for showing draft Bill to Indian leaders; (8) ceremonies on day of transfer of power; (9) poster for N.W.F.P. referendum; (10) Berar; (11) Hyderabad</td>
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<td>309 H.M. Minister, Kabul to G. of I., External Affairs and Commonwealth Relations Dept Tel. 51</td>
<td>June 23</td>
<td>Refers to No. 272; reports further interview with Afghan Foreign Minister on Afghan interest in N.W.F.P.; Afghan Govt wish to send Mission to have talks with Indian political leaders in Peshawar and Delhi</td>
<td>577</td>
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<tr>
<td>310 Caroe to Mountbatten Letter GH-93 (extract)</td>
<td>23</td>
<td>Outlines policy he believes should be adopted towards tribes; Afghan interference and need for successor authority to make it clear that benefits tribes at present enjoy from India will continue; asserts that most of troubles in dealing with tribes date from Nehru’s assumption of responsibility for tribal affairs</td>
<td>578</td>
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<tr>
<td>311 Record of Interview between Mountbatten and Jinnah</td>
<td>23</td>
<td>(1) Governor-Generalship of Pakistan and Governorships of Pakistan Provinces; (2) terms of reference, composition and chairmanship of Boundary Commissions; (3) agreement on formation of shadow Cabinet in Bengal with veto over decisions affecting West Bengal; (4) agreement on composition of body to decide future of Baluchistan; (5) agreement on suggestion that Jenkins should issue firm statement on putting down violence in Punjab; (6) Jinnah’s insistence on having an army and an operational C.-in-C. under Pakistan Govt orders by 15 August; (7) proposal that first meeting of Pakistan Constituent Assembly should be held in Legislative Assembly Chamber in Delhi</td>
<td>580</td>
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<tr>
<td>312 Note by Auchinleck C.-in-C.’s paper 4/47</td>
<td>23</td>
<td>Explains need for retention of British Officers and other ranks and requests public announcement on this subject by Partition Committee; urges that Indian leaders should ‘say publicly that they need the help of British officers’</td>
<td>583</td>
</tr>
<tr>
<td>313 Mackenzie King to Attlee Tel. 122 via Dominions Office</td>
<td>23</td>
<td>Refers to No. 166; indicates agreement with proposed change; prefers title ‘Commonwealth Relations’ to ‘Commonwealth Affairs’</td>
<td>585</td>
</tr>
<tr>
<td>314 Hydari to Mountbatten Tel. 145-MSG</td>
<td>23</td>
<td>Communicates Assam Ministers’ wish for separate Boundary Commission for Assam and recommends compliance</td>
<td>586</td>
</tr>
<tr>
<td>315 Montgomery to Simpson Tel. 1547-S via Viceroy and India Office</td>
<td>23</td>
<td>Reports discussions with Nehru on withdrawal of British troops and employment of Gurkhas</td>
<td>586</td>
</tr>
<tr>
<td>316 Viceroy’s Conference Paper V.C.P. 92</td>
<td>24</td>
<td>Circulates extract from telegram from Jenkins on possibility of establishing neutral zone in Punjab, with comments by Abell and Menon doubting its feasibility</td>
<td>587</td>
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<td>317 Jinnah to Mountbatten Letter</td>
<td>June 24</td>
<td>Refers to No. 262; discusses chairmanship of Boundary Commissions and Arbitral Tribunal; submits nominations for membership of Boundary Commissions</td>
<td>588</td>
</tr>
<tr>
<td>318 Shone to Tyson Letter</td>
<td>24</td>
<td>Refers to Vol. IX, No. 552 and outlines position regarding maintenance of law and order and protection of British lives and property during period before final transfer of power</td>
<td>589</td>
</tr>
<tr>
<td>319 Record of Interview between Mountbatten and Nehru</td>
<td>24</td>
<td>(1) Nehru’s alleged statements at Hardwar regarding N.W.F.P. referendum; (2) Sylhet referendum; (3) place of meeting of Pakistan Constituent Assembly; (4) Kashmir</td>
<td>591</td>
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<tr>
<td>320 Mountbatten to Jenkins Tel. 1569-S</td>
<td>24</td>
<td>Reports discussion with Jinnah and Nehru on situation in Lahore and Amritsar; both demanded ‘utterly ruthless’ action to suppress disturbances and latter proposed declaration of martial law; subject to Jenkins’s comments Mountbatten proposes to raise this in Cabinet and issue announcement</td>
<td>594</td>
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<td>321 Statement by Ghaffar Khan</td>
<td>24</td>
<td>Announces boycott of N.W.F.P. referendum</td>
<td>594</td>
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<tr>
<td>322 Cabinet C.M.(47)56th Conclusions Minute 4</td>
<td>24</td>
<td>Note taken of need for U.K. and Dominion Parliaments to give assent to change in King’s title; Govt of Eire to be consulted also</td>
<td>596</td>
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<tr>
<td>327 Jenkins to Mountbatten Tel. (unnumbered)</td>
<td>24</td>
<td>Refers to No. 320; reports discussions with military and police officers and party leaders on possibility of declaring martial law and outlines arguments against it; argues ‘real remedy is active intervention by political leaders’ to ‘bring genuine private pressure to bear on their goonda supporters’</td>
<td>605</td>
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<tr>
<td>328 Ismay to Mountbatten Minute</td>
<td>24</td>
<td>Refers to No. 327; finds Jenkins's arguments convincing; suggests Mountbatten should read expurgated edition to Indian Cabinet and urge necessity to control extremists through local contacts</td>
<td>606</td>
</tr>
<tr>
<td>329 Montgomery to Simpson Tel. 1560-S via Viceroy and India Office</td>
<td>24</td>
<td>Refers to No. 315; reports discussion with Jinnah on withdrawal of British troops</td>
<td>607</td>
</tr>
<tr>
<td>330 Montgomery to Attlee Tel. 1565-S via Viceroy and India Office</td>
<td>24</td>
<td>Reports Nehru’s agreement in principle to employment of Gurkhas in British Army</td>
<td>608</td>
</tr>
<tr>
<td>331 Montgomery to Nehru Letter</td>
<td>24</td>
<td>Has reported agreement in principle on Gurkha question to Attlee and encloses copy of No. 330; notes that they will plan to begin withdrawal of British troops on</td>
<td>609</td>
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<td>331 (cont.)</td>
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<td>332 Nehru to Montgomery</td>
<td>24</td>
<td>Acknowledges No. 331</td>
<td>609</td>
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<tr>
<td>333 Listowel to Mountbatten Tel. 8122</td>
<td>24</td>
<td>Discusses question of assumption of international obligations by new Dominions; enquires whether assurance on this point would be likely to be forthcoming from Interim Govt on behalf of both new Dominions</td>
<td>610</td>
</tr>
<tr>
<td>334 S. of S. to G. of I., External Affairs and Commonwealth Relations Dept Tel. 8125</td>
<td>24</td>
<td>Refers to Vol. X, No. 219; H.M.G. will not wish to maintain separate Mission at Lhasa; discusses question of treaty relations with Tibet and suggests G. of I. should state that they will assume obligations under 1914 Simla Convention</td>
<td>612</td>
</tr>
<tr>
<td>335 Mountbatten to Listowel Tel. 1570-S</td>
<td>24</td>
<td>Conveys Auchinleck’s views on withdrawal of British troops but, for wider 'overriding' considerations, recommends withdrawal should start on 15 August; suggests terms of announcement</td>
<td>613</td>
</tr>
<tr>
<td>336 Burrows to Mountbatten Tel. 170-S</td>
<td>24</td>
<td>Agrees to proposal for shadow Cabinet for West Bengal provided his special responsibilities (including that for food) are not affected</td>
<td>615</td>
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<tr>
<td>337 Shone to Secretary to Cabinet Despatch 61</td>
<td>25</td>
<td>Montgomery’s conversations with Nehru on Gorkha question; enclosure: note of conversation on 23 June on this subject, and on withdrawal of British troops, partition, and French and Portuguese colonies in India</td>
<td>616</td>
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<tr>
<td>338 Indian Cabinet Meeting Cases 152 and 155/32/47</td>
<td>25</td>
<td>(1) Decision to establish States Dept of Govt of India; (2) discussion of communal situation in Lahore and Amritsar; Mountbatten summarises expert advice against imposition of martial law; lack of confidence expressed in officers handling disturbances; Gurgaon situation considered; agreement that (i) Jenkins should invite Punjab party leaders to make agreed recommendations of officers to be posted in Lahore and Amritsar, and to form security committee of officials and non-officials; (ii) Baldev Singh should again examine composition of troops in Gurgaon; (iii) party leaders should continue to use influence to encourage local leaders to stop violence</td>
<td>620</td>
</tr>
<tr>
<td>339 Jenkins to Mountbatten Letter</td>
<td>25</td>
<td>Analysis of situation in Lahore and Amritsar and of reasons for failure to control it; believes remedies are (a) genuine effort by party leaders to stop</td>
<td>623</td>
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<td>339 (cont.)</td>
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<td>trouble by pressure on their own goondas, (b) better intelligence, and (c) speedier justice; partition developments; signs of dissension within Muslim League; indications that Sikhs may go back on partition plan or delay progress; Punjab 'reasonably quiet' outside Lahore, Amritsar and Gurgaon</td>
<td>632</td>
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<tr>
<td>341 Menon to Abell</td>
<td>June</td>
<td>Reports position reached regarding destruction of confidential records in Reforms Office</td>
<td>632</td>
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<tr>
<td>Letter D.O. 24-S/47-R</td>
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<td>342 Caroe to Mountbatten</td>
<td>June</td>
<td>Refers to No. 309; states there is reason to believe Afghan move was to some extent inspired by Frontier Congress leaders; interference by Afghan Mission in Indian constitutional and political issues seems 'more than objectionable'; in no case could it be given access to tribal territory or Frontier States</td>
<td>633</td>
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<tr>
<td>Tel. CA/126</td>
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<td>343 Abell to Abbott</td>
<td>June</td>
<td>Reports Mountbatten 'has just had a very difficult time in Cabinet over Lahore', and that it was unanimously agreed that he should request Jenkins (i) to replace local officials by ones agreed by all three parties in whom they would undertake to repose complete confidence, and (ii) to form Standing Security Committee of local leaders</td>
<td>633</td>
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<tr>
<td>Tel. 1571-S</td>
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<tr>
<td>344 Minutes of Viceroy’s Forty Seventh Staff Meeting</td>
<td>June</td>
<td>Decisions that there should not be separate Boundary Commission for Assam and on miscellaneous points concerning Commissions</td>
<td>634</td>
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<td>Item 7</td>
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<tr>
<td>345 Hollis to Alexander</td>
<td>June</td>
<td>Reports views he believes Chiefs of Staff would wish to express on (a) Andaman and Nicobar Islands; (b) relations of H.M.G. with India and Pakistan</td>
<td>636</td>
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<td>Minute</td>
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<td>346 Hollis to Alexander</td>
<td>June</td>
<td>Reports views of Chiefs of Staff on withdrawal of British forces, and that they are 'very worried' about line taken by Mountbatten on Andamans and Nicobars</td>
<td>637</td>
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<td>Minute</td>
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<td>347 Cabinet India and Burma Committee</td>
<td>June</td>
<td>(1) recruitment of Gurkhas to British Army; (2) withdrawal of British forces</td>
<td>638</td>
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<td>I.B.(47)35th Meeting Minutes 1–2</td>
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<td>352 Listowel to Mountbatten</td>
<td>June</td>
<td>Discusses position of Governors of split Provinces as from appointed day and in particular question of whose advice should be taken on filling new appointments</td>
<td>648</td>
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<td>Tel. 8185</td>
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<tr>
<td>353 Listowel to Mountbatten</td>
<td>June</td>
<td>Refers to No. 284 and communicates Cabinet Committee’s views on inclusion of revised Clause on Andamans and</td>
<td>649</td>
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<tr>
<td>Tel. 8194</td>
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<td>353 (cont.)</td>
<td>June</td>
<td>Nicobars in draft Bill to be shown Indian leaders</td>
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<tr>
<td>369 Viceroy’s Personal Report No. 10, paras. 7-9</td>
<td>27</td>
<td>Reports decisions on 20, 23 and 26 June of Legislative Assemblies of Bengal and Punjab in favour of partition, and of Sind in favour of joining Pakistan</td>
<td>679</td>
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**CHAPTER 3**

_Implementation of the Plan._ Establishment of Partition Council; crisis over reconstitution of Executive Council; question of the Governor-Generalship: 26 June to 7 July 1947

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<tr>
<td>354 Meeting of Special Committee of Indian Cabinet Items i-ix</td>
<td>1947 June 26</td>
<td>(i) procedure for appointment of Provincial Governors; (ii) replacement of Special Committee by Partition Council; (iii) arrangements for setting up Pakistan Govt at Karachi; (iv) retention of British Officers in Indian Army; (v) letter regarding option to S/S’s Officers; (vi) division of Armed Forces; agreement that two Dominions should each have operational command of their respective armed forces but that, for an interim period, there should be joint administrative control (possibly under a Joint Defence Council); (vii) withdrawal of British Army; (viii) Boundary Commissions; suggestion by Mountbatten that Radcliffe might be considered for Chairmanship; (ix) reconstitution of Govts at Centre and in Bengal; members of Partition Council asked to consider alternatives</td>
<td>650</td>
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<tr>
<td>356 Nehru to Mountbatten Letter</td>
<td>26</td>
<td>Recalls that Indian leaders have been informed that, before legislation to transfer power is introduced, they will have opportunity of examining it; outlines his conception of form such legislation should take, emphasising in particular need for a separate Act for each new Dominion</td>
<td>658</td>
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<td>357 Jenkins to Mountbatten Letter 687</td>
<td>26</td>
<td>Refers to No. 343; in compliance with instructions has asked party leaders to suggest new teams of officers for Lahore district, and has formed Security Committee; is not hopeful of quick partition proceedings</td>
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<td>358 Auchinleck to Mountbatten Paper 6/47</td>
<td>June 26</td>
<td>Refers to Nos. 315 and 320; asks for official instructions on withdrawal of British troops; comments on certain points in No. 329</td>
<td>660</td>
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<td>359 Note by Patel</td>
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<td>360 Cabinet India and Burma Committee I.B.(47)36th Meeting Minute 3</td>
<td>June 26</td>
<td>(3) agreement not to accede to Gandhi's request for an assurance that H.M.G. would not differentiate between India and Pakistan in agreements made with them</td>
<td>662</td>
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<td>361 Cabinet C.M.(47)57th Conclusions Minute 4</td>
<td></td>
<td>Report by Attlee on progress in drafting Indian Independence Bill; agreement that he should discuss it with Opposition and that Mountbatten should show it to Indian leaders</td>
<td>664</td>
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<td>362 Chiefs of Staff Committee Paper C.O.S.(47)134(0)</td>
<td></td>
<td>Report by Chiefs of Staff concluding (i) that British forces could only be retained in India on request; (ii) if request for retention was received from India and Pakistan, or even Pakistan alone, it should be accepted</td>
<td>665</td>
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<tr>
<td>363 Burrows to Mountbatten Tel. 174–S</td>
<td>June 26</td>
<td>For reasons indicated in No. 364 presses that Chittagong Hill Tracts be treated, at least temporarily, as part of East Bengal pending negotiations between two Dominions</td>
<td>671</td>
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<td>364 Burrows to Mountbatten Tel. 175–C</td>
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<tr>
<td>367 Partition Council Meeting Case Nos. P.C.1/1/47 and 5/1/47</td>
<td></td>
<td>(1) consideration of question of reconstitution of Govts at Centre and in Bengal with agreement on arrangements for Bengal (and Punjab); (2) Mountbatten announces arrangements for enabling Indian leaders to study draft Bill</td>
<td>675</td>
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<tr>
<td>368 Mountbatten to Listowel Letter</td>
<td></td>
<td>Refers to Nos. 182 and 281; possible appointment of Radcliffe as Chairman of Arbitral Tribunal and of Boundary Commissions; welcomes proposal to establish Commonwealth Relations Office—title 'Dominion' is becoming 'almost unpopular'; need for looser form of Commonwealth association; Ceylon; possible renewal of invitation to India to participate in U.K. military colleges, etc; 'transfer of power' honours; late hours worked</td>
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<td>369 (cont.)</td>
<td>June</td>
<td>and Gurgaon; 'very difficult' Cabinet meeting resulting in decision to establish Security Committee of local Punjab leaders; decisions in Legislative Assemblies of Bengal and Punjab on partition, and in Sind to join Pakistan; agreement on Boundary Commissions' terms of reference and on appointment of Radcliffe as Chairman; controversy over Liaquat's request for printing press; conversion of Partition Committee into Partition Council; Jinnah member of latter; crisis over reconstruction of Interim Government; stalemate over composition of Arbitral Tribunal; method of election in Baluchistan; sterile meetings among Gandhi, Jinnah and Ghaffar Khan regarding N.W.F.P.; position regarding S/S's Officers continuing to serve India or Pakistan; Nehru's alleged statement at Hardwar regarding N.W.F.P. referendum; rejection by Congress leaders of proposal that Pakistan Constituent Assembly should meet in Delhi; Montgomery's visit; plans for division of Army</td>
<td>691</td>
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<tr>
<td>370 Mountbatten to Jenkins Letter</td>
<td>27</td>
<td>Acknowledges No. 299; will not show Nehru No. 218 as latter is in 'rather a difficult state of mind' at present; only overriding necessity of achieving political settlement compels Mountbatten to avoid anything tending to a break with Indian leaders</td>
<td>692</td>
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<td>371 Moon to Ismay Letter</td>
<td>27</td>
<td>Explains possibility that Sikhs can be brought to accept that East Punjab should join Pakistan which will avert (otherwise inevitable) civil war; suggests <em>inter alia</em> that East Punjab should be given strongest possible Sikh complexion by detaching certain Hindu districts from it</td>
<td>693</td>
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<td>372 Note by H. M. Patel</td>
<td>27</td>
<td>Circulates to members of Partition Council note by Mountbatten on Partition of Armed Forces; Annexures: I: Outline proposals for control of armed forces during reconstitution (including proposal for Joint Defence Council); II: Draft terms of reference for Armed Forces Reconstitution Committee</td>
<td>701</td>
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<tr>
<td>374 Listowel to Attlee Minute 102/47</td>
<td>27</td>
<td>Refers to Nos. 373 and 366; attaches draft of letter from Attlee to Lascelles explaining position regarding procedure for</td>
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<td>374 (cont.)</td>
<td>June</td>
<td>appointment of Governor-General and Governors</td>
<td>704</td>
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<tr>
<td>376 Listowel to Mountbatten Letter</td>
<td>27</td>
<td>Refers to No. 161, para. 4 and explains why India Committee are unwilling to agree to Gandhi's request for an assurance from H.M.G. that they would not differentiate between India and Pakistan in agreements made with them, or to state that they desired tripartite arrangements; food question; programme for discussion of draft Bill with Opposition and Indian leaders; Bhopal's views on H.M.G.'s policy towards States; Burmese goodwill Mission and policy on Burma</td>
<td>707</td>
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<tr>
<td>377 H.M. Minister, Kabul to G. of I., External Affairs and Commonwealth Relations Dept Tel. 52</td>
<td>27</td>
<td>Refers to Nos. 342 and 309; reviews position of Afghan Govt and possible courses of action open to it regarding N.W.F.P.; suggests Afghan Mission might be permitted to visit Delhi</td>
<td>708</td>
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<tr>
<td>378 Mountbatten to Listowel Tel. 1610-S</td>
<td>27</td>
<td>Reports proceedings of Partition Council regarding Chairmanship of Boundary Commissions, and of Arbitral Tribunal; requests that Radcliffe should be asked to accept Chairmanship of both Boundary Commissions</td>
<td>709</td>
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<tr>
<td>379 Mountbatten to Listowel Tel. 1616-S</td>
<td>27</td>
<td>Reports proceedings in Partition Committee and Partition Council (see Nos. 354, Minute ix, and 367) and private talks with Patel and Jinnah on reconstitution of Governments at Centre and in Bengal and Punjab; explains he will be telegraphing Jinnah's objections to reconstitution at Centre for legal opinion, asks for early reply, and indicates course of action he intends to pursue</td>
<td>712</td>
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<tr>
<td>381 Listowel to Mountbatten Tel. 8284</td>
<td>27</td>
<td>Refers to No. 335 and conveys H.M.G.'s agreement to start withdrawal of British forces on 15 August; discusses timing and terms of announcement</td>
<td>713</td>
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| 382 Gandhi to Mountbatten Letter | 27/28 | Argues that Mountbatten must choose between parties, taking his advisers from League if he believes Jinnah is more correct than Congress; argues that there is no need to 'put a premium' on 'initial mistake of the British being party to splitting India into two'; contests view that if partition had not been made during British occupation, Hindus would never have allowed it; belief that 'Hindu society by reason of its mere superiority in
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<td>382 (cont.)</td>
<td>June</td>
<td>numbers can crush millions of Muslims is an outstanding myth’</td>
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<tr>
<td>383 Mountbatten to Jenkins Letter 40/5</td>
<td>28</td>
<td>Refers to No. 339; believes if all three parties could agree on appointment of set of local officials 'it would make a great deal of difference'; mentions proposal for two sets of advisers in Punjab; is having Jenkins's proposals for speedier justice examined but 'formidable difficulties' usually arise over proposals of this sort</td>
<td>715</td>
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<tr>
<td>384 Mountbatten to Jenkins Letter 133/14</td>
<td>28</td>
<td>Refers to No. 357; mentions he did press party leaders in Cabinet to use their influence to stop trouble in Lahore; confirms Jenkins will be free to leave on 15 August but probably not before</td>
<td>716</td>
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<tr>
<td>388 Shone to Secretary to Cabinet Despatch 63</td>
<td>28</td>
<td>Encloses note by Nehru on his talks with Montgomery about withdrawal of British troops, and employment of Gurkhas in British Army</td>
<td>720</td>
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<td>389 Minutes of Viceroy's Forty Eighth Staff Meeting Item 1</td>
<td>28</td>
<td>Refers to No. 382; Mountbatten states Gandhi has misinterpreted what he had said to him</td>
<td>726</td>
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<td>390 Mountbatten to Gandhi Letter</td>
<td>28</td>
<td>Refers to No. 382; he (Mountbatten) must have failed to make his meaning clear; is glad letter has not been shown to others since he would be sorry 'that views should be attributed to me which I did not, in fact, express'; hopes they may discuss these matters again</td>
<td>727</td>
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<tr>
<td>391 Listowel to Mountbatten Tel. 73</td>
<td>28</td>
<td>Refers to No. 352; enquires about possibility of political leaders agreeing to appointment of existing Governors of Bengal and Punjab as Governors of both halves of their respective Provinces</td>
<td>727</td>
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<tr>
<td>392 Nehru to Mountbatten Letter</td>
<td>28</td>
<td>Refers to No. 356, note 2; points out that legislation to transfer power is of 'utmost consequence to India'; thinks it 'an entirely wrong approach to proceed secretly'; trusts that full opportunity will be given them to consider Bill before it is introduced in Parliament</td>
<td>728</td>
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<tr>
<td>393 Liaquat Ali Khan to Mountbatten Letter</td>
<td>28</td>
<td>Encloses draft terms of reference for Boundary Commissions</td>
<td>729</td>
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<td>394 Tyson to Abell Letter d.o. 113-C.R.</td>
<td>28</td>
<td>Reports that Ghosh has rejected, but Suhrwardy agreed to, proposals for reconstitution of Government in Bengal and Ghosh is flying to see Congress High Command</td>
<td>730</td>
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<td>395</td>
<td>June 29</td>
<td>Outlines Govt of India’s views, in the light of Afghan Govt’s press campaign, regarding the position of the peoples living between the Durand Line and the Indus river; suggests H.M.G. might consider requesting U.S. Govt to utter an informal warning to Afghan Minister in Washington</td>
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<td>396</td>
<td>28/29</td>
<td>Reports that Ghaffar Khan has written to him stating his followers will abstain from voting in referendum, and drawing attention to certain other matters regarding conduct of referendum</td>
<td>732</td>
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<td>397</td>
<td>28/29</td>
<td>Refers to No. 392; encloses invitation (already drafted) to study draft Bill; trusts Rau’s presence will meet need for constitutional and legal advice; Enclosure: letter from Mountbatten to Nehru inviting him to come to Viceroy’s House on 1 July to study draft Bill; arrangements made for Congress and League representatives to study Bill in separate rooms; Patel, Jinnah and Liaquat also invited; indicates expert advisers who will be present</td>
<td>733</td>
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<td>398</td>
<td>29</td>
<td>Refers to Nos. 399, Item 2, and 393; reviews discussions regarding Boundary Commissions’ terms of reference to which he and staff have not had ‘a shadow of doubt’ that League had agreed; notice is being issued next day; is sure Jinnah will agree that delay resulting from re-opening question should not be incurred</td>
<td>735</td>
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<td>399</td>
<td>29</td>
<td>Reports talk with Jinnah and Liaquat (on 28 June) on (1) reconstitution of Interim Govt; (2) Boundary Commissions’ terms of reference; (3) Purnea; (4) N.W.F.P. referendum; (5) possible appointment of Cunningham as Governor of N.W.F.P.; (6) proposed appointment of Rowlands as Financial Adviser and general administrator in Pakistan</td>
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<td>400</td>
<td>29</td>
<td>Explains Boundary Commission’s work will not include consideration of Bihar (or Sind) boundaries</td>
<td>738</td>
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<td>404</td>
<td>29</td>
<td>Memorandum by Listowel circulating No. 379, a draft reply, and the relevant statutory provisions governing conduct of business in Executive Council</td>
<td>742</td>
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<td>405</td>
<td>29</td>
<td>Attitude of Muslim League and Jinnah to use by areas adhering to existing</td>
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<td>405 (cont.)</td>
<td>June</td>
<td>Constituent Assembly of title 'India' rather than 'Hindustan'</td>
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<td>406 Mountbatten to Listowel Tel. 1650-S</td>
<td>29</td>
<td>Refers to No. 391; no chance of persuading parties to agree to Burrows and Jenkins staying on temporarily as Governors of both new halves of their Provinces</td>
<td>745</td>
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<td>407 Abbott to Abell Express letter G.S. 401</td>
<td>29</td>
<td>Transmits note by Jenkins opposing proposal to establish two bodies of Advisers in Punjab</td>
<td>745</td>
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<td>408 Nehru to Mountbatten Letter</td>
<td>29</td>
<td>Refers to No. 397 and Enclosure; points out legislation is going to affect future of India vitally; complains they are only being given chance to see draft at last stage; Rau's presence will be welcome, but they wish to consult others; Gandhi should also see draft Bill; if 'willing assent of all parties concerned' is not obtained, object of Bill 'is somewhat nullified'; earnestly requests him to consider matter afresh and if necessary consult H.M.G.</td>
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<td>409 Mountbatten to Burrows Tel. 1651-S</td>
<td>29</td>
<td>Refers to No. 410; this gives Burrows exact instructions regarding reconstitution of Govt in Bengal which he (Mountbatten) is satisfied will be acceptable to Congress</td>
<td>747</td>
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<td>410 Mountbatten to Burrows Tel. 1652-S</td>
<td>29</td>
<td>Transmits list of instructions referred to in No. 409</td>
<td>748</td>
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<tr>
<td>411 Mountbatten to Listowel Tel. 1653-S</td>
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<td>Reports Nehru's request in No. 408 that Bill be shown to Gandhi and others in addition to those already invited; Mountbatten thinks request should be granted, and hopes by so doing to carry Congress leaders with him despite Nehru's protest at procedure adopted for consideration of Bill</td>
<td>748</td>
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<tr>
<td>412 Mountbatten to Listowel Tel. 1655-S</td>
<td>29</td>
<td>Refers to No. 413; is advised that his proposal is legal; reports Jinnah's remark that legal objection was device to enable Mountbatten to postpone reconstitution if he wished; but Mountbatten believes he 'must go ahead if the course proposed is not unconstitutional, since Nehru in particular is most insistent'</td>
<td>749</td>
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<td>413 Mountbatten to Listowel Tel. 1656-S</td>
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<td>Refers to No. 412 and transmits text of Jinnah's note objecting to legality of proposal for reconstituting Interim Govt</td>
<td>750</td>
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<td>415 Gazette of India Extraordinary Notification by G. of I., Secretariat of Governor-General (Reforms)</td>
<td>30</td>
<td>Announcement by Governor-General of composition and terms of reference of Boundary Commissions</td>
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<td>416 Partition Council Meeting</td>
<td>June 30</td>
<td>Consideration and approval, subject to minor amendments, of Mountbatten’s note (No. 372) on partition of Armed Forces</td>
<td>756</td>
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<td>417 Record of Interview between Mountbatten, Kartar Singh and Baldev Singh</td>
<td>30</td>
<td>Mountbatten refers to No. 178; discussion of weightage and safeguards demanded by Sikhs; Kartar Singh refers to possibility of partitioning East Punjab to enable separate Punjabi-speaking Province to be formed; Sikh demands regarding demarcation of boundary and transfer of population, and that Mountbatten’s broadcast (No. 44) should be given to Boundary Commission; Mountbatten undertakes to write to Indian leaders to put Sikh point of view; Annex: note by Kartar Singh on demarcation of boundaries, transfer of population, and safeguards demanded by Sikhs</td>
<td>760</td>
</tr>
<tr>
<td>421 Cabinet India and Burma Committee</td>
<td>30</td>
<td>(1) Future of India Office and its contents; decision that this matter should be left for negotiation with Indian Govt; (2) future of Interim Govt; decision that Mountbatten’s discretion in handling this question should not be fettered but that he should be informed that Ministers considered there was ‘much force’ in Jinnah’s note</td>
<td>768</td>
</tr>
<tr>
<td>422 Mountbatten to Gandhi Letter 1446/3</td>
<td>30</td>
<td>Refers to No. 396; is glad referendum will proceed without interference by Ghaffar Khan’s followers; is sending No. 396 to Lockhart so that he may take any necessary action on other points mentioned; reports what he has done regarding Kashmir</td>
<td>772</td>
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<tr>
<td>423 Mountbatten to Gandhi Letter 1446/8</td>
<td>30</td>
<td>Invites him to meeting to see Indian Independence Bill</td>
<td>773</td>
</tr>
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<td>424 Mountbatten to Nehru Letter 1446/8</td>
<td>30</td>
<td>Refers to No. 408; agrees to additional persons mentioned therein attending meeting to study draft Bill; emphasises need to avoid any leakage; has told Jinnah he could also increase his party</td>
<td>773</td>
</tr>
<tr>
<td>425 Mountbatten to Jinnah Letter 1446/8</td>
<td>30</td>
<td>Is glad to know Jinnah is satisfied with composition of his party to consider draft Bill; emphasises need to avoid any leakage; mentions invitation to Gandhi; refers to clause enabling one person to be appointed to both Governor-Generalships and asks whom Jinnah wishes to nominate as Governor-General of Pakistan</td>
<td>774</td>
</tr>
<tr>
<td>426 Jenkins to Mountbatten Letter (extract)</td>
<td>30</td>
<td>Meetings of Security Committee; Jenkins thinks party leaders have ‘really tried to restore peace’; discussions regarding</td>
<td>775</td>
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<td>426 (cont.)</td>
<td>June</td>
<td>selection of district staffs in Lahore and Amritsar; membership of Punjab Partition Committee; Steering Committee &quot;seems to be working all right&quot;; proposal for two teams of Advisers; party leaders think Jenkins's proposals for special tribunals too severe; interview that day with Mamdot and Sadiq Hassan; Mamdot is &quot;clearly not at all happy about the communal position&quot; and &quot;particularly sore&quot; at search operation at Misri Shah, and wants another Muslim added to Security Committee</td>
<td>798</td>
</tr>
<tr>
<td>430 Minutes by Erskine Crum, Abell and Mountbatten</td>
<td>30</td>
<td>Question whether to raise issue of Chittagong Hill Tracts at meeting with Indian leaders</td>
<td>799</td>
</tr>
<tr>
<td>431 G. of I., External Affairs and Commonwealth Relations Dept, to S. of S. Tel. 5078</td>
<td>30</td>
<td>Refers to Nos. 309, 377 and 395; contests Afghan Govt's claims regarding territory between Durand Line and Indus River and, in particular, rejects proposal to send mission to India and suggestion that territory should be free to join Afghanistan or separate from both successor Govts; notes territory can claim &quot;fullest autonomy&quot; within framework of one of successor Govts; G. of I. desire &quot;nothing but friendship with Afghanistan&quot;; reiterates suggestion that friendly third party, e.g. U.S.A., should be asked to put in word of caution to Afghan Govt</td>
<td>801</td>
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<tr>
<td>433 Listowel to Mountbatten Tel. 8360</td>
<td>30</td>
<td>Refers to Nos. 379, 412 and 413 and conveys Ministers' views thereon; comments on obscurities in draft announcement on reconstitution of Interim Govt; outlines legal position indicating that something on lines Mountbatten proposes can be done provided it carries general agreement of all Members of Council; Ministers consider Jinnah has made out 'strong case' and that his alternative solution would be preferable course to adopt; H.M.G. authorise Mountbatten to deal with situation as seems best to him but point out Parliamentary importance of being able to maintain that partition is being carried out by agreement--&quot;smooth and quiet passage of bill . . . might turn on this&quot;; discusses arrangements for release of statement and general line to be taken on reconstitution of Govt</td>
<td>803</td>
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<tr>
<td>435 Nehru to Mountbatten Letter</td>
<td>30</td>
<td>Thanks for No. 424; will convey invitation to additional experts and</td>
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<td>435 (cont.)</td>
<td>June</td>
<td>lawyers to attend meeting; his intention was however to consult Cabinet colleagues; gives assurance to make every effort to prevent leakage and asks to have a copy of Bill to show Cabinet colleagues; Gandhi may not attend meeting as time is inconvenient</td>
<td>804</td>
</tr>
<tr>
<td>436 Mountbatten to Attlee Tel. 1675-S via India Office</td>
<td>30 June</td>
<td>Reports Krishna Menon has warned him that Nehru threatens resignation unless allowed to take away copy of Bill; mentions Nehru's promise to make every effort to prevent leakage; requests authority to use discretion to avert crisis</td>
<td>805</td>
</tr>
<tr>
<td>437 Mountbatten to Listowel Tel. 1677-S</td>
<td>30 June</td>
<td>Refers to Nos. 412 and 413; reviews position regarding reconstitution of Interim Govt and in particular what Jinnah could do if he decided to oppose it; notes possibility of Jinnah contacting Opposition and consequently of Bill not passing this Session in which event 'we would be in an absolutely irretrievable mess'; if, to avoid Nehru's resignation, he has to proceed with reconstitution, suggests Opposition be kept fully in touch to enable them to judge any approach from Jinnah</td>
<td>806</td>
</tr>
<tr>
<td>438 Listowel to Mountbatten Tel. 8380</td>
<td>30 June</td>
<td>Refers to No. 411; notifies Opposition concurrence in Bill being shown Indian leaders; Cabinet Committee feel that, because of shortage of time, drafting points cannot be considered but only points of principle; suggests arguments to counter Nehru's complaint that other Dominions had opportunity for full consideration of their Bills; opposes communiqué stating that Indian leaders were being consulted</td>
<td>807</td>
</tr>
<tr>
<td>439 Attlee to Mountbatten Tel. 8393 via India Office</td>
<td>1 July</td>
<td>Refers to No. 436; agrees he may allow Nehru to take draft Bill away; desirable to give Jinnah similar facilities</td>
<td>807</td>
</tr>
<tr>
<td>440 Listowel to Mountbatten Tel. 74</td>
<td>1 July</td>
<td>Refers to No. 366; sends revision of proviso relating to possibility of same person being Governor-General of both Dominions; has no objection to this revision but feels it might be better to try out proviso as it stands</td>
<td>808</td>
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<tr>
<td>441 Listowel to Mountbatten Tel. 75</td>
<td>1 July</td>
<td>Reports that Opposition leaders adopted helpful attitude in discussions on 30 June; main criticisms were on use of title India for Hindustan and expression</td>
<td>809</td>
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<td>441 (cont.)</td>
<td>July</td>
<td>'Independence Bill' rather than 'Indian (Self Government) Bill'</td>
<td>810</td>
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<tr>
<td>442 Report of remarks by Gandhi</td>
<td>30 June</td>
<td>In an after prayer speech on 30 June Gandhi commented on referendum in N.W.F.P. and Ghaffar Khan’s attitude to Pathanistan and Afghanistan</td>
<td>810</td>
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<tr>
<td>443 Cabinet C.M.(47)58th Conclusions Minutes 2, 6</td>
<td></td>
<td>Dominions Office—change of title; agreement not to change title of Indian Independence Bill but special effort to be made to explain implications of title</td>
<td>810</td>
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<tr>
<td>444 Attlee to Churchill Letter</td>
<td></td>
<td>Has discussed Indian legislation with Eden and others; doubts whether he can hold up Second Reading until Churchill returns</td>
<td>812</td>
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<td>445 Churchill to Attlee Letter</td>
<td></td>
<td>Expresses concern that Bill is to be called 'Indian Independence Bill'; says he only supported Mountbatten proposals because they establish the phase of Dominion status which is not the same as independence</td>
<td>812</td>
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<td>447 Attlee to Mountbatten Tel. 8402 via India Office</td>
<td></td>
<td>Refers to No. 437; Viceroy will see from No. 433 that Ministers do not feel that his Interim Govt proposals are fair to Jinnah; H.M.G. will support Viceroy if it is essential to reach decision next day, but they hope he may secure more time; open Congress-League split would endanger passing of Bill</td>
<td>814</td>
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<tr>
<td>448 Mountbatten to Listowel Tel. 1681-S</td>
<td></td>
<td>Refers to No. 433; considers there is still slight hope that he can persuade Nehru not to insist on reconstitution of Govt; asks for tel. expressing their doubts on legality of procedure which he could show Nehru</td>
<td>815</td>
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<tr>
<td>449 Cripps to Mountbatten Tel. 78 via India Office</td>
<td></td>
<td>Cripps sends message to be passed to Nehru if Viceroy wishes; in message Cripps appeals to Nehru not to jeopardise independence date by insisting on particular form of Interim Govt for remaining few weeks</td>
<td>815</td>
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<tr>
<td>451 Carter to Ismay Tel. 8413</td>
<td></td>
<td>Explains that one reason for change in title of Dominions Secretary and Dominions Office is to prepare for different set-up of S. of S. for India and India Office</td>
<td>817</td>
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<td>453 S. of S. to H.M. Minister, Kabul Tel. 56</td>
<td></td>
<td>Refers to No. 431; says H.M.G. wishes to reply to No. 272 on the basis that the area in question is an integral part of India and H.M.G. cannot admit right of any foreign govt to intervene; suggests answers that should be given to Afghanistan’s specific requests; asks for G. of I.’s views urgently</td>
<td>820</td>
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<tr>
<td>454 Listowel to Mountbatten Tel. 8453</td>
<td></td>
<td>Says that legal advice he has received on Viceroy’s proposals is to the effect that</td>
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<td>454 (cont.)</td>
<td>July</td>
<td>They could be adopted provided there is general agreement among Members of Council on them</td>
<td>822</td>
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<td>455 Mamdot to Jenkins Letter</td>
<td>2</td>
<td>Outlines Muslim grievances on law and order matters; says that before they 'finally decide to sever our connection' they desire: (1) an increase in the Muslim members of the Security Council to two; (2) the ending of all repressive measures; (3) an assurance that necessary measures will only be adopted after consultation with Security Council; (4) parity of Muslim and non-Muslim Officers in Special Police Staff</td>
<td>824</td>
</tr>
<tr>
<td>456 Baldev Singh to Nehru Letter</td>
<td>2</td>
<td>Expresses concern at provisions in draft Bill relating to disputed districts in Western Punjab; asks him to ensure amendments are made so that administration of them does not go over to Pakistan automatically when Bill becomes law</td>
<td>825</td>
</tr>
<tr>
<td>457 Mountbatten to Jinnah Letter</td>
<td>2</td>
<td>Says he was astounded that Jinnah is unable to let King have advice on future Governor-General by 4 July; asks to see him later that day</td>
<td>826</td>
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<tr>
<td>458 Mountbatten to Attlee Tel. 1690-S via India Office</td>
<td>2</td>
<td>Says situation is incredibly explosive and he is advised Congress will not compromise on different system for Interim Govt.; will take line that he cannot legally put proposals through until Bill has been passed; Krishna Menon believes Congress will accept a 20 July target date for enactment of Bill; as League Members are moving to Karachi on 7 August this would mean they would only serve under new conditions for fortnight; considers this might prove acceptable compromise; says tel. as in No. 468 would be of utmost help</td>
<td>830</td>
</tr>
<tr>
<td>461 Mountbatten to Listowel Tel. 1701-S</td>
<td>2</td>
<td>Is delighted with invitations in No. 462; has telegraphed Nye and Colville urging them to stay on</td>
<td>831</td>
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<tr>
<td>462 Mountbatten to Listowel Tel. 1702-S</td>
<td>2</td>
<td>Refers to No. 461 and sends text of letter from Nehru in which he expresses hope that Colville and Nye will stay on as Governors in addition to Trivedi and Hydari; new Governors needed elsewhere</td>
<td>833</td>
</tr>
<tr>
<td>464 Mountbatten to Listowel Tel. 1714-S</td>
<td>2</td>
<td>Reports discussion in Partition Council on 30 June on partition of Armed Forces and withdrawal of British troops; feels time has come to issue announcement on latter subject</td>
<td>833</td>
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<td>465 Cabinet India and Burma Committee I.B.(47)39th Meeting Minutes 1–2</td>
<td>July 2</td>
<td>(1) Consideration of No. 458; agreement that tel. asked for by Viceroy should be sent (see No. 468) but it should be modified to emphasise need for immediate finality on terms of Bill; (2) decision to retain title 'Indian Independence Bill'; desirability of Dominions support for this draft that have been made in No. 468</td>
<td>834</td>
</tr>
<tr>
<td>467 Listowel to Mountbatten Tel. 8509</td>
<td>3</td>
<td>Refers to No. 458; explains changes to his draft that have been made in No. 468</td>
<td>838</td>
</tr>
<tr>
<td>468 Attlee to Mountbatten Tel. 8510 via India Office</td>
<td>3</td>
<td>Explains that H.M.G. cannot sanction reconstruction of Interim Govt until legal position is assured by passing of Bill; is speeding up passage of Bill to aim at target date of 20 July; important they should have Indian leaders’ comments on draft Bill immediately</td>
<td>838</td>
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<tr>
<td>470 Note by Erskine Crum</td>
<td>3</td>
<td>Note of Viceroy’s meeting on 2 July to discuss Jinnah’s wish to be Governor-General of Pakistan; courses considered were: (A) to accede to request and for Mountbatten to stay as G.-G. of India alone; (B) to accede to request and for Congress to nominate someone other than Mountbatten as G.-G.; (C) to devise formula enabling Mountbatten to remain G.-G. of both Dominions while satisfying Jinnah’s vanity</td>
<td>839</td>
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<tr>
<td>471 Draft Note by Campbell-Johnson</td>
<td>undated</td>
<td>With reference to No. 470, considers course (C) offers best solution from every point of view but feels course (A) would be favourably received; course (B) would not avoid serious criticism</td>
<td>842</td>
</tr>
<tr>
<td>472 Jenkins to Mountbatten Express letter 689</td>
<td>3</td>
<td>Informs him of Mamdot’s resignation from Security Committee; comments on Mamdot’s grievances; outlines courses open to them; favours carrying on as before although he has suspended search programme</td>
<td>843</td>
</tr>
<tr>
<td>473 Ismay to Baldev Singh Letter</td>
<td>3</td>
<td>Refers to No. 456; corrects Baldev’s interpretation of discussion in Partition Council regarding control of Armed Forces in disputed areas; states possibility of joint administration of disputed areas has invariably been ruled out as impracticable</td>
<td>846</td>
</tr>
<tr>
<td>474 Ismay to Moon Letter</td>
<td>3</td>
<td>Thanks for No. 371; reports Viceroy’s interview with Baldev Singh and Giani Kartar Singh (No. 417); doubts very much whether there will be any settlement between Sikhs and Muslims; considers things have now gone too far for H.M.G. to adopt his proposal and feels that any</td>
<td>846</td>
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<td>474 (cont.)</td>
<td>July</td>
<td>Redrawing of boundaries must be done by successor authorities</td>
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<td>475</td>
<td></td>
<td>Forwards statement by N.W.F.P. Ministry on proposed referendum; has been unable to persuade Ministers to modify para. in which it is argued that referendum is unnecessary; Ministers have assured him of their desire that referendum should be conducted peacefully</td>
<td>847</td>
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<td>477</td>
<td></td>
<td>Sends copy of note from Auchinleck to Baldev Singh with which Auchinleck sent copy of his Minute in No. 476; Auchinleck noted that if, after 15 August, a Dominion Govt wished to use the armed forces to coerce States, it would be necessary to decide the position of the British Officers in command; he is taking matter up with Viceroy; Smith adds that in no circumstances can British Officers in Pakistan and Hindustan be used in operations against each other</td>
<td>851</td>
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<td>478</td>
<td></td>
<td>(2) Viceroy says that Krishna Menon had told him that there was now a chance that Congress would accept continuation of present Interim Govt for further period; arrangements for Viceroy to approve orders and appointments made by Members; (3) composition of Arbitral Tribunal; (5) Governors of Provinces after independence</td>
<td>852</td>
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<td>481</td>
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<td>Explains why it is considered essential that Indian legislation is passed that month; High Commissioners to ask Dominion Prime Ministers whether the title 'India Independence Bill' is acceptable; if it is, H.M.G. would like to be able to say so publicly</td>
<td>861</td>
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<td>482</td>
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<td>Sends text of formula agreed with de Valera for use if they are asked in Parliament whether Eire had been approached on the omission of the words 'Emperor of India' from King's Title</td>
<td>862</td>
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<td>483</td>
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<td>Reports that Jinnah told him previous night of his wish to become Governor-General of Pakistan; Mountbatten is therefore faced with 'appalling problem' of whether to stay as Governor-General of India or to leave on 15 Aug; suggests Attlee takes no action at present</td>
<td>863</td>
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<td>486 Cabinet India and Burma Committee I.B.(47)40th Meeting Minutes 1-4</td>
<td>July 3</td>
<td>(1) defence arrangements in India; (2) consideration of No. 464; no announcement on withdrawal of British Army to be made in advance of Second Reading of Bill; (3) consideration of tels. giving Congress's and League's reactions to draft Bill; amendments to meet points raised; (4) relations with Afghanistan</td>
<td>866</td>
</tr>
<tr>
<td>487 Listowel to Mountbatten Tel. 8560</td>
<td>July 3</td>
<td>Draws his attention to military and defence questions which must be resolved with the new Dominions; says H.M.G. must decide: (1) on method of approach to Indians; (2) on their detailed requirements; seeks his views on (1) and on what should be said in Parliament</td>
<td>871</td>
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<tr>
<td>488 Clutterbuck to Commonwealth Relations Office Tel. 572</td>
<td>July 3</td>
<td>Refers to No. 481; Mackenzie King feels word 'independence' will be taken to mean independence of Commonwealth; he cites 1926 precedent; he does not feel Canadians will be unduly excited but suggests title 'India (transfer of Powers) Bill'</td>
<td>873</td>
</tr>
<tr>
<td>489 Mountbatten to Listowel Tel. 1732-S</td>
<td>July 4</td>
<td>Refers to No. 447; explain why he feels his Interim Govt Plan is fair to League; forwards text of instructions to Burrows which indicates how scheme would work at Centre</td>
<td>874</td>
</tr>
<tr>
<td>490 Listowel to Mountbatten Tel. 8578</td>
<td>July 4</td>
<td>Refers to No. 369, note 13; explains that there is no longer any system whereby H.M.G. can ensure priority for supply of items like printing plant</td>
<td>875</td>
</tr>
<tr>
<td>492 Costar to Commonwealth Relations Office Tel. 193</td>
<td>July 4</td>
<td>Refers to No. 481; Fraser is consulting others before replying but feels himself that term 'independence' is unfortunate; he much doubts whether Opposition will agree in view of their attitude on the change of the Dominions Office title</td>
<td>876</td>
</tr>
<tr>
<td>493 Meeting of Indian Cabinet Cases 162, 170 and 171/33/47</td>
<td>July 4</td>
<td>(1) Financial liability arising out of the payment of compensation to the officers of the Secretary of State's Services; (2) Afghan claims on the North West Frontier; (3) Reconstitution of the Central Govt; modifications to be made to procedure under 'standstill' agreement</td>
<td>877</td>
</tr>
<tr>
<td>494 Hankinson to Commonwealth Relations Office Tel. 451</td>
<td>July 4</td>
<td>Refers to No. 481; reports that in preliminary talk Chifley and Evatt felt that while proposed title was unlikely to create any real difficulty for Australia, they were not happy about use of word 'independence'; however they recognised</td>
<td>880</td>
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<td>495 Viceroy’s Conference Paper V.C.P. 107</td>
<td>July</td>
<td>Question of Mountbatten remaining Governor-General of India only; need for Jinnah to re-affirm that he would welcome this; possible amendments to Bill</td>
<td>881</td>
</tr>
<tr>
<td>496 Mountbatten to Gandhi Letter 1446/3</td>
<td>July</td>
<td>In the light of No. 396, trusts he will be able to persuade Ghaffar Khan to implement the policy of allowing referendum in N.W.F.P. to take place without interference by Red Shirts</td>
<td>883</td>
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<td>497 Mountbatten to Nehru Letter 592/63</td>
<td>July</td>
<td>Explains Sikh anxieties regarding their position in Punjab and Union of India; also their wish for special representation in existing Constituent Assembly; and that transfer of population should be considered; says he much sympathises with the Sikhs and hopes Nehru will be able to help them</td>
<td>884</td>
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<tr>
<td>498 Mountbatten to Jinnah Letter 592/63</td>
<td>July</td>
<td>Sends similar letter to No. 497; Sikhs urge that transfer of population should be considered; they also desire special consideration in Central Legislature and Government of Pakistan; Viceroy hopes everything possible will be done to allay Sikh fears</td>
<td>884</td>
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<tr>
<td>499 Minutes of Viceroy’s Fifty Second Staff Meeting Item 2</td>
<td>July</td>
<td>Consideration of No. 495; Mountbatten decides to leave proviso in Bill allowing for appointment of same person as Governor-General of both Dominions</td>
<td>885</td>
</tr>
<tr>
<td>500 Mountbatten to Jinnah Letter 1446/16</td>
<td>July</td>
<td>Asks him to send in writing immediately name recommended for Governor-General of Pakistan</td>
<td>887</td>
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<td>502 Nehru to Vellodi Tel. 5211</td>
<td>July</td>
<td>Refers to No. 450; doubts whether agents of Indian States in London can produce much effect; outlines Congress position on States; explains that decision of Frontier Congress to boycott referendum does not mean that it is demanding separate, independent status for Province</td>
<td>888</td>
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<td>503 Jenkins to Mountbatten Letter 690</td>
<td>July</td>
<td>Says that after that morning’s meeting of Partition Council, Swaran Singh told him: (1) that partition proceedings could not go very far until boundary was finally settled, and that Panthic Party would not agree to installation of two new Govts on basis of ‘notional’ boundary; (2) time allowed for proceedings was much too short</td>
<td>890</td>
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<td>504 Attlee to Churchill Letter</td>
<td>July</td>
<td>Refers to No. 445; does not agree with point he makes; feels term ‘independence’ emphasises the complete freedom of</td>
<td>891</td>
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<td>504 (cont.)</td>
<td>July</td>
<td>members of Commonwealth from control by others</td>
<td>892</td>
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<td>505 Mountbatten to Listowel Letter</td>
<td>4</td>
<td>Refers to No. 376; Attlee’s line on Gandhi’s proposal for similar agreements with both Dominions will have reasonably good effect in India; is sorry Burma is likely to leave Commonwealth; wonders whether Burma could not go ahead on basis of interim Dominion period; is glad clause in draft Bill allows for continued use of Privy Council; Nehru’s suggestion for London discussion on position of Indians in certain Empire countries; difficulty of Interim Govt question</td>
<td>893</td>
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<td>506 Viceroy’s Personal Report No. 11</td>
<td>4</td>
<td>Trivedi’s role in persuading both parties to accept scheme for partition of armed forces; Nehru’s request (No. 462) for Nye and Colville to stay as Governors; discussions with Congress and League on draft Bill; situation generally quiet except in Punjab; Mamdot’s resignation from Punjab Security Committee; Calcutta Riots Enquiry Commission to be dissolved; arrangements in Bengal during interim period; background to Congress insistence on reconstitution of Interim Govt; No. 468 finally convinced Congress of impossibility of immediate reconstitution; arrangements for conducting business until Govt reconstituted; Jinnah’s complaints on Sylhet referendum; Baluchistan votes to join Pakistan; Viceroy’s correspondence with Gandhi (Nos. 382, 390 and 496); refugee problem; cruiser for, and loan of Royal Navy personnel to, Indian Navy; discussions with Jinnah on proposal for Mountbatten to remain as Governor-General of both Dominions until 31 March 1948 (paras. 21–34); Mountbatten in complete quandary as to what he should do and is sending Ismay home to seek guidance</td>
<td>900</td>
</tr>
<tr>
<td>507 Mountbatten to Attlee Tel. 1736–S via India Office</td>
<td>4</td>
<td>Refers to No. 468; reports that Nehru has been persuaded not to press matter until Bill is passed; Cabinet that morning reacted quite peacefully; is sending Ismay home to explain difficulties of situation</td>
<td>901</td>
</tr>
<tr>
<td>508 Mountbatten to Attlee Tel. 1743–S via India Office</td>
<td>4</td>
<td>Refers to Nos. 483 and 500; would be grateful for guidance from H.M.G. on Governor-General question; asks for</td>
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<td>508 (cont.)</td>
<td>July</td>
<td>Opposition to be brought into discussion and hopes they will concur in advice</td>
<td>902</td>
</tr>
<tr>
<td>509 Liaquat Ali Khan to Mountbatten Letter</td>
<td>4</td>
<td>League tenders advice to King that Jinnah be appointed Governor-General of Pakistan; League would be glad if Mountbatten decided to accept Governor-Generalship of India</td>
<td>902</td>
</tr>
<tr>
<td>510 Listowel to Mountbatten Letter</td>
<td>4</td>
<td>Indian Independence Bill presented in Commons that morning; Congress insistence on change in Interim Govt is considered unreasonable in London but it is recognised that they must try to meet it; is pleased with Radcliffe's appointment; change in title of Dominions Office; is pleased with invitations to Colville and Nye to stay on</td>
<td>904</td>
</tr>
<tr>
<td>511 Mountbatten to Listowel Tel. 1744-S</td>
<td>4</td>
<td>Refers to No. 381; outlines limited functions he considers British troops should have after 15 Aug; gives views on system of command; explains why he feels all British troops should be withdrawn by Dec. 1947</td>
<td>905</td>
</tr>
<tr>
<td>512 Commonwealth Relations Office to Costar Tel. 188</td>
<td>4</td>
<td>Refers to No. 492; appreciates Fraser's position but feels he should not consult Opposition; informs Costar personally of Mackenzie-King's reaction in No. 488 and says there is no question of saying publicly that Dominion P.M.'s favour term 'independence'; no change in title of Bill now possible</td>
<td>908</td>
</tr>
<tr>
<td>515 Gandhi to Mountbatten Letter</td>
<td>5</td>
<td>Refers to No. 496; Ghaffar Khan and Red Shirts are carrying on agitation to tell people not to participate; there should be no demonstration during voting days or approach to voters during voting time; would be willing to refer to matter in these terms at his evening prayer; will adopt quicker means of reaching Ghaffar Khan if Viceroy suggests any</td>
<td>909</td>
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<tr>
<td>516 Partition Council Meeting Case No. P.C. 25/3/47</td>
<td>5</td>
<td>Composition of Arbitral Tribunal</td>
<td>910</td>
</tr>
<tr>
<td>517 Listowel to Mountbatten Tel. 8631</td>
<td>5</td>
<td>Refers to No. 463; explains that League's unwillingness to consider Pakistan successor of all applicable treaty rights and obligations, if adhered to, will undermine basis of reply to Afghanistan on N.W.F.P.</td>
<td>909</td>
</tr>
<tr>
<td>518 Mountbatten to Gandhi Letter 1446/3</td>
<td>5</td>
<td>Thanks for No. 515; would be grateful if Gandhi could deprecate any agitation before the polling days; thinks it important that Ghaffar Khan has Gandhi's advice as soon as possible and will arrange for it to be sent by air; Resident in Kashmir to see Maharaja</td>
<td>910</td>
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<tr>
<td>519 Nehru to Mountbatten Letter</td>
<td>July</td>
<td>Says he and colleagues would like to see Slim become C. in C. of Army of Indian Union</td>
<td>911</td>
</tr>
<tr>
<td>521 Viceroy’s Conference Paper V.C.P. 115</td>
<td></td>
<td>Circulates brief prepared for Ismay on ‘The history of the views expressed and decisions reached by the Indian Leaders on the appointment of Governor-General’</td>
<td>914</td>
</tr>
<tr>
<td>522 Viceroy’s Conference Paper V.C.P. 116</td>
<td></td>
<td>Circulates papers giving reasons for and against Mountbatten staying on as Governor-General of India</td>
<td>917</td>
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<tr>
<td>523 Mountbatten to Attlee Letter</td>
<td></td>
<td>Explains background to Governor-Generalship problem; considers situation to be his own fault</td>
<td>921</td>
</tr>
<tr>
<td>524 Lady Mountbatten to Mountbatten Note</td>
<td></td>
<td>Considers that Mountbatten should have further discussions with Congress leaders on Governor-Generalship in light of Jinnah’s attitude; he should ascertain whether their offer on the Governor-Generalship of Indian Union is confirmed; Congress should be in complete agreement on time limit proposed for appointment</td>
<td>922</td>
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<tr>
<td>526 Carter to Abell Letter</td>
<td></td>
<td>Refers to No. 451; describes probable ministerial set-up in Whitehall for handling relations with the two new Dominions from 15 August 1947</td>
<td>927</td>
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<tr>
<td>527 Abell to Mountbatten Minute</td>
<td></td>
<td>Reports telephone conversation with Abbott who said that Punjab Security Committee had ceased to sit but League were participating in most friendly way on Partition Council; Jenkins would like to carry on as he is for the moment but wishes to be informed on position regarding twin Cabinets in Bengal; Abell proposes to fly to Calcutta and later to Lahore</td>
<td>928</td>
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<tr>
<td>529 Abbott to I. D. Scott Tel. 161-G</td>
<td></td>
<td>Jenkins advises strongly against Radcliffe staying at Government House as close personal contacts between Governor and Boundary Commission would be misinterpreted</td>
<td>931</td>
</tr>
<tr>
<td>530 Gandhi to Mountbatten Letter</td>
<td></td>
<td>Refers to No. 518; says he has sent Ghaffar Khan a message through a Khudai Khidmatgar who visited him about noon; part of the message is reproduced in a letter he encloses (see No. 541); Mountbatten may send this on if it covers new point raised; Gandhi hopes there will be no disturbance by Ghaffar Khan and his followers</td>
<td>931</td>
</tr>
<tr>
<td>531 Baring to Commonwealth Relations Office Tel. 202</td>
<td></td>
<td>Refers to No. 481; sends message from Smuts saying that term ‘independence’ is regrettable and suggesting substitution of</td>
<td>932</td>
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<td>531 (cont.)</td>
<td>July</td>
<td>'sovereignty'; Smuts suggests that announcement of Dominion agreement should be avoided; he feels term may lead Burmese to go for independence rather than Dominion Status</td>
<td></td>
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<tr>
<td>532 Listowel to Mountbatten Tel. 8677</td>
<td>5</td>
<td>Sends text of Statement which might be made in Parliament debate on succession to the international personality of India and to international rights and obligations; hopes they might be able to add that Indian leaders accept views expressed; asks whether League have reconsidered view given in No. 463</td>
<td>933</td>
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<tr>
<td>533 Record of Interview between Mountbatten and Jinnah</td>
<td>5</td>
<td>Jinnah says he intends to accord Scheduled Castes in Pakistan really fair treatment; question of Pakistan citizens being eligible again for decorations; Jinnah confirms he would wish Mountbatten to be Chairman of Joint Defence Council if he stayed as Governor-General of India; design of Pakistan Flag; Mountbatten to attend Farewell Ceremony in Karachi on 14 Aug; venue for, and date of, Pakistan Constituent Assembly; discussion of candidates to head Pakistan Defence Services; Jinnah's protest on two matters relating to Independence Bill; Jinnah denies writing to Maharaja of Kashmir urging him to join Pakistan; Viceroy warns Jinnah that he will be compelled to reconstitute Interim Govt after 20 July</td>
<td>935</td>
</tr>
<tr>
<td>534 Jinnah to Mountbatten Letter</td>
<td>5</td>
<td>Encloses message in No. 536 and asks him to send it to Attlee and Churchill; says he is examining position regarding the execution and enforcement of the partition award and will wish to send message on this on 7 July</td>
<td>937</td>
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<tr>
<td>536 Mountbatten to Listowel Tel. 1771-S</td>
<td>5</td>
<td>Sends message from Jinnah complaining at allocation of Andamans and Nicobars to India in Bill and stressing that Pakistan's claim to them is very strong; asks for this injustice to be rectified in Parliament</td>
<td>938</td>
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<tr>
<td>537 Extract from Letter of Tyson</td>
<td>5</td>
<td>Important point in published Bill is that it names 15 August as date for British departure regardless of whether partition is complete; Mountbatten's tactic has been to 'hustle' everyone; believes British will withdraw in fairly peaceful conditions and this will make for better future relations between Britain and India</td>
<td>939</td>
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<td>539 Listowel to Mountbatten Tel. 8685</td>
<td>July 5</td>
<td>Sends text of Statement which might be made in Parliamentary debate on position of the tribal areas after 15 August</td>
<td>942</td>
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<tr>
<td>540 Jenkins to Abell Tel. 163-G</td>
<td></td>
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<td>942</td>
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<tr>
<td>541 Abell to Latimer Tel. 1784-S</td>
<td></td>
<td>Sends message for Ghaffar Khan from Gandhi; in this Gandhi says Khudai Khidmatgars should avoid every occasion for clash with Leaguers; there should be 'no fuss, no procession, no disobedience of any orders from authority'; boycott of referendum by bulk of Pathans in such circumstances would be moral defeat for Pakistanis</td>
<td>943</td>
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<tr>
<td>544 Mountbatten to Liaquat Ali Khan Letter 1446/16</td>
<td></td>
<td>Thanks for No. 509; wishes to make it clear that he has not yet decided whether to stay as Governor-General of India</td>
<td>946</td>
</tr>
<tr>
<td>545 Minutes of Viceroy’s Fifty Third Staff Meeting Items 2–3</td>
<td></td>
<td>(2) Question of Mountbatten staying as Governor-General of India; (3) course to be adopted if League Members fail to send in their resignations from Interim Govt</td>
<td>946</td>
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<tr>
<td>546 Record of Meeting of Special Committee of Indian Cabinet</td>
<td></td>
<td>Position of members of non-S. of S.’s Services (both Central and Provincial); H.M.G. to be authorised to announce that leaders of Indian Parties had guaranteed existing terms and conditions of service of all their employees including Europeans</td>
<td>949</td>
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<tr>
<td>547 Nehru to Mountbatten Letter</td>
<td></td>
<td>Refers to No. 497; says they appreciate Sikh anxieties but feel that weightage is a fundamentally wrong principle; transfer of population must be seriously considered if people concerned desire it</td>
<td>951</td>
</tr>
<tr>
<td>548 Jinnah to Mountbatten Letter</td>
<td></td>
<td>Refers to Nos. 534 and 536; sends further message for Attlee and Churchill relating to the enforcement of the Arbitral and Boundary awards; League considers that H.M.G. alone is appropriate authority to guarantee awards; Bill should be amended to provide for this or declaration be made during Parliamentary debate</td>
<td>951</td>
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<tr>
<td>549 Liaquat Ali Khan to Mountbatten Letter</td>
<td></td>
<td>Refers to Viceroy’s request in No. 493 for the resignations of League Members of Interim Govt; asks to be told basis and details of plan for reconstitution of Govt so decision can be taken</td>
<td>953</td>
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<tr>
<td>551 Attlee to Mountbatten Tel. 79 via India Office</td>
<td>July 7</td>
<td>Refers to Nos. 483 and 508; Jinnah’s position on Governor-Generalship is indeed a surprise; is glad he sent Ismay home; feels no one could have done more or better than Mountbatten</td>
<td>956</td>
</tr>
<tr>
<td>552 Mountbatten to Listowel Tel. 1798–S</td>
<td>July 7</td>
<td>Feels draft in No. 539 is satisfactory except for one point</td>
<td>956</td>
</tr>
<tr>
<td>553 Mountbatten to Listowel Tel. 1799–S</td>
<td>July 7</td>
<td>Agrees with terms of proposed statement in No. 532 but feels it should be confined to an expression of H.M.G.’s view of the situation</td>
<td>957</td>
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<tr>
<td>554 Draft Memorandum from Chiefs of Staff to Minister of Defence</td>
<td>July 7</td>
<td>British strategic requirements in India and Pakistan</td>
<td>957</td>
</tr>
<tr>
<td>555 Commonwealth Relations Office to Baring Tel. Z 39</td>
<td>July 7</td>
<td>Sends message for Smuts, in reply to his message in No. 531, expressing regret if term ‘independence’ had caused embarrassment; other Dominion P.M.’s had also expressed reservations and there was no question of H.M.G. saying that term was acceptable to Prime Ministers of other Commonwealth countries; explains why term was adopted</td>
<td>961</td>
</tr>
<tr>
<td>556 Mountbatten to Listowel Tel. 1800–S</td>
<td>July 7</td>
<td>Refers to No. 487; agrees that provision of military aircraft transit facilities must be dealt with immediately; explains difficulties of beginning immediate negotiations on external defence and British strategic requirements; suggests procedure for negotiations after transfer of power; believes responsibility for safety of British subjects must rest with Dominion concerned; urges that no statement be made in Parliament</td>
<td>962</td>
</tr>
<tr>
<td>557 Mountbatten to Ismay Tel. 1802–S via India Office</td>
<td>July 7</td>
<td>Refers to Nos. 521 and 522; comments critically on certain arguments in No. 522; reports conversation with Auchinleck that morning on question of whether he would stay on; asks Ismay not to circulate these papers in their present form</td>
<td>964</td>
</tr>
<tr>
<td>558 Mountbatten to Listowel Tel. 1807–S</td>
<td>July 7</td>
<td>Suggests that Ismay takes Enclosure to No. 548 round to Churchill, and explains that Jinnah was told from the outset that only practical solution was a common Governor-General who could secure fair play and implementation of awards</td>
<td>966</td>
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<tr>
<td>561 Bhopal to Mountbatten Letter</td>
<td>July 7</td>
<td>Explains why he feels Mountbatten should not stay as Governor-General of India only</td>
<td>968</td>
</tr>
<tr>
<td>562 Listowel to Attlee Minute 115/47</td>
<td>July 7</td>
<td>Sends note by India Office on ‘Situation if there are two Governors-General from 15 August’; discusses date when decision to appoint separate Governors-General</td>
<td>971</td>
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<tr>
<td>563 Rowan to Attlee</td>
<td>July</td>
<td>might be made public; suggests statement which might be made at opening of Parliamentary Debate</td>
<td>975</td>
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<tr>
<td>Cabinet India and Burma Committee I.B.(47)41st Meeting Minutes 1-2 (incorporating Confidential Annex)</td>
<td>7</td>
<td>Refers to No. 562; explains his anxieties on suggested statement</td>
<td>976</td>
</tr>
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<td></td>
<td>7</td>
<td>Withdrawal of British Forces from India; Governors-General of the two Indian Dominions; Committee wishes Mountbatten to accept Congress invitation for nomination as Governor-General of India; agreement on form of statement to be made in Commons by Attlee on situation; Attlee to consult Opposition leaders</td>
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**CHAPTER 4**

**The Indian Independence Bill**

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<td>59 Proceedings of Mountbatten’s Press Conference</td>
<td>1947 June</td>
<td>Mountbatten’s opening remarks ... on legislative programme</td>
<td>110</td>
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<tr>
<td>115 Mountbatten to Listowel Tel. 1358-S</td>
<td>9</td>
<td>Refers to No. 116; asks permission to give Nehru assurance that party leaders will be shown Bill; recommends that Nehru’s view on international position should be supported</td>
<td>219</td>
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<tr>
<td>116 Mountbatten to Listowel Tel. 1368-S</td>
<td>9</td>
<td>Repeats letter of 7 June from Nehru outlining Congress view on continuing entity of India and asking to see draft legislation on this subject</td>
<td>220</td>
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<tr>
<td>122 Turnbull to Stephenson Letter</td>
<td>9</td>
<td>Asks for comments on general layout of draft India Bill and on two particular points</td>
<td>229</td>
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<td>132 India Office Minutes</td>
<td>10/11</td>
<td>Line to be taken on question of withholding Andaman and Nicobar Islands from India</td>
<td>253</td>
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<td>133 India Office Minutes</td>
<td>10</td>
<td>Possibility that clauses in draft Bill dealing with Governor-General might lead to creation of a Dominion with a President not appointed by King</td>
<td>255</td>
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<tr>
<td>134 Stephenson to Turnbull Letter</td>
<td>10</td>
<td>Refers to No. 122 and comments from Dominions Office point of view on draft India Bill</td>
<td>256</td>
</tr>
<tr>
<td>138 Listowel to Mountbatten Tel. 7496</td>
<td>10</td>
<td>Refers to No. 115; must defer definite answer about showing Bill to Indian leaders until after India Committee have considered it; fears that to do so might give rise to delay</td>
<td>260</td>
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<td>149 Montech to Ismay Tel. 7521</td>
<td>June 11</td>
<td>Refers to No. 117; is sending copies of Enclosures to No. 131; warns that Bill is likely to make provision for exercise by Governor-General, for limited period and exceptional purposes, of powers otherwise than on Ministerial advice</td>
<td>281</td>
</tr>
<tr>
<td>165 Cabinet India and Burma Committee Paper I.B.(47)97</td>
<td>June 12</td>
<td>Memorandum by Listowel submitting draft telegram to Mountbatten raising question of possible repercussions if Andamans and Nicobars are taken from India before transfer of power</td>
<td>312</td>
</tr>
<tr>
<td>167 Ismay to Montech Tel. 1416–S</td>
<td>June 12</td>
<td>Refers to No. 149; thanks for Enclosures to No. 131; warns that any proposal to reserve powers to Governor-General, or that he should have any arbitral authority whatever 'would blow the whole scheme sky high'</td>
<td>314</td>
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<tr>
<td>172 Mountbatten to Listowel Tel. 1421–S</td>
<td>June 12</td>
<td>Refers to No. 138; considers it absolutely essential to show Indian leaders draft Bill</td>
<td>318</td>
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<td>182 Listowel to Mountbatten Letter, para. (7)</td>
<td>June 13</td>
<td>Draft Indian Dominion Bill</td>
<td>335</td>
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<tr>
<td>186 Stapleton to Montech Letter</td>
<td>June 13</td>
<td>Chiefs of Staff note that draft Bill does not appear to conflict with British military requirements, but wish to be advised on how negotiations concerning those requirements are to be conducted</td>
<td>343</td>
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<tr>
<td>189 Turnbull to Abell Letter</td>
<td>June 13</td>
<td>Sends copies of draft Bill; outlines timetable for its consideration; encloses explanatory note on some points in Bill</td>
<td>348</td>
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<tr>
<td>190 Cabinet India and Burma Committee Paper I.B.(47)100</td>
<td>June 13</td>
<td>Memorandum by Listowel circulating draft India Bill, summarising its main provisions, and commenting on points to which he thought Committee should give particular attention</td>
<td>353</td>
</tr>
<tr>
<td>191 Draft Indian Dominions Bill</td>
<td>June 13</td>
<td>Draft of a Bill 'to make provision for the setting up in India of two independent Dominions' and for other consequential or connected matters</td>
<td>361</td>
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<tr>
<td>193 Cabinet India and Burma Committee Paper I.B.(47)102</td>
<td>June 13</td>
<td>Memorandum by Listowel opposing Mountbatten’s recommendation that Indian leaders should be shown draft Bill and suggesting instead he should tell them orally what its main provisions will be</td>
<td>377</td>
</tr>
<tr>
<td>194 Montech to Ismay Tel. 7668</td>
<td>June 13</td>
<td>Refers to Nos. 167 and 149; explains more fully conception of special role of Governor-General in transitional period for which Bill makes allowance; Bill's silence on whether Governor-General's powers are exercised on advice or not follows Dominion precedent; it is only in practical application, not in anything</td>
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<td>194 (cont.)</td>
<td>June</td>
<td><em>appearing on the face of the Bill</em>, that differences from Dominion precedent will appear</td>
<td>396</td>
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<tr>
<td>203 Atlee to Chifley, Fraser and Smuts</td>
<td>14 June</td>
<td>Explains background to proposed clause in India Bill regarding alteration of King’s Title; asks whether Dominion Govts are prepared to take similar action and, if so, whether they will authorise him to make parliamentary statement to that effect</td>
<td>418</td>
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<td>Tel. via British High Commissioners</td>
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<td>214 Abell to Mountbatten</td>
<td>16 June</td>
<td>Reports arrival of draft India Bill, circulation given to it and preliminary timetable for its consideration</td>
<td>419</td>
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<td>Minute</td>
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<td>216 Minutes of Viceroy’s Forty Third Staff Meeting</td>
<td>16 June</td>
<td>(2) Draft Bill—Menon to prepare draft telegram on it; Mohammed Ali to be shown Bill</td>
<td>432</td>
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<td>Item 2</td>
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<tr>
<td>221 Chiefs of Staff Committee C.O.S.(47)76th Meeting Minute 4</td>
<td></td>
<td>Agreement that it was of utmost importance for H.M.G. to retain Andaman, Nicobar and Laccadive Islands but that timing and method of approach was matter for political decision; Annex: minute by Hollis to Minister of Defence reporting these views and drawing attention to absence from draft Bill of any provision for holding negotiations on British military requirements</td>
<td></td>
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<tr>
<td>239 Minutes of Viceroy’s Forty Fifth Staff Meeting Item 2</td>
<td>17 June</td>
<td>(2) Discussion of draft Bill</td>
<td>463</td>
</tr>
<tr>
<td>244 Cabinet India and Burma Committee I.B.(47)31st Meeting Minutes 1–4</td>
<td>17 June</td>
<td>Consideration of (1) draft Bill (No. 191); agreement on certain amendments including suggestion by Atlee that it should be called ‘Indian Independence Bill’; (2) international status of new Dominions; agreement that H.M.G. should accept Nehru’s view that Hindustan would succeed to India’s position as international entity; (3) assumption of international obligations by successor authorities; agreement that assurance on this point be sought from Interim Govt on behalf of both future Dominions; (4) Andamans and Nicobars; agreement to omit clause in existing form on these Islands from Bill and to seek Mountbatten’s advice on alternative; also to seek by negotiation facilities in Laccadive Islands</td>
<td>474</td>
</tr>
<tr>
<td>248 Mountbatten to Listowel Tel. 1480–S</td>
<td>17 June</td>
<td>Notifies dispatch of No. 249 and outlines timetable for consideration of draft Bill, including consultation with Indian leaders, which he hopes to follow</td>
<td>486</td>
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<tr>
<td>249 Mountbatten to Listowel Tel. 1481-S</td>
<td>June 18</td>
<td>Sends comments on, and proposes amendments to, draft Bill</td>
<td>487</td>
</tr>
<tr>
<td>255 Menon to Turnbull Tel. 1487-S</td>
<td>June 18</td>
<td>Sends comments and suggestions supplementary to No. 249, proposing <em>inter alia</em> a clause to maintain in force provisions of 1933 Act relating to distribution of powers between Federal and Provincial legislatures</td>
<td>496</td>
</tr>
<tr>
<td>256 Listowel to Mountbatten Tel. 7840</td>
<td>June 18</td>
<td>Refers to draft Bill (No. 191) and communicates points and amendments made by India and Burma Committee (No. 244, Minute 1)</td>
<td>497</td>
</tr>
<tr>
<td>257 Listowel to Mountbatten Tel. 7841</td>
<td>June 18</td>
<td>Refers to No. 115 and communicates India and Burma Committee's views on question of showing draft Bill to Indian leaders</td>
<td>500</td>
</tr>
<tr>
<td>258 Listowel to Mountbatten Tel. 7842</td>
<td>June 18</td>
<td>Refers to Nos. 174 and 162, paras. 24-25; communicates India and Burma Committee's views on question of Andaman and Nicobar Islands</td>
<td>501</td>
</tr>
<tr>
<td>265 Cabinet India and Burma Committee I.B.(47)32nd Meeting Minute 3</td>
<td>19</td>
<td>(3) Viceroy's comments (No. 249) on draft Independence Bill</td>
<td>513</td>
</tr>
<tr>
<td>267 Ismay to Mountbatten Tel. 1497-S</td>
<td>19</td>
<td>Refers to Nos. 256 and 257; staff are considering former; communicates terms of telegram they suggest Mountbatten might send in reply to latter on question of showing draft Bill to Indian leaders</td>
<td>519</td>
</tr>
<tr>
<td>269 Ismay to Mountbatten Tel. 1503-S</td>
<td>19</td>
<td>Comments on No. 256, paras. 6 and 20.</td>
<td>522</td>
</tr>
<tr>
<td>270 Listowel to Mountbatten Tel. 7893</td>
<td>19</td>
<td>Refers to No. 115; communicates India and Burma Committee's decision that H.M.G. should accept that Hindustan would continue existing India's international personality, subject to equitable division of central assets</td>
<td>523</td>
</tr>
<tr>
<td>271 Listowel to Mountbatten Tel. 7897</td>
<td>19</td>
<td>Reports that India and Burma Committee have considered (No. 265, Minute 3) Mountbatten's preliminary comments (No. 249) on draft Bill and communicates their conclusions</td>
<td>524</td>
</tr>
<tr>
<td>279 Mountbatten to Listowel Tel. 8-S.K.</td>
<td>20</td>
<td>Refers to No. 256, paras. 6 and 20; question of consultation with Indian leaders on particular points arising on draft Bill; agrees with Reforms Office and Political Dept in deprecating formal denunciation of treaties with States</td>
<td>537</td>
</tr>
<tr>
<td>280 Turnbull to Menon Tel. 7944</td>
<td>20</td>
<td>Refers to No. 255 which arrived too late for consideration by Committee; enlargement of Bill proposed in No. 255 not considered</td>
<td>537</td>
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<tr>
<td>280 (cont.)</td>
<td>June</td>
<td>desir able or necessary; comments on its other points</td>
<td></td>
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<tr>
<td>282 India Office Minutes</td>
<td>20/21</td>
<td>Effect of deletion of Clause 19(2)(a) from draft Bill on disposal of records of S. of S. in Council and S. of S.</td>
<td>542</td>
</tr>
<tr>
<td>283 Ismay to Mountbatten Tel. 1511-S</td>
<td>20</td>
<td>Refers to No. 256 on draft Bill and transmits draft reply for Mountbatten to send to it</td>
<td>543</td>
</tr>
<tr>
<td>284 Ismay to Mountbatten Tel. 1512-S</td>
<td>20</td>
<td>Refers to No. 258 and transmits draft reply for Mountbatten to send to it, pressing strongly for complete exclusion from draft Bill of any reference to Andaman and Nicobar Islands</td>
<td>544</td>
</tr>
<tr>
<td>286 Ismay to Mountbatten Tel. 1514-S</td>
<td>20</td>
<td>Refers to No. 271 on draft Bill and transmits draft reply for Mountbatten to send to it, stressing inter alia the advantage of starting new Dominions with as complete a constitution as possible</td>
<td>545</td>
</tr>
<tr>
<td>290 Menon to Turnbull Tel. 1528-S</td>
<td>21</td>
<td>Refers to No. 280; explains reasons for equipping new Dominions with as complete a constitution as possible; feels both Congress and League would welcome continuance of Governor-General’s, transformed into Dominion, control over Provinces</td>
<td>552</td>
</tr>
<tr>
<td>293 Mountbatten to Listowel Tel. 19-S.K.</td>
<td>21</td>
<td>Explains background to insistence on certain points mentioned in No. 286 is Congress wish to continue present distribution of powers between Centre and Provinces but to be able to secure control over Provinces in emergency</td>
<td>554</td>
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<tr>
<td>308 Minutes of Viceroy’s Forty Sixth Staff Meeting</td>
<td>Item 7</td>
<td>(7) arrangements for showing draft Bill to Indian leaders</td>
<td>573</td>
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<td>322 Cabinet C.M.(47)56th Conclusions Minute 4</td>
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<td>323 Cabinet India and Burma Committee Paper I.B.(47)121</td>
<td>24</td>
<td>Note taken of need for U.K. and Dominion Parliaments to give assent to change in King’s title; Govt of Eire to be consulted also</td>
<td>597</td>
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<td>324 Cabinet India and Burma Committee Paper I.B.(47)122</td>
<td>24</td>
<td>Memoandum by Listowel circulating summary of points regarding draft Bill on which full agreement is still to be reached with Mountbatten</td>
<td>599</td>
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<tr>
<td>325 Cabinet India and Burma Committee Paper I.B.(47)127</td>
<td>24</td>
<td>Memorandum by Listowel discussing points of major importance on draft Bill requiring decision</td>
<td>603</td>
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<td></td>
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<td>Memorandum by Listowel discussing pros and cons of including in Bill guarantee of conditions of service to officers continuing in service under future Govts in India</td>
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<tr>
<td>347 Cabinet India and Burma Committee</td>
<td>June 25</td>
<td>(3) consideration of points outstanding on draft Bill</td>
<td>638</td>
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<tr>
<td>348 Listowel to Mountbatten Tel. 8156</td>
<td>25</td>
<td>Refers to No. 286; Cabinet Committee have agreed to substantial revision and rearrangement of draft Bill to meet strong views expressed in Nos. 255, 286, 290 and 293; explains that, because of pressure of time table, Mountbatten must now choose between this revision and existing layout</td>
<td>642</td>
</tr>
<tr>
<td>349 Listowel to Mountbatten Tel. 8162</td>
<td>25</td>
<td>Refers to Nos. 246 and 247; explains why it is felt Political Dept’s view must be accepted that all agreements with States must lapse and advocates retention of clause to this effect in Bill</td>
<td>643</td>
</tr>
<tr>
<td>350 Listowel to Shawcross Letter</td>
<td>25</td>
<td>Explains position reached in preparing draft Bill and invites his comments on it and proposed amendments to it</td>
<td>645</td>
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<tr>
<td>351 Listowel to Mountbatten Tel. 8184</td>
<td>25</td>
<td>Refers to No. 348 and communicates Cabinet Committee’s conclusions on other outstanding points regarding draft Bill</td>
<td>646</td>
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<tr>
<td>353 Listowel to Mountbatten Tel. 8194</td>
<td>25</td>
<td>Refers to No. 284 and communicates Cabinet Committee’s views on inclusion of revised Clause on Andamans and Nicobars in draft Bill to be shown Indian leaders</td>
<td>649</td>
</tr>
<tr>
<td>356 Nehru to Mountbatten Letter</td>
<td>26</td>
<td>Recalls that Indian leaders have been informed that, before legislation to transfer power is introduced, they will have opportunity of examining it; outlines his conception of form such legislation should take, emphasising in particular need for a separate Act for each new Dominion</td>
<td>658</td>
</tr>
<tr>
<td>361 Cabinet C.M.(47)357th Conclusions Minute 4</td>
<td>26</td>
<td>Report by Attlee on progress in drafting Indian Independence Bill; agreement that he should discuss it with Opposition and that Mountbatten should show it to Indian leaders</td>
<td>664</td>
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<tr>
<td>365 Mountbatten to Listowel Tel. 1598-S</td>
<td>26</td>
<td>Gives his views on matters contained in Nos. 348–9 and 351–3: states inter alia that Provincial Governors will be appointed after informal consultation between himself and all-India leaders (see No. 352), that Nehru ‘will vehemently protest’ against denunciation of States’ treaties (see No. 349), that his advisers unhesitatingly accept redraft of Bill (see No. 348), and that clause on Andamans and Nicobars ‘will be entirely unacceptable to Congress’ (see No. 353)</td>
<td>672</td>
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<tr>
<td>366 Mountbatten to Listowel</td>
<td>June 26</td>
<td>Proposes redraft of Clause in draft Bill relating to common Governor-General</td>
<td>674</td>
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<tr>
<td>Tel. 1660-S</td>
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<td>367 Partition Council Meeting</td>
<td>27</td>
<td>(2) Mountbatten announces arrangements for enabling Indian leaders to study draft Bill</td>
<td>675</td>
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<tr>
<td>Case No. P.C.5/1/47</td>
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<tr>
<td>373 Listowel to Attlee</td>
<td>27</td>
<td>Refers to Nos. 365 and 366; attaches summary of outstanding points of difference with Mountbatten on draft Bill</td>
<td>699</td>
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<tr>
<td>Minute 98/47</td>
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<tr>
<td>374 Listowel to Attlee</td>
<td>27</td>
<td>Refers to Nos. 373 and 366; attaches draft of letter from Attlee to Lascelles explaining position regarding procedure for appointment of Governor-General and Governors</td>
<td>701</td>
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<tr>
<td>Minute 102/47</td>
<td></td>
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<tr>
<td>375 Beards to Attlee</td>
<td>27</td>
<td>Arrangements for Opposition leaders to see draft Bill and for Attlee’s meeting with them</td>
<td>703</td>
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<td>Minute</td>
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<tr>
<td>376 Listowel to Mountbatten</td>
<td>27</td>
<td>Programme for discussion of draft Bill with Opposition and Indian leaders</td>
<td>704</td>
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<tr>
<td>Letter, para. 8</td>
<td></td>
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<tr>
<td>380 Listowel to Mountbatten</td>
<td>27</td>
<td>Refers to No. 100, Item 1; points out that under draft Bill it is contemplated that administrative consequences of partition will be dealt with by Governor-General’s order; suggests there is some practical force in Jinnah’s contention that Interim Govt is not suitable body to decide such matters and that Mountbatten should seek Indian leaders’ agreement to set up partition machinery by method proposed in Bill</td>
<td>711</td>
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<tr>
<td>Tel. 8270</td>
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<tr>
<td>392 Nehru to Mountbatten</td>
<td>28</td>
<td>Refers to No. 356, note 2; points out that legislation to transfer power is of ‘utmost consequence to India’; thinks it ‘an entirely wrong approach to proceed secretly’; trusts that full opportunity will be given them to consider Bill before it is introduced in Parliament</td>
<td>728</td>
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<tr>
<td>Letter</td>
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<tr>
<td>397 Mountbatten to Nehru</td>
<td>28/29</td>
<td>Refers to No. 392; encloses invitation (already drafted) to study draft Bill; trusts Rau’s presence will meet need for constitutional and legal advice; Enclosure: letter from Mountbatten to Nehru inviting him to come to Viceroy’s House on 1 July to study draft Bill; arrangements made for Congress and League representatives to study Bill in separate rooms; Patel, Jinnah and Liaquat also invited; indicates expert advisers who will be present</td>
<td>733</td>
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<tr>
<td>Letter</td>
<td></td>
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<tr>
<td>408 Nehru to Mountbatten</td>
<td>29</td>
<td>Refers to No. 397 and Enclosure; points out legislation is going to affect future of India vitally; complains they are only being given chance to see draft at last stage; Rau’s presence will be welcome, but they</td>
<td>746</td>
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<td>Letter</td>
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<td>408 (cont.)</td>
<td>May</td>
<td>wish to consult others; Gandhi should also see draft Bill; if 'willing assent of all parties concerned' is not obtained, object of Bill 'is somewhat nullified'; earnestly requests him to consider matter afresh and if necessary consult H.M.G. Reports Nehru's request in No. 408 that Bill be shown to Gandhi and others in addition to those already invited; Mountbatten thinks request should be granted, and hopes by so doing to carry Congress leaders with him despite Nehru's protest at procedure adopted for consideration of Bill</td>
<td>748</td>
</tr>
<tr>
<td>411 Mountbatten to Listowel Tel. 1653-S</td>
<td>29</td>
<td>Proposes amendment to draft Bill to enable new Dominion legislature to amend Independence Act itself; believes Congress acceptance may depend on this issue</td>
<td>754</td>
</tr>
<tr>
<td>414 Mountbatten to Listowel Tel. 1657-S</td>
<td>29</td>
<td>Refers to No. 350; prefers second version of draft Bill; does not consider it gives wider powers than those enjoyed by existing Dominions; legalistically minded M.P.'s could doubtless raise numerous Committee points; hopes Opposition will be persuaded not to put down detailed amendments in Committee</td>
<td>765</td>
</tr>
<tr>
<td>419 Shawcross to Listowel Letter</td>
<td>30</td>
<td>Briefs him on certain points regarding draft Bill in readiness for meeting that afternoon with Opposition Leaders</td>
<td>766</td>
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<tr>
<td>420 Listowel to Atlee Minute 103/47</td>
<td>30</td>
<td>(1) Future of India Office and its contents; decision that this matter should be left for negotiation with Indian Govt.; (3) consideration of points outstanding on draft India Bill</td>
<td>768</td>
</tr>
<tr>
<td>421 Cabinet India and Burma Committee I.B.(47)37th Meeting Minutes 1 and 3</td>
<td>30</td>
<td>Invites him to meeting to see Indian Independence Bill</td>
<td>773</td>
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<tr>
<td>423 Mountbatten to Gandhi Letter 1446/8</td>
<td>30</td>
<td>Refers to No. 408; agrees to additional persons mentioned therein attending meeting to study draft Bill; emphasises need to avoid any leakage; has told Jinnah he could also increase his party</td>
<td>773</td>
</tr>
<tr>
<td>424 Mountbatten to Nehru Letter 1446/8</td>
<td>30</td>
<td>Is glad to know Jinnah is satisfied with composition of his party to consider draft Bill; emphasises need to avoid any leakage; mentions invitation to Gandhi; refers to clause enabling one person to be appointed to both Governor-Generalships and asks whom Jinnah wishes to nominate as Governor-General of Pakistan</td>
<td>774</td>
</tr>
<tr>
<td>425 Mountbatten to Jinnah Letter 1446/8</td>
<td>30</td>
<td>Draft Indian Independence Bill as amended to 29 June</td>
<td>779</td>
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<tr>
<td>429 Note on Indian Independence Bill</td>
<td>June 30</td>
<td>Points for discussion with Indian leaders 795</td>
<td></td>
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<tr>
<td>432 Mountbatten to Listowel Tel. 1674–S</td>
<td>30</td>
<td>Refers to No. 414 and explains main point of amendment is to allow India to declare independence by legislation 800</td>
<td></td>
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<tr>
<td>434 Listowel to Mountbatten Tel. 8361</td>
<td>30</td>
<td>Refers to No. 414; points out inconsistency of proposed amendment with intention embodied in revised version of Bill to limit powers of Dominion legislatures, but agrees to it if Mountbatten judges it desirable 803</td>
<td></td>
</tr>
<tr>
<td>435 Nehru to Mountbatten Letter</td>
<td>30</td>
<td>Thanks for No. 424; will convey invitation to additional experts and lawyers to attend meeting; his intention was however to consult Cabinet colleagues; gives assurance to make every effort to prevent leakage and asks to have a copy of Bill to show Cabinet colleagues; Gandhi may not attend meeting as time is inconvenient 803</td>
<td></td>
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<tr>
<td>436 Mountbatten to Attlee Tel. 1675–S via India Office</td>
<td>30</td>
<td>Reports Krishna Menon has warned him that Nehru threatens resignation unless allowed to take away copy of Bill; mentions Nehru's promise to make every effort to prevent leakage; requests authority to use discretion to avert crisis 804</td>
<td></td>
</tr>
<tr>
<td>438 Listowel to Mountbatten Tel. 8380</td>
<td>30</td>
<td>Refers to No. 414; notifies Opposition concurrence to Bill being shown to Indian leaders; Cabinet Committee feel that, because of shortage of time, drafting points cannot be considered but only points of principle; suggests arguments to counter Nehru's complaint that other Dominions had opportunity for full consideration of their Bills; opposes formal communiqué announcing that Indian leaders were being consulted 806</td>
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**July**

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<tr>
<td>439 Attlee to Mountbatten Tel. 8393 via India Office</td>
<td>1</td>
<td>Refers to No. 436; agrees he may allow Nehru to take draft Bill away; desirable to give Jinnah similar facilities 807</td>
</tr>
<tr>
<td>440 Listowel to Mountbatten Tel. 74</td>
<td>1</td>
<td>Refers to No. 366; sends revision of proviso relating to possibility of same person being Governor-General of both Dominions; has no objection to this revision but feels it might be better to try out proviso as it stands 808</td>
</tr>
<tr>
<td>441 Listowel to Mountbatten Tel. 75</td>
<td>1</td>
<td>Reports that Opposition leaders adopted helpful attitude in discussions on 30 June; main criticisms were on use of title India for Hindustan and expression 'Independence 809</td>
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<td>441 (cont.)</td>
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<td>Bill' rather than 'Indian (Self Government) Bill'</td>
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<td>443 Cabinet C.M.(47)58th Conclusions Minutes 2, 6</td>
<td>July</td>
<td>Dominions Office—change of title; agreement not to change title of Indian Independence Bill but special effort to be made to explain implications of title</td>
</tr>
<tr>
<td>444 Attlee to Churchill Letter</td>
<td></td>
<td>Has discussed Indian legislation with Eden and others; doubts whether he can hold up Second Reading until Churchill returns</td>
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<td>445 Churchill to Attlee Letter</td>
<td></td>
<td>Expresses concern that Bill is to be called 'Indian Independence Bill'; says he only supported Mountbatten proposals because they establish the phase of Dominion Status which is not the same as independence</td>
</tr>
<tr>
<td>452 Mountbatten to Listowel Tel. 1684-S</td>
<td></td>
<td>Has given Congress and League leaders copies of draft Bill; Jinnah's preliminary reactions were very favourable but Congress raised three points; these related to: (1) insertion of words 'this or' in Clause (6)(2) (see No. 434); (2) ability of Constituent Assembly to include in fundamental laws provision for accession of States; (3) the wiping out of all treaties and agreement with States</td>
</tr>
<tr>
<td>456 Baldev Singh to Nehru Letter</td>
<td></td>
<td>Expresses concern at provisions in draft Bill relating to disputed districts in Western Punjab; asks him to ensure amendments are made so that administration of them does not go over to Pakistan automatically when Bill becomes law</td>
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<tr>
<td>458 Mountbatten to Attlee Tel. 1690-S via India Office</td>
<td></td>
<td>Says situation is incredibly explosive and he is advised Congress will not compromise on different system for Interim Govt; will take line that he cannot legally put proposals through until Bill has been passed; Krishna Menon believes Congress will accept a 20 July target date for enactment of Bill; as League Members are moving to Karachi on 7 August this would mean they would only serve under new conditions for fortnight; considers this might prove acceptable compromise; says tel. as in No. 408 would be of utmost help</td>
</tr>
<tr>
<td>460 Mountbatten to Listowel Tel. 1695-S</td>
<td></td>
<td>Sends note of points made informally by League on draft Bill; these include: (1) wish to insert a sanction respecting division of property between the Dominions; (2) question of participation of representatives of tribal areas in Constituent Assembly; (3) objection to Andamans and Nicobars being included in Dominion of India</td>
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<tr>
<td>Mountbatten to Listowel Tel. 1703-S</td>
<td>July 2</td>
<td>Sends further note of points made informally by League on draft Bill; also reports that League could not accept view that Dominion of India would inherit international personality of existing India; they would withdraw acceptance of Plan if such a provision were inserted in Bill; they pointed out importance of Andamans and Nicobars if India refused land passage between East and West Pakistan</td>
</tr>
<tr>
<td>Cabinet India and Burma Committee L.B.(47)39th Meeting Minutes 1–2</td>
<td>2</td>
<td>(1) Consideration of No. 458; agreement that tel. asked for by Viceroy should be sent (see No. 468) but it should be modified to emphasise need for immediate finality on terms of Bill; (2) decision to retain title 'Indian Independence Bill'; desirability of Dominions support for this</td>
</tr>
<tr>
<td>Listowel to Mountbatten Tel. 8499</td>
<td>2</td>
<td>Comments on points in No. 452; explains why there are insuperable objections to Congress request that treaties and agreements with States should be continued in existence by Parliamentary legislation</td>
</tr>
<tr>
<td>Attlee to Mountbatten Tel. 8510 via India Office</td>
<td>3</td>
<td>Explains that H.M.G. cannot sanction reconstruction of Interim Govt until legal position is assured by passing of Bill; is speeding up passage of Bill to aim at target date of 20 July; important they should have Indian leaders' comments on draft Bill immediately</td>
</tr>
<tr>
<td>Listowel to Mountbatten Tel. 8511</td>
<td>3</td>
<td>Refers to No. 468; sends text of amendment to draft Bill to cover legal position about reconstitution of Interim Govt</td>
</tr>
<tr>
<td>Mountbatten to Listowel Tel. 1719-S</td>
<td>3</td>
<td>Sends text of Congress comments on draft Bill; these include: (1) emphasis on the importance of the new Dominion of India continuing international personality of existing India; (2) concern at complete wiping out of all treaties with the Indian States; (3) anxiety that powers and functioning of Constituent Assemblies should be placed beyond doubt</td>
</tr>
<tr>
<td>Mountbatten to Listowel Tel. 1723-S</td>
<td>3</td>
<td>Sends text of League comments on draft Bill; these include: (1) claim that Andamans and Nicobars should be allocated to Pakistan; (2) request that it be specifically indicated which would be appropriate authority to negotiate with each of tribal areas; (3) request that provisions are included to make awards of Boundary Commissions and Arbitral Tribunal</td>
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<tr>
<td>Name and Number</td>
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<td>480 (cont.)</td>
<td></td>
<td>final and binding; H.M.G. should enforce awards</td>
</tr>
<tr>
<td>481 Commonwealth Relations Office to British High Commissioners in Canada, Australia, New Zealand and South Africa Tel. Z 37</td>
<td>July</td>
<td>Explains why it is considered essential that Indian legislation is passed that month; High Commissioners to ask Dominion Prime Ministers whether the title ‘India Independence Bill’ is acceptable; if it is, H.M.G. would like to be able to say so publicly</td>
</tr>
<tr>
<td>482 Addison to Attlee Minute</td>
<td></td>
<td>Sends text of formula agreed with de Valera for use if they are asked in Parliament whether Eire had been approached on the omission of the words ‘Emperor of India’ from King’s Title</td>
</tr>
<tr>
<td>484 Mountbatten to Listowel Tel. 1728-S</td>
<td></td>
<td>Sends comments on points raised by Congress (No. 479) on draft Bill</td>
</tr>
<tr>
<td>485 Mountbatten to Listowel Tel. 1729-S</td>
<td></td>
<td>Sends comments on points raised by League (No. 480) on draft Bill</td>
</tr>
<tr>
<td>486 Cabinet India and Burma Committee I.B.(47)40th Meeting Minutes 2 and 3</td>
<td></td>
<td>(2) Consideration of No. 464; no announcement on withdrawal of British Army to be made in advance of Second Reading of Bill; (3) consideration of tels. giving Congress’s and League’s reactions to draft Bill; amendments to meet points raised</td>
</tr>
<tr>
<td>488 Clutterbuck to Commonwealth Relations Office Tel. 572</td>
<td></td>
<td>Refers to No. 481; Mackenzie King feels word ‘independence’ will be taken to mean independence of Commonwealth; he cites 1926 precedent; he does not feel Canadians will be unduly excited but suggests title ‘India (transfer of Powers) Bill’</td>
</tr>
<tr>
<td>491 Listowel to Mountbatten Tel. 8587</td>
<td></td>
<td>Arrangements for publication of Bill; explains that any further discussion of points raised by Congress and League would have imperilled passage of Bill that Session</td>
</tr>
<tr>
<td>492 Costar to Commonwealth Relations Office Tel. 193</td>
<td></td>
<td>Refers to No. 481; Fraser is consulting others before replying but feels himself that term ‘independence’ is unfortunate; he much doubts whether Opposition will agree in view of their attitude on the change of the Dominions Office title</td>
</tr>
<tr>
<td>494 Hankinson to Commonwealth Relations Office Tel. 451</td>
<td></td>
<td>Refers to No. 481; reports that in preliminary talk Chifley and Evatt felt that while proposed title was unlikely to create any real difficulty for Australia, they were not happy about use of word ‘independence’; however they recognised problem and could not immediately think of better word</td>
</tr>
<tr>
<td>495 Viceroy’ Conference Paper V.C.P. 107</td>
<td></td>
<td>Question of Mountbatten remaining Governor-General of India only; need for</td>
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<td>Name and Number</td>
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<td>495 (cont.)</td>
<td>July</td>
<td>Jinnah to re-affirm that he would welcome this; possible amendments to Bill</td>
</tr>
<tr>
<td>499 Minutes of Viceroy’s Fifty Second Staff Meeting</td>
<td>July</td>
<td>Consideration of No. 495; Mountbatten decides to leave proviso in Bill allowing for appointment of same person as Governor-General of both Dominions</td>
</tr>
<tr>
<td>504 Attlee to Churchill Letter</td>
<td>July</td>
<td>Refers to No. 445; does not agree with point he makes; feels term ‘independence’ emphasises the complete freedom of members of Commonwealth from control by others</td>
</tr>
<tr>
<td>506 Viceroy’s Personal Report No. 11, paras. 4 and 5</td>
<td>July</td>
<td>Discussions with Congress and League on draft Bill</td>
</tr>
<tr>
<td>507 Mountbatten to Attlee Tel. 1736-S via India Office</td>
<td>July</td>
<td>Refers to No. 468; reports that Nehru has been persuaded not to press matter until Bill is passed; Cabinet that morning reacted quite peacefully; is sending Ismay home to explain difficulties of situation</td>
</tr>
<tr>
<td>510 Listowel to Mountbatten Letter, paras. 1 and 2</td>
<td>July</td>
<td>Indian Independence Bill presented in Commons that morning; Congress insistence on change in Interim Govt is considered unreasonable in London but it is recognised that they must try to meet it</td>
</tr>
<tr>
<td>512 Commonwealth Relations Office to Costar Tel. 188</td>
<td>July</td>
<td>Refers to No. 492; appreciates Fraser’s position but feels he should not consult Opposition; informs Costar personally of Mackenzie-King’s reaction in No. 488 and says there is no question of saying publicly that Dominion P.M.s favour term ‘independence’; no change in title of Bill now ‘possible’</td>
</tr>
<tr>
<td>513 Listowel to Mountbatten Tel. 8652</td>
<td>July</td>
<td>Notes that, despite objections in Nos. 349 and 466, standstill proviso covering agreements with States has been inserted in Bill; though precise legal result may be disputable, proviso gives cover to a standstill in practice when neither party has done anything</td>
</tr>
<tr>
<td>514 Listowel to Mountbatten Tel. 8653</td>
<td>July</td>
<td>Sends brief explanation of reasons why India and Burma Committee did not feel able to accept some of suggestions made by Congress and League on Bill</td>
</tr>
<tr>
<td>531 Baring to Commonwealth Relations Office Tel. 202</td>
<td>July</td>
<td>Refers to No. 481; sends message from Smuts saying that term ‘independence’ is regrettable and suggesting substitution of ‘sovereignty’; Smuts suggests that announcement of Dominion agreement should be avoided; he feels term may lead Burmese to go for independence rather than Dominion Status</td>
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<td>Name and number</td>
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<td>534 Jinnah to Mountbatten Letter</td>
<td>July 5</td>
<td>Encloses message in No. 536 and asks him to send it to Attlee and Churchill; says he is examining position regarding the execution and enforcement of the partition award and will wish to send message on this on 7 July</td>
</tr>
<tr>
<td>535 Mountbatten to Listowel Tel. 1767-S</td>
<td>5</td>
<td>Sends text of note received from Nehru on points in Bill which Congress feel strongly should be changed; these relate to: (1) the continuation of the international personality of India; (2) the proviso added to clause 7(1)(b) and (c); (3) the proviso to clause 19(3)</td>
</tr>
<tr>
<td>536 Mountbatten to Listowel Tel. 1771-S</td>
<td>5</td>
<td>Sends message from Jinnah complaining at allocation of Andamans and Nicobars to India in Bill and stressing that Pakistan's claim to them is very strong; asks for this injustice to be rectified in Parliament</td>
</tr>
<tr>
<td>542 Nicholls to Joyce Tel. 1789-S</td>
<td>6</td>
<td>Reports that first reactions to Bill have been extremely favourable and British have come out well; V. P. Menon's Press Conference held to explain Bill went off well; main attack was on position of States and, in particular, Berar</td>
</tr>
<tr>
<td>543 Mountbatten to Listowel Tel. 478-GT</td>
<td>6</td>
<td>Refers to No. 542; sends extracts from Press comments on Bill</td>
</tr>
<tr>
<td>548 Jinnah to Mountbatten Letter</td>
<td>7</td>
<td>Refers to Nos. 534 and 536; sends further message for Attlee and Churchill relating to the enforcement of the Arbitral and Boundary awards; League considers that H.M.G. alone is appropriate authority to guarantee awards; Bill should be amended to provide for this or declaration be made during Parliamentary debate</td>
</tr>
<tr>
<td>550 Minutes by Croft and Turnbull</td>
<td>7</td>
<td>Powers of the Central Executives of the new Dominions under clause 8 of the Bill</td>
</tr>
<tr>
<td>555 Commonwealth Relations Office to Baring Tel. Z 39</td>
<td>7</td>
<td>Sends message for Smuts, in reply to his message in No. 531, expressing regret if term 'independence' had caused embarrassment; other Dominion P.M.s had also expressed reservations and there was no question of H.M.G. saying that term was acceptable to Prime Ministers of other Commonwealth countries; explains why term was adopted</td>
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<td>Main subject or objects</td>
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<td>7 Cabinet India and Burma Committee Paper I.B.(47)94</td>
<td>1947 May</td>
<td>Memorandum by Listowel drawing attention to wide powers recommended for Centre by reports of Union Powers and Advisory Committees of Constituent Assembly; suggests authors had given up any idea of securing Muslim League participation, and points out possible adverse effect on willingness of States to adhere to Union</td>
</tr>
<tr>
<td>17 Minutes of Viceroy's Thirty Sixth Staff Meeting Item 1</td>
<td>June</td>
<td>(1) Mountbatten describes conversations with Bhopal and Bikaner and indicates line he will take in meetings with States Report of discussion between V. P. Menon and Patel:— titles for Princes; States</td>
</tr>
<tr>
<td>20 Unsigned Note undated</td>
<td></td>
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<tr>
<td>21 Corfield to Abell Letter</td>
<td></td>
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<tr>
<td>43 Minutes of Viceroy's Meeting with Members of the States Negotiating Committee</td>
<td></td>
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<tr>
<td>45 Statement by H.M.G. on India Policy para. 18</td>
<td></td>
<td></td>
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<tr>
<td>60 Proceedings of Mountbatten's Press Conference</td>
<td></td>
<td></td>
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<tr>
<td>64 Mountbatten to Bhopal Letter</td>
<td></td>
<td></td>
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<td>67 Abell to Mountbatten Minute</td>
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<td>68 Nehru to Mountbatten Letter</td>
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<tr>
<td>68 (cont.)</td>
<td>June</td>
<td>administrative matters concerning States and attacks Political Dept’s policy of dismantling it; asserts that ‘it is impossible for us to admit the right’ of any State to independence</td>
</tr>
<tr>
<td>70</td>
<td>4</td>
<td>(1) Bhopal’s resignation; (2) interview with Gandhi (No. 69); question whether Gandhi, Nehru or Mountbatten should visit Kashmir</td>
</tr>
<tr>
<td>73</td>
<td>5</td>
<td>Meeting between Mountbatten and Indian leaders on (2) the States—Mountbatten describes meeting in No. 43, Nehru complains that Political Dept’s policy regarding lapse of paramountcy was likely to lead to administrative chaos</td>
</tr>
<tr>
<td>74</td>
<td>5</td>
<td>Refers to No. 68; defends programme for retraction of paramountcy; suggests Mountbatten might consult Standing Committee of Chamber of Princes</td>
</tr>
<tr>
<td>91</td>
<td>5</td>
<td>Conversations with Bhopal and Bikaner; meeting with States Negotiating Committee</td>
</tr>
<tr>
<td>94</td>
<td>6</td>
<td>Refers to Nos. 74 and 68; summarises discussion between Mountbatten and certain representatives of the States at which latter opposed location of agents of Central Govts in their territories and proposed appointment of own agents to Central Govts</td>
</tr>
<tr>
<td>100</td>
<td>7</td>
<td>The States</td>
</tr>
<tr>
<td>101</td>
<td>7</td>
<td>Meeting joined by Dewan of Bahawalpur; discussion of position of that State; Jinnah believes existing agreements with States would be legally binding on successor authorities</td>
</tr>
<tr>
<td>107</td>
<td>8</td>
<td>Contests doctrine that ‘paramountcy’ ends with transfer of power</td>
</tr>
<tr>
<td>108</td>
<td>9</td>
<td>(1) Hyderabad and Kashmir</td>
</tr>
<tr>
<td>109</td>
<td>9</td>
<td>Proposes establishment of some central agency to deal with States problems on behalf of Govt of India; no further steps should be taken to liquidate work of Political Dept in Residences without consultation with Govt of India</td>
</tr>
<tr>
<td>110</td>
<td>9</td>
<td>Protests at steps being taken by Political Dept to liquidate itself and hence relations of Govt of India with States without reference to G. of I. and in particular at proposals for disposal of buildings, etc. in</td>
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<tr>
<td>Name and Number</td>
<td>Date</td>
<td>Main subject or subjects</td>
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<tr>
<td>110 (cont.)</td>
<td>June</td>
<td>States which may belong to G. of I.; suggests proposed return of cantonments to States be considered with G. of I. before action taken; proposes that representative from G. of I. should visit Residencies to inspect buildings etc. and report</td>
</tr>
<tr>
<td>111 Nehru to Mountbatten Letter</td>
<td>9</td>
<td>Encloses note by Sir Alladi Krishnaswami Iyer on 'The disappearance of Paramoutncy, the emergence of Independent Sovereign States and the Balkanisation of India'</td>
</tr>
<tr>
<td>112 Monckton to Ismay Letter</td>
<td>9</td>
<td>Is worried about way States are being handled; encloses note summarising Hyderabad case; if nothing is done will be compelled to raise hypothetical question of (independent) relations with H.M.G. and return to London to pursue matter through political channels</td>
</tr>
<tr>
<td>124 Record of Interview between Mountbatten, Nehru, Patel and Kripalani</td>
<td>10</td>
<td>The States</td>
</tr>
<tr>
<td>146 Corfield to Scott Letter</td>
<td>11</td>
<td>Encloses briefs on (1) machinery for dealing with questions of common concern between States and successor Govts; (2) interim standstill arrangements; (3) disposal of Crown Representative’s records; gives his views on Nos. 109, 110 and 111</td>
</tr>
<tr>
<td>150 Herbert to Corfield Tel. R–59</td>
<td>11</td>
<td>Regrets it has proved impracticable to prevent issue of No. 163</td>
</tr>
<tr>
<td>151 Standing Committee of All India States’ People's Conference Resolutions (2) and (3)</td>
<td>11/12</td>
<td>(2) Position of States in regard to statement of 3 June; (3) Administrative functions of paramountcy</td>
</tr>
<tr>
<td>163 Firman issued by Nizam of Hyderabad</td>
<td>12</td>
<td>Announces decision not to send representatives to either Constituent Assembly; states that on departure of Paramount Power he will in law become independent Sovereign, but that question of association or relationship between his State and units of British India remains for decision when their constitutions have been determined</td>
</tr>
<tr>
<td>175 Minutes of Viceroy’s Eighteenth Miscellaneous Meeting Item 1</td>
<td>13</td>
<td>Meeting between Mountbatten and Indian leaders on (1) the States—Nehru attacks and Corfield defends Political Dept’s policy for, and actions to implement, withdrawal of paramountcy; Nehru argues that States cannot claim independence; Jinnah asserts they are sovereign states which Nehru contests; discussion of Enclosures to No. 146 with agreement, <em>inter alia</em>, on establishment of ‘States Department’ of G. of I.; on despatch to</td>
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<td>Name and Number</td>
<td>Date</td>
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<tr>
<td>175 (cont.)</td>
<td>June</td>
<td>States of draft standstill formula and on holding meeting between Indian leaders and representatives of States (probably in July) to discuss it; and on principles to govern disposal of Crown Representative’s records</td>
</tr>
<tr>
<td>196 Corfield to Erskine Crum Letter</td>
<td>14</td>
<td>Refers to No. 175, Item 1; hopes that Mountbatten will explain to Indian Cabinet that jurisdiction over administered areas (e.g. railways and cantonments) will revert to States; that this reversion will not be affected by standstill agreement; and that negotiations for practical arrangements for these areas, on basis of changed jurisdiction, should not be delayed</td>
</tr>
<tr>
<td>197 Secretary to Crown Representative to Residents Letter F.45-R(S)/47</td>
<td>14</td>
<td>Machinery for dealing with questions of common concern: States Dept. to be established; Residents to enquire whether States would prefer successor Govts to station Agents with them, or vice versa</td>
</tr>
<tr>
<td>198 Secretary to Crown Representative to Residents Letter F.46-R(S)/47</td>
<td>14</td>
<td>Standstill Formula: draft standstill agreement enclosed; Residents to explain it is only a ‘cockshy’ to provide basis for discussion and negotiation at Conference between representatives of States and Successor Govts to be held at end of July</td>
</tr>
<tr>
<td>199 Monckton to Mountbatten Letter</td>
<td>14</td>
<td>Is very troubled about way his Hyderabad clients are being treated; outlines Nizam’s viewpoint on apparent intention to deny Hyderabad any direct relations with H.M.G. and his difficulties in trusting in Hindustan for his future; is being pressed by Nizam to return to England; will feel reluctantly bound to go to ensure that British public are aware how ‘shamefully’ their ‘old friends and allies’ are being treated</td>
</tr>
<tr>
<td>206 Resolution of All-India Congress Committee</td>
<td>15</td>
<td>Statement of Congress views on position of Indian States</td>
</tr>
<tr>
<td>225 Reuter Report</td>
<td>17</td>
<td>Statement by Jinnah on Indian States</td>
</tr>
<tr>
<td>226 Fortnightly report of Madras States Residency</td>
<td>17</td>
<td>Controversy between Ramaswami Aiyar, and Congress and States’ People’s Congress, over Travancore’s decision to declare independence on lapse of paramountcy</td>
</tr>
<tr>
<td>229 Nehru to Mountbatten Letter</td>
<td>17</td>
<td>Encloses long note (reprinted in full) on Kashmir</td>
</tr>
<tr>
<td>238 Viceroy’s Conference Paper V.C.P. 81</td>
<td>17</td>
<td>Circulates letter and proposals from Nehru regarding constitution and functions of proposed new Dept., possibly called the States Dept., of Govt of India to deal with matters of common concern with States</td>
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<tr>
<td>Name and Number</td>
<td>Date</td>
<td>Main subject or subjects</td>
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<tr>
<td>239 Minutes of Viceroy’s Forty Fifth Staff Meeting Items 4 and 7</td>
<td>June 17</td>
<td>(4) Nehru’s proposals for establishment of States Department; (7) Bahawalpur</td>
</tr>
<tr>
<td>241 Listowel to Attlee Minute 92/47, para. 6</td>
<td>17</td>
<td>Refers to No. 222; points out practical difficulties of Royal visit to India and Pakistan in current year; until Princes have defined their relations with new Dominions, Royal visit might cause embarrassment in that regard</td>
</tr>
<tr>
<td>243 Mountbatten to Listowel Tel. 1482–P</td>
<td>17</td>
<td>Requests extension of style ‘His Highness’ to Rulers with salute of 9 guns</td>
</tr>
<tr>
<td>246 Mountbatten to Listowel Tel. 1483–S</td>
<td>17</td>
<td>Conveys view of Reforms Office on question whether agreements of commercial, economic or financial character between States and paramount power will continue to be binding on States and successor Governments</td>
</tr>
<tr>
<td>247 Mountbatten to Listowel Tel. 1484–S</td>
<td>17</td>
<td>Refers to No. 246 and conveys Political Dept.’s conflicting view</td>
</tr>
<tr>
<td>250 Secretary to Crown Representative to Residents Letter F.63–R(S)/46</td>
<td>18</td>
<td>Authorises resumption of destruction of ephemeral records and gives instructions for transfer of certain confidential records to U.K. High Commissioner by 15 August 1947</td>
</tr>
<tr>
<td>260 Ismay to Mountbatten Minute</td>
<td>19</td>
<td>Following talks with Chhattari, Monckton and Corfield, submits recommendations of Mieville and himself on how to handle Berar problem</td>
</tr>
<tr>
<td>261 Ismay to Mountbatten Letter</td>
<td>19</td>
<td>Has had long discussion with Monckton on drafting Parliamentary Question and Answer on H.M.G.’s relations with States after transfer of power which will be sufficiently acceptable to Nizam to prevent his sending Monckton home to mobilise opinion on treatment of States; Monckton is writing to Butler to get Question put; Annex: letter to Monteath enclosing draft</td>
</tr>
<tr>
<td>264 Nehru to Ismay Letter</td>
<td>19</td>
<td>Reviews position regarding States; emphasises they must ‘fit in properly into the picture of India’; it is ‘quite inconceivable that a State can become independent’ and have external relations; indicates trade is to be regarded as part of external relations; trusts States Dept. will soon be constituted; enclosure: note emphasising need for political arrangements to take place of paramountcy as well as for arrangements for matters of common concern</td>
</tr>
<tr>
<td>273 Mountbatten to Listowel Letter 1446/18</td>
<td>20</td>
<td>Encloses letter and note from Bhopal to be passed to Attlee; has explained to Bhopal and Zafrullah Khan that Congress would</td>
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<tr>
<td>Name and Number</td>
<td>Date</td>
<td>Main subject or subjects</td>
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<td>273 (cont.)</td>
<td>June</td>
<td>never have agreed to plan if there were to be more than two Dominions; but some States, particularly Hyderabad and Bhopal, feel very unhappy; enclosure: Bhopal’s letter alleging that, if H.M.G.’s treatment of States is based on hope of conciliating Congress, that hope will prove futile; that Congress will be dominated by left wing whose socialism is only a thin veneer covering a mass of rank communism; and that decisions already made by Constituent Assembly offer little incentive to States to join Hindustan</td>
</tr>
<tr>
<td>279 Mountbatten to Listowel Tel. 8-S.K.</td>
<td>20</td>
<td>Refers to No. 256, paras. 6 and 20; question of consultation with Indian leaders on particular points arising on draft Bill; agrees with Reforms Office and Political Dept in deprecating formal denunciation of treaties with States</td>
</tr>
<tr>
<td>287 Secretary to Crown Representative to Residents Letter F.46-R(S)/47</td>
<td>21</td>
<td>Refers to No. 198, para. 4; July Conference on Standstill arrangements: Residents to seek to ensure that (a) every State is represented, (b) representatives are authorised to sign agreement, (c) as many States as possible combine to send joint representative; there is no suggestion of ‘permanent commitment’, but, to avoid administrative dislocation, standstill agreement is necessary</td>
</tr>
<tr>
<td>288 Ismay to Nehru Letter</td>
<td>21</td>
<td>Refers to No. 238; encloses memorandum on constitution and functions of proposed States Dept which Mountbatten proposes to include in agenda for Indian Cabinet meeting next week</td>
</tr>
<tr>
<td>294 Record of Interview between Mountbatten and Kak</td>
<td>22</td>
<td>Mountbatten clarifies advice given to Maharaja regarding future of Kashmir</td>
</tr>
<tr>
<td>295 Nehru to Mountbatten Letter</td>
<td>22</td>
<td>In view of statements by or on behalf of Ramaswami Aiyar regarding independence of Travancore, Govt of India will not be prepared to recognise Travancore’s Envoy to Delhi; considers statement that Pakistan, on its establishment, will receive representative of Travancore is ‘extraordinary in many respects’; thinks Ramaswami Aiyar should be informed that such statements are ‘mischiefous and harmful’</td>
</tr>
<tr>
<td>296 Monckton to Ismay Letter</td>
<td>22</td>
<td>Refers to Govt of India’s inaction in matter of removing its troops from Hyderabad; if no reply to Hyderabad’s latest representation is forthcoming P.Q. will be put asking whether this ‘Army of’</td>
</tr>
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<td>Name and Number</td>
<td>Date</td>
<td>Main subject or subjects</td>
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<tr>
<td>296 (cont.)</td>
<td>June</td>
<td>Occupation' will be permitted to remain; is under pressure from Kashmir to go there for few days</td>
</tr>
<tr>
<td>297 Nehru to Ismay Letter</td>
<td>22</td>
<td>Refers to No. 288; notes that memorandum on States Dept does not cover need for political arrangements with States and suggests this might be dealt with in Standstill agreement</td>
</tr>
<tr>
<td>303 Cripps to Rajagopalachariar Letter</td>
<td>23</td>
<td>Cannot concur in historical and constitutional arguments in No. 107 regarding lapse of paramountcy but recognises practical problems which he feels call for 'cooperation and goodwill on the administrative level ... like so much of the business now before you all in India'</td>
</tr>
<tr>
<td>308 Minutes of Viceroy’s Forty Sixth Staff Meeting Items 10 and 11</td>
<td>23</td>
<td>(10) Berar; (11) Hyderabad</td>
</tr>
<tr>
<td>319 Record of Interview between Mountbatten and Nehru, para. 5</td>
<td>24</td>
<td>Kashmir</td>
</tr>
<tr>
<td>326 Cabinet India and Burma Committee Paper I.B.(47)128</td>
<td>24</td>
<td>Memorandum by Listowel opposing proposal made by Ismay and Monckton (Annex to No. 261) for P.Q. about policy towards States</td>
</tr>
<tr>
<td>338 Indian Cabinet Meeting Case 152/32/47</td>
<td>25</td>
<td>(1) Decision to establish States Dept of Govt of India</td>
</tr>
<tr>
<td>340 Nehru to Ismay Letter</td>
<td>25</td>
<td>Encloses (1) amended draft of standstill agreement with States, and (2) explanatory notes on clauses</td>
</tr>
<tr>
<td>349 Listowel to Mountbatten Tel. 8162</td>
<td>25</td>
<td>Refers to Nos. 246 and 247; explains why it is felt Political Dept’s view must be accepted that all agreements with States must lapse and advocates retention of clause to this effect in Bill</td>
</tr>
<tr>
<td>355 Mountbatten to Nehru Letter 1446/32</td>
<td>26</td>
<td>Refers to No. 264; agrees accommodation between States and two Dominions is most desirable; this must be reached by parties themselves but will do what he can to promote agreed settlement</td>
</tr>
<tr>
<td>360 Cabinet India and Burma Committee I.B.(47)36th Meeting Minute 2</td>
<td>26</td>
<td>(2) Agreement not to make statement on Indian States in answer to P.Q. proposed by Monckton and Ismay</td>
</tr>
<tr>
<td>365 Mountbatten to Listowel Tel. 1598-S</td>
<td>26</td>
<td>States inter alia that Nehru 'will vehemently protest' against denunciation of States' treaties (see No. 349)</td>
</tr>
<tr>
<td>369 Viceroy’s Personal Report No. 10, paras. 26–36</td>
<td>27</td>
<td>Difficult meeting about States; establishment of States Dept and forthcoming meeting between it and States' representatives; Mountbatten’s visit</td>
</tr>
<tr>
<td>Name and Number</td>
<td>Date</td>
<td>Main subject or subjects</td>
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<tr>
<td>376 Listowel to Mountbatten Letter, para. 9</td>
<td>27 June</td>
<td>Bhopal’s views on H.M.G.’s policy towards States</td>
</tr>
<tr>
<td>385 Corfield to Mountbatten Letter</td>
<td>28</td>
<td>Suggests two amendments to draft of No. 386; also that Jinnah should be informed of background to Gandhi’s proposed visit to Kashmir to allay suspicion of it in Pakistan</td>
</tr>
<tr>
<td>386 Mountbatten to Kashmir Letter</td>
<td>27/28</td>
<td>Reports discussions with Nehru and Gandhi about Kashmir; they now wish that one of them should visit Kashmir; Mountbatten has agreed to put case to Maharaja for visit by Gandhi; stresses need for tactful handling of matter; Enclosure: official letter from Mountbatten to Maharaja (dictated in Gandhi’s presence) suggesting that Maharaja should agree to visit by Gandhi; latter has given assurance not to make speeches or any form of propaganda</td>
</tr>
<tr>
<td>387 Mountbatten to Webb Letter</td>
<td>28</td>
<td>Asks him to warn Maharaja it will be dangerous to postpone Gandhi’s visit to Kashmir too long; Enclosure: letter written earlier describing background to proposal for visit by Gandhi</td>
</tr>
<tr>
<td>401 Bhopal to Mountbatten Letter</td>
<td>29</td>
<td>Protests at agitation ‘engineered against Travancore’; urges that it is necessary for each side to desist from action contrary to 3 June plan in order to create right atmosphere for forthcoming talks between States Dept and States on Standstill arrangements</td>
</tr>
<tr>
<td>402 Bhopal to Mountbatten Letter</td>
<td>29</td>
<td>Asks Mountbatten to ensure that proposed legislation clearly provides for lapse of paramountcy after transfer of power</td>
</tr>
<tr>
<td>403 Abell to Mountbatten Minute</td>
<td>29</td>
<td>Submits advice, after consultation with V. P. Menon, on action to be taken on No. 340</td>
</tr>
<tr>
<td>418 Mountbatten to Corfield Letter 592/89</td>
<td>30</td>
<td>Reports conversation with Raja of Bilaspur about future of Punjab States and advice he has given him regarding negotiation of standstill agreements and accession of States to one or other of two Dominions; has told Bilaspur that he (Mountbatten) ‘had made it a point of principle not to advise any state which of the two Dominions they should join’; asks Corfield,</td>
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<td>Name and Number</td>
<td>Date</td>
<td>Main subject or subjects</td>
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<td>418 (cont.)</td>
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<tr>
<td>427 Qureshi to Davy</td>
<td>June</td>
<td>Communicates Bhopal Govt's reply regarding creation of States Dept and negotiation of Standstill arrangements; raises certain other matters, e.g. retrocession of jurisdiction over railways and of railway lands, supply of arms and ammunition, States' share in Sterling Balances; Bhopal Govt observes that States are only party to suffer and be neglected in programme for transfer of power and trusts that Crown Representative will take necessary action in these matters.</td>
</tr>
<tr>
<td>446 Record of Interview between Mountbatten and Panikkar</td>
<td></td>
<td></td>
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<tr>
<td>450 Vellodi to Nehru</td>
<td>July</td>
<td>Panikkar speaks of detrimental effect if States' agreement were to be terminated at short notice under Standstill Agreement; he suggests standstill agreements of two years on more fundamental subjects; he says that embarrassment would be caused by disputed succession cases.</td>
</tr>
<tr>
<td>452 Mountbatten to Listowel</td>
<td></td>
<td>Says there are signs that agents for Indian States are active in London; object is to mislead public on question of States' independence; seeks guidance on counter-measures.</td>
</tr>
<tr>
<td>459 Rajagopalacharier to Cripps</td>
<td></td>
<td>Has given Congress and League leaders copies of draft Bill; Congress raised three points; these related to ... (3) the wiping out of all treaties and agreements with States. reflects on No. 303; feels H.M.G. has taken on ultra-legalistic position on the States; admits that H.M.G.'s obligations under the Treaties may cease on independence but believes that obligations between States and G. of I. must continue; does not consider that Parliamentary legislation on matter should extend to new Dominion of India.</td>
</tr>
<tr>
<td>466 Listowel to Mountbatten</td>
<td></td>
<td>Comments on points in No. 452; explains why there are insuperable objections to Congress request that treaties and agreements with States should be continued in existence by Parliamentary legislation.</td>
</tr>
<tr>
<td>476 Minutes by Auchenleck and Abell</td>
<td></td>
<td>Position if Travancore were to ask for military assistance to deal with disorder.</td>
</tr>
<tr>
<td>477 Smith to Ismay</td>
<td></td>
<td>Sends copy of note from Auchenleck to Baldev Singh with which Auchenleck sent copy of his Minute in No. 476;</td>
</tr>
<tr>
<td>Name and Number</td>
<td>Date</td>
<td>Main subject or subjects</td>
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<tr>
<td>477 (cont.)</td>
<td>July</td>
<td>AUCHINLECK noted that if, after 15 August, a Dominion Govt wished to use the armed forces to coerce States, it would be necessary to decide the position of the British Officers in command; he is taking matter up with Viceroy; Smith adds that in no circumstances can British Officers in Pakistan and Hindustan be used in operations against each other</td>
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<td>479</td>
<td></td>
<td>Congress comments on clauses 2(3) and 7(1)(b) of draft Bill relating to States</td>
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<td>484</td>
<td></td>
<td>Refers to No. 479 and recommends something should be done to meet Congress points</td>
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<tr>
<td>486</td>
<td></td>
<td>Committee are impressed by Congress criticisms of clause 7(1)(b)</td>
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<tr>
<td>502</td>
<td></td>
<td>Refers to No. 450; doubts whether agents of Indian States in London can produce much effect; outlines Congress position on States; explains that decision of Frontier Congress to boycott referendum does not mean that it is demanding separate, independent status for Province</td>
</tr>
<tr>
<td>513</td>
<td></td>
<td>Notes that, despite objections in Nos. 349 and 466, standstill proviso covering agreements with States has been inserted in Bill; though precise legal result may be disputable, proviso gives cover to a standstill in practice when neither party has done anything</td>
</tr>
<tr>
<td>520</td>
<td></td>
<td>Circulates paper giving League’s comments on Congress comments (No. 479) on Bill</td>
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<td>525</td>
<td></td>
<td>Memorandum by Listowel on the position of Berar and the Nizam’s probable attitude towards negotiations</td>
</tr>
<tr>
<td>528</td>
<td></td>
<td>Statement issued on occasion of coming into being of Indian States Dept; Patel appeals for States to join Constituent Assembly and assures them that nothing more than a three subject accession is sought; Congress have no desire to interfere with the domestic affairs of the States; States Dept will not conduct its relations with States in any manner savouring of domination</td>
</tr>
<tr>
<td>533</td>
<td></td>
<td>Jinnah denies writing to Maharaja of Kashmir urging him to join Pakistan</td>
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<td>538</td>
<td></td>
<td>Explains why he does not favour formal dissolution of Chamber of Princes;</td>
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<tr>
<td>Name and Number</td>
<td>Date</td>
<td>Main subject or subjects</td>
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<tr>
<td>538 (cont.)</td>
<td>July</td>
<td>recommends it should be allowed to die natural and unobtrusive death</td>
</tr>
<tr>
<td>542 Nicholls to Joyce</td>
<td>6</td>
<td>Reports that first reactions to Bill have been extremely favourable and British have come out well; main attack was on position of States and, in particular, Berar</td>
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<td>Tel. 1789-S</td>
<td></td>
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<tr>
<td>545 Minutes of Viceroy’s Fifty Third Staff Meeting</td>
<td>7</td>
<td>(4) V. P. Menon says he personally drafted No. 528</td>
</tr>
<tr>
<td>Item 4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>559 Mountbatten to Listowel</td>
<td>7</td>
<td>Explains background to Note in No. 560; says he had not realised position on petty States; is sending Note to Corfield</td>
</tr>
<tr>
<td>Tel. 1805-S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>560 Mountbatten to Listowel</td>
<td>7</td>
<td>Sends text of Note by Rau expressing concern over aspects of the Proviso to Section 7(1)(b) and (c) of Bill as drafted; Rau points out that Rulers of 327 petty States would be given extensive powers they had never enjoyed in the past; he suggests that existing proviso be replaced by two separate provisos</td>
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<tr>
<td>Tel. 1806-S</td>
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</table>
I

Viceroy's Conference Paper V.C.P. 58

Mountbatten Papers

TOP SECRET

THE VICEROY'S HOUSE, NEW DELHI, 31 MAY 1947

THE VICEROY'S BROADCAST

1. Attached are copies of two alternative broadcast statements which His Excellency the Viceroy recorded in London on 28th May.

2. One or other of these broadcasts will be played from London and made by the Viceroy from Delhi on 3rd June.

3. Broadcast 'A' will be used if it appears probable that Bengal will be partitioned: Broadcast 'B' if it appears probable that Bengal will remain unified.

V. F. ERKINE CRUM
Conference Secretary

1 Alternative 'A' was the same, except for minor amendments, as the Broadcast as made (No. 44). Alternative 'B' was the same as 'A' except that an additional para. on Bengal was included after the one on the Sikhs (No. 44, p. 87) which read as follows:

'Bengal was one of the Provinces for whom partition was demanded, but the newly formed Coalition Government of Bengal have asked for their case to be reconsidered; and this is reviewed in the statement which is shortly to be read out.'

Also, the reference to 'Bengal and part of Assam' was deleted from the previous para. but one.

2

Minutes of Viceroy's Thirty Fourth Staff Meeting, Items 1–7

Mountbatten Papers

TOP SECRET

Those present at this Meeting held at The Viceroy's House, New Delhi, on 31 May 1947 at 11 am were: Rear-Admiral Viscount Mountbatten of Burma, Sir J. Colville, Lord Ismay, Sir E. Mieville, Mr Abell, Rao Bahadur V. P. Menon, Captain Brockman Mr I. D. Scott, Mr Campbell-Johnson, Lieutenant-Colonel Erskine Crum.
Item 1

THE VICEROY’S BROADCAST

HIS EXCELLENCY THE VICEROY said that he had recorded in London two alternative versions of the Broadcast which he intended to make directly before the issue of the Announcement. One would be used if it appeared probable, on the day, that Bengal would be partitioned; and the other if it appeared probable that Bengal would remain united.

HIS EXCELLENCY THE VICEROY said that, in view of the fact that the Prime Minister had decided that the Announcement should be made in Parliament at 3.30 p.m. D.B.S.T. on 3rd June, he would make his Broadcast over All-India Radio at 7 p.m. I.S.T. It would last about eight minutes. The recorded Broadcast in London would be introduced by a speech by the Prime Minister.

HIS EXCELLENCY THE VICEROY—

(i) directed Pers. Sec. to draft, for his approval, a telegram to ask His Majesty the King’s permission for him to include a message of goodwill from His Majesty in his broadcast;

(ii) directed Press Attaché to arrange for him to broadcast over All-India Radio at 7 p.m. I.S.T. on 3rd June;

(iii) directed Press Attaché to draft for inclusion in his Broadcast a reference—as an apparent “aside”—to his basic agreement with Mr Gandhi that the partitioning of India was wrong.

Item 2

BENGAL

HIS EXCELLENCY THE VICEROY referred to a letter which he had received from the Governor of Bengal, who asked him to grant an interview to Mr Suhrawardy, and stated that both parties in Bengal were preparing to be attacked if there was a decision in favour of the partition of that Province. Such a situation was in his opinion very likely to lead to serious trouble.

HIS EXCELLENCY THE VICEROY asked Sir Eric Mieville to arrange for him to see Mr Suhrawardy that afternoon. He went on to point out that His Majesty’s Government had declared themselves willing to agree to an independent Bengal—in fact willing to agree to any solution for Bengal with which the Leaders of the principal parties agreed. However, Pandit Nehru had stated that he would not agree to Bengal being independent. Therefore the only profitable line of negotiation at present was to find out whether the leaders would agree to Bengal being given a status similar to that of an Indian State and being allowed to negotiate its own separate agreements with either side.

SIR JOHN COLVILLE stated that Mr Liaquat Ali Khan had told him that he considered that the future of Calcutta was the most difficult point of all. HIS
EXCELLENCY THE VICEROY pointed out that His Majesty’s Government had decided that it would not be practicable to declare Calcutta a free city. They had also ruled that Dominion status would not be granted to Eastern Bengal independently. In his opinion, Eastern Bengal was likely to be a great embarrassment to Pakistan. Presumably Pandit Nehru considered that Eastern Bengal was bound sooner or later to rejoin India.

HIS EXCELLENCY THE VICEROY stated that His Majesty’s Government had agreed that the possible transfer of Purnea to Eastern Bengal should not be considered in the present statement but should, like the transfer of parts of Sind, form the subject of separate negotiations and consideration by a Boundary Commission.¹

HIS EXCELLENCY THE VICEROY:

directed Prin. Sec. to arrange for him to see Mr Suhrawardy that day.

Item 3

THE PUNJAB

SIR ERIC MIEVILLE said that Sir Evan Jenkins had telegraphed that the whole of 4 Indian Division would not be in position in the Punjab by the date of the Announcement. However, he had seen Lieut. General Sir Arthur Smith and it had been arranged that the last trainload of the Division should arrive at Lahore on 3rd June. There would be a total of 16 battalions in and around Lahore.

SIR JOHN COLVILLE said that the reason why the Reconnaissance Regiment of 4 Indian Division was not being sent to the Punjab was that there were other armoured units there in sufficient quantity.

Item 4

MR GANDHI

RAO BAHADUR MENON said that it was Sardar Patel’s opinion that not too

¹ See No. 1.
² Vol. X, No. 554. For Lord Mountbatten’s discussions with the India and Burma Committee referring to Bengal, see Vol. X, No. 485; No. 494, Minutes 2 and 4; No. 517, Minute 2; No. 523; and No. 533, Minutes 1–3 and 5(d).
³ See Vol. X, Nos. 552 and 560, Enclosure (iii).
⁴ See Vol. X, No. 494, Minute 5.
much account should be taken of the recent utterances of Mr Gandhi in favour of a united India.  

Sir John Colville stated that he had recently seen Mr Gandhi. He did not think that it was Mr Gandhi’s intention to sabotage the present Plan, nor that it was his primary object to attempt to humiliate the British.

After consideration of various ways of issuing a counter-statement to what Mr Gandhi had recently said, His Excellency the Viceroy decided that the only action which it was desirable to take was for him to make some reference to Mr Gandhi’s views in his Broadcast (see Conclusion (iii) of Item 1 above). At the same time he pointed out that it was quite impossible (and Sir Stafford Cripps had agreed with this) to impose the Cabinet Mission’s Plan by force, as was apparently suggested by Mr Gandhi. The essence of that plan was agreement.

His Excellency the Viceroy:

directed Press Attaché to consider the desirability of arranging for a question to be asked at the Press Conference which he was going to hold which would give him an opportunity to point out that the essence of the Cabinet Mission’s Plan was agreement and that it could not be imposed.

Item 5

The Appointment of Governors General

His Excellency the Viceroy drew attention to the embarrassing situation which would be created if any of the party leaders made public statements during the coming weeks about whom they wished to nominate for the posts of Governor General of the two different Dominions which it was intended to set up. He pointed out that it would make matters much simpler if both Dominions chose the same man for the two appointments. He made it clear that he did not consider that, if this did happen, the Governor General should have the powers of an arbitrator. He personally would in no circumstances accept the appointment of arbitrator.

Lord Ismay suggested that it should be pointed out to the leaders that it was not customary for Prime Ministers of Dominions to say publicly whom they wanted for Governors General before His Majesty had approved their nominations. To make such a public statement would be most improper and discourteous.

His Excellency the Viceroy:

decided to make a personal appeal to the Indian leaders at the forthcoming meeting to refrain from publicity on this matter; and to use the line suggested by C.V.S.
ITEM 6

TIMETABLE OF EVENTS

HIS EXCELLENCY THE VICE-ROY:

(i) directed C.V.S. to prepare for consideration at a Staff Meeting later that day a draft timetable of events on June 2nd, 3rd and 4th;
(ii) directed Prin. Sec. to discuss the suggested timetable with Pandit Nehru and with Mr Jinnah or Mr Liaquat Ali Khan.

ITEM 7

MR JINNAH

HIS EXCELLENCY THE VICE-ROY recalled that Sir Stafford Cripps had suggested, at a Cabinet Committee Meeting, that Mr Jinnah might be threatened, if he appeared likely to reject the Plan, by a suggestion that the notional partition would be drawn more in favour of the Sikhs. LORD ISMAY gave his opinion that such a threat would be striking at the whole basis of the Plan and that Mr Jinnah would not be taken in by it.

HIS EXCELLENCY THE VICE-ROY said that another possibility was to threaten Mr Jinnah that the referendum in the N.W.F.P. would be run by the Provincial Government and not by the Governor General if there was strife there, stirred up by the Muslim League. LORD ISMAY agreed that it might be possible to threaten Mr Jinnah with this; but MR ABBELL gave his opinion that it would not be right to threaten Mr Jinnah at all.

HIS EXCELLENCY THE VICE-ROY said that he considered that he would be more likely to prevail upon Mr Jinnah by a display of “hurt feelings” rather than by threats. With this view there was general agreement.

HIS EXCELLENCY THE VICE-ROY said that he also intended to pass on to Mr Jinnah Mr Churchill’s message that it was “a matter of life and death” for him to accept the Plan. He would give Mr Jinnah permission to inform his Working Committee of this message so long as it was not quoted in the newspapers.

According to The Times of India of 30 May, in a report dated 29 May, “Since his return to New Delhi five days ago, Mr Gandhi has, every evening, at his prayer meeting, preached against ‘vivisection of the motherland’ in terms disquietingly militant.” In the same issue it was also reported that Mr Gandhi, at his prayer meeting on 29 May, had said: “that the Cabinet Mission’s statement of May 16, 1946, had been accepted by the Congress and the British Government, and if either of them went back on it, it would be a breach of faith. He hoped that Britain would not depart from the letter and spirit of the May 16 statement unless the parties, of their own free will, came to an agreement of any variation”. On 31 May the same paper reported that Mr Gandhi after his prayer meeting on 30 May had said: “I made it clear yesterday that if I had my will there would never be Pakistan before peace, and certainly not through British intervention . . . Let Mr Jinnah establish peace, with or without my association, and afterwards convene a meeting of Indian leaders of all classes and communities and plead with them the cause of Pakistan, and wait till he has carried conviction to them”.

HIS EXCELLENCY THE VICEROY:

decided, in inducing Mr Jinnah to accept the Plan, not to use threats, but rather to point out what an embarrassment to him personally Mr Jinnah's recent statement had been; and to pass on to Mr Jinnah Mr Churchill's message.


3

Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/150: ff. 151-8

31 May 1947

H.E.
I submit herewith briefs:
(a) For your opening speech at the Conference on 2nd June: and
(b) For your talk with Mr. Jinnah subsequent to the Conference.

2. I have included a paragraph about the interim period [see para. 12], but perhaps this should be omitted until you have decided on a definite plan?

ISMAY

Enclosure 1 to No. 3

DRAFT BRIEF FOR H.E.'S OPENING SPEECH AT CONFERENCE ON 2ND JUNE, 1947

[ANNOUNCEMENT UNCHANGED]
1. The final text of H.M.G.'s announcement has been handed round to you. You will find that, except for paragraph 20, it is exactly the same in substance as the one which I discussed with each of you in great detail before I went to London. A few amendments have been made on points of detail and these are underlined in your copies. Their sole object is clarification, and if there is objection to any of them, I shall not press for their inclusion.

[HELPFUL ATTITUDE OF H.M.G.]
2. I ought to mention that H.M.G. were extraordinarily kind and helpful during my visit to London, and that they gave me first call on their time. Considering the pressure under which they were working, this shows you how much importance they attach to a satisfactory outcome of the India problem. I am very pleased to say that they have approved in their entirety the proposals which I put to them after discussion with you.
3. I propose that we should have a few minutes silence to read the document again, but, before doing so, may I make some preliminary observations.

[SECRECY]

4. First is the question of secrecy. H.M.G. have emphasised that it will cause them great embarrassment if the announcement leaks before it is made in Parliament at 3.30 p.m., G.M.T. tomorrow, 3rd June, i.e. 7.0 p.m. Indian Standard Time. Your Working Committees have come here, some of them from very long distances, and I feel it only fair that you should be free to discuss the plan with them as soon as this meeting is over, even though it is not going to be given out to the world until tomorrow evening: but I must ask you to give me your personal guarantee that you will impress upon every member of your Working Committees that they must not give away anything to the Press before that hour. Indeed, it is only on that understanding that I feel justified in letting you have copies of the announcement to discuss with them.

[H.M.G. HAVE FINALLY APPROVED]

5. In placing the plan before the Working Committees, I would ask you to make it clear that it represents the result of all my discussions out here, and that H.M.G. have finally approved and are determined to implement it.

[REQUEST FOR SUPPORT OF WORKING COMMITTEES]

6. Naturally I should like to have the complete agreement of your Working Committees when we meet again at 10.0 a.m. tomorrow, but realise that time is short. I sincerely trust, however, that they will, whether they agree with every word of it or not, express their willingness to do their best to make it work.

[APPEAL TO NEHRU AND JINNAH TO BROADCAST]

7. The announcement is to be broadcast from Delhi Station at 7.0 p.m. tomorrow, i.e. simultaneously with its being made known to Parliament in London. I shall myself make a short broadcast introducing the plan, and I appeal most sincerely to Mr. Nehru and Mr. Jinnah to make broadcasts after the conclusion of the announcement, calling on their followers to co-operate in working the scheme. If they would consent to do this, and to draw attention to the fact that H.M.G. have left the vital decisions to the people of India themselves, they would make an enormous contribution towards putting an
end to the existing conditions of strife and bloodshed and, what is more, towards preventing the almost unlimited reign of violence to which the present state of communal tension is leading.

[CABINET MISSION’S PLAN FINALLY REJECTED?]

8. In saying what I have said I have assumed that there is now no possibility of agreement on any form of Unitary Government for India. H.M.G. have always believed in a Unitary India and I myself shall say in my broadcast how strongly I myself am of this opinion: and I would like you to confirm, before we go any further, that there is no hope of agreement either on the Cabinet Mission Plan or on any other plan for a Unitary India.

[DOMINION STATUS]

9. The new paragraph 20 about Dominion Status is of course the important addition to the Announcement since we last met. When I left India there was general agreement that for the purpose of an early, or indeed an almost immediate, transfer of power, the two separate States which may emerge from the plan should each be given Dominion Status. Though Mr. Jinnah has since said that this would be a question for his Constituent Assembly, H.M.G. were very glad to hear of this development, which gives a real chance of continuity and of avoiding confusion during the transitional period. Both parties have demanded an immediate transfer of power and H.M.G. have done their best to meet this request by undertaking to legislate in the current session of Parliament, i.e. the session which ends at the end of July or early in August. Considering their tremendous programme of legislation and the necessity of securing the support of the Opposition, this is a considerable undertaking on their part.

[MUCH ADMINISTRATIVE WORK TO BE DONE]

10. If two separate administrations in India are to be set up by the end of this summer, there is a tremendous amount of work to be done, and I think we should get on to this as soon as possible and perhaps set up immediately a Committee of the Cabinet to get the necessary administrative work started.

[NO PREMATURE COMMENT ON GOVERNORS-GENERAL]

11. The question may be raised almost at once who will be the Governors-General of the two new Dominions. They will of course be appointed on the recommendations of the Heads of the two Governments. The respective Prime Ministers will have to make their recommendations after the Governments have been set up and I suggest that it would be both wise and courteous to avoid any party commitments on this subject for, say, two months. At the end of that time it will no doubt be known who the Prime Ministers will be and the necessary recommendations can be made then.

12. I want to emphasise that under this scheme, though I should like the members of the present Interim Government to carry on, we shall be in a sort
of "caretaker" period when all our main endeavour will be directed towards securing an early and successful partition. I propose, therefore, to ask that each member of the Interim Government should place his resignation in my hands, though I shall certainly ask them to continue in office. I feel that for both the major parties a move of this kind will be valuable as indicating our anxiety to get on to the next and final stage of our work when the two Governments, if there are to be two Governments by the will of the people, are set up.

13. I now propose that we should have a few minutes' silence, so that you may read the plan through again. We can then continue our discussion thereon.

Enclosure 2 to No. 3

DRAFT BRIEF FOR H.E.'S TALK WITH MR. JINNAH
I am sure that you will not be happy with the details of the plan contained in the announcement, but at least it contemplates the partition for which you have fought for so many years. Indeed, you have yourself said that you would sooner have a few acres of the Sind desert, provided that it was your very own, rather than have a united India with a majority rule. To that extent, therefore, you must be satisfied.

[NO RESERVATIONS] ¹⁰

2. That you will be much disturbed by the prospect of the partition of Bengal and the Punjab goes without saying, but, honestly, neither I nor H.M.G. nor indeed your many friends in the Opposition party in England could possibly contest the justice of this arrangement. I beg, therefore, that in the interests of the peace of India, and of the good relationship between Pakistan and Great Britain, you should accept—I do not say 'entirely agree with'—the scheme as it stands. If you should, at this stage, mention any reservations, it will give your opponents the opportunity of saying that they too are not prepared to accept this scheme, except as a final settlement: and we shall then be back exactly

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¹ For decision to include new paragraph 20 see Vol. X, No. 553, Minute 3, and entry for Dominion Status in Index of Subjects in that Volume for question of Dominion Status generally.

7 See Vol. X, Nos. 489 and 493.

8 Following para. 10 in the revise there is a new paragraph, headed THE SIKHS, which reads as follows: 'There is one point in the announcement to which I should like to draw special attention. If the people of the Punjab decide in favour of the partition of the Province the position of the Sikhs will be a specially difficult one. They themselves have pressed for partition, though they have always wanted it on the understanding that it would give them a larger territory than they are likely to obtain by any application of the principle laid down in the Statement. There is provision for a Boundary Commission on which the Sikhs will themselves be represented. I have discussed the proposals in great detail with my friend Sardar Baldev Singh, and I do hope he will do all he can to steady opinion among the Sikhs and to persuade them to support the scheme and co-operate in the procedure laid down.'

9 This para. is omitted from the revise.

¹⁰ Headings in square brackets inserted from the revise where they appear in manuscript in the margin.
where we started. After all, nothing is final in this world. You have often told me that your experience as a lawyer leads you to believe that once a decision has been made, both parties will forget their previous hostility and do their utmost to make it work. So let it be with this scheme. There is nothing final in this world, and I feel confident that, provided there is good will on both sides, all equitable adjustments will become apparent with the passage of time and will be duly made.

[DOMINION STATUS]

3. I now turn to the question of Dominion status. You have frequently told me and members of my staff that it was your wish that Pakistan should remain within the British Commonwealth. I was therefore very hurt when I saw an account of the interview which you had given to Reuters.\(^{11}\) Only the previous day\(^ {12}\) I had, in the presence of Mr. Attlee, told Mr. Churchill and the Opposition leaders of the possibility that both the League and Congress would wish, in the interests of a very early transfer of power, to start on a Dominion status basis: and they had welcomed the idea. Consequently, when your article appeared, they could not but think that I had misled them. Fortunately Mr. Chundrigar, who was in London, was able to assure me that the Muslim League attitude towards Dominion status would, in the end, almost certainly be favourable. I reported this to Mr. Attlee, and I also saw Mr. Churchill again. The latter asked me to give you the following personal message:— "It is a matter of life and death for Mr. Jinnah to accept this offer."\(^ {13}\) You are at liberty to mention this message to your Working Committee, if you think there is anything to be gained by it, though it is vital that it should not get into the Press.

[HEAVY RESPONSIBILITY]

4. A very heavy responsibility now rests with you. In your hands, perhaps more than anyone else's in the world, lies the possibility of ending all this bloodshed that is bringing so much suffering to India, and of achieving a permanent and satisfactory solution of this long-standing problem.


\(^{12}\) No note of this interview has been traced, but see Vol. X, Enclosure to No. 513.

\(^{13}\) See Vol. X, No. 513.
Dear Lord Mountbatten,

I hope you are not too tired after your strenuous labours in London and your journey. Perhaps the short change to the pleasanter climate of England in May was agreeable.

2. You will remember that I wrote to you on the 13th May about the President of the Congress representing the Congress formally at the conference of the 2nd June. You replied to me on the 17th May stating that you appreciated my point but felt that it would be better to see him separately on the same day.

3. We had a meeting of our Working Committee this afternoon and the very first point that was raised there by a member was about the invitations to your conference. Was the Congress represented in any way, I was asked, or were only the members of the Interim Government represented? If the latter was the case, in what capacity was Mr Jinnah invited? Such questions were raised. I told them that I had written to you in the matter and gave them the purport of your reply. They were far from satisfied and felt that the exclusion of the Congress President meant that Mr Jinnah disapproved of him or his presence. It is a small matter whether anyone of us goes to your formal conference or not as we shall in any event discuss the subject at issue amongst ourselves and possibly later with you. But a certain formal procedure has to be adopted on formal occasions and the exclusion of the Congress President will be felt as a slight on the Congress by a large number of persons. It will be his business to give the lead to the Working Committee and to steer any proposals that are made through the Committee. The fact, if it is a fact, that Mr Jinnah objects to his presence surely cannot be allowed to govern the normal procedure. We have frequently had to vary this procedure because of Mr Jinnah’s likes and dislikes and this has given rise to a great deal of resentment among our people. You will remember how Mr Jinnah objected to Mr

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1 This letter appears to have crossed one from Lord Mountbatten to Pandit Nehru of the same date which read as follows: ‘I shall be glad if you will come to see me at 10 am on Monday morning June 2nd. I am also inviting Messrs Jinnah and Liaquat Ali Khan, Sardar Patel and Sardar Baldev Singh.’ Mountbatten Papers, Official Correspondence Files: Round Table Conference, etc.


Kripalani’s signature being attached to the joint statement issued by Gandhiji and Mr Jinnah.

4. I have been asked by the Congress Working Committee to write to you and request you to reconsider this matter in the light of what I have said above. As it is your desire to keep the meeting as small as practicable, I would suggest that I might be left out of this meeting and that I might see you separately on that day. There will be nothing unusual about this as I often see you separately. In the alternative we have no objection to any additional person being invited. Both Sardar Patel and I would feel embarrassed if we have to go to this conference without Mr Kripalani.

5. The matters at issue, as you realise more than anyone else, are of grave import and it will be unfortunate if anything is done to prejudice a fair examination on the merits. I do not know what the final shape of the proposals is, but some of the proposals made previously run counter to the outlook which the Congress has had for a large number of years, and it will not be a simple matter for the Committee to change this outlook. It may be necessary to convene a meeting of the full All India Congress Committee to consider these important proposals.

6. I hope, therefore, that you will be able to invite the Congress President, Mr Kripalani, to your conference of June 2nd.

Yours sincerely,

JA WAHARLAL NEHRU

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5 For the outcome of this request see Nos. 27, para. 6, and 91, para. 2.

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Minutes of Viceroy’s Thirty Fifth Staff Meeting, Items 2–3

Mountbatten Papers

TOP SECRET
Those present at this Meeting held at The Viceroy’s House, New Delhi, on 31 May 1947 at 3.45 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir E. Mieville, Mr Abell, Captain Brockman, Mr I. D. Scott, Mr Campbell-­Johnson, Lieutenant-Colonel Erskine Crum

Item 2

THE USE OF FORCE TO SUPPRESS DISTURBANCES

HIS EXCELLENCY THE VICE ROY said that he wished to make it clear that he
had accepted the viewpoint that the present laws provided for the use of minimum force to suppress disturbances and that he had no intention of attempting to change these laws.¹

**HIS EXCELLENCY THE VICE ROY** said that he had included in his Broadcast² the words “We cannot afford any toleration of violence. All of us are agreed on that”.

**HIS EXCELLENCY THE VICE ROY:**
directed Press Attaché to arrange for a question to be put at his Press Conference, asking him to define “all of us”; he would explain that this referred to the unanimous opinion of the Interim Government.

*Item 3*

**BENGAL**

**HIS EXCELLENCY THE VICE ROY** said that it had not yet been decided how to carry on the government of Bengal after the issue of the Announcement. Two possibilities were to go into Section 93 Government; or for a Coalition Ministry to be formed.

**HIS EXCELLENCY THE VICE ROY:**
directed P.S.V. to draft for his approval a telegram to the Governor of Bengal asking for his proposals on this matter.

¹ See Vol. X, No. 468, note 2. ² See No. 44.

6

**Cabinet**

*India and Burma Committee. Paper I.B.(47)91*

*L/P&J/10/79: ff 12–13*

**Pandit Nehru’s Interview with Mr Norman Cliff**

**Memorandum by the Secretary of State for India**

**INDIA OFFICE, 31 May 1947**

The full text of this interview,¹ to which the Viceroy referred at the last meeting of the Committee,² is attached.

2. I wish to draw my colleagues’ attention to the following points:—

(i) The very restricted wording of Nehru’s answers in regard to variation of the Cabinet Mission’s plan. The conception advanced is that by a variation of the Mission’s plan parts of India can opt out of the Union

now instead of at a later stage, but that this would involve the partition of the Punjab and Bengal. "Afterwards those parts which opted out could deal directly with a Union of India in regard to future relations and common subjects." Though this phrase is consistent with partition into two States it could also be consistent with the idea of small units standing out separately and having individual relations with the Union as opposed to two States of Pakistan and Hindustan.

(ii) The flat refusal to contemplate Bengal remaining united unless it stays inside the Union.

(iii) Referendum. Nehru's reply may indicate that Congress will demand a referendum everywhere or nowhere.

(iv) The emphasis placed on the necessity of a final settlement as the condition of Congress agreement to any form of partition, and emphasis on agreement to partition only by such agreement and not by imposition by the British Government.

(v) India and the Commonwealth. Nehru emphasises in reply to a question whether there will be a temporary association that India is going to be a republic but that the form of its relations with the Commonwealth cannot be defined now.

(vi) Bases. Nehru makes it clear that the establishment of British bases in Pakistan would adversely affect relations with Hindustan.

(vii) Division of the Army:

"If any division takes place it will be fatal and weaken the Central authority or the area which it controls.

If in case of division the Army also has to be divided it cannot be controlled by some kind of dyarchial system that would make it useless at a time of emergency such as the present."

3. This interview is certainly disappointing and leaves opportunity on a variety of subjects for the Congress to run out of the tentative agreement. Read with the Statements made by Kripalani and Gandhi,³ it looks as if the latter was mobilising his forces to frustrate partition.

³ Vol. X, No. 560, Enclosures (i) and (ii).
7

Cabinet

India and Burma Committee. Paper I.B.(47)94

L/P&J/10/65: ff 22-4

CONSTITUENT ASSEMBLY: COMMITTEE REPORTS
MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, 31 May 1947

I circulate for the information of my colleagues a note prepared in my Office summarising the report of the Union Powers Committee of the Constituent Assembly. This report and the Advisory Committee’s interim report on justiciable fundamental rights were produced towards the end of April for submission to the recent Session of the Assembly and are documents of considerable significance.¹

2. The Report of the Union Powers Committee puts a very wide interpretation on paragraph 15(1) of the Cabinet Mission’s statement of May 16th, 1946, and would, in fact, convert the Union Centre into something very different from what the Mission contemplated. For example, “Defence” is defined to include “Defence Industries”, which under modern conditions may mean almost all basic industries; and “Foreign Affairs” is defined to include the implementing of treaties and of the decisions of international bodies, and also “trade and commerce with foreign countries”. As regards finance, it will be recalled that at the Simla discussions of the Cabinet Mission the Muslim League contended that the Union should be financed by contributions from the Group Governments; and Congress that it should have its own sources of revenue.² The report wholeheartedly adopts the latter alternative, allotting to the Union all the important existing Central sources of revenue. In addition, the powers specified in the report as inherent in the express powers of the Union include the Reserve Bank, Public Debt, Currency, and powers to deal with grave economic emergencies in any part of the Union affecting the Union. It is also provided under the heading “Defence” that the Union Government should have powers similar to those contained in Sections 102 and 126-A of the Government of India Act, which would give them control of Provincial affairs in times of emergency. If all these recommendations are adopted, the effect will be to give a Union Government almost all the powers of the existing Centre.

3. The interim report on fundamental rights discloses the same tendency.

¹ Copies of the reports are on L/P & J/10/65: ff 44-9.
² See e.g. Vol. VII, Nos. 194 and 233.
Thus, the justiciable rights with which the report is concerned would be incorporated in the Constitution so as to be binding upon all authorities throughout the Union; and they would abrogate all existing laws etc. in so far as these might be inconsistent with them. Moreover, the list of rights includes rights for every citizen to move freely throughout the Union, to settle in every part of the Union, to acquire property and to follow any occupation; provision is also made for freedom of trade and commerce between the Units. These stipulations, if adopted, would preclude Muslim areas from protecting themselves from the activities of Hindu business men and money lenders, which they might well wish to do. They would also invalidate such measures as the Punjab Alienation of Land Act, which are designed to prevent agricultural land from passing out of the hands of the actual cultivators into those of money lenders and other non-agriculturists. The Punjab Act, for example, has afforded very valuable protection to agricultural interests (not merely Moslem) against urban and financial interests (mainly Hindu).

4. It has always been assumed that if the Congress and the Muslim League were to set out to frame a workable constitution on the basis of the Cabinet Mission’s scheme, they would probably find it impracticable in modern conditions to adhere to a rigidly narrow interpretation of the list of Union subjects formulated by the Mission. It has also been assumed that, given a measure of good-will between the Hindu and Muslim territories of a future Indian Union, the powers of the Centre would tend to increase as time went on. But for Congress unilaterally to attribute such wide powers to the Union is a very different matter, and suggests that the authors of these reports had given up any idea of securing Muslim League participation in the framing of an agreed constitution. Moreover the very wide powers proposed to be vested from the outset in the Centre may have the effect of deterring Indian States, up to now secure in the exercise of their internal sovereignty subject to benevolent protection by paramountcy, from adhering to the Union without sweeping reservations.

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Annex to No. 7

REPORT OF THE UNION POWERS COMMITTEE

Detailed recommendations are made as to the scope of the subjects proposed to be allotted to the Union in paragraph 15(1) of the Statement of the Cabinet Mission and the Viceroy of May 16th 1946. Inter alia, it is recommended that “Defence” should include “defence industries”, atomic energy and powers similar to those contained in Sections 102 and 126-A of the Government of India Act 1935 (these would enable the Union to control the affairs of the Units in times of emergency); that “Foreign Affairs” should include the implementing
of the decisions of international conferences, associations and other bodies, the implementing of treaties and agreements with other countries, naturalization and aliens, trade and commerce with foreign countries, and foreign loans; and that "Communications" should include airways, certain highways and waterways, posts and telegraphs, the regulation and control of all telephones and broadcasting, Union railways, the regulation and control of other railways in certain respects, maritime shipping and navigation, and major ports. The sources of the revenue required to finance these subjects should, in existing circumstances, include customs and excise duties, taxes on income other than agricultural income and, except in regard to agricultural land, taxes on capital and succession and estate duties. In view, however, of the uneven levels of industrialisation between British India and the States and among the States themselves, the Constitution should provide that, for an agreed period, not exceeding 15 years, after the establishment of the Union, uniformity of taxation throughout the units need not be insisted upon and the administration in the States Units of the taxes allotted to the Union should be subject to agreements between those Units and the Union Government.

The Committee, while considering it impossible to enumerate the powers implied or inherent in or resultant from the express powers of the Union, has specified 14 such powers, including the Union judiciary, the Reserve Bank of India, currency, coinage and legal tender, and powers to deal with grave economic emergencies in any part of the Union affecting the Union.

The Committee has added a list of subjects which, though outside the scope of those whose allotment to the Union was recommended by the Cabinet Mission, should in the Committee's opinion be entrusted to the Union by agreement. This list consists of insurance; company laws; banking; negotiable instruments; patents, trade marks and designs, copyright; planning; ancient and historical monuments and standard weights and measures.

1 The Union Powers Committee Report was dated 17 April 1947 and signed by Pandit Nehru, Pandit Pant, Sir B. L. Mitter, Mr Jairamdas Daulatram, Sir N. Gopalaswami Ayyangar, Mr K. M. Munshi, Sir V. T. Krishnamachari, Mr Pattabhi Sitaramayya, Mr Biswanath Das and Mr A. Krishnaswami Ayyar.

The Interim Report on Fundamental Rights was dated 23 April and signed by Sardar Patel, Chairman of the Advisory Committee on Minorities, Fundamental Rights, etc.
Mr Mackenzie King to Mr Attlee (via Canadian High Commissioner in London and Dominions Office)

Telegram, L/P&E/J/10/81: f 369

IMMEDIATE
TOP SECRET AND PERSONAL

31 May 1947, 1.08 pm

Received: 2 June, 6 pm

No. 109. Your Secret and Personal telegrams Circular D. No. 469 and 470 of May 23rd,¹ and Nos. 128 and 129 of May 28th.² India.

Following for Prime Minister from Prime Minister. Begins.

1. I have read with much interest your messages in the above telegrams on arrangements being worked out for the future of India by the two Governments concerned. I realize how difficult and complicated the problem is for the United Kingdom Government and how important it is for future peace and prosperity in Asia, and indeed in the world, to find a solution which will meet the desires of the Indian people for self-government and make its contribution to the stabilisation and progress of the East. You will not, I am sure, expect me to comment further on current developments in this matter except to assure you and the United Kingdom Government of the good-will and sympathetic understanding of the Canadian Government in your efforts to achieve the ends mentioned above.

2. I need hardly add that, when agreement has been reached by Indian leaders and the Indian people on the future political status of that country, it can be expected that the Canadian Government will do nothing to impede or delay the carrying out of the agreement. This, as regards India, would be Canada’s attitude, even though we recognise that the agreement might have as one result the enlargement of the number of member states within the Commonwealth.

3. Regarding the deletion of “Emperor of India” from the Royal style and titles, the Canadian Government instructed its High Commissioners some time ago to consult with the other Commonwealth Governments on the desirability of discussing at the next conference of Commonwealth Prime Ministers the revision of the Royal style and titles. If our suggestion is acted upon, the Indian suggestion³ could be considered along with other possible modifications. Ends.

¹ See Vol. X, No. 527.
² Tel. 128 contained a message to Mr Mackenzie King in the same terms as the last two paras. of No. 555 in Vol. X. Tel. 129 contained the text of the paragraph on Dominion Status which was to be inserted in the announcement (i.e. para. 20 of No. 45 in this Volume). L/PO/6/121: ff 91, 95.
³ See Vol. X, No. 527, para. 5.
Dear Lord Mountbatten,

Mr. Abell has written\(^1\) to me asking me to send proposals for obtaining a representative for Baluchistan. I have no particular proposal to put forward at this stage. I was under the impression that the first thing to be done was to ascertain the wishes of the people of Baluchistan regarding the position of that Province in the future set-up of India. This too becomes necessary in the event of certain changes taking place in regard to the Punjab and Bengal.

2. You suggested to me in Simla, I think, that possibly a way of ascertaining the wishes of the inhabitants would be to send a Commission to meet the full Jirgas of the various Tribes and to report on their reactions to the proposals made. I am inclined to think that some such procedure might be feasible and desirable. A Commission might be appointed consisting of suitably chosen senior judicial officers and possibly representatives of the External Affairs Department. This Commission should arrange for full meetings of the Jirgas and attend them explaining the points at issue. They may or may not take votes. They should really find out the general sense of each meeting and report accordingly. If necessary the Commission should split up into smaller sections to meet some of the Jirgas.

3. The point is that they should consult as large a number of people as possible and not confine themselves to the selected few of the Shahi Jirga.

4. As regards the people of Quetta Municipality, it should be possible to take a referendum of them or at any rate of the voters in the Municipality.

5. The Commission should submit a consolidated report giving their views of what the people of Baluchistan desire in the matter. They should also suggest the best means of representation in the Constituent Assembly.

6. I discussed this matter today with Sir Geoffrey Prior, the AGG in Baluchistan, and he seemed to think that the method of appointing a Commission to ascertain views would be feasible.

Yours sincerely,

JAWAHARLAL NEHRU

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\(^1\) A reminder, dated 31 May 1947, referring to Vol. X, No. 461, and asking Pandit Nehru to send Lord Mountbatten his proposals for obtaining a representative for Baluchistan as soon as possible. R/3/1/155: ff 8.
IO

Mr Suhrawardy to Sir E. Mieville

Mountbatten Papers. Official Correspondence Files: Bengal, Situation in, Part I(a)

SECRET

6 CANNING ROAD, 31 May 1947

Dear Sir Eric,

I have had an interview with Mr Jinnah. He asked me if I had seen H.E. and, may the Lord forgive me, I told him “no” as I did not want him to think H.E. had seen me.² (Please show this to H.E.). He told me that if H.E. were to see me tomorrow, I should impress upon him the necessity for ascertaining the wishes of the people on the question of partition by utilising the electoral roll on the basis of 1941 census.² He says this is very important, and he does not know what H.E. has brought back from London on this point. He says that getting the wishes of the present members of the Legislature would not be fair, as the opinion of the Scheduled Castes will not be expressed—and we must not let the Scheduled Castes down. He seemed to think that we could create sufficient atmosphere to maintain peace after the announcement. I hope the appeal of the Leaders, accepting though not agreeing or even deliberating, will be simultaneous with the announcement in the interests of peace. He insists that Calcutta should be a free city,³ otherwise it will always remain a bone of contention. I have made clear to him my views regarding the Commonwealth, and I have every hope—all in good time. For this reason I am even reconciling myself to partition (if it is inevitable) and if zone A does not come within the Commonwealth. If it does, then, of course, the Congress can have no objection if independent Bengal also comes into the Commonwealth: if it does not and Bengal is independent, I shall have to work hard to get it in. I wonder if I am clear.⁴

Yours sincerely,

H. S. SUHRAWARDY

¹ For an account of this interview see No. 91, para. 1.
⁴ No reply to this letter is on the file; see however No. 17, Item 4.

II

Mr Liaquat Ali Khan to Rear-Admiral Viscount Mountbatten of Burma

R/31/90: ff 122-3

NEW DELHI, 31 May 1947

Dear Lord Mountbatten,

Accompanied by my colleague the Hon’ble Mr Ghazanfar Ali Khan, I visited certain parts of Gurgaon district today, including the District headquarters as
well as the headquarters of the small military force which is assisting the civil authorities in checking the widespread rioting in the District. We had an opportunity of discussing the situation with the Deputy Commissioner and certain other officials as well as with Muslims who came to us on hearing about our arrival.

Our discussions with the local officials brought out a few points very clearly, which deserve to be brought to your notice immediately.

(a) It is not merely a spontaneous flare-up of communal feelings in this part of the country, but a planned, pre-meditated and well organised attack that has been launched with the object of completely suppressing the Muslim community of Meos numbering about one million and forming a more or less compact Muslim belt in a predominantly Hindu area. Possibly it is intended to pave the way for the establishment of a Jat province by force. The idea of the Jat province has been openly favoured not only by the Jat Hindu population on both sides of the Punjab-U.P. border, but also by certain rulers of Indian States. A sinister aspect of the present attack is that armed troops from the Indian States of Bharatpur and Alwar have been frequently entering the Gurgaon district territory. They have been noticed in uniforms. It is not improbable that a number of them in plain clothes have been mixing up with the rioters during the present trouble and using their modem weapons against the Meo villagers. The impression in Gurgaon district is widespread that arms and ammunition are freely pouring into the riot affected areas from the Indian States.

The present trouble started, according to all reports, with a treacherous attack by Hindu jats on a Muslim village, Naurangpur, after an elaborate series of meetings, held under official auspices, at which pledges and undertakings were given for the maintenance of peace. From there the disturbances have rapidly spread over a wide area and assumed the form of an offensive on a very wide front against the Meo villages by large crowds drawn from Hindu jats, Ahirs, and Gujaris of several districts in the Punjab as well as the U.P., among whom are no doubt certain number of trained soldiers, carrying arms belonging to the Alwar and Bharatpur States.

(b) The military force which has been sent to help in stopping this carnage is altogether inadequate. It consists of four companies with a total strength of about 500. One of them is a Gurkha Company. The other three until today were the Rajputana Rifles. The Rajputana Rifles have a mixed composition but, it is an unfortunate accident the three companies sent to Gurgaon were all Hindu. Today they have been replaced by Sikh companies. There is no doubt that in a situation like this a military force of mixed composition can alone ensure fairness and inspire confidence in the
population. What I regard as another unfortunate accident is that the visit of the Hon’ble Members for Home and Defence to Gurgaon yesterday should have been followed by replacement of the Hindu companies by Sikh soldiers today. I know that there is no connection between the two, but it is difficult to convince unintelligent and panic stricken villagers.

(c) It was explained to us that owing to its inadequate strength the military force can make its presence felt only in one sector. This leaves killing, looting and arson practically unchecked in other parts. An additional reason for the inability of the forces to control the situation in these latter areas is their inaccessibility and lack of motorable roads.

In view of the points mentioned above I would make the following submissions for your immediate consideration:

(1) The rulers of Indian States clearly need a prompt warning to keep their civilians and soldiers out of these disturbances. The need of such a warning is also indicated by the fact that armed men and soldiers from certain Sikh states in Central Punjab have recently been mixed up with the disturbances in Lahore and Amritsar.

(2) More military force should be sent to the disturbed areas in Gurgaon district immediately. It will be appreciated that an attack on a minority on such a big and organised scale in the neighbourhood of India’s capital may have most unfortunate repercussions in remoter parts of the country, if it is not promptly checked. What is equally important is that the force to be sent there should be of a mixed composition. This is a point on which I cannot lay too much emphasis.

(3) In view of the inaccessibility of those areas where rioting, killing and arson are now at their worst, the use of such cavalry as can be assembled immediately and the need of machine-gunning from the air may also be seriously considered. I would further submit that the rioting in Gurgaon district must be controlled immediately, if the Meo community is to be saved from almost complete effacement.

Yours sincerely,

LIAQUAT ALI KHAN
I2

Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/178: ff 58-61

SECRET

No. 678

GOVERNMENT HOUSE, LAHORE, 31 May 1947

Dear Lord Mountbatten,

During the second half of May serious communal disturbances continued in Lahore and Amritsar, and there was a recurrence of the earlier trouble between the Meos, who are Muslims, and various Hindu tribes in the Gurgaon district. Communal tension throughout the Punjab is extremely high, and amounts to mass hysteria. Nearly all districts report acute uneasiness, and in many districts there have been incidents including bomb explosions, cases of arson and communal murders.

2. In Lahore and Amritsar we were during the fortnight defeated by incendiaryism. In Lahore there has been practically no rioting, and the burnings and stabbings have been carried out by individuals who are seldom seen or apprehended. After the first day or two, few buildings were fired at ground level—nearly all the fires broke out in an upper storey. Various incendiary devices have been used—usually fire balls or bottle bombs which are thrown from adjoining roofs into open windows. In some cases it is suspected that incendiary compounds with a delayed action have been employed. Many of the houses were evacuated when trouble began, and our problems resembled those in London during the fire blitz. Lahore is now gradually being provided with defences resembling an A.R.P. service, and these arrangements coupled with mass arrests under section 3 of the Punjab Public Safety Act, 1947, have in some degree caused the improvement of the past few days. But we have evolved no real remedy for the kind of incendiaryism with which we have had to deal. Casualties in Lahore have been heavy—I should say by now about 120 dead and perhaps 190 injured. The Muslims have been responsible for most of the burning and for about two-thirds of the deaths. They have had something approaching their proper share of the injured. There was one organised raid by non-Muslims on a settlement of Muslim Gujars, in which firearms and incendiary bombs were used.

In Amritsar our troubles resembled those in Lahore, and we have been no more successful in dealing with incendiaryism. The casualties have been on approximately the same scale as in Lahore, and in Amritsar also there was one organised raid on a Muslim suburb. We were able to trace some of the raiders through the police dogs, and I hope that we may be able to arrest the whole party.
There were two scares during the fortnight owing to the arrival in Lahore of armed parties from the Faridkot and Nabha States. These incidents have been reported separately, and it is now being made clear to the Governments of the Punjab States that they must not send armed parties or service vehicles into the Punjab without permission.

The Police at Lahore and Amritsar have had a very bad time. The maximum shade temperature in Lahore averaged about 116 degrees for a week, and has not, I think, dropped below 112 during the fortnight. It has been impossible to arrange regular reliefs, and many policemen have been on duty continuously for 14 days with irregular meals and little sleep. In return for their efforts they have had nothing but abuse from all communities. There have no doubt been cases in both cities of apathy and indiscipline; the surprising thing is that the Police have stood up so well to physical fatigue and to the vicious communal bombardment in which at least one Member of Your Excellency's Government has taken a prominent part.

3. I hope to accompany Your Excellency to Gurgaon on 1st June. It appears that the trouble began on this occasion with an attack by Ahirs on a Muslim village named Naurangpur not far from Gurgaon itself. This was followed by a second attack on another Muslim village. The Meos then took the offensive on a wide front and did considerable execution. The disturbances seemed to be dying down by 29th May; but I learn today that a counter offensive has been launched by the Hindus.

Gurgaon is always rather a special worry, because it relies for troops on the independent Delhi District. It is impossible for me to be in close touch with the Delhi District Commander, and whereas I have the fullest military information about everything that happens in Northern Command, my news from Gurgaon is always scanty. I understand that about a Battalion and a half of troops are deployed in the district and that about 30 villages have been burnt. I would have gone to Gurgaon a day or two ago if I had not been involved in other urgent work here.

4. During the fortnight I have seen three Members of Your Excellency's Government—Liaquat Ali Khan, Baldev Singh and Jawahar Lal Nehru. Copies of notes recorded by me on my talks with the first two were sent to Brockman. Liaquat Ali Khan was full of the usual Muslim complaints; on the bigger political issue he said that the Muslim League would never agree to partition and added at the end of our talk that the British could not "evade their responsibility" and must give a decision and enforce it. I was left in some doubt as to what he really meant—Jinnah's intention may be to acquiesce in the plan without actively accepting it. On the other hand, he may intend simply to pass the responsibility to His Majesty's Government.

Baldev Singh was also intensely communal. In his view Jinnah had no
The intention of accepting the plan, and he thought that if Jinnah rejected it, the Congress would also reject it.

I had a very amicable conversation with Nehru,² who was not inclined to sponsor local complaints. He took a gloomy view about the prospects of a settlement and said that the plan would be acceptable to Congress only if it were in fact treated as a settlement. He thought that there was no sound middle course between the enforcement of an award (which seemed to him impracticable) and the abandonment of India. A plan which H.M.G. did not intend to enforce and which the parties would not accept would be of little value. In the long run the Indians must settle their disputes themselves, and if they could not do so now, they must do so after the British left. He believed that there might be “civil war” in the Punjab, but he did not think it would last for long.

Gandhi’s latest statement which appeared in the newspapers of 31st May is of some interest.³ Like other statements of the kind, it has been carefully timed and may be a prelude to the rejection of the plan by the Congress. The trouble about Gandhi is that although he is “not even a four anna member”, his personal interventions are almost always effective.

I have just had an interesting interview with Swaran Singh, the former Development Minister.⁴ I had let it be known that I thought the Sikh leaders, including himself, were far too bellicose, and he assured me that they had no intention of making trouble as long as the Section 93 administration lasted. Like all other leaders, he is bitterly communal, and it is not easy to make him see what a deplorable effect communal attacks must have on the services. He brought me an astonishing letter from Master Tara Singh, who now thinks that there is a conspiracy on the part of Muslim Police officers to murder him. I gave this letter back to Swaran Singh and asked him to tell Tara Singh that it was rubbish and that I would pretend that I had not seen it.

Visits by Members of Your Excellency’s Government are very far from helpful. The Members who have come to the Punjab since the Muslim League agitation started on 24th January have without exception behaved as communal leaders and not as responsible Ministers. Nehru is a good deal better than the others, because he keeps the Press at arm’s length, and while he listens to communal complaints, he usually refrains from commenting on them. But even Nehru has practically no contacts with the Muslims. Baldev Singh is entirely mischievous. While he was in Lahore he listened to many communal complaints, which are largely or wholly untrue, and gave a long Press interview which was intended to embarrass me and the Security Services. The

¹ Vol. X. No. 537; a note of a further interview with Mr Liaquat Ali Khan on 26 May 1947 will be found on R/3/1/176: ff 185–6.

² A note of this interview on 30 May 1947 is on R/3/1/176: ff 187–9.

³ See No. 2, note 3.

⁴ A note of this interview on 31 May 1947 is on R/3/1/176: ff 190–1.
non-Muslim Members of the Central Government are showing an increasing
desire to interfere in provincial affairs, and there is much talk of Martial Law
and so on. Messervy, with whom I recently discussed this tendency, agrees
with me that what Baldev Singh really wants is to push the Provincial authori-
ties on one side and to use the troops to suppress the Muslims. I strongly
suspect that Patel is of the same opinion. In fact the Central Government have
no more resources than those available to a Provincial Government—even
assuming that they assume control of the provincial machine. There are so
many policemen, so many troops available inside the Province, and so many
troops on application to G.H.Q. Baldev Singh incidentally is entirely ignorant
of military organisation, and told me blandly that he had "arranged to send me
four Divisions". He was apparently unaware that the supply of troops had been
arranged under Your Excellency's orders a month ago, and I did not think he
knew what troops were actually coming. (He had doubtless been told, but I
should say that he had not taken in the information given to him.)

6. I wrote separately to Sir John Colville about the growth of communal
feeling in the services. I see from a recent fortnightly letter from Wylie to
Your Excellency that a similar process of disintegration is beginning in the U.P.
In the Punjab Members of the Central Government are unquestionably to some
extent responsible for the growth of communal feeling. It is now common talk
that even the Judges of the High Court are affected. I notice that Teja Singh J,
who is hearing some habeas corpus applications of a communal kind, called on
Nehru while the latter was at Lahore. I do not suggest that Teja Singh J will
not decide the cases on the merits, but few Muslims are likely to believe that he
will do so. Our Chief Justice is closely related to Begum Shah Nawaz and others
who are actively concerned with Muslim League affairs. The belief that the
Punjab will be partitioned has intensified the communal split and most officials
are wondering who their new masters will be and how best they can secure
their own future. This is altogether a most unhealthy state of affairs.

7. I held a conference on the morning of 31st May with the Army Com-
mander, the Commander Lahore Area, the Commander 4th Indian Division,
the Inspector General of Police, all Commissioners of Civil Divisions, all
Deputy Inspectors General of Police in charge of Ranges, and certain other
senior officials to go over our arrangements to prevent communal disturbances
when the expected announcement is made early in June. I think that our
resources will be adequate, though many Battalions are under-strength.
Detailed instructions have been issued to District Officers, and I think it has
been made clear to everyone that they will be supported in all bona fide action
to maintain order. Messervy is establishing his Tactical headquarters at Govern-
ment House, Lahore, from the evening of 3rd June, and will be able to try out a
plan which he made some time ago for the control of serious disturbances. He
will be in immediate touch with me and within easy reach of the three Major-
Generals commanding the Northern, Central and Eastern Areas. The Gurgaon
District, as I have noted above, comes under the Delhi Military District and is
not included in our general plan.

8. Crime is still unusually high, but the Police and the villagers in several
districts have recently had successful encounters with dacoit gangs. In one case
in the Muzaffargarh district some Hindus were attacked by a Muslim gang (not
for communal reasons) and were defended by a Muslim Pahlwan, who wound-
ded one or two of the dacoits and so enabled the Police to follow them up and
arrest them. In a village in the Amritsar district the people turned out en masse
and fought a gang 11 strong under the notorious Puran Singh. The villagers
lost two killed, but killed six of the dacoits, and we hope to arrest the remaining
five. During the past two or three months there have been at least half a dozen
incidents of this kind, and it is encouraging that at times like these we are still
able to deal with dangerous criminals.

9. Special arrangements have been made to keep our food supplies going
during disturbances. By 5th June I hope to have nearly three months' stocks in
all our rationed towns, and we are holding an emergency reserve of 4800 tons
in railway wagons to be shifted as required if there is any local shortage or if we
have a refugee problem.

Yours sincerely,

E. M. JENKINS


I3

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, L/P &J/10/80: f 65

IMMEDIATE

NEW DELHI, 31 May 1947, 5.20 pm

Received: 31 May, 4.25 pm

1221–S. I have decided to incorporate amendments suggested in London in
announcement before discussing it with Indian leaders.

2. These amendments are detailed in the “Memorandum of Amendments”
handed by Erskine Crum to Harris. They concern
(a) paragraphs No. 7, 9 and 15 of announcement.

1 This memorandum listed the amendments (including those to be made only at the Viceroy's dis-
cretion after discussion with the Indian leaders) which had been agreed between the Viceroy and the
India and Burma Committee since the circulation of the draft announcement under reference L.B.
(47)74 of 20 May (see note 5 below). These amendments are contained in Vol. X, No. 516, Annex II,
and No. 553, Minute 3, passage sideldned 'X'.
(b) New penultimate paragraph, under heading "Immediate Transfer of Power." In this I am incorporating words "to one or two successor authorities" and not "to such successor authorities."2

3. I have also decided to exclude all the Roman numerals from text. Thus the announcement will no longer be in numbered parts; the headings will of course stay in.

4. Please also in paragraph No. 16 (A) delete "prospective" substitute "respective."

5. I have not yet decided on a procedure for British Baluchistan (paragraph No. 12). I will telegraph as soon as I have.3

6. I suggest that you now have a new draft typed incorporating these amendments. It is to this new draft, which for ease of reference let us call draft "X,"4 and not to I.B. (47)74,5 that I shall refer in any future telegrams.6

2 In tel. 7067 of 2 June Lord Listowel suggested, in order to make new words fit into text of new para. 20, that passage should read: 'to one or two successor authorities according to the decisions taken as a result of this announcement'. Lord Mountbatten concurred, subject to agreement of Indian leaders the following day, in tel. 1273-S of 2 June. L/P &J/10/80: ff 64, 30.
3 See No. 17, note 5.
4 Not printed; for announcement as published see No. 45.
5 I.B.(47)74 of 20 May circulated the draft attached to No. 476 in Vol. X incorporating the amendments made to paras. 4 and 15 at the meeting of the India and Burma Committee on 19 May (Vol. X, No. 485).
6 In tel. 1225-S of 31 May Lord Mountbatten transmitted an additional amendment inserting the words 'contained in the Cabinet Mission Memorandum of 12th May 1946' after 'towards Indian States' in para. 18. L/P &J/10/80: ff 62.

**I4**

Sir O. Caroe (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/151: f 91

**IMPORTANT**

**CONFIDENTIAL**

31 May 1947, 5.45 pm

Received: 31 May, 11.15 pm

No. CA/99. Following background may be useful. Abdul Ghaffar Khan and Dr. Khan Sahib took with them by air to Delhi yesterday League leaders Abdul Qayum and Samin Jan who were released on parole for the purpose. Apparently this follows on the suggestion by the two League leaders to Jinnah that latter should permit some kind of discussions between Abdul Ghaffar Khan and themselves in Delhi. Local indications are that negotiations have been proceeding in
Peshawar possibly for coalition with Abdul Qayum [and] Samin Jan holding office. Both were at one time Congressmen.

2. Main body of League workers in Peshawar apparently distrust this development and yesterday sent three representatives by train to Delhi to contact Jinnah.

3. Genuine coalition is what I have been urging on Ministry for long time past and would go far to steady frontier if private armies at the same time were allowed to disappear. Matters may be complicated by introduction of Pathan-istan issue into discussions arising from 2nd [3rd] June announcement.

I5

Rear-Admiral Viscount Mountbatten of Burma to all Provincial Governors

Telegram, R/31/150: ff 132-4

IMMEDIATE NEW DELHI, 31 May 1947, 11.50 pm
SECRET

No. 1223-S. I have sent you by a separate telegram the important new paragraph 20 which is to be inserted in the announcement.

2. Before I left Delhi both the Congress and the League leaders told me that they wanted to stay, for the time being at any rate, in the British Common-wealth. Both also have stated publicly their demand for an early transfer of power.

3. It was clear to me that if we waited till constitutions for both Hindustan and Pakistan had been framed and all the negotiations about partition settled we should have to wait a very long time, and things would get more difficult instead of easier. There would be likely to be chaos in June 1948 if we could not get a transfer of power to two Governments (or of course to one if the Partition claim were dropped) on some basis which would facilitate a smooth transition, and give India a chance of using our help in the armed forces. I therefore pressed that H.M.G. should legislate at once and set up two dominion Governments, if the people voted in favour of partition, each having a constitution based on the Government of India Act 1935, but with the right to frame a new constitution at any time.

4. Though the League withdrew their clear request for dominion status after I had gone to London, H.M.G. accepted my views and decided to insert the new paragraph 20 in the announcement.

1 Not printed. For decision to include new paragraph 20 see Vol. X, No. 553, Minute 3.
2 For question of Dominion Status generally see Index of Subjects in Vol. X.
5. The parliamentary draftsmen are already busy on the Bill—it will provide for a separate constitutional Governor General for each dominion; though the same man may, if recommended by both new Governments, hold both posts. The posts of Governors will continue but they may have to be replaced if there is a demand for a change. In any case they will be constitutional Governors acting on advice. If the Punjab and Bengal are partitioned there will have to be new Governors for the two new Provinces.

6. It is hoped that the Bill will be passed through Parliament by the end of July and that it should come into force as early as possible thereafter and in any case not later than 1st October this year.

7. Much of the detail of the legislation will have to be done by Governor-General’s Orders in Council, and the Act will provide for this.

8. This greatly accelerated programme will of course mean that an immense amount of work will have to be done very quickly in dividing up the machinery, assets and services of the Central Government and of any partitioned Provinces. It is therefore essential that the options provided under the announcement be exercised at the earliest possible moment.

9. (To the Governor of Sind only). Please arrange to summon your legislature as soon as possible to take the decision indicated in para. 9 [10] of the announcement. The summons should not of course go out before the announcement is made.

10. (To the Governors of the Punjab and Bengal only). I am sending separately a draft notification laying down the procedure for ascertaining the wishes of your legislature. As soon as you have accepted the draft I will put out the notification and the legislature should then be summoned without delay. I think 10 days notice should be enough. It is unfortunate that the N.W.F.P. decision cannot be known till later but it cannot be helped.

11. (To the Governor of Bengal only). It looks as though the chances of an agreement for a united and independent Bengal were now slender. The announcement will however be changed if there is agreement.

12. (To Governor of the N.W.F.P. only). Please arrange for immediately setting in train of preliminaries for referendum. Your telegrams Nos. GH-54 dated 11th May and CA-89 dated 23rd May are being answered fully but separately today.\(^3\) We must somehow get a result in six weeks. I realise what a difficult time you are likely to have but will do my best to get the party leaders to secure moderation.

13. Clearly the Secretary of State’s Services will cease to exist as such when the new Governments are set up, but it should be possible to get essential men to continue for a few months on special terms if they are wanted, even though
they may not wish to stay on permanently, and H.M.G. naturally very much hope that those who are wanted will carry on.

14. British troops will probably be withdrawn directly after the transfer of power, but it is likely that with both Pakistan and Hindustan in the Commonwealth arrangements will be made to allow British officers to serve on in the Indian Army and Navy if they are wanted; some R.A.F. personnel may be lent too. A committee will shortly examine in the U.K. what arrangements can be made. Probably all such British officers of the Indian armed forces will be transferred first to the British service and then seconded.

15. (To Governors of the Punjab, Bengal and Assam only). We must go ahead at once with provisional administrative plans for partition and I will telegraph shortly about this.

16. (To all Governors except the Punjab). You may show the announcement to your Premier only an hour before publication which is at 7 p.m. IST on the 3rd June, if you wish.

17. I have left H.M.G. in no doubt about the possible dangers and difficulties. These are now fully appreciated at home. But H.M.G. are confident they can rely on all of us to do our best, and I know we can rely on them to back us up.

These two telegrams from Sir O. Caroe and Lord Mountbatten’s reply in tel. 1230–S of 31 May 1947 dealt with arrangements for holding the referendum, in particular its legal basis and the question whether fresh electoral rolls should be prepared for it. R/3/1/151: ff 78, 82, 94.

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16

Rear-Admiral Viscount Mountbatten of Burma to Mr Liaquat Ali Khan

R/3/1/90: f 133

133/14

1 June 1947

Dear Mr Liaquat Ali Khan,

Thank you for your letter of the 31st May¹ about the situation in Gurgaon. I have been there myself today with the Governor of the Punjab, and have informed myself of the position.²

¹ No. 11.
² In a situation report contained in tel. 115-G of 1 June Sir E. Jenkins reported on this visit to Gurgaon. He stated that the position was ‘not satisfactory’, the area affected being about 800 square miles, with raiding and counter raiding by Meos and Hindus on the Mewat border, and Hindus attacking Muslim pockets in the Palwal area. He reported at least 50 villages destroyed, that casualties ‘must be heavy’, and that police and military had had ‘to fire frequently’, adding that in his opinion the number of troops employed (only 365) was inadequate. On 4 June Mr Abell informed the Governor’s Secretary that ‘an extra battalion is going in, and a few cavalry from Remounts are being provided’. R/3/1/90: ff 134, 139.
I saw Brigadier Vaughan, the District Commander, and he will go at once to G.H.Q. to see about strengthening the garrison.

The reports of intervention by members of the Indian States forces from neighbouring States are probably exaggerated, but I am instructing the Political Department to draw the attention of the Resident to the reports, and do everything possible to see that such intervention is prevented.

Yours sincerely,

MOUNTBATTEN OF BURMA

17

Minutes of Viceroy’s Thirty Sixth Staff Meeting, Items 1–2 and 4

Mountbatten Papers

TOP SECRET

Those present at this Meeting held at The Viceroy’s House, New Delhi, on 1 June 1947 at 4.15 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir E. Mieville, Mr Abell, Rao Bahadur V.P. Menon, Captain Brockman, Mr I. D. Scott, Mr Campbell-Johnson, Lieutenant-Colonel Erskine Crum

Item 1

THE STATES

HIS EXCELLENCY THE VICEROY said that he had seen the Nawab of Bhopal that day and given him a general outline of the Announcement to be made by His Majesty’s Government. The Nawab of Bhopal had pledged his word of honour not to divulge this information. He had asked whether it was intended that Dominion status should be granted to the States. HIS EXCELLENCY THE VICEROY said that he had explained that this was not the intention of His Majesty’s Government and the reasons for their decision. The Nawab of Bhopal had thereupon complained that His Majesty’s Government had once more let the States down. He had pointed out that the Cabinet Mission Plan had always been adhered to by the States; and had complained that, if there was partition, the two new Constituent Assemblies would have very “tight” Centres. The Nawab of Bhopal had expressed the fear that 60% of his revenue would be taken by the Centre and had declared that he would not join either Constituent Assembly in these circumstances.

HIS EXCELLENCY THE VICEROY said that he had later discussed this matter
with the Maharaja of Bikaner. The latter had explained to him the great welcome which had been extended by Congress to those States which had sent representatives to the Constituent Assembly; and had given his opinion that the rulers of the States which did not send representatives had been activated purely by selfish reasons. He had pointed out that the States were not committed to accept a "tight" Centre but were at liberty to negotiate the degree of attachment. His Excellency the Viceroy said that he had asked the Maharaja of Bikaner to give him in writing a résumé of the position of the States to date. It appeared that Travancore, Mysore, Hyderabad and Bhopal were almost the only ones which were not likely to join one or other Constituent Assembly.

His Excellency the Viceroy said that he intended to see the States Negotiating Committee a second time on 4th June. He had invited the Maharaja of Bikaner to come half an hour before that meeting. He had also asked the Nawab of Bhopal to come and see him twenty minutes before the first meeting with the States Negotiating Committee, and had asked Sir Conrad Corfield to come early. These timings would have to be confirmed.

His Excellency the Viceroy said that he did not intend, as was suggested in the brief which had been approved by H.M.G., to make a formal statement before the members of the States Negotiating Committee that he hoped that the States would join one of the two new Dominions. He would give this advice separately and personally to the various rulers.

His Excellency also drew attention to the sentence in this brief which read "On the other hand, should any State eventually not enter into relationship with a Dominion, we should in fact be forced to consider a separate relationship with it." He said that he would answer any questions from the representatives of the States on this matter by saying that this was a purely hypothetical question which, when it arose, he would refer to H.M.G.

Sir Eric Mieville pointed out that if a State failed to join either Constituent Assembly it would be outside the British Commonwealth and no longer eligible for decorations.

His Excellency the Viceroy:

(i) invited the Reform Commissioner to find out what were the likely Congress reactions to the continued award of decorations to the States;
(ii) directed P.S.V. to arrange for him to meet the members of the States Negotiating Committee a second time on 4th June; and to confirm the separate interviews which he had promised to the Maharaja of Bikaner, the Nawab of Bhopal and Sir Conrad Corfield.¹

¹ See Vol. X, Nos. 517, Minute 6; 523; 533; and 553, Minute 4.
² Vol. X, No. 533 (circulated to the Viceroy’s staff as V.C.P. 57).
³ Lord Mountbatten saw the States Negotiating Committee on 3 June (see No. 43) but there appears to be no record of a second meeting on 4 June or of the separate interviews referred to here.
Item 2

BRITISH BALUCHISTAN

Mr Abell read out a letter which had been received from Pandit Nehru concerning possible methods of finding out which Constituent Assembly British Baluchistan wanted to join. Pandit Nehru suggested the possibility of sending a Commission to meet the Jirgas and of holding a referendum in the Quetta municipality. Mr Abell said that he had spoken concerning these suggestions to Sir Geoffrey Prior, who had considered that a non-official Commission would be out of the question. Sir Geoffrey Prior was also opposed to the idea of an official Commission and had put forward the suggestion that one representative elected from each tribe should meet together in Quetta to make the decision. He was going to send in detailed recommendations when he returned to British Baluchistan.

HIS EXCELLENCY THE VICEROY:

directed Con. Sec. to draft a telegram to the Secretary of State saying that the present Paragraph 12 of the Announcement would have to remain in.\(^5\)

Item 4

BENGAL

Reference was made to a letter addressed to Sir Eric Mieville by Mr Suhrawardy. The two points which Mr Suhrawardy stressed were:

(a) The necessity for holding a referendum in Bengal, so that the true wishes of the Scheduled Castes could be ascertained, and

(b) the desirability of Calcutta being a free city, if only for a limited period.

Rao Bahadur Menon said that Congress reaction against any suggestion of Calcutta becoming a free city was likely to be extremely strong. However, Congress might consider it if it was only for a limited period and under a neutral authority, preferably the Governor General.

Mr Abell said that he considered that any changes in the Draft Announcement at this stage, to deal with either the opinions of the Scheduled Castes or special arrangements for Calcutta, would prejudice the chance of Congress accepting the Plan as a whole.

HIS EXCELLENCY THE VICEROY said that he entirely shared this viewpoint. The question of Calcutta could come up after the main meetings. If, however, he was attacked on this point or on the Scheduled Castes at these meetings, it was essential that he should be properly briefed to give the right replies.

HIS EXCELLENCY THE VICEROY:

directed P.S.V. to obtain, either by telegram or telephone, the views of the
Governor of Bengal on the possibility of Calcutta being a free city for a limited period and the question of the opinion of the Schedules Castes.

* No. 9.
* In tel. 1247-S of 1 June Lord Mountbatten informed Lord Listowel that, as it would not be possible to decide on a procedure for British Baluchistan before the issue of the announcement, the present wording of para. 12 would have to remain. He also replied to Pandit Nehru's letter (No. 9) saying that he thought the paragraph would have to be left as it stood for the moment. R/3/1/155: ff 14-15.
* No. 10.
* See No. 18, para. 5.
* In tel. 1248-S of 1 June Lord Mountbatten asked Sir F. Burrows for material for 'turning down' Mr Jinnah's request for a referendum to ascertain the opinion of the Scheduled Castes. Mountbatten Papers, Official Correspondence Files: Bengal, Situation in, Part I(b). The Governor's reply has not been traced, but possibly a brief on the Scheduled Castes circulated under reference V.C.P. 61 of 2 June was based on material supplied by him. The record of Lord Mountbatten's remarks on Calcutta in No. 23 closely follows the wording of this brief.

18

Rear-Admiral Viscount Mountbatten of Burma to Sir F. Burrows (Bengal)

Telegram, Mountbatten Papers. Official Correspondence
Files: Bengal, Partition of, Part II(a)

IMMEDIATE
SECRET

NEW DELHI, 1 June 1947

No. 1237-S. Thank you for your secret letter of 28th May and copy of your admirable broadcast which I have seen on my return.

2. I shall do all I can to get Jinnah and Nehru to broadcast on the lines you suggest.

3. It looks as if the Congress were determined to oppose any move towards an independent but united Bengal. If this idea has to be abandoned do you think it will be necessary to go into Section 93 and if so at what stage? I doubt myself whether you need go into Section 93 until it is known that the decision is in favour of partitioning the Province. Are you in favour of going into Section 93 then? If so what are your prospects (a) if the League acquiesce in the Plan and (b) if they do not?

4. Alternatively can any form of coalition government be formed to work out partition?

* Sir F. Burrows enclosed a copy of this broadcast (not printed) in his letter of 28 May, remarking that he had given it the previous evening 'with a view to steadying public opinion'.
5. Suhrawardy would like Calcutta to be declared a free city or at any rate under joint control for the interim period whilst partition is being worked out, to avoid bloodshed and in the hopes of better sense prevailing later. Request your views.

2. cf. Nos. 10, 17, Item 4, and 91, para. 1.

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/150: f 168

MOST IMMEDIATE

SECRET

PRIVATE

NEW DELHI, 1 June 1947, 10 pm

No. 1249-S. Reference your telegram No. 65 of 31st May.¹

1. The text of my broadcast was submitted to you and the Prime Minister² and was redrafted by me on the Prime Minister’s instructions³ and then passed by him. I much regret that in the great pressure of my last day in London the final redraft was not shown to you before the record was made.⁴ I agree to the omission of the clause in question.

2. In view of the line which Gandhi has been taking recently, I propose to make the following additions to the text of my broadcast:⁵

(a) In the sentence in which the omission occurs after the words “in my opinion” insert “which I share with that great fighter for India’s freedom, Mahatma Gandhi”.

(b) Fifty three words later after “but there can be no question” insert “as, once again, I know Mahatma Gandhi agrees”.

3. I presume that it will not be possible to include these additions in the recorded version, if that has to be used. But please include them in the copies of my broadcast which you will issue to the Press, and let the B.B.C. know of these amendments.

⁵ See, in this Volume, No. 2, Item 1, conclusion (iii), and Item 4.
⁶ i.e. the second sentence of para. 5 of No. 44.
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Unsigned Note

R/3/1/150: f 204

POINTS DISCUSSED WITH PATEL

(1) Calcutta—Not for 6 hours.²
(2) Procedure³—H.E. to make introductory remarks, hand over document—
decision to be communicated in 24 hours. If Jinnah raises any question,
H.E. to reply that the W.C.’s decision should be communicated in 24
hours. This is only for the information of H.E. It has been practice with
Jinnah to wait for the Congress decision and then make up his own mind.
Congress would not allow him to do so this time. In other words, Jinnah
should come out with his decision independently of the Congress.
(3) I raised Bikaner and the question of title. He saw no objection to con-
ferring titles on Ruling Princes but he was not quite enthusiastic about it.
(4) Congress would not raise the issue of Interim Govt in these discussions.
(5) He raised the question of States and I did not say anything to him.

¹ Possibly by V.P. Menon; at all events it reports a talk between Menon and Patel: see No. 91, para. 1,
last sentence. A manuscript note, dated 2 June 1947, by Mr Scott states that: ‘V.P. Menon has told
H.E. the above’.
² See No. 91, para. 1. ³ i.e. the procedure at the meeting with the Indian leaders (No. 23).

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Sir C. Corfield to Mr Abell

R/3/1/150: f 179

TOP SECRET

POLITICAL DEPARTMENT, NEW DELHI, 2 June 1947

Dear George,
I did not realise that changes could be made at this stage in the enclosure to
V.C.P. 58¹ or I would have made the suggestion to H.E. on Saturday evening
that the sentence about States should read as follows:

“I have made no mention of the Indian States, since the new decisions of His
Majesty’s Government are concerned with the transfer [of] power in British
India.”

¹ i.e. the draft of the Viceroy’s broadcast circulated by No. 1 in which the sentence about the States
read: ‘I have made no mention of the Indian States, since the new decisions of His Majesty’s Govern-
ment do not affect their position’. 
It is not correct that ‘the position of the States’ is not affected, but the sentence as redrafted evades this issue without making a mis-statement.2

Yours,

CONRAD

2 Mr Abell replied on 2 June indicating that the broadcast would be amended as proposed by Sir C. Corfield. The India Office was informed of the amendment in tel. 1267-S of 2 June and they in turn notified the Prime Minister’s Private Office. L/PO/6/124: ff 6–7.

22

Mr Thompson to Sir C. Corfield

Mountbatten Papers. Official Correspondence Files: Round Table Conference, Indian Political Leaders, etc., Issue of Invitations to

SECRET

POLITICAL DEPARTMENT, 2 June 1947

The Raja of Faridkot came to see me at 9.40 a.m. this morning. Giani Kartar Singh, President, Shiromani Akali Dal, is staying with him at Faridkot House and at breakfast time had agreed that if invited to His Excellency’s conversations with political leaders today, he would do his utmost to come to an amicable agreement with Mr Jinnah in regard to the inclusion of “Khalistan” within Pakistan.

2. Raja argued that since Messrs Jinnah and Kripalani, as Presidents of the League and Congress, were invited it was only logical to invite Giani Kartar Singh also. He admitted, however, that there was a split amongst the Sikhs with Master Tara Singh and Sardar Baldev Singh in one camp and Kartar Singh in the other. On the other hand Mr Jinnah was agreeable to the inclusion of the Sikh States within Pakistan, giving them a very substantial measure of independent action. Further Mr Jinnah had promised not to give any statement on any such question without first consulting the Raja.1

J. H. THOMPSO

Resident on special duty

1 Sir C. Corfield put this note up to Lord Mountbatten who minuted: ‘I will see Giani Kartar Singh at 2.45 pm on 3rd. M of B 2/6.’ For some account of this interview see No. 91, para. 26.
Minutes of the Meeting of the Viceroy with the Indian Leaders, First Day

L/P & J/10/81: ff 401–9

CONFIDENTIAL

Those present at this Meeting held at The Viceroy’s House, New Delhi, on 2 June 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Pandit Nehru, Sardar Patel, Mr Kripalani, Mr Jinnah, Mr Liaquat Ali Khan, Mr Nishtar, Sardar Baldev Singh, Lord Ismay; Sir E. Mieville; Lieutenant-Colonel Erskine Crum (Secretariat)

His Excellency’s Opening Remarks

HIS EXCELLENCY THE VICEROY explained that he asked the minimum number of party leaders to come to the meeting so that it could be held in a friendly atmosphere round a small table. He said that, during the last five years, he had taken part in a number of momentous meetings at which the fate of the war had been decided; but he could remember no meeting at which decisions had been taken which would have such a profound influence on world history as those which were to be taken at the present meeting. The way in which power was transferred would affect not only India, but the whole world.

The Necessity for Speed

Before he had left for India in March, he had been given no indication in London of the necessity for speed in formulating proposals for the transfer of power. He had been led to believe that, if his recommendations were submitted in time for legislation to be introduced by the beginning of 1948, that would be time enough. However, from the moment of his arrival a terrific sense of urgency had been impressed upon him by everybody to whom he had spoken. They had wanted the present state of uncertainty to cease. He had come to realise that the sooner power was transferred the better it would be.

The Cabinet Mission’s Plan

He had tried at first to obtain agreement on the Cabinet Mission’s Plan. His Majesty’s Government set great store by that Plan. At different times all parties had agreed to it. He had, however, now had to report to His Majesty’s Government the view of Mr. Jinnah and the Muslim League that they could

1 In a letter dated 2 June, presumably sent just before this Meeting was due to begin, Lord Ismay wrote to Lord Mountbatten:

‘This is like D day 1944—and not less exciting: and I just want to send you this line of good cheer and good luck.’

Mountbatten Papers, Papers of Special Interest, (5) of 1947.
not withdraw their rejection of the Cabinet Mission Plan and that they felt that it could not be made to work. He asked Mr. Jinnah whether, in this, he had reported him correctly.

**MR. JINNAH** signified assent.

**HIS EXCELLENCY THE VICE ROY** went on to say that he still thought that the Cabinet Mission Plan represented the best solution. It meant a great deal to the States, the majority of which set much store by it.

**The Principle of Partition**

**HIS EXCELLENCY THE VICE ROY** said that gradually, over the course of the last two and a half months, he had begun to see the degree of acceptance by the different parties of the various alternative plans. Mr. Jinnah had stated a claim for complete Pakistan. From discussions which he had had with Pandit Nehru and Sardar Patel, on the other hand, it was clear to him that the partition of India was fundamentally contrary to Congress principles. But Congress had now accepted the principle that no area which contained a majority of Muslims should be coerced into joining the existing Constituent Assembly. In doing so they had made it clear that they could only see their way to accepting the principle of Partition so long as it was applied also to the non-Muslim majority areas which had been included in the original Pakistan plan. Mr. Jinnah, on the other hand, had pointed out that he could never agree to the partition of Provinces, which he considered fundamentally wrong. Thus he himself was faced with the position that Congress would not agree to the principle of the partition of India (although they accepted the principle that Muslim majority areas should not be coerced); while Mr. Jinnah, who demanded the partition of India, would not agree to the principle of the partition of Provinces. He had made clear to His Majesty's Government the impossibility of fully accepting the principles of one side and not of the other.

**His Excellency's Recent Visit to London**

**HIS EXCELLENCY THE VICE ROY** stated, that during his recent visit to London, he had attended a number of Cabinet Committee meetings. At these the whole question of the Cabinet Mission Plan had once again been thrashed out; the principle of partition, and to what extent it should be applied, had been considered. He had tried to put forward what he believed to be the points of view of both parties on the different matters—not only at the Cabinet Committee meetings, but also separately to the Prime Minister, Sir Stafford Cripps and to members of the Opposition, including Mr. Churchill. He explained that he had been most distressed (as a non-Party man) to find, when he had been appointed Viceroy, that India had, to some extent, become a matter of Party Politics in the United Kingdom. Therefore he had all the more welcomed the opportunity of meeting members of the Opposition; and he was happy to state
that they were broadly in agreement with the policy which His Majesty's Government intended to adopt. In fact both parties in the United Kingdom were united in their desire to help India. He himself had been very impressed in London by the intense feeling of goodwill for India, which extended from His Majesty the King (who had spoken to him on the subject almost every evening with a great understanding and well-wishing) down to his friends in all walks of life.

The Sikhs

The Viceroy, continuing, said that he was most distressed about the position of the Sikhs. He did not think that any single question had been discussed at such great length in London as this. He had repeatedly asked the Sikhs whether they desired the partition of the Punjab, as they were so spread over that Province that any partition would necessarily divide their community, and they had repeatedly replied that they did. Different formulae had been tried, but it was apparent that there would be frightful difficulties if attempts were made to work, for the notional partition, on any principle other than division between the majority Muslim and majority non-Muslim areas. It had therefore been agreed that the notional partition would be entirely provisional. The Boundary Commission, on which Sikh interests would of course be represented, would have to work out the best long-term solution.

Calcutta

His Excellency then turned to the question of Calcutta. This was another problem which had been given careful consideration in London. The question had arisen as to whether a referendum should be held in Calcutta as, according to Mr. Mandal's views, the vote of the Scheduled Castes there might result in a decision in favour of Calcutta joining Eastern Bengal. He had sought the Governor's advice on this point and it had transpired that, out of the 1½ million Hindus in Calcutta, only 55,000 were recorded as Scheduled Castes in the last census (the Muslim population was 498,000). It was true that about ⅓ of the Hindus did not record their caste—and some of these might be Scheduled Castes; but there were indications that the number of Scheduled Castes was in any case not large enough to affect the issue. In 1936 the population figures were examined to decide how many seats should be reserved for the Scheduled Castes. In all Bengal 30 seats were reserved for Scheduled Castes; but it was not considered necessary to earmark one single seat for the Scheduled Castes in Calcutta. There were two Scheduled Castes seats in the neighbouring district of 24 Parganas. Both had gone at the last election uncontested to the Congress. Many of the poorer Hindus in Calcutta came from “up-

\[^a\] Vol. X, Nos. 485, 494, 517, and 553. 
\[^b\] Vol. X, No. 513. 
\[^c\] See e.g. No. 10. 
\[^d\] See No. 17, note 8.
country" (Bihar, the United Provinces, etc.). A proportion of these were Scheduled Castes but there was nothing to suggest that they would prefer Muslim to Hindu rule. During the disturbances in Calcutta the Scheduled Castes had contributed their full share of the casualties on the Hindu side. It would be impossible to hold a referendum of the Scheduled Castes in Calcutta at short notice because there was no separated Scheduled Castes Electoral Roll; because, on the Hindu Roll, there were many cases where caste was not entered or needed checking; because the police and military were so stretched that an elaborate referendum in Calcutta itself was out of the question; and because the principle, if applied in Calcutta, would have to be applied elsewhere—which would result in endless complications.

He had done his best, while in London, to be advocate of the different party issues on Calcutta, but the definite decision of the Cabinet had been that no exception to the general rule could be made in this case.

The India Office

The Viceroy said that he had represented to the Cabinet Committee that the new arrangements would involve the abolition of the India Office. This view had been accepted and details were now being worked out.

The Transfer of Contiguous Areas

His Excellency recalled that he had been asked by both parties, before leaving for London, to consider arrangements whereby certain contiguous areas in which there was a majority of the opposite community should be transferred from one side to the other. This applied particularly to the Purnea district and to parts of Sind. His Excellency the Viceroy said that this matter had been omitted from the present Announcement. It would have to be dealt with separately, by agreement between the two parties and through the medium of the Boundary Commission.

Dominion Status

His Excellency said that there was included in the Statement one new presentation—the new Paragraph 20 under the heading “Immediate Transfer of Power”. He recalled that it had always been impressed upon him by all the leaders present at the meeting, that they wanted partition (if it was decided upon) and, thereafter, the transfer of power to take place with the utmost speed. Moreover, he felt that the British owed it to the Indians, to give them all the help which they required after the transfer of power. This could only be done if it were arranged that the transfer should take place not only before June 1948, but also as long before that date as possible. Therefore, after discussion with the leaders, he had taken it upon himself to ask for legislation to be rushed through during the present Parliamentary session to give Dominion
status to the successor authorities that would emerge. The Prime Minister had
given orders that this should have top priority and the Lord Chancellor and
Law Officers of the Crown had set to work at once. Mr. Churchill had given
a written assurance to the Prime Minister that the Opposition would facilitate
the passage of this Bill. It was hoped that it would create an all time world-
wide legislative record, as the present session of Parliament was due to end in
late July or early August. Power would, therefore, be demitted on a Dominion
status basis in the first instance. Thereafter the new Indian Government or
Governments would be completely free to withdraw from the Commonwealth
whenever they so wished. The only objection which he could see to such an
early transfer of power was a possible accusation that the British were “quit-
ting” on their obligations. Therefore, it was abundantly clear that British
assistance should not be withdrawn prematurely if it was still required. He
considered that it was the duty of the British to continue to help—not to rule—
India. They would stay at the disposal of the Indians for as long as the latter
wished.

The Need for Secrecy

The Viceroy said that the Prime Minister had particularly impressed upon
him the supreme need for secrecy concerning the Statement until it was made
in the House of Commons. He therefore asked that every possible step should
be taken to prevent a leakage before the following afternoon. This applied
particularly to the new Paragraph 20. There had already been speculation in the
Press on the possible grant of Dominion status, but this had been somewhat
wide of the mark. He asked the Indian Leaders for their assurances that they
would do their best to prevent their Working Committees from “leaking”.

Pandit Nehru and Mr. Jinnah signified assent.

Defence Arrangements & Treaties

His Excellency the Viceroy said that, on another point which had been
raised, His Majesty’s Government had expressed a wish to be associated in any
defence agreement or treaty between the two new States which were to be set
up. They felt that it would be an impossible situation if either of these States,
having British officers and equipment, were to allow other nations to come in
and establish bases on their territories.

The Appointment of Governors-General

The Viceroy then explained the procedure for the appointment by Dom-

\footnotesize
\begin{itemize}
    \item See Vol. X, No. 494, Minute 4.
    \item See Vol. X, No. 517, Minute 4, and 521.
    \item See Vol. X, No. 494, Minute 5.
    \item For decision to include new paragraph 20 see Vol. X, No. 553, Minute 3; see Dominion Status in
        Index of Subjects in Vol. X for question of Dominion Status generally.
    \item See Vol. X, Nos. 485, Conclusion (2); 494, Minute 2; and 553, Minute 5.
    \item Vol. X, Enclosure to No. 513.
    \item See Vol. X, No. 553, Minute 6.
\end{itemize}
inions of constitutional Governors-General. He said that it fell to the Heads of the Governments of such States (presumably the Prime Ministers) to recommend to His Majesty the King whom they wanted for Governor-General. It was customary for His Majesty the King always to accept this advice. It was similarly the custom for Dominion Premiers in no circumstances to disclose the names of their nominees until the consent of His Majesty had been accorded. Obviously one of the first matters on which speculation would start would be the names of the new Governors-General. His Excellency the Viceroy asked the Indian Leaders to bear in mind the custom of not disclosing their intentions in this respect.

British Officers and Officials

His Excellency the Viceroy said that His Majesty's Government were willing and anxious to help with the continued supply of British officials and of British officers for the Indian Armed Forces; but it was far more difficult to persuade British officers to serve on at the present time than it had been a year previously. The principal reason for this was the increase in communal warfare and strife. However, before he had left London, a Committee had been set up under the Minister of Defence in order urgently to examine how it would be possible to make available to the two new States in India the greatest possible number of British officers and officials that they wanted to keep. In the case of officers, it was probable that they would be transferred to the British Service and then loaned back to the Dominion Governments. The same principle had applied to the Australian Navy. It was, however, obviously going to be a difficult problem.

His Majesty's Government's Statement

His Excellency the Viceroy pointed out that he had formulated the plan as a result of many talks with five of the seven Indian Leaders present at the meeting. It had been changed to meet their wishes during the last few days before he had left for London, and he had been agreeably surprised then to find that the majority of suggestions made by one side had not been rejected by the other. He explained that there were small drafting alterations in the Statement since it had last been seen by the Indian leaders. These were designed purely for clarification and it had been agreed by His Majesty's Government that they should not be included unless he and both the major Indian parties agreed. He had His Majesty's Government's authority to strike out any proposed amendment that was not agreed.

Copies of the Statement were then handed round to the meeting. His Excellency the Viceroy reiterated that five of those present at the meeting had been associated with him in the drafting of the statement. He was gratified to feel that their support would continue. At this juncture, Mr. Jinnah,
MR. LIAQUAT ALI KHAN, PANDIT NEHRU, SARDAR PATEL and SARDAR BALDEV SINGH all signified assent.

HIS EXCELLENCY THE VICEROY asked the Leaders to take copies of this Statement to their Working Committees and discuss it with them that day. He asked them to let him know by midnight that night what their Working Committees thought of it. He did not intend to ask either side specifically to agree to the terms of the Statement, but requested assurances from both that they would do their best to have it worked out peacefully. He explained that he felt that it would be asking the Indian Leaders to go against their consciences if he requested full agreement. He was, however, asking them to accept it in a peaceful spirit and to make it work without bloodshed, which would be the inevitable consequence if they did not accept it.

PANDIT NEHRU asked for a further definition of the difference between agreement and acceptance. HIS EXCELLENCY THE VICEROY explained that agreement would imply belief that the right principles were being employed. He had had to violate the principles of both sides, so could not ask for complete agreement. What he asked was for acceptance, in order to denote belief that the plan was a fair and sincere solution for the good of the country. PANDIT NEHRU stated that there could never be complete approval of the plan from Congress, but, on the balance, they accepted it. MR. NISHTAR pointed out that acceptance of the plan really implied agreement to make it work. HIS EXCELLENCY THE VICEROY agreed with this.

MR. JINNAH said that it was perfectly true to say that neither side agreed with certain points in the plan. Its formal acceptance by the Muslim League, which would have to come later, and the Constitutional procedure of the League had to be considered. The decision could not be left to the leaders and the Working Committee (of which there were 21 members) alone. There were many important people outside the Working Committee. The leaders and the Working Committee would have to bring the people round. Much explanation would be necessary. Rather than a few representatives of the Muslim League immediately committing themselves, he would rather say that the plan had been fully examined and that they would do their best to see that the proposals were given effect to peacefully and without bloodshed.

HIS EXCELLENCY THE VICEROY said that he was willing to take the risk of accepting the words of the leaders and the backing of their Working Committees. He was completely confident in the loyalty and straightforwardness of the leaders. He would be happy so long as he knew that they were loyally

13 Ibid., Minute 8.
14 For the plan as taken to London by Lord Mountbatten see Vol. X, No. 476.
15 For minor amendments made in London see Vol. X, Nos. 485, Item (a); and 516, Annex II. See also No. 13 in this Volume.
16 See No. 45.
trying to get the Plan accepted. But he had to ask for the preliminary agreement of the Working Committees to support the Plan.

Mr. Jinnah said that he could speak only for himself. He entered into the spirit of the proposals but he would like the Viceroy to consider that, in order to give a definite answer, it was necessary to make the people understand. The Muslim League was a democratic organisation. He and his Working Committee would have to go before their masters, the people, for a final decision.

His Excellency the Viceroy said that there were times when leaders had to make vital decisions without consulting their followers and trust to carrying them with them at a later stage. In democratic countries, Parliaments could always disagree with the decisions taken by Prime Ministers and by Cabinets. A decision taken at the top and afterwards confirmed by the people would be in accord with democratic processes.

Mr. Jinnah said that, if a ready-made decision was put before the All-India Muslim League Council, which he could convene in a week, they would declare that they had already been committed without having been given an opportunity to express their views. They would be upset. They would ask why they had been called. He thought that he would succeed in obtaining their support, but felt that it was a better way not to pre-determine the issue. He would do his best. In the meanwhile he would make every effort to see that the people remained calm and that no disturbances to the peace took place anywhere. He emphasized that he would go to his masters, the people, with no intent of wrecking the Plan but with the sincere desire to persuade them to accept it. He could only give his personal assurance that he would do his best. He would try in his own way to bring round the people. The Viceroy wanted him to do it, and he would do his best—in the way which was best for him, in the manner which would ultimately result in what the Viceroy wanted.

His Excellency the Viceroy said that he presumed that Congress were confronted with the same problem as that stated by Mr. Jinnah.

Pandit Nehru pointed out that he and Sardar Patel had been committing themselves, step by step, to the present plan and had given their personal assurances. It had been difficult for them to go ahead as individuals and in their representative capacities without consulting their colleagues, including the Congress President. The Congress Working Committee had also considered the broad outlines of the Plan. He would let the Viceroy know what that Committee felt of it later that day. The next stage would be a meeting of the larger body, the all-India Congress Committee. This body might feel hurt that they had not been consulted earlier. But owing to the peculiar nature of the case, the leaders themselves had had to make decisions. They had had to take the responsibility on their own shoulders. The difficulty lay in the circumstances. He and his colleagues were caught in the tempo of events. The urgency of the situation made it difficult for them to be vague.
MR. KIRPALANI signified agreement with what Pandit Nehru had said.
Pandit Nehru said that a letter would be sent in to the Viceroy that evening giving an account of the Congress Working Committee's reaction to the Statement.

Mr. Jinnah said that he felt unable to report the opinions of the Muslim League Working Committee in writing. He would, however, come and see the Viceroy and make a verbal report.

The Viceroy said that he would be satisfied with this. He summed up by thanking the leaders for their loyalty and honesty. He much appreciated the support which they were all giving him. He understood the difficulties which Mr. Jinnah had mentioned concerning procedure.

Broadcasts

His Excellency the Viceroy said that he intended to make a broadcast over All-India Radio at 7 p.m. the following evening. This would be recorded in London and relayed by a "hook-up" system all over the world. He said that he would be most grateful if Pandit Nehru and Mr. Jinnah would follow him by broadcasting immediately after the Announcement. They might give their personal assurances of support for the Plan and say that they would use their best endeavours to ensure a full peaceful acceptance of it by their respective parties.

Mr. Jinnah agreed to make such a broadcast, although he said that it would be difficult for him. Pandit Nehru also agreed to do so and said that he would be definite in his broadcast. Pandit Nehru also made the suggestion that Sardar Baldev Singh should broadcast. Sardar Baldev Singh at first demurred. He felt that he would have nothing to say. He could not make up his mind about support for the Plan until he knew that Congress and the Muslim League were going to support it. But he eventually agreed to make an appeal for bloodshed to cease.

His Excellency the Viceroy said that he was prepared to let the leaders know what he was going to say in his broadcast the following day.

Sardar Patel pointed out, with a smile on his face, that the general rule was for the scripts of broadcast speeches to be submitted to the Honourable Member for Information and Broadcasting before they were used! Mr. Jinnah said that he would say in his broadcast what came from his heart.

It was finally agreed that Pandit Nehru, Mr. Jinnah and Sardar Baldev Singh should bring their scripts to the meeting the following day and read them out there.
24

Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Mr Gandhi

Mountbatten Papers, Viceroy’s Interview No. 142

SECRET

2 June 1947, 12.30 pm

I saw Mr. Gandhi immediately after the first session of the meeting with the seven Indian Leaders. As this was a Monday, he was observing his day of silence; and he apparently did not consider the occasion of sufficient importance for him to break this rule, so he satisfied himself by handing me the attached note. The original of this is in my possession; it is written on the back of five separate old envelopes and will be, I feel, a document of some historic importance.¹

Enclosure to No. 24

I am sorry I can’t speak; when I took the decision about the Monday silence I did reserve two exceptions, i.e. about speaking to high functionaries on urgent matters or attending upon sick people. But I know you do not want me to break my silence. Have I said one word against you during my speeches? If you admit that I have not, your warning is superfluous.

There are one or two things I must talk about, but not today. If we meet each other again I shall speak.

Badshah Khan is with me in the Bhangi Colony. He said “Do ask the Viceroy to remove the Governor. We won’t have peace till he is gone”. I don’t know whether he is right or wrong. He is truthful. If it can be done decorously, you should do it.

¹ For further accounts of this meeting see Nos. 39 and 91, paras. 14-15.

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Mr Rowlatt to Mr Simpson

L/P&J/10/123: ff 418-20

SECRET

2 June 1947

My dear Simpson,

I enclose a letter I have written to Wilson Smith, after speaking to Turnbull. It represents the horrid thoughts that occurred to me when I read the Commander-in-Chief’s paper¹ over the weekend. I feel that I owe you, [as] well as
Wilson Smith, an apology for butting in like this but, in the circumstances, I am sure you will forgive me. It would, I think, be a great pity if Wilson Smith went ahead without being fully aware of the difficulty, to put it mildly, of the solution propounded by IB(47)89, if the safeguards proposed are conceived of as resting on any legal basis.

Yours sincerely,

J. R.

Enclosure to No. 25

SECRET AND PERSONAL

2 June 1947

Dear Wilson Smith,

Your India Committee. You will forgive me for butting in on what is at first sight not directly my affair but time is short and I am writing to you direct by arrangement with Turnbull at the India Office who is instructing me about the expected India Bill. In connection with that Bill I have read, amongst other things, IB(47)89 and I see, or think I see, a formidable misunderstanding arising which it seems to me is not likely to be as obvious to anyone serving on your committee as it is to me.

IB(47)89 began by stating its assumptions, one of which is a common Governor-General, but this statement is incomplete. The paper also assumes a common Governor-General who can, in some degree, be responsible to H.M.G. here. I have no doubt that the authors of the paper took it for granted, quite naturally, that the later assumption flowed from the former. When one is drafting a Bill about it, it hits one in the eye that it does nothing of the kind but that, legally speaking, it cuts across the fundamental idea; and, what is more important, I strongly suspect that for once the legalities of the situation correspond pretty closely to the realities.

Just think where we are by way of going to. The basic assumption of all is that, in a few months' time, there will be two self-governing member States of the British Commonwealth. It is, of course, perfectly true that they cannot by then have their affairs completely disentangled and that there will have to be some kind of joint administration and control of certain matters, if there is not to be chaos. From this it follows that, if they have any sense, they will for some time have a common Governor-General with a white face and leave a good deal to his individual discretion. This, so long as either of them can at any moment they want demand a separate Governor-General, or demand a common Governor-General who is acceptable to both of them and not necessarily acceptable to His Majesty's Government is not, in legal theory, inconsistent with the establishment, in a few months' time, of "two self-governing member

1 and 2 Vol. X, No. 547.

3 See Vol. X, No. 553, Minute 8.
States of the British Commonwealth”; and I had, in fact, provided for it up to a point in the first draft of my Bill. But when you once say that the common Governor-General is to do what he is told in any respect from London, the concept of “self-governing members” which Ministers regard as carrying with it even if need be the right to secede, is immediately destroyed. In drafting the Bill, the point hits one in the eye almost in every line. The whole structure of what I had got was that, after the appointed day, which would take place in a few months’ time, they could each of them, if they really wanted to, do what they liked about anything, though, inasmuch as they will not be ready with their own separate mechanisms, we provide (up to a point) a provisional legal framework for them to be going on with until they get round to framing something better. All this goes completely by the board if the Act is going to force on them a common Governor-General appointed from London on English advice and responsible to London on one of the most crucial subjects of all.

Of course in my Bill I can say that it shall be so, because, so far as words go, one can say anything. I think, however, that I ought to point out that the mere fact that words to the effect in question are found in my Bill when it is introduced and when it becomes an Act is extremely unlikely to influence the course of events in India in that direction. No one, after the great day, will pay the slightest attention to what Parliament has said, just because Parliament has said it; indeed, the tendency will be the other way—the fact that Parliament has said a thing will be prima facie evidence that exactly the opposite ought to happen. All paper “safeguards” can do is to give grounds for accusations by the Indians of bad faith on the part of His Majesty’s Government. Of course, if you could get a real agreement from the Indian leaders, that the position should be as required by IB(47)89 (an agreement, that is, which you could be sure they could and would honour) it would be another matter: we would not have to say anything in the Bill and my difficulties would not arise. But I allow myself to say that I suspect, from what I have heard, and from what, using my intelligence, I can guess, that you would be well-advised not to assume too readily the possibility of such an agreement.

As I said at the beginning, I hope you will forgive me for writing to you on this subject, especially as I am aware that the above observations are not helpful. It is, however, unavoidable that the India Office representatives on your committee should be persons much more interested in and conversant with the requirements of the Indian Army than the political side of the picture, and though everyone knows, of course, the general nature of the dilemma, I am not sure that the exact location of the point at which the ways part is equally obvious.

I am sending copies of this letter to Turnbull at the India Office (who is
instructing me on the Bill) and to Simpson at the India Office who is in charge of their military department.

Yours sincerely,

JOHN ROWLATT

26

Minutes of Viceroy's Thirty Seventh Staff Meeting, Item 7
Mountbatten Papers

TOP SECRET
Those present at this Meeting held at The Viceroy's House, New Delhi, on 2 June 1947 at 4 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir E. Mieville, Mr Abell, Rao Bahadur V.P. Menon, Captain Brockman, Mr I. D. Scott, Mr Christie, Mr Campbell-Johnson, Sir G. Prior, Lieutenant-Colonel Erskine Crum

BRITISH BALUCHISTAN

SIR GEOFFREY PRIOR said that he had been considering different procedures whereby the people of British Baluchistan could make their choice whether to adhere to the existing Constituent Assembly or to join the new one. The object, as he understood it, was to devise a body which would make the decision and elect a representative to the Constituent Assembly; and that this body should be based on a more popular platform. He pointed out that the Shahi Jirga was to some extent hereditary, although a number of members owed their position in it to their leadership in their tribes. It might be possible to get a wider franchise starting at a level just above the village headmen. The result would be a body similar to the Shahi Jirga but without the hereditary members of the latter body.

SIR GEOFFREY PRIOR went on to say that he considered that the issues at stake should be reduced to writing and sent round to the headmen of the sub-section[s]. They would then gather together in the agency headquarters and elect representatives for the Jirga—about ten representatives per agency. The Jirga would gather at Quetta.

HIS EXCELLENCY THE VICEROY said that he considered that a solution on the lines suggested by Sir Geoffrey Prior would probably be acceptable to Pandit Nehru. He intended to ask Pandit Nehru officially to obtain Sir Geoffrey Prior's views after the latter had returned to British Baluchistan. A question that arose was how either party was to make their appeal. Possibly accredited representatives of Congress and the Muslim League might visit British Baluchistan and put their case. Money would play an over-riding part in the decision. British Baluchistan cost a crore a year. The question arose as to whether Pandit
Nehru would consider it worth while offering such a sum. Sir Geoffrey Prior should see Mr Liaquat Ali Khan and explain the financial aspect to him.

His Excellency the Viceroy:
directed P.S.V. to keep the question of the procedure in British Baluchistan under consideration.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/31/150: ff 185–6

Most Immediate

New Delhi, 2 June 1947, 5 pm

Received: 2 June, 1.50 pm

No. 125–S. The meeting with the Indian leaders started at 10 a.m. today and lasted for two hours. It was all that I could possibly hope for. The full minutes will follow by bag.

2. Both Nehru and Jinnah gave me their personal assurances, which were endorsed by the other members of their respective parties who were present, that while they could not agree to the plan, they were prepared to do their utmost to make it work in a practical and peaceful spirit, and, above all, without bloodshed. They also undertook to do their utmost to persuade their Working Committees to adopt the same line.

3. They have taken copies of the plan away with them to discuss with their Working Committees. The Congress Leaders prophesied that their Working Committee would be in favour of acceptance, and undertook to let me have their views in writing tonight. Mr Jinnah was rather more difficult on this point. He said that the Muslim League Working Committee would not be able to commit themselves to any formal resolution without prior reference to the All India Muslim League Council. He undertook to convene this Council in a week’s time. I said that we could not possibly afford a day, much less a week, and eventually he promised to give me a verbal account of the reactions of his Working Committee tonight.

4. We shall meet again at 10 a.m. tomorrow, by which time I shall have had a few hours to consider the reactions of the Working Committees.

5. I am glad to say that Nehru, Jinnah and Baldev Singh have all agreed to broadcast after the announcement has been given out, and have allowed me to announce this in this morning’s communiqué.

6. I ought to mention how Kripalani and Nishtar came to be present. Nehru approached me the day before yesterday and urged that Kripalani, as President
of the Congress, should be invited. He offered to stand down himself if necessary. I told him that this was out of the question and asked Jinnah, who was at the same party, whether he would agree to Kripalani coming as an additional member. He said that he would do so, provided the Muslim League could also have a third member and nominated Nishtar.

7. So far so good, but we must remember that in the past difficulties have often arisen in the second and subsequent rounds.

8. God must be on our side, since Gandhi, who came to see me after the conference (presumably to implement his declared policy of stopping the present agreement) was afflicted by a day of silence. But he wrote me a friendly note of personal regard.¹

¹ No. 23.  
² See Nos. 4 and 91, para. 2.  
³ See No. 2, note 5.  
⁴ See No. 24 and its enclosure.

28

Viceroy’s Conference Paper V.C.P. 63

Mountbatten Papers

TOP SECRET  THE VICEROY’S HOUSE, NEW DELHI, 2 June 1947
THE ADMINISTRATIVE CONSEQUENCES OF PARTITION
The attached paper has been redrafted on His Excellency The Viceroy’s instructions.¹

V. F. ERSKINE CRUM  
Conference Secretary

Annex I to No. 28

You will see from Paragraph 20 of the Announcement that Parliamentary legislation setting up two Dominions, in the event of partition, will be introduced in Parliament during the current session, i.e. about the beginning of August. The Act will contain a provision enabling the Governor-General to bring it into operation at any time thereafter. It is my intention that the Act should be brought into operation at the earliest possible date after its enactment, in any case not later than 15th August, 1947.

It is also my intention, as soon as the issue of partition is decided, to call for

¹ The previous draft had been circulated as V.C.P. 60 of 1 June 1947 and discussed at the Viceroy’s 37th Staff Meeting on 2 June at 4 pm. The covering note on the earlier draft stated that it had been prepared by J.P.S.V. (Mr Christie) ‘as a result of discussions over a period of a month’, and that ‘the general plan contained in this paper is in accordance with an outline scheme discussed and agreed by P.S.V. in April with the Governor of the Punjab. P.S.V. points out that the latter has exceptional knowledge of central and provincial administration’.
the resignation of my colleagues in order that prospective leaders of the new
Government or Governments may be free without embarrassment to select
their colleagues. Meanwhile the Members of the present Executive Council
will, I hope, continue on the present basis as a Caretaker Government.
If we are to move according to this programme, we must move quickly, and
vital decisions must be taken in a very short time. The task ahead is formidable,
as is shown by the paper attached, which I have decided to circulate to my
colleagues for discussion at the next meeting of Cabinet.

Annex II to No. 28
THE ADMINISTRATIVE CONSEQUENCES OF PARTITION

1. This paper is written on the assumption that the decision will be in favour of
partition, including the partition of the Punjab, Bengal and Assam.

2. Before partition can be fully effective, decision, by agreement or if
necessary by arbitration, will have to be reached on the following matters:—
(i) Final demarcation of boundaries.
(ii) Division of the formations, units and personnel of the Indian Armed
Forces.
(iii) Division of the staff, organisations and records of Central Civil Departments,
services and institutions, including, Railways, Posts and Telegraphs,
Broadcasting, Civil Aviation, Meteorology, Public Works, Income
Tax, Customs, Central Excise, Accounts and Audit, Scientific services,
Central Waterways and Inland Navigation Board and Central Power
Board.
(iv) Division of the assets and liabilities of the Government of India including
fixed installations and stores of the Defence Services, assets and prop-
erty of the departments, services and institutions listed in (iii) above,
public debt funded and unfunded, Pensions, Provident funds etc.
(v) Division of Assets and Liabilities of the Reserve Bank including Currency,
Rupee securities, bullion and foreign exchange.
(vi) Economic Relations including freedom of trade and commerce, dis-
tribution of food resources, use of port and railway facilities.
(viii) Determination of Domicile.
(ix) Diplomatic representation abroad.

3. Similar decisions will be necessary as between parts of Provinces.

4. A ‘carry-on’ agreement will be necessary, as a first step, between the main
political parties, because it is clearly impossible to reach final agreement on all
these complicated matters before the transfer of power, and also because it is
necessary to preserve the continuity of administration. In respect of certain
essential subjects such as boundaries, the armed forces, administrative organisation and staff, and finances, decisions must be reached before the date of transfer of power, for without decisions on these points the separate governments will not be able to function.

In the course of examination of the subjects it should become possible to determine more closely their relative degree of urgency, and the action which may be desirable or essential by way of either interim adjustments or final decisions, before the transfer of power.

5. The next step would be to set up machinery for examining the problems involved and making recommendations, for co-ordinating and progressing this process, and for deciding the terms of the agreements on each subject which will be submitted for the ratification of the successor Governments.

It is suggested that such machinery should be under the control of an Inter-Party Partition Committee, consisting of two members of the Congress, two of the Muslim League and one minority representative, all from the present Interim Government. This Committee will effectively represent the successor authorities. It will be under the Chairmanship of the Governor General.

The machinery will consist of
(a) an Executive organisation, in the form of a Partition office or Steering Committee, and
(b) Expert official committees.

The machinery should be such that the work relating to partition is kept separate as far as possible, from the current administrative work of Government, and that it should proceed without obstruction or delay. In view of the urgency it should be recognised that the requirements of work relating to partition should have absolute priority over those of the current administrative work of Government.

The functions of the Partition Committee, and the functions and composition of the Partition Office and Expert Committees are examined in more detail below.

6. The functions of the Partition Committee will be to decide what administrative measures and adjustments, final or intermediate, are necessary to make fully effective the division of India into more than one sovereign state, and to prepare agreements for the ratification of the successor Governments. It will also decide all questions of policy and procedure relevant to its function.

The Partition Committee will appoint the Partition Office (Steering Committee), [and] the Expert Committees (except the Committee for the Armed Forces, vide (8) ii below). It will frame the terms of reference for these committees, prescribe procedure, and fix dates by which reports must be submitted.

2 Words italicized here are underlined in the original.
In case an agreed decision cannot be reached by this Committee, the Governor-General will be empowered to give a final decision, if he thinks fit.

7. The Partition Office or Steering Committee.

This will have a function of extreme importance and must be composed of men of undoubted ability, integrity and impartiality. It will direct and coordinate the work of the Expert Committees, and submit reports and recommendations in a form that will facilitate quick decisions by the Partition Committee.

So long as it remains in being, it will also supervise the implementation of decisions reached.

It will also be prepared to assist Provincial Committees with information and advice if required.

The head of this organisation should have considerable latitude in the conduct of his business and the choice of his staff. Quick results will require flexibility and improvisation.

8. The Expert Committees.

(i) Demarcation of Boundaries.

The question of boundary delimitation may arise in the Punjab, Bengal and Assam. Under the terms of Paragraph 9 of the Announcement, Boundary Commissions will be set up by the Governor General, but he will consult the Partition Committee about the membership and terms of reference of the commissions.

(ii) Defence Committee for the division of the Indian Armed Forces.

This Committee will be set up by the Commander-in-Chief with as many sub-committees as may be necessary and will report direct to the Partition Committee. It should, however, keep the Partition office (Steering Committee) in close touch with the progress of its work, and should be directly associated with the Finance Committee dealing with the division of installations and stores of the Defence Services. (See (iii)(c) below).

(iii) Expert Committees.

Expert official committees will be set up to make recommendations on the subjects enumerated below. The terms of reference suggested are provisional and intended only to indicate the scope of the respective enquiries.

These Expert Committees will not be subject to the authority of the Departments with which they are associated, but of the Partition office (Steering Committee).

(a) Staff & Organisation, Records & Documents.

A committee empowered to call for information from all Departments of the Central Government and the Central Board of Revenue, or alternatively a
series of committees associated with the several Departments, should report to
the Partition office, by a given date, on the following terms of reference:—
(i) the basis on which existing staff should be divided;
(ii) the actual division of staff;
(iii) duplicate organisation of offices and departments;
(iv) requirements of buildings, furniture, stationery;
(v) separation or duplication of records and documents, international
agreements, etc.
(b) Railways, Communications & Miscellaneous Central Services & Institutions.
In the case of Railways, Posts and Telegraphs, Civil Aviation, Meteorology
and other Central Services and Institutions, the terms of reference will in-
clude:—
(vi) division of the administrative organisation of the services passing
through or situated in the divided territories.
(c) Assets and Liabilities.
A Finance Committee will deal with the division of the assets and liabilities of
the Government of India and of the Reserve Bank. It is essential that this
committee should include in its scope the Armed Forces as well as the Civil
departments, so that it may obtain a fully integrated picture of all assets and
liabilities. Where information is not available in the Finance Department, the
committee should be empowered to obtain the information from the depart-
ments concerned.
The terms of reference of this committee should include:—
(i) the division, final or provisional, of Treasury and Bank balances;
(ii) the arrangements for the collection and distribution of Customs and
Income Tax and other items of revenue which are now central;
(iii) to ascertain the note issue liabilities of the two new Governments;
(iv) facilities for transfer of funds from one area to another;
(v) the effect of partition on exchange control;
(vi) currency arrangements for a smooth transition;
(vii) the basis for division of assets and liabilities;
(viii) the enumeration and assessment of assets and liabilities;
(ix) responsibility of each area for the public debt held by its nationals;
(x) the nature of the financial settlements between respective govern-
ments.
(d) Economic Relations.
An Economic Relations Committee associated with the appropriate Depart-
ments should be set up to make recommendations on:—
(i) matters relating to freedom of trade and movement between the
territories of the new governments;
(ii) effect of partition on the administration of existing controls, and alterna-
tive arrangements necessary;
(iii) the pooling and distribution of food resources, and other commodities in short supply;
(iv) the sharing of port and railway facilities.
(e) Jurisdiction of the High Courts & Federal Courts.
The Chief Justice of India should be invited to examine the effect of partition on the jurisdiction of the High Courts and Federal Courts, and to make recommendations.
(f) Domicile.
A special committee associated with the Home Department should examine the effect of partition on the question of domicile and nationality.
(g) Foreign Relations.
A committee, associated with External Affairs Department and Common-wealth Relations Department, should make recommendations regarding the effect of partition on diplomatic representation in foreign countries, and the position of Indian nationals in Commonwealth countries.

9. As regards the partition of Provinces, the problems which would arise would be in connection with:

(1) delimitation of boundaries;
(2) division of administrative and judicial services;
(3) division of financial assets and liabilities;
(4) division of material assets, e.g., buildings, food stocks, irrigation;
(5) jurisdiction of High Courts;
(6) Public Service Commissions;
(7) Educational, Medical, Research and Training Institutions.
As in the case of the Central Government, a ‘carry-on’ agreement would be necessary.

Items (1) and (5) above would be covered by the action proposed above to be taken by the Central Government. For the other matters, committees would have to be appointed, probably by the Governor, who would stand in the same relation to a Joint Committee representing the two parts of the Province, as the Governor-General to the proposed Cabinet Committee.

10. The decision of Council is required on the setting-up of a Partition Committee with the composition, functions and powers proposed in Paragraphs 5 and 6 above.
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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/150: f 198

MOST IMMEDIATE
SECRET
PERSONAL

2 June 1947, 4.41 pm
Received: 2 June, 10.15 pm

No. 7105. We have been discussing with Rance reactions of proposed Indian announcement on Burma. We have asked him to see Aung San after your final meeting with British Indian leaders but before any announcement is made and to give him general outline. We are informing him that your second meeting with leaders will be at 10 a.m. on 3rd June and that you propose at 7 p.m. IST to broadcast over All India Radio. We assume you will have concluded your discussions with British Indian leaders by say 1 p.m. IST on Tuesday 3rd June and can at once let Rance know that you have done so and their outcome. I suggest that you arrange a code word direct with him for this purpose and that if there is a telephone to Rangoon you also telephone a message. It is essential that before any public announcement is made he should see Aung San and should have time for conversation with him. If your discussions are concluded by say 1 p.m. it would be possible we assume to let Rance know this by say 2 p.m. IST. He would then have up to 7 p.m. IST for his talk with Aung San.

We would be grateful if Rance in any event would make a provisional date with Aung San for say 3.30 or 4 p.m. IST on 3rd June without at this stage disclosing what conversation is to be about.'

Addressed Viceroy repeated Government of Burma No. 1255.

1 Lord Mountbatten replied in tel. 1278-S of 3 June, drawing attention to No. 38 which had been repeated to Sir H. Rance, and promising to try to get information of any further developments that day to him in time. He added that he had 'kept in personal touch with Rance during negotiations'. R/3/1/150: f 229.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/PO/6/124: ff 4–5

MOST IMMEDIATE
PRIVATE

INDIA OFFICE, 2 June 1947, 4.50 pm
Received: 3 June, 10.15 pm

66. Your 1249–S.¹ Many thanks for making the omission from your broadcast. The record is being corrected by the B.B.C. accordingly.

¹ No. 19.
Quite apart from technical difficulties, I feel that it would be preferable not to make the two insertions you propose. We do not feel sure that Gandhi would unreservedly accept either proposition and experience in the past suggests that it is dangerous to attribute opinions to him. It seems that Gandhi is at loggerheads with the Working Committee at the moment and it may be that anything you achieve will be the result of the Working Committee rejecting Gandhi’s opinions. If that is the position, your references to him may give Gandhi a platform for some public reply which will embarrass the Congress leaders and may even endanger* the stability of any settlement. I have consulted the Prime Minister, who concurs. Please let me know whether you agree.3

* 'endanger' deciphered as 'harden'.

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Cabinet Committee Gen. 186/1st Meeting

Future of the India and Burma Offices

MSS. EUR. D. 714/81

Those present at this Meeting held at 10 Downing Street, S.W.1, on 2 June 1947 at 5 pm were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Hugh Dalton, Viscount Addison, Mr A. Creech Jones, the Earl of Listowel, Sir E. Bridges, Mr M. E. Dening; Mr W. S. Murrie, Mr S. E. V. Luke (Secretariat)

The Meeting had before them a memorandum1 by an Official Committee about the arrangements to be made for handling the relations of His Majesty’s Government with India and Burma after their attainment of independence, whether within or without the Commonwealth.

The memorandum pointed out that public opinion in those countries would not accept any solution under which this responsibility would continue to rest with the Secretary of State for India and the Secretary of State for Burma. The Official Committee had considered tentatively a suggestion that, as a transitional measure, a new Secretary of State should be appointed to handle the relations of His Majesty’s Government with India and a group of adjoining countries, selected on a geographical basis irrespective of their exact constitutional status. It was thought, however, that such an arrangement would be viewed with suspicion by the peoples of India and Burma, and the alternative favoured by the Committee was that there should be a Secretary of State charged with responsibility for Commonwealth Relations, to whom would be assigned not only the duties at present entrusted to the Secretary of State for Dominion Affairs, but also the affairs of Ceylon, Burma and India, if those
countries, on attaining independence, desired to retain a link with the Commonwealth. Even if Ceylon was the only one of these countries to wish to preserve some form of association with the Commonwealth, there would still be good grounds for the establishment of a new office on those lines as a tangible proof of the sincerity of our policy of promoting gradual evolution towards self-government and independence. The Official Committee had also reached the conclusion that if the whole of India elected for independence outside the Commonwealth, with the result that the Foreign Secretary had to handle our relations with India, the volume of work involved would be just such as to call for the establishment of a special sub-department of the Foreign Office under the charge of a Minister with the standing of the Minister of State. If, however, the Foreign Secretary had to handle our relations with a part of India only, it might be possible to arrange that many of the quasi-administrative problems arising from the termination of British rule in India should be handled, for the whole of India, by the organisation under the Secretary of State for Commonwealth Relations which was handling our relations with that part of India which retained an association with the Commonwealth.

**The Secretary of State for Dominion Affairs** said that he was in general agreement with the conclusions of the Official Committee. If, however, a change on the lines proposed was to be made, it would be most desirable to consult the Governments of the existing Dominions at an early stage. In particular, he hoped that the creation of a new Commonwealth Relations Office would not be conspicuously associated with the grant of Dominion status to the successor States in India, since this would inevitably prejudice Dominion Governments against the idea from the outset. It would be far more acceptable to Dominion opinion if we were able to represent this as a proposal which had originated quite separately from the development of the Indian situation.

**The Foreign Secretary** said that it would be most inadvisable to make public any proposals for a change in the existing arrangements until firm decisions had been reached about the future of India. A voluntary decision by the successor States in India to accept Dominion status would undoubtedly have a great effect on public opinion both in the Dominions and throughout the world, and the proposal for the establishment of a Commonwealth Relations Office would obviously have a more sympathetic reception against that background. Such a development would also render easier the task of counteracting the propaganda campaign which the Russians would no doubt at once launch in response to any change in the existing system of Commonwealth relations. He therefore thought that it would be inadvisable at this stage to consult the Dominion Governments; there would, however, be no objection to acceptance of the Committee's report as a basis for planning purposes. As regards the

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internal composition of the proposed Commonwealth Relations Office, it might possibly be found advisable to create three distinct sections responsible respectively for our relations with the existing Dominions; with the Asiatic territories (India, Burma and Ceylon) now approaching a position of independence within the Commonwealth; and with certain Colonial territories in the Middle East and Far East which would be in close political, economic and defence relationship with the countries in the second group.

The Secretary of State for India said that it seemed likely that the Indian political leaders would agree to accept Dominion status as an interim arrangement. They disliked, however, the title “Dominion” and would certainly greatly prefer to have dealings with a Commonwealth Relations Office. The establishment of such an Office might therefore influence them to remain permanently in the Commonwealth.

Other points made in discussion were:

(a) It had hitherto been the practice for major proposals affecting Commonwealth relations to be discussed in the first instance at a Commonwealth Conference. Would it not be preferable to hold this question over for such a Conference?

As against this, it was noted that at present there would be an initial difficulty in deciding which members of the Commonwealth should be invited to take part in such a Conference. Moreover, discussion of the proposal by a Commonwealth Conference would invite attempts at a more precise definition of the Commonwealth relationship from which no advantage could be expected. Apart from this, the summoning of a Commonwealth Conference would involve extensive discussions on such matters as defence for which we were not at present ready.

(b) There were indications that the Dominion Governments were increasingly inclined to feel that the title “Dominion” implied some degree of subordination, and that they would wish to discuss at some suitable opportunity the possibility of an alternative title. For the same reason, the possibility of a change in the Royal Title would no doubt also be raised; indeed, the Canadian Government had already made it clear, in a statement in the Canadian Parliament, that this question would be raised at a suitable opportunity.

(c) In discussion with the Secretary of State for Dominion Affairs, the question of the precedence accorded to Dominion High Commissioners had also been raised. Dominion Governments were very critical of the existing arrangements under which their High Commissioners were accorded precedence below the representative of the smallest foreign State. Proposals had been made that the Dominion High Commissioners should be given the title of Ambassador; this, however, was open to the objection that the latter title implied representation of a foreign
country. It would clearly be necessary to consider sympathetically how to meet the Dominion wishes in this matter.

(d) There was general agreement with the view expressed in paragraph 6 of the Official Committee’s report that it would not be feasible to create a department for the special purpose of handling the relations of His Majesty’s Government with India and a group of adjoining countries.

The general opinion of the Meeting was that the Official Committee’s report should be accepted as a basis for planning and that a detailed scheme should now be worked out on the lines proposed by the Committee. The matter would have to be further considered in the light of the decisions reached in regard to the transfer of power in India; and at that stage the question of consultation with Dominion Governments could be taken up.

The Meeting:—

(1) Agreed that the report of the Official Committee on the future of the India Office and the Burma Office should be accepted as a basis for planning purposes.

(2) Invited Sir Edward Bridges to arrange for the preparation of a detailed scheme for the establishment of a Commonwealth Relations Office on the lines suggested in the Committee’s report.

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Cabinet

India and Burma Committee I.B.(47)29th Meeting, Minutes 4-5

L/PO/6/121: ff 44, 47

Those present at this Meeting held at 10 Downing Street, S.W.1, on 2 June 1947 at 9 pm were: Mr Attlee (in the Chair), Sir S. Cripps, Mr A. V. Alexander, Viscount Addison, the Earl of Listowel, Mr C. P. Mayhew, Mr A. G. Bottomley, Mr A. Henderson, Lord Chorley

Also present were: Sir E. Bridges, Sir G. Laithwaite, Sir D. Monteath; Mr S. E. V. Luke, Mr G. M. Wilson, Mr A. F. Morley (Secretariat)

[Minutes 1–3, regarding Burma, omitted.]

Minute 4

Transfer of Power in India

(Previous Reference: I.B.(47)28th Meeting, Minute 1)¹

The Committee had before them a memorandum by the Secretary of State for

¹ Vol. X, No. 555.
India (I.B.(47)95)\(^2\) covering the text of the announcement to be made in Parliament on 3rd June on the arrangements for the transfer of power in India. They also had before them telegram No. 1258–S of 2nd June\(^3\) from the Viceroy reporting on his meeting with the Indian leaders that morning. In this telegram the Viceroy pointed out that, so far, the position was very satisfactory and that the Indian leaders had agreed to broadcast after the statement was made public.

The Committee:

Took note of the position as set out in the memorandum by the Secretary of State for India (I.B.(47)95), and the Viceroy’s telegram No. 1258–S.

**Minute 5**

**Broadcast by the Prime Minister**

The Prime Minister handed to the members of the Committee a draft of the broadcast which he proposed to make on 3rd June, immediately before the broadcast of the Viceroy’s speech.

After discussion, the text of the proposed broadcast was agreed as follows:

[For text of broadcast: see No. 57]

\(^2\) Not printed; it noted amendments to the proposed announcement made in recent telegrams (see No. 13 and notes thereto) and circulated a revised text incorporating them. L/P &J/10/80: ff 33–48. For announcement as issued see No. 45.

\(^3\) No. 27.

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**33**

Sir F. Burrows (Bengal) to Rear-Admiral Viscount Mountbatten of Burma

**Telegram, Mountbatten Papers. Official Correspondence Files:**

Bengal, Partition of, Part II(a)

**IMMEDIATE**

**SECRET**

No. 142–S. Your telegram No. 1237–S of June 1st\(^1\) paragraph 3. I do not want to go into Section 93 at all if it can be avoided but in interests of maintaining order I might be forced into Section 93 position for a short time at all events by difficulty which I foresee in securing obviously ideal arrangement to manage partition viz. a Coalition Ministry. As soon as it becomes clear that partition of Bengal is probable I should expect that the Suhrawardy Ministry will resign either of its own volition or by Jinnah’s order and in that case I may find it impossible to get Muslim League here to participate in a Coalition. I should then have to contemplate relying on a Minority Ministry and I should not wish to do this till after meeting of Legislative Assembly likely to be called in

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2 June 1947, 10.50 pm

Received: 3 June, 9.30 am
pursuance of paragraph 7 of today’s state paper, as it is not free from doubt whether meeting would be one at which a vote of no confidence could be moved (vide my immediately succeeding telegram No. 143–C). I might therefore have to go into Section 93 for a short time almost straight away.

2. As I see it, probable course of action would be as follows: I postulate that I can only retain a Ministry that will agree to work H.M.G.’s plan of today and that a Coalition is the ideal to aim at if that plan admits of possibility of partition of Bengal.

3. (a) If League acquiesces in the scheme offering possibility of partition, Suhrawardy should be asked at once to form Coalition Ministry to work scheme out from start in atmosphere of impartiality.

(b) If he fails to form Coalition in reasonable time he must be asked to resign and if he refuses he must be dismissed. In either alternative Kiran Shankar Roy must be invited to form a Ministry with Muslim representatives if possible but otherwise without.

4. If League refuses to work plan involving the possibility of partition Suhrawardy should be asked to resign and if he refuses he must be dismissed and Roy must be asked to form a Ministry.

5. If under paragraph 3(b) or 4 above Roy is invited but fails to form a Ministry I should have to go into Section 93 for so long as deadlock lasted.

6. Your paragraph No. 5. I regard it as now too late to declare Calcutta a free City or a City under Joint Control even for some interim period as such a course if adopted now, instead of avoiding bloodshed, would almost certainly precipitate it.

1 No. 18.  
2 i.e. No. 45.
3 This telegram discussed the question whether a meeting of the Bengal Legislative Assembly summoned for the limited and extra-constitutional purpose of electing representatives to a Constituent Assembly, and not including its European members, should be regarded as a formal summoning of the Bengal Legislative Assembly as such.

34

*The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma*

*Telegram, L/P&E/J/10/80: f 29*

**MOST IMMEDIATE**

**INDIA OFFICE, 2 June 1947, 10.50 pm**

Received: 3 June, 4.30 am

7132. As question is certain to be asked P.M. and I are anxious to forestall it by prefacing our reading of statement in either House by saying that plan has
agreement of parties. At present we have para. 2 of your 1258\(^1\) which is very useful as far as it goes but we should like to know from you after your morning meeting Tuesday what we can say as to Working Committees also having accepted plan and about their co-operation in working it successfully and their attitude to decision to transfer power on Dominion basis.

\(^1\) No. 27.

**35**

*Viceroy’s Conference Paper V.C.P. 64*

*L/P&EJ/10/81: ff 396-400*

**TOP SECRET**

**THE VICEROY’S HOUSE, NEW DELHI, 3 June 1947**

**CONGRESS REACTIONS TO H.M.G.’S STATEMENT**

Attached is the letter received by The Viceroy from the Congress President at 0015 hours on 3rd June, 1947.

**V. F. ERSKINE CRUM**

Conference Secretary

**6 JANTARMANTAR ROAD, NEW DELHI, 2 June 1947**

Dear Lord Mountbatten,

The Congress Working Committee have considered the statement which H.M.G. propose to make tomorrow\(^1\) and a copy of which you were good enough to give me this morning.\(^2\)

2. The proposals contained in this statement are of far reaching importance and affect the whole future of India. These envisage the possibility of certain parts of India seceding from the rest.

3. As you know, the Congress has consistently upheld that the unity of India should be maintained. Ever since its inception, the Congress has worked towards the realisation of a free and united India. Any proposal, therefore, which might bring about separation of a part of India from the rest is painful to contemplate and, in the opinion of the Congress, is harmful to all the parties concerned. Such a proposal would normally have to be considered by the All-India Congress Committee. The Working Committee would make its recommendations to that Committee, but the final decision would rest with the All-India Congress Committee, or the full session of the Congress itself.

4. We have realised, however, that in the peculiar and abnormal situation of today it is not possible to delay matters and decisions have to be reached rapidly. There has been far too much uncertainty in the country and this has led to
instability and to violence on a large scale. We have also appreciated that the negotiations that have been going on for some time between you and Indian leaders had of necessity to be secret.

5. My Committee considered the principles underlying the present proposals about a month ago and generally accepted them. This acceptance was conveyed to you in paragraph 12 of the letter dated 1st May 1947\(^3\) which Shri Jawaharlal Nehru wrote to you.

6. As we have stated on many occasions, we accepted in its entirety the Cabinet Mission's Statement of 16th May 1946 as well as the subsequent interpretation thereof dated 6th December 1946. We have indeed been acting in accordance with it and the Constituent Assembly which was formed in terms of the Cabinet Mission's Plan has been functioning for nearly six months. We are still prepared to adhere to that Plan. In view, however, of subsequent events and the situation today, we are willing to accept as a variation of that Plan the proposals now being made.

7. I do not wish to enter into any detailed examination of the proposed statement of H.M.G. It has been produced after considerable consultation and I am desired to say by my Committee that we are prepared to accept it and to recommend to the All-India Congress Committee to do likewise. We do so in the earnest hope that this will mean a settlement. We feel that the situation in India, political and economic, as well as communal, demands more than ever a peaceful approach to all our problems. These problems cannot be solved by methods of violence, and there can be no submission to such methods.

8. While we are willing to accept the proposals made by H.M.G., my Committee desire to emphasize that they are doing so in order to achieve a final settlement. This is dependent on the acceptance of the proposals by the Muslim League and a clear understanding that no further claims will be put forward. There has been enough misunderstanding in the past and in order to avoid this in the future it is necessary to have explicit statements in writing in regard to these proposals.

9. We believe as fully as ever in a united India. The unity we aim at is not that of compulsion but of friendship and cooperation. We earnestly trust that when present passions have subsided our problems will be viewed in their proper perspective and a willing union of all parts of India will result therefrom.

10. There are some matters, however, to which I should like to draw your attention. My Committee realise that the proposals being put forward may result in injury to the Sikhs unless great care is taken and their peculiar position

\(^1\) No. 45. \(^2\) See No. 23. \(^3\) Vol. X, No. 267.
in the Punjab is fully appreciated. We are aware that HMG and you are anxious to protect all legitimate Sikh interests. The matter will have to be considered by the Boundary Commission provided for and we earnestly trust that all other factors, apart from population, will be taken fully into consideration. The Sikhs have played a vital role in developing a considerable part of the Punjab. They have been pioneers in the canal areas and have converted by their labours the desert into the richest part of the Punjab. It has been made clear in the document that the notional partition is of a purely temporary character and the final boundaries will be determined by the Boundary Commission.

11. In the last sentence of paragraph 9 it is stated that “until the report of the Boundary Commission has been put into effect, the provisional boundary as indicated in the appendix will be used”. It is not quite clear to what this refers and what the use will be. It is well-known that the notional division ignores other important factors and that the Sikhs are distressed by it. If any further use is made of this notional division for administrative or other purposes, this will inevitably affect the final division and will give rise to a great deal of apprehension in the minds of the Sikhs. We would, therefore, urge you not to apply that notional division for any administrative purpose during the interim period. This would be in keeping with the spirit of the document and with what you conveyed to us this morning.

12. In paragraph 11 of the Statement reference is made to a referendum in the N.W.F. Province. There has been a growing demand in the Province for independence and subsequent decision as to their relation with the rest of India. The referendum should also provide for this.

13. In paragraph 20 of the Statement, which we are told is an addition to the original draft, the last sentence refers to the right of the Constituent Assemblies to decide in due course whether or not India or any part of it will remain within the British Commonwealth. It seems to us extremely undesirable and likely to lead to friction if the relations of Britain with the Indian Union and the seceding parts of it are on a differential basis. We should, therefore, like to make it clear that we cannot be consenting parties to any such development.

14. In view of the importance of the proposals and decisions being made, my Committee intend to convene a meeting of the All-India Congress Committee at an early date. They propose to recommend the acceptance generally of the Statement of H.M.G. as a settlement of our political and communal problems.

Yours sincerely,

J. B. KRIPALANI
Viceroy’s Conference Paper V.C.P. 65
L/P&E/10/81: ff 386–8

TOP SECRET
THE VICEROY’S HOUSE, NEW DELHI, 3 June 1947
SIKHS’ REACTIONS TO H.M.G.’S STATEMENT
Attached is a letter received by The Viceroy from the Sikh Leaders on the
morning of 3rd June, 1947.

V. F. ERSKINE CRUM
Conference Secretary

SECRET
I BHAGWAN DAS ROAD, NEW DELHI, 2 June 1947
Dear Lord Mountbatten,
I have discussed with Sikh leaders the Statement which H.M.G. propose to
make tomorrow, a copy of which you were good enough to give me at this
morning’s Conference.2

The proposals in the Statement are of far-reaching character, envisaging the
possibility of a division of India into two sovereign States in both of which the
Sikhs will have vital stakes. As you know, we as a community have always
stood for a United India and all we have desired is that our particular interests
should be adequately safeguarded. The plan now made implies that a sub-
stantial part of our community may go to the Muslim dominated area, where a
sovereign State based ostensibly on Islamic principles is likely to be established
as conceived by the spokesman of the Muslim League. The Sikhs have been
unable to obtain any coherent and acceptable guarantee of their security in such
a set-up and are therefore unable to contemplate being forced into it against
their will. I have made this clear to you. Recent happenings in the Western
Punjab have further proved that we can expect no security whatever under
Muslim domination.

You will therefore appreciate the anxiety of my community and their
demand that in the event of the division of India as contemplated, the plan
must be so devised as to ensure that Sikhs as a community are not subjected to
irreparable injury.

I must say that judged by this simple test the plan as it stands is far from
satisfactory. My Sikh friends and I, however, do appreciate that the principle
of the partition of the Punjab has been accepted and the anxiety you have
expressed to help the community. There are certain matters in this connection
which I consider it my duty to bring to your notice. These are:—

(i) In para 9, the last sentence of which reads: “Until the report of a

1 No. 45.  2 See No. 23.
Boundary Commission has been put into effect, the provisional boundaries indicated in the appendix will be used” it is not clear what this refers to and in what respects this boundary is to be used. In this connection you will remember that in my previous letters, I have insisted that nothing should be done to prejudice our case before the Boundary Commission. My fear was that the proposed notional division would prejudice the final partition of the Province. I now see it has been made clear that the notional division is purely a temporary arrangement. If, however, it is used for setting up of Interim Ministries it will embitter communal relations and prove highly injurious to us, as I have already explained. Such interim Ministries functioning at the time when the Boundary Commission is also making its enquiries will make a fair examination of our case impossible. It is imperative therefore that till such time as the Boundary Commission has finished its work, no Interim Ministries in either part of the Punjab should be formed. If, however, it is considered expedient to form Interim Ministries, the Eastern Punjab should have in addition to the Divisions of Ambala and Jullundur, the three districts of Amritsar, Gurdaspur and Lahore in the Lahore Division.

(ii) The plan suggests that the Boundary Commission will take “other factors” into consideration when making its enquiries. This is far too vague. It should be made clear that these other factors include exchange of population with property and the basis of land revenue paid by non-Muslims. Special note should also be taken of the religious and cultural institutions of the Sikhs and the historic role played by them in the Punjab.

(iii) As the partition of the Province has been necessitated to meet the Sikh demand clear instructions should be given to the Boundary Commission to ensure that as large a percentage of Sikh population as possible is included in the Eastern Punjab.

I should like to bring to your notice that though assurances have been given to us that we shall have equal rights with the two other major communities for the safeguard of our communal rights and privileges, nothing tangible has so far been done to give effect to these assurances. Our community is now in danger of being riven in two. We have so far not been assured equal rights with others in either the existing or the proposed new Constituent Assembly. We request you to see that this is done.

You mentioned during the Conference that in the interests of India, the Cabinet Delegation Plan of May 16, 1946, was still the best solution. You know the conditions on which the Sikhs provisionally accepted the Plan and joined the Constituent Assembly. If the major parties now revert to this Plan, the Sikhs will be prepared to accept it only if they are given the same right in
communal matters as has been accorded to the other two major communities. Finally, my Sikh friends and I accept the principle of division as laid down in the plan with the hope that in order to make it fully acceptable to my community, care will be taken to meet the views expressed in this letter when framing the terms of reference for the Boundary Commission.

Assuring you of my endeavour to help you in solving the difficult problems, I remain

Yours sincerely,

BALDEV SINGH

37

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/150: f. 209

MOST IMMEDIATE

CONFIDENTIAL

NEW DELHI, 3 June 1947, 10 am

Received: 3 June, 9.10 am

No. 1276-S. Your telegram 7132 of 2nd June.1
2. Reactions of parties are given in my immediately succeeding telegram. Suggest formula for use of [in] Parliament should be that Plan, including offer of Dominion Status, has been favourably received by all three parties.

1 No. 34.
4. Jinnah reiterated that he would support me personally and promised to do his utmost to get the plan accepted. He said his Working Committee were hopeful that the plan would be accepted by the All-India Muslim League Council, which meets next Monday, but constitutionally they could not reply now on behalf of the Council.

5. **Dominion Status**

Jinnah’s delight was unconcealed. Congress included in their letter the following point, which I hope to resolve this morning:

[There follows the text of No. 35, para. 13]

Repeated to Governors and Governor of Burma.

1 For further accounts of this interview with Mr Jinnah see Nos. 39, 2nd para., 53, para. 6, and 91, paras. 18–19.

39

**Minutes of the Meeting of the Viceroy with the Indian Leaders, Second Day**

*L/P&J/10/81: ff 379–85*

**CONFIDENTIAL**

Those present at this Meeting held at The Viceroy’s House, New Delhi, on 3 June 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Pandit Nehru, Sardar Patel, Mr Kripalani, Mr Jinnah, Mr Liaquat Ali Khan, Mr Nishtar, Sardar Baldev Singh, Lord Ismay, Sir E. Mieville; Lieutenant-Colonel Erskine Crum (Secretariat)

His Majesty’s Government’s Statement

**HIS EXCELLENCY THE VICEROY** handed round copies of an amendment, which had been suggested by the Secretary of State for clarification purposes, to Paragraph 20 of the Statement. There was unanimous agreement with this amendment.

Reactions of Working Committees

The Viceroy said that he had been very happy and much relieved on receiving the reports from the party leaders of the reactions of their Committees to the Statement. Mr. Jinnah had come to see him at 11 o’clock the previous night and stayed until midnight. They had had a long and frank talk, at which Lord Ismay had also been present; and Mr. Jinnah had explained, to his (The Viceroy’s) satisfaction, the procedure which the Muslim League invariably adopted on occasions such as the present one—namely that the Working Committee
would meet the All-India Muslim League Council without any formal written resolution, but with the line which they intended to take clear in their minds. Mr. Jinnah had given him a personal assurance that he would do all in his power to persuade the All-India Muslim League Council to accept the Plan as a settlement in its entirety. Mr. Jinnah had also undertaken to broadcast a personal appeal that the Plan should go forward peacefully. The All-India Muslim League Council was being convened as a matter of urgency for Monday, 9th June, and would be able to give its formal answer on Tuesday, 10th June.

He hoped that all present at the meeting would agree with him that he had been right in making up his mind to accept this procedure. He had only done so after considerable thought and he trusted that everybody would have faith in him to see the matter through.

His Excellency went on to say that Mr. Kripalani, on behalf of Congress, had written him a letter saying that the Congress Working Committee were prepared to accept the Plan and to recommend to the All-India Congress Committee to do likewise. Mr. Kripalani stated that the All-India Congress Committee would meet in a fortnight’s time. The Viceroy stated that Sardar Baldev Singh had also, in a letter, expressed acceptance of the principle of division as laid down in the Plan.

The Viceroy added that all three parties had raised a number of points in the Plan with which they felt that they could not be in complete agreement. This was only natural, since had it been otherwise, the present negotiations would have been unnecessary. A particular point was the Sikh request concerning the terms of reference of the Boundary Commission. It was not possible to include details of this kind in the Announcement, but clearly the terms of reference to the Boundary Commissions would be drawn up in co-operation with all parties. Everyone would agree that there was a great danger of using the notional partition of Provinces in such a way as would lead to the supposition that it was final. This danger would apply to both sides. It would be misleading to the inhabitants. He therefore accepted the principle of trying to avoid using the notional partition, except for voting purposes, and intended to ask the Governors concerned to work out means of giving the right impression.

His Excellency said that another question which would arise would be how to carry on the Government of the Provinces which might be partitioned. In his opinion it would be best to form Coalition Governments in each. He was

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1 See also Nos. 53, paras. 1–5 and 91, paras. 22–23, for Lord Mountbatten’s interview with Pandit Nehru immediately before this Meeting.
2 See No. 13, note 2.
3 Lord Mountbatten notified Lord Listowel in tel. 315-G.T. of 3 June, 12:30 pm. He added: ‘There are no repeat no more amendments. This is the last word.’ R/3/1/150: f 231.
4 See Nos. 38, 53, para. 6, and 91, paras. 18–19.
5 No. 35.
6 No. 36.
much opposed to Government under Section 93, as were His Majesty’s Government.

His Excellency concluded with the observation that the Plan represented as near 100% agreement as it was possible to get, and that in his judgement, what was being done was in the best interests of the people of India.

Mr. Jinnah, Mr. Kripalani and Sardar Baldev Singh all stated that they considered that The Viceroy had correctly interpreted and recorded their views.

Speeches of Recrimination

His Excellency the Viceroy asked those present at the meeting to request their subordinate leaders to refrain, from now on, from speeches of recrimination which were likely to produce violent reactions. If the past could now be buried, the prospect of building a fine future would be opened up.

All those present at the meeting signified concurrence.

Mr Gandhi

Mr. Liaquat Ali Khan said that he fully agreed that it might be possible to control the speeches of subordinate leaders. In addition, however, there should be a request for restraint on the part of “super leaders”—for example Mr. Gandhi at his prayer meetings. It was true that Mr. Gandhi preached “non-violence”, but that many of his speeches could be taken as an incitement to violence.

The Viceroy said that he had talked to Mr. Gandhi the previous day. He had laid before Mr. Gandhi, very clearly, the steps which had led up to the present situation. He had pointed out those steps taken as a result of Mr. Gandhi’s advice; those points on which it had not been possible to follow his advice; and the reasons for this. Mr. Gandhi’s emotions were those of a man who had worked, lived and prayed for the unity of India. He (The Viceroy) thoroughly understood and responded to Mr. Gandhi’s feelings. He had made clear to Mr. Gandhi the immense effect which the speeches at his prayer meetings had. It had been Mr. Gandhi’s day of silence but he had written a friendly note at the meeting. It was to be hoped that he would help the situation. He always made it very clear that he was not even a 4 anna member of the Congress Party.

Mr. Kripalani said that he was surprised at Mr. Liaquat Ali Khan’s complaint, as all that Mr. Gandhi said was in advocation of non-violence. All members of Congress held to the idea of a united India. All Mr. Gandhi’s activities were non-violent.

The Viceroy said that he was ready to agree with this if Mr. Gandhi’s speeches were analysed carefully. But surely the emotion engendered by Mr. Gandhi, particularly in the more unintelligent people, was to the effect “this partition is wrong; we must resist it; we must not give in”.

SARDAR Patel said that he considered that, once the decision was taken, Mr. Gandhi would accept it loyally.

THE VICE ROY said that he too was sure that Mr. Gandhi would re-emphasize the principle of non-violence, whatever the decision might be.

MR. LIAQUAT ALI KHAN pointed out that Mr. Gandhi had recently employed words to the effect that the people should not look to the Viceroy and the leaders for a decision. They were told instead to “do as they felt”. That kind of statement was bound to give an indication to the people that they should go ahead on their own lines if they personally felt that India should not be divided.

SARDAR Patel thought that no such inference could be drawn.

MR. JINNAH gave his view that, if Mr. Gandhi went on with his present line, the impression would be created that the people should not submit to what was being decided by the present conference. He himself did not think that Mr. Gandhi’s intentions were bad. They might be of the best, but in fact the language which he had adopted recently had insinuated that the Muslim League were going to get Pakistan by force. MR. JINNAH said that he had deliberately refrained from criticising Mr. Gandhi in public.

THE VICE ROY said that he thought that this particular subject had now been ventilated sufficiently. On the one hand he accepted the special position of Mr. Gandhi; but on the other he was sure that the Congress Leaders would see the point of what had been said and use their best endeavours.

The Administrative Consequences of Partition

Copies of a paper entitled “The Administrative Consequences of Partition”, had been handed round. HIS EXCELLENCY THE VICE ROY suggested that there might now be preliminary consideration of this paper before it was put up to a Cabinet Meeting, (In using the word “Cabinet” The Viceroy was referring to the Indian “Cabinet” or Interim Government. This was not realised by Mr. Jinnah but was cleared up as a result of a question).

MR. LIAQUAT ALI KHAN asked how the Cabinet was concerned with the questions raised in this paper.

HIS EXCELLENCY suggested that this seemed the only sensible procedure. It was obviously undesirable to set up an ultra vires body outside the Cabinet. He considered that his own responsibility was to give all possible assistance, backed up by his own small staff. Delegations and representatives of what were to be the two new States would have to be brought together to decide the various points. He emphasized the necessity for speed. Not a day should be wasted. He, on his part, would continue to draw attention to those points which would have to be settled and to be of what service he could.

MR. JINNAH said that he did not wish to express any definite opinion on this paper before he had studied it more carefully, but one general principle did

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7 No. 24.  
8 See No. 28.
strike him. The proposals would be examined between the parties, but finally it would be the Cabinet which would decide. Possibly, there would be complete agreement. On the other hand there might be differences of opinion. He asked whether the Cabinet would over-rule any points on which there was agreement. The Viceroy said that this was, of course, not the intention. Mr. Jinnah then expressed the view that, if there were points of disagreement, the Cabinet in the United Kingdom was too far away to be the deciding authority.

It was then explained to Mr. Jinnah that The Viceroy was referring to the Indian Cabinet or Interim Government. Mr. Jinnah complained that he had been misled. "You mean the Viceroy's Executive Council!" A spade should be called a spade. His mind worked in constitutional terms.

Mr. Liaquat Ali Khan referred to the suggestion on Page 3 of this paper that an Inter-Party Partition Committee should be set up, consisting of two members of the Congress, two of the Muslim League and one minority representative. He asked how a decision would be taken if there was disagreement within this Committee. Would a majority vote decide the issue?

His Excellency replied that it would not. There would have to be negotiation on the basis of what was fair. The representatives of what were to be the two new States would come together with sovereign rights, and meet as an international conference would meet. He did not want to begin by assuming that impasses would be reached, but that negotiations would go forward on a basis of friendship. After the main issue of partition had been finally settled, he was sure that a new spirit would enter into the discussions.

Mr. Liaquat Ali Khan said that he did not think that it was a question of a new spirit. There were unquestionably likely to be serious differences of opinion.

His Excellency explained that he had put this paper to the present meeting so that the party leaders, Mr. Jinnah and Mr. Kripalani, could give their views before it went up to the Interim Government. He suggested that they might all meet again on the morning of Thursday, 5th June at 10 a.m. in order to get the broad principles settled. This suggestion was agreed to.

Finally, Mr. Jinnah emphasized his view that a machinery would have to be devised whereby somebody would be empowered to make a definite and final decision in the event of differences of opinion.

His Excellency the Viceroy said that he would consider this point and asked the leaders to do so also.

Division of the Armed Forces

The Viceroy then turned to the question of the division of the Armed Forces. The previous day he had held a conference with the Commanders-in-Chief and the Army Commanders, and pointed out to them that, if the votes in the Provinces produced partition, the logical consequence would be the divis-
ion of the Armed Forces; and this would have to take place in such a way as not so far to weaken the Armed Forces that the maintenance of internal security would be compromised. All the officers whom he had met had emphasized the serious danger that the present feeling of uncertainty among the Armed Forces might have a most damaging effect on their morale. It had therefore been suggested that Field Marshal Auchinleck should make a broadcast to set their minds at rest on certain questions. His excellency pointed out that nothing restored confidence so quickly as taking people into one’s confidence. With this Lord Ismay agreed. There was general agreement that it would be desirable for Field Marshal Auchinleck to make a broadcast.

His excellency the Viceroy said that the sort of question on which Field Marshal Auchinleck would be able to announce a decision might be whether the Army was to be divided on a communal or on a territorial basis.

Mr. Kripalani pointed out that this was intimately connected with the question of nationality. With this Mr. Jinnah agreed. He said that it would be his intention in Pakistan to observe no communal differences. All those who lived there, regardless of creed, would be fully-fledged citizens.

Mr. Kripalani signified that the same principle would apply to their territory too. The Viceroy said that he was sure that this was the right principle. It was after all only elementary justice and common sense. However, the question of the transfer of citizenship was one which would have to be settled.

The Viceroy suggested, and it was agreed, that Sardar Baldev Singh should circulate a list of questions on which the Commander-in-Chief would require guidance, together with suggested answers. This list could be considered at the meeting on Thursday, 5th June. The following basis might be taken:—

(i) There would be an appeal for discipline in units, and loyalty to their Command, wherever the units were, and until they were split up and serving their new countries;

(ii) The division would be made on the basis of citizenship, which in its turn would be based on geographical considerations;

(iii) An opportunity might be given to volunteers, if they were now resident in that part of India in which their community was in a minority, to transfer their homes and citizenship to the other part.

Sterling Balances

On Pandit Nehru’s suggestion it was agreed that the Sterling Balances Delegation should not leave for London on the planned date. His excellency the Viceroy said that he would inform the Secretary of State of this pre-

* Ibid., para. 5.
liminary decision by telegram. It should then be confirmed at the Cabinet Meeting on Friday, 6th June, 1947.10

10 It had been intended that Mr Liaquat Ali Khan, with two other Members of the Indian Cabinet, should lead a delegation to London for negotiations on the question of India’s Sterling Balances. Following the decision recorded above, the Secretary of State for India was informed by the Viceroy’s tel. 1289–S of 3 June and by the Government of India, Finance Dept’s confirmatory tel. 4446 of 7 June that, in view of the political developments now taking place, it would be impossible for any Cabinet Member to leave India for the present. In the event, a party of Indian officials visited London in July to make interim arrangements. L/F/7/2869.

40

Rear-Admiral Viscount Mountbatten of Burma to Mr Attlee (via India Office)

Telegram, R/3/1/150: f 238

MOST IMMEDIATE
CONFIDENTIAL
No. 1282–S. Please pass following to Prime Minister.

1. I informed meeting this morning1 that the replies I had received from all three leaders indicated that although they did not agree to the plan, as indeed I had anticipated, they had virtually accepted it. I explained Mr. Jinnah’s difficulty about it being only a personal assurance, but said I was personally prepared to accept that assurance.

2. I said that I had authority from H.M.G. to accept any amendments agreed to by all the leaders but could not accept any others. I therefore did not intend to discuss at this meeting the various points which each had raised. I asked them to agree to extend their acceptance to the printed plan as it stood subject to ratification by the All-India Congress Committee and the All-India Muslim League Council, meetings of both of which are being called with extreme urgency. This was accepted and I am going ahead with the broadcast followed by Nehru, Jinnah and Baldev.

1 No. 39.
41

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/151: f 233

MOST IMMEDIATE

EN CLAIR

NEW DELHI, 3 June 1947, 2 pm

Received: 3 June, 1.50 pm

No. 317-GT. At request of Jinnah I am making following small amendment to my broadcast1 in paragraph 10.

For “predominately Muslim” read “Muslim majority”.

2. If it is necessary to play recorded version2 of my speech in London there is no need to amend record.

3. Please ensure however that printed copies of broadcast issued to press etc., are amended accordingly.

4. This evening’s broadcasts3 will be in the following order.

(a) Viceroy in English.
(b) Announcement in English.
(c) Nehru in English.
(d) Jinnah in English.
(e) Baldev Singh in English.
(f) Translation of Viceroy’s Speech and Announcement.
(g) Nehru in Hindustani.
(h) Translation Jinnah.
(i) Translation Baldev Singh.

1 No. 44.
2 i.e. the recording made by Lord Mountbatten while still in London. In the event, it appears that this recording was not used; instead the B.B.C. played a recording of the broadcast as relayed from New Delhi. L/PO/6/124: f 6.
3 Nos. 44–48.

42

Cabinet C.M.(47)51st Conclusions, Minute 1

L/PO/6/121: f 28

Those present at this Meeting held at 10 Downing Street, S.W.1, on 3 June at 11 am were: Mr Attlee (in the chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Arthur Greenwood, Mr Hugh Dalton, Sir S. Cripps, Mr A. V. Alexander, Viscount Jowitt, Mr J. Chuter Ede, Viscount Addison, Mr. J Westwood, Mr A. Creech
Jones, the Earl of Listowel, Mr G. A. Isaacs, Mr E. Shinwell, Mr Aneurin Bevan, Mr T. Williams, Mr George Tomlinson, Lord Inman

Also present were: Viscount Hall, Mr F. J. Bellenger, Mr P. J. Noel-Baker, Mr John Strachey

INDIA

Constitutional Position

(Previous Reference: C.M.(47)50th Conclusions)¹

The Prime Minister informed the Cabinet that the Viceroy had reported² that the plan for the transfer of power in India had been favourably received by the leaders of the three political parties.

The Cabinet:—

Invited the Prime Minister to convey to the Viceroy on their behalf a message of congratulation on the successful outcome of his negotiations.


43

Minutes of the Meeting of the Viceroy with Members of the States

Negotiating Committee¹

L/P&J/10/81: ff 389–95

CONFIDENTIAL

Those present at this Meeting held at The Viceroy’s House, New Delhi, on 3 June 1947 were: Rear-Admiral Viscount Mountbatten of Burma, the Nawab of Bhopal, the Maharaja of Patiala, the Maharawal of Dungarpur, the Maharaja Jam Saheb of Nawanagar, the Raja of Bilaspur, Sir Mirza Ismail, Sir B. L. Mitter, Sir R. Mudaliar, Rai Bahadur Ramchandra Kak, Mr M. A. Srinivasan, Sir C. P. Ramaswami Aiyar, Sir V. T. Krishnamachari, Sardar K. M. Panikkar, Sir Sultan Ahmed, Sardar D. K. Sen, Mir Magbool Mahmood, Lord Ismay, Sir C. Corfield, Sir E. Mieville; Lieutenant-Colonel Erskine Crum (Secretariat)

His Excellency’s Opening Remarks

His Excellency the Viceroy said that, although the negotiations which he had been holding with the political leaders of British India in no way altered the Cabinet Mission’s Memorandum of 12th May, 1946,² the outcome of these negotiations could but have a certain effect on the position of the States. Therefore, he was anxious to report to representatives of the States, in person, the way in which these negotiations had been carried out and how the Plan had been devised. The Plan had now been broadly accepted by the Indian Leaders
themselves. He was going to make a broadcast that evening, followed by Pandit Nehru, Mr. Jinnah and Sardar Baldev Singh.

Account of Negotiations

His Excellency said that it was not until he first arrived in India as Viceroy that he realised that a speedy decision was required above all. There had been no indication in London, before he left to take up the appointment of Viceroy, of a need for urgency. He had been told there that it would be soon enough if legislation was introduced at the beginning of 1948. However, since his arrival he had acted as quickly as possible. He had tried first to get the Cabinet Mission Plan accepted because he sincerely believed that that Plan was the best for the future of India; and because, in his opinion, it was fairest to the States as it gave them an opportunity of joining the sort of Centre which they could most easily accept. It had proved impossible to obtain agreement on the Cabinet Mission’s Plan—and the essence of that Plan was agreement. It could not be imposed. The Viceroy said that he had then started to find out what views the different parties had in common. Mr. Jinnah wanted Pakistan. His prescription for this was “a surgical operation”. He (The Viceroy) had tried to persuade Congress that it was valueless for them to have, in their own territories, a large section of the population which was bitterly hostile to them. This would only be embarrassing to their own development. Congress had come round to the view that they would accept Pakistan on the condition that no large non-Muslim areas were forced into it. This involved the partition of the Punjab and Bengal. The Viceroy explained that he was as much opposed to the partition of Provinces as he was to the partition of India as a whole. It would be a retrograde step, but nobody who had seen the communal bitterness prevalent in the country with riot, bloodshed, massacre and torture could believe that this strong feeling could be healed. It was no good appealing to logic or reason. The only way whereby the peoples of India could eventually live together would be to split them now and start afresh.

The Viceroy said that he was so bitterly opposed to any form of partition that he had refused to take the responsibility for such a decision himself. He had recommended to H.M.G. that the responsibility should be placed on the shoulders of the people of India. It was unfortunately impracticable to hold a plebiscite all over the country; but, in view of the special circumstances, there would be plebiscites in the N.W.F.P. and Sylhet.

His Excellency went on to say that both parties, particularly Congress, had declared their desire for the transfer of power to take place as soon as possible. Moreover, his own position at the present time was one of responsi-
bility without the authority to fulfil it. His first idea had been to transfer power before June 1948, on the basis of complete independence, but this was out of the question as it would mean handing over to Units without Constitutions. The only way in fact that power could be handed over in the immediate future was on the basis of the 1935 Act with Dominion status. This solved many problems. For example, the British would be enabled to remain as the servants of India for so long as they were wanted.

_His Excellency_ then gave an account of his recent visit to London. He emphasized that he had found the utmost goodwill in England towards India. The main result of his visit had been that it had been decided to pass legislation through Parliament this session. For this object the support of the Opposition had been obtained.

_His Excellency_ stressed particularly the difficulties of dividing the Armed Forces, especially from the morale viewpoint. He said that Field Marshal Auchinleck was going to broadcast on this subject during the next few days.

He went on to state that the main consequences of the new Plan on the States would be twofold. First, it was improbable that the two new Dominions would have such loose Centres as that at present envisaged by the existing Constituent Assembly. Secondly, the fact that two separate Dominions were to be voluntarily accepted into the Commonwealth would, he hoped, represent a measure of compensation to the States who were the old allies and friends of Britain.

_His Excellency_ explained that he had that day put before the Indian political leaders a proposal that power should be demitted on 15th August (this was, of course, a secret and the date should not be repeated). It meant that the leaders themselves would have to work night and day, but he felt that it was in their own interests not to delay.

Copies of His Majesty’s Government’s statement, to be made later that day, were then handed round the meeting.

The lapse of Paramountcy

_Sir C. P. Ramaswami Aiyar_ said that he wished to appeal to _His Excellency_ that paramountcy should be loosened or allowed to lapse in advance of the date of the transfer of power. Such a course would enable the States to negotiate on equal terms with the prospective Governments of the two Dominions. He felt that there might be States which were not likely to join up with either Dominion. It was even more essential for the bargaining powers of these to be improved.

_His Excellency the Viceroy_ said that, in his opinion, the fact that paramountcy was about to lapse made possible negotiations by the States on a basis of complete freedom, even at the present time. His instructions were that paramountcy should lapse on the transfer of power. He would, however,
consider the premature lapse of paramountcy in special cases if it could be proved to him that its continuation constituted a handicap to negotiation.

SIR CONRAD CORFIELD gave his opinion that a number of States would be glad to see paramountcy continue to function until the transfer, even though it was relaxed before that date. The Nawab of Bhopal confirmed this view subject to any opinion expressed by the Standing Committee of the Chamber. Sir Conrad Corfield pointed out that paramountcy was already in process of retraction.

Economic and Commercial Agreements, Claims and Contracts

Sir B. L. Mitter asked what would happen to economic and commercial agreements when paramountcy lapsed. His Excellency the Viceroy said that, in order that there might be no administrative vacuum, interim arrangements would be required for the period between the lapse of paramountcy and the conclusion of fresh or modified agreements. These interim arrangements could best be made on a stand-still basis with such modifications as were necessitated by the reversion to the States of the rights surrendered by them to the Crown. In negotiating these interim arrangements, he and the Political Department would give all the assistance they could during the short remaining period.

The Nawab of Bhopal said that, apart from negotiations in regard to agreements, there were also certain claims which would have to be settled in advance of the lapse of paramountcy. He suggested that an ad hoc organisation should be set up to deal with these. Sir Ramaswami Mudaliar pointed out that the need for agreement to be reached in all these matters was as essential from the point of view of the two new Dominions as from that of the States.

Sir Conrad Corfield gave some examples of the way in which interim arrangements on a stand-still basis could be made. He said that, when the Central Government had decided to abolish the salt duty, they had also decided to continue to observe the terms of existing agreements and to make payments due under these agreements until such time as new agreements were made. That was an example of standstill interim arrangements. He next exampled Posts and Telegraphs. When paramountcy lapsed, the States would be free, for example, to imprison the Postmaster of an Imperial Post Office. If they did so, however, they would run the risk of cutting themselves off from All-India communications, so they would presumably agree to treat Post Offices with sufficient consideration to ensure their continued functioning. Another example was Railways and Cantonments in Indian States, where the Crown Representative had at present the powers of jurisdiction. These powers would revert to the States on the lapse of paramountcy. Efforts were being made to persuade the
Interim Government to negotiate arrangements whereby the reversion of jurisdiction would not affect the working of the Railway and the accommodation of the Indian Army pending the conclusion of fresh agreements. **Sir Conrad Corfield** said that he was not clear to what claims the Nawab of Bhopal referred. Claims arising out of the lapse of paramountcy would be a matter of negotiation, and any decisions by the Crown Representative in such matters would have no sanction behind them after the lapse of paramountcy.

**Sir C. P. Ramaswami Aiyar** pointed out that there were a certain number of agreements into which the States had entered which were not with the Crown Representative. He suggested that it would be necessary for machinery to be set up to deal with these. **Sir Conrad Corfield** said that efforts had been made to establish an All-India Consultative Committee for such purposes, but the Interim Government had not agreed to this. He stated that existing contractual agreements would be a matter for discussion with the opposite party. There had already been a number of conferences with the relevant Departments of the Central Government, regarding ‘paramountcy’ agreements. He had explained to these Departments that jurisdiction was about to return to the States and had suggested that they should make interim arrangements based on that assumption. He understood that the Viceroy was going to explain the matter to the Cabinet.

**Sir V. T. Krishnamachari** advocated the necessity for machinery for joint consultation in regard to existing agreements. **Sir Conrad Corfield** said that efforts had been made to find a formula which would embody a general stand-still agreement. If these were successful joint consultation for fresh agreements could be arranged either within each Constituent Assembly or by **ad hoc** negotiating committees.

**Relations between the States and the two new Dominions**

**The Raja of Bilaspur** asked whether the entry of States into either Dominion Constituent Assembly was a matter of free choice. This **The Viceroy** confirmed. **The Raja of Bilaspur** then asked whether Constitutions were likely to be drafted by the respective Constituent Assemblies before or after the lapse of paramountcy. **His Excellency** replied that the broad outlines of the Constitution drafted by the existing Constituent Assembly for Hindustan were likely to be ready before that date. In the case of the Pakistan Constituent Assembly, he believed that Mr. Jinnah had been working on Heads of a Constitution, but these would probably only be a guide and nothing concrete would have appeared before the lapse of paramountcy. In any case paramountcy would lapse as soon as the new self-governing Dominions came into being: these would be set up under the 1935 Act (amended for this purpose).

**The Raja of Bilaspur** then asked what was likely to happen to States which decided to join neither Constituent Assembly. Did His Majesty’s Government
envisage further relations with them? His Excellency the Viceroy stated that, until it was known what shape the two Dominions would take, this was a hypothetical question which he was not prepared, at the present stage, to refer to His Majesty’s Government; but it was clear that the first step should be for these States to enter into practical negotiations for administrative arrangements with one or other or perhaps both of the successor Dominion Governments of British India. Whether a State actually joined either Dominion or not, it was obvious for geographical and economic reasons that such arrangements would be essential.

In answer to a further question, His Excellency the Viceroy said that it was intended to recommend to the respective Dominions that their Constituent Assemblies should act as their Parliaments. The existing Legislative Assembly would presumably be abolished; but he was not prepared to state whether the new Governments would in fact make these decisions.

Sir Ramaswami Mudaliar asked whether, in the event of the Constituent Assemblies taking over legislative functions, the States’ representatives could withdraw from them for legislative purposes and remain only for Constitution making. His Excellency the Viceroy said that the States were not committed one way or the other on this point. He emphasized that the question of any new functions for the Constituent Assemblies was still only in the proposal stage.

The Viceroy enquired regarding the desirability of the States Negotiating Committee remaining in being so that, during the next two and a half months, a body would be available to consider the various broad principles of the problems which were bound to arise. Perhaps it would be better to call the States Negotiating Committee by another name.

Sir C. P. Ramaswami Aiyar said that there was a practical difficulty in this suggestion. Such a Committee had been suggested to the Interim Government but the objection had been raised that the present States Negotiating Committee was unrepresentative as the States people were not represented on it. While all the members present were ready and willing to place their experience at the disposal of the Viceroy, the reactions of the rulers of the two Dominions, which it was proposed to set up, should first be ascertained.

The Viceroy pointed out that the greater demand would be for a committee of representatives of those States which were likely to adhere to the Hindustan Constituent Assembly. Perhaps two Committees might be set up; one to consider negotiations with each Constituent Assembly.

With this view there was general agreement—on the condition that the Interim Government agreed to such proposals. The Nawab of Bhopal said that he would put up the suggestion before the Standing Committee of the Chamber of Princes and inform the Viceroy of their opinions.

Finally, the Viceroy said that, whereas he did not wish to give any official
advice on what steps should be taken by States which were doubtful of whether or not to join either Constituent Assembly, he would be willing to give personal advice to anybody who came and asked him for it. He had one suggestion to make now. This was that, in coming to their decisions, the representatives of the States should cast their minds forward ten years and consider what the situation in the country and in the world as a whole was likely to be at that time.

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Text of Broadcast by Rear-Admiral Viscount Mountbatten of Burma on 3 June 1947 at 7 pm I.S.T.¹

R/3/1/150: f 252

A statement² will be read to you tonight giving the final decision of His Majesty’s Government as to the method by which power will be transferred from British to Indian hands. But before this happens, I want to give a personal message to the people of India, as well as a short account of the discussions which I have held with the Leaders of the political parties and which have led up to the advice I tendered to His Majesty’s Government during my recent visit to London.

Since my arrival in India at the end of March I have spent almost every day in consultation with as many of the leaders and representatives of as many communities and interests as possible. I wish to say how grateful I am for all the information and helpful advice they have given me.

Nothing I have seen or heard in the past few weeks has shaken my firm opinion that with a reasonable measure of goodwill between the communities a unified India would be by far the best solution of the problem.

For more than a hundred years 400 millions of you have lived together and this country has been administered as a single entity. This has resulted in unified communications, defence, postal services and currency; an absence of tariffs and customs barriers; and the basis for an integrated political economy. My great hope was that communal differences would not destroy all this.

My first course, in all my discussions, was therefore to urge the political leaders to accept unreservedly the Cabinet Mission plan of 16th May 1946. In my opinion, that plan provides the best arrangement that can be devised to meet the interests of all the communities of India. To my great regret it has been impossible to obtain agreement either on the Cabinet Mission plan, or on any other plan that would preserve the unity of India. But there can be no question of coercing any large areas in which one community has a majority,
to live against their will under a Government in which another community has a majority. And the only alternative to coercion is partition.

But when the Muslim League demanded the partition of India, Congress used the same arguments for demanding in that event the partition of certain Provinces. To my mind this argument is unassailable. In fact neither side proved willing to leave a substantial area in which their community have a majority under the Government of the other. I am, of course, just as much opposed to the partition of Provinces as I am to the partition of India herself and for the same basic reasons.

For just as I feel there is an Indian consciousness which should transcend communal differences so I feel there is a Punjabi and Bengali consciousness which has evoked a loyalty to their Province.

And so I felt it was essential that the people of India themselves should decide this question of partition.

The procedure for enabling them to decide for themselves whether they want the British to hand over power to one or two Governments is set out in the statement which will be read to you. But there are one or two points on which I should like to add a note of explanation.

It was necessary in order to ascertain the will of the people of the Punjab, Bengal and part of Assam to lay down boundaries between the Muslim majority areas and the remaining areas, but I want to make it clear that the ultimate boundaries will be settled by a Boundary Commission and will almost certainly not be identical with those which have been provisionally adopted.

We have given careful consideration to the position of the Sikhs. This valiant community forms about an eighth of the population of the Punjab, but they are so distributed that any partition of this Province will inevitably divide them. All of us who have the good of the Sikh community at heart are very sorry to think that the partition of the Punjab, which they themselves desire, cannot avoid splitting them to a greater or lesser extent. The exact degree of the split will be left to the Boundary Commission on which they will of course be represented.

The whole plan may not be perfect; but like all plans, its success will depend on the spirit of goodwill with which it is carried out. I have always felt that once it was decided in what way to transfer power the transfer should take place at the earliest possible moment, but the dilemma was that if we waited until a constitutional set-up for all India was agreed, we should have to wait a long time, particularly if partition were decided on. Whereas if we handed over power before the Constituent Assemblies had finished their work we should leave the country without a Constitution. The solution to this dilemma, which I put forward, is that His Majesty’s Government should transfer power

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1 Indian Standard Time. It was 3.30 pm in the United Kingdom (Double British Summer Time).
2 No. 45.
now to one or two Governments of British India each having Dominion Status as soon as the necessary arrangements can be made. This I hope will be within the next few months. I am glad to announce that His Majesty's Government have accepted this proposal and are already having legislation prepared for introduction in Parliament this session. As a result of these decisions the special function of the India Office will no longer have to be carried out, and some other machinery will be set up to conduct future relations between His Majesty's Government and India.

I wish to emphasise that this legislation will not impose any restriction on the power of India as a whole, or of the two States if there is partition, to decide in the future their relationship to each other and to other member States of the British Commonwealth.

Thus the way is now open to an arrangement by which power can be transferred many months earlier than the most optimistic of us thought possible, and at the same time leave it to the people of British India to decide for themselves on their future, which is the declared policy of His Majesty's Government.

I have made no mention of the Indian States, since the new decisions of His Majesty's Government are concerned with the transfer of power in British India.

If the transfer of power is to be effected in a peaceful and orderly manner, every single one of us must bend all his efforts to the task. This is no time for bickering, much less for the continuation in any shape or form of the disorders and lawlessness of the past few months. Do not forget what a narrow margin of food we are all working on. We cannot afford any toleration of violence. All of us are agreed on that.

Whichever way the decision of the Indian people may go, I feel sure any British officials or officers who may be asked to remain for a while will do everything in their power to help implement that decision. His Majesty as well as his Government have asked me to convey to all of you in India their sincere good wishes for your future and the assurance of their continued goodwill.

I have faith in the future of India and am proud to be with you all at this momentous time. May your decisions be wisely guided and may they be carried out in the peaceful and friendly spirit of the Gandhi-Jinnah appeal.\(^3\)

\(^3\) Vol. X, No. 152.
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Statement of 3 June 1947 (as published)\(^1\)

Cmd. 7136

INDIAN POLICY

INTRODUCTION

1. On 20th February, 1947,\(^2\) 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's Plan of 16th May, 1946,\(^3\) 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 Punjab 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 an agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved on 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 an united India.

THE ISSUES TO BE DECIDED

4. It is not the intention of His Majesty's Government to interrupt the work

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\(^1\) This statement was made by Mr Attlee in the House of Commons and by the Earl of Listowel in the House of Lords at 3.30 pm (Double British Summer Time) and was published in India at the same time.

\(^2\) Vol. IX, No. 438.

\(^3\) Vol. VII, No. 303.
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 PUNJAB

5. The Provincial Legislative Assemblies of Bengal and the Punjab (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.

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 Punjab 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 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 Punjab 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 Punjab 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 predominately 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 Punjab 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 Punjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every million of population according to the principle contained in the Cabinet Mission’s Plan of 16th May, 1946. Similar elections will also have to be held for Sylhet in the event of its 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:

<table>
<thead>
<tr>
<th>Province</th>
<th>General</th>
<th>Muslims</th>
<th>Sikhs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sylhet District</td>
<td>1</td>
<td>2</td>
<td>Nil</td>
<td>3</td>
</tr>
<tr>
<td>West Bengal</td>
<td>15</td>
<td>4</td>
<td>Nil</td>
<td>19</td>
</tr>
<tr>
<td>East Bengal</td>
<td>12</td>
<td>29</td>
<td>Nil</td>
<td>41</td>
</tr>
<tr>
<td>West Punjab</td>
<td>3</td>
<td>12</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td>East Punjab</td>
<td>6</td>
<td>4</td>
<td>2</td>
<td>12</td>
</tr>
</tbody>
</table>

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 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 administration of all provincial subjects such as the division of assets and liabilities, the police and other services, the High Courts, provincial institutions, &c.

THE TRIBES OF THE NORTH-WEST FRONTIER

17. Agreements with 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 12th 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 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**

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

1. Bengal
   - Chittagong Division
     - Chittagong.
     - Noakhali.
     - Tippera.
   - Dacca Division
     - Bakarganj.
     - Dacca.
     - Faridpur.
     - Mymensingh.
   - Presidency Division
     - Jessore.
     - Murshidabad.
     - Nadia.
   - Rajshahi Division
     - Bogra.
     - Dinajpur.
     - Malda.
     - Pabna.
     - Rajshahi.
     - Rangpur.

2. The Punjab
   - Lahore Division
     - Gujranwala.
     - Gurdaspur.
     - Lahore.
     - Sheikhpura.
     - Sialkot.
   - Rawalpindi Division
     - Attock.
     - Gujrat.
     - Jhelum.
     - Mianwali.
     - Rawalpindi.
     - Shahpur.
   - Multan Division
     - Dera Ghazi Khan.
     - Jhang.
     - Lyallpur.
     - Montgomery.
     - Multan.
     - Muzaffargarh.

46

*Text of Broadcast by Pandit Nehru on 3 June 1947*

*L/P&EJ/40/81: 363*

Friends and comrades, nearly nine months ago, soon after my assumption of office, I spoke to you from this place. I told you then that we were on the march and the goal had still to be reached. There were many difficulties and obstacles on the way, and our journey’s end might not be near, for that end
was not the assumption of office in the Government of India, but the achieve-
ment of the full independence of India and the establishment of a cooperative
Commonwealth in which all will be equal sharers in opportunity and in all
things that give meaning and value to life.

Nine months have passed, months of trial and difficulty, of anxiety and
sometimes even of heartbreak. Yet, looking back at this period with its suf-
ferring and sorrow for our people there is much on the credit side also for India
has advanced nationally and internationally, and is respected today in the
councils of the world.

In the domestic sphere something substantial has been achieved though the
burden on the common man still continues to be terribly heavy and millions
lack food and clothes and other necessaries of life. Many vast schemes of
development are nearly ready, and yet it is true that most of our dreams about
the brave things we were going to accomplish have still to be realised. You
know well the difficulties which the country has had to face—economic,
political and communal.

These months have been full of tragedy for millions and the burden on those
who have the government of the country in their hands has been great indeed.
My mind is heavy with the thought of the sufferings of our people in the areas
of disturbance, the thousands who are dead and those, especially our women-
folk, who have suffered agony worse than death. To their families and to
innumerable people who have been uprooted from their homes and rendered
destitute, I offer my deep sympathy and assurance that we shall do all in our
power to bring relief. We must see to it that such tragedies do not happen again.
At no time have we lost faith in the great destiny of India which takes shape
even though with struggle and suffering. My great regret has been that during
this period owing to excess of work I have been unable to visit the numerous
towns and villages of India as I used to do to meet my people and to learn their
troubles at first hand.

Today, I am speaking to you on another historic occasion when a vital
change affecting the future of India is proposed. You have just heard an an-
nouncement on behalf of the British Government. This announcement lays
down a procedure for self-determination in certain areas of India. It envisages
on the one hand the possibility of these areas seceding from India; on the other
it promises a big advance towards complete independence. Such a big change
must have the full concurrence of the people before effect can be given to it, for
it must always be remembered that the future of India can only be decided by
the people of India and not by any outside authority, however friendly.

These proposals will be placed soon before representative assemblies of the
people for consideration. But meanwhile the sands of time run out and deci-

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1 On 7 September 1946. Printed in Independence and After: A collection of the more important speeches of
Jawaharlal Nehru from September 1946 to May 1949 (New Delhi, Govt of India, 1949), pp 339-43.
ions cannot await the normal course of events. While we must necessarily abide by what the people finally decide we have to come to certain decisions ourselves and recommend them to the people for acceptance. We have, therefore, decided to accept these proposals and to recommend to our larger committees that they do likewise.

It is with no joy in my heart that I commend these proposals to you, though I have no doubt in my mind that this is the right course. For generations we have dreamt and struggled for a free and independent united India. The proposals to allow certain parts to secede, if they so will, is painful for any of us to contemplate. Nevertheless, I am convinced that our present decision is the right one even from the larger viewpoint.

The united India that we have laboured for was not one of compulsion and coercion, but a free and willing association of a free people. It may be that in this way we shall reach that united India sooner than otherwise and that she will have a stronger and more secure foundation. We are little men serving great causes, but because the cause is great, something of that greatness falls upon us also. Mighty forces are at work in the world today and in India, and I have no doubt that we are ushering in a period of greatness for India. The India of geography, of history and traditions, the India of our minds and hearts cannot change. On this historic occasion each one of us must pray that he might be guided aright in the service of the motherland and of humanity at large.

We stand on a watershed dividing the past from the future. Let us bury that past in so far as it is dead and forget all bitterness and recrimination. Let there be moderation in speech and writing. Let there be strength and perseverance in adhering to the cause and the ideals we have at heart. Let us face the future not with easy optimism or with any complacency or weakness, but with confidence and a firm faith in India. There has been violence—shameful, degrading and revolting violence—in various parts of the country. This must end. We are determined to end it. We must make it clear that political ends are not to be achieved by methods of violence now or in the future.

On this the eve of great changes in India we have to make a fresh start with clear vision and a firm mind, with steadfastness and tolerance and a stout heart. We should not wish ill to anyone, but think always of every Indian as our brother and comrade. The good of the 400,000,000 of India must be our supreme objective. We shall seek to build anew our relations with England on a friendly and cooperative basis, forgetting the past which has lain so heavily upon us. I should like to express on this occasion my deep appreciation of the labours of the Viceroy, Lord Mountbatten, ever since his arrival here at a critical juncture in our history.

Inevitably on every occasion of [crisis and difficulty we think of] our great leader, Mahatma Gandhi, who has led us unfalteringly for over a generation through darkness and sorrow, to the threshold of our freedom, to him we once
more pay our homage. His blessing and wise counsel will happily be with us in the momentous years to come as always. With firm faith in our future I appeal to you to cooperate in the great task ahead and to march together to the haven of freedom for all in India. *Jai Hind.*

* Words in square brackets supplied from the *Statesman*, 4 June 1947, p. 8, col. 1.

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47

*Text of Broadcast by Mr Jinnah on 3 June 1947*

*L/PEJ/10/81: f 364*

I am glad that I am afforded the opportunity to speak to you directly through this radio from Delhi. It is the first time, I believe, that a non-official has been afforded an opportunity to address the people through the medium of this powerful instrument, direct, to the people on political matters. I hope that in the future I shall have greater facilities to enable me to voice my views and opinions, which will reach directly you, life warm rather than in the cold print of the newspapers.

The statement of Government, embodying the plan for the transfer of power to the peoples of India, has already been broadcast and will be released to the press and will be published here and abroad tomorrow morning. It gives the outline of the plan for us to give it our most earnest consideration. We have to examine it coolly, calmly and dispassionately. We must remember that we have to take the most momentous decisions and handle grave issues facing us in the solution of the complex political problem of this great sub-continent inhabited by 400,000,000 people.

The world has no parallel of the most onerous and difficult task which His Excellency had to perform. Grave responsibility lies particularly on the shoulders of Indian leaders. Therefore we must galvanise and concentrate all our energies to see that the transfer of power is assisted in a peaceful and orderly manner. I most earnestly appeal to every community and particularly to Moslems in India to maintain peace and order. We must examine the plan, its letters and spirit and come to our conclusions and take our decisions. I pray to God that at this critical moment He may guide us to enable us to discharge our responsibilities in a wise and statesmanlike manner having regard to the sum total of the plan as a whole.

It is clear the plan does not meet in some important respects our point of view, and we cannot say or feel that we are satisfied or that we agree with some of the matters dealt with by the plan. It is for us to consider whether the plan as presented to us by His Majesty's Government should be accepted by us
as a compromise or a settlement. On this point I do not wish to prejudge. The
decision of the Council of the All India Moslem League which has been sum-
moned to meet on Monday, 9th June, and its final decisions can only be taken
by the conference according to our constitution precedents and practice.

But so far as I have been able to gather, on the whole, reaction in the Moslem
League circle in Delhi has been hopeful. But for us the plan has got to be very
carefully examined in its pros and cons before a final decision can be taken. I
must say that I feel that the Viceroy has battled against various forces very
bravely—and the impression that he has left on my mind is that he was actuated
by the highest sense of fairness and impartiality, and it is up to us to make his
task less difficult, and help him, as far as lies in our power in order that he may
fulfil his mission of the transfer of power to the peoples of India in a peaceful
and orderly manner.

Now that plan has been broadcast already, and makes it clear in paragraph
eleven that a referendum will be made to the electorate of the present Legis-
lative Assembly in the N.W.F.P., who will choose which of the two alterna-
tives in paragraph four they wish to adopt.

The referendum will be held under the aegis of the Governor-General, in
consultation with the Provincial Government. Hence it is clear that the verdict
and the mandate of the people of the Frontier Province will be obtained as to
whether they want to join the Pakistan Constituent Assembly or the Hindustan
Constituent Assembly. In these circumstances I request the Provincial Moslem
League of the Frontier Province to withdraw the employment of peaceful civil
disobedience which they had perforce to resort to, and I call upon all the leaders
of the Moslem League and the Mussalmans generally to organise our people to
face this referendum with hope and courage, and I feel confident that the people
of the Frontier will give their verdict by a solid vote to join the Pakistan
Constituent Assembly.

I cannot but express my appreciation of the sufferings and sacrifices made by
all classes of the Mussalmans, and particularly the great part that the women of
the Frontier played in the fight for our civil liberties. Without a personal bias,
and this is hardly the moment to do so, I deeply sympathise with all those who
have suffered and those who died and whose properties were subjected to
destruction, and I fervently hope the Frontier will go through this referendum
in a peaceful manner, and it should be the anxiety of everyone to obtain a fair,
free and clean verdict of the people of the Frontier.

Once more I most earnestly appeal to all to maintain peace and order.
_Pakistan Zindabad._
Text of Broadcast by Sardar Baldev Singh on 3 June 1947

L/P&J/10/81: f 365

You have just heard the broadcasts of His Excellency the Viceroy and two of our distinguished countrymen, Pandit Nehru and Mr. Jinnah. You also know the terms of the plan which his Majesty’s Government have formulated to end the long drawn political deadlock that has stifled us these many months and years.

It is a great day today. The occasion is historic. We have closed a dreary chapter. A new leaf is now turned. We seem to see gleaming on it the fulfillment of what till yesterday was but a dream. Today we enter the heritage that was ours. The heritage of freedom we have found as our birthright.

It would be idle for me to pretend that the day is bright and joyous as indeed we might well have hoped it would be. It would be untrue if I say we are altogether happy. Seldom, perhaps, has a settlement like this been tarnished with so much of fear and sorrow. I say seldom because, even though we struggled and even though the struggle was long and heavy, our common quest for freedom need never have divided and torn us asunder one from another. This has actually taken place.

The shadow of our differences has thrown a gloom over us. We have let ourselves be rent apart. We witness today, even on the day of our freedom, fears of mutual conflict and all the horrors that conflict brings, in so many parts of India. Neighbour has risen against neighbour. Thousands of innocent lives have been lost. Men, women and children roam from one place to another, homeless and without shelter.

Untold losses—financial, cultural and spiritual—have been inflicted in wide areas. We look as if we are a house divided against itself. The day indeed finds us an unhappy people. It is not necessary for me today to go into the reasons for this affliction. We each have our faults—let us own it—we each need advice on what is priceless—the willing surrender of our best for the common good of us all. That is why we fell foul of one another. But that was yesterday. Till yesterday, we were preoccupied with our little selves. The plan that has now been announced steers a course obviously above the conflicting claims. It is not a compromise: I prefer to call it a settlement.

It does not please everybody, not the Sikh community, anyway. But it is certainly worth-while. Let us take it. Taken in that spirit, this plan should halt the dismal gloom that shrouds our Motherland and so many other stricken spots today. In that spirit, we shall find in it the many tasks that await us in
every sphere of our national life—tasks that need doing not only to repair the
damage we have inflicted on ourselves, but to raise us in stature before the
nations of the world.

We are poor. Let us not forget that we have no apology to let poverty
continue to afflict our people now that we shall be masters of our affairs.

We have tasks big and small of reconstruction on our hands. Let us remember
that it is only when the minds of our leaders are not deflected by internal
quarrels that they can effectively handle these tasks for our common good. Our
people have many needs that have lingered unmet for years: let us settle down
to meet these needs and relieve the distress that haunts us. Meanwhile, whatever
our own preferences, let us grow above our petty outlooks and work together
to put our country on the way to greatness that certainly belongs to it.

We too have to live as brothers or as neighbours. We all do want to live in
peace and strive for the modicum of ease and comfort in our homes, whether
in villages or in towns. We have had enough of quarrels and troubles. Let us
now turn from an ugly past and help one another to build a great and glorious
future.

This is my counsel to men and women of goodwill—Hindus, Moslems,
Sikhs, Christians and others. For thousands of years our ancestors lived together
in this land in tolerance and neighbourly relations. Let us restore the old glory
of our traditions in order, as I have said, that we may equip ourselves to face the
bright future that has now opened.

I believe with all my heart that the divisions which tend to keep us apart now
will not last long. I believe, also, that even though we should choose to remain
apart at present, we have so much in common—economically, geographically
and even spiritually—that the very blueprint of our plans so soon as we view it
with care, will bind us together. We have to forget the unhappy past to see this
with precision. Let us concentrate on the common interests. I say this with all
honesty.

I will add that, while making this appeal, I am not unaware of the existence
in our midst of those discordant elements who are inhuman enough to imagine
that their prosperity lies in the misfortune of their fellow men and women.
Such people should be shown that they will, in fact, soon meet their fate.

As you must have heard, we have taken the strongest measures to enforce law
and order and to apprehend the mischief-makers wherever we can lay our
hands on them. During the last few weeks, large contingents of armed troops
have been deployed in various parts of the country to aid the civil administra-
tion. These troops consist of trusted men. They will give succour to those in
need and act also as stern keepers of the peace in troubled areas. I want you to
look upon the soldier as your friend. He will not fail you. And to you, sailors,
soldiers, airmen also, I must say a few words. You are obviously not unin-
fluenced by the greatest events that are taking place in India today. These
include many political changes which will concern you. As trained men, trained in life by discipline and fortitude, you will obviously not allow yourselves to be needlessly perturbed. Let me say with all the authority I can command that your interests will in no circumstances be allowed to suffer. You have earned a name for yourselves throughout the world by your valour and high tradition. India will not and cannot forget the debt it owes to you. Some of you, today, are having to perform unpleasant duties on internal security work. No-one is more conscious of this than I. Our Motherland is passing through a period of transition and strain. Your patriotism and high sense of loyalty will help you to steer clear through these difficult times. Do not forget that India’s honour is your honour.

Serve India in her hour of trial with good conscience and to the best of your ability and remain confident that we stand by you today as we have done in the past.

The Commander-in-Chief will, in the next few days, broadcast a special message to you. He will deal with some of the specific problems that may now be impressing your minds. Meanwhile, I have no doubt that whatever political conditions may shape the future of India, your interests will be protected by all sides.

49

Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru

R/3/1/151: f 105

1446/2

3 June 1947

Dear Mr. Nehru,

Will you please tell Dr Khan Sahib that I am asking the Commander-in-Chief to provide nine British Officers of the Indian Army to supervise the referendum in the N.W.F.P."

2. It is, of course, a matter of great urgency to get the referendum carried out in the least possible time, and I hope to arrange that the officers will join in Peshawar in a few days’ time.

1 On 2 June Mr Abell, after consulting Mr Menon, had put up a note stating that they both agreed with Sir O. Caroe (with whom arrangements for the Referendum had been under discussion) that there must be a completely British staff to conduct it. ‘Any Indian is likely to be accused of partiality. Mr Menon suggests that the best thing would be to get one senior British military officer to be in charge of the Referendum and eight military officers of the rank of about Major to compose the staff in the Districts.’ I think this is very sound as military officers would be regarded by the Congress as less likely to be prejudiced than members of the I.C.S. or the Political Service.’ Lord Mountbatten had accepted this proposal at the Staff Meeting on 2 June. R/3/1/151: f 100.
3. I am sending a copy of this letter to the Governor’s Secretary, N.W.F.P.
Yours sincerely,
MOUNTBATTEN OF BURMA

50

Rear-Admiral Viscount Mountbatten of Burma to Sardar Patel

R/3/1/150: f 245

3 June 1947

My dear Sardar Patel,
I very much hope that as the Member of Cabinet in charge of Information and Broadcasting you will do me the honour of taking the chair at my meeting with the Press to-morrow, in the same way as the Minister for Information does in London. The meeting is at 10 a.m. to-morrow morning in the Council House.

Yours sincerely,
MOUNTBATTEN OF BURMA

1 Sardar Patel replied on 4 June saying he much appreciated Lord Mountbatten’s invitation and would ‘be delighted to come’. R/3/1/150: f 257.

51

Sardar Patel to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/150: f 253

MEMBER OF COUNCIL, INFORMATION & BROADCASTING,
NEW DELHI, 3 June 1947

My dear Lord Mountbatten,
I am deeply distressed at the abuse by Mr. Jinnah of the hospitality extended to him by the All-India Radio1 and his breach of the rules of broadcast which, as you are aware, are almost as inviolable as the laws of the Nature. I had not seen the script before the broadcast but I noticed later that not only did he depart from the script but he has also committed a sacrilege by making a political, partisan and propagandist broadcast. Had I known it in time I would certainly have prevented him from turning the All-India Radio into a Muslim League platform by not only justifying a movement which has resulted in so much bloodshed and destruction of property but also by appealing to Frontier voters to vote according to League persuasion. I am sure you will agree that this was grossly unfair to the Frontier Ministry.
I fully realise that you yourself did not expect, or had not sufficient notice to prevent it, but I am really disappointed that he should have taken undue advantage of the courtesy and consideration extended to him by you, particularly on a solemn occasion when India and the whole World were watching us. I only hope that its consequences will not be equally mischievous and that he stood before the listeners self-condemned.

Yours sincerely,

VALLABHBHAI PATEL

1 See No. 47.
2 Dr Khan Sahib also wrote on 3 June to Lord Mountbatten protesting at the references to the N.W.F.P. in Mr Jinnah’s broadcast. Lord Mountbatten acknowledged Sardar Patel’s letter on 5 June remarking that they had discussed the matter at the Press Conference (see No. 59). He acknowledged Dr Khan Sahib’s letter on 9 June mentioning that he had discussed the subject with Sardar Patel. R/311/150: ff 255–6, 282, 284.

52

Mr Bevin to the Earl of Listowel

L/PO/6/119: f 27

SECRET

FOREIGN OFFICE, 3 June 1947

F 6535/905/G

Dear Listowel,

My attention has been drawn to a decision reached on the 2nd May by the India and Burma Cabinet Committee, on which at that time we were not represented, which conflicts with the advice given by the Foreign Office as a result of discussions between your department and my Legal Adviser.

2. The decision in question, which deals with the proposed treaty providing for matters arising out of the transfer of power, is contained in paragraph 2(b) of the meeting on the 2nd May I.B.(47)20th Meeting. It is to the effect that the extent to which the Government of India would assume international obligations would be a matter for them to decide and that it would be inadvisable to include any general provision in this treaty regarding the observance by the Government of India of obligations under treaties (concluded in the name of the Crown or of the United Kingdom Government) which can only be fulfilled in India or only wholly fulfilled if India observes them.

3. The advice given by my Legal Adviser, in consultation with your department, is contained in paragraph IV(b) of I.B.(47)422 which your predecessor submitted to the Committee. It is as follows: “... The specific undertaking of

1 Vol. X, No. 288, Minute 2, para. (b).
2 The reference should be to Section A(iv) para. 6 of I.B.(47)42. L/P &3/10/90: ff 12–42.
the new Indian Government should be obtained by Treaty provision that they will accept and observe all treaties with foreign states concluded in the name of the Crown or of the Government of the United Kingdom, including those made by the East India Company, which can only be fulfilled in India or only wholly fulfilled if India observes them”. This advice was based on the opinion he gave gave in March 1946 at the request of the India Office (“State Succession in the matter of Treaties: Obligations of a future Indian Government”) for the guidance of the Cabinet Mission. It also follows the practice we found it expedient to adopt in the case of our Treaties with Iraq and Transjordan. We consider that without such an undertaking diplomatic claims and political difficulties of a grave character were likely to arise for His Majesty’s Government. Our two departments had already, in the circumstances, gone some way towards producing a draft clause which might be suitable for India.

4. I think you will agree that this is a matter in which it is right that weight should be given to the experience of our department. I therefore very much hope that you may be able to persuade the Prime Minister, as Chairman of the Committee, to have this decision reconsidered and to approve of the adoption of the procedure recommended in paragraph IV(b) of I.B.(47)42.

Yours sincerely,

ERNEST BEVIN

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3 See Vol. VI, No. 528.

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53

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/150: ff 239–41

NEW DELHI, 3 June 1947, 10.20 pm

No. 1284–S. My telegram 1277–S.1 Congress point contained in paragraph 5² seemed to me so dangerous that it might well have wrecked the whole chance of agreement, since it was clear that Congress wanted HMG to give an assurance that Pakistan would be expelled from the Commonwealth if the rest of India wished to secede.

2. V. P. Menon—whose services in all these negotiations have been beyond price—rushed round to Patel and pointed out that HMG could never be expected to agree to such a proposal which negates the whole principle of Dominion Status, and urged him to drop it.

3. I sent for Nehru half an hour before the meeting and told him the same
thing. I told him that I did not even intend to mention at the meeting that this suggestion had been made. Both Patel and Nehru agreed to this course.

4. In the Congress letter the following paragraph also appeared: “In paragraph 11 of the Statement reference is made to a referendum in the N.W.F. Province. There has been a growing demand in the Province for independence and subsequent decision as to their relation with the rest of India. The referendum should also provide for this.” V. P. Menon pointed out to Patel and I pointed out to Nehru that since it was at Nehru’s own request that I had dropped the original proposal to allow every province to vote for Pakistan, Hindustan or independence, they could hardly expect me to reintroduce it at this stage. Nehru quite openly admitted that the N.W.F.P. could not possibly stand by itself, and it became clear to me that this was a device to free Khan Sahib’s party from the odium of being connected with Congress during the Referendum period, since Nehru spoke about Khan Sahib wishing to join the Union of India at a subsequent stage. I told Nehru I had no intention of raising this at the meeting, and he accepted my ruling on this.

5. He also asked that the Referendum should be based on Adult Franchise. I told him that this was quite impracticable in the time available, and rejected it.

6. Jinnah’s great point was that a Referendum should be held in Bengal in order to give the Scheduled Castes the chance of showing that they sided with the Muslims and not Caste Hindus. I presented him with all the arguments against this with which Burrows had provided me, and told him I had no intention of raising this at the meeting. He accepted my ruling.

7. Baldev Singh wanted the instructions to the Boundary Commission included in the printed plan, and wished them to take Sikh interests more fully into consideration. I rejected this at the meeting and he accepted my ruling.

8. One of my difficulties has been to prevent the leaders from talking too much. For example, Liaquat started an attack on Gandhi in the second meeting which nearly wrecked the proceedings. When I think of the number of points over which the meetings could have been shipwrecked, I realise how miraculously lucky we have been.

9. At the end of the meeting I handed them a copy of a paper on the administrative consequences of partition, much on the lines I left with you drafted by Christie to which I had added a preliminary statement to the effect that parliamentary legislation setting up two Dominions would be introduced in Parliament during the current session and that the Act would contain a pro-

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1 No. 38.  
2 i.e. No. 35, para. 13.  
3 For a further account of this meeting with Pandit Nehru see No. 91, para. 23.  
4 No. 35, para. 12.  
5 See No. 91, para. 18.  
6 See No. 36.  
7 No. 39.  
8 Annex II to No. 28.  
9 Annex I to No. 28.
vision enabling me to bring it into operation at any time thereafter. It was my intention that the Act should be brought into operation not later than August 15th 1947. I purposely mentioned a very early date for tactical reasons as I am anxious to make them realize that they must move quickly and that vital decisions would have to be taken in the very near future. I have given them copies of the paper to take away with them and I have arranged to meet them again at 10 o'clock on Thursday morning, June 5th, in order to have a general discussion on the items contained therein, before taking it in Cabinet at 6 p.m. on Friday.

10. The meeting agreed that Auchinleck should be invited to broadcast in the near future a steadying message to the armed forces giving them a broad outline of their future. I told the leaders that the working committees would have to give Auchinleck answers on several points such as whether the Army was to be divided on a geographical or communal basis, and whether a Muslim soldier living in Bombay would serve the Hindustan or Pakistan army, and if the latter, whether he would have to transfer his domicile. It was clear from the reactions at the meeting that none of the leaders present had even begun to think of the complications with which we are all going to be faced. Perhaps this is lucky, since it will enable us to hold the initiative in Viceroy's House during the coming difficult period.

Repeated to all Governors and to Governor of Burma.

54

Rear-Admiral Viscount Mountbatten of Burma to Sir F. Burrows (Bengal)

Telegram, Mountbatten Papers. Official Correspondence Files:
Bengal, Partition of, Part II(a)

NEW DELHI, 3 June 1947, 10 pm

CONFIDENTIAL

1287-S. Your 142-S of 2nd June. It now appears that League will acquiesce in the scheme. I hope you will be able to persuade Suhrawardy to form a Coalition Ministry. I may be able to see him myself before he returns to Calcutta and if so will work on him.

1 No. 33.
55

Mr Abell to Mr Turnbull

Telegram, R/3/1/150: ff 242

NEW DELHI, 3 June 1947, 10 pm
Received: 3 June, 11.45 pm

1288–S. Menon has ascertained that Congress will not repeat not object to use of term Dominion in draft bill.

56

Mr Attlee to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, L/PO/6/121: ff 30

INDIA OFFICE, 3 June 1947, 7.25 pm
Received: 4 June, 2 am

No. 7185. Following personal from Prime Minister.

Your telegram No. 1282–S¹ arrived in time for me to announce this very good news to Cabinet this morning.² We agreed that I should send you on behalf of the whole Cabinet a message of sincere congratulations. We all realise how much the success achieved to date is due to your own great efforts.

Statement was well received in both Houses this afternoon.³ Winston made a useful reply.

¹ No. 40.
² No. 41.

57

Text of Broadcast by Mr Attlee on 3 June 1947 at 9 pm D.B.S.T.¹

R/30/1/11: ff 8–9

ANNOUNCER: This afternoon the Viceroy broadcast a personal message to the people of India. Before broadcasting a recording of the Viceroy’s message,² here is an introduction to it, recorded today by the Prime Minister:

¹ The Broadcast went out at 9 pm (Double British Summer Time) on the B.B.C.'s Home Service and at 10 pm (D.B.S.T.) on the Light Programme.
² No. 44 (the recording began with the second para.).
Prime Minister: India, after many centuries of internal disunion, was united under British rule. It has been a prime object of British policy to maintain the unity which has for so long preserved peace in that great sub-continent. It has been our hope that this unity might continue when India attained the full self-government, which has been, for long years, the goal of British policy in India.

The Cabinet Mission’s plan,3 which we still believe offers the best basis for solving the Indian problem, was designed to this end. But, as Indian leaders have finally failed to agree on a plan for a united India, partition becomes the inevitable alternative, and we will, for our part, give to the Indians all help and advice in carrying out this most difficult operation. The two-fold purpose of the plan4 which is now put forward is to make possible the maximum degree of harmony and cooperation between the Indian political parties, in order that the partition of India, if decided upon, may involve as little loss and suffering as possible. And, secondly, to enable the British Government to hand over its responsibilities in an orderly and constitutional manner at the earliest opportunity.

It will, I am sure, be obvious to you all—Indians and British alike—that the decision having been made to hand over power, the sooner new governments can be set up to take over the great responsibilities which they are assuming, the better. In order to accomplish this, the plan provides for the handing over of power this year to one or two governments of British India, each having dominion status.

I would make an earnest appeal to everyone to give calm and dispassionate consideration to these proposals. It is, of course, easy to criticise them, but weeks of devoted work by the Viceroy have failed to find any alternative that is practicable. They have emerged from the hard facts of the situation in India; they are the result of long discussions by the Viceroy with the Indian political leaders, who will later be broadcasting on the plan. And in putting them forward the Viceroy has the full support of the British Government. The Indians will, I believe, recognise that they’re put forward solely in the interests of the Indian people. They may be assured that whatever course may be chosen by India, Great Britain and the British people will strive to maintain the closest and friendliest relations with the Indian people, with whom there has been so long and fruitful an association.

4 No. 45.
MR V. K. KRISHNA MENON TO REAR-ADMIRAL VISCOMT MOUNTBATTEN OF BURMA

R/3/1/156: ff 13–14

VERY URGENT

17 YORK ROAD, NEW DELHI, 4 JUNE 1947

STRICTLY PERSONAL

My dear Lord Mountbatten,

I do hope you feel that your efforts have been successful, and that the first bridge has been crossed.

(1) Gandhiji had a rather long talk with me yesterday. He is very disturbed. He has asked to speak to you about certain matters. Some of the difficulties could have been dealt with, without prejudice to whatever has been achieved, if we had thought about it. It is important that he should be assured that the perils on which he is distressed is [are] in your mind. I think that much can be done to allay his reasonable anxieties.

(2) It is rather a pity that he will speak about them today before I have seen you and you have time to send for him again. But this cannot be helped and perhaps will have to be remedied in some other way.

(3) Jawaharlal also had talks with me about the "hereafter" and wants me to talk them over with you. They involve detail and important issues of principle which are vital to the furtherance of the success you have achieved. I hear matters are causing some anxiety.

I shall keep myself available and come over whenever required. Perhaps you will let me know some time today.

Yours sincerely,

KRISHNA
Gentlemen, I should like to begin by thanking the Honourable Member for Information and Broadcasting for coming here and taking the chair at this Press Conference today. I have no prepared address to deliver nor have I any notes. I have already delivered my prepared address on the Radio last night. Today I propose to confine my few introductory remarks to clear the background and then answer any question that you may care to ask.

When I suddenly found myself going to India, we had some preliminary discussions in London and we settled on a programme that I should spend the first six months in becoming acquainted with the problems and then I should send my recommendations to HMG to enable them in due course to prepare the necessary legislation for introduction early in 1948 in Parliament. But when I arrived out here I discovered almost at once that the one point on which every community was agreed and on which all the British officials were agreed and with which I very soon agreed myself was that a decision at the earliest possible moment as to how we were to transfer power was a prime necessity if we were to put a stop to communal strife and bring back the atmosphere of peace and friendliness without which no progress can possibly be made. So, I set to work harder than I ever remember having done during the war. I saw as many people as possible. First of all, I gave them background information and then I asked for their views. My own feeling was that a united India was, of course, the right answer but only if communal feeling and goodwill allowed it. So, while I did my very best to get the Cabinet Mission scheme accepted, a scheme which at one time had been accepted by every community, the riots and bloodshed throughout the country made the prospects of its acceptance obviously pretty remote. The Cabinet Mission plan is not an enforceable plan. It depends on goodwill and mutual cooperation. You cannot make the Cabinet Mission plan work any more than you can make a horse drink after taking him down to the water. So, when it became clear that it could not be made to work with the complete free-will of at least one of the major communities, I started to find out an alternative. All the Muslim League leaders to whom I spoke made it absolutely clear that they desired partition. Once that fact was inescapably established in my mind, my next point was to see whether the Congress would agree to abandon the principle of unity for which they had stood for so long to the extent of allowing those areas that did not wish to stand for unity to form a
separate Constituent Assembly. I found that they stuck by the principle of non-coercion. They said that any province or area which did not wish to come into the existing Constituent Assembly could form a separate Constituent Assembly, but they very naturally insisted that no large non-Muslim areas should be brought into the new Constituent Assembly. When I spoke to Mr Jinnah and the other Muslim League leaders on that point, they were, of course, as much distressed as were the Congress leaders at the prospect of the partition. Mr Jinnah then asked whether the same principle would be extended beyond the Punjab and Bengal. I accepted that, of course. The idea was that if Assam was to be partitioned, then Sylhet and possibly contiguous areas in which there is a definite Muslim majority should be separated. I felt from every point of view that the people of India should take it upon themselves to make up their own minds what they wanted to do for the future of their country. The next problem was how to produce the mechanism to ascertain the will of the people. Clearly the adult franchise plebiscite, would be the democratic idea. But such a process was utterly impracticable at this moment when we wanted a very quick answer and speed was the one thing which everybody desired. Elections were held last year and the Legislative Assemblies appear to me to be the right people to give a quick decision as to the wishes of the people. And so we devised the scheme the details of which you have read in the statement made by His Majesty’s Govt. But I want to point out that at every stage and every step when this plan was developed I worked hand in glove with the leaders with whom I was ultimately going to discuss the plan. The plan came as no shock to them and no surprise to them, for although I did not actually produce a written plan, I continued to make notes when they saw me and I asked them whether this was the right way or whether that was the right, and together we gradually constructed a plan which obviously cannot meet the complete approval of everybody because if it did my services would have been quite unnecessary. Ages ago the solution would have been found between the

1 The text of Lord Mountbatten’s remarks reproduced here is taken from his tel. 324-G.T. of 4 June to Lord Listowel. The India Office was informed that this text had not been checked by the Viceroy and was not for publication but could be used for guidance. Important answers to questions would follow (see No. 60), the delay being due to ‘faulty shorthand recording’. On 9 July in reply to an enquiry from the Governor’s Secretary, Punjab, the Viceroy’s Private Office explained that they had ‘no verbatim report of the Press Conference’ but enclosed copies of Nos. 59 and 60, adding that the best press account was contained in the Statesman of 5 June. Campbell-Johnson to Joyce, tel. 323-G.T. of 4 June; C. P. Scott to Abbott, 9 July 1947. Mountbatten Papers, Official Correspondence Files: Transfer of Power, Publicity Arrangements for Announcement of. A copy of the speech, together with the Questions and Answers (No. 60), edited from transcripts of several shorthand versions, will be found in Time Only to Look Forward. Speeches of Rear Admiral The Earl Mountbatten of Burma, (London, Nicholas Kaye, 1949), pp 19-48.

2 See No. 50.

3 No. 44.

4 See e.g. Vol IX, Enclosure to No. 543, fifth para.


6 No. 45.
leaders themselves. The only service I can claim has been to try as honestly and as impartially as possible to reconcile the various points of view and find out to what extent their views meet the views of the other parties.

There are two main parties to this plan—the Congress and the Muslim League, but another community much less numerous but of great importance—the Sikh community—have of course to be considered. I found that it was mainly at the request of the Sikh community that Congress had put forward the Resolution on the partition of the Punjab, and you will remember that in the words of that Resolution they wished the Punjab to be divided between predominantly Muslim and non-Muslim areas. It was therefore on that Resolution, which the Sikhs themselves sponsored, that this division has been provided for. I was not aware of all the details when this suggestion was made but when I sent for the map and studied the distribution of the Sikh population under this proposal, I must say that I was astounded to find that the plan which they had produced divided their community into two almost equal parts. I have spent a great deal of time both out here and in England in seeing whether there was any solution which would keep the Sikh community more together without departing from the broad and easily understood principle, the principle which was demanded on the one side and was conceded on the other. I am not a miracle worker and I have not found that solution. All I have been able to say is that the leaders of the respective communities shall appoint a committee which will draw up the terms of reference of the Boundary Commission which has been suggested in the Plan. The Boundary Commission shall have representatives of all the parties. So far as it is humanly possible there will be no interference or dictation by the British Government. If we can be of service in advancing impartial views and helping in this work, we shall not be afraid to do so, but this is your country and it is up to you to decide what to do with it. The most gratifying part of the whole procedure has been the absolute determination of every responsible leader with whom I have spoken that whatever the solution finally adopted it was going to be adopted peacefully and without any bloodshed, and they were going to throw all their weight to stop any further trouble. Every single member of my Cabinet individually and together has expressed to me the strongest possible wish that the Armed Forces of India should be used to ensure that there was no further bloodshed, and that is the reason and the only reason why the Defence Member, Sardar Baldev Singh, announced last night the transfer of additional troops particularly into the areas about to be partitioned, the most important being the move of the Fourth Infantry Division into the areas which are about to be partitioned in the Punjab. I do not need to tell you that this is not a British move.

Now comes probably the most interesting of all the developments in the course of these very high-speed talks. After a while it became apparent to me that next to an acceptable solution or settlement all leaders wanted speed in the
actual transfer of power. All leaders were anxious to assume their full responsibility at the earliest possible moment, and I was anxious to let them do so, because once the decision has been taken, why should we wait? Waiting would only mean that I should be responsible ultimately for law and order whereas in point of fact however much you may talk about responsibility it is never the same thing unless you are really legally and completely in control. How to produce that very quickly was a legal conundrum of the first order. You cannot transfer power to one or two separate Governments unless those Governments have a constitution. One of the Governments was not even in being, nor was it certain it was coming into being. The other Government would presumably take some time in framing their constitution because a constitution is a thing which should not be hurried as it has to be there for all time. Therefore I was faced with the first difficulty: was I to turn over to two Governments without a constitution? If not, was there any other constitution which can be possibly used for the time being, and I do not think I need tell you, because you have studied this problem very closely, that the Government of India Act 1935 provided the obvious answer. Some of the best brains had framed that Act. When the Secretary of State, Sir Samuel Hoare, was in the Witness Box of the Joint Select Committee, he answered up to 15,000 questions on this Act and he was able to answer every one to the satisfaction of the questioner without having to alter the framework of the Act. That is a very remarkable achievement, and that is the Act which will ultimately confer Dominion Status. That is the Act under which the Government has been functioning up-to-date and that is the Act which will be worked until such time as the two respective Governments have made up their minds in regard to what sort of constitution they want and what sort of amendments they will require in the Act in the meanwhile. I rather labour this point because I would not be a bit surprised if some of you would get up and say quote the British are not going to quit at all; they are just dropping us into Dominion Status unquote. You are entitled to think that until I have given my explanation. I hope you will not think in that strain after I have given my explanation. I can assure you that it is the only solution of the problem, and if you want a proof of that, do you imagine for a moment that the responsible political parties could accept such a suggestion if it was not the only sound solution on which we could proceed? The curious part is, as you know, that independence through Dominion Status is complete and the different administrations are at liberty to opt out of the Commonwealth whenever they please. Therefore, I mean it most sincerely when I say that power

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7 See Vol. IX, Enclosure to No. 511, Item 3.
8 See No. 28, Annex II, paras. 5 and 8(i).
9 According to the Statesman this passage read:
   'Waiting would only mean that I should be responsible ultimately for law and order and the general conduct of Government. In point of fact, however much you might use the Interim Government, it would never be the same thing unless they were legally in control of the responsibility.' cf. the Statesman, 5 June 1947, p. 7, col. 5.
will be transferred as completely this year as it ever would have been by June 1948. It is a true anticipation of the transfer of power and I hope with this added advantage that instead of the British having—I mean the officials—to get out by a certain date, whether the Indians wanted it or not—and I put it to you that although in theory some of the officers might have remained if you asked them—they would have had to resign their commissions and they would not have been re-employed back home.¹⁰ So in practice this solution enables the Indians to pick whom they want to stay here, for how long, on what terms of service and the rest of it. The British will leave whenever they are told to leave. It may be we shall all be out by the end of this year. It may be that it may be useful for some of the British to stay on. But the one thing [that] would have been wrong to say [was] that we are going out and we are going to leave you in this mess and we are not going to give you any help. That would have been inexcusable. This means that the British will stay so long as they can be of use and when they are not wanted they will go exactly when they are asked to go. I cannot really put it in a fairer proposition, I fear, to the people of India. [sic].

Now there is a third party to all these negotiations and that is the party which sits in London, Whitehall, and are legally and constitutionally responsible. I refer to His Majesty's Government. And so I took the opportunity of flying home to see them. I arrived home at lunch time on a Monday, some sixteen days ago. By tea time I was right in the midst of the India-Burma Cabinet Committee¹¹ going strong. The idea of a Dominion Status solution was completely novel because it had originally nothing to do with this plan which never contained paragraph 20. I brought it home as a surprise. The immediate answer was that it would take six or seven months to frame the necessary Act, to introduce the legislation, to pass it through the whole Committee stages and get it accepted. I asked the Prime Minister if he would kindly produce the necessary legislation in this session—that means within the next two months. The session finishes in about two months time.¹² He said he would do his best and invited me to come back the following day. The Lord Chancellor and the Law Officers of the Crown were there²³ with the first rough outline of the new Act on which they had worked all night. The only thing that will delay the working of this Act is the uncertainty about what the provinces are going to decide. Until, in fact, the people of India have outlined their own future and the shape of any separate State, the final terms of the Act cannot be drawn. But they can all keep the Act ready in skeleton form, filling in the bits of information that come. Then by agreement of the Opposition—as you heard in the statement made in the House by the Leader of the Opposition¹⁴—this Bill will be rushed through in record time. If in fact a complete Act of Parliament of this complexity and importance can be framed and passed into law from start to finish in a matter of two months, I am told it will be a legislative record, and I think it is because of the measure of extreme goodwill that
exists among all parties in England today and the sincerity of the feeling they have for the good of India that this can be achieved.

10 This passage is not grammatical, but Lord Mountbatten’s meaning evidently was that, instead of British officials having to leave, they would be able to continue in service (if the Indians wanted them) without difficulty because they would be serving a Dominion under the Crown rather than a foreign power.


12 The Times of India (5 June 1947, p. 1, col. 5) reported Lord Mountbatten as having said that: ‘He expected to see the legislation passed in Parliament by August 15 this year’.


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Proceedings of a Press Conference held in the Council House, New Delhi, on 4 June 1947

Questions and Answers

R/3/1/150: ff 272–81

Q. Is Your Excellency in a position to say whether Mr. Jinnah has accepted the plan?

A. The position about Mr. Jinnah and the Muslim League is this. By the Constitution and precedents of the Muslim League, no final decision is taken until the Muslim League Council has an opportunity of taking that decision. I am not going to say anything today to prejudice the free discussion of that Council. I will put it this way. I took full personal responsibility for mentioning about it in my broadcast after my conversation with Mr. Jinnah. I do not want you to twist that in such a manner as to make it difficult for the Muslim League.

Q. Reference the Indian States, in view of the fact that there are two Constituent Assemblies likely to come into existence, is it open to any of the Indian States to choose to come into either or into neither if they wish to remain units of the British Commonwealth?

A. The answer is that the policy about the Indian States is contained in Para 18. That is to say, that the policy of HMG remains unchanged and that has been made clear in the declaration of May 12, 1946, and if you read that

1 The text of the Questions and Answers reproduced here is taken from Lord Mountbatten’s tel. 326–G.T. of 5 June to Lord Listowel. The same limitations on its use applied to it as to the Viceroy’s opening remarks (see No. 59, note 1), and the India Office was further informed that the Questions and Answers contained in it were 'only a selection of the more important ones.' Campbell-Johnson to Joyce, tel. 1313–S of 5 June and tel. 331–G.T. of 6 June. L/1/1/768: ff 271–2.

2 Of No. 45.

3 Vol. VII, No. 262.
memorandum you will see that by the time the date comes to transfer power, it will be my duty to hand back paramountcy to each of the States.

After that the States are free agents to enter either Constituent Assembly or make such other arrangements as they deem necessary.

I think you also asked me whether they could enter the Commonwealth separately as Dominions. The answer is that they cannot, as Dominions. If you ask me whether they can have any relations with the Commonwealth apart from that, that is a hypothetical question, which has not yet arisen. If it does I will have to refer it to HMG.

Q. I do not want to embarrass Your Excellency. Even the Congress Working Committee has also to consult the All India Congress Committee and we find that Master Tara Singh, the Akali leader, has stated that the statement is not very satisfactory. My point is whether His Excellency has received from each of the three leaders the Congress, the Muslim League, and the Sikhs, that measure of support which gives him the satisfaction that when these matters are referred to their bigger bodies they will receive satisfactory ratification or whether H.E. is feeling more satisfied in the case of one and less in the case of the other?

A. Let us put it this way. I am the person who is carrying the responsibility of going ahead with this business. If I have gone ahead it is because I feel that that was the right thing to do. If you are trying to find out what was given to me in confidence I am not going to be taken in for the simple reason that I do not want to prejudice the deliberations that may be carried out by the various parties. The main point is and I repeat it, that I have gone ahead and I have taken, if you like, the risk in doing so but I have spent the last five years in taking what you might call calculated risks.

Q. Will it be open to any Province which may be participating in either Constituent Assembly to feel free, after the constitution is framed, to vote itself out of one union and join the other or join neither?

A. The answer is that after discussing this particular point with the leaders of both the parties I find that the leaders do not wish to have any other option than to join one or the other of the constituent assemblies for the good and sufficient reason that they do not wish this plan to encourage what I might call 'Balkanisation'.

Q. I should like Your Excellency to clear up a point of procedure. The object of the Boundary Commissions is to carry out the wishes of the individual areas concerned. I should have thought that the proper authority for doing this would be the Constituent Assemblies of the two States. It is for them to assume this responsibility.

A. The question is a good one but the answer is 'Speed'. To begin with, it is not certain how long it would take to set up Constituent Assemblies for the two parts of India. The function of the committee which will be set up in this
connection is to give instructions. It will not prejudge the issue at all. I should take the Chair at the first meeting of the Committee and I shall probably express no views at all about it. All the way through, what I am trying to do with my staff is to be of service in working the mechanism. I do not like to take the driver's seat myself. I will give you an example. The first thing I did yesterday before broadcasting was to hand round a paper\(^5\) to the leaders which simply showed them the necessary decisions which will have to be taken on points of detail in regard to partition and the subjects which I suggested they should take up. This is in relation to what I may call the administrative consequences of partition, although partition is not yet decided upon. If there is no partition the problem is comparatively simple. I am really trying to get ahead and be of the best possible service to you. I am only thinking out the problems. It is for you to say how you would like them to be solved and we can help you in the process. I want to assure you that there are two reasons why I sincerely want the Indians themselves to settle this problem. The first is that this is your own problem and secondly there is absolutely no desire on our part to interfere in any way with the most suitable method that Indians themselves may adopt for this purpose.

Q. The question is how to keep the integrity of the Sikh community intact. What is the provision that you have made in this plan to keep the integrity of the Sikh people intact?

A. I must point out that the people who asked for the partition were the Sikhs. The Congress took up their request and framed the Resolution\(^6\) in the form they wanted. They wanted the Punjab to be divided into predominantly Muslim and non-Muslim areas. I have done exactly what the Sikhs requested me to do through the Congress. The request came to me as a tremendous shock as I like the Sikhs, I am fond of them and I wish them well. I started thinking out a formula to help them but I am not a magician. I am an ordinary human being. I believe that it is the Indians who have got to find out a solution. You cannot expect the British to solve all your problems. I can only help you to arrive at the correct solution. A lot can be done by a Chairman but he cannot impose a decision on anyone. It is up to the Sikhs who are represented on the Committee to take up the case. It is not I who is responsible for asking for partition.

Q. How is it that in the case of Bengal and the Punjab the legislators have been asked to decide which Constituent Assembly they should join, but a different procedure has been proposed in the case of the N.W.F.P. where the electors will have to decide the issue?

A. The reason for that is contained in the paragraph\(^7\) which has been appropriately worded and in addition to that please remember that in the case

\(^4\) See No. 28, Annex II, para. 5.  
\(^5\) See Nos. 28 and 39.  
\(^6\) Vol. IX, Enclosure to No. 511, Item 3.  
\(^7\) i.e. para. 11 of No. 45.
of the N.W.F.P. there is the heaviest weightage for the minority community which is not to [be] found in any other province of India. So much so, that out of fifty six seats twelve or thirteen have been given to the minorities, although they represent only something like five per cent. In fact, you have got a weightage of four times the number of minorities. That is one reason. The other reason is that it is a perfectly straightforward referendum on this particular question.

Q. The referendum will be held under the aegis of the Governor General and in consultation with the provincial Governor [?? Government]. Does the Provincial Governor [?? Government] mean the Governor [?? Government] in consultation with the Ministry or the Governor alone?

A. It means that I am going to send up officers whom I am going to select myself. I am proposing to select British officers in the Indian Army who speak the language and who never had anything to do with politics; so far as I know, they have no interest in politics. I am trying to get such impartial men to go out to these places to assure a complete impartial referendum.

Q. If the result of the referendum in the N.W.F.P. goes against the Muslim League and the League consequently tries to withdraw its acceptance, then may I know whether Your Excellency would advise the British Government to force this plan, or alter the same to suit the sweet will of the Muslim League?

A. The question as far as I can make out is this: If the referendum in the N.W.F.P. goes in favour of the Congress instead of the Muslim League, will I agree to the Muslim League going back on this plan. The answer is that referendum in the Frontier Province is a matter of six to eight weeks. Long before the referendum to the N.W.F.P. is finished, the Muslim League will have taken its decision.

Q. Will ‘negotiations on the administrative consequences’ also include immediate negotiations with reference to Indian States?

A. The Indian States will be given every facility to negotiate as quickly as they desire. In my opinion, for what it is worth, it will have to be done on the interim basis of standstill agreement. Let me give you a very simple example in history. The last partition of this sort occurred in Ireland. After the division between Northern and Southern Ireland was complete, you will be surprised to hear that the Irish have not finished making all their agreements. Among others there was no agreement over the railways. But you think one train stopped on that account? They ran on. The General Managers rang each other up and said we would go on the basis of a standstill agreement. Gradually the thing has been built up. The world is really a sensible place once you get heat out of it unless I have a complete wrong estimate of the Indian Cabinet.

Q. If communal strife in provinces do not subside in spite of HMG’s announcement of their plan and Your Excellency’s appeal to the people of India, will Your Excellency allow the Centre to intervene for quelling the disturbances?
A. I have already discussed this. With the knowledge of the Home Member I am in a position to tell you that there has been a unanimous decision in the Cabinet that we shall not allow any more violence or strife.\textsuperscript{10} Sardar Baldev Singh broadcast as Defence Member on that point yesterday.\textsuperscript{11} There have been many times when there have been more troops. Now we know the bad spots and there the troops are being sent. The Centre has therefore already intervened in the most effective way possible by passing a unanimous decision in the Interim Government not to tolerate any more violence.

Q. When you withdraw paramountcy, would you regard that sovereignty would thereafter vest with the princes or the people of the States, because there is the British Labour Party in power?

A. It is no question of parties in power. It is a question as to with whom the treaties were made. This is a matter for lawyers. I must know exactly what the legal position is. Please remember that treaties if they are going to be honoured must be honoured in the letter.

Q. You are aware that some of the States have joined the Constituent Assembly. What will be their position after this statement of HMG, whether they will be free to join either Constituent Assembly and they will be allowed to do so?

A. The States are at liberty to send their duly qualified representatives to the existing constituent assembly or if they so desire to the other constituent assembly if formed. If they are already in the existing constituent assembly they have come into it to take part in the work of framing the constitution. In passing I would refer to the "Hindustan Times" report today on the question whether the Legislative Assembly or the Constituent Assembly would be the body to deal with this matter. In my opinion it can only be the Constituent Assembly. The Legislative Assembly contains European Members whereas the position will not be so in the Constituent Assemblies. The weightage will be in exact proportion to the populations of the territories which form the two States. It automatically provides the same amount of representation for such States as join the Constituent Assemblies. So, I assume that the two Constituent Assemblies will deal with this—I say I assume because these things have still got to be considered.

Q. In view of the decision to leave and to partition India I feel that it is absolutely essential that on the question of Dominion Status there should be a

\textsuperscript{8} cf. No. 45, para. 11, last sentence.
\textsuperscript{9} See No. 49.
\textsuperscript{10} On 6 May 1947, at the conclusion of a discussion on a scheme of insurance against civil commotion and riot risks, the Indian Cabinet 'agreed that if violence broke out in any part of the country in future it should be put down with a firm hand, and that His Excellency should take the necessary action to this end, consulting the Cabinet beforehand where time permitted.' Mountbatten Papers, Minutes of Indian Cabinet Meetings, Case No. 129/28/47. See also Vol. X, No. 354, para. 26.
\textsuperscript{11} No. 48.
declaration which is more specific than is contained in paragraph 20. In fact paragraph 20 is perhaps the only disappointing paragraph in the plan. It is possible that it is a matter of drafting. It is absolutely essential that it should be made quite clear that in regard to Dominion Status you make no overtures to or accept no overtures from fragments of India.\(^\text{12}\)

A. If you people meet together and ask for one single Dominion Status that can be done. But if you insist on two States what are we going to do? I do not quite follow. I am not trying to be funny. If there is one India then we can transfer power to one India. If there are two parts, then we must transfer power to two parts. What else can we do?

Q. I am sorry I did not make myself clear. There is a great potential for mischief in regard to Dominion Status once you are prepared to deal with different parts of India in regard to the final choice about membership of the Commonwealth.

A. What you mean is that [what happens if] as a result of paragraph 20, one part comes in and the other does not.

Q. You should reject any offer on the part of any single individual State to become a Dominion. You should not also make any efforts to induce any separate state of India to come into the Commonwealth. You should insist on India as a whole coming to a decision on the question of membership of the Commonwealth or not.

A. That is exactly the point. We won't allow any separate part of India to come into the Commonwealth. But if the whole of India decides to break into two independent states, they could both come in. Before this paragraph was framed I had most careful talks with the leaders of parties. It was only then that I discovered that this particular solution was one that commended itself as a fair and just one—the only solution for speedy transfer of power which both parties desired. I must say that I do honestly think that we have done everything in our power to meet the very point you have mentioned.

Q. It is said here\(^\text{13}\) that the respective constituent assemblies have the right to ultimately elect to remain within the British Commonwealth or not. I want to point out that there is mischief in that provision.

A. I absolutely disagree. The British Commonwealth of Nations is a completely free association of peoples. Each State is completely independent. There is absolutely no sort of power that I know of to force them to stay in if they want to go out. The whole essence of independence is that you must have complete freedom to do what you like. I would again repeat that the British Commonwealth of Nations is a free association of different nations and the British Government have no control over them. The only connecting link is the King. I honestly think that we have done all we can to transfer power and to give each of the Indian States the greatest possible measure of freedom.

Q. May I know whether the Congress leaders and the League leaders have
agreed, as was pointed out by Mr. Devadas Gandhi in the particular sentence which he quoted, that the two States can remain members of the British Commonwealth, because Pandit Jawaharlal Nehru very recently made it emphatically clear that they would not like any foreign power to have bases in any part of India. I would like to know whether that particular clause in this statement has the approval of the party leaders?

A. It is good that you have put that question. It is known all over the world that so far as the British Commonwealth of Nations is concerned, you cannot compel any part to remain inside it, if it wants to go out.

Q. Nobody objects to interim dominion status. Suppose there are two constituent Assemblies. Is it open to one of them to declare itself absolutely independent and the other to declare itself a dominion? That is the point that Mr. Devadas Gandhi made.

A. If you grant independence and at the same time try to impose restrictions, the independence becomes a mockery.

Q. Will the Governor General be appointed on the advice of the Dominion Governments? If so, is there any bar against there being separate Governors General for the two States?

A. The moment any State acquires dominion status, it chooses its own Governor General. That Governor General is chosen by the Prime Minister of the Government or [1 of] the Dominion concerned. He submits his name to the King, who being a constitutional monarch may discuss it but finally acts on the advice of the Government concerned. We have many examples of that. It is complete and absolute freedom to do exactly what you like.

There is one more point which I was asked and which I have not yet answered. I was asked whether HMG were to make no provision for the protection of the minorities, because it is not referred to in this pact [plan]. [The position about minorities is that since the desire of the British to quit power is not going to be effected quickly, there is some reason that the British can afford protection to the minorities. But I should like to add that on the question of the minorities I have talked to the principal leaders and I am absolutely certain that so long as the power rests with me to look after the interests of the minorities, I will use it as a matter of conscience, honour and fair play.] 14 I have also talked

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12 cf. No. 35, para. 13. The questioner here and for the next two or three Questions was probably Mr Devadas Gandhi; see A. Campbell-Johnson, Mission with Mountbatten, (London, Robert Hale Ltd., 1951), p. 109.

13 i.e. in the last sentence of No. 45, para. 20.

14 The report in the Statesman, 5 June 1947, p. 7, col. 6, corresponding to the passage in square brackets, reads as follows:

"The British decision to quit was not insincere. Since this was so, they had no legal means to enforce any protection for the minorities. But he had talked to the leaders of the country and was absolutely certain that, so long as they were in power, "they personally mean to look after the interests of the minorities as a matter of conscience, honour and fair play.""
to them and told them if I could help them in any way. I have told the leaders of the minorities to see me while I am here and I will do my best to help them. I have got great faith in the future of India and that faith remains. I do believe that the minorities are going to have fair play and a decent chance in the country.

Q. May I ask whether each Dominion will have full responsibility for its own defences?

A. Basically, each State, when it gets its independence, is wholly and solely responsible for its own defence. I must tell you that the process of partition of forces, if it is to be done in a way that will not cause the collapse of the morale and the disintegration of the army, must be done in an orderly and well-disciplined manner. When the partition has taken place, the States are absolutely at liberty whether they want to get together and have a combined plan for the defence of India or whether they want to make their own simple plan for co-ordination. From all the questions that have been asked, there is one thing which I sincerely believe is not yet clear to the people. Somehow people seem to have some doubts about this word “Dominion Status”. It is absolute independence in every possible way, with the sole exception that the Member States of Commonwealth are linked together, in effect they look for support from each other and they are pulled together in mutual trust and in due course affection.

I would like to conclude with one more word. I am really sincere in my desire to help the Sikhs; I really believe that the leaders of both the parties are equally sincere and intend to do what they can to help them. In fact I think there will be a revolution in feeling; whereas before there was mistrust and strife. I think we are going to see the leaders come together in a friendly spirit of co-operation.

One more word. In putting out your news and your leading articles [and I hope] you will all aim at one thing—peaceful, quick and speedy settlement which all of us so sincerely desire.

61

Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/170: f 18

SECRET AND PERSONAL 17 YORK ROAD, NEW DELHI, 4 June 1947

Dear Lord Mountbatten,

Thank you for your letter of the 3rd June [and] about the referendum in the N.W.F.P. I have informed Dr. Khan Sahib of what you have written.

2. Dr. Khan Sahib’s immediate question was about the change in Governors
in the N.W.F.P. This matter has been before you for some time now.² There has been progressive deterioration in the relations between the Provincial Government and the Governor and it is hardly possible to carry on the administration with this continuous conflict going on. You know how strongly the Provincial Ministry feel about this.

3. Quite independently of that Ministry and for reasons connected with External Affairs Department, I have been suggesting a change of Governors even before you assumed charge of the Viceroyalty.³ My experience during the last nine months has convinced me of this and I feel that any delay in this is harmful. Indeed this applies to some other senior officers also serving in the Tribal Areas. I have had personal experience of them both during my visit to the Frontier and later, and I feel that they are totally unsuited for their present positions.

4. For the present, however, I should like to draw your particular attention to the case of the Governor. You will find, if you have the opportunity to do so, that there is very wide-spread feeling in this matter quite apart from any party or group. This exists in many circles which have come in contact with the present Governor of the N.W.F.P. during the past years in Delhi and elsewhere.

The part that Sir Olaf Caroe played as Deputy Commissioner of Peshawar in 1930⁴ when there was large-scale shooting and killing of peaceful demonstrators still evokes bitter memories.

5. I would beg of you, therefore, to give urgent consideration to this matter.

Yours sincerely,

JAWAHARLAL NEHRU

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¹ No. 49.
² See e.g. Vol. X, Nos. 108, para. 7, 114, 133 and 325.
³ Vol. IX, No. 549.
⁴ For an account of the incident which may have been in Pandit Nehru’s mind see: Transcript of B.B.C. recording of an autobiographical memoir by Sir O. Caroe, pages 90-91 (MSS. EUR. C.273/5) in conjunction with the India Office file No. 1897 of 1930 (L/P &J/6/2003).

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62

Mr Fraser to Viscount Addison

Telegram, L/P & J/10/81: f 367

IMMEDIATE

4 June 1947, 4.52 pm
Received: 4 June, 8.50 am

No. 993.

I have just given statement contained in my immediately following message to the press. Would you please give a copy to Mr Attlee, and convey to him my congratulations on the success which has attended the announcement by the Viceroy and himself?

63

Mr Fraser to Viscount Addison

Telegram, L/P & J/10/81: f 368

IMMEDIATE

4 June 1947, 5.18 pm
Received: 4 June, 10.30 am

No. 110. Addressed Secretary of State for Dominion Affairs London No. 110, repeated High Commissioner for New Zealand in London No. 994.

Following is text of press statement on India. Begins.

In commenting upon the Viceroy’s statement on India, the Prime Minister, Right Honourable P. Fraser, said that the New Zealand Government had been following recent developments with close attention, and particularly those relating to the process by which India is to assume independence. “I consider”, said Mr. Fraser, “that as a means to expedite that process the United Kingdom Government are taking the right course in proposing to introduce legislation during the coming session for the transfer of power on the basis of Dominion status. As a member of the British Commonwealth, New Zealand is naturally and deeply interested in any decision designed to give India or parts of India the same privileges as we ourselves enjoy. It is, however, not for us to advise India as to whether she should remain within the fellowship of the Commonwealth or separate herself from it. On behalf of the New Zealand Government, however, I would like to make it abundantly clear that we in New Zealand would welcome the continuation of our partnership with India on this new basis. I would like to add”, said Mr. Fraser, “that the people of the British Dominions do not regard Dominion status as an imperfect kind of independence. On the contrary it is independence with something added, and not independence with something taken away. It carries with it membership of a free and powerful association, from which every element of constraint has vanished, but one in which a way has been found for the practice of mutual confidence and co-operation in the full respect for the independence, sovereignty and individuality of each member. The New Zealand Government therefore, in acclaiming the approaching consummation of India’s independence, express the hope that that independence may be exercised within the British Common-
wealth of Nations, to the greatly increased benefit of all members of the Commonwealth and of the whole world, and they assure the people of India in all circumstances of their friendship and goodwill." *Ends.*

¹ For General Smuts’s statement commenting on the announcement of 3 June see No. 87. Reports of statements made by the Canadian Prime Minister on 3 June and by the Australian Minister for External Affairs on 6 June may be found on L/PO/6/121: ff 7–9. Mr Mackenzie King said that: ‘The peoples of India may be assured of the sympathetic understanding and good will of the Government and people of Canada in their efforts to achieve self-government’. Dr Evatt commented, *inter alia*, that: ‘Australia’s view on broader problems confronting India must remain as expressed in my statement to House on 26th February last when I said that Australia, as member of British Commonwealth enjoying status of complete freedom of autonomy in both domestic and foreign policies, looked forward to achievement by India of similar status and similar freedom. Peoples of India could pursue all their national aspirations while maintaining link by which all members of British Commonwealth are bound together. Complete severing of links which join British and Indian peoples would be greatly prejudicial to them both and to all mankind.’

64

*Rear-Admiral Viscount Mountbatten of Burma to the Nawab of Bhopal*

Mountbatten Papers. *Official Correspondence Files: States, Relations with, Part I(b)*

4 June 1947

My dear Nawab Sahib,

I write to acknowledge Your Highness’ letter of the 3rd June, 1947, tendering your resignation of the Chancellorship of the Chamber of Princes. I am very sorry to learn of the decision at which Your Highness has arrived, but I presume that you did not reach it without a very full and careful consideration of the whole position. In the circumstances I feel that the only course open to me is to accept Your Highness’ resignation, though I do so with regret.

Yours sincerely,

MOUNTBATTEN OF BURMA

¹ Not traced.
Sir O. Caroe (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/151: ff 110-11

4 June 1947, 4.45 pm
Received: 5 June, 4 am


Premier is still absent but I have discussed with Qazi Attaullah and Mehr Chand position arising in this province as a result of announcement. As anticipated they have taken position suggested in my telegrams CA 92 of 27th May and 98 of 30th May. They say that Ministry will never accept issue as stated in para. No. 4 of announcement. They have decided against joining Hindustan and issue for them is between (a) independent Pathanistan and (b) joining new Constituent Assembly for Pakistan.

They add that release of Abdul Qayum and Samin Jan referred to in my telegram CA 99 of 31st May was result of negotiations with these League Leaders in hope that revised issue as Ministry wished it to stand should be put before Jinnah, in which case they would have agreed to coalition. They add that if referendum is on issue as stated in para. No. 4 of announcement Khudai Khidmatgar Party (it is significant that they no longer refer to it as Congress) will decline to take part in voting. They are preparing representation to be sent to Governor-General. They envisage separate Constituent Assembly for NWFP with a larger number of members which according to them would place province in stronger position to make good bargain with Pakistan.

2. I informed them that issue whether NWFP could stand alone had already been considered, with result that definite decision had been reached that it could not, and I saw no hope of revision. They referred to para. 21 of announcement, and asked me to (gr. om.) [forward] views of Ministry, which I undertook to do.

3. I have no doubt that Premier, when he returns, will take same line, and it is unlikely that Governor-General will be able to secure cooperation of Ministry in putting referendum through. Qazi Attaullah also (gr. om.) that holding of referendum on present issue might lead to Ministry’s resignation. I should expect them in any case to use private army to reduce as far as possible number of voters at poll.

[4]6. Question of legality of referendum without legal cover was also raised. I said that point had already been examined by law officers6 and it had been
decided that legality could not be challenged. Point that referendum was dependent on Punjab decisions mentioned in para. 11 was also made and countered by my saying that this did not prevent activity going ahead without delay.

5. Ministry's representation will be forwarded as soon as received, but it seems that time should not be lost in public statement that issue (? gr. om.) (is) that stated in para. 4 of statement.

6. Qazi Attaullah added that Ministry considered making point on receipt of Viceroy's letter 1446 (3) of 10th May, but did not do so. Fact that they did not take this opportunity is weak point in their case, for substantial issue was clearly stated in that letter.

1 i.e. No. 15, para. 12.
2 No. 45.
3 In these telegrams Sir O. Caroe warned that there might be an attempt to interpret the terms of the announcement as allowing the N.W.F.P. the option to vote for a separate N.W.F.P. Constituent Assembly. R/31/1/151: ff 86, 88.
4 No. 14.
5 New para. should presumably begin here, though number not shown in original.
6 See No. 15, note 3.
7 This was a letter from Lord Mountbatten to Sir O. Caroe in similar terms to his letter of the same date to Pandit Nehru (Vol. X, No. 384). R/31/1/151: f 47.

66

Mr Campbell-Johnson to Captain Brockman

R/31/1/156: f 12

4 June 1947

Captain Brockman

1. FIRST REPORTS OF WORLD REACTIONS JUST COME IN FROM REUTERS
   Acceptance of Plan front page news in all American Press.
   Paris says:—
   "Leading French Government Officials are saying it is a great triumph
   for British Statesmanship."
   Smuts has said:—
   "The approval of Churchill stamps the Settlement as a National one,
   and I assume it will be approved by the British Commonwealth."

2. REACTIONS TO H.E.'S PRESS CONFERENCE are quite the most enthuiastic I have ever known.

1 No. 45.
3 Nos. 59 and 60.
Mellor of the *Daily Herald* describes himself as “stunned by the performance”, and has never heard anything like it, and does not expect to do so again.

Stimson of the B.B.C. said it made a most tremendous impression on Indian and foreign Correspondents, in particular on the Americans, who have been deeply impressed by the argument that Dominion status provided the best constitutional means for transfer of power, and spelt genuine freedom for India, and was not just a device enabling the British to hold on.

Perhaps the thing that impressed the Correspondents most of all was H.E.’s mastery of his subject, and his capacity to quote facts and figures without a note.

Britter of *The Times* described it as a “tour de force”.

Among Correspondents there was a certain amount of malicious satisfaction that H.E. was able to deal some blows at Durga Das, who is not popular with his Indian and foreign colleagues.

A. CAMPBELL-JOHNSON

67

*Mr Abell to Rear-Admiral Viscount Mountbatten of Burma*

*R/31/136: f 195*

4 June 1947

I gather that Pandit Nehru gave notice that he would raise at to-morrow morning’s meeting the question of the Central Government inheriting the machinery of the political department.

2. There are three claims that are liable to get mixed up:—

(a) the claim to inherit paramountcy;

(b) the claim to inherit secret files about matters between the British administration and the States;

(c) the claim to inherit facilities, such as buildings and clerical staff.

3. (a) and (b) have, I think, been finally turned down. There remains (c). On this I have consulted the Political Adviser, and he will put up a considered brief.

4. Meanwhile, the position is as follows. Many of the offices of residents, political agents, etc. are in State buildings which cannot be inherited by the Central Government as a matter of course. Similarly, the clerks are often housed in State buildings. This brings one to the obvious fact that if the Central
Government, after the transfer of power, are to have their own representatives in the States it can only be done by agreement with the States. In other words, whereas it is for you, as Crown representative, to turn down the first two claims mentioned above, the decision on the third claim is really one to be negotiated with the States; and without their consent no action by the political department can be effective.

5. It seems to me quite likely that those States which intend to be represented, or are already represented, in the existing Constituent Assembly, may be perfectly willing to grant the facilities which Pandit Nehru wants. They will all, however, probably want to make it clear that paramountcy cannot be inherited by the Central Government, and for this reason they may be sticky at first.

6. I gather that a list of the buildings owned by the Government of India, that will become available, has already been furnished to the Department of Works, Mines and Power, which deals with accommodation.

7. The line to take is, therefore, that you will look into the matter, and naturally want to facilitate the work of the new Government, but that you cannot be expected to commit yourself at once, since you do not know the full facts, and since the agreement of the States will be required.

G. E. B. ABELL

1 Lord Mountbatten minuted in the margin here: ‘(b). Surely not. After scrutiny they should be available for historical records—but previous S. of S. concurrence is needed. M.’ Mr Abell noted: ‘(b). I meant by secret the ones that on scrutiny would be eliminated on the ground that they would cause embarrassment if handed over. N[ote] A[ction]. G.A. 5/6.’ For previous correspondence with Pandit Nehru on the disposal of Political Department records see Vol. IX, Nos. 496, 535 and 542, and Vol. X, Nos. 266 and 304.

68

Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/137: ff 3–4

EXTERNAL AFFAIRS DEPARTMENT, NEW DELHI, 4 June 1947

Dear Lord Mountbatten,

I am informed that His Highness the Nawab of Bhopal has written to you tendering his resignation from the office of the Chancellor of the Chamber of Princes on the ground that the Chamber will now become functus officio. Further he has stated that Bhopal State would, as soon as paramountcy is withdrawn, be assuming an independent status.

1 The Nawab of Bhopal’s letter has not been traced; for Lord Mountbatten’s reply see No. 64.
2 ‘having served its purpose’; ‘of no further official authority’.
It seems clear that the Chamber of Princes, as constituted, cannot continue to exist for long. But it is also clear that unless complete administrative chaos is to be avoided, some machinery has to continue to deal with States problems as a whole during this transition period and before other arrangements are made.

I have written to you on several occasions previously about certain steps being taken by the Political Department in regard to the winding up of Residencies, Agencies, etc., in the States. I have pointed out that while these Residencies represented the Paramount Power in regard to certain matters, they also represented the Government of India in regard to a very large number of other matters. If these Agencies suddenly disappear, there will be no point of contact left between the Government of India and the numerous States, and administrative chaos will result. If you so wish I can send you a fuller note on this subject. For the present I would point out that there are numerous matters such as Railway jurisdiction in the States, Customs, etc., distribution of food, cloth, etc., extradition and so on, which will be difficult for anyone to handle if these Agencies disappear and the States suddenly consider themselves independent. Innumerable pockets will be created in India which would encourage smuggling and criminal activities.

It has been proposed that each State should deal directly with the various Departments of the Government of India. This is an extraordinary proposal, for no Department will be able to deal with hundreds of letters from a large number of units. And even if it could deal with them, there would be no common coordinated policy. There has therefore to be not only some centralised Agency of the Government of India to deal with all such matters at headquarters, but also their Agents in the various States. They may cease to be Residents answerable to the Paramount Power, but they will continue to be Agents of the Government of India till such time as other arrangements are made. The whole administrative structure dealing with the vast number of complicated matters cannot be wound up in this way without having something to take its place.

The whole policy of the Political Department has caused us a great deal of uneasiness. It can only be described in Mr. Winston Churchill's language as operation scuttle. It seems to be deliberately intended to break up the administrative unity of India which the Government of India and paramountcy have maintained. It must be remembered that paramountcy matters are very limited in scope and at least 95% of the dealings of the States through the Residents are with the Government of India. If this policy of the Political Department is pursued, it can only mean introducing anarchy into India by the back door. Some machinery must be created to deal with these matters and till this is created, the present machinery should carry on with necessary alterations. We have today to deal with Railways, Posts & Telegraphs and so many other
matters. Are Railways to stop when they cross States’ boundaries, or is the postal system not to operate in certain States?

The States are so situated that if they are independent entities they can create very great difficulties in the administration of even the rest of India. It is impossible for us to admit the right of any of these States to independence and to do just what they will. That affects the whole of India’s administration, defence and other problems. We are prepared to deal with them in as friendly a manner as possible, but we cannot admit the right of a declaration of independence by a State such as Bhopal apparently intends to do. It must be remembered also that the right of protection which the States possess will also go with paramountcy.

I am writing to you more or less briefly on an intricate problem about which a very great deal can be said. But I want to draw your attention urgently to these developments that are taking place at the instance of the Political Department and without any reference to the Government of India. This is going to lead to a great deal of friction and possibly to worse consequences.

Yours sincerely,

JAWAHARLAL NEHRU

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3 See Vol. X, Nos. 266 and 541; also Nos 102, 218 and 236.

69

Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Mr Gandhi

Mountbatten Papers. Viceroy’s Interview No. 143

SECRET 4 June 1947, 6 pm

In connection with the last sentence in Paragraph 20 of His Majesty’s Government’s statement,1 Mr Gandhi suggested the possibility of a tripartite agreement between Great Britain and the two new Dominions—or two bi-lateral agreements.

Mr Gandhi also spoke to me of “you and your magic tricks” in getting Congress and the Muslim League to agree on anything.

Mr Gandhi said that he was very keen on going to Kashmir. I pointed out that Pandit Nehru had also declared such an intention and suggested that perhaps the best course might be for me myself to go.

Addendum to No. 69

I had received an urgent letter2 from Krishna Menon warning me that Mr Gandhi was in a very unhappy and emotional mood, and that some of the

1 No. 45. 2 No. 58.
Congress leaders feared he might denounce the plan and its acceptance at his prayer meeting that evening.

I immediately sent a message inviting Mr Gandhi to come and see me at any time before the prayer meeting. He arrived at 6 with the prayer meeting due at 7 p.m.

He was indeed in a very upset mood and began by saying how unhappy he was.

I replied immediately that whilst I could quite understand and indeed shared his upset feelings at seeing the united India he had worked for all his life apparently destroyed by the new plan, I hoped to convince him that this plan was nevertheless the only possible course.

I told him that although many newspapers had christened it "The Mountbatten Plan", they should really have christened it "The Gandhi Plan", since all the salient ingredients were suggested to me by him. I enumerated these as follows:

(a) Mr Gandhi advised me to try and get the Cabinet Mission Plan or any other plan retaining the unity of India accepted by all the leaders provided it did not involve coercion or violence. I had bent every effort to follow the first part of his advice; but when no agreement could be reached I had followed the second part of his advice and not insisted on a plan which would involve coercion with its attendant risk of violence.

(b) Mr Gandhi had advised me to leave the choice of their own future to the Indian people. It was therefore he who gave me the idea for letting the Provinces choose, and the method proposed seemed the simplest and fairest way of carrying out his suggestion.

(c) Mr Gandhi had told me that the British should quit India and transfer power as soon as possible and not later than the end of this year. I told me [him] that this had been the most difficult of all of his ideas to carry out, and I was very proud to have found a solution.

(d) I told him that I had understood that in his earlier days he had not been averse to dominion status. Mr Gandhi was kind enough to say that this was indeed so, and that even during the war he had expressed himself as not being against it; and he later sent me an extract from Harijan dated 16th December 1939, in which appeared the words: "Similarly, I have said to a friend that if dominion status was offered, I should take it, and expect to carry India with me."

Note: I subsequently reported this conversation to both Mr Krishna and Mr V. P. Menon, and asked them to work on similar lines in talking to Mr Gandhi. Both reported that the line I had taken had been remarkably successful, since Mr Gandhi now felt that I had honestly tried to follow his advice, and that he had taken a far greater part in shaping the future of India than had at first sight appeared to him from the way the Plan was worded.
SECRET
Those present at this Meeting held at The Viceroy's House, New Delhi, on 4 June 1947 at 7.30 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir E. Mieville, Mr Abell, Rao Bahadur V. P. Menon, Captain Brockman, Mr I. D. Scott, Mr Campbell-Johnson, Lieutenant-Colonel Erskine Crum

Item 1

THE NAWAB OF BHOPAL

HIS EXCELLENCY THE VICE ROY said that it was with regret that he had received a letter from the Nawab of Bhopal resigning his position as Chancellor of the Chamber of Princes. This letter was addressed to him (the Viceroy) as President of the Chamber of Princes. He said that he had made every effort to convince the Nawab of Bhopal of the folly of this action, and of declaring that his State would adhere to neither of the Constituent Assemblies.

HIS EXCELLENCY THE VICE ROY:—
directed Press Attaché to issue to the Press suitable information concerning the resignation of the Nawab of Bhopal.

Item 2

MR GANDHI

HIS EXCELLENCY THE VICE ROY stated that Mr Gandhi had come to see him at 6 p.m. that evening. In connection with the last sentence in Paragraph 20 of H.M.G.'s statement, Mr Gandhi had suggested the possibility of a tripartite agreement between Great Britain and the two new Dominions—or two bilateral agreements. Mr Gandhi had also spoken to the Viceroy on "you and your magic tricks" in getting Congress and the Muslim League to agree on anything!

Mr Gandhi had been very keen on going to Kashmir. The Viceroy pointed out that Pandit Nehru had also declared such an intention. Perhaps, as either of these visits was bound to lead to complications, the best course might be for he himself to visit that State.

1 The original has '19.70 hours'; according to A. Campbell-Johnson, Mission with Mountbatten, p. 111, the meeting took place at 7.30 pm.
2 Not traced.
3 No. 69.
Item 3

THE ADMINISTRATIVE CONSEQUENCES OF PARTITION (V.C.P. 63)

The meeting had before them the paper⁴ on this subject which had been handed to the Indian Leaders at the meeting on Tuesday, 3rd June,⁵ and was to be reconsidered with them the following day.

His Excellency the Viceroy stated that Mr Krishna Menon had told him⁶ that Pandit Nehru was most upset because there was no indication in this paper of the suggestion that the Cabinet might be split into two committees.⁷ Mr Krishna Menon had said that Pandit Nenru felt that it was of the utmost importance that this step should be taken at the earliest possible moment. He (the Viceroy) had replied that he would look further into the proposition.

Lord Ismay stated his belief that Pandit Nehru’s worry was all due to a misunderstanding. He pointed out that the paper under discussion referred to highly technical matters. Moreover, it had been put up only as a basis for discussion.

Raobahadur Menon stated that Sardar Patel’s opinion was that there was no point in reconstructing the Interim Government during the two and a half months left before it was intended to transfer power. Moreover, it was obviously out of the question to take this step before the decision on Partition had been made. As this was not likely to be done for a month, the remaining period would then be only six weeks. Other objections to reconstruction of the Government were that all the members were likely to be extremely busy on the problems of Partition over the coming period; and that the Muslim League Ministers would object very strongly to such a step as they would after it have no portfolio worth the name. Raobahadur Menon suggested that the two new Governments should be formed on or about 1st August.

Raobahadur Menon stated that Sardar Patel had told him that he thought that Mr Krishna Menon was becoming a busybody. He pointed out that Sardar Patel and Pandit Nehru were invariably in complete agreement on fundamental issues. His Excellency the Viceroy said that he was not altogether surprised at Sardar Patel’s opinion. This was a very possible solution.

The meeting then took the paper paragraph by paragraph and decided on the line to be taken at the Conference with the Indian Leaders the following day.

⁴ No. 28. ⁵ No. 39.
⁶ Lord Mountbatten had presumably had a talk with Mr Krishna Menon following receipt of No. 58.
⁷ See e.g. Vol. X, Nos. 406, para. 21; 466, Item (6); 471; 472; 517, Minute 7; and Enclosure to No. 551.
The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P & F/10/117: ff 213-14

IMMEDIATE
SECRET

7251. Foreign Office have drawn attention to following points in memorandum
I.B.(47)87 of 27th May¹ about Interim Government of which I assume you
have a copy. Points are as follows:

(i) Suggestion in (v) for appeal to U.N.O. or Hague Tribunal.² Foreign
Office presume that International Court of Justice is meant and point out that
this Court would not be able to settle a boundary dispute for following
reasons:

(a) Boundaries in such a case are not a question of international law to which
the Court is confined.

(b) Court can only decide disputes between parties already recognised
internationally as States.

Reference to U.N.O. would presumably be to Security Council. This would be
possible under Article 38 of the Charter but matter would not be free from
difficulty for similar reasons to (b) above. The Sikhs, though an interested
community, will not be a State and Pakistan will only be in course of becoming
a State.

(ii) Foreign Office consider arbitral tribunal under (k) best solution³ but feel
that proposal in regard to its composition should be developed. They consider
it essential to provide how a neutral Umpire shall be selected failing agreement.
This could be by President of International Court or by Security Council.
Former is probably preferable. Foreign Office also suggest that as tribunal deals
with cases on appeal from Boundary Commission in a case where latter has
only reached decision by Chairman’s casting vote, there will be much to be said
for having a slightly larger tribunal with two neutral members so as to give its
decision greater weight. These should be persons chosen from outside India. In

¹ Vol. X, No. 545.
² Para. (v) proposed that, in the event of any decision of the Boundary Commission being carried only
by the Chairman’s vote or by his casting vote, the minority might appeal to U.N.O. or the ‘Hague
Tribunal’.
³ ‘(k) best solution’ deciphered as ‘it would not be best solution’. Para. (k) of Vol. X, No. 545 proposed
the setting up of an Arbitral Tribunal to decide matters of dispute arising from the processes of
partition, and in para. (w) it was suggested that if U.N.O. and the ‘Hague Tribunal’ both refused to
entertain appeals against decisions of the Boundary Commission, then the minority might appeal to
this Arbitral Tribunal. It was proposed (para. (k)) that the Tribunal should consist of three arbitrators
of high judicial standing—one chosen by each of the three Governments (the paper assumed an
independent Bengal)—and an Umpire selected by agreement by these three arbitrators.
any case they suggest increasing membership from 3 to 5 though this was on assumption that Bengal would be a third independent State and that it would be suitable to have 3 Indian and two neutral members.

2. I telegraph these comments in case you are talking to leaders on these subjects on Thursday.\(^4\) I agree with Foreign Office that arbitral tribunal should be final authority but I see difficulty in increasing its size. With total of 3 you can have 1 Hindu, 1 Muslim, 1 neutral. In any larger figure one must I think bring in a Sikh. If so, at least two neutrals must be included but I doubt if quality of\(^5\) tribunal as a whole would be as good.

\(^4\) i.e. at the meeting on 5 June (No. 73).

\(^5\) ‘quality of’ deciphered as ‘international’.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/90: f 137

IMMEDIATE

CONFIDENTIAL

No. 118–G. Lahore reports five dead one injured and five fires.

2. Amritsar has had two communal riots and four fires. Casualties four dead nine injured apparently due to firing by police and troops.

3. Gurgaon disorders still widespread. People still resentful and truculent. Total number of villages burned now estimated at sixty. Casualties unknown since parties removed dead and wounded. Known dead over one hundred including sixty three brought into hospitals and about forty three disposed of by magistrates in villages. Troops not yet reinforced.

4. General situation unchanged. Reception of partition plan very mixed in Lahore and Amritsar. Hindus acquiesce. Sikhs angry and bellicose; statement\(^6\) by Tara Singh in morning papers has not helped. Muslims also angry and critical of their leaders and threatening to destroy Amritsar completely. These are only first intelligence reports which may prove wrong as I hope they will. Reactions from other districts not yet reported.

Addressed Viceroy repeated to Secretary of State, Governor U.P., Governor of Sind, Governor N.W.F.P.

\(^6\) In a statement on 4 June 1947 Master Tara Singh complained of the ‘total lack’ of any provision in the plan to give the Sikhs ‘any power or status anywhere, or for safeguarding their position and interests’. He went on to state that the ‘ultimate acceptance or rejection’ of the plan by the Sikhs would depend a good deal on the terms of reference of the Boundary Commission; that the Sikhs would not be satisfied ‘unless the dividing line is the River Chenab;’ that they would continue the struggle till their objective was obtained; that the ‘very existence’ of the Sikhs was at stake; and that the Khalsa would ‘prove to the world that the spirit of Guru Govind Singh still lives in them’. Times of India, 5 June 1947, p. 7, col. 2.
Minutes of Viceroy’s Sixteenth Miscellaneous Meeting

L/PEJ/10/81: ff 370-8

CONFIDENTIAL
Those present at this Meeting held at The Viceroy’s House, New Delhi, on 5 June 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Pandit Nehru, Sardar Patel, Mr Kripalani, Mr Jinnah, Mr Liaquat Ali Khan, Mr Nishtar, Sardar Baldev Singh, Lord Ismay, Sir E. Mieville; Lieutenant-Colonel Erskine Crum (Secretariat)

Item 1

THE ADMINISTRATIVE CONSEQUENCES OF PARTITION
The Meeting had before them a paper\(^1\) entitled “The Administrative Consequences of Partition”, copies of which had been handed to the Indian Leaders at the meeting on Tuesday, 3rd June.\(^2\) HIS EXCELLENCY THE VICEROY emphasized that this paper was only a basis for discussion.

Matters on which a decision will have to be reached

Paragraph 2 of this paper gave a list of matters on which a decision by agreement or, if necessary, by arbitration, would have to be reached. HIS EXCELLENCY THE VICEROY asked whether it was considered that these matters were correctly set out here. He pointed out that the list was not necessarily exclusive.

PANDIT NEHRU said that he did not understand the reference to a “division of the staff, organisations and records of Central Civil Departments”. As he saw it, there was at present an Entity of India. Certain parts of India were being given the opportunity to secede from this Entity. The functions of the Government of India would continue. The seceding parts would have to build up their own Government.

MR JINNAH said that he and Pandit Nehru were starting off from completely different premises. It was not a question of secession, but of division.

PANDIT NEHRU said that he did not agree. It was a fundamental point that India, as such, would continue.

Concerning Pandit Nehru’s misunderstanding of Paragraph 2, HIS EXCELLENCY THE VICEROY explained that it would be necessary for those members of the staff of Central Civil Departments who lived in Pakistan to transfer to the Pakistan Service. Similarly, British officials would have to be divided between the two States. Back files would have to be copied. It was to be presumed that many of the laws at present in existence for India as a whole would be left in

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\(^1\) See No. 28.
\(^2\) No. 39.
force in Pakistan until they were replaced. Copies of files appertaining to such matters would obviously have to be made available to the Pakistan Government.

**Government in the Interim Period**

PANDIT NEHRU asked how it was intended to carry on Government during the period from the decision on Partition, which would probably take place towards the end of June, until the two new Dominion Governments were set up—a period of say six weeks. When the Partition decision was reached, a vital change would have taken place. The two new States would already then come into existence in embryo. When this happened, the whole nature of the Government of India would change. Some arrangements would then have to be made immediately, as certain members of the Interim Government would be interested in one State and some in the other. There would be a complete division of interest. It would become very difficult to carry on as at present. Arrangements would have to be made so that neither side would feel that the other was interfering in their business. The question definitely arose as to how the processes of Government could be carried on from then onwards.

HIS EXCELLENCY THE VICE ROY said that this point had been stressed to him by the Congress Leaders before he had left for London. But now that the interim period before the transfer of power was to be so much shorter, the seriousness of the problem had diminished. He felt that this question should be considered separately at a later stage.

**Decisions in connection with the partition of Provinces**

Paragraph 3 of the paper before the meeting read “Similar decisions will be necessary as between parts of Provinces”. PANDIT NEHRU gave his opinion that the problem of the division of Provincial subjects was part of the main central problem. He did not agree that the Governors of the Provinces concerned should be solely responsible.

**The Partition Tribunal**

MR JINNAH said that there were many things to do. He wanted to try to understand which was the first. They could not all be done at once.

HIS EXCELLENCY suggested that the first step should be to set up a Partition Committee. (It was subsequently provisionally decided to call this the ‘Partition Tribunal’; and it will be referred to as such in these Minutes). The Partition Tribunal would decide the order of priority with which to deal with the various other matters.

At first MR JINNAH took the line that no steps could be taken, not even with regard to setting up the Partition Tribunal, until the respective Constituent
Assemblies were complete. Later, however, he agreed to the suggestion that the Partition Tribunal should be set up forthwith. He referred to the representatives appointed by either side to the Partition Tribunal as "quasi-arbitrators". He was, at first, in favour of only one member being nominated by each side, but later agreed to two; and that a third substitute should be nominated in case of sickness. Pandit Nehru also agreed with this. It was further agreed that the members of the Partition Tribunal should be the highest political leaders. Mr Jinnah was violently opposed to [the proposal that] there should be a fifth member of the Tribunal in the shape of a minority representative.

Mr Jinnah gave his view that the Partition Tribunal should be the supreme and final authority. It should not be responsible to the present Interim Government. He visualised that the present Government would continue to work only on a caretaker basis. Neither the present Executive nor the present Legislature could undertake any question of policy or planning.

His Excellency the Viceroy said that the question of to whom the Partition Tribunal should be responsible was a very interesting constitutional point. In his opinion, it could be resolved by saying that, in the first instance, it would be responsible to the Governor-General in Council, but that all its decisions should later be ratified by the two Governments after power had been transferred.

Pandit Nehru said that he disagreed that the functions of Government could be completely stopped during the interim period, as he had understood Mr. Jinnah to suggest. He further stated that he considered that the All-India Congress Committee and the All-India Muslim League Council should ratify the appointment of the members of the Partition Tribunal and of the Umpire.

Mr. Jinnah suggested that the decisions reached by the Partition Tribunal should be signed by the members thereof, who would afterwards be bound to see that their respective Constituent Assemblies ratified them.

The Viceroy pointed out that the existing Constituent Assembly could immediately ratify agreements on behalf of Hindustan. Pandit Nehru agreed that the Hindustan Constituent Assembly might want to have a say in the matter. He asked what would happen to the Partition Tribunal after Dominion status had come into operation. The general feeling of the meeting was that the two new Governments would then have to decide whether to continue the previous system, or whether to change it.

The Umpire

His Excellency the Viceroy stated that His Majesty’s Government had declared themselves averse to him acting as Umpire,4 empowered to give a final decision. He also was averse to this procedure. The Umpire would

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3 See e.g. Vol. X, Nos. 406, para. 21, 471 and 472.
4 Possibly a reference to Vol. X, No. 545, para. (k).
undoubtedly very soon become the subject of considerable odium. Without any disrespect to either party, he wished to point out that completely impartial decisions were very seldom welcomed by both sides. The Umpire should be somebody agreed to by both sides—somebody who was willing to give true and fair service. His Excellency suggested that a man experienced in judiciary affairs would be most suitable. With this suggestion there was general agreement. His Excellency said that he was prepared to enter the discussions if required by both sides, but not to give final decisions. All the Leaders at the meeting expressed their complete agreement that His Excellency should not be the Umpire. His Excellency asked them to send him a list of names in order of preference for those whom they suggested should be appointed to this position.

The Steering Committee

It was provisionally decided that the next highest Committee should be called the “Steering Committee”.

LORD ISMAY put forward the suggestion that this intermediate body, instead of being called “Steering Committee”, should be a Joint Secretariat.

MR. JINNAH expressed himself in favour of this suggestion. He thought that a highly efficient secretariat would be sufficient. There was not, in his opinion, any question of the intermediate body taking preliminary decisions. Eventually, however, he appeared to give his consent to the formation of a Steering Committee.

PANDIT NEHRU was opposed to the suggestion that a Joint Secretariat should take the place of the Steering Committee. He considered that the Partition Tribunal would be unable to cope with its task unless there was a whole-time intermediate Committee immediately subordinate to it to undertake all functions except the final decision.

MR. LIAQUAT ALI KHAN suggested that the Steering Committee should consist of experts or officials.

PANDIT NEHRU said that he considered that reference to “officials” or “non-officials” was confusing. He agreed, however, that the Steering Committee should be composed of experts. It was, he suggested, up to the two sides to nominate anybody they wished to serve on this Committee.

LORD ISMAY suggested a further alternative—that the Steering Committee should consist of two political leaders as joint chairmen and, for its members, the chairmen of the sub-committees. The general feeling of the meeting was opposed to this suggestion although it was considered that the chairmen of the sub-committees might well be ex officio members of the Steering Committee.

HIS EXCELLENCY THE VICEROY said that he was inclined to agree with the Congress viewpoint that something more than a Joint Secretariat would be required. He felt that a Steering Committee of experts was the right solution.
He suggested that the Steering Committee might consist of three members from each side, including perhaps a minority representative from each.

The meeting agreed that the Viceroy should give an account of the decisions reached, in the form of a written paper, at the Cabinet Meeting the following day.

**Resignation of Members of the Interim Government**

**HIS EXCELLENCY THE VICEROY** asked whether both sides agreed that he should call, after the decision on Partition, for the resignation of the members of the Interim Government in order that the prospective leaders of the new Governments or Government might be free, without embarrassment, to select their colleagues. **MR. JINNAH** emphasized that he did not consider himself responsible nor a party to anything which the Executive Council or the Governor-General in Council might decide.

**The Constituent Assembly**

In answer to a question from His Excellency, **MR. JINNAH** said that he agreed that the Muslim League representatives of the Provinces of Hindustan should take their places in the existing Constituent Assembly if Partition was decided.

**The Boundary Commissions**

**HIS EXCELLENCY** suggested that the Boundary Commissions should not, as was envisaged in the paper before the meeting, report through the Steering Committee and the Partition Tribunal to the Governor-General, but rather that it should report direct. This suggestion was generally accepted. **HIS EXCELLENCY** also suggested that one Sikh representative from either half of the Punjab should be appointed to the body which would set up terms of reference for the Western Boundary Commission. He said that he would confer with the different parties in turn concerning these terms of reference, before convening a full meeting.

**HIS EXCELLENCY THE VICEROY** added that the State of Bahawalpur would have to give evidence before the Western Boundary Commission, in connection with arrangements for water supplies for that State.

**IT WAS AGREED:**

(i) That a Partition Tribunal should be set up forthwith; that it would consist of four members (with a reserve from either side in case of sickness); they would be chosen from among the highest political leaders; and that Pandit Nehru and Mr. Jinnah would forward the names of their choice to The Viceroy;

(ii) That, after the transfer of power, the two new Governments would consider whether to continue the Partition Tribunal procedure, or to introduce a new one;
(iii) That the Governor-General should not be the Umpire, but that a man experienced in judiciary affairs should be chosen for this appointment; and that Pandit Nehru and Mr. Jinnah should send to the Viceroy a list of nominees for this post;

(iv) That a Steering Committee, consisting of experts, should be set up;

(v) That the Viceroy should inform the Cabinet the following day of the decisions reached at this meeting; and that The Viceroy's Staff would prepare a paper for this purpose;

(vi) That the Boundary Commissions should report direct to the Governor-General; and that His Excellency should consult the different parties in turn before convening a full meeting to consider the terms of reference of the Boundary Commissions;

(vii) That a further meeting would be held at 10 a.m. on Saturday, 7th June, 1947.

Item 2

The States

His Excellency the Viceroy gave a brief account of his meeting with members of the States Negotiating Committee on Tuesday, 3rd June. He said that he had done nothing to encourage any of the States to stand out alone and to join neither Constituent Assembly. He had given no official advice on this point, but was prepared to give his personal advice if and when he was asked for it. He said that he had advocated the desirability of arrangements being made for interim agreements on a stand-still basis pending the ratification of existing agreements or the preparation of new ones. Both Mr. Jinnah and Pandit Nehru declared themselves in favour of this.

Pandit Nehru complained that the procedure at present being adopted by the Political Department in connection with the lapse of paramountcy was sabotaging all the existing machinery and was likely to produce administrative chaos. He pointed out that by far the greater part of the work done by the Residents was not in connection with paramountcy, but to do with the Government of India. Some machinery was essential to carry on this co-ordination. There was a degree of such machinery in existence for those States which had joined or would join the Constituent Assembly; but it was essential for the Government of India to have contacts with all the States after the lapse of paramountcy.

His Excellency the Viceroy said that he would give the points raised by Pandit Nehru his serious consideration.

5 No. 43.
Sir C. Corfield to Mr Abell

R/3/1/137: f 6

SECRET

POLITICAL DEPARTMENT, NEW DELHI, 5 June 1947

My dear Abell,

Please refer to your endorsement, No. 592(89) without date, forwarding a copy of a letter dated the 4th June 1947 from Pandit Jawaharlal Nehru to H.E. the Viceroy about the Political Department and retraction of paramountcy.

Pandit Nehru’s letter contains so many misconceptions, which we have attempted to clarify in correspondence with Lord Wavell and His Excellency during the last eight months, that I feel it would be valueless to comment on the contents of this letter in detail.

The programme for the retraction of paramountcy in all its aspects has been carefully and thoroughly examined, has been approved by the Crown Representative and the Secretary of State, and has been in operation for two months. The whole object of the programme was to ensure that the least possible administrative chaos resulted therefrom. This object is well on the way to being secured except in regard to questions over which the Central Government refuse to cooperate and which I have already reported to His Excellency. If there is a counter-attack on this programme as a whole as well as non-cooperation on particular aspects, there will certainly be administrative chaos, which I shall be powerless to prevent.

As regards the specific proposal that the Central Government should take over the machinery of paramountcy for the purpose of coordination, I have already stated more than once the objections. If these are inadequate, I suggest that His Excellency should see the Standing Committee of the Chamber of Princes some time tomorrow and sound them on this proposal.

Yours sincerely,

C. L. CORFIELD

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1 No. 68.
2 See Vol. X, Enclosure to No. 556 for a full summary by Sir C. Corfield of the development of the Political Department’s policy.
3 Ibid., para. 9.
4 See e.g. Vol. X, Enclosure to No. 25, and Enclosure to No. 556, paras. 4 and 12.
75

Rear-Admiral Viscount Mountbatten of Burma to Mr Attlee (via India Office)

Telegram, Mountbatten Papers. Official Correspondence Files:
Transfer of Power, Part IV (b)

IMPORTANT

CONFIDENTIAL

NEW DELHI, 5 June 1947, 3.30 pm

No. 1307–S. Please pass following to Prime Minister.

2. I am most grateful for the message of congratulations¹ from the whole Cabinet which you have sent me.

3. I can never tell you how much your personal backing and that of the whole Cabinet has meant to me in these difficult negotiations.

¹ No. 56.

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Mr Abell to Mr Turnbull

Telegram, Mountbatten Papers. Official Correspondence Files:
International Status of the New India

IMMEDIATE

SECRET

NEW DELHI, 5 June 1947, 3.30 pm

Received: 5 June, 4.50 pm

No. 1308–S. It is already clear that Nehru holds strongly that Hindustan will succeed to India’s position as an entity in international affairs¹ and will be represented automatically at U.N.O. I believe that official view is that two new states will be created and that neither of them can claim to be India.

The matter is obviously of great importance and likely to lead to trouble here. Can you get any advice on this?

¹ cf. No. 73, 3rd para.
77

Rear-Admiral Viscount Mountbatten of Burma to Sir F. Burrows (Bengal)

Telegram, Mountbatten Papers. Official Correspondence Files: Bengal, Partition of, Part II(a)

NEW DELHI, 5 June 1947, 3.30 pm

SECRET

No. 1312-S. I saw Suhrawardy to-day. He said he had spoken to K. S. Roy, who did not think it worth while forming a coalition for a few months. No doubt you will discuss the matter further with leaders after Suhrawardy’s return.

1 See No. 54.

78

The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Letters to and from the Secretary of State

PRIVATE AND SECRET

INDIA OFFICE, 5 June 1947

Dear Mountbatten,

I would like first of all to add to the message from the Cabinet already telegraphed to you by the Prime Minister an expression of my personal congratulations on what you have achieved. Although no well-informed person would be so foolish as to minimise the risks attendant upon the policy that has been announced or the scope for mischief still left to fanatics and those elements in Indian politics which do not sincerely desire a settlement broadly acceptable to all the main parties, there can be no denying that at the present moment the prospects of such a settlement appear to be more real than they have ever been before and we are all deeply conscious of the degree to which this is due to you personally. I greatly hope that during the coming critical months you may be enabled to complete the work which you have so successfully begun.

2. It was of the utmost value that the Prime Minister and I were able to preface our reading of the announcement in Parliament by saying that the plan had been received favourably by the leaders of all parties.2 It was, of course, only after the announcement had been made that we received your telegram reporting in detail the course of your meeting with the leaders of the three parties on the morning of 3rd June and learnt of the awkward corners you had

1 No. 56.  
2 See Nos. 34, 37, and 40.  
3 No. 53.
had to turn with each of them and of the help you received from V. P. Menon in dealing with Nehru and Patel. It looks very much from here as if Gandhi, having failed in his efforts to sabotage agreement on this occasion, has now thought it wise to try and get in on the ground floor before it is too late; but, even if this is the correct interpretation of his actions, his support will be no less valuable for that. There would seem to be good ground for hoping that acceptance of the plan will now be ratified by the All-India Committees of Congress and the Muslim League since a failure to ratify on the part of either would involve the throwing over of its Working Committee and an immediate prospect of large scale civil strife. If the plan is ratified, the broadcast appeals of all three leaders should contribute substantially to the preservation of order during the transition period.

3. Thanks to the promptitude with which you informed us of the changes in the text of the announcement, all the arrangements went very smoothly at this end and we actually succeeded in getting the White Paper released immediately after the actual making of the announcement. You will doubtless have seen full press reports of the reception of the announcement in both Houses and will, I know, share my pleasure at the compliment paid by Winston Churchill to the Prime Minister, which created a very favourable impression in the House. I hope you noticed the pleasant tributes paid you in the Lords by Bobbety Salisbury and Perth. Thanks very largely to Joyce’s efforts, the publicity arrangements at this end proved most satisfactory and the maximum possible coverage was obtained both from the B.B.C. and the Press. Perhaps you were able to listen to the B.B.C.’s 9 p.m. broadcast which contained an excellent summary of the plan besides the Prime Minister’s broadcast and relays of your broadcast and of extracts from the broadcasts by the Indian leaders. The press reactions have been uniformly favourable, save only for the “Daily Worker”!

4. As you have pointed out in one of your telegrams, it will be of vital importance to ensure that there is no “resting on oars” now that the announcement has been made but that all necessary consequential action is pressed ahead as fast as possible. You may rest assured that we shall do all we can at this end to help you retain the initiative and make full use of the advantage gained.

5. I was very grateful to you for keeping Rance in touch with developments in Delhi in the final stages. We have just received a telegram from him reporting the first reactions of his Council to the Indian announcement which are not unpromising. If, as we really believe, it would be as advantageous to India and Burma themselves as to this country that they should remain within the Commonwealth, everything will depend on our ability to bring home to the leaders of both countries during the next few months the validity of this belief.
6. To turn to other matters, you will be glad to hear that, on a joint memorandum from the Colonial Secretary and myself, the Cabinet this week agreed to raise the ban on the admission of persons of non-European descent to permanent engagements in the Royal Navy and the British Army and an announcement to this effect was made in Parliament yesterday. This change of policy is, of course, of much greater significance to the Colonies than to India but, so far as India is concerned, it will be a real gain both in principle and because it will enable Indians resident in this country to join all three Services.

[Paras. 7–9, on re-employment prospects for members of the Indian Forest Service; and para. 10, on preparations for the Indian Art Exhibition, omitted.]

11. I understand that it was at your suggestion that Chundrigar originally decided to visit London on his way to Geneva. You will be glad to hear that we secured agreement to his being treated as a guest of H.M.G. during his stay and that, before leaving for India, he wrote me a letter which showed that he had enjoyed his visit. A number of social functions were arranged in his honour.

12. At your request Ismay brought to my attention while he was in London your desire to obtain a generous allotment of honours for the next two lists and I assured him that, although proposals of this kind have to be submitted for the approval of the Committee on the Grant of Honours, Decorations and Medals, I would consider your proposals when they are received with the utmost sympathy and give them all the support I could. You will no doubt have already realised that the likelihood that the successor authorities in India will have obtained Dominion status before the end of the present year has a bearing on this question and that it may be that your wishes in regard to honours will have to be met by a special “Transfer of Power List” in advance of the next New Year List. Doubtless I shall be receiving your recommendations on this matter before long.

[Para. 13, on recommendations for honours for members of the British mercantile community in India, omitted.]

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4 See Nos. 46, 47 and 48.  5 See Nos. 13 and 39, note 3.
6 See No. 45 and its note 1.
9 No. 57.  10 No. 44.  11 Nos. 46, 47 and 48.
12 No. 53, para. 9.  13 See No. 29.  14 Not printed.
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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

L/P&E/J/10/141: f 180

TOP SECRET

THE VICEROY'S HOUSE, NEW DELHI, 5 June 1947

1446(16)

My dear Listowel,

I am proposing to send a letter on the following lines to the Provincial Governors¹ and should be glad to know if this is correct and in agreement with the wishes of the King and His Majesty's Government.

"On the date of the transfer of power to the two new Indian Dominions I intend to offer my resignation as Viceroy and Governor-General of India to His Majesty. I should like you to send me an offer of resignation of your Governorship, which I shall forward at the same time as mine. When the time comes you should inform your Chief Minister of the action you are taking."

Yours sincerely,

MOUNTBATTEN OF BURMA

¹ [Note in original by Lord Mountbatten:] and, of course, Chief Commissioners.

80

Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Partition, Administrative Consequences of

SECRET AND PERSONAL

17 YORK ROAD, NEW DELHI, 5 June 1947

Dear Lord Mountbatten,

I have given a great deal of thought to the talks we had at this morning's conference² and I feel that it would be desirable to clarify the position further. I am afraid I do not like at all the idea of carrying on more or less in our present way for another two months. This [is] not merely a question of time, but deeper issues are involved. I shall, of course, discuss this matter with V. P. Menon when he comes to see me. May I suggest to you to discuss this matter with Krishna Menon who might perhaps be able to help? I understand that some discussions on these subjects took place with him in London.²

2. I have had occasion to discuss briefly with a few of my colleagues the proposals to form Partition Councils and the like. Their reactions confirmed
my own way of thinking on the subject. We propose to consider this matter more fully tomorrow with our colleagues, and if necessary I shall let you know what they think about it. It is obviously a vital matter and it may make a great deal of difference.

3. As I view it, we are trying to provide a procedure for two Governments or two embryo Governments to settle this question of division. We should, therefore, follow the normal procedure in such cases, i.e., representatives of Governments should meet together and come to political decisions. Essentially most of the decisions will be political and only some of a judicial character. In case of lack of agreement on a particular point, the matter might be referred to a Tribunal which may be created previously for this purpose. I should like to separate the Tribunal from the high-powered supervising political committee representing the two embryo States. Mixing the two functions up does not appear to be desirable.

4. The representatives of the two embryo States may for the present be representatives of the major parties. They should function normally as such representatives do, that is to say they will take their directions from their principals whenever necessary. Those principals may even change their representatives if they consider it necessary just as representatives of Governments may be changed. This will give reality to the picture and the committee or council will be in close touch with the forces that matter in dealing with political problems. To appoint a permanent committee with full powers would be to isolate it from those forces.

5. Thus I would suggest that there should be a Partition Council consisting of four persons or some such number. This council will be the final authority subject to disputed matters being referred to a separate Tribunal of say three senior Judges whose decision on those points should be final. Then there would be a Steering Committee and the other committees as proposed this morning.

6. This would involve a separation of the judicial and political functions and instead of an umpire we would have a small ad hoc judicial tribunal for special purposes referred to it.

7. These are my personal suggestions for the present. As I have said above, I am discussing this matter more fully with my colleagues.

Yours sincerely,

JAWAHARLAL NEHRU

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1 No. 73.  
2 See e.g. Vol. X, No. 551.
Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Dr Khan Sahib

Mountbatten Papers. Viceroy's Interview No. 144

SECRET

5 June 1947, 6.30 pm

(Note:— Lt. Colonel Erskine Crum was in attendance during the latter half of this interview and dictated the record.)

I showed Dr Khan Sahib the telegram¹ which had arrived from Sir Olaf Caroe that afternoon, saying that he had seen two members of the N.W.F.P. Government who said that they refused to accept paragraph 4 of the Announcement² and would not in any circumstances co-operate in the referendum unless a third choice for an independent Pathanistan was included. I explained to Dr Khan Sahib that this third choice had been excluded for all Provinces on the express request of Congress; and that I had asked Pandit Nehru how he suggested that a Province of three million people could stand out alone with a reasonable chance of success. I told him that Pandit Nehru had agreed that it could not and would have to join one or other of the new States after a while. I had asked Pandit Nehru why it should not do so now. He had seen my point.

Dr Khan Sahib said that I should take no notice of this telegram from the Governor. He said that he would go straight back to the N.W.F.P. and let me know what the true situation was. He seemed to grasp the reasons for my refusing to change paragraph 4 but he stated categorically that the N.W.F.P. would never join Pakistan. He said that he did not understand how Pakistan was going to be run. I pointed out to him that the fact that the Western Punjab would be between the N.W.F.P. and the rest of Hindustan in no way made it impossible for the N.W.F.P. to join Hindustan. A similar situation prevailed as between Western and Eastern Pakistan.

He told me that he considered it absolutely necessary that Sir Olaf Caroe should be replaced before the referendum took place. He felt that the appointment of a new Governor would make an immense difference to the way the referendum was carried out.

I recalled that Dr Khan Sahib had previously told me that he would not trust I.C.S. officers to run the referendum. I informed him that I had arranged for 9 British officers of the Indian Army to be made available for this purpose. He appeared very pleased about this and said that he "preferred military people".³

Finally, I asked him whether he would really co-operate in the running of the referendum. He replied quite sincerely "I will do my best".

¹ No. 65. ² No. 45.
³ On another copy, Lt. Col. Erskine Crum noted 'for the edification of PSV, DPSV and APSV: "Wise man".' Mr Abell rejoined: 'I wonder he didn't ask for sailors.' R/3/1/151: f 118.
82

Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab) and Sir F. Burrows (Bengal)

Telegram, R/3/1/157: f 3

IMMEDIATE

CONFIDENTIAL

NEW DELHI, 5 June 1947, 9 pm

No. 1318–S. At my press Conference there were a good many questions about the provisional nature of the boundaries in the Punjab and Bengal. Although it may be impossible to get the decisions of any Boundary Commission implemented before the transfer of power it is important that in your conversations you should stress the provisional nature of the boundaries, and the fact that the notional partition has only been used in order to enable us to get ahead with the necessary speed. It should also be stressed that the Boundary Commission will obviously not consider the matter pre-judged by the fixing of these arbitrary boundaries, but will go into the merits.

83

Sir O. Caroe (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/151: f 115

IMMEDIATE

SECRET

5 June 1947, 10 pm

Received: 6 June, 6 am

No. CA/106. My telegram CA/105 para. No. 5.

2. My Chief Secretary and other officials have suggested that peaceful referendum would be far more likely if the three issues of Hindustan, Pakistan and Pathanistan could be put before electors. Apart from probability that alteration of this kind would secure ministerial cooperation it is argued that introduction of new issue might split vote on both sides.

3. I understand that Your Excellency in press interview yesterday said that you were willing to consider Pathanistan issue if all parties agreed.² From my

¹ No. 65.
² At his Press Conference on 4 June, Lord Mountbatten, in the course of exchanges with press representatives on the demand for an independent Pathan State, was asked: 'Are the Frontier people free to select the issue on which they will vote in the referendum?' He replied: 'If they can get the High Commands of the two parties to agree to it, and if they want to vote for independence, I will agree. If on the other hand only one wishes it, then we stick to what we agreed on originally.' The Statesman, 5 June 1947, p. 7, col. 5.
limited knowledge it seems to me impossible that League could agree and that introduction of third choice might upset large measure of agreement already secured between the parties on all-India basis. Moreover reality of case is that Frontier could never stand alone.

4. Since however those in favour of Pathanistan will carry opposition to great lengths if issue stands as at present I think considerations here given should be fully weighed. I think too many advocates of Pathanistan are sincere and some of Jinnah's local supporters are not without sympathy for this idea. As matters stand I shall naturally give no encouragement to suggestions on these lines.

84

Mr Campbell-Johnson to Mr Joyce

Telegram, Mountbatten Papers. Official Correspondence Files: Transfer of Power, Publicity Arrangements for Announcement of

IMPORTANT
CONFIDENTIAL

NEW DELHI, 5 June 1947, 10.20 pm  Received: 5 June, 10.45 pm
No. 1316-S. His Excellency's Press Conference was a tremendous success, and has done much to clarify and stabilise the situation and control the whole tone of press comment.

Over 200 correspondents were present, and their reactions were quite the most enthusiastic I have ever experienced. His Excellency's performance was described as a Quote de force Unquote. He spoke throughout without a note, and his mastery of his subject made the deepest impression. The Statesman reports Quote It was a remarkable performance, physical, rhetorical as well as logical, and a great majority of the journalists must have come away deeply impressed by the Viceroy's evidently profound understanding of the Indian problem. Unquote. Leader comment in the Statesman called it Quote An Extraordinary achievement of intellect and personality, and by it many lurking misconceptions should be removed from the public mind. Unquote.

Two critical comments should be noted:

(1) Hindustan Times, whose Leader states Quote We still hope that it will be made quite clear in due course that membership of the Commonwealth would be open only to India as a whole. Unquote. This Leader, undoubtedly inspired by Devadas Gandhi who asked H.E. the first question on these lines regarding para. 20 at the Press Conference. This subject will need careful background treatment.

(2) Indian News Chronicle, which stressed Balkanisation danger, arising from
future partition of the States, the argument being that if there is no independent 
choice for the North West Frontier Province on the grounds of Balkanisation 
danger, what about the States. His Excellency is asked to throw the whole 
weight of his influence Quote on the side of progress and fair play, and prevent 
the States Ruler[s] playing an anti-national role. Unquote. 

On present form, I consider these are likely to be the two most dangerous 
points of criticism at this end. 

Partition of Punjab as it affects Sikhs, Calcutta and support of Pathanistan 
claims in North West Frontier Province will also need watching. 

Many thanks for your 7194,4 delighted all went so well your end. Release 
plans worked very smoothly here and broadcast reception apparently excellent, 
your prompt help and advice invaluable.

1 Nos. 59 and 60.  
2 See No. 66, penultimate sentence. 
3 See No. 60, note 12. 
4 In tel. 7194 of 3 June, Mr Joyce described the favourable reception given to the announcement by 
the House of Commons, and reported on the smooth operation of the publicity arrangements. 
L/I/1/7/68: f 342.

85

Sir O. Caroe (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten 
of Burma

Telegram, Mountbatten Papers. Official Correspondence Files: North-West Frontier 
Province, Situation in, Part I(b)

IMMEDIATE

CONFIDENTIAL

5 June 1947, 11.10 pm

Received: 6 June, 9 am

192-CB. Moslem League agitation officially called off throughout province by provincial War Council. No activities 4th except picketing Mansehra where instructions apparently arrived late. Moslem League jubilant but depression continues among minorities. 

Addressed to Viceroy, Secretary of State, Governor of Punjab, Governor of Sind.

86

Sir A. Hydari (Assam) to Rear-Admiral Viscount Mountbatten of Burma (Extract)

Mountbatten Papers. Letters to and from the Governor of Assam

GOVERNMENT HOUSE, SHILLONG, 5 June 1947

2. I am very sorry that what in recent months seemed inevitable, namely the 
rejection of the Cabinet Mission Plan, has in fact happened and the unity of 
India has at least for some time to come been broken; but my Ministers, while
regretting in principle the partition of India, were relieved at the rejection of the Cabinet Mission Plan with the possibility of Assam having to join a Group with Bengal. They, both Hindu and Muslim (these belong to the Jamiat-ul-Ulema), were pleased with the Announcement and Assam's share in it. Mookerjee, B. K. Das, Abdul Rashid and Abdul Matlib Majumdar, who all belong to the Surma Valley, are confident that Sylhet will elect to remain with the rest of Assam. Medhi and the others do not mind if Sylhet goes to Eastern Bengal; in fact I suspect that Medhi would be quite pleased if it did. I put the chances at fifty-fifty.

87
Sir Evelyn Baring* to Dominions Office

Telegram, L/P & J/10/81: f 353

EN CLAIR

5 June 1947, 6.45 pm
Received: 5 June, 10.25 pm

No. 168. Following is text of statement on India by General Smuts in House of Assembly 4th June. Begins.

In spite of India's recent attitude towards South Africa, I hope that she will not resent my expression of deep interest in settlement² which Mr Attlee has just announced in British Parliament. The approval of Mr Churchill³ stamps that settlement as a national one, and I assume that it will also be approved by British Commonwealth as a whole. Its principal feature is that British Parliament will without delay pass Legislation conferring Dominion status on India, whether as one state, or as partitioned into two states. The new India will therefore start as a member of British Commonwealth, but with all freedom which Dominion status implies. Whether India will be united or divided into Hindustan and Pakistan will be a decision for Indians themselves to make. Even the Pakistan Provinces may elect to remain as they are, or to be partitioned according to their communal affiliations. In these stormy and uncertain times it must be a matter of no small importance to India that she starts her career within the grand community of Commonwealth with all the stability and prestige which that fact implies, and it may well be that, whether as one or as two Dominions, she may find the advantages of the Commonwealth association outweigh all other considerations and inducements to charter her future course alone. In that association she will have all the goodwill, sympathy and co-operation from her fellow members, which may be a precious asset in the dangerous years to come, and the vast changes they may bring. Ends.

¹ British High Commissioner in South Africa.
² No. 45.
Mr R. A. Butler to Rear-Admiral Viscount Mountbatten of Burma
Mountbatten Papers. Demi-Official Correspondence Files:
Misc. BU-BY

RACQUET AND TENNIS CLUB, 370 PARK AVENUE,
NEW YORK, 5 June 1947

My dear Viceroy,
I write from America to congratulate you on what appears from this distance
to have been a most successful start for the future.

The American Press has "carried" very full reports indeed and our country's
stock appears to have risen.

Please give my regards to Edwina.

Yours sincerely,
R. A. BUTLER

Lord Mountbatten replied on 17 June thanking Mr Butler for his congratulations. He added:
'I am trying to keep up the momentum of our good start, and hope to be able to carry the thing
through without any major troubles.

I was interested in what you say about the reactions in the American Press. That country is,
generally speaking, more alive than most to the magnitude and complexity of the Indian problem.'

Sir A. Clutterbuck to Dominions Office

Telegram, L/PO/6/121: 9

5 June 1947, 8.04 pm
Received: 6 June, 7.40 am

No. 496. Your telegram Z. No. 31 of 3rd June. India.

Prime Minister released statement to Press on 3rd June and repeated this in
reply to Parliamentary question on following day. Following is text. Begins.

The peoples of India may be assured of the sympathetic understanding and
good will of the Government and people of Canada in their efforts to achieve
self-government.

It is of the utmost importance to the future peace and prosperity of other
countries, as well as of India, that this end should be peacefully achieved, and it
may be taken for granted that once the Indian people as well as their leaders
have reached agreement on their future political status they will find Canada

1 Not traced. Probably a circular notifying text of statement.
generously pre-disposed towards self-government. The result may be to enlarge the number of states within the British Commonwealth. *Ends.*

2. In reply to supplementary question as to whether Canada has “consented” to new proposals for India, Mr Mackenzie King said that in accordance with general procedure Canadian Government had been kept fully informed and had been asked if they wished to make any comment, but that this to his mind meant something different from consultation. The reply given to the United Kingdom Government would be clear from the statement he had just read.\(^2\)

3. Full text of Prime Minister’s remarks follows by air mail.\(^3\)

4. Initial comments of press in Eastern Canada generally express great pleasure at the possibility of India remaining in the Commonwealth, though there is some anxiety about the prospects of partition. Warm praise is given to the Prime Minister and to the Viceroy. Editorials emphasise this further proof of Britain’s sincerity, saying that the Prime Minister’s announcement “is stamped indelibly with good faith of Britain” (*Ottawa Journal*). The Montreal *Daily Star* commenting on the offer of Dominion status says “They will be as free in the Commonwealth as they would be outside and at the same time enjoy the inestimable advantages of close association with Britain and the Dominions. Our experience can help India to find peace and unity even if it should be necessary to find them in diversity of Government”. News reports have given prominence to tributes to Mr Attlee and Viceroy and to Mr Churchill’s expression of satisfaction at the latest developments.

5. The only hostile criticism so far appeared in the insignificant and Communist controlled *Daily Tribune* which declared that the new plan is a deliberate manoeuvre to retain British imperial control and that its outstanding achievement “is to assure that the vast treasures of India will continue to pour into British coffers”.

6. I will report further on press reactions.

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\(^2\) On 7 June 1947 Sir E. MacHtig sent a copy of this telegram to the Prime Minister’s Private Secretary drawing attention to para. 2, and adding: ‘It establishes that we should have run into considerable difficulties if our statement [No. 45] had contained the words “after consultation with Dominions”, as was at one time proposed.’ [see Vol. X, No. 518]. R/30/1/11: f 96.

\(^3\) For the full text of Mr Mackenzie King’s remarks, see the *Canadian House of Commons Debates*, 4 June 1947.
Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Mountbatten Papers. Letters to and from the Secretary of State

PRIVATE AND TOP SECRET

5 June 1947

I see from his letter of the 26th May¹ that Sir John Colville kept you in the picture during my time in England of what was happening out here. My letter this week will be brief as I naturally have none from you to answer, and the last few days have been fully occupied with the meetings with the Indian leaders, to which I have referred in the attached Personal Report.²

2. I think you will like to know that the Honourable Mr. Jagjivan Ram, the Labour Member, is leading the Indian Delegation to the next Session of the International Labour Conference at Geneva on the 19th June, 1947. This will be his first visit abroad and Sir John Colville, who saw him recently, told me that he was quite excited about it. He is particularly looking forward to his visit to London and I should be very grateful if he could be given the opportunity to meet people and to see something of London, where I gather he intends to be from 27th June to 2nd July. He is a charming little man and quite remarkable for an "untouchable".

3. The question of dealing with outstanding appeals from the Privy Council after demission of power has been exercising attention out here. This is a matter for which provision must be made in the future constitutions drawn up by successor authorities and also I suggest might appropriately be included in any Treaty drawn up by H.M.G. with such authorities.

4. If the whole or any part of India remains within the Commonwealth then I understand that it is possible by agreement for the Privy Council to be used by Commonwealth members as the final appellate authority. This matter cannot be the subject of a definite recommendation at present, but I thought it might be useful if I mentioned it to you, in order that you could have a preliminary examination made at your end.

5. Sir John Colville returned to Bombay on Sunday; this is the fourth time he has officiated in the absence of the Viceroy in England and I have heard from all sides since my return that he has officiated once again with his customary ability and charm. I think Ramamurty had a very good fortnight's experience at Bombay and I have just received a useful fortnightly report from him, of which I think you have a copy.³ I understand that he brought 16 members of his family to live in Government House during his fortnight and had all three Government houses in the Bombay Presidency opened, and entertained lavishly.

¹ Vol. X, No. 542.
² No. 91.
5 June 1947
I got back from London late on the night of Friday the 30th May, but decided I would not see any leader, formally, before the meeting on Monday. It was essential, however, to find out the latest position about Bengal, so I arranged for Mieville to see Suhrawardy and bring him into me (so that the interview would not appear in the Court Circular). I was distressed to learn from Suhrawardy that Kiran Shankar Roy had been unable to persuade the Congress High Command to allow Bengal to vote for independence. Suhrawardy pleaded for Calcutta to be allowed to be a free city during the period of partition, since he felt that in this period communal bitterness would thus be relaxed and sufficient confidence might be re-established for the Congress eventually to decide to leave it a free city. Otherwise he feared that nothing he could do would prevent riots and great damage in the City before partition. I sent V. P. Menon to see Patel to obtain his agreement to six months joint control of Calcutta. Patel’s reply was very firm: “Not even for six hours!”

2. On Saturday evening I attended a cocktail party given by the new Chinese Ambassador, which gave me an opportunity of meeting all the political leaders socially. They were not slow to attack. Nehru insisted that the Congress representation at the meetings should include Kripalani, and he said that if I would not increase the numbers he would himself stand down in favour of Kripalani. I then tackled Jinnah and Liaquat, who were most averse from allowing Kripalani in. Finally, however, all-round agreement was reached that Kripalani should be added to the Congress team and Nishtar to the League.

3. Jinnah tackled me on the need for a referendum on the question of Bengal or at least Calcutta, to give the Scheduled Castes the chance of expressing their dissatisfaction with Caste Hindus. I refused to be drawn.

4. My wife bought a series of small presents in London for the women folk of all the leaders which were despatched on Saturday and received the most enthusiastic letters back on Sunday.

5. Very bad riots were in full swing once more in the Gurgaon District of the Punjab, not far from Delhi. I sent an aeroplane for the Governor, Jenkins; met him at Palam airfield; and motored with him to the riot areas. The trouble appears to have been started by the Hindus this time, who, four days after a Peace Committee meeting, which was reported to have passed off very satisfactorily, attacked a Meo village. (The Meos are the aborigines of this district
and Muslims by religion). Naturally, this led to reprisals by the Meos and fighting was at that time in full swing up and down a 50 mile front; with only three companies of Sikhs and one of Gurkhas to try and quell it. I visited the Battalion and two Company Headquarters, and talked to a young officer who with half a dozen men had dispersed an armed crowd of 5000.

6. A new feature of the fighting has been the increase in the use of fire arms and home-made trench mortars, and direct unprovoked attacks on soldiers.

7. The District Commissioner reported to me that the Home Member, Patel, and the Defence Member, Baldev Singh, had visited the battlefront two days previously and had invited the District Commissioner to stamp out this lawlessness ruthlessly. The District Commissioner took them to a village which at that time was ablaze and the two Members found that it was the Hindu community which was busy setting the village on fire.

8. However, each community appears to have destroyed almost an equal number of the other’s villages, the total now exceeding sixty. I could not help feeling that this renewed outbreak of violence, on the eve of the meeting with the leaders, might influence them to accept the plan which was about to be laid before them.

9. We went round the Baptist Mission hospital at Palwal, where there were a lot of horribly wounded and mutilated casualties from the fighting. The hospital was not equipped for such an additional influx and my wife, who had accompanied us, arranged to have all their shortages and supplies made good as soon as possible.

10. On my return from Gurgaon I had the Nawab of Bhopal and the Maharaja of Bikaner to lunch and saw them separately afterwards. Bikaner of course was delighted to hear the way things were going and said that the prospect of Dominion Status would make the greatest difference to the feeling of the Princes who had joined, or were about to join, the Constituent Assembly.

11. The Nawab of Bhopal, after I had explained the plan to him said "Once more His Majesty’s Government have left the Princes in the lurch, because we could have joined the weak Centre envisaged by the Cabinet Mission scheme, but now there will be a tight Centre, whichever Dominion we join, which will utterly destroy us." I tried to impress on him that the only certain destruction of the Princes’ personal position would be if they tried to stand out as independent

1 On 10 June Mr Attlee sent Lord Mountbatten the following personal message: 'I have read your personal report No. 8 with great interest. I am impressed with the great skill you have shown in these critical proceedings. We are working hard on the draft legislation.' India Office tel. 7463 of 10 June 1947. P.R.O. PREM 8/578.
2 See Nos. 2, Item 2, and 10.
3 cf. No. 4.
4 On 1 June 1947.
5 See No. 17, Item 1.
areas; but nothing I could say could shake him from his intentions to do so.

12. On Monday at 10 o'clock the first meeting of the Indian leaders took place in my study, with the following present:—

Congress: Nehru, Patel, Kripalani.
League: Jinnah, Liaquat, Nishtar.
Sikhs: Baldev.

The eight of us sat round a small table, while Ismay, Mieville and my Conference Secretary sat immediately behind me. The atmosphere was tense and I got the feeling that the less the leaders talked the less the chance of friction and perhaps the ultimate breakdown of the meeting. After a tense beginning the atmosphere became generally friendly and distinctly hopeful; particularly when I reported on the most helpful attitude of His Majesty's Government and the Opposition.

13. I asked the leaders to let me have their replies before midnight. Kripalani and Baldev promised me letters and Jinnah said he would come in person at 11 p.m. after they had seen their Working Committees. I kept back Jinnah after the meeting on Monday morning, both to counter-balance the fact that I was seeing Gandhi separately (he never comes with the Congress leaders), and to impress on him that there could not be any question of a "No" from the League.

14. Since Gandhi returned to Delhi on the 24th May, he has been carrying out an intense propaganda against the new plan, and although I have always been led to understand he was the man who got Congress to turn down the Cabinet Mission plan a year ago he was now busy trying to force the Cabinet Mission plan on the country. He may be a saint but he seems also to be a disciple of Trotsky. I gather that the meetings of the Congress Working Committee have been most acrimonious in consequence, and I believe the leaders were quite apprehensive of my seeing Gandhi on Monday. I certainly was. Judge then of my astonished delight on finding him enter the room with his finger to his lips to indicate that it was his day of silence!

15. I spent 45 minutes explaining to him why the Cabinet Mission plan could not be enforced against the will of any community, and generally trying to break down his resistance to the new plan. He scribbled me a few notes on the back of used envelopes, of a friendly nature, but once more called on me to remove Caroe from the N.W.F.P., a request which has now been renewed by both Nehru and Khan Sahib (the Premier of the N.W.F.P.).

16. On Monday evening between the two meetings by a happy coincidence General Slim and I had arranged large reunions of the holders of the Burma Star to take place simultaneously in London and Delhi. I collected over a thousand of all ranks, all services and all communities—British and Indian.
exchanged messages of goodwill with the London gathering, which received
favourable publicity in Tuesday’s Delhi press and which helped to create a good
atmosphere for His Majesty’s Government’s announcement.

17. I had invited the Commanders-in-Chief and Army Commanders to
come to this party and gave them dinner after it. I then had a meeting with
them, gave them the plan, and discussed the steps which would be needed to
ensure the maintenance of law and order in the interim period and also how to
carry out partition of the armed forces without loss of morale. I need hardly
say that the plan proved a great surprise to everybody (except of course to
Auchinleck) and was enthusiastically received as the only possible solution to the
problem.

18. At 11 o’clock that night Jinnah came round.11 He spent half an hour
conveying the protest of his Working Committee against the partition of the
Provinces and saying that if His Majesty’s Government were really going to
insist on this scandalous move, then his Working Committee hoped most
strongly that they would at least do justice to the Scheduled Castes in Bengal
by insisting on a proper referendum. I reminded him that I had explained at
great length at the meeting that morning the Governor’s reasons against a
referendum and that I did not in any case intend to accept any amendment of
the printed plan unless it was agreed to by all parties.

19. I then asked him straight out whether his Working Committee were
going to accept the plan. He replied that they were “hopeful”. I then asked
him whether he intended to accept it himself, to which he replied that he would
support me personally and undertook to use his very best endeavours to get the
All-India Muslim League Council to accept it. He had called an urgent meeting
next Monday for this purpose. I finally asked him whether he felt I would be
justified in advising the Prime Minister to go ahead and make the announce-
ment, to which he replied very firmly “Yes”. Ismay, who was present, and I
both felt that this was as much of an acceptance as we should ever get out of
him until his Council met.

20. Shortly after Jinnah left, the letter12 came on behalf of the Congress
Working Committee from Kripalani. It was quite a long letter, a copy of which
has been sent home. Although it contained various objections and reservations
it was a firm acceptance on behalf of the whole Congress Working Com-
mittee; subject of course to general ratification by the All-India Congress
Committee in about a fortnight’s time.

21. Baldev Singh’s letter13 was only received on Tuesday morning and also

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No. 23. 7 See No. 2, note 5. 8 No. 24. 9 No. 61.
10 No. 81. 11 See Nos. 38 and 53, para. 6. 12 No. 35. 13 No. 36.
contained reservations about instructions to the Boundary Commission on behalf of the Sikhs, though it accepted the plan in other respects.

22. I called an early morning meeting of my Staff to discuss the two main objections raised by Congress, and I despatched V. P. Menon to see Patel, and invited Nehru to come at 9.30 a.m. to see me before the meeting.

23. The line I took about these two points with Nehru was as follows:
(a) The Congress request to allow the N.W.F.P. referendum to include a third choice—for independence—could not be accepted unless the Muslim League leaders agreed to it, which Nehru admitted was out of the question. I further pointed out that it was at Nehru’s own request that I had removed the choice of independence in the case of Bengal and other provinces to avoid “Balkanisation”. I expressed surprise that he should have been a party to such a manoeuvre, the more so since he admitted that this Province could not stand on its own, and would eventually have to join up with one side or the other in any case.
(b) The last sentence of the new paragraph 20 produced a strong reaction. This reads as follows:

“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.”

It may be remembered that this was the sentence which I thought in London might give trouble and which I had favoured omitting. Nehru began by saying he did not doubt my sincerity or that of His Majesty’s Government, but that this sentence drew attention to the fact that Pakistan would be allowed to remain within the Commonwealth even if Hindustan wished to withdraw. I pointed out that what the sentence really drew attention to was the fact that either side could withdraw whenever they liked. Nehru replied “But everybody knows that; why did you have to draw public attention to the fact that one side could stay in if the other side withdraws?”.

I replied that this was done from motives of honesty. He argued that His Majesty’s Government could not be a party to allowing Pakistan to remain in the Empire if Hindustan wished eventually to withdraw. I pointed out that His Majesty’s Government did not run the Commonwealth; that all the States in it were free and equal partners; and that the only method open to him for getting Pakistan out would be either by persuading them to withdraw at the same time as Hindustan, or raising the matter at a Commonwealth conference and getting the other Dominions to agree to this course. Finally I told him that I had no intention of raising such a controversial matter which would only infuriate Mr. Jinnah. We then went into the meeting.

24. Once more at this second meeting I was afraid to let the leaders speak and
so I spoke for each of them in turn, pointing out that as we had all expected all three parties had grave objections to the various points in the plan, and that I was gratified to find that they had aired them to me. Since, however, I knew enough of the situation to realise that not one of the suggestions would be accepted by either of the other parties I did not propose to raise them at this meeting, and asked all the leaders to signify their consent, which they did.

25. The very moment I felt that I had got enough agreement on which to go ahead I announced this decision and then threw on the table copies of a lengthy paper prepared by my staff entitled "The Administrative Consequences of Partition". The severe shock that this gave to everyone present would have been amusing if it was not rather tragic. I arranged to call another meeting on Thursday to consider it, and then broke up the meeting as quickly as I could.

26. On Tuesday afternoon I saw Giani Kartar Singh. He surprised me by saying that when the bitterness had died down he would be prepared to see Mr. Jinnah and make the best terms he could for the Sikhs, who would come into Pakistan. Needless to say I much encouraged this. He also promised that the Sikh community would not fight so long as the British were present. While expressing my gratification at this, I pointed out that they would be hit just as hard by the Indian armed forces after the transfer of power as before, and I hoped the Sikhs would not be so foolish as to commit virtual suicide.

27. At 4 o'clock on Tuesday afternoon I saw the fourteen members of the States Negotiating Committee and gave them the printed plan, and explained it. It was surprisingly well received considering the difficulty pointed out by the Chancellor, His Highness of Bhopal. In general the Committee agreed that the next two months must be utilised for negotiating temporary agreements on a stand-still basis to allow time for proper agreements to be entered into in due course.

28. The three leaders had promised to broadcast that evening after me, asking that the plan should be accepted as peaceably as possible by their followers. At 7 o'clock I met them at the All-India Radio studio, and we made our broadcasts. The faces of the Muslim Leaguers when Nehru talked about allowing parts of India to secede from the Union were matched only by the expressions of dismay on the faces of the Congress members present when Jinnah made a violent electioneering speech about the N.W.F.P. However, I succeeded in jollifying them out of their gloom.

14 There appears to be no record of this meeting among the Minutes of the Viceroy's Staff Meetings in the Mountbatten Papers.
15 See No. 53.
16 The relevant India and Burma Committee Minute (Vol. X, No. 553, Minute 3) does not record Lord Mountbatten's view on this point, but cf. Vol. X, No. 494, Minute 2, p. 918.
17 No. 39. 18 No. 28. 19 No. 43.
20 See above, para. 11. 21 Nos. 44-48.
29. At ten o’clock on Wednesday morning I held a Press conference in the Constituent Assembly Hall, attended by upwards of 200 press men. For two and a quarter hours I was under violent cross-fire on every conceivable subject, but mostly about the Sikhs, about the States, and about Pakistan being allowed to retain dominion status. I luckily knew my subject pretty well, having been immersed in it for two months, and feel I was able to answer all the questions to most people’s satisfaction. At all events the follow up in all sections of today’s press has been more favourable than the most sanguine of us could have hoped for.

30. Suhrawardy came to see me again after the announcement. For a Muslim leader living in West Bengal he showed surprising courage and determination to build a worthwhile Eastern Pakistan. He was already full of plans, the principal one being to mortgage the whole of the jute crops of Bengal to acquire the necessary machinery, power plants etc., to put Eastern Bengal on its feet. He said he had already had a number of interesting offers from American business men, but had been disappointed that no British interests had come forward. I arranged for Mievile to put him in touch with Shone since I pointed out that I was not here to look after British interests myself.

31. This morning I held my third meeting with the leaders to discuss the paper on the administrative consequences of partition. We made very slow progress as each side appeared to be anxious to make political speeches. Jinnah was at pains to explain that both States would be independent and equal in every way. Nehru pointed out that the whole basis of approach must be different; India was continuing in every way the same, and the fact that dissident Provinces were to be allowed to secede must not interrupt the work of the Government of India or its foreign policy. Feeling was very tense.

32. Both sides were still very anxious to obtain my services as arbitrator in all matters of dispute in working out the partition. But I pointed out that since both sides were already approaching the problem from such widely divergent points of view it was clear that I should have to give a decision which one side or the other side would dislike practically every day, and however much they now professed to believe in my impartiality, such a procedure could not fail to undermine their confidence in me within a very short time. I therefore felt I should not be of much use to them in this capacity and I am glad to say they agreed to try and find a mutually acceptable High Court Judge to fulfil this role.

33. This afternoon I received a telegram from Caroe saying that in the absence of the Premier he had seen two members of the Government who said they refused to accept paragraph 4 of the announcement and would not in any circumstances co-operate in the referendum. I immediately sent for Khan
Sahib\textsuperscript{26} and told him that I could not possibly accept his attitude and he promised to fly back to the Frontier to-morrow and get their people to accept paragraph 4 and help with the referendum.

34. A number of people whom I have met since the announcement have all told me they believe the communal tension to have been greatly relieved by this announcement and that a new feeling of hope and expectancy was abroad, at all events throughout Delhi. I am under no illusion that to retain this spirit will require the most careful handling of the situation; for the smallest high level incident could upset it again.

\textsuperscript{26} Nos. 59 and 60. \textsuperscript{21} No record of this interview has been traced. \textsuperscript{24} No. 73. \textsuperscript{25} No. 65. \textsuperscript{26} No. 81.

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\textit{Sir T. Shone to Sir N. Brook}

\textit{Telegram, L/E/8/4875: ff 161–2}

\textbf{NOCOP}

\textbf{PERSONAL AND CONFIDENTIAL}

\textbf{NEW DELHI, 6 June 1947, 2.30 am}

\textbf{IRKU 360. Your UKRI 292.}\textsuperscript{1}

I fully agree with what you say in paragraph 1 about importance of post which will presumably have to be set up in capital of Pakistan and was about to write to you on the subject. (Indeed I have been wondering whether it may not prove impracticable to have one High Commissioner for the whole of India as a permanent arrangement in the conditions which seem likely to develop.) It had also occurred to me that \textit{G[rafftey] S[mith]} might now be better placed in Pakistan (wherever its capital is to be), than in Calcutta. I also think we shall need an outpost in Pakistan at Karachi (if it is not the capital) at an early date and probably Peshawar or Rawalpindi as well. If Eastern Bengal is to be covered, I do not think this can be done from Calcutta if Calcutta is in Hindustan. We may therefore need an outpost at Chittagong.

2. Even if Hindustan and Pakistan stay in the British Commonwealth, I think they will present very different problems from those in any other

\textsuperscript{1} Tel. UKRI 292 of 3 June dealt with the provision of staff for outposts of the U.K. High Commission in Calcutta and elsewhere in the sub-continent. Its first para. stated that: 'Foreign Office are bringing \textit{G[rafftey] S[mith]} home from Jeddah with a view to his taking up post at Calcutta. Recent developments in the Indian situation, however, make it likely that in addition to the posts to be filled at Calcutta and Bombay, there will be a post at Lahore or elsewhere in N.W. Pakistan of at least equal political status and importance to that of Calcutta and it may be that G.S. would be suitable for this post.' L/S &G/7/1285.
Dominion. We ought not I feel to appear to be treating Pakistan scurvily in comparison with Hindustan especially as it will have more need of help to get on its legs—at least economically—for which I imagine it will look primarily to us. And its position on the map gives it strategic importance. These are only first thoughts about what is admittedly a rather uncertain future, but I think it as well to let you have them.

[Paras. 3–6, on the provision of staff for various outposts in India and Pakistan, omitted.]

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Minutes of Viceroy’s Thirty Ninth Staff Meeting, Items 11 and 14

Mountbatten Papers

SECRET

Those present at this Meeting held at The Viceroy’s House, New Delhi, on 6 June 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir E. Mieville, Mr Abell, Mr Christie, Captain Brockman, Mr I. D. Scott, Mr Campbell-Johnson, Lieutenant-Colonel Erskine Crum

Item 11

PAKISTAN’S DIPLOMATIC REPRESENTATION

HIS EXCELLENCY THE VICE ROY said that it was his hope that Pakistan, which was bound to be a poor country, at any rate in the initial stages, would not set up diplomatic missions in too many foreign countries. They would probably wish to have their own representation in the United Kingdom, U.S.A. and certain Middle East Muslim countries; but it was to be hoped that they would share either British or Hindustan representatives elsewhere.

Item 14

THE ADMINISTRATIVE CONSEQUENCES OF PARTITION

Copies were handed round of a letter which had been received from Pandit Nehru that morning concerning the previous day’s discussion in a meeting with the seven Indian Leaders, of the paper entitled “The Administrative Consequences of Partition”. In this letter Pandit Nehru also reiterated his view that he did not like the idea of the Interim Government carrying on in the present manner for another two months.

HIS EXCELLENCY THE VICE ROY said that he had arranged for Rao Bahadur Menon to discuss this matter with Pandit Nehru. He noted that in his letter the
latter suggested that he (The Viceroy) should discuss it with Mr Krishna Menon. He pointed out that Pandit Nehru was continually asking him to see Krishna Menon. Whatever the merits of using the latter as a "contact man" might be, it was clear that Mr Krishna Menon was Pandit Nehru's right-hand man.

Lord Ismay gave his view that such contact through Mr Krishna Menon had been extremely useful in London, where political issues had been under discussion and where Pandit Nehru was not available. On the other hand, Pandit Nehru was nearly always available in Delhi and the present discussions were on administrative and not political matters. Perhaps The Viceroy might wish to point this out to Pandit Nehru and to suggest that Mr Krishna Menon's services as a link were no longer of such value as they had been.

Copies were then handed round of two notes by The Viceroy's Staff on the Administrative Consequences of Partition. Copies of one of these had been circulated to Honourable Members for discussion at the Cabinet Meeting that evening. It was intended to circulate the other to the seven Indian Leaders for discussion at the conference the following day. To the latter The Viceroy dictated certain amendments. He said that he would see Mr Jinnah and Mr Liaquat Ali Khan after the meeting the following day, for a preliminary discussion of the personnel and terms of reference of the Boundary Commissions.

His Excellency the Viceroy:

invited C.V.S. to circulate to the seven Indian Leaders the note prepared by the Staff on the Administrative Consequences of Partition, for the meeting the following day; and to invite the Muslim League representatives to stay behind after the meeting for a preliminary discussion of the personnel and terms of reference of the Boundary Commissions.

1 No. 80.  
2 No. 73, Item 1.  
3 No. 28.  
4 This note explained the conclusions reached in No. 73, Item 1. Mountbatten Papers, Official Correspondence Files: Partition, Administrative Consequences of.  
5 Not traced.

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Sir C. Corfield to Mr Abell

R/3/1/137: f 8

SECRET

POLITICAL DEPARTMENT, NEW DELHI, 6 June 1947

My dear Abell,

Please refer to my secret letter of the 5th June1 dealing with Pandit Nehru's objections2 to the States dealing directly with the various Departments of the Central Government.

1 No. 74.  
2 No. 68.
The question was discussed by His Excellency today with certain Rulers and Dewans, and it was agreed that His Excellency should explain to Pandit Nehru that the unanimous view of States was that for the purpose of such dealings they would be opposed to the location of agents of the Central or Dominion Government in their territories, but that if any additional liaison was considered necessary by those Governments, beyond that already being arranged by direct correspondence (vide Political Department Memorandum, No. F.24-R(S)/47 of the 17th April 1947 of which a copy is enclosed) they would be prepared to locate their own agents at the headquarters of the appropriate Government, to represent either a single State or a group of States as they thought best.

It was mentioned during the discussion that the appointment of local agents in States by a Dominion Government would lead inevitably to paramountcy being inherited by that Government: that States had the right of first refusal for the purchase of any property in States now belonging to the paramount power: that though this property had been acquired at the cost of Central Revenues, those revenues were subscribed to by States through the payment of tribute and other indirect contributions to the Central exchequer: and that this property would in many cases be required for administrative purposes by individual States and by the joint organizations which they were setting up for regional groups.

It was suggested that as soon as these representatives had been located at the headquarters of the appropriate Government paramountcy could well lapse in respect of the States so represented, i.e. in advance of the 15th August. It should be possible to make these appointments by the 1st July and it was all the more necessary therefore that the arrangements for retroceding jurisdiction in States should be expedited.

His Excellency thought it might be as well, after warning Pandit Nehru, to discuss this question with the seven British Indian political leaders as a general issue affecting both Dominions. After that discussion a letter on the lines of the enclosed draft (which was considered suitable by Sir Ramaswamy Mudaliar and Mr Sreenivasan) could issue to Residents.

Yours sincerely,

C. L. Corfield

3 Those present at this meeting were: Lord Mountbatten, the Jam Saheb of Nawanagar, the Raja of Bilaspur, Sir R. Mudaliar, Mr Sreenivasan, Sir C. Corfield, Lord Ismay and Sir E. Mieville. Note by Sir E. Mieville, 6 June 1947. Mountbatten Papers, Official Correspondence Files: Interviews (2).

4 R/3/1/136: f 56.

5 This draft explained to Residents that, as doubt had been expressed whether direct correspondence would ensure adequate liaison between the States and the Central Governments, it was suggested that each State or group of States should appoint an officer to be located at the headquarters of the appropriate Government. Residents were asked to enquire whether States would be prepared to do this, and the draft concluded by stating that it had been suggested that the only satisfactory alternative would be the location of agents of the Central Governments in the territories of the States.
Meeting of the Indian Cabinet Case No. 137/30/47

Mountbatten Papers. Official Correspondence Files: Partition, Administrative Consequences of

SECRET

Those present at this Meeting held on 6 June 1947 at 6 pm were: Rear-Admiral Viscount Mountbatten of Burma, Pandit Nehru, Mr Liaquat Ali Khan, Sardar Patel, Mr Chundrigar, Dr Rajendra Prasad, Mr Abdur Rab Nishtar, Maulana Azad, Mr Rajagopalachari, Dr Mathai, Mr Ghazanfar Ali Khan, Sardar Baldev Singh, Mr Jagjivan Ram, Mr Bhabha, Mr Mandal; Mr Abell, Mr H. M. Patel, Mr Osman Ali (Secretariat)

Case No. 137/30/47. Administrative Consequences of Partition

MINUTES

His Excellency said that he wished to explain the reasons that prompted him to discuss the paper on the administrative consequences of partition at his meeting this morning\(^1\) with the 7 Indian leaders before putting it to his colleagues. Speed was of the essence since the target date fixed was the 15th August both for putting through the Parliamentary legislation and for the work that had to be done here, and he thought it would help in setting up the requisite machinery with the utmost expedition, if he could ascertain the views of the leaders, five of whom were, in any case, members of the Cabinet. It was almost certain that the vote in the Provincial Legislatures would be for Pakistan. Consequently, we should very soon have two sovereign Governments in existence. The only bodies which at present could be said to represent them were the Congress and the League. He had, therefore, felt that there were good and sufficient reasons for including the respective Presidents of those organisations in those discussions. He had now taken the earliest opportunity of placing before the Cabinet the paper\(^2\) prepared by his staff on the administrative consequences of partition as revised in the light of those talks.

Continuing, His Excellency said that the time factor was so pressing that he considered it essential that the proposed partition committee should be a whole time body and, should, therefore, be separate from the Cabinet. He sought the approval of his colleagues to its being given plenary powers by means of an order in Council to call for such information as it required and to take decisions. He himself would offer the benefit of his own experience and that of his personal staff to assist in working out and putting in a clear form before those who

\(^{1}\) Actually the previous morning: see No. 73, Item 1.

\(^{2}\) See No. 93, note 4.
would have to make the decisions, the details and possible alternatives which they would, of course, be at liberty to accept or reject. A possibility which had since occurred to him was that it might be desirable to have both a partition committee and a tribunal of carefully selected judges.

In the course of subsequent discussion the following points were made:

(1) The Partition Committee, which might more appropriately be called a Separation Committee, would deal with an existing Government on the one hand and an embryonic State on the other. Partition, moreover, would cover the whole range of Governmental activity, and it would create an anomalous position for the Cabinet to have a Committee independent of itself. The Committee should, therefore, be formed by and derive its powers from the Cabinet. Its composition would, of course, have to be decided by agreement between the parties.

(2) Differences, when they arose, would be very largely on a political plane, and it would be more expeditious if the Committee were to be presided over by His Excellency the Viceroy. If these differences were referred to a Judge Umpire or a judicial tribunal, there would arise serious delay.

His Excellency did not, however, wish to be placed in a position when he would have to arbitrate. With the best will in the world, very soon, he would displease one or the other, if not both parties, since the tendency inevitably would be for each side to forget decisions given in its favour, and only to remember those given against it! His Excellency would, of course, be prepared to assist by presiding and in his capacity as Chairman endeavour to get the differences resolved by argument and discussion, and when agreement proved impossible, at least to get the differences reduced to a minimum, and thereafter to refer them to a judicial tribunal, which would be an impartial body (but not a higher authority) and which would be directed to give its decision within a specified period of time.

(3) It was inadvisable to create a new standing tribunal to which every one would look for final decisions. If it was considered desirable to refer any particular problems to the tribunal for a decision, an ad hoc body could be set up for that purpose. The composition of such a tribunal or tribunals would, of course, have to be settled beforehand so that it or they could be called into being at a moment’s notice. It was essential that the embryonic Governments should bind themselves to accept the decision of such a tribunal.

(4) Since the Committee would have to enquire into the business of the Government of India which was only in official knowledge, it was undesirable that outsiders should be associated with it. Moreover, the tendency would be for the Secretariat staff to regard the Committee as a supreme body and it would not be possible for Hon’ble Members to carry out their ordinary administrative duties in that atmosphere. Consequently, if any persons had to be appointed on the Committee who were not already members of the Cabinet, they should
first be made members of the Cabinet. It was contended that the Committee would only be collecting material and no question of divided allegiance among the Secretariat staff need arise.

(5) Prior to the legal decision on the question of partition it would be odd to set up a body composed of persons not in the Cabinet, thereby giving to the world the incorrect impression that division had already been decided upon. It would, however, be in keeping with normal practice for the Cabinet to appoint a Committee of its own. This could proceed to create the detailed machinery necessary but need not take decisions until the question of partition had been legally decided by the vote of the Provincial Legislatures, and a Partition Committee set up.

Summing up, His Excellency said that we were dealing with an unprecedented problem. We had only 71 days in which we had to solve it. He would put the procedure which appeared generally to be agreed upon before the leaders tomorrow for their acceptance.

**DECISION**

The Cabinet agreed:

(1) that a Committee of the Cabinet should be appointed with H.E. the Viceroy as Chairman to work out the machinery for implementing the partition (and that H.E. should consult the leaders informally regarding its composition).

(2) that the Committee's report should be completed as early as possible and placed before the Cabinet for consideration, (and that H.E. should, if possible, obtain the leaders' reaction to it beforehand).

(3) that when the question of partition had been legally decided, and after the members of the existing Cabinet had resigned, a Separation Committee should be set up by His Excellency in consultation with the leaders, with H.E. as Chairman. It was noted that H.E. would not act as arbitrator in this Committee but would merely assist in resolving differences between the two parties or at least in reducing them to the minimum.

(4) that there should be set up along with the Separation Committee a standing tribunal or a panel of umpires to whom points of difference, which could not be resolved, could be referred.

(5) The material collected by the Cabinet Committee and details of the machinery set up will be placed before the Partition Committee for ratification.
Rear-Admiral Viscount Mountbatten of Burma to Sir O. Caroe (North-West Frontier Province)

R/3/1/170: ff 21-2

6 June 1947

Dear Sir Olaf,

When we first met in India, I gave you my assurance that I would give you my utmost support and backing so long as you held your present difficult appointment: but I thought it only fair to give you warning that circumstances might arise in which I should be compelled to ask you for your resignation, since, in these momentous days, personal considerations are a small thing compared to the public weal.

I am afraid that I have recently been bombarded again by representations from your detractors (whom I need not name) to the effect that there is no hope of peace, nor of a fair and orderly referendum, in the NWFP so long as you hold the reins of office. I do not have to tell you that I myself have a high opinion of your capacity, integrity and selfless devotion to duty under an immense strain: but I feel that the time has come when I must, for the moment at any rate, replace you as Governor of the NWFP.

On the other hand, I am most anxious that this grave step should be taken so far as possible without injury to yourself, and without closing the door to your further employment in India if you were so to desire: and in this matter developments have presented me with the possibility of a satisfactory solution.

I am aiming at transferring power to Hindustan and Pakistan by 15th August, and shortly before that date I shall call on all the present Governors and Chief Commissioners to place their resignations in my hands. It will then be a matter for the Governments of the two new States to reappoint those Governors whom they wish to retain. My proposal, therefore, is that you should go on leave as soon as it can be arranged for your temporary successor to arrive, and that you should remain on leave until 15th August, or such date as the two new Governments are in a position to select the new Provincial Governors. It is clear to me that if Congress win the NWFP, there would not be the slightest chance that they would reappoint you as Governor. On the other hand, if the Province goes to Pakistan, it may very well be that the Pakistan Government, who, I believe, share my high opinion of you, would ask for you to be re-appointed.

I suggest to you that the course that I propose has solid advantages. In the first place, it will strengthen my hand with Congress, who will not hesitate to
say, if you are Governor during the referendum and if they lose, that you enabled the League to win with a view to your remaining as Governor on the League’s advice. Secondly, it will give you the respite that you have richly deserved. Thirdly, it does not close the door to your future employment. Fourthly, it will mean that the referendum will be carried through entirely by soldiers, since I am proposing to H.M.G. that General Lockhart should be seconded—not retired—from the Army in order to officiate as Governor, NWFP, until the transfer of power.

I am sure that you will understand my motives in making this suggestion and I shall be glad to have your reactions as soon as possible.

Yours sincerely,

MOUNTBATTEN OF BURMA

1 When Lord Ismay submitted the draft of this letter he stated that it had been agreed by Sir E. Mieville and Mr Abell. R/3/1/170: f 20.
3 See Nos. 24, 61 and 81.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Punjab, Part II(a)

SECRET

GOVERNMENT HOUSE, LAHORE, 6 JUNE 1947

No. 680

Dear Lord Mountbatten,

Abell will no doubt have told Your Excellency of our discussion on the evening of 5th June about the further time-table for proceedings in the Punjab under the partition plan.

2. I have today sanctioned the appointment of a Partition Commissioner, a member of the Indian Civil Service named Sachdev, who will, I think, do very well. Sachdev has recently been employed as Secretary of our Civil Supplies Department, and I can ill-spare him for the new appointment. But the Department has a capable Additional Secretary who will, I hope, be able to carry on. I had thought of securing Mr. Justice Cornelius of the Lahore High Court, a very able Indian Christian who has been Legal Remembrancer, and I told Abell of this. But on further reflection I felt that it might be embarrassing to a Judge to be involved in what may be highly controversial discussions.

This morning I held a conference with the Heads of Departments and set up a number of expert committees to initiate the examination of the main partition

1 See No. 98.
problems. Each committee has been given a time limit within which its first report must be ready.

3. This afternoon I saw Sachar, Mamdot and Swaran Singh separately in that order, and put three questions to them, which are set out in the enclosure to this letter, together with their replies.

On these replies I hope to despatch the summons to Members of the Legislative Assembly on 10th June for meetings of the two separate halves of the Assembly on (say) 19th June. Mamdot obviously did not wish me to despatch the summons until the Muslim League Council had ratified the Plan, and I do not think I can exceed the fastest pace of the slowest horse.

The replies to my question about the formation of a Coalition Ministry were interesting. I explained that a good deal of work had to be done in a very short time, and that there must be political guidance at all stages. Such guidance could clearly be given by a Coalition Ministry, and the Ministry might be formed in such a way that it could, when the time came, be divided into two parts for the Western and Eastern Punjab respectively. Sachar, without prompting from me, said that a Ministry would lose itself in squabbles about law and order and other controversial matters. The Muslim League Ministers would wish to withdraw all criminal proceedings against their followers and to cancel other punitive measures. Though he was attracted by the idea of a "zonal" Ministry (I told him I thought this quite impossible in the conditions prevailing and in the time available), his own personal opinion was that we should remain in section 93, and that the political guidance required in partition matters should be given by a special Partition Committee representing the parties.

Mamdot seemed hardly to comprehend the question and said he would have to consult his colleagues and see me again.

Swaran Singh took the same view as Sachar and, as I expected, urged that very little could be done until the Boundary Commission had reported. I gathered from him that the Sikhs might be satisfied if the terms of reference to the Boundary Commission seemed favourable to them. But Swaran Singh's main argument was that it would be impossible to apportion assets and liabilities, to distribute the services, and so on until the boundary between the two new Provinces was accurately known. I argued that we could certainly proceed on the "notional" boundary in order to determine the principles of the division, and that comparatively simple adjustments could be made as soon as the Boundary Commission reported. Swaran Singh was very friendly, as he always is, but I am almost sure that the Sikhs will refuse to commit themselves on the administrative aspects of partition until the boundary is known. They will argue, as Swaran Singh argued in his talk with me, that H.M.G. have made it clear that the "notional" boundary is simply a device to ensure a quick decision on the principle of partition and is not to be used for any other purpose.
Swaran Singh mentioned letters to Your Excellency from Nehru and Baldev Singh on this subject. If we are to wait for the report of the Boundary Commission and the "notional" boundary cannot be used for the purpose of preliminary calculations of the financial adjustments, etc., we shall be unable to get through our work by 15th August next—in fact partition may be delayed indefinitely.

Both Sachar and Swaran Singh asked me to see them again after Mamdot had had his further talk with me, and I agreed.

4. To sum up, it seems that it should be possible to get the decision of the two halves of the Assembly by about the end of the third week in June. It will not be easy to get a Ministry or a Partition Committee going; but so far the Partition Committee appears to be the easier alternative. Swaran Singh told me that he did not think that the Committee would agree on anything at all, and began talking about the representation of the parties on it. I said that the Committee, if formed, could obviously not proceed by individual votes—it would exist simply to give two equal parties an opportunity to negotiate, and I thought it should be as small as possible, provided that the representatives of the parties had the full confidence of their followers. Swaran Singh's doubts about the Committee's proceedings and his views about the Boundary Commission's report show that there may be various troubles ahead of us.4

Yours sincerely,

E. M. JENKINS

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3 See No. 45, paras. 5-9.

3 Presumably the letters from Congress (actually signed by Mr Kripalani) and Baldev Singh accepting the plan: see Nos. 35, para. 11 and 36; also Lord Mountbatten's remarks in No. 39, p. 73.

4 Lord Mountbatten acknowledged this letter on 8 June. He noted what Sir E. Jenkins said about the attitude of the three leaders to a coalition government, agreed with the programme for summoning the Legislative Assembly outlined in para. 3, and also remarked that: 'I suppose we shall have to put up with a continuation of the Section 93 régime in the Punjab if the parties refuse to co-operate in a coalition but clearly their co-operation in a Partition Committee is in any case essential.' Mountbatten Papers, loc. cit.
1. Only 71 days remain until 15th August. What ratification, if any, is necessary of H.M.G’s statement by your Party, and when will it be given?

Sachar.
Congress are already firm, and no further formality is needed.

Mamdot.
Ratification by All-India Muslim League Council is necessary and is expected to be given on 9th June.

Swaran Singh.
Shiromani Akali Dal will meet on 9th June. Acceptance of principle of partition certain.

2. What is the earliest date at which the two halves of the Legislature can meet? Can the summons be despatched to Members before your party has ratified?

See answer to 1. So far as Congress are concerned, the two halves of the Legislature could be summoned immediately.

The summons should not issue until the Muslim League Council has ratified. Thinks ratification almost certain.

The summons could issue at any time. The Sikhs, having accepted the principle of partition, will attend.

3. How would your party view the formation of a “divisible” Coalition for the short period remaining before partition? If you favour a “divisible” Coalition, should it be formed at once or later?

Mr. Sachar’s preliminary and purely personal view is that the Punjab should remain in section 93, and that the partition settlement should be negotiated by an ad hoc Committee appointed by the Parties.

Will consult his colleagues and let me know his final opinion when he has done so. (I told him Sachar’s view in a general way).

Took much the same view as Sachar—namely that a Ministry would lose itself in wrangling about law and order and other controversial matters. Prefers Section 93 and a Partition Committee. Said that the Partition Committee could do little until the Boundary Commission had reported.
Note by Mr Abell on a discussion with Sir E. Jenkins (Punjab)

Mountbatten Papers. Official Correspondence Files: Punjab, Part II(a)

7 June 1947

I flew to Lahore yesterday evening¹ and had a long talk with the Governor after dinner. I flew back to Delhi this morning before breakfast.

2. I attach a copy of a note by the Governor.² The main points are discussed below.

3. I promised that I would ask H.E. to speak to the Leaders on Saturday about the question of summoning the two halves of the Assembly in advance of formal ratification. I think myself that public opinion expects immediate invitations and that these might go out immediately after the acceptance by the League on Monday. If the Sikhs are going to cut up rough I rather doubt whether the fact of summoning them now will make much difference. The Governor was prepared to accept this view provided the Leaders in Delhi were agreeable.

4. Coalition Government. I said the Governor’s intentions were exactly in accordance with what, I thought, H.E. wanted.

5. Administrative Work on Partition. It is satisfactory that the Governor is working on the same plan as ourselves. I took the Minutes of H.E.’s Meetings with me and described the latest developments to the Governor. I said I was sure that a lot of work at the official level could be done before the decision about partition was reached and the Governor agreed.

6. The Services. What the Governor said about this subject was the most important part of the discussion. He said that the behaviour of Punjab people in the recent disturbances had been so revolting that very few British officials were now prepared to stay on at all after the transfer of power. He is very doubtful whether appeals would move them because many of them feel it is morally wrong to do the work which they will probably be expected to do or to get involved in disturbances between the communities which are likely to occur, even in the best circumstances, in the disputed areas. The British members of the Services are also tired of being told that they are to blame for any riots that take place and that the worst disturbances only happen where there are British officials.

I tried to point out to the Governor how the matter was viewed in London and throughout the Commonwealth. He said he would do his best but

¹ Actually on evening of 5 June: see No. 97, para. 1.
² See Annex.
neither he nor his Secretary were optimistic about the results of asking men to stay on even for a few months after the transfer of power.

Incidentally, General Messervy has his Headquarters in Government House and the view was expressed by a British member of his Staff and supported by him (though this should not be quoted to the Commander-in-Chief) that only about one in 400 British officers of the Indian Army will be likely to stay on after the transfer of power.

Though the Services have done splendidly in the Punjab during the disturbances they are evidently fed up at the moment and I think the very strong reactions I have quoted may be temporary. It is probable that if a strong appeal is made a better response will be forthcoming than the Governor suggests. I do not believe that men would insist on going immediately if they were told that to stay on for a few months would be a real service to the Empire and to India. It is not, however, yet certain that the new Governments will want men just for a month or two.

7. Two new Governors. Sir Evan Jenkins was most emphatic that he must make it known very soon that he would not serve on in either of the Punjab Provinces after the transfer of power. He has to judge between the communities every day and it must be clear to everyone that he has no personal axe to grind at all. I tried to shake him about this but he was quite immovable and I do not think he would yield to persuasion to stay on in either of the two Provinces, since to do so would identify him with one community or the other.

8. Programme of Action in the Punjab. I agreed generally to the Governor's programme, subject to the possibility of advancing the date for the meeting of the two halves of the Assembly.

9. Boundary Commission. I explained the difficulties about timing to the Governor. The Bill which will be presented in Parliament will have to define the territories of the two Dominions, though it will of course say that they are subject to adjustment as the result of the Boundary Commission. There is, however, no hope that the Boundary Commission will reach results and these be accepted in time for them to be incorporated in the Bill. I anticipate myself considerable delay over the framing of the terms of reference and the securing of a neutral Chairman. It seems to me to follow that the Boundary Commission will not report, or at any rate that accepted decisions will not be available, until after the transfer of power or at any rate that we must go ahead on the assumption that this may happen and that the notional boundaries must stand as the administrative boundaries until the report is accepted. I put this to the Governor as my own idea. He said that the Sikhs had been led to suppose that no important action would be taken on the basis of the notional boundaries but he admitted the difficulty about the time factor. He also admitted that it would be practically impossible for the Boundary Commission to reach a
decision that was acceptable to the Sikhs, so that it was not necessarily an advantage to have that decision at an early date; it might be better to face the matter when the two Governments had settled down a little.

10. As the result of these discussions I suggest the following action:

(i) Party Leaders should be told on Saturday\(^3\)
    (a) to express a view whether the two halves of the \textit{Punjab} Assembly could be summoned at once; and
    (b) that the Governor of the Punjab felt he could not continue as Governor after the transfer of power and that therefore early steps should be taken to nominate two Governors.

(ii) Steps should be taken to ascertain the attitude of both the major parties about keeping on members of the Civil Service and Police for a few months, even if they did not want to stay on permanently. It was suggested at CVS’s Staff Meeting yesterday that letters might be written immediately to Pandit \textit{Nehru} and the Finance Member but I would prefer, if there is no objection, to make informal enquiries first.

(iii) The question of the Services should be discussed further by me with H.E. the Governor of \textit{Bengal} on Monday.

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\(^3\) See No. 100, Item 1, conclusions (vii), and Item 2.

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\textit{Annex to No. 98}

\textit{Note by Sir E. Jenkins (Punjab)}

\textit{SECRET}

5 June 1947

The transfer of power may now take place as early as 15th August 1947. If we are to complete within a period of 71 days the very complicated measures necessary to settle and give effect to the partition of the Punjab, we must be clear about our time-table.

2. The essential measures to be taken are as follows:—

(a) The summoning of the two halves of the Assembly and the taking of the initial decision for or against partition (it may be assumed that the decision will be for partition);

(b) The appointment of the Boundary Commission, the conduct of proceedings by the Commission, and the decision on the Commission’s recommendations.

Before going further it must be stated that the timings of (a) and (b) require great care. It does not seem that the two halves of the Assembly can be summoned until all parties have formally ratified the acceptance by their leaders of H.M.G.’s announcement. It is clear that ratification by the Muslim League will
not take place before 9th June. I have heard, though this has not been confirmed, that ratification by one of the Congress bodies (presumably the A.I.C.C.) may be expected about 16th June. The Sikhs, to be in the fashion, may also decide on formal ratification of some kind. It may therefore be impossible to summon the two halves of the Assembly until 16th June or even later, and the meetings could hardly be held until 26th June or 28th June.

An added complication is that the Sikhs probably and the Muslims possibly may decline to cooperate in (a) until (b) has been completed. It would be a great mistake to summon the two halves of the Assembly until we are clear that the parties will cooperate.

In the circumstances I propose to consult the Party Leaders in a preliminary way tomorrow, 6th June, or as soon as possible thereafter, and to secure the earliest dates I can for the meetings of the Assembly Members. The question for decision is whether I am to force the pace and risk a crisis or give the parties reasonable time.

c) The establishment (if possible) of a “divisible” Coalition Government.

A partition settlement could be effected by a committee of the Party leaders with myself as Chairman, but it could be effected more simply, and I think more amicably, by a committee of Ministers. I propose to sound the Party leaders on the possible formation of a Coalition Government to see us over the short period now remaining, and to provide a committee to deal with the partition settlement. A “zonal” arrangement would be far too complicated and distracting to be effective. The kind of Coalition I have in mind is a “divisible” one consisting of Ministers who could, when the time comes, fall into two groups and form, perhaps with certain additions, the Ministries of the two new Provinces.

d) The negotiation and conclusion of the “partition settlement”.

I propose to follow the model laid down by the Viceroy at the Centre. I hope to complete my plan by tomorrow and to appoint the personnel of the expert committees, but little real work can be done until either a Coalition Government or a committee of politicians has been appointed to control policy. If the Party Leaders are sticky about the ratification of their acceptance of H.M.G.'s announcement and will not co-operate with one another until the two halves of the Assembly have met, it seems improbable that serious work can begin until about 1st July at the earliest. This will reduce the period available to 46 days.

e) The financial adjustments and the reorganisation of the services necessitated by the partition settlement.

Much will depend on how far the Party Leaders are prepared to accommodate one another, e.g. by maintaining joint cadres for a limited period and leaving details for more leisurely decision. One difficulty will be that in the Punjab few, if any, British officers will be prepared to stay on after the transfer
of power. The Inspector General of Police has told me that no British officers will wish to stay on, and I have reason to think that sentiment is much the same among British officers of the I.C.S. The time available for reorganising the services, and particularly for the elimination and replacement of British officers, will be very short. There is no legal method by which British officers can be coerced into staying on. H.M.G. cannot compel them to serve under a Dominion Government; nor does it seem that the Dominion Governments can coerce them in any way.

(f) The installation of two new Governments including two new Governors. If I am able to secure a “divisible” Coalition Government, the nucleus of a Ministry for each of the two new Provinces should be available and the Ministers should have at least some experience. Governors are not easy to come by and will have to be laid on without delay.

3. To sum up, it seems that of the 71 days available something like 25 may be consumed in formalities, and that this period may be even longer if the Sikhs insist on the Boundary Commission reporting before they vote on partition. Once the formalities are over, everything will depend on the willingness of the Party Leaders to co-operate with one another either in a Coalition Government or in some independent committee under my chairmanship. We cannot count on any British officers remaining after the date on which power is transferred for any purpose whatever. I frankly do not see how the work is to be done in the time, and if any Party insists on a postponement of the summoning of the two halves of the Assembly, the work cannot be done in the time. Provisionally I propose to try for the following programme:

1) Summoning of the two halves of the Assembly ... 17th June for (say) 26th June.
(2) Meeting of the two halves of the Assembly ... 26th June.
(3) Decision on the principle of partition (allowing time for joint meeting if demanded) ... not later than 30th June.
(4) Formation of Coalition Ministry ... Any date, but not later than 1st July.
(5) Negotiation of “partition settlement” (essential items only) by 31st July (the expert work can be put in hand now, though it cannot be effective without policy guidance).
(6) Paper reorganisation of services (to be carried on during negotiation of partition settlement) by 12th August.
(7) Transfer of power ... 15th August.

This assumes that an acceptable report by the Boundary Commission will have been presented some time before 15th August.

E. M. J.

* For the results of Sir E. Jenkins’s consultation with the party leaders, see No. 97, para. 3 and its Enclosure.
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In the circumstances I propose to consult the Party Leaders in a preliminary way tomorrow, 6th June,* or as soon as possible thereafter, and to secure the earliest dates I can for the meetings of the Assembly Members. The question for decision is whether I am to force the pace and risk a crisis or give the parties reasonable time.

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E. M. J.

* For the results of Sir E. Jenkins’s consultation with the party leaders, see No. 97, para. 3 and its Enclosure.
Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Interviews (2)

7 June 1947

H.E.

I submit herewith the results of my talk with Mr Gandhi last night. You will see that when we got down to reducing his suggestions to writing, they were very different from your first impression of them.¹

2. I cannot really think that anything could be gained by Your Excellency speaking to Mr Jinnah about the NWFP on the lines that Mr Gandhi suggests: nor do I see how the resignation of the Ministry in that Province would avoid a referendum.

3. As regards the question of agreements or treaties between HMG and the two Indian Dominions, I have now had a talk with Mr V. P. Menon, who has just come back from two hours with Mr Gandhi, which included a reference to the above.

Mr V. P. Menon and I both feel strongly that it would only arouse suspicion if you were to issue an announcement on this subject out of the blue. The time and place for such an announcement would be the debate in the House of Commons on the new Bill, and we have no doubt that a categorical assurance by the Prime Minister or Sir Stafford Cripps to the effect that there was no intention whatsoever of differentiation between the two Dominions would do the trick.

4. I am sending a copy of the enclosure to Mr Gandhi as he particularly asked for it.

Annex to No. 99

MR GANDHI'S SUGGESTIONS TO H.E. THE VICE ROY

1. North West Frontier Province

Mr Gandhi suggests that H.E. should speak to Mr Jinnah in the following sense:

"I am extremely anxious lest the referendum in the NWFP should lead to bloodshed and blood feuds between brother and brother pathan, and I have been wondering whether it could possibly be avoided. Now that you have got your Pakistan, would it not be wise for you to go to the NWFP and speak to the people of the Province of whatever party they may belong, including the present Ministry and their followers. You could explain what Pakistan, which
has hitherto been a vague expression, really is, and present your case in an attractive manner, in the hope that you will be able to woo them to become a Province of Pakistan, with perfect freedom to frame their own provincial constitution.

If you are successful in your persuasion, the proposed referendum and all that it involves would be avoided. If you felt disposed to adopt this suggestion, I could, I think, give you a positive assurance that the Khan brothers and their followers would meet you as friends and give you an attentive hearing.”

Mr Gandhi asked that if this appeal to Mr Jinnah was unsuccessful, he (Mr Gandhi) might be informed of the fact, in order that he might consider the position again. Mr Gandhi added that Abdul Ghaffar Khan was so anxious about the permanent blood feuds which would result from the referendum, that he would go to almost any lengths, consistent with honour, to avoid it. In the last resort, he would be prepared to advise his brother and his colleagues in the Ministry to resign, and then to ask the Viceroy to put the NWFP under Section 93.

Mr Gandhi emphasised that he had not discussed the above with his colleagues, and therefore that it should not be mentioned to anyone at this stage.

2. Bengal and the United Provinces [? Punjab]

Mr Gandhi suggested that Mr Jinnah should be advised to try to win over West Bengal and Eastern Punjab to Pakistan by the same methods.

3. Co-operation between Mr Jinnah and the Congress Leaders

Mr Gandhi suggested that H.E. the Viceroy should speak in the following sense to Mr Jinnah, when he found him in the right mood to listen:

“I am here to help both parties to reach agreement in any way that I can, and I regard this task not only as a pleasure, but as a duty. You must remember, however, that I cannot, in any event, be here forever. Now, therefore, that the decision has been made and you have your Pakistan, why do you not go yourself and talk with the Congress Leaders as friends, and try to get a settlement between yourselves on all the various points at issue. This would make for a much better atmosphere than adhering to the practice of only meeting together under my Chairmanship.”

4. Agreements between HMG and the two Indian Dominions

Mr Gandhi said that there was a lot of loose talk going about that HMG might have different agreements with Hindustan and Pakistan which would possibly tend to favour one over the other. It was, therefore, important that an announcement should be made to the effect that it was HMG’s wish either to

1 These suggestions were evidently made at an interview between Lord Mountbatten and Mr Gandhi on 6 June: see Times of India, 7 June 1947.
enter into tri-partite arrangements with both the Dominions, or to have identical bi-lateral agreements with each of them: and that, in any event, there would be no question of differentiation.

I00

Minutes of Viceroy's Seventeenth Miscellaneous Meeting
Mountbatten Papers

CONFIDENTIAL
Those present at this Meeting held at The Viceroy's House, New Delhi, on 7 June 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Pandit Nehru, Sardar Patel, Mr Kripalani, Mr Jinnah, Mr Liaquat Ali Khan, Mr Nishtar, Sardar Baldev Singh, Lord Ismay, Sir E. Mieville; Lieutenant-Colonel Erskine Crum (Secretariat)

Item 1

THE ADMINISTRATIVE CONSEQUENCES OF PARTITION

His Excellency the Viceroy said that he wished to explain, for the benefit of those leaders who had not been present at the Cabinet Meeting the previous evening, that the Cabinet had shown a certain air of slight grievance that it had not been taken into confidence with regard to the previous discussions on the Administrative Consequences of Partition. He said that he had taken full responsibility for having handled the matter as he had. The Cabinet had also felt that, until a decision on Partition was taken, it was necessary to go circumspectly. It had been pointed out that, until it was known that Partition was an accomplished fact, it would be acting prematurely if the highest tribunal and council to deal with Partition were set up. He had accepted this view, but there was so much spade-work to be done in the meanwhile that it had been proposed that a Cabinet Committee should be formed of four members, possibly two from Congress and two from the Muslim League, who should prepare the mechanics for setting up the other bodies. The paper produced by this Committee would be discussed with the leaders before it was considered by the Cabinet. In fact, the only new proposal arising from the Cabinet Meeting the previous evening was that the preliminary work to establish the mechanism should be done by a Cabinet Committee. The Viceroy said that he wanted to keep the balance between meetings with the Indian Leaders and Cabinet Meetings. He wanted to get policy guidance at the former, as they consisted of a body of men who would be responsible for picking the Governments of the two new States which were to come into existence. On the other hand, the
Cabinet provided the legal authority for setting up Government Committees and the Secretariat that would be required.

PANDIT NEHRU, SARDAR Patel, MR LIAQUAT ALI KHAN and MR NISHTAR stated that they considered that His Excellency had correctly reported what had happened at the Cabinet Meeting the previous evening.

MR JINNAH said that he could not agree that this matter had been handled correctly in the Executive Council. It was first necessary to get a clear concept. Under the Plan contained in His Majesty’s Government’s Statement, it was the Crown and His Majesty’s Government who proposed to transfer power to the successor authorities. With regard to the method, and the machinery which was to be set up for the transfer of power, there should be an independent body. The Interim Government was working under the present Constitution. It was for the Crown and His Majesty’s Government to set up such machinery as would go [sic] to carry out the division of all assets and liabilities which were vested by the Government of India Act, 1935, so far as it had come into operation. For this partial transfer under the Act, the Government had been given certain powers for certain purposes. The Government could only carry on within these limitations. After the announcement of the Plan, it could undertake no new policy or legislation. If there was a crisis it would be for His Excellency as Governor-General, in collaboration with his Executive, to take such steps as were considered necessary; but, barring that exception, no planning or policy, administrative or legislative, could be undertaken because it was clear that it was a question of only two or three months. The Interim Government must not assume a status of power which they did not possess. The Interim Government must realise its own position first. Therefore, the Crown and His Majesty’s Government should, with no delay, tackle the business of partition. He could not see how the Interim Government came into this at all.

HIS EXCELLENCY THE VICEROY emphasised that, until Partition was legally settled, the issue should not be predetermined. Such anticipatory action as he took must be confined to what he was empowered to take as Governor-General-in-Council. Any instructions which were issued must be in the form of Orders in Council.

MR JINNAH said that the point was which authority was really responsible for making all the arrangements—the Interim Government or His Majesty’s Government. THE VICEROY said that he believed that legally it was the Governor-General-in-Council. MR JINNAH said that he disagreed. It was entirely the responsibility of His Majesty’s Government. SARDAR Patel pointed out that much of the property to be divided was vested in the Central Government of India.

PANDIT NEHRU said that there were various authorities in law—for instance His Majesty’s Government, the Governor-General and the Governor-General-

1 No. 95. a See Nos. 39, and 73, Item 1.
in-Council. In law, however, the Presidents of Congress and the Muslim League counted for nothing. They only came into the discussions because they represented powerful forces. Therefore, Mr Jinnah was out of court.

SARDAR PATEL remarked that Mr Jinnah only “came into court” at all by civil disobedience. MR JINNAH retaliated “in which you are an expert”. He said that if the Governor-General-in-Council went beyond the limits of the Government of India Act, he, as a citizen, would come in and challenge his authority. PANDIT NEHRU said that this question might arise if and when any legal action was taken, but meanwhile it did not arise. MR JINNAH said that he had not insinuated that it was intended to do anything illegally. He was quite sure that nothing illegal would be done, but the point was, which authority had the power and responsibility to carry out the Plan. MR LIAQUAT ALI KHAN pointed out that in Paragraph 21 of His Majesty’s Government’s Statement it was laid down that the Governor-General would from time to time make such further announcements as might be necessary. HIS EXCELLENCY THE VICEROY said that he, as Governor-General, would indeed make such announcements—but not the decisions.

MR JINNAH repeated that it was the Governor-General who had the authority and the responsibility and the power. PANDIT NEHRU pointed out that, if the Governor-General went beyond the scope of the Government of India Act, he could be called to account. If he interfered with any Department of the Government beyond the limit of his powers, he would be infringing the Act.

THE VICEROY said that it seemed absolutely clear to him that it would be for the Governor-General-in-Council to issue whatever orders were necessary. He would naturally, however, consult the leaders before so doing. MR JINNAH said that His Excellency could consult anybody that he liked; but it would be the Governor-General and not the Governor-General-in-Council who would issue the orders.

MR V. P. MENON was then called in and gave his opinion that the responsibility lay with the Governor-General-in-Council. He quoted Section 314 of the Government of India Act. MR JINNAH said that this was entirely the wrong section and referred to the Act of 1919. He suggested, and it was agreed, that the matter should be referred to the Chief Justice.

MR JINNAH said that he wished to assure the Congress representatives that he had not been giving the foregoing advice as a partisan. He did not wish to minimise the work of the Executive Council or to undermine it. He wanted to do the right thing.

SARDAR PATEL said that since the formation of the present Government Mr Jinnah had continually taken up the attitude of challenging its status and powers. The Government had promises from H.M.G. that it would function as a Dominion Government. If this authority was then challenged and its members were insulted, they were led to thoughts of resignation. MR JINNAH
said that he did not mean what he had said as an insult. He was purely giving his view, to the best of his ability. He never meant to insult anybody.

**His Excellency** said that one of these days he would get Mr Jinnah on to a Naval Committee and then defeat him properly. **Mr Jinnah** said that in such circumstances he would be utterly ignorant and would talk nonsense.

**His Excellency the Viceroy** said that, pending the decision on the legal point, he intended to set up a Committee containing two representatives of Congress and two of the Muslim League—all of whom should be members of the Interim Government. He would act as Chairman himself. With this course of action there was general agreement.

**Mr Liaquat Ali Khan** said that he understood that the duties of the Committee would be to prepare a scheme for consideration later by the Partition Council. **Mr Jinnah** said that he understood that the Committee would be a fact-finding body and would make its recommendations to the superior body. The latter would be the entity which would take decisions. He made it clear that he did not accept calling the Committee a “Cabinet Committee”. There was general agreement that the Committee should be a fact-finding body and make proposals; but that it should not take final decisions.

**His Excellency** pointed out that immediate action was necessary on the provision of Secretariat accommodation; the securing of clerical staff, typewriters and stationery; and consultation with Departments so that personnel for Expert Committees were put on special duty and given facilities at once. He asked whether the Leaders would agree to the Cabinet Secretariat undertaking this preliminary work. With this there was general agreement.

There was also general agreement on the names “Partition Council” and “Arbitral Tribunal” for the bodies to be set up as soon as a decision on partition was known. **Mr Liaquat Ali Khan** asked whether by this it was meant when all Provinces had expressed their view. **His Excellency** said that this was not his intention; that this time would come when one Province had declared in favour of joining a new and separate Constituent Assembly.

**His Excellency the Viceroy** said that it had been suggested that he should take the chair for the administrative work of the Partition Council; but he would only agree to do this if the leaders endorsed this request and did not ask him to act as arbitrator. **Mr Jinnah** said that he would like the Viceroy to take the chair at meetings of the Partition Council. It would work better that way. There was general agreement on this point.

**Mr Liaquat Ali Khan** suggested that the Arbitral Tribunal should be the final authority for matters not agreed by the bodies set up for Partition of the Provinces, and there was general agreement with this suggestion. It was pointed out, however, that the Partition Council would have no jurisdiction in dealing with matters connected with the Partition of the Provinces.

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1 No. 45.
It was agreed that there would be no objection to the Governor of the Punjab issuing invitations to the members of his Legislative Assembly forthwith.

**His Excellency** said that the question of how to deal with the Interim Government, after the decision on Partition had been made, also arose. He had asked the members of the Interim Government to take no action which they felt might have implications on one or other of the future Governments, without referring to the representatives of the latter. He said that he would have to ask, at a suitable time, either party to select names for their future Governments. He asked to whom he should address himself. It might be possible to set up two Sub-Committees of the Cabinet. It would be desirable to pass the minimum amount of legislation during the interim period. In any case this time would be almost wholly occupied by the processes of Partition.

**It was agreed:**

(i) that a legal opinion, if possible that of the Chief Justice, should be obtained on the issue whether it was the Governor-General, or the Governor-General-in-Council, who was the responsible authority for making the necessary arrangements and issuing the various orders with regard to Partition;

(ii) that a Committee should be set up forthwith consisting of two representatives of Congress and two of the Muslim League, all of whom should be members of the Interim Government, and with His Excellency as Chairman; that Pandit Nehru and Mr Liaquat Ali Khan should send in to His Excellency, as soon as possible, the names of the representatives of Congress and of the Muslim League, respectively, to be appointed to this Committee; that the duty of this Committee should be to make an examination of the steps to be taken to set up machinery, including the formation of Sub-Committees, for carrying out Partition; and that this should be a fact-finding body, whose duty it will be to make proposals and not to reach final decisions;

(iii) that the present Cabinet Secretariat should undertake the immediate action which was necessary in regard to the provision of secretariat accommodation; the securing of clerical staff, typewriters, stationery, etc; and consultation with Departments so that personnel for expert Committees were put on special duty and given facilities at once;

(iv) that, as soon as a decision on Partition was known (i.e. immediately any one Province had declared in favour of joining a new and separate Constituent Assembly), a Partition Council should be set up; that it should consist of two of the top ranking leaders of Congress and two of the Muslim League; that His Excellency should be Chairman of it, with no arbitral functions; and that the recommendations of the Partition Committee above should be subject to acceptance by the Partition Council;

(v) that an Arbitral Tribunal should be set up at the same time as the Partition Council; that it should consist of three members, all men of great judicial
experience; that the composition of it should be settled by the Partition Committee; that Sardar Baldev Singh should consult the other Sikh leaders about the composition of the Arbitral Tribunal, and inform the Partition Committee of their views; and that the services of the Arbitral Tribunal should be offered to the Provinces which were to be partitioned;

(vi) that Pandit Nehru and Mr Liaquat Ali Khan should inform the Viceroy as soon as possible to whom he should address himself in calling for names for the two Governments which would be set up (if there was Partition) when Dominion status was granted;

(vii) that there was no objection to the Governor of the Punjab issuing preliminary invitations now to the members of the Punjab Legislative Assembly to meet to decide the issue of the partition of that Province.

Item 2

SIR EVAN JENKINS

HIS EXCELLENCY THE VICEROY explained that it was his intention to ask all Governors to resign on the date of the transfer of power. He had asked the Secretary of State to sanction this course.\(^6\) He stated that Sir Evan Jenkins had declared his intention of leaving India altogether; this was regrettable, as he was a highly competent man. Whilst agreeing with Sir Evan that he should not serve either new State individually after the transfer of power, HIS EXCELLENCY said that he was wondering whether there was any job in connection with partition which Sir Evan might fill.

Item 3

BROADCASTS

SARDAR BALDEV SINGH said that the broadcast which he had made on 3rd June\(^6\) had been translated entirely wrong. It was after hearing the incorrect translation that Master Tara Singh had made his statement to the press;\(^7\) he had afterwards apologised for this, on hearing the correct version in English. PANDIT NEHRU stated that his broadcast had also been badly translated. SARDAR Patel said it was the responsibility of those who broadcast to translate their speeches themselves.

Item 4

THE PRESS

HIS EXCELLENCY THE VICEROY drew the attention of the Indian Leaders to certain objectionable and inflammatory articles which had appeared in the

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\(^4\) Words in italics are underlined in the original.

\(^5\) No. 79.

\(^6\) No. 48.

\(^7\) Possibly a reference to the statement summarized in No. 72, note 1.
Press recently, and asked them to redouble their efforts to the best of their ability to prevent such articles being published in future. The Indian leaders agreed to do this.

**Item 5**

**The States**

His Excellency the Viceroy said that he [had] received a most logical letter\(^8\) from Pandit Nehru containing suggestions to prevent administrative chaos in the relations between the two new Governments and the States. He said that he intended to send a letter to all the States asking for their concurrence that there should be an over-all stand-still order on all present agreements after the transfer of power, until it was possible to frame new agreements or confirm the existing ones; and asking for them to inform him whether they would send representatives to the new capitals of the Dominions or would prefer that the Dominions should set up representation in the States.\(^9\)

There was general agreement that such a letter would be helpful.\(^10\)

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\(^8\) No. 68.

\(^9\) cf. No. 94, note 5.

\(^10\) The same day Mr Abell wrote to Sir C. Corfield quoting the above minutes on the letter which Lord Mountbatten intended to send to the States, and asking for the necessary action to be taken. R/3/1/137: f 12.

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**IOI**

*Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Mr Jinnah, Mr Liaquat Ali Khan and Mr Nishtar*

*Mountbatten Papers. Viceroy’s Interview No. 145*

*7 June 1947, 11.45 am*

The Dewan of Bahawalpur was present for the latter half of this interview.

Lord Ismay and Sir Eric Mieville were also present. Lt Col Erskine Crum was in attendance and dictated the record.

This interview lasted 2 hours.

Mr Liaquat Ali Khan suggested that the chairman of the Arbitral Tribunal should be a member of the Judicial Committee of the Privy Council, preferably without previous experience of India. I said that I would consult the Congress Leaders about this, and put up the suggestion to H.M.G.

Mr Jinnah suggested that the Chairmen of the Boundary Commissions should be people with experience of the broad principles whereby boundaries were demarcated. I agreed to this, and said that I would suggest to the Congress leaders that all three members of each Boundary Commission should be pro-
vided by U.N.O. Representatives of Congress, the Muslim League and other interested parties would be in attendance on the Commissions as expert assessors—probably 3 from each side of each partitioned Province. I asked Mr Jinnah to suggest the paragraph in the terms of reference of the Western Boundary Commission which would refer to the Sikhs.

I put forward the suggestion that H.M.G. and the two new Dominions should enter into tripartite agreements. Mr Jinnah objected to the word “tripartite”; he preferred the expression “identical bilateral agreements”.

I asked Mr Jinnah to show me the terms of the resolution which he intended to put before the All-India Muslim League Council at its meeting on 9th June. He replied that this resolution would probably be short, and contain the following points:—

(a) We accept the plan as the only possible solution.
(b) We can never agree to an united India.
(c) We do not agree to the partition of the Punjab and Bengal, but we have to take the plan as a whole into account when considering this.

The Dewan of Bahawalpur then entered and gave an account of the difficulties which that State would face as a result of the partition of the Punjab. These difficulties were in connection with water supply and irrigation. I asked Sir Eric Mieville to keep in touch with him. He also suggested that there should be a time limit of, perhaps, five years for the continuation of present agreements with the States.

Mr Jinnah was strongly of the opinion that existing contractual agreements with the States would be legally binding on the successor authorities. I said that I would take this point up with Congress and ask for a ruling from the Secretary of State.

102

Mr Abell to Mr Jinnah

Mountbatten Papers. Official Correspondence Files: Partition, Administrative Consequences of

7 June 1947

Dear Mr Jinnah,

H.E. asks me to send you the enclosed copy of a legal opinion by Sir G. Spence. He hopes you will be good enough to let him see the draft resolution for the All-India Muslim League Council.

Yours sincerely,

G. E. B. ABELL
Enclosure to No. 102

I understand that a question has arisen regarding the authority competent to vest the contemplated Partition Tribunal and various ancillary committees with the authority which they are designed to exercise. I understand further that the Partition Tribunal is designed to be authorized to take binding decisions and require the Departments of the Government of India to take action on those decisions as if they were decisions of the Government of India.

2. I understand the contention to have been advanced that the authorization of the Tribunal and the committees should emanate from the Governor-General and not from the Governor-General-in-Council. I am very clearly of opinion that this contention is untenable. The vesting of an extra governmental body or bodies with power to issue binding directions on Department[s] of the Central Government clearly involves the exercise of the executive authority of the Central Government and that executive authority is required by subsections (1) and (3) of Section 313 of the Constitution Act to be exercised by the Governor-General-in-Council.

3. It has, I understand, been suggested that authority to issue the authorization accrues to His Excellency the Governor-General from paragraph 21 of the statement of the 3rd June 1947.\(^\star\) This suggestion is very clearly untenable. Paragraph 21 embodies merely a statement of fact that His Excellency the Governor-General will from time to time make such further announcements as may be necessary and it will of course be open to His Excellency to make an announcement of the fact that the Partition Tribunal has been constituted and authorized in the manner proposed. But paragraph 21 manifestly does not purport, and cannot operate, to render exercisable by the Governor-General functions which under the Constitution Act cannot be exercised otherwise than by the Governor-General-in-Council.

G. H. Spence
7.6.47

\(^\star\) No. 45.

IO3

The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/188: f 7

INDIA OFFICE, 7 June 1947

Dear Mountbatten,

In the proceedings of the Special Committee of your Cabinet held on the 24th April, 1947 (No. 90/CF/47),\(^\star\) at which the compensation question was discussed you are reported as having said that—
“there was in any case no question of linking up any further talks that there may be on the subject of responsibility for the payment of compensation with the negotiations in regard to sterling balances”.
As a matter of fact it was agreed at the meeting of the India and Burma Committee here on the 13th March (at which you were present) that—
“if the Government of India declined to accept the expenditure involved as a charge on Indian funds, it should be made clear to them that such expenditure would have to be taken into account in connection with the negotiations for the settlement of India’s sterling balances”.

Pethick-Lawrence also referred to the probable advantage of thrashing the matter out in the sterling balances context in paragraph 2 of his private telegram No. 42 dated 4th April about the composition of the Indian sterling balances delegation.

We have not yet finally made up our minds whether to link the two matters together, and it might well be that we should not do so until the sterling balances negotiations were actually in progress. If, however, we raised the matter and the Indian delegates were still under the impression given by your statement, they might well feel aggrieved and be unnecessarily difficult. We should be grateful, therefore, if you would take such steps as you think fit to let those concerned know* that H.M.G. do not* regard themselves as debarred from raising, during any negotiations relating to the sterling balances, the questions of financial liability arising out of paragraph 10 of the Prime Minister’s Statement of 30th April.*

Yours sincerely,
LISTOWEL

1 L/S &G/7/914: ff 171–5.
3 L/F/7/2869: ff 256–7.
4 On 25 June Lord Mountbatten circulated a note to the Indian Cabinet informing them of the gist of this letter. R/31/188: ff 10–11.
5 Emphasis in original.
6 Cmd. 7116.

104

Sir F. Mudie (Sind) to Rear-Admiral Viscount Mountbatten of Burma (Extract)

Mountbatten Papers. Letters to and from the Governor of Sind

D.O.NO.453/F.R GOVERNMENT HOUSE, KARACHI, 7 June 1947

Dear Lord Mountbatten,
I had hoped to be able to give you an account of the reaction to HMG’s latest statement, but I find it extraordinarily difficult to do so. The local press has been particularly futile. I think that it was just too much for them. Also they are not
quite certain which way the cats of their respective High Commands are to jump. My general impression however is that the Sindhi Muslim is very pleased. Pirzada Abdus Sattar issued quite a good statement urging acceptance. There is some pro forma criticism of the partition of the Punjab and of Bengal, but Sindhis care little about the Punjab and nothing at all about Bengal.

The Hindus are, I think, resigned, a little hurt that the Congress has done so little for them. Their press is less truculent. I attach some significance to the fact that one or two prominent Hindus who had previously refused nomination to the Sind University Senate, in response to Congress agitation against it, have now accepted. There is some movement of bank balances to "Hindustan" and a certain fall in the value of real property in Hindu areas. There is also vague talk about emigration to Hindustan. Some Gujeratis, Kachchis and other non-Sindhis may retire to their original homes, but I don't expect many real Sindhis to leave the Province. There are signs of a growing feeling that the proper line for the Hindus in Sind is to co-operate with and not to continue to fight the League on all fronts. There are some, though not very definite, signs of a response.

The British community and the Muslims are very pleased about Dominion Status. They recognise that it is the only possible alternative to the civil war, which everyone, until your latest announcement, assumed to be inevitable.

The great thing is that the tension is over. Some decision has been arrived at and the main political parties have agreed or at least acquiesced. No one is prepared to go back to the old state of affairs.

105

Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/90: f 144

IMMEDIATE
CONFIDENTIAL

7 June 1947, 11 pm
Received: 8 June, 6 am

Tel. No. 121-G. Lahore reports 3 killed 2 wounded and 3 fires and Amritsar 2 killed 2 wounded and 9 fires.

2. Lull in hostilities continues in Gurgaon but Commissioner who is on spot reports that, at meeting of Assembly members of district, Hindus were sullen and uncooperative and Moslem "numbed and hopeless" but prepared to fight to a finish. Commissioner thinks that, with reinforcements provided or in view, further large scale attacks should be prevented.

3. General situation unchanged and unsatisfactory. Reactions to partition are now clearer. Hindus in West and Moslems in East are dissatisfied but Congress
and Moslem League both claim that plan is master-stroke of their respective leaders and that all will be well in the end. Sikhs pin their faith on Boundary Commission and say they will accept no western boundary short of Chenab. Moslem League will be faced with minor revolt against Jinnah which he will probably suppress with ease.


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Lord Ismay to Sir D. Monteath

Telegram, R/3/1/170: f 23

IMMEDIATE

NEW DELHI, 8 June 1947, 1.30 pm

SECRET

Received: 8 June, 2.10 pm

1354-S. On 9th May I sent you a minute¹ asking whether the Secretary of State would agree to Sir Olaf Caroe being replaced by General Lockhart at a time to be determined by the Viceroy. We subsequently discussed this question, but you did not give me a firm reply before I left London.

2. Situation has now become urgent as Viceroy has decided that Sir Olaf Caroe must be replaced as Governor of the N.W.F.P. as soon as possible. He has suggested² to him that he should take leave as soon as his relief arrives, without prejudice to the possibility of his being asked by the Pakistan Government, if they win the referendum, to resume his Governorship of the Province at the end of his leave.

3. Caroe has not yet replied, but Viceroy considers it most important that King’s unofficial approval should be obtained, so that action can be taken immediately he thinks the moment ripe.

4. As you know, Commander-in-Chief has agreed, but Defence Member will, of course, be consulted before any announcement is made.

¹ Not printed; but see Vol. X, No. 417 and its note 2. ² No. 96.
My dear Sir Stafford,

I need hardly tell you that I more than share the general satisfaction felt over the solution now officially accepted and feel that a great incubus is off our chests.

However, there is one point which is fraught with great potentiality for immediate mischief and about which I wish to write to you. This is private, but I would like you to share it with any friends and colleagues who can help. The doctrine laid down without consulting us, that with the withdrawal of British Sovereignty ‘paramountcy’ ends and that as a consequence the 565 Indian States automatically attain a chaotic independence is indefensible. Legally, historically, politically and morally it is wrong. Until 1935 there was no distinction drawn between the Crown and the Governor-General in Council in regard to the treaties and obligations between the Indian rulers and the Paramount authority. A new doctrine of distinction was invented in 1935 in view, I believe, of the unavoidable and progressive transfer of power from Britain to the people of India.

It is not correct to say that the treaties entered into by the Indian Princes were with the Crown, irrespective of British Indian governance. The Crown did not act in that context in an abstract capacity or in the capacity of Sovereign of England. The Governor-General acted with reference fully and exclusively to the governance of India. The treaties do not create a personal right or obligation, but impose obligations on the rulers for the time being of the Indian States and of India. Under the earlier Government of India Acts the existence of political relations between the Executive Government of British India and the Indian States was clearly contemplated and the Government of India was fully empowered to transact business with the Indian States. The entire expenditure incurred in the exercise of these functions was and is charged to the revenues of British India. An incorrect doctrine has been incorporated and is being re-enforced by repetition without adequate discussion or investigation. Many of the Indian States which are now encouraged by this pronouncement to claim independence did not exercise it or claim it before they came under British Sovereignty. The British withdrawal cannot suddenly become the basis for a status which they had not in history. Yet by parity of application 565 independent States are brought into being, every one of which can claim the right to bargain individually and to resist the imposition of outside authority except on its own terms.
Paramountcy came into being as a fact and not by agreement and on British withdrawal the successor authority must inherit the fact along with the rest of the context. The East India Company acquired territory by conquest or otherwise and they chose to assume direct authority over some areas and preferred to hold paramountcy over other areas. A single paramount power was evolved which was responsible to the British Parliament.

The relations of the Crown with Indian States comprise a large number of important matters which are really relations between Indian States and British India, e.g. Railway Agreements, Jurisdiction over Railway lines in regard to civil and criminal administration, unification of Posts and Telegraphs, system of Currency and Coinage, etc. It cannot be contended that all these are matters of no concern to the successor Government of British India and that they can be terminated at the will of H.M.G. when they withdraw their authority from India. The right to wage war and to determine external relations cannot be left in a chaotic condition for each one of the 565 States. It would endanger the peace of India and cannot be tolerated.

It can be argued that it is open to the successor Governments to make terms and enter into treaties, but the question of policy as to what should be the attitude of the British Government at the time of their withdrawal is very important. Encouragement to disruption has to be avoided.

Indian States have no international status, and is H.M.G. now going to sponsor them and create conditions which they themselves had regarded as impossible when they were in charge of the Government of India? All these thirty years no major modification was contemplated except on the basis of a Federation or a Union consisting of both British India and the Indian States. There is no reason now for evolving a disruptive doctrine and for bringing to sudden termination all existing relations which are based on contract or circumstance.

If indeed existing relations between British India and Indian States are traceable to the Crown in England and not to the Government of India, one might ask why on the establishment of British India as one or two independent States, it is necessary for the Crown to terminate its relations with the Indian States. Those relations ought to be capable of being continued irrespective of what has happened to British India. H.M.G. have admitted that this would not be possible. The real fact of the matter is that the so-called relations between the Crown and the Indian States are matters of vital concern to the Government of India on the one hand and the Indian States on the other. The Crown in the United Kingdom has no interest in them except as long as it was the paramount authority in British India. It follows therefore that that interest must devolve on the successor Government. The enormity of the new doctrine that para-

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1 Sir S. Cripps sent a copy of this letter to Lord Listowel asking the latter to let him have an answer. L/P 8&J/7/10889: f 7.
mountncy should end and cannot be handed over to the successor Government will be obvious if it is realised that out of the 565 States, more than 350 are just estates. The so-called rulers of these States have not exercised powers beyond an ordinary Third Class Magistrate. Is it suggested that all the residuary jurisdiction which had been exercised by the Crown in India should now 'revert' in an illegal manner to these chief who had never exercised them before?

Something should be done to prevent this chaos and discourage tendencies on the part of more powerful States to declare what they call 'Independence'. If the people of these States had been behind the rulers, the position could be understood, though not favoured, but as things stand these ambitions on the part of some of the rulers of the States cannot but lead to widespread disorders. It cannot be the intention of H.M.G. to create such a condition in India. It should therefore be considered an obligatory duty to prevent such declarations of independence on the part of Indian States by every legitimate means.

I have written a somewhat rambling letter. I hope you will bestow your attention on this subject and do something immediately to prevent what I gravely apprehend.

Yours sincerely,
C. RAJAGOPALACHARIAR

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Minutes of Viceroy’s Fortieth Staff Meeting, Items 1–4, 6, 8–10

Mountbatten Papers

SECRET
Those present at this Meeting held at The Viceroy’s House, New Delhi, on 9 June 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir E. Mieville, Rao Bahadur V. P. Menon, Mr Christie, Captain Brockman, Mr I. D. Scott, Mr Campbell-Johnson, Lieutenant-Colonel Erskine Crum

Item 1

HYDERABAD AND KASHMIR

HIS EXCELLENCY THE VICE ROY said that it had been preliminarily arranged for him to visit Hyderabad from 10th–14th July.

HIS EXCELLENCY THE VICE ROY said that he had seen reports in the Press that Mr Thompson was to be appointed Dewan of Hyderabad. He stated that he strongly disapproved of an Englishman taking such an appointment.

HIS EXCELLENCY THE VICE ROY:—

(i) directed D.P.S.V., in consultation with the Political Adviser, to draft
for his approval a telegram to the Residents in Hyderabad and Kashmir, asking them to make every effort to ensure that the Rulers of those States did not make any public announcement, before he had visited them, that their States were going to be independent and join neither Constituent Assembly;¹

(ii) directed Prin. Sec. to find out whether it was true that Mr Thompson had been offered the appointment of Dewan of Hyderabad; and, if it was true, whether he had yet accepted this appointment.²

Item 2

DOMINION STATUS

HIS EXCELLENCY THE VICEROY said that he felt that it was essential for the Legislation, which was going to be introduced amending the Government of India Act to confer Dominion Status upon Hindustan and Pakistan, to include provision for the two Dominions to have the same man as Governor-General, at any rate in the initial stages. It would have to be made clear that only an interim period was envisaged, and that this could be brought to an end on the wish of either party. He was equally sure that in this matter his name should in no way be mentioned. A decision on whether Mr Jinnah was willing to have the same man as Governor-General of Pakistan as Governor-General of Hindustan would have to be made within a month, for planning purposes. HIS EXCELLENCY said that, after careful consideration, he had come to the conclusion that it would not be possible for him to stay as Governor-General of only one of the two Dominions; but it would be quite fatal for Mr Jinnah to know that he had taken this decision.

HIS EXCELLENCY THE VICEROY said that, if it was to be assumed that his present staff was indisputably essential if the processes of Partition were to be completed within a year or two, it would be necessary to work in the interests of India, regardless of personal interests, in order to bring these processes to a successful conclusion.

SIR ERIC MIEVILLE said that he was not sure that it was fully realised exactly what the powers of a Governor-General under Dominion Status were. These had been defined by the Imperial Conference which had taken place in 1926. He read an extract from the decisions there reached, which made it clear that a Constitutional Governor-General could not communicate with His Majesty’s Government. SIR ERIC MIEVILLE said that the staff of the normal Constitutional Governor-General of a Dominion was extremely small compared with

¹ Political Adviser’s tel. 1372-P of 9 June instructed the Residents in Hyderabad and Kashmir ‘if suitable opportunity occurs’ to use their ‘verbal influence’ with their ruler to postpone any contemplated public announcement on this subject until after Lord Mountbatten had visited them. Mountbatten Papers, Official Correspondence Files: States Negotiating Committee.

² No record of enquiries by Sir E. Mieville on this point has been found. Mr Thompson was not appointed Dewan of Hyderabad.
the Viceroy's present staff. Normally the staffs of Constitutional Governors-General were paid by the Dominions concerned. The biggest, he believed, was in Canada, where the Governor-General had one Secretary, a Comptroller, and four As.D.C.

RAO BAHADUR MENON said that he agreed that, so far as communications with H.M.G. were concerned, the Governor-General would after the transfer of power have no official position. Nevertheless there could still be a channel for personal correspondence. He emphasized his belief that in the initial stages the influence of the Governor-General would be very great indeed.

HIS EXCELLENCY THE VICEROY pointed out that the Duke of Gloucester, when Governor-General of Australia, had had a very much bigger staff than that quoted by Sir Eric Mieville for Canada—including a Major General as Chief of Staff. He said that he had already spoken to the Prime Minister about this matter. He had explained to him that, if he was asked to stay on, the basic reason for this request would be because, as a manoeuvre to separate warring people, and in view of the fact that the emotional position had become untenable, Dominion Status had been rushed through in two or three months, whereas normally it would have taken two or three years to introduce. The processes of Partition would nevertheless have to go on. HIS EXCELLENCY said that he had explained to Pandit Nehru and Sardar Patel that there would be only a Constitutional Governor-General after the introduction of Dominion Status. But Pandit Nehru had replied that the holder of this particular appointment would be in a very different position from a normal Constitutional Governor-General; and that, in the initial stages, at least, his influence would count for a great deal. Pandit Nehru had further expressed doubt whether the processes of Partition would work satisfactorily if His Excellency did not stay personally. THE VICEROY went on to say that he had told Mr Attlee that, in the event of his remaining as Constitutional Governor-General, he would clearly not want as big a staff as he had at present; but he would require a team of high level experts if he was to be required to give advice and guidance, to act as a mediator, and to bring the two sides together.

RAO BAHADUR MENON said that, as he saw it, in the present situation both sides went to Great Britain for a decision. The next step would be for them both to go to a British representative for friendly advice. They would wish to use His Excellency's good offices for this purpose. There was also the problem of the States to be considered. Here an independent advisor and guide would be of the greatest benefit. Even Mr Gandhi had said that he would be entirely guided by the decisions of any Committee of which Lord Ismay, for example, was Chairman.

LORD ISMAY gave his opinion that, if it was decided to have two separate Governors-General, all the work of His Excellency and his present high-level staff would be finished. But, if the Viceroy remained as Governor-General of
both Dominions, the only reason for this would be so that he could help with advice. The two Dominions would probably invest him, through goodwill, with great power in an influential and advisory capacity. He and his high-level staff would, of course, do nothing executive. If the two Dominions rejected the advice continually, the position would probably become untenable.

The Viceroy pointed out that Pakistan would be the Dominion which would gain most advantages if he stayed behind as Governor-General of both Dominions. In fact, if he had his own separate Governor-General, Mr Jinnah might well wreck his prospects.

Mr Scott said that he thought that it was important that the two new Dominions should not get into the frame of mind wherein they would always look to the Governor-General for a decision. Rao Bahadur Menon said that there was no question of this. All they would want would be His Excellency’s good offices in an advisory capacity.

Mr Scott gave his opinion that the Governor-General should not be Chairman of any Committee with executive or political responsibility after the date of the transfer of power. His Excellency said that he agreed that it would be out of the question for him to take the Chair at meetings of either side separately. But it was necessary to dismiss precedent in these matters altogether. If he personally was the only man holding office in both Dominions, it might well be possible for him to take the Chair at meetings between them, without a vote and only in order to guide the discussions.

Sir Eric Mieville emphasised the necessity for putting the whole onus of the decision to use the good offices of a Constitutional Governor-General in any special way onto the Indians themselves. Rao Bahadur Menon said that the necessary legislation could be so drafted to give this effect. Lord Ismay suggested that the next step should be the issue of an agreed statement by the two parties.

Rao Bahadur Menon emphasised that special provision would definitely be necessary in the legislation for one Governor-General to serve both Dominions. This was not possible, for example, in Australia and New Zealand at present.

Mr Christie suggested that His Excellency might be Chairman of a Committee consisting of representatives of both Dominions in the capacity of a Minister of State. The Viceroy said that this would be most undesirable and Rao Bahadur Menon stated that it would be unacceptable.

The Viceroy said that Sir Walter Monckton should be asked to interview Mr Jinnah concerning the latter’s choice of a Governor-General; and to point out to him the advantages for the initial period of sharing one with Hindustan.

1 No record of these exchanges with Pandit Nehru and Sardar Patel on the position of a constitutional Governor-General has been traced, but possibly they took place at the interview on 17 May recorded in Vol. X, No. 472; see also Vol. X, No. 471, para. 18.
MR CAMPBELL-JOHNSON drew attention to a report in a newspaper from London to the effect that a Government spokesman had said that it was hoped in Whitehall that it might be possible for Lord Mountbatten to remain as Governor-General for the whole of India.

HIS EXCELLENCY THE VICEROY:—

(i) directed Press Attaché to point out to Mr Joyce the undesirability of such statements by Government spokesmen being made at the present time;
(ii) invited C.V.S. to arrange for a paper to be prepared, setting out the advantages of Pakistan and Hindustan having the same man as Governor-General;
(iii) invited C.V.S. to prepare, for his approval, a brief for Sir Walter Monckton’s meeting with Mr Jinnah;
(iv) invited C.V.S. to consider what the next step in this matter should be if Sir Walter Monckton’s interview with Mr Jinnah was unsuccessful, bearing in mind that it was essential to have Mr Jinnah’s decision within a month, for planning purposes;
(v) directed the Reforms Commissioner to prepare a draft of the legislation which would be necessary to allow both Pakistan and Hindustan to have the same man as Governor-General; this legislation should make it clear that this arrangement was only intended for an interim period, which could be brought to an end on the wish of either party; and should be so drafted as to put onto the Indians themselves the onus of any decision to use the good offices of a Constitutional Governor-General in any special way.

Item 3

THE NORTH-WEST FRONTIER PROVINCE

MR SCOTT said that Sardar Baldev Singh had suggested that the names of the Army officers who were to help run the referendum in the N.W.F.P. should be referred to the Government of that Province for their comments, in view of the fact that the referendum was to be held “in consultation with the Provincial Government”. MR SCOTT suggested that this request might be refused on the grounds that there would be no time to change the officers who had been selected.

LORD ISMAY said that he considered that this would be a very weak excuse. In his view the list of the officers chosen should be shown to Dr Khan Sahib, who should be asked to give the exact reasons for any objections he had, and who should be informed that his objections would be subject to be over-ruled by The Viceroy.

HIS EXCELLENCY THE VICEROY said that he shared the opinion that the list of officers should be shown to Dr Khan Sahib.
HIS EXCELLENCY THE VICE ROY said that he wished Lord Ismay to take all the necessary action concerning the possible change of Governors in the N.W.F.P.

HIS EXCELLENCY THE VICE ROY:—

(i) directed D.P.S.V. to draft, for his approval, a personal letter from him to Dr Khan Sahib, containing a list of the names of the Army officers chosen to run the referendum in the N.W.F.P.; asking whether he had any objections to these officers, and if so, the exact reasons therefor; and making it clear that any objections which he raised would be considered, but could be over-rulled by The Viceroy;

(ii) directed D.P.S.V. to inform Sardar Baldev Singh that he was going to write to Dr Khan Sahib;

(iii) directed C.V.S. to take all necessary action concerning the change of Governors in the N.W.F.P.; including consultation, at the appropriate moment, with Sardar Baldev Singh concerning the secondment of General Lockhart; and the drafting, for his approval, of a letter from himself to General Lockhart concerning his appointment;

(iv) directed Press Attaché, at the appropriate moment, to issue an announcement to the Press concerning the change of Governors, saying that Sir Olaf Caroe was going on leave at his own request and that General Lockhart would officiate, seconded from the Army.

Item 4

THE LEGAL AUTHORITY FOR PARTITION

HIS EXCELLENCY THE VICE ROY recalled that Mr Jinnah had, at the meeting with the Indian Leaders on Saturday, 7th June, expressed the opinion that it was the Governor-General and not the Governor-General-in-Council who had the authority and responsibility to give orders in connection with the processes of Partition. This issue had been referred to Sir George Spence, who had given an opinion in contradiction to Mr Jinnah. Mr Jinnah had now replied that he did not agree with Sir George Spence and had reiterated his view that the matter should be referred to the Chief Justice.

HIS EXCELLENCY THE VICE ROY:—

directed D.P.S.V. to refer this issue to the Chief Justice, Sir Patrick Spens, for an opinion.

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4 Mr Campbell-Johnson informed Mr Joyce of the press report, which had appeared with a London dateline in the Hindustan Times of 7 June, in tel. 1359–S of 9 June 1947. He pointed out that discussions on the Governor-Generalship were in a 'delicate stage' and official comment of any kind, particularly along such lines, 'might well have effect of producing a result which is exact contrary to the hope expressed in this Hindustan Times report'. Mr Joyce replied in tel. 7477 of 10 June that the report was not inspired by the India Office, that some speculation was inevitable, but that he had asked responsible correspondents to avoid reference to the subject. L/I/1768: ff 333–4.
6 R/3/1/151: f 132.
7 No. 100, Item 1.
8 Enclosure to No. 102.
9 Not traced.
Item 6

CEREMONIES ON THE DATE OF THE TRANSFER OF POWER
HIS EXCELLENCY THE VICEROY:

directed Pers. Sec. in consultation with M.S.V. to prepare a paper on all
the ceremonial action which would be required on the date of the transfer
of power.

Item 8

HIS EXCELLENCY’S MEETING WITH THE THREE CONGRESS LEADERS
HIS EXCELLENCY THE VICEROY said that he wished Pandit Nehru, Sardar
Patel and Mr Kripalani to be invited to come and see him at 10 a.m. the fol-
lowing day. He intended to talk to them about the Boundary Commissions
and other matters.

RAO BAHADUR MENON said that he believed that the Sikhs would have to
have a transfer of population and property in the Punjab. He suggested that the
Legislative Assemblies of the Punjab and Bengal should be asked to meet
together to settle their difficulties, particularly the Sikh and Muslim Leaders in
the Punjab.

HIS EXCELLENCY THE VICEROY said that possibly the first draft of the
terms of reference for the Boundary Commissions might be made by the
Provincial Legislative Assemblies. This proposal was worth looking into.

HIS EXCELLENCY THE VICEROY:

(i) directed D.P.S.V. to arrange a meeting with the three Congress
Leaders at 10 a.m. the following day;
(ii) instructed Con. Sec. to issue an agenda for this meeting;
(iii) directed C.V.S. to consider the possibility of the preliminary work on
the terms of reference of the Boundary Commissions being done by
the Provincial Legislative Assemblies concerned; and, if he con-
sidered that this was a desirable course of action, to draft telegrams
to the Governors of the Provinces concerned asking them to arrange
the necessary meetings; and to inform Mr Jinnah, Pandit Nehru and
Sardar Baldev Singh that this was being done.

Item 9

MR GANDHI

HIS EXCELLENCY THE VICEROY said that at his last meeting with Mr Gandhi
the latter had suggested that he should talk to Mr Jinnah about certain points.

HIS EXCELLENCY THE VICEROY:

directed Pers. Sec. to draft for his approval a letter to Mr Gandhi saying
that he would raise these points with Mr Jinnah, except for that concerning
tripartite or identical bilateral agreements between His Majesty’s Govern-
ment and the two new Dominions, on which he was going to suggest that the Prime Minister should give an assurance in the House of Commons.

Item 10

BRITISH FORCES

Lord Ismay said that Field Marshal Auchinleck had agreed to let the Viceroy have his views concerning the date on which British Forces should be withdrawn from India.

\* See No. 124. \*\* See No. 99. \*\*\* See No. 125.

109

Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/137: ff 23–5

SECRET

NEW DELHI, 9 June 1947

Dear Lord Mountbatten,

You were good enough to discuss with us possible arrangements as between the Government of India and the States to deal with matters of common concern. I have given some more thought to this matter and consulted some colleagues.

It seems to us that it is not merely necessary to have some of the Government of India's representatives in the States and some of the States representatives in Delhi. What is important is to have some Central Agency on behalf of the Government of India to deal with States problems in a uniform way. Not to have this will lead to confusion and chaos in administration. As I have pointed out to you there are innumerable common problems as between the States and the Government of India. This has nothing to do with paramountcy and its offshoots. If the States correspond directly with each Department of the Government of India, there will be no uniformity of procedure or policy and conflicting decisions may well be arrived at, apart from the great increase in work of each Department. It is therefore desirable to have this common Agency or channel.

The Political Department has thus far served as such a common Agency. The proper course would have been for this Department to continue for the time being minus its paramountcy functions and for the Department to be put directly under the Government of India. It would also have been desirable for the local Agencies of the Political Department in the States to continue for the

\* No. 100, Item 5. \*\* No. 68.
time being as Agents of the Government of India and not for purposes of paramountcy.

If this is not possible, then it is necessary to create a new Agency immediately. The Department dealing with matters of common concern between the Indian States and the Government of India should be created and put in charge of a Secretary who should function under some Member of Government. Correspondence dealing with Indian States and the Government of India should be pooled in the Secretariat of this Department, a common policy pursued with the concurrence of the Member in charge, and particular cases could be referred to the various Departments of the Government of India.

The main functions of this Secretariat should be—

(a) Arrangements in substitution of existing ones for dealing with Agency functions discharged on behalf of the Government of India by the Political Department and its officers.

(b) Negotiations for reviewing—

(i) economic and financial agreements; and

(ii) steps to be taken to systematise the political relationship between Indian States and the Government of India until their entry into the Federation.

All this relates to the present period, that is from now onwards to the establishment of Dominion Status. The second period will be from Dominion Status to the functioning of the new constitution. It will be necessary to make some additional arrangements then. Probably it might be desirable to have a Minister in the Dominion Cabinet in charge of Indian States affairs, assisted by Advisers from Indian States.

This is a brief indication of what I think should be done very soon in order to provide for a smooth change-over from present conditions and in order to give effect to the policy you have enunciated in regard to the States. This does not involve any radical change but only provides machinery for carrying on present arrangements and for consideration of possible changes. We must have, as is generally agreed, stand-still agreements with the States till such time as new agreements have been made. Meanwhile even though stand-still agreements require some central machinery to function and to start negotiations for review of those agreements, you were good enough to say to the States that you would be glad to put them into contact with the appropriate authorities of the Government of India for the purpose of enabling them to establish new relations with the latter. The machinery I suggest would enable this to be done.

The Political Department, it is said, will be wound up by the 15th August. Meanwhile it will gradually liquidate itself. There will be a period from now onwards when there might be some overlapping between the new Department of the Government of India that I suggest and the Political Department. This
need not lead to any confusion or trouble. Indeed the proper course would be for part of the staff of the Political Department to be transferred to the new Department and for the Political Department to give every assistance to the new Department in supplying information and advice.

As I have said above, all this does not relate to paramountcy functions, but to matters of common concern between the Government of India and the States. The new Department will gradually take over all the correspondence between the Indian States and the Government of India. The States should be requested to deal directly with this Department and not with each separate Department of the Government of India.

Following up the same procedure, local officers of the Political Department in the States should deal more and more with this new Department of the Government of India. Even if the Residents leave, those officers should continue for the time being under some junior officer. This will maintain a continuity of work and can lead easily to the new arrangements that might be arrived at without any hiatus. The States can have no objection to this as this does not involve any decision of policy in regard to their future, but gives facilities to them to deal with the Government of India. I know as a fact that many States would welcome this procedure. I see no way for the Government of India escaping this responsibility and burden. If no arrangements such as suggested above are made now, the result will necessarily be delay and confusion. In any event the Government of India will have to set up some such Department and the sooner it is done the better.

The necessary consequence of what I have suggested above is to suspend various activities that are going on to liquidate the work of the Political Department in the Residencies. I would point out again that these activities concern the Government of India intimately. No steps should be taken without consultation with the Government of India. No property belonging to the Government of India should be disposed of without its prior concurrence. The present staff and equipment, except for some senior officers, should continue till fresh arrangements have been made.

Yours sincerely,

JAWAHARLAL NEHRU

2 Lord Mountbatten acknowledged this and the following letter [No. 110] on 10 June. He stated that he would have a paper prepared dealing with Pandit Nehru's suggestions as well as the points agreed at No. 100, Item 5, and that, 'since the Pakistan Government will be equally concerned in the case of such States as decide to join them', he felt the matter must be discussed at a further meeting of the leaders. R/3/1/137: f 28.
Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/137: ff 20-21

SECRET

NEW DELHI, 9 June 1947

Dear Lord Mountbatten,

I am writing to you separately about a proposal to set up immediately a Department of the Government of India to deal with matters of common concern with the States. This has become a matter of extreme urgency because changes are taking place from day to day which will come in the way of any future arrangements that may be made with the States. I have repeatedly pointed out to you and previously to Lord Wavell, that the Political Department is functioning without any consultation with the Government of India, although the Government of India is intimately concerned with all these matters.

The special prerogative of the Crown Representative, as exercised through the Political Department, relates to paramountcy. The Government of India at present is not concerned with this question, but it is concerned with its numerous relations with the States. And it seems to us extraordinary and highly improper for the Political Department to continue to take various steps to liquidate itself and at the same time to liquidate all our relations with the States without reference to us. This is unconstitutional and many things are being done which might well be challenged in a Court of Law. We think that by this method the Government of India is being treated not only casually but with discourtesy.

I should like to draw your particular attention to the property in the States belonging to the Government of India. There are numerous buildings with their furniture, equipment, etc. Many of these buildings were built and furnished by the Government of India and belong completely to the Government of India. Some of the buildings were given by the States on a perpetual lease to the Government of India and were furnished by us. Some buildings have been lent by the States. It is also understood that some of this property has been vested in the Crown Representative. What exactly is the legal significance of this vesting in the Crown Representative has to be enquired into. But it seems to me that the right of the Government of India in this property cannot be extinguished in this way.

This property in the States is of various kinds and may have to be dealt with in different ways. No part of it is at the disposal of the Political Department to do what it chooses. At the most the legal position in regard to part of this property requires further consideration.
I understand that it is proposed by the Political Department to offer certain properties to the State Governments and only in the case of their refusal to take them, to dispose of them otherwise. This question of offer to the States does not arise till the matter has been settled with the Government of India which either owns the buildings and furniture or has a prior right to them. If the Government of India do not choose to keep this property or furniture, only then will the question arise of giving the first refusal to the States. I do not think that the Government of India should part with any property, furniture or equipment either owned by us or leased to us because we are likely to require them for our own purposes in the future. What the Government of India may do with them later is a matter for them to take up with the States. The Political Department cannot settle it over the heads of the Government of India.

I shall therefore request you to issue directions that no property of any kind owned or possessed under lease by the Political Department can be sold, transferred or handed over to any authority other than the Government of India. I am quite sure that if any such action is taken it will give rise to serious complications, for the Government of India will not accept it or agree to it.

It is proposed, I understand, to hand over certain Cantonment areas in the States to the State Governments. I would suggest that this matter should also be considered with the Government of India before any action is taken. Isolated action is not desirable. In any event the Government of India's property in these areas which might be receded, will continue to belong to the Government of India and will not be given up to the States, though I understand that in the past this has sometimes been done. The Political Department has a reputation of acting completely irresponsibly and has acted in such a manner in the past. There is no reason why it should be permitted to do so while it is in process of liquidation. It cannot be vicariously generous at the Government of India's expense.

What I have written above applies to records also and to the staffs of the various Residencies and Agencies. The Political Department is functioning with unseemly hurry to present us with accomplished facts. No amount of protests from us during the past few months seems to have had any effect on it. I would beg of you to stop this process before irreparable harm is done.

In view of the problems raised in regard to property, buildings, furniture, records and staff, I think it is desirable that some representative of the Government, preferably of the W.M.P. or Home Departments, should visit immediately these Residencies and inspect the buildings, records, etc. and report on them. I shall be grateful if you will kindly let me know if we may proceed to do so immediately.

Yours sincerely,

JAWAHARLAL NEHRU

¹ No. 109.
III

Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/137: ff 29–36

17 YORK ROAD, NEW DELHI, 9 June 1947

Dear Lord Mountbatten,

I enclose a note by Sir Alladi Krishnaswami Iyer on Paramountcy and the States. Sir Alladi is one of our most eminent lawyers and jurists. He has written this note for publication. But on seeing it I thought it might interest you.

2. There is an article on the same subject by Mr. C. Rajagopalachari in today’s Hindustan Times. In case your attention has not been drawn to it, I am enclosing a cutting.¹

Yours sincerely,

JAWAHARLAL NEHRU

Enclosure 1 to No. 111

The disappearance of Paramountcy, the emergence of Independent Sovereign States and the Balkanisation of India

by Sir Alladi Krishnaswami Iyer

While the voluntary withdrawal of the British is a supreme and unparalleled act of statesmanship on the part of the British power in India and redounds to the credit of His Majesty’s Government, there is no denying the fact that the simultaneous announcement of the withdrawal of Paramountcy and the interpretation put upon such a withdrawal by some of the Rulers and their ministers has created a situation of complexity unanticipated perhaps by the authors of the declaration, especially when one remembers that the Paramountcy of the Crown has been invoked not merely for the purpose of determining dynastic succession and intervention in cases of misrule, but also, in the case of smaller States especially, for their performing properly the functions of Government and generally adjusting financial and economic relations in the interests of India as a whole.

Prior to the Act of 1935, the view was entertained by some of the most distinguished Indian lawyers that in as much as almost from the commencement of British connection with India, the right of the British Crown in relation to the Indian States was exercised through the agency of the Government of India, the Crown prerogative in this regard must be treated as one relating to the governance or the Government of India. That the Crown prerogative may be inter-related with the government of a particular territory and therefore treated as an adjunct to its governance is a familiar concept of
English Constitutional Law. In the Federal Constitutions of the British Dominions, one frequently comes across the power of the Crown in the right of the Dominion as contrasted with its power in the right of the Province. Though in abstract theory the Crown in one sense is entire and indivisible, the particular aspect of the Crown function depends upon the nature of the jurisdiction involved and the sphere in which the jurisdiction has to be exercised. There was a strong section of Indian legal opinion to the effect that as a consequence of the government of British India passing into the hands of popular representatives, that Government must thereafter exercise the prerogative which was vested in the Crown prior to the transfer of power. Just prior to the enactment of the Government of India Act of 1935, however, the States were able to secure legal opinion in England supporting the contrary view by treating Paramountcy as an incident of the prerogative of the English Crown. The Butler Committee set its seal of approval on this view by suggesting the bifurcation of the functions of the Crown Representative and those of the Governor-General, though the necessary link between the two was not and could not be avoided so long as the Crown retained its connection with India. The Act of 1935 gave effect to this suggestion. But it is common knowledge that even after the bifurcation the correspondence relating to matters and engagements between the Government of India and the Indian States and the correspondence relating to what is appropriately the sphere of the Crown Representative’s functions relating to Paramountcy were carried on through the same agency, the Resident or the Agent of the Crown Representative acting as the common channel of communications, the Political Relations Department passing on to the Departments of the Government of India such correspondence as in their opinion concerned the Government of India. Different considerations now arise as the result of the avowed intention of the British Crown and the British Parliament to withdraw entirely from the field, recognising the independence of India and a part of India.

When making the Declaration of the withdrawal of Paramountcy on 16.5.1946, His Majesty’s Government naturally expected the States to get into the orbit of the Indian Union or by treaty or other similar arrangement to be linked in some way or other with the Indian Union as then contemplated. Now that the present plan envisages the setting up of two independent governments in India, the States by parity of reasoning will have to enter into constitutional or quasi-constitutional relationship of the nature of Paramountcy with that independent government or State which is nearest or closest to them by geography or the affinity of its people. His Majesty’s Government could

1 Not printed. Mr Rajagopalachari’s article was on similar lines to No. 107.
3 Vol. VII, No. 303, para. 14; see also No. 262 in that Vol.
never have contemplated the emergence of independent States irrespective of size, population and of previous history spread over the length and breadth of India and the assumption by these States of sovereign powers which a good number, if not most of them, never enjoyed in the whole course of their history. Any such position, if sound, would lead to the Balkanisation of India and might result in mutual feuds and internecine wars among units spread over the great continent of India and might easily threaten the peace of India and of Asia. As is pointed out by the Butler Committee in their Report, “It is not in accordance with historical fact that when the Indian States came into contact with the British, they were independent each possessed of full sovereignty and of a status which a modern International lawyer would hold to be governed by the rules of International law. In fact, none of the States ever [ever] held International status. Nearly all of them were subordinate or tributary to the Mughal Empire, the Mahratta Supremacy or the Sikh Kingdom and dependent upon them.” Some were rescued and others were created by the British. The States might have enjoyed varying degrees of sovereignty but were never in the position of independent sovereign States. The States themselves are of varying degrees of size extending from a few acres only to hundreds or thousands of square miles. Some of the States are no better than estates and jagirs and none enjoys or ever enjoyed an international existence. The position, therefore, taken in certain quarters that the mere withdrawal of Paramountcy and its assumed non-transferability at once clothes the States with plenary sovereign authority which they never enjoyed is radically unsound. The history of India shows that Paramountcy or what is equivalent to Paramountcy over neighbouring States enjoying a certain degree of sovereignty is a natural or logical consequence of the existence or the emergence of an undoubted and supreme sovereign authority in their midst. The sole and unquestionable authority of the British as the Paramount power in India is traceable to this source. While treaties and sanads might, to some extent, explain this relationship, it is an acknowledged fact that the relationship could not be purely interpreted in the terms of treaties and sanads. The scope of the Paramount power has been interpreted to extend to interfering with even domestic affairs of the smaller States on the analogy of the greater powers of Europe having the right and duty to interfere in the pacification and settlement of disputes among minor States in spite of their theoretical independence to prevent the little independent States hastening towards utter anarchy—vide para 54 of the Butler Committee’s Report. The British Crown as the Paramount Power in India up till now in regard to the States owes an obvious duty both to the Indian Union and to the peoples of the States to help in making the necessary arrangements and adjustments consequent on their withdrawal from the field. The conditions prevailing under the Act of 1935 are different from the conditions now obtaining as the result of the recognition of Indian Independence. Under the Act of 1935, the British did not sever their
connections with India and they were in a position, therefore, to exercise their rights and duties both in regard to the Indian States and the peoples of these States. Now that they have decided to withdraw, the duty devolves upon them to safeguard the interests of the peoples of the States and to see that the withdrawal does not threaten the peace and tranquillity of India including the States. A unilateral act of withdrawal without reference to these considerations, and leaving the States and their peoples to their fates and to the mercy and idiosyncracies of individual Rulers cannot be justified on any question of principle. There is an obvious duty on the part of the British Government as a corollary to their voluntary withdrawal to see that the States come into line with the rest of India or that they accept the hegemony of or quasi-constitutional relationship with the Indian Union.

It is an accepted principle of International Law and Jurisprudence that the people of every independent State have a natural and inherent right to change the structure of the State and the forms of Government under which they live, even by rebellion. This natural and inherent right of rebellion has been kept in suspense during the subsistence of British Paramountcy; the British Government taking upon themselves a certain degree of responsibility for the soundness of the administration of Indian States and for using their good offices in the Ruler effecting constitutional changes in the government of the States. In the words of the Butler Committee, if the Paramount power was bound to maintain the rights, privileges and dignity of the Princes, it was equally their duty to suggest such measures as would satisfy their demand without eliminating the Princes. A unilateral withdrawal by the British without bringing about some kind of nexus between the Indian Union and the States might conceivably result in widespread anarchy and trouble throughout the country if the Rulers of States do not realise the wisdom of joining the Indian Union or placing themselves under the protection of the Indian Union in some form or other by whichever name their protective link is called.

The voluntary withdrawal of the British power from India cannot clothe the Indian States with an independent or International status which they never possessed and it is inconceivable that the U.N.O. or any other International organization would concede to them such a status. The public law of India and its long history is against any such recognition. Even in the case of independent States, the rules of Public International Law have been interpreted and moulded so as to take note of the peculiar conditions obtaining in a particular part of the world. The Monroe doctrine in its early phases amply illustrates the above

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4 Cmd. 3302, para. 39.  
5 Ibid., para. 50.  
6 The Monroe Doctrine, enunciated by President James Monroe in his annual message to the United States Congress on 2 December 1823, asserted the principle (which, by implication, the United States would enforce) that henceforth the American continent should be regarded as closed to further colonization by European powers and to European interference in independent Governments.
statement. The public law of India and the position of the Indian States during the British rule and earlier cannot be ignored in any consideration of their status consequent on the withdrawal of the British power from the rule and hegemony in India.

This review of the situation arising from the withdrawal of British Paramountcy will bear out that there are only two courses open to the Indian States at the present juncture—to enter into constitutional relationship with the Indian Union and become integral parts of the Indian Union or to enter into quasi-constitutional relationship of the nature of Paramountcy with the Indian Union. There is no tertium quid7 possible. If the Rulers of the States do not respond to the political needs of the situation, it is up to the peoples of the States to take steps not merely to effect a change in the constitution of the States themselves, but also enter or compel the Rulers to enter into Constitutional relationship with the Indian Union.

A. KRISHNASWAMI

7 Lit.: ‘third something’ (third course).

II2

Sir W. Monckton to Lord Ismay

Mountbatten Papers. Official Correspondence Files: Hyderabad, Part I(a)

PRIVATE GOVERNMENT GUEST HOUSE, HYDERABAD, 9 June 1947

My dear Pug,

I am worried about the way the States are being handled. There is considerable resentment among the Moslems here and, although the Hindus are in a great majority, there are more than ¾ million Moslems in the City and more than 2 million in the State—they have the dynasty, the administration, the Army and the tradition of 200 years’ rule plus the treaties. I have tried in the accompanying note to summarise in an orderly and less vehement manner what they say and feel. I am bound to say I think there’s a good deal in it and I should like to be sure that the points are considered even if they have to be rejected. Can you ensure this and also have the document treated as entirely confidential? The reason is that in my view our most important, immediate negotiations (however little we like it) must be with Hindustan and H.E.H. genuinely intends them to be real and effective. They would be ruined in advance if this document were disclosed to Congress.

I think the main issues raised by the Note are short and could be discussed when I return to Delhi with Chhatari in the near future. I am desperately anxious to avoid a political conflict in all this with H.M.G. and above all with
H.E. whom I want wholeheartedly to help. But if nothing can be done, I shall in a short time be compelled by pressure here to raise the hypothetical question about relations with the British Government which H.E. indicated that he would refer to H.M.G. and go back and pursue the matter in London. But I honestly loathe the idea of ventilating our grievance through political channels and I think reference home would inevitably lead to that.

It is being difficult to avoid a declaration of independence but I think we shall hold the folks here to an announcement very much on the lines I showed you about the C.A. only, and that probably on Wednesday. Jinnah and H.H. of Bhopal will be disappointed and annoyed.

I don't want to have to go to England because I think I am needed here—that may be a false sense of one's own importance, which is easily engendered. But I do believe I know my Nizam better than the others and he trusts me. And he will have to make up his mind quickly and often in the next 3 months.

Life's not being easy—for me anymore than for you!

Yours ever,
WALTER

CONFIDENTIAL

NOTE ON THE POSITION OF HYDERABAD, 7 JUNE 1947

In the chorus of well-merited approval which H.M.G.'s present efforts in India are receiving, there is a danger that the way in which some of the major States, and in particular Hyderabad, are being treated, will be over-looked. Success in handling British India has been triumphant up to now and the triumph is quite certainly a personal triumph for H.E. But this means that his personal views, interests and sympathies assume a first-class importance. Naturally, his main interest has been concentrated hitherto on British India.

He has on all subjects (including those principally affecting the States) been in full and constant consultation with Mr Nehru and his associates. But until after his recent announcement of 3 June he had not been in similar consultation with representatives of Hyderabad or indeed the other major States on the points in the announcement specially affecting their future. The States are regarded by the British Indian leaders whom he has mainly consulted, as an inconvenient and anachronistic heritage to be pressed or cajoled, whether they wish it or not, into the pattern which British India has chosen—a pattern which no one would regard as ideal for themselves, much less for any one else.

But the States cannot in fairness be so regarded. They represent more than 1/3 of India in area and more than a fourth in population. They have a culture

1 Words in italics underlined in original.
2 Presumably a reference to Lord Mountbatten's answer to a question on the States at his Press Conference: see No. 60, p. 115. See also No. 43, p. 80.
3 No record of this interview has been traced.
4 See No. 163.
and tradition of their own. In many cases and in many ways their administration compares favourably with British India. It is interesting that in spite of grave shortages in e.g. Mysore, the food famine in Bengal, with its appalling consequences, found no parallel in the Indian States. I have known many of the States long and Hyderabad in particular well for many years. I honestly believe that, if fairly treated, they have a sounder hope of survival than the brittle political structure of the Congress party after they have attained independence. There is a real, personal loyalty to the Ruler even if of a different faith and even if sometimes he does not wholly deserve it. This is a point of stability which in part accounts for the fact that there has been less acute communal division so far in Indian, than in British India: though the poison is gradually seeping in from British India. How little bloodshed there has been in the States. Contrast the Punjab, Bihar and Bengal. It is perfectly true that it is high time that the people were more actively associated in Government, but there is a great deal of nonsense talked about this. In local administration, in Panchayats, in the villages the people are associated in administration now. It is ridiculous to assume that it is automatically wise and expedient to introduce into the States Western ideas of responsible government on the British model. What sort of democracy on these standards exists in British India? I suppose not more than 6 or 7 per cent of the population is represented in the Legislature of Bengal.

Let me now consider the case of the Nizam of Hyderabad and Berar. Hyderabad has more inhabitants than any British Dominion, including Canada; in area it roughly approximates to France. It has been the Faithful Ally of the British Government for more than a century. In the two World Wars the Nizam at critical moments proclaimed and proved his loyalty to the British, when Congress took a very different line.

He is now being told that he cannot have dominion status and that he can only have relations with the British through one or other of the proposed new Dominions. Moreover he is in effect being urged on geographical grounds to join Hindustan. No sort of opportunity for discussion was afforded to him before these decisions were taken and made public, though at no stage was any step taken without full prior discussion with Congress who (as everybody knows) are urging the Viceroy to press Hyderabad into Hindustan whether the Nizam wishes it or not.

The dynasty, a Muslim one with a predominantly Hindu population, would in my judgment commit suicide by joining Hindustan. Congress leaders have repeatedly said that the days of the Princes are numbered, though they are cynically postponing the day of execution. Some of them individually have told me in the recent past that there will soon be a day of reckoning for H.E.H.

The treaties, which entitle Hyderabad to call upon the British Crown for effective defence of the State and dynasty against external aggression and internal disorder, are indisputable. They were made more than a hundred
years ago, but have been reaffirmed as “inviolate and inviolable” times without number during recent years. In 1942, Sir Stafford Cripps and in 1943 Lord Wavell’s each solemnly reaffirmed the sanctity of the treaties. Hyderabad was thus taught to rely upon British arms and the British word. Moreover, she was prevented, and still is, from raising an army adequate to protect herself in the event of the withdrawal of the British troops. She was equally prevented from making provision for the arms and equipment without which such an army is valueless. She has, moreover, been compelled to keep her industrial development within the limits prescribed by the Central Government.

Hyderabad is being told in common with the other Princes that Paramountcy will go with the British and will not be inherited by the successor Government or Governments. But, with the limited military resources to which she has been restricted and with access denied to H.M.G., and probably with large Indian Army contingents within her dominions against her will, Hyderabad is being left to her own resources. She is, in effect, driven to accept the fact that, though Paramountcy technically and de jure goes, all the rights of interference, direct or indirect, hitherto associated with Paramountcy will remain in the hands of one or the other of the new Dominion Governments.

You will have noticed how eager Congress are to make sure that they can (if they wish) get out of the British Commonwealth and, if possible, drag Pakistan out with them. The policy of the Nizam has always been and still is to retain and increase the ties which bind him to the British. Can you be surprised if, in these circumstances, he cannot bring himself to trust in Hindustan for his future, for they have proved themselves no friends of his or ours? He asks: Am I really to be kicked out of the British family without discussion? Will you really just denounce the treaties, refuse me political and economic arrangements with H.M.G. and otherwise leave me to my fate?

I think this rather a shameful performance. How ready we are to appease our enemies at the expense of our friends. Is it because the latter have no nuisance value?

WALTER MONCKTON

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5 It is difficult to identify these references with certainty. The first may refer to Sir S. Cripps’s answer to Question 5 at his meeting with the Indian States Delegation on 2 April 1942 (Vol. I, p. 649), and the second to para. 3 of the letter of 25 June 1943 from the Secretary to the Crown Representative to the Resident in Hyderabad (Vol. IV, No. 20) though Lord Linlithgow, not Lord Wavell, was Crown Representative at that date.
III3
Rear-Admiral Viscount Mountbatten of Burma to Mr Jinnah

Mountbatten Papers. Official Correspondence Files: Partition, Administrative Consequences of

1446/16

9 June 1947

Dear Mr Jinnah,

I hope you will not consider that I am intervening in what is your concern but I feel it might help if I sent you the suggestion that you should take the earliest opportunity of preparing a list of vacancies and persons whom you consider suitable for high appointments such as Governor, diplomatic representative abroad, etc. The matter will be particularly urgent in regard to Governors if your party desire to replace any or all of the existing Governors on the transfer of power.

It always takes a little time to settle a high appointment, as you know, and I am sure it will be advisable to think this out in advance.¹

Yours sincerely,

MOUNTBATTEN OF BURMA

¹ Mr Jinnah thanked Lord Mountbatten on 11 June saying that he was thinking about persons suitable for high appointments. He added: 'Please don’t think that I shall look upon any friendly suggestions or advice that you may be pleased to give me any time, as an intervention in what is my concern'; and asked to have a talk before he finally made up his mind. Mountbatten Papers, loc. cit.

III4
Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/170: f 25

9 June 1947

H.E.

When I was discussing the question of the replacement of Sir Olaf Caroe by General Lockhart with the Commander-in-Chief, he suggested, and I entirely agree, that Mr. Jinnah should be told of the decision before it is publicly announced, lest he should think that Congress have succeeded in liquidating a man of whom he (Mr. Jinnah) has a high opinion.

2. I therefore submit that when The King’s informal approval and Sir Olaf Caroe’s resignation or application for leave have been received, you should tell Mr Jinnah that as soon as you saw Sir Olaf, you were convinced that the state of
his health and of his nerves rendered him unfit to continue in his present employment; but that you were reluctant to get rid of him lest it should be thought that you had done so under the pressure of Congress. That this is the absolute truth is borne out by the letter which you wrote to the Secretary of State very shortly after your arrival.1

3. Alternatively, since you may not be seeing Mr. Jinnah in the normal course of events within the next two or three days, perhaps you would authorise either Sir Eric or myself to give him the above explanation.2

4. I also mentioned to the Commander-in-Chief Sardar Baldev Singh’s letter to you about the British officers selected to carry out the referendum. He entirely agreed with the terms of the letter which you propose to write to Khan Sahib on this matter.3

ISMAY

1 Presumably a reference to Vol. X, No. 165, para. 34.
2 Lord Mountbatten minuted: ‘CVS—will you please do this. M.’
3 See No. 108, Item 3.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/153: f 46

IMMEDIATE
SECRET

NEW DELHI, 9 June 1947, 12.10 pm

Received: 9 June, 1.30 pm

1358–S. My succeeding telegram repeats letter, dated 7th June, from Pandit Nehru.

2. Abell has already telegraphed Turnbull asking for advice on this point. See his telegram No. 1308–S dated 5th June.1

3. May I give categorical assurance to Nehru that party leaders will see the Bill? I am sure they should see it.

4. So far as I can see Jinnah is merely damaging the prospects of Hindustan by objecting, as he does, to Nehru’s view that Hindustan succeeds to the international position of India.

5. Could your experts advise (1) what are the disadvantages for Hindustan if we accept Jinnah’s view that two new States are created, and (2) are there any positive advantages which Pakistan gains in that case?2

1 No. 76.
2 In tel. 7439 of 9 June Mr Turnbull informed Mr Abell that the Foreign Office were being consulted urgently on the international status of India and Pakistan respectively. L/P &J/10/123: f 380.
6. My own view is that we shall meet far greater difficulties from Congress if we oppose their view than from the League if we follow the Congress suggestion. Pakistan at the most is unlikely to contain more than 70 millions of the entire population of India and if the rest of India will take over all the International obligations of the present government of India I feel it will solve many difficulties. Further all the Diplomatic Representatives of India are nominees of Nehru. I believe the President of the Board of Trade supports this view.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, L/P&J/10/81: f 334

IMMEDIATE

NEW DELHI, 9 June 1947, 8.25 pm
Received: 9 June, 7.15 pm

No. 1368-S. Following is repeat of Pandit Nehru's letter dated June 7th referred to in my telegram No. 1358-S of today.\(^1\) Begins: Dear Lord Mountbatten, You have informed us that Parliamentary legislation is being (un) undertaken for establishment of Dominion status in India. The nature of this legislation will, no doubt, depend upon decisions to be taken in some Provinces in the course of this month.

2. We are proceeding upon basis of Government of India Act being so amended as to give full Dominion powers and independence status to Government or Governments functioning as Dominions. In view of possibility of secession of certain parts of India, it is important how this matter is referred to in proposed legislation. In one case there will be a continuing entity from which certain parts have seceded, and in the other a number of seceding parts might be grouped together to form a Dominion. We are naturally interested in exact language of this proposed legislation and I hope that nothing will be done without full consultation and reference to us. It would be (un)fortunate if any part of legislation was objected to subsequently. I trust, therefore, that full opportunities will be given to us to see drafts being prepared and to make our own suggestions in regard to them. Yours sincerely, Jawahar Lal Nehru. Ends.

\(^1\) No. 115.
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Lord Ismay to Sir D. Monteath

Telegram, R/3/1/153: f 47

NEW DELHI, 9 June 1947, 1 pm
Received: 9 June, 2.10 pm

1359–S. There is good deal of misunderstanding in this country about the
meaning of Dominion Status and the powers thereunder of the Governor
General. The Viceroy thinks it would be very helpful if this misunderstanding
could be dispelled, and he might, for example, take an opportunity of doing so
in his next public speech.

2. We would be very grateful for some material. I have no doubt that Machtig
has something ready made. Could we have this by the next airmail bag.

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Cabinet Committee Gen. 186/2nd Meeting

Commonwealth Relations

Mss. Eur. D. 714/81

Those present at this Meeting held at 10 Downing Street, S.W.1, on 9 June 1947 at
12 noon were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin,
Sir S. Cripps, Viscount Jowitt, Viscount Addison, Mr A. Creech Jones, Sir E.
Bridges; Mr W. S. Murrie, Mr S. E. V. Luke (Secretariat)

The Meeting had before them a minute by the Prime Minister (M.221/47)¹
suggesting that there should be a review of the status and inter-relationship of
the different parts of the British Commonwealth, and a note prepared by the
Dominions Office (C.R.(47) 1)² on the structure of the British Common-

wealth.

THE PRIME MINISTER said that recent events seemed to justify a review of the
kind that he had suggested. Theoretically there was a broad division between
the self-governing states of Great Britain and the Dominions on the one side
and the Colonial Empire on the other, the former group having their equality
of status defined by the Statute of Westminster. This status was regarded as the
final stage of evolution already reached by some and to be reached ultimately

² P.R.O. CAB 21/1803; for an abbreviated version see Enclosure 1 to No. 131.
by others of the constituent parts of the Empire. In fact, however, this pattern had already been broken. Eire was in an anomalous position as an independent republic; and the Dominions, notably South Africa and Canada, disliked the term “Dominion status”, which was moreover not attractive to the leaders of political opinion in the Asiatic countries of the Commonwealth. It seemed necessary to find a formula which would enable the greatest number of independent units to adhere to the Commonwealth without excessive uniformity in their internal constitutions or in their relationships to Great Britain, the Commonwealth and one another. He suggested that the problems involved might be considered first by a small Committee of Ministers under his own Chairmanship, the other members of which might be the Foreign Secretary, the Lord Chancellor and the Secretary of State for Dominion Affairs. This Committee would consult other Ministers as necessary and it might be assisted by a Committee of Officials, under the Chairmanship of the Secretary of the Cabinet. It would also be desirable to seek advice from outside experts.

There was general agreement with the proposal that a Committee of Ministers, on the lines suggested by the Prime Minister, should be set up and that this Committee should be assisted by a Committee of Officials and by outside experts.

In discussion the following points were made:

(a) Future Title of the British Commonwealth
The Prime Minister had suggested in his minute that a suitable title for the Commonwealth might be “The Associated States of the Commonwealth”; a phrase of this nature would provide for variety of relationship and internal constitution, and would meet those sections of Commonwealth opinion who were critical of the continued retention of the terms “British” and “Dominion”. The general view of Ministers was, however, that whatever form of words might be decided upon, it would be essential to retain the word “British”; and the President of the Board of Trade suggested that a suitable title might be “Commonwealth of British and Associated Nations”. This was generally approved.

[Sub-para. (b), on question of precedence to be accorded to Dominion High Commissioners in London, omitted.]

(c) Question of Resident Ministers
The President of the Board of Trade said that the expression “High Commissioner” was not popular; and the Foreign Secretary suggested that the term “Resident Minister” might be substituted for it.

The Prime Minister recalled that difficulties had arisen during the war over the claims that Resident Ministers (e.g. of Australia) should have a right to attend the United Kingdom Cabinet.

The Secretary of State for Dominion Affairs said that no sug-
gestion of this kind had been made during his tenure of office and that, in his view, such claims were not likely to be made in peacetime.

(d) Membership of the Commonwealth

It was agreed that it would be necessary to consider whether possession of full responsible government should be regarded as an essential qualification for membership of the Commonwealth. There were certain territories, such as Southern Rhodesia and Malta, whose claims to membership would have to be considered. It would also be necessary to examine the procedure under which membership would be achieved. Clearly, the existing Dominions had a right to be consulted, but it could not be accepted that any Dominion Government should have a right of permanent veto.

The Secretary of State for the Colonies said that many Colonial territories were too small to be acceptable as separate members of the Commonwealth. This difficulty might, however, be met by the formation of larger political groups within the Colonial Empire.

(e) Relation of the Dominions to the Colonial Empire

The Prime Minister said that it was most desirable that the Dominions should take more interest in and accept more responsibility for the Colonial Empire.

The Secretary of State for Dominion Affairs said that the Dominion Governments were showing an increasing interest in the Colonial Empire and that they no longer regarded Colonial affairs as solely the interest and responsibility of His Majesty’s Government in the United Kingdom. There was close collaboration, for instance, in tackling Colonial problems in the Pacific. It might be assumed, therefore, that the Dominions would adopt a responsible attitude towards the constitutional advance of Colonial territories towards membership of the wider Commonwealth.

(f) Recognition of the Crown

It was pointed out that the question would be sooner or later raised whether an independent sovereign republic could be accepted as a member of the Commonwealth of British and Associated Nations. It was possible that a request of this nature might be made by India; and the problem had already arisen, though in a very special form, by the action of the Eire Government.

There was general agreement that it would be necessary to insist that membership of the Commonwealth should imply recognition of the Crown, at least to the extent at present accorded by the Eire Government, i.e. in the sphere of external relations.

(g) Constitutional Terminology

The Secretary of State for the Colonies suggested that the current constitutional terminology should be examined with a view to considering how far it was productive of international misunderstanding. It was clear, for instance, that the meaning attached by the United States to the word “indep-
"dence" was very different from its meaning in British constitutional language.

(h) Relations between Dominion Governments and Foreign Countries

The Foreign Secretary said that inconvenience and embarrassment had been caused by the absence of any accepted procedure for handling the relations between Dominion Governments and foreign countries. Dominion Governments maintained Embassies or Legations in a limited number of foreign countries; and in so far as direct relations with those countries were maintained in this way no difficulty arose. The position became difficult when His Majesty's Government in the United Kingdom were called upon to deal on behalf of Dominion Governments with foreign countries; there were also such questions as the position of Dominion Governments in relation to the peace treaties. The respective functions of the Foreign Secretary and the Secretary of State for Dominion Affairs were imprecise, and it was desirable that the position should be clarified.

The Secretary of State for Dominion Affairs said that it had been accepted that all dealings with foreign countries on behalf of Dominion Governments should be handled by the Foreign Secretary. He agreed that the procedure needed clarification, but he hoped that, whatever procedure was agreed upon, the existing machinery for Commonwealth consultation would be preserved.

(i) Titles of the Secretary of State for Dominion Affairs and the Dominions Office

The Secretary of State for Dominion Affairs said that he would like to take an early opportunity of informing the Dominion Governments that His Majesty's Government had in mind a change in the titles of the Secretary of State and of the Dominions Office. This matter had already been considered by Ministers and the conclusion was reached that these titles should be changed to "Secretary of State for Commonwealth Relations" (or "Affairs") and "Commonwealth Relations" (or "Affairs") Office respectively.

It was agreed that Dominion Governments should be consulted on this point at once.

The Committee:

(1) Agreed that a Ministerial Committee, consisting of the Prime Minister, the Foreign Secretary, the Lord Chancellor and the Secretary of State for Dominion Affairs, should be appointed to consider the future structure of the British Commonwealth.

(2) Agreed that a Committee of Officials, under the Chairmanship of the Secretary of the Cabinet, should be appointed to assist the Ministerial Committee.

(3) Invited the Secretary of State for Dominion Affairs to circulate to the members of the Ministerial Committee the draft of the communication which he proposed to send to Dominion Governments about the sug-
gested alteration in the titles of the Secretary of State and the Dominions Office.

No. 31.

119

Sir F. Wylie (United Provinces) to Rear-Admiral Viscount Mountbatten of Burma
(Extract)

Mountbatten Papers. Letters to and from the Governor of U.P.

SECRET

GOVERNOR'S CAMP, 9 June 1947

U. P. 83

2. You will wish to know, first of all, the local reactions to the "plan". I have not heard enough yet to be definite but so far, they seem to be very favourable indeed. Our Muslims had been getting very tough lately. They took a thoroughly belligerent line over our Panchayat Raj bill (para 4 of my letter of May 18th);1 there was much talk of fights to the death for Pakistan, much marching and counter-marching of National Guards, while communal tension was at a dangerous pitch all over the Province. I have no news from the districts yet, but our Leaguers in the Legislature have suddenly begun to coo like doves. Half a dozen of them have been to see me lately about various local matters; they were all smiles; seemingly the whole attitude now is that in the U.P. we must forget the past and become all brothers together. This is of course excellent and I have been careful to endorse every word so spoken. The truth is that, as I have often pointed out in these letters, Pakistan is of little use to the U.P. Our Muslim League leaders too are all right wing people and the last thing they want is real trouble. They have been pretending to show their teeth during the last months, I think, under Jinnah's orders. It had to be got across that the Muslim League everywhere was in favour of Pakistan and that nothing less than a "national home" for the Muslims would meet the case. Now that the said home is almost certainly to be provided, our Leaguers quite obviously feel that they can drop out of the fight and look after their own local and more personal interests. Whether they will be able to persuade our urban and usually very low class Muslim populations to take the same line remains to be seen. Savage instincts have been aroused—on both sides—which it will take some time to still. Nevertheless I am very hopeful that this Province will stay quiet provided that events elsewhere do not upset us unduly. When I write next, I shall be able to give you a more accurate account of what the Province feels about the plan. For the moment the above is all that I feel able to commit myself to.

1 Not printed in Vol. X
Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/157: f 8

NEW DELHI, 9 June 1947, 8.10 pm
Received: 9 June, 6.20 pm

No. 1364-S. The composition and terms of reference of the two Boundary Commissions are going to be very tricky problems. I intend to consult the two parties individually in the first place, and then try to marry their ideas. In other words, to proceed in the same way as I did for the recent announcement.

2. I had talk with the Muslim leaders yesterday\(^1\) and Jinnah is going to let me have a draft terms of reference. On the subject of the composition, the Muslim leaders thought the best arrangement would be to have three entirely impartial Non-Indians with experience of this kind of work, e.g. perhaps an American, a Frenchman and an Englishman, to form the Commissions themselves, and for the various interested parties to have expert assessors attached to the Commissions.

3. They suggested that perhaps UNO might be able to help, and personally I cannot think of any better arrangement. The trouble is the time factor, since it is extremely important that the Commissions should report before 15th August.

4. I will consult the Congress leaders at the first opportunity but meanwhile I thought you would like to know how my mind is working, and it would be immensely helpful if you would start thinking about how the necessary experts are going to be provided in time, observing that two Commissions will be necessary—one for the Punjab and one for Bengal.

\(^1\) No. 101.

I21

Cabinet

India and Burma Committee. I.B.(47)30th Meeting

L/P&J/10/81: ff 321-3

Those present at this Meeting held at 10 Downing Street, S.W.1, on 9 June 1947 at 6 pm were: Mr Attlee (in the Chair), Mr Hugh Dalton, Sir S. Cripps, Mr A. V.
Alexander, the Earl of Listowel, Mr C. P. Mayhew, Mr A. G. Bottomley, Mr A. Henderson, Lord Chorley

Also present were: Mr A. Creech Jones, Sir D. Monteath, Sir G. Laithwaite; Mr S. E. V. Luke, Mr D. F. Hubback (Secretariat)

BURMA POLICY

(Previous Reference: I.B.(47) 29th Meeting, Minute 1)¹

The Committee had before them Telegrams² Nos. 212, 213 and 13 of 8th and 9th June from the Governor of Burma to the Secretary of State for Burma.

The Secretary of State for Burma said that the Governor had reported that his Executive Council had asked that terms similar to those granted to India should now be extended to Burma, i.e. that power should be transferred immediately on the basis of the grant of Dominion status, and that this should be done without prejudice to the ultimate decision of the Constituent Assembly in regard to Burma’s future constitution. The Council further wished to send U Tin Tut to the United Kingdom immediately to discuss with His Majesty’s Government the ways and means of transferring power. At the same time, Aung San had informed the Governor that the first Session of the Constituent Assembly would open on 10th June, and that on 13th June he would himself move a resolution that Burma should become a Sovereign Independent Republic. The Governor had pointed out that this could only mean Burma would not remain within the British Commonwealth, and Aung San had admitted that this was the case. The Governor had informed Aung San that if the word “State” were substituted for “Republic”, and if the Executive Council were prepared to give Dominion status a fair trial, His Majesty’s Government might consider the extension to Burma of the terms offered to India. Aung San had replied that his intention, when in London, had been to try to persuade his Government to accept Dominion status; he had found, on his return, however, that the forces of public opinion were too strong for him, and that his Party were determined to accept nothing less than complete independence. Acceptance of Dominion status would split his Party, and drive its left-wing elements into the hands of the Communists.

The Committee were agreed that there could be no question of granting Dominion status to Burma merely as a device for expediting the transfer of power; if power was transferred on this basis and Burma then left the Commonwealth within a few weeks, the whole conception of Dominion status would have been brought into contempt.

The President of the Board of Trade suggested that the Executive Council should now be given a clear choice between alternative courses of action. On the one hand, Burma might have her full independence outside the Commonwealth as soon as her new constitution had been drafted and the

¹ and ² Not printed.
necessary legislation had been enacted by the United Kingdom Parliament. It
should be made clear to the Council that this would inevitably take time. On
the other hand, Dominion status might be granted to Burma at the same time
as to India and power transferred immediately on this basis. But His Majesty’s
Government would agree to this course only on the understanding that
Dominion status so achieved would have to remain unaltered for a period of
time. It was just possible, having regard to the analogy of the acceptance of
Dominion status by the Congress leaders, that Aung San might be able to
persuade his Party to accept the second alternative. There seemed little doubt
that he himself was anxious for Dominion status; the political forces pressing
for complete independence were, however, very strong and it was not, there-
fore, possible to be optimistic about the outcome of this proposal. But if the
Burmans were prepared to accept Dominion status on these terms, there was
every hope that the pressure for complete independence would gradually
diminish. The arguments put forward by the Governor in his telegram No. 13
constituted a strong case for making one final effort to retain Burma within the
Commonwealth.

The Secretary of State for the Colonies said that there need be no
anxiety about the reactions on Malaya of the developments in Burma. He was,
however, greatly concerned about their effect on Ceylon. The political situation
in Burma has been very closely watched in Ceylon, where there was a strong
feeling that the Burmans had gained more by resort to disorder and the threat
of force than had the Ceylonese by strict adherence to constitutional methods.
He had now been informed by the Governor that the statement of policy
regarding further constitutional advance in Ceylon, which had recently been
approved by the Cabinet, had proved unacceptable to Mr. D. S. Senanayake,
and the whole position would have to be reconsidered. It would be most
unfortunate if, during the next fortnight, any steps should be taken which
would make it obvious that Burma would in due course leave the Common-
wealth.

The Committee agreed generally that the alternative courses suggested by
the President of the Board of Trade should be put to the Executive Council.
They thought that the proposal that U Tin Tut should visit this country should
be welcomed, though they felt that he ought to be accompanied by Thakin Nu,
or some equally prominent political personality, since discussions would more
likely be profitable if they were conducted with some one who carried political
weight within the A.F.P.F.L. Party. They also considered that the Governor
should be asked to make every effort to persuade Aung San and the A.F.P.F.L.
Party to postpone the tabling, or at any rate the discussion, of the Motion in
favour of the full independence of Burma until after the discussions in London.
In the meantime, the Governor might continue to stress with Aung San and
others the disadvantages which would follow from Burma’s withdrawal from
the Commonwealth, and in particular that the financial arrangements hitherto entered into would, in that event, have to be reconsidered.

The Committee:—

(1) Invited the Secretary of State for Burma to submit to the Prime Minister the draft of a reply to the Governor’s telegrams Nos. 212, 213 and 13 on the lines agreed by the Committee.

(2) Invited the Secretary of State for Burma to inform the Governor of Burma that his telegram No. 13 might be repeated to the Viceroy of India and the Governor-General of Malaya.\(^3\)

\(^3\) Mr Attlee reported this meeting of the India and Burma Committee to the Cabinet next day. The Cabinet "took note of the Prime Minister’s statement on the present political situation in Burma". C.M.(47)533rd Conclusions, Minute 4 of 10 June 1947. L/P &J/10/81: ff 319-20.

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122

Mr Turnbull to Sir J. Stephenson

L/P &J/10/123: f 362

SECRET

INDIA OFFICE, 9 JUNE 1947

Dear Stephenson,

I enclose a copy of the second draft\(^1\) of the India Bill. This is being gone through and a lot of alterations will have to be made. The hope is to circulate it to Ministers at the end of this week for approval in principle, simultaneously to circulate it to all Departments in Whitehall and despatch it to India. It would then come up in the India and Burma Committee early next week. Their views would be telegraphed to the Viceroy who would have about a week to comment. Thereafter the Bill would be revised and brought up in the I. and B. and the Cabinet for final approval. Introduction must be by 7th July.

We shall be glad as soon as may be to have your comments on the general lay-out of this Bill. But you may prefer to reserve them until you get the next version, I hope about Thursday or Friday. If, however, you have any general comment which might affect the third edition I should be very grateful if you could let me have it tomorrow. There are, however, two particular points on which we should be glad of your advice. These are:—

1. Line 3 of Clause 1.\(^2\) Should this read "each of which is hereby recognised by the Parliament of the United Kingdom as an independent Member of the British Commonwealth of Nations"?

\(^1\) Not printed. For the draft bill as circulated to Ministers see No. 191.

\(^2\) As drafted this clause read: 'As from the appointed day, two Dominions of the Crown shall be set up in India, to be known respectively as India and Pakistan, each of which shall be an independent member of the British Commonwealth of Nations.' L/P &J/10/123: f 366.
2. Clause 4. Can you tell us whether there is any essential minimum provision which in the case of other Dominion constitutions is not alterable by Dominion Parliaments? I suppose that this varies according to the constitution of the Dominion and that in the case of Eire they have either been granted or have seized power to amend everything. Have you any view as to whether any minimum provision should be included which would not be alterable by Indian Legislatures, e.g. succession of the Crown and the Royal Title?

Yours sincerely,

F. F. Turnbull

3 Clause 4 laid down the powers of the Legislature of each of the Indian Dominions. Ibid.: f 367.

I23

Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma (Extract)

Mountbatten Papers. Official Correspondence Files: Commonwealth, Retention of India within, Part 1(b)

10 June 1947

Y.E.

At a Staff Meeting on the afternoon of Monday, 9th June, we went through the Minutes of your Meeting that morning. There are a number of very important points arising from these Minutes and we would ask for a further Viceroy’s Meeting to discuss them at 4 p.m. on Tuesday, 10th June.

May I now deal with the different items in the Minutes one by one. 2

ITEM 2 DOMINION STATUS

(a) We discussed the principles which should serve as a guide in connection with your position and that of your staff after Dominion status has been granted and you have become a Constitutional Governor-General.

We suggest that the general principles which should govern the situation, on the assumption that you are appointed Governor-General of both Dominions, are as follows:—

(i) In no circumstances should you have any executive functions whatsoever;

(ii) Clearly you will have important advisory functions but these must be limited to those which the Governments of the two Dominions invite you to undertake in your personal capacity;

(iii) The “normal” Viceroy’s Staff should be reduced to the absolute minimum from the moment you become Constitutional Governor-General. Most of the Cypher Staff, the Press and the clerical staff would disappear. There must remain at least:—
One Private Secretary and possibly one Assistant Private Secretary to the Governor-General in each Dominion (two out of the four of these might be Indians).

One Military Secretary to the Governor-General and/or one Comptroller in each Dominion.

Two or three As.D.C. (possibly all Indians).

(iv) You would perhaps at once offer the Governments of both Dominions to dispense with the special staff which you brought out to deal with the particular problem which confronted you; in making this offer, however, you would point out that, if you are likely to be called upon for much advisory work in the initial stages, you would want to retain some high-level advisers. H.M.G. would probably be prepared to pay for this team, if both Dominion Governments wished them to stay for a period of from 3–6 months. By the end of that time the machinery of both Governments would be running properly and the service of the high-level Advisers could be dispensed with. But of course every one of us is prepared to stay as long as we are wanted or alternatively to go whenever you wish.

(b) With reference to Conclusion (ii) of Item 2. We have considered the advantages of Hindustan and Pakistan having the same man as Governor-General. We suggest that they are broadly as follows:—

(i) You personally have earned the confidence and trust of both parties. This is by far the most important factor;

(ii) There will be an immense number of standstill orders and although both Dominions will become autonomous, it will be essential for certain matters to be run on an unified basis until they can be separated. A broad example of this is the Army. In all these matters your personal assistance towards enabling an agreement to be reached would be of the utmost benefit;

(iii) If there were separate Governors-General, one for each Dominion, they and their Governments would look at all problems purely from their own point of view. There would be nobody whosoever in India as a whole capable of taking a completely impartial viewpoint. Incidentally, two Governors-General would be more expensive than one;

(iv) Pakistan would stand to gain even more from your continued presence than would Hindustan, because they are the weaker party and because Hindustan at present has the nine points of the law.3

(c) Reference Conclusions (iii) and (iv) of Item 2. We came to the conclusion that a preliminary “exploration of the ground” by Sir Walter Monckton would not be advantageous. This question of how many Governors-General there are

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1 No. 108.
2 Only Lord Ismay's comment on Item 2 of No. 108 is on the file.
3 'Possession is nine points of the law' (Eng. prov.).
going to be is one which, although there has been no Press speculation, has, without any possible doubt, been exercising the minds of the Indian Leaders. We feel that there is no doubt but that Mr Jinnah's mind is already made up so far as it can be one way or the other, and that the services of an intermediary will reap no advantages. Therefore we suggest that a member of your Staff should be the person to see Mr Jinnah; that he should find out which way the wind is blowing; that he should point out the immense advantages which Pakistan would gain from having the same man as Governor-General as Hindustan; and that finally he should show Mr Jinnah Mr V. P. Menon's draft of Legislation—a draft which would have the same effect of making up Mr Jinnah's mind on this issue as the draft suggested by Lord Listowel made up his mind on the issue of Dominion status. Mr Menon will bring a copy of this draft to the Staff Meeting tomorrow.

* See No. 38, para. 5.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Pandit Nehru, Sardar Patel and Mr Kripalani

Mountbatten Papers. Viceroy's Interview No. 146

SECRET 10 June 1947, 10 am

(Lord Ismay and Sir Eric Mieville were also present. Lt. Colonel Erskine Crum was in attendance and dictated the record.)

The States

I gave an account of my meeting the previous Saturday morning, 7th June, with the Muslim League leaders and explained that the Dewan of Bahawalpur had also been present, and had raised the question of the legal validity, after the transfer of power, of contractual agreements with the States, quoting the position of Bahawalpur as a test case. Mr Jinnah had expressed the view that it would be legally binding upon the successor authorities to continue these contractual agreements. I stated that I had given directions for the legal obligations to be looked into and would discuss the matter further, together with other matters with regard to the States, at a meeting with the seven Indian Leaders on Friday, 13th June.

Sardar Patel considered that one of the agreements with the States which would have to be put on a standstill basis was that concerning the supply of arms by the Defence Department. He suggested that it was particularly neces-
sary for these agreements to continue in operation so that the States should not be allowed to bring in arms from abroad. He also raised the question of the lease of property at Mount Abu. I said that both these matters could be discussed at the meeting on 13th June, and suggested that we might then also consider the suggestion that the interim period, during which there would be a standstill order on present agreements, should last for two years.

I emphasised that H.M.G. had formally decided to stand by their Statement of May 12th, 1946, with regard to the States and that I was tied by the policy set down therein. Pandit Nehru put forward the view that the May 12th Statement was an integral part of the Cabinet Mission’s Plan as a whole; but I pointed out that it had been specifically ante-dated so that, in the event of rejection of the Cabinet Mission’s Plan of May 16th, it should stand by itself. Pandit Nehru declared that he entirely disagreed with the idea of complete independence for the States. They had never had an independent existence before. He advised me to read Mr Edward Thompson’s “History of the Indian States”. With regard to Hyderabad, he said that this State had grown up through treachery and had always been in the wake of the victors to gather the spoils. The States had come into the Government of India system before the Crown had.

I explained that, from conversations with representatives of the States, I had got the impression that the reason why some of them had not yet joined the Constituent Assembly was because they feared that there would be a much tighter centre under the existing plan than under the Cabinet Mission’s Plan. Sardar Patel stated that, so far as the States were concerned, the Centre would only be strengthened with their consent. He further said that he thought that I was much mistaken in thinking that the States were moving towards more representative Government. When I disagreed with this, Pandit Nehru flared up and said that he challenged, from the highest constitutional basis, the idea that any ruler could decide himself whether or not to join the Constituent Assembly. He said “I will encourage rebellion in all States that go against us”. Mr Kripalani said more quietly “The people must have some say in the matter”. I replied that I myself had no doubt what would happen in the end. Some Rulers to whom I had spoken had already seen sense and some were fast beginning to.

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1 Lt.-Col. Erskine Crum sent a copy of this Item to Sir C. Corfield remarking that ‘it will enable you to see the sort of line which Congress are going to take at the meeting with the seven Indian leaders on Friday next.’ R/3/1/137: f 37.

2 No. 101.

3 The lands occupied by the civil and military station on Mount Abu in the State of Sirohi were made over to the British Government under a permanent lease in an agreement concluded in October 1917. Vol. VII, No. 262.

Boundary Commission
The Congress Leaders agreed that I should ask the Governors to call together the interested political leaders in the Punjab and Bengal with a view to arriving at some measure of agreement between themselves as to the partition of their respective Provinces. I said that after consulting the Muslim League and Sikh leaders I would telegraph to the Governors, asking them to go ahead with this.

About the suggestion that each Boundary Commission should consist of three persons obtained through U.N.O. plus three expert assessors, Pandit Nehru at first seemed doubtful. He felt that much delay would be involved, but when I pointed out that we could telegraph off to U.N.O. straight away and get the chosen representatives flown to India, he said that he would further consider the matter and let me know his views.

It was suggested that the number of assessors should be five in the Punjab Boundary Commission and four in the Bengal Boundary Commission. In detail these would be—in Punjab, one Muslim representative from Western Punjab; one Hindu representative from Eastern Punjab; one Sikh representative, one representative from Pakistan as a whole and one representative from Hindustan as a whole. In Bengal the composition would be the same, mutatis mutandis and without of course the Sikh representative.

I asked Pandit Nehru to send me in the Congress suggestions for the terms of reference for the two Boundary Commissions and this he agreed to do. He agreed that the basic principle should be a majority population basis.

I pointed out the difficulties with regard to the Sikhs. They represented only 13\% of the population (here Sardar Patel remarked that he thought that the correct figure was 18\%) and an enormous transfer of population would be required to build up even one district into a Sikh majority area. I said that I had discussed all the Sikh considerations in London and suggested that the Boundary Commission might be empowered to recommend such transfer of population and property as might improve the position of the Sikhs. I said that I thought that Mr Jinnah would agree to the basis of transfer of population which might be a way of taking Sikh interests into account. Sardar Patel said that he agreed that the Sikh problem must be adjusted somehow.

Pandit Nehru said that he was opposed to the principle of population transfers. He considered that one of the secondary factors to be taken into account should be religious questions. It was impossible to transfer holy places. The canal regions were another important consideration. The Sikhs had built up this area largely by their own work. He had discussed this question with the Governor of the Punjab and they had agreed that it would be essential to have a joint Irrigation Board. I said that I agreed with this suggestion. Both sides would stand to gain by it. I further informed them that Mr Jinnah had promised that he would guarantee freedom of access into religious places. Sardar Patel said that he doubted the validity of such an undertaking.
I asked Pandit Nehru to include in his proposed terms of reference a paragraph to deal with the possible exchange of territory outside the Punjab and Bengal themselves. The areas concerned were part of Thar Parkar in Sind, and part of Purnea in the United Provinces [Bihar].

Arbitral Tribunal
Pandit Nehru said that he would let me have his opinion on the suggestion that the Chairman of the Arbitral Tribunal should be a member of the Judicial Committee of the Privy Council.

Mr Jinnah
Pandit Nehru told me that Mr Jinnah had sold his house in Bombay to Mr Dalmia for Rs 21 lakhs!

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Rear-Admiral Viscount Mountbatten of Burma to Mr Gandhi

R/3/1/156: f 48

10 June 1947

Dear Mr Gandhi,
Thank you so much for the admirable suggestions1 which you handed to Lord Ismay. It is quite clear that Mr Jinnah is very preoccupied at the present time, owing to the Muslim League meetings in Delhi, but I will, of course, take the earliest opportunity of mentioning to him the points you made.

I will do my best to convince him, but I hope you will not count too much on my intervention.

I think the idea in the fourth paragraph of your note is a good one, and I will follow it up with H.M.G. Perhaps the Prime Minister would give an assurance in debate in Parliament.

Yours sincerely,

MOUNTBATTEN OF BURMA

1 Annex to No. 99.
Minutes of Viceroy’s Forty First Staff Meeting, Items 1–2, 4–5

Mountbatten Papers

SECRET

Those present at this Meeting held at The Viceroy’s House, New Delhi, on 10 June 1947 at 4 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir E. Mieville, Rao Bahadur V. P. Menon, Colonel Currie, Captain Brockman, Mr I. D. Scott, Mr Campbell-Johnson, Lieutenant-Colonel Erskine Crum

Item 1

JAI PRAKASH NARAIN

HIS EXCELLENCY THE VICEROY said that Jai Prakash Narain had refused to come and see him. He had sent a personal message explaining his reasons for this, which he (His Excellency) fully appreciated.

Item 2

DOMINION STATUS

HIS EXCELLENCY THE VICEROY recalled that he had suggested, at the Staff Meeting the previous day, that Sir Walter Monckton should be asked to interview Mr Jinnah concerning the latter’s choice of a Governor-General.

There was before the meeting a brief from Lord Ismay on this subject, which made the alternative suggestion that a member of the Viceroy’s staff should be the person to see Mr Jinnah. THE VICEROY stated that he considered that this would indeed be the better course; both Lord Ismay and Sir Eric Mieville should go and see Mr Jinnah in a few days time to find out his intentions. They should see Mr Liaquat Ali Khan first; and should also brief Sir Walter Monckton on the matter in case he went and saw Mr Jinnah and it was raised in the course of conversation.

A draft, prepared by Rao Bahadur Menon, of the legislation required to enable both Dominions to have the same man as Governor-General, was then handed round. HIS EXCELLENCY THE VICEROY said that this draft might serve as a basis for discussion with Mr Jinnah; but he considered that it would not be desirable eventually to include it in the legislation.

HIS EXCELLENCY THE VICEROY said that after the transfer of power (assuming that he remained as Governor-General of both Dominions), Vice-regal Lodge, Simla, might be considered as a neutral territory. In any event there would have to be a convention whereby any Ministers of one State were enabled to come and see him in the other at any time. There would have to be a provision in the Act which was being drafted which would make it clear that the Headquarters of the Governor-General were wherever he was residing at any specific moment.
HIS EXCELLENCY THE VICEROY said that, (still assuming that both the two new Dominions asked him to stay on as Governor-General), he would have to find out from the two Prime Ministers what were their wishes regarding his staff. He realised that it would be desirable for many members of his staff after the date of transfer of power to be Indians; but felt that it would be necessary, in view of the fact that the supply of competent Indian administrators generally would be unlikely to meet the demand, that certain of the more important positions should be held by British.

SIR ERIC MIEVILLE stated that the Governor-General of Canada had honorary As.D.C., mostly with the rank of Colonel or Lieutenant Colonel, in many of the big cities in Canada. HIS EXCELLENCY said that a similar system might work well in India.

RAO BAHADUR MENON said that he did not believe that the Congress leaders would object to any staff which His Excellency selected. Furthermore, Sardar Patel had agreed that the existing expenditure should continue to be charged to the revenues of the future Dominion.

HIS EXCELLENCY said that he felt that it would be particularly difficult for him to conduct delicate negotiations if he did not have Lord Ismay and Sir Eric Mieville available to help, particularly by going to see the various political leaders. He explained that Mr Attlee had given an undertaking that H.M.G. would pay for the special staff which he had brought out with him until June 1948.

RAO BAHADUR MENON drew attention to the danger, if the special staff remained behind after the transfer of power, of socialist propaganda being started to the effect that the British had not withdrawn at all but intended to remain indefinitely in India. HIS EXCELLENCY THE VICEROY said that the position would have to be made quite clear in a statement. The temporary nature of any additional appointments would have to be stressed and it would have to be made clear that it was with the agreement of the Indian leaders that the special staff was remaining.

SIR ERIC MIEVILLE said that he felt that the withdrawal of British troops would be taken by many in India as a symbol of the withdrawal of the British rule. LORD ISMAY said that he had written to Field Marshal Auchinleck asking him for a new plan for the withdrawal of British troops. He felt that an announcement on this should be made as early as possible. THE VICEROY asked Lord Ismay to stress the urgency of reaching a decision to Field Marshal Auchinleck. He said that he himself would see Field Marshal Auchinleck.

1 The reason which Jai Prakash Narain gave was that it might have appeared to the public, if he had come, that he was supporting or even contributing to the partition of India. See Lord Mountbatten's Report on the Last Viceroyalty, Part A, para. 47. L/P &/5/396/3.
2 No. 108, Item 2. 3 No. 123. 4 See Appendix 'A'.
5 R/3/1/81: f 136.
concerning this matter and the plan for the division of the Indian Armed Forces which the latter had prepared.\(^6\)

**HIS EXCELLENCY** said that he believed that there was considerable confusion in Pandit Nehru’s mind concerning the date June 1948. Pandit Nehru was working at great pressure to get the new Constitution ready before that date, and had emphasised that this was his object to such an extent that he might do himself irreparable damage if he did not succeed in it. **HIS EXCELLENCY** pointed out that the date of June 1948 now had no significance whatsoever. This point should be stressed in background information given to the Press.

**HIS EXCELLENCY** the Viceroy said that a matter upon which a decision would shortly have to be taken was whether it was to be stated that the Provinces which were to make up Pakistan were seceding from India, or whether India was going to be divided into two. Pandit Nehru had throughout emphasised to him that the only basis on which he would ever agree to the formation of Pakistan was that, by means of a variation of the Cabinet Mission Plan, certain Provinces had been allowed to opt out. Pandit Nehru had always stressed the continuity of India as such. **THE VICEROY** said that he had tried to impress on Mr Jinnah the point that, if the latter obtained his sovereign independent State and extracted the assets to which he was entitled, he should be satisfied. He would do his best to make Mr Jinnah see the point that it was not worth fighting Congress on this issue. All ambassadors appointed by Pandit Nehru would presumably continue in their appointments. The ambassadors already appointed by various countries to India would presumably look after the interests of both successor authorities. Sir Terence Shone was asking for a second High Commissioner for Pakistan.\(^7\)

**HIS EXCELLENCY** the Viceroy said that, to his mind, Pakistan was breaking away from India. He did not see that they stood to lose anything by starting afresh. In any event it was impossible to prevent Congress using the word “India” for their Dominion if they wanted to.

**RAO BAHADUR MENON** said that, as he saw it, it would be up to Pakistan to apply for membership of U.N.O.

**MR SCOTT** said that, in his view, all international obligations would be succeeded to by both States.

**LORD ISMAY** said that this issue was not really for us to decide. It had been referred\(^8\) to the Secretary of State, who had now stated\(^9\) that the Foreign Office were being consulted urgently. **LORD ISMAY** added his view that the word “secession” was highly derogatory.

**HIS EXCELLENCY** THE VICEROY:—

(i) directed C.V.S. and Prin. Sec. to go and see Mr Jinnah in three or four days’ time in order to find out his intentions concerning his choice of a Governor-General after the transfer of power; also to see Mr Liaquat Ali Khan about this as soon as possible; and to brief Sir
Walter Monckton on the subject before the latter next saw Mr Jinnah;

(ii) approved the draft (at Appendix ‘A’ to these Minutes) as a basis of discussion with Mr Jinnah; but not for eventual inclusion in the legislation;

(iii) directed the Reforms Commissioner to ensure that provision was included in the legislation to the effect that, if one man was Governor-General of both Dominions, his Headquarters would be wherever he was residing at any specific moment, regardless of in which Dominion that might be;

(iv) directed C.V.S. to inform the C. in C. that a plan for the withdrawal of British troops should be drawn up as a matter of urgency, so that an announcement on this could be made within the next ten days, if possible;

(v) directed D.P.S.V. to arrange for him to see the C. in C. himself about the withdrawal of British troops and the C. in C.’s plan for the division of the Indian Armed Forces;

(vi) directed Press Attaché to emphasize, in background information to the Press, that the date June 1948 no longer had any significance whatsoever;

(vii) directed C.V.S. further to consider, in consultation with the rest of the staff, whether the process, whereby two separate States, both Dominions of the British Commonwealth, were to come into being as the successor authorities in what was at present the entity of India, should be referred to as partition of that entity or, alternatively, continuation of that entity and secession of certain parts thereof.

Item 4

THE NORTH-WEST FRONTIER PROVINCE

LORD ISMAY stated that a list of the suggested names of fifteen Army officers to help run the referendum in the N.W.F.P. had been shown to Dr Khan Sahib. He had agreed that all these were suitable and that any eight out of the fifteen should be selected.

HIS EXCELLENCY THE VICEROY:

instructed Con. Sec. to include on the agenda of his next meeting with the seven Indian Leaders, the paper concerning posters for use in this referendum.

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* This draft has not been traced; see, however, Enclosure 2 to No. 210 for the plan as submitted to the Partition Committee.

* See No. 92.

* See Nos. 76 and 115.

* See No. 115, note 2.
Item 5
BOUNDARY COMMISSIONS

LORD ISMAY said that he considered that it would be essential to obtain the agreement of the Indian Leaders that they would abide by the decisions of the two Boundary Commissions.

HIS EXCELLENCY THE VICE ROY:

(i) invited Prin. Sec. to obtain Sardar Baldev Singh's verbal views on the composition and the terms of reference of the Western Boundary Commission;

(ii) directed Con. Sec. to amend a draft telegram (handed round at the meeting) to the Governors of the Punjab and Bengal concerning the possibility of Provincial Leaders coming to some agreement over boundaries; and to put this draft telegram on the agenda for his next meeting with the seven Indian Leaders.

Appendix 'A' to No. 126

SECRET

GOVERNORS-GENERAL—DRAFT LEGISLATION

"The Governor-General of each of the said Dominions shall be appointed by His Majesty.

Provided that until some other person is appointed by His Majesty to be Governor-General of either of the said Dominions the person holding the office of Governor-General of India immediately before the commencement of this Act shall be Governor-General of both the said Dominions."

This draft telegram has not been traced.

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Mr Liaquat Ali Khan to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/156: ff 49-50

ALL INDIA MUSLIM LEAGUE, DELHI, 10 June 1947

Dear Lord Mountbatten,

I am herewith enclosing for your information a copy of the Resolution passed by the Council of the All India Muslim League at its meeting held on the 9th of June, 1947 regarding the Statement of His Majesty's Government dated the 3rd of June, 1947.¹

Yours sincerely,

LIAQUAT ALI KHAN²
Enclosure to No. 127

RESOLUTION PASSED BY THE COUNCIL OF THE ALL
INDIA MUSLIM LEAGUE AT ITS MEETING HELD AT
DELHI ON MONDAY, THE 9TH OF JUNE, 1947

The Council of the All India Muslim League after full deliberation and consideration of the Statement of His Majesty’s Government dated the 3rd of June, 1947, laying down the plan of transfer of power to the peoples of India, notes with satisfaction that the Cabinet Mission’s Plan of May 16th, 1946 will not be proceeded with and has been abandoned. The only course open is the partition of India as now proposed in HMG’s Statement of the 3rd June.

The Council of the All India Muslim League is of the opinion that the only solution of India’s problem is to divide India into two—Pakistan and Hindustan. On that basis, the Council has given its most earnest attention and consideration to HMG’s Statement. The Council is of the opinion that although it cannot agree to the partition of Bengal and the Punjab or give its consent to such partition, it has to consider HMG’s Plan for the transfer of power as a whole.

The Council, therefore, hereby resolves to give full authority to the President of the All India Muslim League, Qaid-e-Azam M. A. Jinnah, to accept the fundamental principles of the Plan as a compromise and to leave it to him, with full authority, to work out all the details of the Plan in an equitable and just manner with regard to carrying out the complete division of India on the basis and fundamental principles embodied in HMG’s Plan including Defence, Finance, Communications etc.

The Council further empowers the President, Qaid-e-Azam M. A. Jinnah, to take all steps and decisions which may be necessary in connection with and relating to the Plan.

1 No. 45.
2 On 12 June Lord Mountbatten acknowledged receipt of this letter remarking that he had spoken to Mr Liaquat Ali Khan about the resolution that day. R/3/1/156: f 69.

128

Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/157: ff 11-12

SECRET AND PERSONAL 17 YORK ROAD, NEW DELHI, 10 June 1947

Dear Lord Mountbatten,

At this morning’s meeting1 three possibilities were suggested for the formation of the Boundary Commissions. The first one stated that each Commission

1 No. 124.
should consist of three persons obtained through UNO plus three expert assessors from each side of each partitioned Province.

2. We have thought over this matter and we think that this suggestion is not feasible or practicable. This would involve considerable delay. The UNO Headquarters would probably have to communicate with each member Government and a long time would elapse before a choice could be made. It is possible that the ultimate choice might not be a very suitable one. There are other considerations also which militate against this proposal. We, therefore, would not welcome it.

3. The second proposal is that each Commission should consist of an independent Chairman and four other persons of whom two would be nominated by the Congress and two by the Muslim League. This proposal, with some slight modification, seems to us suitable. The modification we would suggest is that the four persons nominated by the Congress and the Muslim League should be persons of high judicial standing. These four should elect their own Chairman. If there was any difficulty about their electing their Chairman, the two parties could themselves suggest him.

4. The third proposal has been partly incorporated in the second and, therefore, I need not say anything about it.

5. We thus approve of the second proposal, as stated above, for the composition of the Boundary Commissions.

Yours sincerely,
JAWAHARLAL NEHRU

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma
R/3/1/156: ff 53-4
SECRET
17 YORK ROAD, NEW DELHI, 10 June 1947

Dear Lord Mountbatten,
I have just seen the text of the resolution of the All-India Muslim League.¹ I am afraid this resolution is not at all satisfactory. It begins by saying that the Council "notes with satisfaction that the Cabinet Mission’s Plan of May 16, 1946, will not be proceeded with and has been abandoned". It is true that this Plan has been modified to a large extent. But, as a matter of fact, we are still functioning in many ways in accordance with that Plan. Thus our Constituent Assembly has been meeting and will continue to meet under that Plan. The

¹ Enclosure to No. 127.
Muslim League members from certain Provinces are also now joining the Constituent Assembly. Thus it is incorrect to say that the Plan has been abandoned, and indeed the Muslim League is itself going to conform to it to some extent.

2. The second paragraph of the Council’s resolution is the most important one. It states that the Council approves of the division of India into two parts, and it proceeds to say that the Council cannot agree to the partition of Bengal and the Punjab or give its consent to such partition, though it has to consider HMG’s Plan as a whole. Thus the Council has definitely rejected one of the basic provisions in the new Scheme.

3. In the third paragraph it is said that the Council accepts the fundamental principles of the Plan as a compromise. It is not clear what they consider the fundamental principles to be. They may consider the fundamental principle to be one of division of India and not of the division of Bengal and the Punjab. Whatever this may be, it is accepted as a compromise. Of course it is a compromise, but the point is whether it is accepted as a settlement or not. The reports of the speeches delivered at the Council meeting lead to the conclusion that this was looked upon as a step only to be utilised for enforcement of further claims.

4. The Council has given full authority to its President, Mr Jinnah, to take all steps and decisions which may be necessary in connection with and relating to the Plan. The position thus is this:— The Council itself has not accepted the Plan as a settlement but has given authority to the President to do so if he so chooses. This is leaving matters where they were. The least that can be done now is for Mr Jinnah to accept the Plan in its entirety as a settlement on behalf of the All-India Muslim League. Unless this is done clearly and in writing, there is every likelihood of difficulties arising in the near future. We have had vague resolutions of the Muslim League in the past which were capable of more than one interpretation and many of our problems have been due to this fact. Very soon, as you know, the All-India Congress Committee will be meeting, and the fact that the Council of the Muslim League has not clearly accepted the Plan is sure to be pointed out and will affect people’s decisions. I trust that before that happens, Mr Jinnah will express his full agreement with HMG’s Scheme as a settlement of our communal problems and that this will be done in writing. Unless this is done the presumption will be that he does not wish to commit himself to the Plan and does not wish to treat it as a settlement.

Yours sincerely,

JAWAHARLAL NEHRU
Sardar Patel to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/156: ff 55, 58-63

TOP SECRET AND IMMEDIATE

HOME MEMBER OF CABINET,
NEW DELHI, 10 June 1947

My dear Lord Mountbatten,

Perhaps you have already received a copy of the Resolution passed by the All India Muslim League Council.¹ In case you have not, I am sending a copy for your ready reference.

2. You will notice that the Resolution is contradictory and there is studied evasion of straightforward acceptance. At one place, it says it cannot agree to the partition of Bengal and the Punjab or give its consent to such partition. At another place, it says it accepts the fundamental principles of the plan of June 3rd as a compromise. You have to judge the Resolution in the light of the speeches at the Council Meeting. I have been able to obtain a copy of the proceedings through a source of the Intelligence Bureau. I am enclosing a copy of the same. From these proceedings, it is quite clear that the Pakistan of the statement of June 3rd would merely be a spring-board for action against Hindustan, and that there is no possibility of a settlement on this basis. The position is such as is bound to fill us with grave apprehension.

3. In these circumstances, unless Mr. Jinnah issues a clear statement accepting the plan, there are bound to be difficulties at the A.I.C.C. meeting.

Yours sincerely,

VALLABHBIHAI PATEL

Enclosure to No. 130

The Council of the All-India Muslim League met on June 9th, 1947, at the Imperial Hotel in New Delhi at 10.30 a.m. under the Presidentship of Mr. M. A. Jinnah. After the recitation of some portions of the Quran by Maulana Abdul Hamid of Badaun, U.P., Mr. Liaquat Ali Khan asked the permission of the House to pass a condolence on the deaths of Begum Mohd. Ali,² Mr. Ismail.

After this, Mr. Jinnah read out portions of HMG’s plan and said that the plan was being placed before the house so that if the house wanted to accept it, it may do so otherwise not. He added: “Those who want to have any points regarding this plan explained, are permitted to put questions”. Whereupon, the representatives from Orissa, the U.P., Bengal and Bombay questioned Mr. Jinnah regarding the powers of the proposed Boundary Commission and regarding the safe-guarding of the rights of Muslims in Muslim minority
provinces. In reply to these questions, Mr. Jinnah said that he could disclose nothing beyond his personal opinion that the safeguarding of the rights of Muslim minorities would depend upon the future relations between Hindustan and Pakistan.

The house requested Mr. Jinnah to permit the members, if any of them wanted to do so, to move a resolution regarding the acceptance or rejection of the plan. Mr. Jinnah said that the question of moving resolutions and debating upon them did not arise at all. He added that the question before the house was whether it wanted to accept the plan as a whole, and that if the house was agreeable a unanimous resolution, embodying the acceptance of the plan could be accepted by the house. The house agreed to this.

Speeches

Prof. Abdul Rahim (Bengal): He strongly opposed the resolution and said that the plan would ruin the Muslims of India, that as a result of which there could never be any lasting peace in the country, that Muslims would not benefit by it and that the proposed division of Bengal and the Punjab will always give rise to mutual quarrels between Hindus and Muslims. He added that the Eastern Bengal and the Western Punjab would be economically and industrially weak, and that the total income of Western Bengal is three times that of Eastern Bengal and went on to say that the Eastern Punjab contained the best districts in the Province. He exhorted the Muslims to continue to fight for their original conception of Pakistan and demanded that the plan be totally rejected. He said that the truncated Pakistan, which was being offered now, had been offered by the Congress leaders even four years back and that if the Muslims were willing to accept it now there was no sense in all the bloodshed which had taken place. He wound up his speech by a fervent appeal to the house to reject the plan.

Ghulam Hussain Hidayatulla, Premier of Sind: He dilated upon the existing internecine quarrels in the country and said that Pakistan was being offered in such a truncated form to them that there was no life left in what they were getting and added that from the geographical point of view the best and most prosperous portion of Pakistan had been taken away. He added: "I have three main objects before me, on the basis of which I appeal to you to accept this plan: (1) that because of international considerations, the Britishers are quitting India and that they are bound to hand over power to someone before leaving the country. It is clear that after the British had left, we could have battled with an armed and powerful nation and wrested Pakistan, because it is not possible for any power to keep ten million men subdued for any considerable time, but there could be no guarantee that even then you could have obtained the full recognition of your demand even after bloodshed on a much more extensive scale. (2) On a matter of principle you can get only those areas in which Muslims are in a majority. You may acquire these areas either today or tomorrow after a
fight. Even in the original resolution demanding Pakistan, it had been laid down that the Muslim majority areas should be included in the proposed Muslim State. This is true that the Pakistan which is being offered to you today is weak but you must remember that now you have been acknowledged as a separate nation. Such a nation will be sovereign in its own country, and will solve its own problems. I wish to assure you on behalf of Sind that we have been working very hard to bring about numerous improvements in the province and vast constructive schemes are under consideration, as a result of which our province will soon become prosperous. I would also request that if any of you have any constructive ideas, you may let us know about them. We will rapidly industrialise our country and will provide a haven of refuge to Muslim traders and craftsmen who would choose to migrate into Sind from the Muslim minority provinces. We have removed the consideration of Sindhi or non-Sindhi from our province and we will see that Sind will soon progress far.

Zahir-ul-Hasan Lari (U.P.): The plan which has been put before us is extremely disappointing. We should never accept it and if we accept it will be a major catastrophe. In our Bombay session, we had rejected the Cabinet Mission’s proposal only because the Congress had opposed grouping and had not accepted it in the sense in which the Cabinet Mission intended it to be implemented. The Congress had thereby insisted that Assam should not be included in the Pakistan and we never wanted that Assam should be separated from Pakistan. When we have once rejected the Cabinet Mission plan on this basis, the question now arises whether today we will get Assam according to HMG’s plan or not. I want to tell the house that not only not we get Assam but also that large portions of the Punjab and Bengal have been divided and they will be lost of Pakistan, which will greatly weaken the proposed new State. In fact, the British Government have not accepted even one of our demands; they have all along tried to placate the Hindus. For instance, in the Gandhi-Jinnah talk, in Rajagopalachariar’s formula, in Dr. Rajendra Prasad’s book “Divided India” a division of the country has been proposed on the same lines which have now been embodied in HMG’s proposal. The Pakistan which is being offered to us will be from every point of view so weak that we will find ourselves in serious difficulties.

My second objection is that if on a matter of principle it is correct that Bengal and the Punjab be divided, then the Muslims who oppose the Congress Government in Bombay Presidency and the U.P. should be similarly given a separate homeland, because they in numbers far exceed the Sikh community. We undertake to transfer population in such a way that we would establish our majority in all the districts which may be given to us in a divided U.P. The fact remains that the British Government has only tried to please the Congress. When we rejected the Cabinet Mission’s proposal, it did not seem to affect the British Government, but as soon as the Congress demanded the division of
Bengal and the Punjab, HMG's Government immediately brought out a proposal embodying their demands. This has happened in spite of the fact that some responsible Hindu leaders of Bengal have been agitating to retain the unity of Bengal. The Britshers have, however, chosen to disregard their agitation only because they are anxious to propitiate the Congress. The Muslim nation is being trifled with. If you were willing at last to accept this mutilated Pakistan, I put you the question why did you create so much agitation in the country; you could have arrived at a compromise with the Congress on the basis of what you are willing to accept now. The Britisher has befooled you. What safeguards are there for the protection of the rights of Muslims in Muslim minority provinces. Should we now form two Muslim Leagues, one for Pakistan and the other for Hindustan. I declare that the Mussalmans of Hindustan will establish a separate Muslim League and with the strength of the sacrifices on the basis of which they have helped you to get Pakistan, they will protect their rights themselves. I strongly oppose this plan.

Ghulam Ali (Amritsar): I oppose the ideas put forward by my predecessor, Mr. Lari, who is apprehensive about the safeguarding of the rights of Muslim minorities. I can quote the example of our Prophet who entered into even more unequal agreements with the infidels. This was opposed by the Muslims of that period but our Prophet had agreed to the compromise because on the basis of that agreement Muslims had been recognised as a nation. The plan which is before us for consideration should be viewed in the same light. Though this plan is defective and though it contains many features obnoxious to the Muslims, it is good in the sense that Muslims have been recognised as a nation and that they would get the opportunity to rule as a sovereign body over the country. Mr. Lari should not be so apprehensive, like him I also belong to a Muslim minority area and am a resident of Amritsar. In spite of this, I am not weak. The situation today is that if the Sikhs murder a few Muslims, we immediately take revenge and kill more Sikhs. I assure you that we have the best soldiers with us, we were only short of arms which has now been made good by the grant of Pakistan to us. I assure you that the Pakistan Government would always be ready to avenge wrongs of Muslims anywhere in India, and, if necessary, the Muslims will cross their frontiers to take revenge. We do not at all care for the portion of the Punjab which has been cut away from Pakistan; as soon as the British quit that area will either be voluntarily evacuated or it will be completely destroyed. I assure you that we will take the full revenge for all the operations which are being perpetrated on Punjabi Muslims by Hindu States, give us only the opportunity to breathe in the atmosphere of freedom once. When we have proved ourselves irresistible though we are in bondage, nothing would be able to stop us once we are free. I appeal to you to accept this plan.

See Vol. VIII, No. 86.  
See Vol. IV, No. 576.

Rajendra Prasad, India Divided, (Bombay, Hind Kitabs, 1946).
Mazhar Ismail (Madras): I belong to a Muslim minority province. We have undergone sacrifices for the achievement of Pakistan and if Qaid-e-Azam thinks it proper that we should accept the plan, then we can have no objection to it. There is no communal quarrel in our province. The Moplas of Madras are organising themselves and there is no cause for worry on account of the Muslims of Madras.

Pir Sahib Zakoori Shariff (Frontier): I belong to the Frontier and I wish to speak to you on behalf of the Muslims of that province and on behalf of the Pir of Manki, who is sitting here. We are Pathans and are an intensely practical people. We do not know how to deliver long speeches like you do. We prefer to act. When I met Qaed-e-Azam after the League had been beaten in the elections by the Khan Brothers, he told me that he was ashamed of us. On hearing these words, I dared not show my face to Qaed-e-Azam and started working in the Frontier for all I was worth. In the beginning, the Khan brothers wielded much influence in the Frontier and we considered the Congress as our organisation while we thought that the Muslim League was a body consisting of the creatures of the British, but when we saw the atrocities which the Congress perpetrated on the Muslims, we were disillusioned and the spell which the Khan brothers had cast over us was broken. Even today we hate Congressmen so intensely that the more propaganda they do in the N.W.F.P. the surer we shall be of our victory in the referendum. We have to make sure that in the referendum, the Muslims of N.W.F.P. side with the League. My brothers here told me that the Hindus would try to corrupt the Pathans and would buy votes. Perhaps my friends do not know the Pathans yet. The Britishers poured money into the N.W.F. and tried to corrupt the Pathans but the Pathans are still bitter enemies of the British. Let the Hindus spend their money, we would accept the money yet we would vote for the League and we would be successful in the referendum. We know now what the Muslim League is and what the reality of the Congress is. The Muslim minorities should have no fears. The Pathans are true to their worth and considered it a matter of pride to be able to sacrifice their life for the sake of their brothers. Today when Pakistan is being founded and when this session is being held in this room, I have come to make a promise to my brothers. I promise and declare that on the slightest hint from Qaed-e-Azam I would prepare an army of armed Pathans hundred thousand strong. They will be such brave soldiers that their names would be written in golden letters in the history of the world. I again assure the Muslim minorities that they should have no fears. It is premature to talk, but I have no doubt that the Pathan of the Frontier will translate into action whatever is in his heart now. We shall only need your moral support. We were prepared to shed our blood for the Congress, which was a foreign body, what would we not do to establish a Muslim kingdom and to establish the rule of our own race?
Maulvi Abdul Rahman (C.P.): On behalf of the Muslims I request you to accept HMG's plan. Even if the defects, which have been pointed out by the previous speaker, are embodied in the plan we should have no fears on that account. After all, we will have more land than what they have in Afghanistan, Iran, Arabia, Iraq, Yaman and Palestine. We have more wealth than they have. We have industry and agriculture, therefore if those countries can be happy and free, I have no doubt that Pakistan would also be prosperous and free. I appeal that this plan be accepted.

Abdul Hamid (Assam): I belong to a Muslim minority province and according to the new plan I will be a resident of Hindustan; yet I support the plan. If, according to this plan, the majority of the Muslims become free, I prefer to remain as a slave. I urge that the plan be accepted.

The meeting adjourned till 7.30 p.m.

The proceedings were resumed at 7.30 p.m. under the Presidentship of Mr. M. A. Jinnah and Mr. Jinnah, in the course of his speech, stated that various points of view in favour of and against the plan had been put before the house. 16 speakers have yet been left out. If you want to decide the issue today, we will have to stop the debate; otherwise the session will have to continue tomorrow. I ask your opinion on this point. Upon this, the house gave a majority vote in favour of closing the debate. Following this, the proposal for the acceptance of the plan was put to vote. 8 men, including Maulana Hasrat Mohani, voted against the acceptance of the plan; while the remaining 460 voted for it. The plan was accepted. Thereafter, Mr. Liaquat Ali Khan read out a resolution and obtained the approval of the President. According to this resolution, the plan was accepted under protest and Mr. Jinnah was authorised to take further necessary action.

In the end, Mr. Jinnah addressed the Muslim minority provinces and declared that it was only because of their sacrifices that Pakistan is being realised today. He said that the Muslim majority provinces had been oblivious of the issue. Now it is time that the provincial distinctions of Sindhi, Punjabi, etc., should be removed and the Muslims should pull their weight together. He said that his work had been completed, and that he had mainly to get a separate kingdom and separate army and a separate country for the Muslims of India. The secret of your progress lies in unity.

At this stage, some Khaksars who were said to be about 20 in numbers, attempted to enter the Imperial Hotel. The Police and the Muslim National Guards stopped them.
My dear Monteath,

In response to your telephone request earlier this morning, I enclose herewith two Dominions Office notes on (a) Dominion status and (b) Dominion Governors-General respectively, which you might, perhaps, look at in case you think that they would be of any use to Ismay.

The former is an abbreviated version of the Dominions Office Note circulated to the Cabinet Committee on Commonwealth Relations as CR. (47) 1 on 21st May, which accounts for its form and date. The second is a new memorandum which we have hurriedly constructed.

Yours sincerely,

ERIC MACTHIG

Enclosure to No. 131

The Structure of the British Commonwealth

Note by the Dominions Office

The structure of the British Commonwealth rests on the proceedings of the Imperial Conferences of 1926 and 1930 which were confirmed and given statutory effect where necessary by the Statute of Westminster 1931. They can conveniently be considered under two aspects—form and substance.

2. Form. The Imperial Conference of 1926 described the “group of self-governing communities composed of Great Britain and the Dominions” as “autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations”. The report added “Every self-governing member of the Empire is now the master of its destiny. In fact, if not always in form, it is subject to no compulsion whatever”.

This description was completed by the enactment of the Statute of Westminster which removed certain existing restrictions on the legislative competence of the respective Dominion parliaments. The Statute defines the expression “Dominion” as meaning in this Act the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland. The only inequality of status remaining is a residuary power left to the United Kingdom Parliament to legislate for a Dominion with the request and consent of that Dominion. The retention of this power was necessary since Canada, and, to a limited extent,
New Zealand, have no power to alter their existing constitutions without the intervention of the United Kingdom Parliament.

The formal position therefore is that of a group of countries each with a parliament possessing full powers to legislate on all matters affecting the country, (subject to the reservation outlined above) and recognising the King as Sovereign of that country and taking all formal action in the King's name.

3. Substance. The report of the Imperial Conference of 1926 contains the following statement. "The British Empire is not founded upon negations. It depends essentially, if not formally, on positive ideals. Free institutions are its lifeblood. Free co-operation is its instrument. Peace, security and progress are among its objects . . . Though every Dominion is now, and must always remain, the sole judge of the nature and extent of its co-operation, no common cause will, in our opinion, be thereby imperilled".

The procedure for ensuring that there should be this full co-operation and consultation on all matters of common interest is discussed in detail in various sections of the reports of the two Conferences. The general principle underlying it is that membership of the Commonwealth implies an obligation to consider one another's interests, to make every effort to ensure that pursuit of individual needs and interests is adjusted wherever practicable to consideration of the needs and interests of other members of the Commonwealth, and to give mutual support where practicable in all essential matters.

4. The general picture therefore is that of a group of States standing in a certain constitutional relation to one another by reason of their acceptance of the King's sovereignty and working together in an informal understanding for mutual co-operation.

5. As regards the inclusion of other countries in membership of the Commonwealth on an equal basis with the existing members, the simplest solution would clearly be that they should qualify for membership under the same conditions as the existing members, i.e. they should recognise the King's sovereignty, they should have complete autonomy (which could be secured by the grant to them of powers equivalent to those conferred by the Statute of Westminster and need not involve amendment of the Statute for the purpose) and they should undertake the general obligations of consultation and mutual co-operation which the existing members recognise. As a matter of form, it would be appropriate that acceptance of new countries as equal members of the Commonwealth on this basis should be agreed to by all the existing members. But there is no reason to doubt that such assent would readily be granted provided that the above conditions were fulfilled.

Dominions Office,
May, 1947

1 Evidently made as a result of No. 117. 2 P.R.O. CAB 21/1803. 3 Emphasis in original.
DOMINIONS OFFICE NOTE ON DOMINION GOVERNORS-GENERAL

The position of the Governor-General of a Dominion was defined by the Imperial Conference of 1926 as being that of the representative of the Crown, holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain, and not the representative or agent of His Majesty’s Government in the United Kingdom or any Department of that Government.

The Governor-General is appointed by the King on the advice of Dominion Ministers. The office is constituted by standing Letters Patent under the Great Seal, which provide for the individual appointment to be made by Commissioner under the Sign Manual and Signet. (The Commission is counter-signed by the Prime Minister of the Dominion).

The Governor-General’s functions are defined partly in the Letters Patent and in standing Royal Instructions issued under the Sign Manual and Signet, but chiefly in the various Dominion Constitutions. They include the summoning and dissolution of Parliament, the appointment of Ministers and Judges, the issue of Statutory Orders in Council, and the giving of the Royal Assent to Bills. (A copy of the latest version of the Letters Patent and Royal Instructions in the case of the Union of South Africa is attached as a specimen). ¹

Certain functions in relation to Dominions are performed by the King personally and have not been delegated to the Governor-General. Apart from such matters as the award of honours or other marks of Royal favour such as the grant of the title “Royal”, these relate chiefly to foreign affairs, e.g. the appointment of Dominion Ambassadors and the issue of Executures ² to foreign Consuls. In these matters the submission to the King by Dominion Ministers is normally made through the Governor-General.

The Governor-General in the exercise of his functions acts in accordance with the advice of Ministers. Constitutionally a Governor-General is considered to have a discretion (such as His Majesty is held to possess in this country) to decline to accept such advice, but such discretion could be exercised only in very exceptional circumstances (e.g. refusal, exceptionally, of a dissolution of Parliament) and in such a case the exercise of the discretion must depend upon his finding Ministers who accept responsibility for his action.

Dominions Office,
June, 1947.

¹ Not printed.
² Lit. : ‘he may perform’. An official recognition of a consul by the government of the country to which he is accredited authorising him to exercise his functions. O.E.D.
I32

India Office Minutes

L/P&EJ/10/140: ff 44-5

Minute by Mr Turnbull

10 June 1947

Sir W. Croft
Sir D. Monteath
(Copy to General Scoones)¹
I attach a draft memorandum² to the India and Burma Committee covering a
draft telegram to the Viceroy about the Andamans. This is in accordance with
instructions from Sir D. Monteath, also a letter to the S/S for the Colonies.³

My own understanding of the I. and B. proceedings⁴ was that a firm decision
was taken that the Andamans should not pass under the sovereignty of the new
Dominion of India. The Committee perhaps did not appreciate that this can
only be prevented by specific provision in the Bill, and that if the Congress
blow up about the Andamans they will blow up when the Bill is published or
when it is shown to them. But we are surely now coming to the point at which
we have cast so much of the bread upon the waters that we are beginning to
find a little again. Does it really matter if the Indians do get hot under the collar
about the Andamans when we are on the point of introducing the Bill giving
them everything else, and what can they do about it?⁵

For this reason my own feeling is that the decision ought to be not⁶ to raise
the matter with Indians at all, and that this is one strong argument why the
previous decision of the Committee⁷ that the draft Bill should not be shown to
the Indian leaders or any attempt made to agree it with them should be firmly
adhered to notwithstanding Nehru’s request.⁸ There are other powerful reasons
in the same direction which are not relevant to the present issue.

The draft, however, does not take this line because my instructions were to
put it to the Viceroy how the matter should be handled with the Indians.

It seems to me to be a matter of extreme urgency to get administrative
arrangements made for controlling and supplying the Andamans after the date of
separation. The Viceroy having publicly announced that he has taken a
ticket home for the 16th August, it is going to be very difficult to appear not to

¹ A note by General Scoones is at L/P &EJ/10/140: f 47.
² For the memorandum as circulated see No. 165.
³ Not printed. ⁴ Vol. X, No. 553, Minute 5, para. (a).
⁵ Sir D. Monteath noted here: ‘No it does not—provided we are not going to be disturbed thereby’.
⁶ Emphasis in original.
transfer power on or about that date. The separation of the Andamans must then take place before that. We have, therefore, roughly two months in which to get the whole matter cleared up and the Colonial Office, vide Sir T. Lloyd's letter below, are wanting to look before they leap in the matter. The trouble is we have not anything for them to look at. I should have thought they would have to be told loudly by Ministers that they have got to do the job. I have therefore added a letter to the S/S for the Colonies.

F. F. Turnbull

Minute by Sir W. Croft

11 June 1947

If this and other points have to be discussed with the Indian parties before the Bill is published, surely it will be a serious addition to the difficulties of the time table. It would not be impossible to introduce amendments while the Bill is in passage if that is found necessary to meet Indian reactions after its publication.

W. D. C.

Minute by Sir D. Monteath

11 June 1947

I entirely agree that any discussion of this matter with Indian leaders will endanger the time-table. But it is just because Congress leaders are so likely to blow up when they see in the Bill when introduced that the Islands are to be taken away from them that it seems to me desirable to make sure that Ministers and the Viceroy see their way to handle that situation when it arises.

I agree too that probably the best course is just to go ahead on our own line: but it seems important to be sure that we are carrying the Viceroy with us on that. I am in touch with Sir C. Waterfall who will come to London before the week is out.

D. T. M.

Minute by Mr Henderson

11 June 1947

Secretary of State

Reference attached file. I have only one comment to make, and that is on the proposed draft telegram to the Viceroy. I would suggest the deletion of the sentence “We ourselves doubt whether we need pay undue regard to these reactions as we are on the verge of transferring power.” There certainly will be very strong reactions if we seek to legislate for the exclusion of these Islands, but it may be necessary because of defence requirements to do so whatever reaction there may be. But I do not think the fact that we are “on the
verge of transferring power" should be put as a reason for ignoring such reactions. I would, therefore, recommend you to delete this sentence; it is not essential to the telegram.\footnote{L/P &J/10/140: f 51.}

\footnote{For the draft telegram as circulated see Annex to No. 165. The sentence which Mr Henderson recommended should be deleted followed the one ending 'strong reactions from Congress' in para. 4.}

\footnote{Lord Listowel approved the drafts of the India and Burma Committee Paper, the telegram to the Viceroy, and the letter to the Secretary of State for the Colonies, subject to the omission from the telegram of the sentence referred to by Mr Henderson. L/P &J/10/140: f 44.}

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\textbf{India Office Minutes}

\textit{L/P &J/10/81: ff 317–18}

\textit{Minute by Sir G. Laithwaite}

\textbf{SECRET}

10 June 1947

Sir D. Monteatth

Mr. Dibdin tells me that in the discussion on the draft Indian Dominions Bill in Committee to-day,\footnote{Presumably a Committee of officials.} a question arose over the terms of clauses 15 and 16 as to the Governor-General or Governors-General, which seems to bear very directly on the decisions taken by Ministers in the I. & B. Committee last night\footnote{No. 121.} as regards Burma.

2. The effect of 15(1) is to provide for a Governor-General etc. "carrying on the government of the Dominion on behalf of and in the name of His Majesty\footnote{Words in italics underlined in original.} by whatever title he is designated",\footnote{As drafted Clause 15(1) read: 'References in this Act to the Governor-General of either of the Indian Dominions shall be construed as references to the Governor-General for the time being or other the chief executive officer or administrator for the time being carrying on the government of the Dominion on behalf of and in the name of His Majesty, by whatever title he is designated.' L/P &J/10/123: f 370v.} and 16(1) provides that "unless and until other provision is made by the law of the Dominion the Governor-General of each of the Indian Dominions shall be appointed by His Majesty."

3. It will be perfectly possible, of course, on this basis, for one of the new Indian Dominions or both to legislate to provide that the Chief Executive should be a President who should not be appointed by His Majesty: and from the point of view of general Dominion policy, if the contention were to be that

\footnote{Clause 16(1) has been quoted here in full.}
in that event the Dominion which took such action were still to be a Dom-
inion, it seems to me that this cuts very deep and is a point of principle which
ought not to be conceded without discussion with the Dominions Office.

4. From the point of view of Burma it seems to me equally dangerous, and
inconsistent with the line taken by Ministers last night, though I recognise that
the form of any Burman legislation might differ from that of the proposed
Indian legislation.

5. I would like to suggest strongly in these circumstances that we should
consider this further because of its possible repercussions. I quite appreciate that
the draftsman’s object has probably been to leave the door open for circum-
stances that might arise in the future; but apart from any Indian reactions we
cannot overlook that this draft will receive close attention in Burma (and
possibly in the Dominions).

6. I am sending a copy of this note to Mr. Turnbull (and also to Mr. Harris
as it has a Palace slant).

J. G. L.

Minute by Sir D. Monteath

10 June 1947

Mr Turnbull
Sir G. Laithwaite has sent you a copy of this note. I have spoken to him and he
is content on the understanding that the implications of cl: 15(1) read with
16(1) are fully exposed—as we intended they should be—to D.O. and Ministers.

If Ministers adhere to the line which they took last night à propos Burma that
Dominion status is to be legislated on the basis that the head of the State must
be by the King’s representative and appointed by him, the simple course would,
presumably, be to knock out 16(1). I should expect D.O. to protest strongly
against opening the door so wide as the two clauses read together do for an
Eire situation?

D. T. M.

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Sir J. Stephenson to Mr Turnbull

L/P&EJ/10/123: ff 358-9

SECRET AND IMMEDIATE DOMINIONS OFFICE, DOWNING STREET,
S. W. I, 10 June 1947

Dear Turnbull,
We have been through the draft Bill enclosed with your letter of 9th June.¹
There are some points here which seem to us of importance from our point of view.

Clause 1. We do not regard membership of the British Commonwealth as a thing to be conferred by United Kingdom legislation: to imply this might provoke awkward repercussions in the existing Dominions. We suggest that the point could be covered by inserting a Preamble on the following lines:—

"Whereas it is desired to constitute two Dominions in India to be recognized as independent members of the British Commonwealth of Nations", and then continue

I (1) "As from the appointed day there shall be constituted in India two Dominions to be known respectively as India and Pakistan".

You will note that we have omitted the expression "of the Crown". The phrase "Dominions of the Crown" is new, and, again, we are not sure that it may not lead to re-action in the existing Dominions. Our preamble would, we think, make it unnecessary. We should like to see it omitted from the title of the Bill also.

Governor-General. Do we not need, e.g. after clause 4, provision for the Executive Government on the new basis? The form of clause might be:—

"The Executive Government of each of the Indian Dominions is vested in the King and shall be administered by a Governor-General as His representative" (cf. Section 8 of South Africa Act 1909). This might be followed immediately by what is contained in Clause 16 of the draft with the omission of the words in 16 (1) "unless and until other provision is made by the law of the Dominion" (and omitting the side-note). We appreciate the reason for the inclusion of the words which we would omit, but it seems to us essential not to express the point in this way, as it implies that there could be a Dominion with a Governor-General not appointed by His Majesty. If there were a Governor-General who was not the King's Representative, Dominion status would disappear. If, on the other hand, it is desired to provide explicitly for the possibility of either of the two Dominions ceasing to have Dominion status, some other provision seems

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1 No. 122.
2 Mr Rowland was sent a copy of this letter and commented as follows: '... I am very much against having a preamble if we can possibly help it. Once a preamble gets in, Ministers are sure to insist that it is expanded so as to bear something like the correct artistic proportion to the size and weight of the rest of the Bill. This can only be done by including matter which is in its nature rhetorical—I do not use the word in any unduly depreciating sense—and which may easily be made by subsequent events—perhaps even events occurring before the Bill is law—to look highly inappropriate. I hope I have done enough therefore to meet the needs of the situation without a preamble.' Rowland to Turnbull, 11 June 1947. L/P &J/10/123: f 345.
3 Making provision for the Legislature.
4 As drafted Clause 16(1) read: 'Unless and until other provision is made by the law of the Dominion, the Governor-General of each of the India Dominions shall be appointed by His Majesty.' The side-note read: 'Transitional provisions as to Governor-General of India Dominions.' L/P &J/10/123: f 371.
to be required not resting on the mode of appointment of the Governor-
General.

We agree with you that the only restrictive provision requiring consideration
would be one relating to the succession to the Throne and the Royal Title. This,
in the case of the existing Dominions, is to be found in the Preamble to the
Statute of Westminster and is there expressed not as a limitation, but as a right.
In the circumstances, while it would, perhaps, be tidier if the matter were
covered in the Bill (presumably by a further recital in the Preamble on the lines
of that in the Statute of Westminster), we should not ourselves regard this as
essential, and it would certainly read rather awkwardly in the context of the
present Bill.

The above are the chief points that occur to us on a hurried reading of the
Bill; but we will continue to study it in case we have any further comments.

Yours sincerely,

J. E. STEPHENSON

I35

The Earl of Listowel to Viscount Jowitt

L/P&E/J/7/12500: f 95

10 June 1947

Dear Lord C[hancellor],

I enclose a copy of a telegram. I have just received from the Viceroy in which
he says that it is contemplated that an arbitral tribunal may have to be set up in
India to deal with matters arising out of the partition. You will see that the
Viceroy says that he may have to ask for the services of a member of the
Judicial Committee of the Privy Council as Chairman, and that men with
previous experience of India would not be acceptable.

I am circulating this telegram to the India and Burma Committee, but I do
not think we can do more at this stage than draw up a list of possible people,
and, perhaps, take some soundings of those whom we think most suitable as to
whether they would be available. You will see that the Viceroy refers to 6
months in the first instance as the term of service, but I feel convinced myself
that any Chairman of such a tribunal will have work to do in India for at least
18 months if not for two years or possibly longer. It will be essential that he
should be a person of the highest standing, but even though the Viceroy says
that the tribunal will work in Simla in the hot weather, I should think that the
person chosen ought not to be over 60 and preferably about 55. I doubt if we
need limit ourselves to the Judicial Committee but we should need somebody of a recognised high status and at least that of High Court Judge.

I am clear that any such appointment must be paid from Indian funds and I should be glad of your advice as to what emoluments you think should be offered. Probably the best course would be to give the same salary as is drawn here with substantial allowances for Indian conditions.

Would you please consider who there is who might be suitable for this work. I should be glad to discuss the matter with you if you would like to talk it over.

LISTOWEL

1 In tel. 1348-S of 7 June 1947 Lord Mountbatten reported the decision to set up an Arbitral Tribunal (No. 100, Item 1, conclusion (v)), and gave advance warning that, though its composition was not yet settled, he might have to ask for a member of the Judicial Committee of the Privy Council as its Chairman, adding that 'men with previous experience of India, such as Jayakar and Beaumont, would not be acceptable' (cf. No. 101). L/P &J/7/12500: f 98.

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Mr Louis (North-West Frontier Province) to Mr Abell

Telegram, R/3/1/151: f 140

IMMEDIATE

10 June 1947, 7.20 pm
Received: 10 June, 9.20 pm

No. CA 108. Personal for Abell. Ministry are raising objection to announcement of dates of referendum on grounds that vide paragraph No. 11 of announcement1 Punjab has as yet made no decision about joining existing Constituent Assembly or not and that Minorities have not yet returned.2 Understand that Premier has addressed Governor-General on this latter subject.

2. Request orders of Governor-General on these two points and clarification of my position vis-à-vis the Ministry in the event of further delaying tactics or actions which in my opinion are likely to prejudice the fair conduct of referendum.

3. Propose holding referendum 2nd to 16th July and consider essential to announce dates at once.

1 No. 45.
2 Lord Mountbatten noted in the margin against this sentence: 'This objection is valid against the holding of the referendum but barely against preparations.'
I37

Mr Abbott to Mr Abell

Telegram, R/3/1/90: f 153

IMMEDIATE
CONFIDENTIAL

No. 1126-G. Please pass following personal for Commander-in-Chief from Governor. Begins. Commissioner Ambala now at Gurgaon reports strength of troops in his opinion inadequate to deal with armed bands roaming about the district. According to Commissioner present strength including recent reinforcements is 6 companies. Disturbed area must be anything up to 1000 square miles. I cannot find police reinforcements as police reserves heavily involved in Lahore and Amritsar and men are exhausted owing to inadequate relief. Shall be grateful if such additional troops as you think necessary can be sent to Gurgaon at an early date. Ends.¹

¹ Lord Mountbatten noted on this telegram: 'What action is being taken?' Mr Scott noted on 11 June 1947 that he had been informed by the C.G.S. that, according to plans already made, a brigade would take over responsibility for the Gurgaon area. No extra troops over and above this would be posted. For the reply to Sir E. Jenkins see No. 179.

I38

The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P & F/10/81: f 333

IMMEDIATE

INDIA OFFICE, 10 June 1947, 9 pm
Received: 11 June, 6 am

No. 7496. Your telegram 1358-S, dated 9th June,¹ paragraph 3. It would be difficult to give you a definite answer until my colleagues have had an opportunity of considering draft bill and time-table in respect of it. I hope it will be all right from your point of view if answer is deferred until after meeting of Cabinet Committee arranged for Monday next. You will remember that at our last discussion with you opinion in the Committee was against showing Bill to the Indian leaders² and I fear that to do so might well give rise to controversy which would prevent Bill passing this Session.

2. Other question raised in your telegrams 1358-S and 1368-S³ is under urgent consideration and will be considered by my colleagues at same meeting.

¹ No. 115.
² Vol. X, No. 494, Minute 2, para. (j)
³ Nos. 115 and 116.
Mr Gandhi to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/151: ff 143-6

NEW DELHI, 10/11 June 1947

Dear Friend,

The Raj Kumari has given me the purport of your conversation with her.¹

Though you have been good enough to tell me that I could see you at any time I wanted to, I must not avail myself of the kindness. I would like, however, to reduce to writing some of the things I hold to be necessary for the proper and swift working of the scheme.

1. As to the referendum in the Frontier Province I must confess that my idea does not commend itself to Pandit Nehru and his colleagues. As I told you, if my proposal did not commend itself to them, I would not have the heart to go any further with it.

2. This, however, does not in any way affect my proposal that before proceeding with the referendum you should invite Qaid-e-Azam Jinnah to proceed to the Frontier Province and to woo the Ministers including Badshah Khan and his Khudai Khidmatgars who have made the Province what it is—better or worse. Before he goes, no doubt he should be assured of a courteous hearing from them.

3. Whether he favours the idea or not Qaid-e-Azam should be asked to give a fair picture of the Pakistan scheme before the simple Pathan mind is asked to make its choice of Hindustan or Pakistan. I fancy that the Pathan knows his position in Hindustan. If he does not, the Congress or the Constituent Assembly now at work should be called upon to complete the picture. It will be unfair, I apprehend, to choose between Hindustan or Pakistan without knowing what each is. He should at least know where his entity will be fully protected.

4. There is as yet no peace in the Frontier Province. Can there be a true referendum when strife has not completely abated? Minds are too heated to think coherently. Neither the Congress nor the League can disown liability for disturbances by their followers. If peace does not reign in the land, the whole superstructure will come to pieces and you will, in spite of division, leave behind a legacy of which you will not be proud.

5. The sooner you have a homogeneous ministry the better. In no case can the League nominees work independently of the whole cabinet. It is a vicious thing that there is no joint responsibility for every act of individual members.

¹ No record of this interview with Rajkumari Amrit Kaur has been traced.
6. The only way to keep the wonderful time table made by you is to anticipate the future and ask your special staff to work out all the items presented by you, without reference to the Cabinet and then when the time comes, the report should be presented to the respective parties for acceptance, amendment or rejection.

7. The more I see things the more firmly I believe that the States problem presents a variety of difficulties which demand very serious and fearless treatment on your part.

8. The problem of the civil and military services, though in a way not equally difficult, demands the same firm handling as the States. Gurgaon strife is an instance in point. So far as I know one single officer is responsible for the continuance of the mischief.

9. Lastly may I suggest that the attempt to please all parties is a fruitless and thankless task. In the course of our conversation I suggested that equal praise bestowed on both the parties was not meant. No praise would have been the right thing. "Duty will be merit when debt becomes a donation". It is not too late to mend. Your undoubted skill as a warrior was never more in demand than today. Fancy a sailor without his fleet, save his mother wit!

10. I have tried to be as succinct as possible. I could not be briefer. If any of the points raised herein demand a personal talk, you have but to appoint the suitable time. Please do not think of calling me for the sake of courtesy.

11. I received your kind note of 10th instant whilst I had almost finished this note. It does not call for a separate reply.

This was finished at 9.25 P.M. It will be typed tomorrow.

Yours sincerely,

M. K. GANDHI

* No. 125.

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140

H.M. Minister at Kabul to Secretary of State

Telegram, L/P&S/12/1811: f 128

KABUL, 11 June 1947, 10 am
Received: 11 June, 1.30 pm

No. 47. Leading article in Afghan Press of June 9th and broadcast same evening expresses deep disappointment that Afghans living between the Durand line and River Indus have not like other elements in India been given specific option
to choose independence. Subsequent article in newspaper *Anis* suggests reference to U.N.O. if no satisfaction is received from H.M.G.

2. Afghan Foreign Minister sent for me this morning to express same opinion. He said that his Government after all the discussions on this problem during the last three years¹ had at least expected an answer from His Majesty’s Government and asked whether I could give one now as Afghan feeling was very strong.

3. I endeavoured to explain that Pathanistan kite had recently been flown in Peshawar but had fallen badly. He was not satisfied. I explained that tribes in independent territory had already been assured that they were entirely free to negotiate a new agreement with India and that presumably this freedom included freedom not repeat not to negotiate.

4. As regards settled districts I said that proposed referendum would only decide which Constituent Assembly Province wished to join. I did not think that Province could be prevented from demanding complete independence in Constituent Assembly if they wished to do so.

5. Ali Mohamed replied that if Afghan Government could announce that Province would not be coerced into joining either Pakistan or Hindustan against its will their critics would be completely satisfied.

6. Grateful for instructions as to reply I should give. Perhaps I could at least say that His Majesty’s Government will not use compulsion.

Copy by post to North West Frontier Province. Squire 47.
Repeated to Government of India, External Affairs and Commonwealth Relations Department.²

¹ See e.g. Vol. X, Nos. 82 and 213; also file L/P &S/12/1811 generally.
² In fact the Government of India did not receive a telegraphic repeat, and a post copy reached them only on 19 June. Tel. 4755 of 19 June 1947. *Ibid.* f 117.

141

*Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)*

*R/3/1/90: ff 150, 154*

No. 133/14

*11 June 1947*

Dear Jenkins,

I enclose a copy of a letter which Patel has written to me. I saw Brendon during my visit to the Gurgaon area on 1st June and am in full sympathy with his difficulties. I have sent a formal acknowledgement to Patel but I thought you
should see this letter, both so that you could know what is being said here, and because the district will shortly form part of Hindustan; and for that reason you might wish to consider Brendon’s position.

I am sorry to have to tell you that the question of Gurgaon came up in Cabinet yesterday evening and I have never heard such unanimity as their condemnation of the way Gurgaon was being handled. Nehru, Baldev and others spoke with vehemence against the incompetence, rudeness and uselessness of the District Commissioner and even the League members complained the district was out of hand. It was all most embarrassing, and I really feel that it may now be only fair to Brendon to transfer him.¹

Yours sincerely,

MOUNTBATTEN OF BURMA

Enclosure to No. 141

HOME MEMBER OF CABINET, NEW DELHI, 9 June 1947

My dear Lord Mountbatten,

I have been receiving representations from responsible men of Gurgaon against the present Deputy Commissioner, Mr. Brendon, about whose conduct in relation to the arrest of leading Hindus of Gurgaon I had to write to Sir Evan Jenkins. I sent a copy of that letter² to you. They have since been released. But this provocative conduct of his had completely destroyed the confidence of the majority community of the district in the Deputy Commissioner. His subsequent attitude and activities have, it appears, made the people completely hostile to him. Stories have gained currency that he gloats over events probably because he is entirely out of sympathy with the scheme of transfer of power and feels that troubles such as have afflicted Gurgaon would demonstrate the utter folly and impossibility of the policy of “quit India”. It is difficult to be dogmatic about the accuracy or otherwise of these stories, but the fact remains that they are widely believed in and are, therefore, undermining both the prestige and the position of the Deputy Commissioner.

² In these circumstances I feel that there is no alternative but to transfer him from the district without delay. At present both communities are engaged in making vigorous preparations for a renewed offensive on a wider scale. The situation is full of very dangerous possibilities and everything should be done to relieve this tension. I understand that according to the customary methods of “warfare” in the Jar areas such situations are settled by a Panchayat of both sides. I have been advising the local representatives to settle their quarrel by this means but they have been telling me that in the present atmosphere vitiated by the presence of the Deputy Commissioner such a move is impossible of success. At the same time they feel that nothing but the method of Panchayat would settle it and restore the situation to normalcy. From this point of view also the
transfer of the Deputy Commissioner would seem to be inevitable and I see no reason why prestige or any other factor should stand in the way of implementation of this well-considered and well-meant advice. Public opinion may or may not be reasonable, but it is sensitive and I am sure that instead of loss of prestige there would be returning confidence in fairness and impartiality if my suggestion regarding the immediate transfer of the District Magistrate were accepted. It is just possible that a catastrophe may be avoided by this transfer.

3. I would, therefore, earnestly request you to take up this matter with the Governor of the Punjab immediately.

Yours sincerely,

VALLABHBHAI PATEL

1 Sir E. Jenkins replied on 14 June 1947 commenting on the criticisms of Mr Brendon. He noted that the Commissioner of Ambala, Mr Eustace, had been at Gurgaon for the last ten days and had ‘suggested some days ago that Brendon needed a rest and that a transfer might be a good thing, as the non-officials were no longer cooperating with him’. Jenkins had told Eustace to wait a few days, but if the latter felt that Brendon’s transfer was essential he (Jenkins) would order it. R/3/1/90: ff 157. See also No. 299, para. 3.


I42

Sir O. Caroe (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/170: ff 26–8

PERSONAL

GOVERNMENT HOUSE, PESHAWAR, 11 June 1947

Dear Lord Mountbatten,

I received your letter No. 1450 of June 6th today—the letter saying you must put in, at any rate for the time, an officiating Governor. It is strange that I had been thinking of writing to you to say that, if the Province goes to Pakistan and I were asked to stay on as Governor, I should have grave doubts whether it would be right or proper for me to do so, if in any way it came to be said as a result that I was identified with one party, and had antagonised the other for all time. For—I say it very firmly and finally—I am not a partisan. On the other hand I have steadily resisted authoritarianism and maliciousness in high places. If a League régime comes here, they will be more in the tradition, but that is another matter. They are not big men and will have a very difficult time.

It is clear that you have made up your mind that the charges of partisanship make it wrong, on a wide view, to retain me here during this critical period,
and of course I accept that judgment. It is with deep sorrow that I accept it, for I believe I can still help these people to straighten themselves out, and from the limited point of view one can get here it is hard not to feel that the change will be regarded in many quarters as a surrender to unfair attacks. But that is for you, and not for me. I am sorry too not to be able to follow your leadership in working through the critical months ahead.

I suggest one way of making it easier for all concerned would be for me to say (taking the initiative) that I wished to go on leave during the next two months (viz. the remaining months before the transfer of power) in order to make it quite clear that I was determined it should not be said I had used my authority to influence the course and results of the Referendum. It could be added that, as far as could be foreseen, it was my intention to retire under “the terms”. Whether it would be right or proper for me to come back if circumstances change and if anybody wants me, you and I should have to consider very carefully when and if the time should come. And the decision should not be made on personal grounds.

I don’t know whether it would be best to take leave in India or go home—on the whole I think I had better go home, for, if I remained here, it would look as if I were hanging about on an off-chance, and it might keep propaganda on both sides going. Another reason I could give for going home is that my mother has just died, and I have to decide various questions relating to our family house and so on.

I know Lockhart well—he is a great friend; and one could not wish for a nicer person to hand over to. One thing that does worry me is the packing-up business, for my wife is not strong enough to do it in Peshawar in the middle of the hot weather. Another thing is that many here will feel that I’m letting them down, but that can’t be helped.

It is very good of you to think of possible ways of making things easier, and from what I know of Your Excellency already I can say quite truthfully that I accept your judgment and am only sad that, together, we can’t carry through this reorganisation of the frontier. My own conscience is clear, and that is what matters.

I have kept no copy of this letter. If you can let me have an idea of the date on which Lockhart expects to take over, it would be very helpful.

Yours sincerely,

O. K. CAROE

P.S. We might go to Kashmir until our staff have packed our things, and then go home. I hope we might be able to travel by air to the U.K.
Mr Liaquat Ali Khan to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/170: ff 31–2

IMMEDIATE  
SECRET  
FINANCIAL MEMBER OF COUNCIL, NEW DELHI,

11 June 1947

Dear Lord Mountbatten,

Just as we were going to the Cabinet meeting this evening you informed me that the Governor of the N.W.F.P. was being asked to proceed on leave for two months and that General Lockhart was to be appointed to officiate in his place. These arrangements will, of course, cover the period of the forthcoming referendum in the N.W.F.P.

2. Since you mentioned this to me, I have given very careful thought to the matter. I feel that by sending away the permanent Governor of the N.W.F.P. during the next critical phase in the history of the Province you will be taking an extraordinary and dangerous step. As you are well aware, the present N.W.F.P. Ministers are notorious for their abuse of power, particularly in connection with elections. To remove a Governor who knows the Province and its people and to bring in one who has no experience of the Province or of any Civil Administration at all means nothing except that any little check which may otherwise be expected on abuse of power by the Ministers during the referendum will also disappear. The new Governor, being new to the job, will not even be able to detect, much less check, the misdeeds of his Ministers who will thus be left completely free to play havoc with the referendum. The election machinery will no doubt be in charge of a military official, but as everyone knows, undue influence during elections is not exercised only through the election machinery, but in a hundred and one other ways. And I need hardly mention that one of the principal methods is the abuse of power and patronage by the Government in office. If the Congress alleges that the present Governor is anti-Congress—which as you know is absolutely without foundation—and you feel that a person with alleged anti-Congress views should not be Governor of the Province during the referendum, I trust you will agree that the repeated demand of the Muslim League for the removal of the N.W.F.P. Ministry has still greater force. As you will doubtless appreciate, there is a much greater likelihood of the Ministers abusing their powers than the Governor doing so, as he has nothing to do with the day-to-day administration of the Province. I am convinced that the step you propose, which will appear to the world as nothing short of complete surrender to the Congress, will mar all chance of a fair and free referendum unless you agree to remove the Ministry also at the same time. I would, therefore, strongly urge upon you not to take the
dangerous step of removing the Governor alone. I suggest that it would be better if you could discuss this matter with Mr Jinnah before taking any decision. I shall be glad to discuss it with you myself, should you so desire, after tomorrow morning’s meeting.

Yours sincerely,
LIAQUAT ALI KHAN

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Punjab, Part II(a)

SECRET

GOVERNMENT HOUSE, LAHORE, 11 June 1947

Dear Lord Mountbatten,

Abbott sent to Abell, with his letter No. GS 336, of 9th June, a copy of correspondence between Mamdot and myself about the official machinery which I am setting up to deal with the partition of the Punjab.

I now enclose a copy of a further letter, dated the 10th June, from Mamdot which I have not yet acknowledged. Mamdot’s intention is clearly to insist on the formation of committees consisting of officials selected by the political parties without reference to their seniority, experience and professional competence. During the past two years the services in the Punjab have been demoralised by the political parties and are full of party supporters and party spies.

I believe that the arrangement suggested by Mamdot would be politically almost impossible. The Muslims, Hindus and Sikhs will all wish to include their party nominees and I cannot conceive that the committees would work smoothly or produce intelligible results.

Administratively the arrangement would be disastrous and I think it right to inform Your Excellency that unless Mamdot modifies his attitude I may have to decline further responsibility for Punjab affairs, and to recommend the immediate release of civil servants who do not wish to remain in the Punjab under the new régime. I could certainly not preside over or assist in arrangements which implied a lack of confidence in civil servants, whether Indian or British, who are in my judgment competent to produce the factual studies required and whose integrity is not open to question.

Mamdot and Swaran Singh are both in Delhi and I do not know when they are returning. I cannot make any progress until the local leaders are present in
Lahore. But I shall have to take Mamdot on almost at once on this issue and I have no intention of giving way on it.

Yours sincerely,
E. M. JENKINS

Enclosure to No. 144

The Nawab of Mamdot to Sir E. Jenkins
6 KING EDWARD ROAD, NEW DELHI, 10 June 1947

My dear Sir Evan,
I thank Your Excellency for your letter of yesterday.

2. I am afraid I cannot agree with the viewpoint, from which your proposals have been formulated, that the communal complexion of the official machinery which is to prepare the necessary data for the Partition Committee is of no importance or consequence. The Punjab, or in fact the whole of India, is going to be partitioned between Muslims and non-Muslims, the religion and race of people forming the main basis of the present plan for the transfer of power. It seems to me, therefore, of the utmost importance that the composition of the bodies of official experts who are, not merely to present, but to prepare necessary facts and figures for the Partition Committee, should be representative and satisfactory from the point of view of both parties. There need be, I think, no difficulty in securing this, if the personnel is chosen in consultation with the parties concerned.

3. I fully share your anxiety for speed and feel convinced that if officials of the choice of the parties concerned are associated with the initial task of preparing a correct picture of the relevant facts and placing details in their true perspective, it will help the Partition Committee in coming to quick decisions. If the Partition Committee as a whole does not feel satisfied with the personnel of the fact-finding bodies of experts and cannot place full reliance on the results of their work, it will only mean a repetition of the whole process all over again by the Partition Committee to satisfy itself.

1 In a letter of 8 June 1947 the Khan of Mamdot expressed surprise at having read in the press that Mr Sachdev had been appointed Partition Commissioner in charge of the Partition Office and that expert committees had also been appointed to deal with partition matters in the Punjab. He thought it ‘most astounding’ that such arrangements should already have been made ‘without the prior consultation and approval of the Leaders of the parties’ and added that they could not be approved by the Muslim League. He urged the early setting-up of a supervisory Partition Committee and stressed the importance he attached to the adequate representation of Muslim interests on the Partition Office and expert committees. In his reply, dated 9 June, 1947, Sir E. Jenkins emphasised that ‘all decisions will naturally have to be taken by representatives of the political parties’, but went on to argue that to take their decisions these representatives would need a large mass of factual information which could only be provided by the officials currently responsible for the subjects in question. He also indicated the names of those who had been appointed to the expert committees formed on this basis. Mountbatten Papers, loc. cit.

2 Emphasis in original.
4. The correct and expeditious way of completing the task in view would be for a notional and informal Partition Committee to be set up first and Committees of official experts to be selected in consultation with the representatives of the two parties on the Partition Committee. Selection for the official Committees need not be confined to the administrative heads of Departments. In order to ensure a satisfactory communal complexion of the machinery it may be desirable in certain instances to select officials holding somewhat lower positions in their Departments, provided they are in a position to bring a special knowledge of Departmental affairs to bear on their task.

5. My party wishes me to make it clear that it will not be able to associate itself with the process contemplated in your proposals, if the personnel of the official committees is not selected in consultation with those whom these committees are intended to help.

Yours sincerely,

IFTIKHAR HUSAIN KHAN

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Mr Liaquat Ali Khan to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Punjab, Part II(a)

NO. 41-PSFR/47

FINANCIAL MEMBER OF COUNCIL, NEW DELHI,

11 June 1947

Dear Lord Mountbatten,

Khan Iftikhar Husain Khan of Mamdot, President of the Punjab Provincial Muslim League and Leader of the Muslim League Party in the Punjab Assembly, has brought to my notice a most unfortunate complication in the Punjab in connection with the procedure for the partitioning of the assets, etc. of that province.

On the invitation of the Governor of the Punjab, the Khan of Mamdot interviewed him on June 6, 1947, in the afternoon (about 3-30 P.M.) when the Governor consulted him regarding the setting up of machinery to settle the details of division. The Khan of Mamdot promised to send him his suggestions on the following day after consultations with his colleagues. The Governor, however, ordered on the same day (June 6, 1947) the appointment of one Mr. M. R. Sachdev, I.C.S., as Partition Commissioner. This appointment was announced in the local newspapers on the following morning (June 7, 1947).

The Khan of Mamdot thereupon made a protest to the Governor in writing against the appointment which had been made without his suggestions having been awaited. The selection of the Partition Commissioner was regarded by the
Khan of Mamdot as most unsatisfactory from the point of view of his Party.

In reply the Governor wrote to him on June 8 [9], 1947, explaining that the official machinery which was being set up (including the Reforms [? Partition] Commissioner and his office and a number of Committees concerned with various subjects) were only intended to select and prepare necessary facts and figures about common assets, etc. and would only propose alternative methods of division. The final decisions would be taken, the Governor explained, by a Partition Committee consisting of representatives of the political parties. In the opinion of the Governor, the race and religion of the officials included in the machinery did not matter at all and the parties should not start a controversy over this point.

While explaining this, the Governor also indicated the names of the officials who were being selected for inclusion in the various expert committees.

The proposed personnel of the expert committees seemed to make matters much worse, as the committees were overweighted with the non-Muslim element. The Khan of Mamdot replied on June 10, 1947, from Delhi (where the Governor’s letter had reached him) emphasizing that the setting up of official machinery in utter disregard of the interests or wishes of the Muslim League would not make for speed. The Muslim League representatives on the Partition Committee would not accept data prepared by these apparently packed bodies as a correct basis for discussion and decision, but would insist on new committees with balanced personnel being set up to prepare relevant data all over again. The Khan of Mamdot suggested that the correct course would be for the Governor to set up an informal Partition Committee first and to appoint committees of officials in consultation with both parties on the Partition Committee. In the absence of this his party, he said, would not be able to co-operate with the procedure that was being followed by the Governor.

It appears that without waiting for the Khan of Mamdot’s reply or reactions, the Governor of the Punjab has passed orders regarding the appointment of the committees of experts. The personnel of these committees has been announced in the newspapers of this morning.

It seems to me that by refusing to follow the simple and straight course suggested by the Provincial Muslim League leader and insisting on official committees of his own choice, the Governor of the Punjab is creating unnecessary complications at a critical stage in our task. It is rather high-handed to force on the political parties concerned the help and guidance of official committees, the composition of which is regarded by one party as wholly unsatisfactory. A very simple way out of this impasse would be to include in the committee an equal number of officials suggested by each political party.

In order to avoid the difficulties which I see ahead and which may mean

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1 See No. 97, para. 3.  2 Ibid., para. 2.  3 See No. 144, note 1.
4 Ibid.  5 Enclosure to No. 144.
unnecessary delay, I wish to request you to intervene in this matter and use your
good offices to secure a reasonable and satisfactory procedure for the important
settlements which have to be made in connection with the division of the
Punjab.

I propose to raise this question at the next conference of leaders fixed for
Friday the 13th June.

Yours sincerely,
LIAQUAT ALI KHAN

I46

Sir C. Corfield to Mr I. D. Scott

R/3/1/137: ff 41–50

SECRET

POLITICAL DEPARTMENT, NEW DELHI, 11 June 1947

My dear Scott,

Please refer to your d.o. letter No. 592/89 dated the 9th June 1947.

I have since had a talk with His Excellency and enclose a draft of the two
letters, which it is now proposed to issue to all Residents:

(a) giving States the choice between having representatives of a successor
Government or Governments in State territory, or sending their repre-
sentatives to the headquarters of these Governments; and

(b) proposing a formula for interim arrangements on a standstill basis.

I also enclose two briefs for His Excellency’s use, when he discusses these
questions and the question of disposal of the Crown Representative’s records
with the British Indian leaders. I have tried to draft these briefs in a form
suitable for circulation before the meeting if required.

I have since received [C.P.] Scott’s letter 592/89 dated the 10th June en-
closing two further letters from Pandit Nehru.

Pandit Nehru appears to have resiled from the agreement recorded under
item 5 of the Viceroy’s 17th Miscellaneous Meeting on the 7th instant, but if he
is correct in his assumption that ‘States can have no objection’ to political
officers being left with their offices in States (there are very few such junior
officers) and to States corresponding only with a new Political Department, we
can amplify the letter to Residents saying that this suggestion has been made
and asking for the States’ reactions.

There is perhaps no need for me to repeat what has so often been pointed out
to Pandit Nehru that there has been continuous contact and consultation
between the Political Department and the Departments of the Central Govern-
ment, and that the Political Department does not operate in vacuo. It is obvious
that our coordinating functions, on which so much stress has been laid, could not have been performed without such contact. Perhaps the basis for Pandit Nehru’s allegations to the contrary is the fact that the Crown Representative has not yet shared with him control over the policy and principles, governing the more important work of the Political Department which relates to the exercise of paramountcy.

Pandit Nehru’s threat that after the lapse of paramountcy he might well drag Political Officers before the Courts of Law raises the problem of their protection after that date. He is not likely to secure their services by such means nor to secure the cooperation of States if he declines to consider their reasonable claims to the first refusal of property in their territory, which the Successor Governments do not specifically need.

I see no objection to a representative of the W.M. & P. Department being deputed to inspect the property, of which we are sending them a list (in fact we had already decided to make this suggestion to that Department), but I fail to see how the Home Department are concerned. I should have thought Finance Department was more concerned.

As regards the enclosures to your office endorsement, No. 592/89 dated the 10th instant, which I return herewith, I can only say that eminent lawyers and jurists can debate these problems ad nauseam, but the result will serve no useful purpose. What is required is a practical standstill arrangement, to operate while fresh or modified agreements are being made. In fact we have been doing all we can to secure such an arrangement, but have hitherto been consistently blocked (see my note forwarded to Mieville on the 29th May 1947).7

I am somewhat surprised that Sir Alladi should close his review with a threat that, if the States do not accept one or other of his alternative interpretations, the question will have to be settled by inciting State subjects against constituted authority.

Mr C. Rajagopalachari’s article,8 which I mentioned to His Excellency, appears to be part of the general attack upon the policy embodied in the Cabinet Mission’s Memo. of the 12th May 1946,9 which remains unchanged. This policy need not lead to the disruption of India if the Successor authorities

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1 Enclosing an amended version approved by Lord Mountbatten of the draft summarised in No. 94, note 5, and asking for a draft formula for arrangements on a standstill basis. R/3/1/137: f 17.
2 Drafts not printed.
3 See enclosures 1, 2 and 3. These three briefs were circulated to the Indian leaders before the meeting. Mountbatten Papers. Official Correspondence Files: States, Relations with, Part I(b), f 69.
4 Enclosing Nos. 109 and 110, explaining that Lord Mountbatten now considered that 'he should put the whole matter before the 7 leaders whom he consulted on June 2nd’, and asking for a brief for the meeting on the points raised in Nos. 109 and 110.
5 No. 100.
6 This evidently referred No. 111 and its enclosures sent to Sir C. Corfield for advice.
7 Vol. X, No. 556.
8 See No. 111, note 1.
9 Vol. VII, No. 262.
show consideration and statesmanship: but if they threaten and dictate, the Balkanisation which all wish to avoid may well materialise.

Yours sincerely,

C. L. CORFIELD

Enclosure 1 to No. 146

Machinery for dealing with questions of common concern between States and the Successor Governments in British India

The Cabinet Mission Memorandum of 12th May 1946 stated that 'the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government'.

As soon therefore as fully self-governing Governments are set up in British India, paramountcy will lapse, the Crown Representative will disappear and the machinery which he controls (Political Department, Residents and Political Agents) will disappear with him.

Paramountcy functions, which are the main duty and preoccupation of this machinery, can no longer be exercised. This machinery however has been used as a convenient means of dealing with certain matters of common concern, and for this purpose alternative machinery is required.

This alternative machinery has already begun to function by means of direct correspondence between the appropriate Departments of the Central Government and States, especially the Food Department. The appropriate Department for any State which may opt for independence would presumably be the External Affairs Department of the Government concerned.

The Memo. of 12th May stated that the alternative machinery 'would have to be provided either by the States entering into a federal relationship with the successor Government or Governments or failing this entering into particular political arrangements with it or them'.

Direct correspondence is a normal federal relationship. It has worked perfectly smoothly with the Food Department for a number of years and with other Departments who have started it. It is the procedure which States are likely to accept. The only problem arises out of the large number of States which require to be addressed. This problem is being solved by the grouping of States, e.g. the Eastern States which have established a joint agency to handle direct correspondence with 39 States. Similar steps are being taken elsewhere.

If the Successor Governments set up Political (or States) Departments of their own, they will raise grave suspicion in States and as no machinery will work without the States' cooperation, this would be an unwise step, though the question is of course one for the Successor Governments to decide.

If the existing machinery of the Crown Representative was handed over to the Successor Governments for this purpose, the States would interpret this
action as a transfer of paramountcy in practice. This interpretation would have less justification if the appropriate Departments of the Successor Governments took over the staff at present employed by the Crown Representative in order to deal with direct correspondence together with the relevant records, provided no Political Officers were taken over, though of course there is nothing to prevent these Departments from employing Political Officers on new contracts for this purpose after the lapse of paramountcy.

The proposal therefore is that the States should be given the option of
(a) dealing with local representatives of the Successor Governments or
(b) appointing their own representatives to the headquarters of the Successor Governments.

Whatever the choice, these representatives should under a federal system deal with the appropriate Department of the Successor Government with which it is likely to have matters of common concern.

_Enclosure 2 to No. 146_

Formula for interim arrangements on a standstill basis

The Cabinet Mission Memorandum of 12th May (para. 4) stated that ‘in regard to the future regulation of matters of common concern, especially in the economic and financial field’ it will, in order to avoid administrative difficulties, be necessary to arrive at an understanding between the States and those likely to control the Successor Government or Governments, that for a period of time the then existing arrangements as to those matters of common concern should continue until new agreements are completed. It was added that ‘in this matter the British Government and the Crown Representative will lend such assistance as they can should it be so desired.’

A draft agreement (copy enclosed)\(^10\) has been produced, which may serve as a basis for negotiation, and it is proposed to circulate this to States for their comments. The views of the successor authorities upon it are also required. A forum for arriving at an agreed formula by direct negotiation must then be established if any agreement is to be reached in time.

It has to be borne in mind that these interim arrangements cannot all be on a purely standstill basis. With the lapse of paramountcy ‘all the rights surrendered by the States to the paramount power will return to the States’. This means that all jurisdiction in State territory\(^11\) (e.g. over Railways, Cantonments and other administered areas) will revert to the States. Interim arrangements can therefore only be made on this basis. This is recognised by the provisions of proviso (c) of Article 3 of the draft standstill agreement.

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\(^{10}\) This draft was the same as the Enclosure to No. 198 except for the addition of Item 16 to the Schedule in the latter.

\(^{11}\) Emphasis in original.
The Political Department have been trying for some months to secure the cooperation of the Central Government Departments concerned for negotiating interim arrangements with the States concerned in this sphere, so that the automatic reversion of jurisdiction to States on the lapse of paramountcy will not endanger all-India Defence and Communications. This cooperation has not yet been secured though much inter-departmental work has already been done to clarify the issues.

Where Defence and Communications are not involved the reversion of jurisdiction offers few problems. One however is the disposal of property. Lists of property belonging to the Crown Representative have been prepared and are being forwarded to the Works, Mines and Power Department. But the reversion of jurisdiction does not affect rights of property, and detailed consideration of the disposal of property can be dealt with by the Successor Governments after the lapse of paramountcy, provided that all property belonging to a State is handed back and direct negotiations between Successor Governments and the States concerned are initiated forthwith regarding other property, so that suitable arrangements are made for looking after the property and its contents when the agents of the Crown Representative will have disappeared.

Even if States decline to entertain local representatives of the Successor Governments, it is possible that States would agree to some clerical staff of the Crown Representative staying on in the employ of the Successor Governments for a period, in order to assist in the disposal of assets and settlement of liabilities. If desired, the Political Department will be glad to suggest this course to States, since the skeleton staff thus retained for a period would be useful for dealing with the leave and pension claims of clerical and inferior staff, the settlement of which during the next two months presents a formidable problem.

Enclosure 3 to No. 146

Disposal of Crown Representative’s records

An extract from the minutes of the last Residents’ Conference is attached. Since then an Officer on Special Duty has made a detailed examination of the problem so far as the records at Political Department headquarters are concerned. Nawabzada Saeed Alam Khan (a senior officer with long judicial experience) is now on special duty (assisted by a junior political officer) to examine this report and apply its recommendations.

Nawabzada Saeed Alam has consulted the Education Department of the Central Government and has discussed the question with the Hon’ble Member of that Department, in order to arrange suitable liaison with the Imperial Record Department which is controlled by the Education Department.

It is understood that the Hon’ble Member approves of the policy laid down
and the practical steps being taken and has given his assurance of full cooperation. The Nawabzada has also established contact with the Director of Archives.

Records of the Crown Representative prior to 1880 are already stored in the Imperial Record Department. Records of later years, when sorted, will be transferred to that Department.

Weeding of records is a continuous process, and has to be undertaken at regular intervals in the ordinary course of administration. During the period 1913 to 1921 all records of the Government of India were weeded. As a result the Central Government destroyed 92% of their records of that period.

If weeding and destruction of records, belonging to a Department and its subordinate offices which are to cease functioning after the lapse of paramountcy, is not pursued vigorously, there will remain a mass of useless records for which there will be no use, no custody and no accommodation.

The records which the Crown Representative cannot hand over to a Successor Government are those which either (a) contain information regarding the private lives of Rulers and the internal affairs of States or (b) have not been weeded to see whether they contain such information.

The information at (a) came into the possession of the Crown Representative because of the Crown’s special relations with Rulers based on treaties and agreements and was relevant only to the functions of paramountcy in connection with successions and intervention in the internal affairs of a State. These functions lapse and cannot be inherited. It would therefore be a grave breach of confidence to transfer records containing such information to Successor Governments.

It was hoped that weeding would have been largely completed by June 1948. It cannot be completed by the 15th August 1947. An interim arrangement is therefore required to avoid a breach of confidence. The only feasible arrangement is to entrust the records which have not been weeded by the 15th August to the U.K. High Commissioner, lending him the necessary staff for continuing the work. Unless preliminary destruction of valueless and ephemeral records is continued at once, the mass of records still to be weeded on the 15th August will be unmanageable.

A stage may come in history when the disclosure of these confidential records will be justified, as in the case of similar records prior to 1880 which are already in the Imperial Records Office. When this stage is reached and no breach of confidence is involved, appropriate arrangements can be made between His Majesty’s Government and the Successor Governments concerned.

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11 This sentence was deleted from the brief as circulated to the seven Indian leaders to whom the extract from the minutes of the Residents’ Conference was apparently not shown. The first sentence of the next paragraph was amended to read: ‘Since the last Residents’ Conference, an officer on Special Duty has made a detailed examination of this problem ...’. Mountbatten Papers, loc cit., ff 67, 69.
Classification and disposal of records

Note of directive given to Residents at the Residents’ Conference, April 10, 1947.

The Political Adviser reminded Residents of the instructions sent to them in November 1946 regarding the disposal of records of the Crown Representative. The initial objective was the elimination, under capable supervision, of records which could be of no possible historical interest either to India or Britain, and which were patently valueless for purposes of future reference. The Political Adviser understood, he said, that the process of elimination had itself raised certain questions of classification, and he would be glad to know what difficulties had been encountered in practice.

2. The ensuing discussion of practical difficulties showed that in many cases the principle adopted in Sections 172 and 173 of the Government of India Act, 1935 (i.e. the principle that allocation of property follows functions) could be taken as a guide in the disposal of records as well as in the disposal of other forms of property. Difficulty arose mainly in the case of records relating to functions of the Crown Representative which would not be exercised by any known authority after the lapse of paramountcy e.g. records relating to honours and dignities. It was agreed that Residents should be guided in practice by the following general rules:

(1) Records of administrative value to individual States to be handed over to the States concerned (e.g. Settlement Reports and records relating to administered areas).

   Note. When recent records are transferred to States, office notes should first be removed if this can be done without impairing the value of the records.

(2) Records of administrative value to two or more States to be handed over to an authority or agency common to those States (e.g. decisions in boundary disputes).

(3) Records of administrative value to one or more States and to a Province to be handed over to the Province (e.g. decisions in boundary disputes).

   Note. The Province should be asked to agree to authorised representatives of the States concerned being allowed access to such records on demand. The States concerned should also be informed of any such transfer of records.

(4) Administrative Reports, bound volumes of East India Company Proceedings and manuscript records prior to 1880 to be offered to the Imperial Record Department.

(5) Files relating to Memorials to be destroyed, as copies in the Political Department are being preserved.
(6) Law Books and Libraries to be dealt with under the principles laid down for Disposal of property.

3. In conclusion the Political Adviser emphasised that the approach to the question of disposal of records must continue to be positive and constructive. Elimination of valueless records was necessary for practical reasons, but this must not be regarded as anything but a process ancillary to the real objective viz., the conservation of valuable records. At Political Department headquarters a senior Indian Officer of the Indian Political Service would be employed on the dual task of elimination and classification of records. Detailed classification could not be completed during the interim period and it would therefore be necessary to transfer a certain number of records to the custody of the United Kingdom High Commissioner in India, who would arrange to have them classified at leisure and preserved in such form as might be decided on by the parties most concerned.

13 This note is not on R/3/1/137; the copy reproduced here is taken from Mountbatten Papers, loc. cit., f 68.
14 See Vol. IX, No. 12.

I47

Mr Abell to Sir W. Croft

R/3/1/156: f 64

PERSONAL

1446/11

My dear Croft,

Many thanks for your letter of the 4th June.1 I have sent on the enclosure to Terence Shone by hand.

The reception of the Announcement has been remarkably good, and it really is a triumph for the Viceroy and to a considerable extent for V.P. The fact that the more sane elements of the Congress, and especially Vallabhbhai Patel, were at this stage prepared to do business enabled the Viceroy to use V.P. and his influence with Patel to a remarkable effect. The second point, of course, was that the moment the Muslim League definitely realised what was the maximum they could get out of H.M.G. they began for the first time to be sensible.

Yours ever,

GEORGE

1 R/3/1/156: f 21.
Prime Minister,
In my Minute No. 71/47 of 12th May, I sought your concurrence in my informing the Viceroy that I accepted his recommendation that, when a suitable moment arrived, Lieutenant General Sir R. M. M. Lockhart should be appointed Governor of the North West Frontier Province in succession to Sir Olaf Caroe. Later, I mentioned the matter orally to the Viceroy before he returned to India and understood from him that it had been agreed between you and him that the matter should not be pursued for the time being and at any rate until the referendum in the Province had been held.

A telegram has been received to the effect that the Viceroy now feels that Sir Olaf Caroe should be replaced as soon as possible. The telegram, which comes from Ismay, gives no reason for the Viceroy’s anxiety to effect a change at once except that “the situation has become so urgent” that the Viceroy has decided that it is necessary. But there is, in paragraph 15 of the Viceroy’s personal report No. 8 of 9th June a statement that Gandhi, Nehru and Khan Sahib have all renewed the request for Caroe’s replacement. Possibly the Viceroy in acquiescing in this demand also has it in mind to forestall any allegation that a referendum conducted under the local direction of Sir O. Caroe—who is suspected by Congress of Moslem League sympathies and certainly has difficulties with Khan Sahib—would not be conducted with complete impartiality. At any rate it appears that the Viceroy has already suggested to Caroe that he should take leave as soon as his relief arrives, without prejudice to the possibility of his being asked by the Government of Pakistan, if they win the referendum, to resume his Governorship at the conclusion of his leave, but that Caroe has not yet replied.

Personally, I am strongly opposed to any suggestion that Caroe should resume the Governorship if he once relinquishes it and would propose to inform the Viceroy accordingly. But as the need to make a change is represented as so urgent, it is extremely difficult not to comply with the request and, subject to your concurrence, I would now propose to take steps to obtain the informal approval of His Majesty The King in order that the Viceroy may be able to take action immediately he considers the moment ripe. As to the manner of achieving the change I would propose to suggest to the Viceroy that he
should induce Caroe to ask permission of the King to lay down his office on the medical consideration that he is overstrained and needs relief from his responsibilities.¹

² Ibid., note 2.  
³ No. 106.  
⁴ No. 91; the date should be 5 June.  
⁵ Mr Attlee noted on this minute: 'I agree. C.R.A. 11.6.47'. L/PO/8/45: f 40.

I49
Sir D. Monteeath to Lord Ismay
Telegram, L/P&J/10/81: ff 307–8

IMPORTANT  
INDIA OFFICE, 11 June 1947, 4.30 pm  
Received: 12 June, 9 am

No. 7521. Your telegram 1359–S of 9th June.¹ Information about meaning of Dominion Status. I am sending by next bag two copies each of notes² prepared by Dominions Office.

(1) on The Structure of the British Commonwealth
(2) on Dominions Governors-General.

2. VERY CONFIDENTIAL. I should however warn you that the Bill now in preparation is likely, subject to approval by Ministers, to contain provisions which for a limited period after the date of the coming into force of the Act, and for the exceptional purpose of removing difficulties in the course of effecting transition to new conditions, partitioning India, dividing assets, liabilities, etc. invest Governor-General (who is conceived as being the same person for both States for the initial period) with powers which could, and it is contemplated should, if necessary, be exercised otherwise than on advice. The Bill will probably not specify one way or the other and it will be a matter for Governor-General’s judgment whether powers are so exercised. The reason for this is that these powers are designed to enable Governor-General to deal with matters affecting the setting up of both States, but to the extent that they are exercised otherwise than on advice, this would infringe the Dominion Status principle that the Governor-General being constitutional head of State should act only on advice. On the other hand Legislature of either side will be empowered to overrule orders made under these powers by its own legislation at any time. Governor-General’s power to issue orders is limited to six months from the appointed day and the occasion for using them other than on advice

¹ No. 117.  
² Enclosures to No. 131.
would be when the advice of the two sets of Ministers conflicts but acquiescence of both can be obtained or they might have to be used to give effect to decisions of arbitral authority.

I50

Mr Herbert to Sir C. Corfield

Telegram, R/3/1/137: sf 51

IMMEDIATE
CONFIDENTIAL

HYDERABAD, 11 June 1947, 11.55 pm
Received: 12 June, 7 am
No. R-59. Your telegram No. 1372-P of June 9th.¹ I regret it has proved impracticable to secure postponement of public statement by Nizam of Hyderabad. He and Council consider it imperative to issue statement immediately in view of public demand for one and tension which continued delay is causing. They therefore propose to issue statement on Thursday June 12th.² Prime Minister and Monckton are proceeding to Delhi for further discussions this weekend.

¹ See No. 108, note 1. ² See No. 163.

I51

Resolutions (2) and (3) passed by the Standing Committee of the All India States’ People’s Conference at its meetings held in New Delhi on 11 and 12 June 1947¹

R/3/1/137: ff 128-30

(2)

POSITION OF INDIAN STATES IN REGARD TO THE BRITISH GOVERNMENT’S STATEMENT OF 3RD JUNE, 1947²

A. The Declaration of the British Government dated 3 June 1947 states that the position in regard to the States remains the same as it was under the Cabinet Mission’s Statement of May 16, 1946. The All India States’ People’s Conference has previously declared its policy and interpretation of this scheme. It has been pointed out that the implications of the Cabinet Mission’s Scheme were that the people of the States must have an essential voice in determining their future. Because of this representation was given to the States as to the rest of India on the population basis of one per million.

The A.I.S.P.C. has never accepted the recent interpretation of the theory of
Paramountcy. In any event if Paramountcy lapses it cannot mean that the Princes should function as autocratic and despotic rulers with full power to dispose of their States as they will. The Cabinet Mission's Statement of May 16, 1946 made it clear that the States would form parts of the Indian Union and it was not open to any State to go out of the Union. On the lapse of Paramountcy it does not and cannot follow that any State is free to go out of the Union. Any such conception would meet with fantastic results and India would be reduced to a state of anarchy. It is well known that none of the States were completely independent at the time of the advent of the British Power. In some way or other they recognised and submitted to suzerainty of the Moghul Empire, the Mahratta Supremacy, the Sikh Kingdom or later the British Power. A number of States were created by the British, many of them having no sense whatever of an independent existence in the past. To recognise the right of these States to independence now is to go against history and tradition, law and practice as well as practical implications of the situation today.

In any event it must be recognised that on the lapse of Paramountcy sovereignty resides in the people of the States and the Princes can only be constitutional rulers embodying the people's sovereignty. Any Ruler declaring his State independent will thereby express his hostility not only to the Indian Union but to his own people. Such an act will have to be resisted.

The Standing Committee of the A.I.S.P.C. trusts therefore that all remaining States will join the Constituent Assembly of India in terms of the agreement arrived at between the Negotiating Committees. In the event of any State refusing to do so, the Standing Committee requests the Constituent Assembly to allow the people of such a State to elect their own representatives to the Assembly so that the State may be properly represented and the people's views might prevail.

B. The Standing Committee is informed that as a consequence of British withdrawal from India Political Department and its Agencies in the States are being wound up. While welcoming the ending of a department which has done great harm to India and the States, the Committee disapproves of the steps being taken which are likely to lead to administrative chaos all over India. The Political Department and the Residencies and Agencies were not only the agents for carrying out the functions of Paramountcy but also represented the central authority of the Government of India in numerous matters of common concern. It is necessary and inevitable that some central agency should exist for carrying out these common functions. So long as some new arrangement is not

1 The resolutions passed at these meetings, together with those passed at the Annual Session of the A.I.S.P.C. at Gwalior from 18 to 20 April 1947, were forwarded to Lord Mountbatten by the General Secretary on 18 June 1947. R/3/1/137: ff 127–60. For references to Pandit Nehru's speech at the Gwalior Session see Vol. X, Nos. 181, note 2; 187–9; 193; 196; 225.

2 No. 45.
made for this purpose the existing structure and channels of communication should be maintained with suitable modifications and without exercising Paramountcy functions. This will be to the advantage of both the Government of India and the States.

The Standing Committee, therefore, demands that the Political Department and its Agencies be handed over to the Government of India for this purpose, or in the alternative a new Central Department should be created immediately which can take charge of the staff, property and buildings, equipment and records of the Political Department, Residencies and Agencies in the States.

(3)

ADMINISTRATIVE FUNCTIONS OF PARAMOUNTCY

It is the considered opinion of the Standing Committee of the A.I.S.P.C. that on the termination of Paramountcy, sovereignty should as a matter of course vest in the people of the States. In view of this, the attempt of the Rulers of States in certain Agencies, at the instance of local Residents, to form Councils of Rulers of the States to annex themselves certain administrative functions of Paramountcy is indefensible and constitutes a serious encroachment on the sovereign rights of the people. So long as the States are not sufficiently democratised to enable the people of the States to exercise their sovereignty, the administrative functions of Paramountcy should continue to be exercised by the Interim Government of India which commands the confidence of the people of the States as well.

The Committee further calls upon the States that during the intervening period popular interim Governments should be established in the States or groups of States and that steps should be taken for setting up a suitable machinery in each State or group of States for framing the constitution on the basis of full responsible government through a Constituent Assembly composed of the duly elected people’s representatives.

152

Meeting of the Special Committee* of the Indian Cabinet
Mountbatten Papers. Partition Committee Minutes

SECRET
Those present at this Meeting held on 12 June 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad, Mr Abdur Rab Nishtar; Lord Ismay, Sir E. Mieville, Mr H. M. Patel (Secretariat)
1. Procedure regarding partition in the Provinces

It was noted that both in the Punjab and in Bengal various committees had been set up by the provincial governments. It was agreed that the machinery for partition in the Provinces should be generally on the lines of the machinery for partition at the Centre. There too the various Committees etc. should have been set up in consultation with the leaders of the principal parties concerned. His Excellency said that he would inform the Governors of the Punjab and Bengal to review the machinery already set up in consultation with the leaders and make such alterations or modifications as may be necessary. His Excellency further directed that Provinces should be kept informed of action taken in regard to partition at the Centre.

2. Machinery for implementing the Partition

The Committee considered the paper on the machinery for implementing the partition.

The Hon’ble Mr Liaquat Ali said that the paper gave an incorrect impression regarding the position of this Committee. It was in his view set up only to prepare the mechanics of partition and was not to take any decision. It could do such preliminary work as was essential, and whatever it did was to be regarded as being subject to ratification by the Partition Council. It was contended that time was of the essence and if this Committee was to be compelled to refrain from taking any decisions, it could do whatever was possible short of deciding. The Hon’ble Mr Liaquat Ali suggested accordingly that the Committee should be called upon (1) to make preparatory arrangements for the provision of accommodation, clerical staff etc., and (2) to send out a questionnaire to officers of various services enquiring which part of the country they wished to serve—Pakistan or rest of India.

The Committee agreed—

(1) that for the present the Steering Committee should consist of two officials,

(2) that Messrs. H. M. Patel and Mohamad Ali should be nominated as members of the Committee,

(3) that its terms of reference should be to ensure,

(a) that concrete proposals are evolved in time by the Expert Committees,

(b) that these proposals adequately dovetail with each other and form a comprehensive whole,

(c) that the recommendations of the various Expert Committees are presented to the Partition Council in a suitable form, and

(d) that the decisions reached are implemented in time.

1 i.e. the Partition Committee. 2 Not traced.
The Committee directed further that
(i) subject to the terms of reference that it might lay down for each of the
Expert Committees, the Steering Committee may provide day to day
guidance, advice and direction to them, and
(ii) the members of the Steering Committee should keep in close touch with
the members of the Cabinet Committee (and later the Partition Council
when it is set up).

The Committee directed that the Steering Committee should in consultation
with the various Departments concerned make recommendations in regard to
(a) the various Expert Committees which should be set up,
(b) the terms of reference of each Expert Committee, and
(c) the personnel of each Expert Committee.

The Committee approved of the following provisional basis for the division
of officers and staffs, namely, every Government servant would be given the
opportunity to select the Government he wished to serve. If in any case during
a transition period a different arrangement is necessary, specific orders of the
Cabinet Committee (later Partition Council) would be obtained on the basis of
the recommendations of the relevant Expert Committee.

The Committee also agreed that every reasonable assistance should be given
for the training of Muslim officers in the work of departments of which no
Muslim officer had any knowledge.

3. Armed Forces Committee
The Committee considered the question of the Armed Forces Committee. It
was agreed that the relationship of the Armed Forces Committee to the
Partition Council and the Steering Committee should be exactly similar to that
of any of the other Expert Committees, that is, the terms of reference and the
composition of the Armed Forces Committee would be approved by the
Cabinet Committee (and later the Partition Council) and its report would be
submitted to the Partition Council through the Steering Committee. While the
Commander-in-Chief would doubtless keep the Hon’ble the Defence Member
acquainted with whatever step he took, it would be correct for him to be in
direct touch with the Steering Committee and with the Cabinet Committee
(and later the Partition Council). It was understood that the Commander-in-
Chief would be putting up before the Cabinet Committee a panel of names of
senior Hindu and Muslim officers to enable the Cabinet Committee to select
officers whom they would like to serve on the various Expert Sub-Commit-
tees. His Excellency said that at the next meeting a paper would be circulated
which had been prepared by the Commander-in-Chief explaining clearly the
problems involved in the partition of the Army and how it was proposed to
tackle them. His Excellency further suggested that it might assist discussion if
between now and Monday, one member at least on each side were to dis-
cuss the whole problem separately with the Commander-in-Chief. This was agreed to.

DECISION

(1) The Armed Forces Committee would stand to the Partition Council and the Steering Committee in the same relation as any of the other Expert Committees.

(2) The terms of reference and the composition of the Armed Forces Committee should be submitted to the Committee of the Cabinet for its approval.

(3) The paper prepared by His Excellency the Commander-in-Chief explaining the problems involved in the division of the Army and how it was proposed to tackle them should be circulated among members of the Cabinet Committee with a view to discussion at its meeting on Monday, the 16th instant.

I53

Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Sardar Patel and Mr Liaquat Ali Khan

Mountbatten Papers. Viceroy’s Interview No. 147

12 June 1947, 11 am

I kept back the above Ministers after the meeting of the Cabinet Committee on partition today,¹ and told them that the resolution² of the Muslim League Council on the announcement of 3rd June had aroused misgivings in the Congress camp.³

Mr. Liaquat Ali Khan expressed surprise. He said that the Muslim League Council had accepted the plan without reservation, though naturally they were dissatisfied about the partition of Bengal and the Punjab.

Mr. Patel said that, on the contrary, all that the Muslim League Council had done was to authorise Mr. Jinnah to accept the plan on their behalf, and so far Mr. Jinnah had given no indication that he was prepared to do so. In the absence of any such explicit declaration by Mr. Jinnah, the Congress resolution was bound to be hedged round with reservations.

At this point I recalled my own part in the negotiations. I had taken the great risk of accepting Mr. Jinnah’s word that he would do his utmost to get the plan accepted, and it would be remembered that he (Mr. Jinnah) had stated at the meeting of the Indian leaders on 3rd June⁴ that he personally would accept the plan and would do his best to persuade his followers to do likewise.

¹ No. 152. ² Enclosure to No. 127. ³ See e.g. Nos. 129 and 130. ⁴ No. 39.
Sardar Patel said that this was true, but that this statement of Mr. Jinnah’s was known only to the Congress leaders and not to the main body of the Congress party.

Thereupon, I suggested that I should try to persuade Mr. Jinnah to write to me in the following sense:—

"I have been authorised by the Muslim League Council to accept the plan on their behalf, and I hereby state that I do so accept it as a compromise solution."

I would then send a copy of this letter to the President of Congress, so as to get it into his hands before the Congress recorded their final resolution.

Sardar Patel said that this would meet his point, and Mr. Liaquat Ali Khan undertook to tell Mr. Jinnah of our conversation and of my proposal. I said that I would see Mr. Jinnah myself later in the day.5

I then turned to the question of the argument as to whether Pakistan was "seceding", and as to whether Hindustan, or 'India' as Congress preferred to call it, would inherit the membership of UNO, and would also inherit the Indian representatives at present in foreign countries.

Mr. Liaquat Ali Khan said that the Muslim League did not want to argue about words. All that concerned them was that they should be assured of a share in the assets, and likewise the obligations, of the Government of India. To his mind this was implicit in H.M.G.'s statements of February 20th6 and June 3rd,7 in which they referred to transferring power to a successor authority or successor authorities.8

I pointed out that it was not for HMG to attempt to settle the exact proportion which would accrue to each of the successor Governments, and that this was a matter for the Arbitral Tribunal which was to be set up.

Mr. Liaquat Ali Khan agreed, but he wanted an assurance from HMG that they, "the present owners of the estate", intended that a proportion should go to Pakistan.

I undertook to refer this matter to HMG and I sent a telegram (No. )9 to the Secretary of State the same day.

Finally, Sardar Patel said that Congress were apprehensive about the safety of the Congress members of the Bengal Legislative Assembly, who would be proceeding from their homes to the meeting summoned by the Governor of Bengal on 20th June. There was a risk that they would be kidnapped or harmed.

Mr. Liaquat Ali Khan said that there was no risk of this; but I undertook to bring the matter to the notice of the Governor and a telegram10 to that effect was immediately despatched.
Lord Ismay was present throughout the meeting and has dictated this note on my behalf.

6 No record of this interview has been traced, but see No. 162, para. 11.
6 Vol. IX, No. 438. 7 No. 45. 8 Emphasis in original.
9 Number left blank in original. No telegram from Lord Mountbatten to Lord Listowel dated 12 June on this subject has been traced, but a telegram was sent two days later: see No. 202.
10 Lord Mountbatten did this in tel. 1405-S of 12 June to Sir F. Burrows adding that the Congress leaders 'ask that your Ministry should take any special precautions that are practicable'. Mountbatten Papers, Official Correspondence Files: Bengal, Situation in, Part I(b).

I54

Rear-Admiral Viscount Mountbatten of Burma to Sir O. Caroe (North-West Frontier Province)

R/3/1/170: f 34

TOP SECRET AND PERSONAL

12 June 1947

Dear Sir Olaf,

Many thanks for your manuscript letter of the 11th June. I am sorry mine to you was delayed and hope this will get to you more quickly by hand of pilot.

I appreciate the way you have taken this and I should like to repeat that I regard the allegations of partiality against you as entirely unfounded. These are, however, exceptional times, and we have to get through them as best we may and work in cooperation with the Parties.

I think the best way of proceeding might be by your writing to me a letter on the lines of the first draft enclosed and my replying as in the second draft. Both these letters would then be published, rather like letters between Ministers and the Prime Minister at home when a change is made in the Cabinet. The publication would be followed by an Announcement that The King had appointed Lockhart to act.

Would you please telegraph and let me know whether you are prepared to write a letter on the lines suggested? If so, please follow it up with the letter, which should be sent by safe hand of pilot.

I want Lockhart to reach Peshawar by the 24th if possible.

I am sure we can fix up air passages for you as soon as you decide when you would like to go home. My wife and I very much hope that you and your wife may be able to visit us before going home.

Yours sincerely,

MOUNTBATTEN OF BURMA

1 No. 142.
2 For the letters as issued see Enclosure to No. 181 and No. 227, where differences between the final version and the draft are noted.
Dear Mr Gandhi,
Thank you for your letter of 10/11th June. I am grateful to you for your comments on current affairs, and I will certainly bear them in mind.

I doubt whether it would be practicable to make my special staff work out all the details of the splitting up of the Departments of the Government of India and a complete allotment of India’s assets and liabilities, but they will do everything in their power to help. It is a tremendous task and only a fraction of it can be done before the transfer of power. It is essentially a matter in which there must be negotiation between the parties concerned.

I am so grateful for your unfailing advice and support and kindness, which have done so much to sustain me in this difficult task.

Yours sincerely,

MOUNTBATTEN OF BURMA

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Dear Mr. Gandhi,

I spoke to Mr. Jinnah\(^1\) along the lines that you asked me\(^2\) and he has authorised me to reply to you as follows.

2. Mr. Jinnah will gladly accept your suggestion that he should visit the Frontier and put the case of Pakistan to the leaders and people up there, provided you can obtain an undertaking from the Congress that they will not interfere.

3. He agrees with your view that by this means a referendum can be avoided and with it the risk of bloodshed removed.

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\(^1\) No. 139.
4. I suggest that you should now communicate directly with him in this matter, as I am leaving for Simla to-morrow.

5. I am sending a copy of this letter to Mr. Jinnah.

Yours sincerely,

[Mountbatten of Burma]

P.S. I note that you did not obtain the support of the Congress leaders to your proposal, but I did promise you that whatever happened I would convey your personal views to Mr. Jinnah, and he will quite understand if you are unable to get the Congress leaders to support you.

1 Not traced.  
2 See Annex to No. 99.  
3 See No. 139, para. 1.

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I 5 7

Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Arbitral Tribunal

SECRET 17 YORK ROAD, NEW DELHI, 12 June 1947

Dear Lord Mountbatten,

In some of the papers sent to me by Sir Eric Mieville there is a proposal about the Arbitral Tribunal which is meant to decide on matters referred to it by the Partition Council. It is suggested in this note that the Tribunal should consist of three men of great judicial experience and that the Chairman of this body should be a member of the Judicial Committee of the Privy Council.

2. My colleagues and I think that the simplest and most effective procedure would be to request the three judges of the Federal Court to function as the Arbitral Tribunal for this purpose. They are all here and are easily accessible and are men of great judicial experience. They would, of course, not function as the Federal Court in this matter. We do not see any particular advantage in asking for a member of the Judicial Committee of the Privy Council to come to India for this purpose.

Yours sincerely,

JAWAHARLAL NEHRU

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1 Evidently the papers to be considered by the meeting of the Viceroy and the seven Indian leaders on 13 June (see No. 175).  
2 See No. 100, Item 1, conclusion (v).  
3 See No. 101, para. 1.
Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/157: ff 13-15

SECRET AND PERSONAL  17 YORK ROAD, NEW DELHI, 12 June 1947

Dear Lord Mountbatten,

I enclose the Terms of Reference we suggest for the Boundary Commissions in the Punjab and Bengal. You will notice that they are very simple and brief. Indeed they reproduce the language used in paragraph 9 of HMG’s Statement of June 3, 1947, without any addition thereto.

2. We gave a good deal of thought to this matter and tried to draft fuller terms of reference. We found that in doing so, the result achieved was not very satisfactory. There are all manner of factors which may have to be considered. If we try to make a list of them, it is either too short or too long. It is better, therefore, to leave the matter to the Boundary Commission itself. They will, no doubt, take into consideration all factors they consider relevant.

3. The work of these Boundary Commissions is meant to be done fairly rapidly. If we complicate the issues at this stage, their work will be prolonged and final decisions will be delayed. I imagine that if and when two States have been formed, those States will mutually consider modifications and variations of their frontiers so that a satisfactory arrangement might be arrived at. That is likely to be a fairly lengthy process involving the ascertainment of the wishes of the people concerned in any particular area affected. If all this work is entrusted to the Boundary Commissions, their work will be heavy and prolonged. Hence our desire to leave the issues as clear and simple as possible.

4. Two particular areas have been mentioned in the course of our conversations—The Thar Parkar District in Sind and some parts of Purnea District in Bihar. I do not know how Purnea District comes into the picture as it is predominantly non-Muslim and is part of a Province which is not affected by any secession or partition. Probably it was mentioned because one sub-division of the District has a Muslim majority population. It would be laying down a novel principle if we proceeded in regard to other Provinces on a basis of small areas less than a District. It would also produce confusion if a new Province like Bihar was affected by any such division of a small area. In any event no such division could take place without some kind of a referendum. All this would involve fresh complications and delay.

5. So far as Thar Parkar is concerned, it is a District of Sind and can be dealt with as a unit. There also, presumably, it would be necessary to have a referen-
dum such as in Sylhet. On further consideration, however, of this subject, we think that this question should also not be raised at this stage and in this manner. I have, therefore, not mentioned Thar Parkar or Purnea in the terms of reference of the Boundary Commissions.

Yours sincerely,

JAWAHARLAL NEHRU

Enclosure to No. 158

TERMS OF REFERENCE OF BOUNDARY COMMISSIONS

For the Punjab:
The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will also take into account other factors.

For Bengal:
The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will also take into account other factors.

2. In the event of the referendum in Sylhet District of Assam resulting in favour of amalgamation with eastern Bengal, the Boundary Commission for Bengal will also demarcate the Muslim majority areas of Sylhet District and contiguous Muslim majority areas of adjoining districts.

1 No. 45.
2 For a letter of 12 June 1947 from the Governor of Bihar on the possible transfer of parts of Purnea district to Eastern Bengal, and other papers on this question: see R/3/1/167. For Lord Mountbatten’s reply, see No. 400.

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Field Marshal Sir C. Auchinleck to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/81: ff 139–42

TOP SECRET AND PERSONAL

D.O. NO. 80/V-1/47/8

COMMANDER-IN-CHIEF IN INDIA,

NEW DELHI, 12 June 1947

Dear Lord Mountbatten,

In his letter of the 6th June¹ Lord Ismay asked me to let you have my views on the withdrawal of British forces from India.

I accordingly instructed my Chiefs of Staff Committee to examine the diffi-

¹ See No. 126, note 4.
cult and delicate problems connected with the retention of British Army and Royal Air Force units in India after the granting of Dominion Status to the two new States to be set up.

The results of their examination are set out in the attached paper C.O.S.(47) 29B, and I agree with their conclusions and recommendations.

Yours sincerely,

C. J. AUCHINLECK

Enclosure to No. 159

C. in C.’s Secretariat
Chiefs of Staff Committee

SECRET

COS (47) 29B—BRITISH FORCES IN INDIA (Submitted by CGS)
NOTE:— In this Paper, wherever the term “British Forces” is used, it is understood to include the Six Infantry Bde Gps, and essential units of the RAF.

Introduction

1. In the past, the governing factor has been that as long as HMG is responsible for the internal security of India, this responsibility in the last resort rests with the Commander-in-Chief. For this purpose, therefore, it had been agreed that British Forces must be retained in India particularly in view of the security of British lives and interests.

2. It had been assumed that by 1 June 48, the expected date of transfer of power, all European civilians, who wished to leave India, would have been given the opportunity to do so. Those who stayed after that date would do so at their own risk; and the necessity for retaining British Forces for their protection would therefore not arise. Consequently, it had been planned that British Forces should leave India by about 1 June 48.

3. The basis of this plan has been altered by the decision to grant Dominion Status to Hindustan and Pakistan at an early date. The grant of this status implies that responsibility for internal security will rest with the Governments of Hindustan and Pakistan from the day of their inception. Their vehicle of enforcement will ultimately rest with the Indian Armed Forces, which, with their agreement, will be commanded, during the early process of reconstitution by the C-in-C.

Object

4. The object therefore of this Paper is to recommend whether British Forces should be retained in India after Dominion Status has been given to Hindustan and Pakistan; and if so, what should be the period of their retention.

Factors

5. It may be argued that the general situation in India after the granting of Dominion Status to Hindustan and Pakistan, might be such that
(a) British Forces should be retained to back up the Indian Armed Forces, and as an insurance to cover the initial stages of their reconstitution.

(b) British Forces should be retained to ensure the safety of European lives.

6. As regards para 5 (a) above:

(a) Political opinion in the U.K. might be expected to be very averse to this course.

(b) The Hindustan and Pakistan Governments should be prepared to rely solely on the Indian Armed Forces, the reconstitution of which must be carried out with special care to the demands of internal security.

on the other hand,

(c) The Governor-General has been charged with the duty of ensuring, as far as possible, an orderly transfer of power. It might therefore be inadvisable to deprive him of such valuable support in carrying out his duty.

The first stages of the Reconstitution of the Indian Armed Forces may be very difficult, and the morale of the troops may not stand the strain. It might therefore be advisable to retain British Forces in India, as a stabilising influence, until the first stages of Reconstitution have been successfully accomplished.

(d) Trouble on the N.W. Frontier, during the reconstitution of the Indian Armed Forces, might lead to a demand for the help of British Forces, the demand being based on the argument that, as fellow members of the British Commonwealth, it is to be expected that one Dominion should come to the help of another.

In the event of trouble on the N.W. Frontier, it is considered that primarily Indian troops should be employed. Should British Forces be in India and should it appear to the C-in-C that their help is essential, special representation must be made by the Government concerned to H.M.G.

(e) It is considered however that retention of British Forces can not be justified on these grounds, except at the specific request of the Hindustan and Pakistan governments.

7. As regards para 5 (b) above

(a) Although in theory the Hindustan and Pakistan Governments would be responsible for the safety of European civilians, the shortened time before the hand over of power will prevent many of the latter, who do not wish to remain in the country, from leaving before the date when Dominion Status is given. It may be felt, therefore, that H.M.G. has a moral responsibility for their safety until such time as they have had the opportunity to leave. Consequently, until this time, which should be calculated on the numbers wishing to leave and the resources of shipping, British

* Emphasis in original.
Forces might remain in India. 1 Jan 48 is considered a suitable date.

(b) British Forces may be considered necessary, after the departure of the European civilians, for the protection of the Governor-General, the British High Commissioner, the Commander-in-Chief and their staffs, and other British Military and Civilian officials. It is considered however that the protection of British officials, whether civil or military, does NOT justify the retention of British Forces. A risk, if such exists, must be accepted by them, as in the course of their normal duties.

8. Recommendations
(a) It is therefore recommended that British Forces be retained in India, after the granting of Dominion Status to Hindustan and Pakistan, as an insurance to cover the early stages of the reconstitution of the Indian Armed Forces; and for a period that must depend upon the progress of the reconstitution.

This recommendation, however, is implicit on a formal request being received from the Governments of Hindustan and Pakistan, that British forces should be retained.

Facts are insufficient to justify an accurate forecast of this period; but it is recommended that the provisional date for the withdrawal of the British Forces should be fixed now at 1 Apr 48 and reviewed on 1 Jan 48.

(b) If no such request for British Forces to remain to back up the Indian Armed Forces is received from the Hindustan and Pakistan Governments, it is recommended that British Forces remain in India until 1 Jan 48 to fulfil H.M.G.'s moral obligation to safeguard British lives. It would be best if the Hindustan and Pakistan Governments asked for British Forces to remain for the purpose. Should such a request NOT be forthcoming, H.M.G. must be firm and insist.

9. Further Recommendations
On the assumption that British Forces be retained in India after the granting of Dominion Status to Hindustan and Pakistan, the following subsidiary recommendations on their exact role and employment are made:—

(a) That British Forces be directly under the C-in-C who would be responsible through the Governor-General to H.M.G. They would NOT take orders from either the Hindustan or the Pakistan Governments.

(b) That an "all-British" chain of command is essential. So long as circumstances permit, the C-in-C would exercise command of the British Forces through Army and Air Commanders and existing normal channels.

If a situation arose, which made this impracticable, the C-in-C will exercise command of British Army troops through the Major General British Troops in India who would become GOC British Troops in
India and of the RAF units through the AOC-in-C. In this event, the area, or sub area commander would be responsible for local administration and all maintenance. "All British" signal communication would be necessary.

(c) The incidence of duties should determine the incidence of cost. If British Forces are retained in India solely as an insurance to cover the initial stages of reconstitution of the Indian Armed Forces; and at the specific request of the Hindustan and Pakistan Governments, the charges involved should be debitable to India. If only to safeguard British lives, the cost should be shared between H.M.G. and India.

(d) If retained for the sole purpose of safeguarding British lives, British Forces would not be employed to quell any communal or other disturbances, except where British lives are endangered.

(e) If British Forces remain at the request of the new Governments as an insurance to cover the initial stages of the reconstitution; it will be necessary to obtain the concurrence of H.M.G.—and probably of Parliament—to their employment in this role. The extent to which they are to be subject to the authority of the new Governments must also be clearly defined.

(f) The legal status of the British Forces remaining, whether at the request of the new Governments or not, should be changed in that they would not be subject to the laws of the new Dominions and the courts of those Dominions should have no jurisdiction over members of the British Forces.

(g) That steps be taken to ensure that British Forces remaining in India are provided with arms and equipment the property of H.M.G.

I6O

Rear-Admiral Viscount Mountbatten of Burma to Mr Kripalani

R/3/1/156: f 70

NO. 1446/11

12 June 1947

I am writing to inform you that Mr Jinnah came to see me this evening1 to inform me officially as President of the All India Muslim League that the Council of the All India Muslim League had empowered him to accept the plan contained in His Majesty’s Government’s announcement of the 3rd June as a compromise.

1 No record of this interview has been traced, but see No. 162, para. 11.
2. Subject to the All India Congress Committee accepting this plan, he has given me his word that he will sign a joint document on behalf of the All India Muslim League with such representative as the All India Congress Committee may appoint, accepting this plan as a settlement.2

3. I am sending a copy of this letter to Mr Jinnah.

2 On 1 July Lord Ismay submitted a minute to Lord Mountbatten regretting that in the recent pressure of events he had forgotten to remind him about pursuing the question of an agreed joint statement; he suggested, however, that 'in view of the fact that partition is in progress and the obvious implication that the plan has been accepted' Lord Mountbatten might not wish to pursue the question any further. The latter minuted in reply: 'No further action unless Congress raises this'. Mountbatten Papers, Official Correspondence Files: Transfer of Power, Part IV(b).

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Mountbatten Papers. Letters to and from the Secretary of State

TOP SECRET AND PERSONAL 12 June 1947

Dear Listowel,

Thank you so much for your letter of the 5th June and for the good wishes and congratulations which you were kind enough to send me. I must say that everything has gone very well so far and, although we are not out of the wood yet, I have every hope that the good start we have made will be continued.

2. The All India Muslim League Council held their meeting on Monday the 9th June and I have referred to this in more detail in my weekly report attached.2 The All India Congress Committee meeting takes place next Tuesday the 17th June and, although both Nehru and Patel have written3 to me about the Muslim League resolution,4 I feel I will be able to solve this difficulty by further personal negotiation.

3. We might have had a little trouble with Gandhi but, as I have described in my report, I think we can now count at least on some form of cooperation from him. Nehru and Patel of course also worked on him hard.

4. Gandhi also told me5 that there was a lot of loose talk going about that His Majesty’s Government might have different agreements with Hindustan and Pakistan which would possibly tend to favour one over the other. He felt, therefore, it was important that an announcement should be made to the effect that it was His Majesty’s Government’s wish either to enter into tri-partite arrangements with both the Dominions, or to have similar bi-lateral agreements with each of them; and that, in any event, there would be no question of
differentiation. One solution might be for this to be referred to by the Prime Minister in the House.

5. I have read Hansard for both Houses of Parliament.6 I am so glad that the plan had such a favourable reception, and am most appreciative of all the kind things that were said. I was particularly pleased at Winston’s very nice reference to the Prime Minister. The publicity arrangements at this end were also most satisfactory and I have written specially to Vallabhbhai Patel to thank him for the assistance which was given by All India Radio and the Information and Broadcasting Department, particularly in regard to my press conference.

6. There has been no relaxation of the pace here and we have pressed on hard all the week in ensuring that the leaders and the Cabinet face up squarely to the administrative consequences of partition. The pace is so hot that we are still three or four lengths ahead, but certainly June in Delhi is not a month in which anyone—British or Indian—can be expected to give of his best.

[Para. 7, on re-employment prospects for members of the Indian Forest Service; and para. 8, on arrangements for the Indian Art Exhibition, omitted.]

9. I notice in your letter of the 5th June8 you refer to the possibility of a special honours list in advance of the New Year list 1948. I am very keen to have a special allowance of honours particularly for those who helped to put the agreement through and should have liked to have had the names included in the New Year’s Honours List 1948. But before I reach any decision on this point I should be glad if I could be informed whether it is the intention that the Star of India and the Indian Empire Orders should lapse on the 15th August this year. Naturally it would be preferable for all concerned to receive honours in these two Orders rather than in other British Orders which are available, but this may prove difficult if the Indian Orders have lapsed on the 15th August, unless arrangements can be made for a special allocation for the New Year List 1948. I should be very grateful if I could receive an early decision on this point. Personally I feel strongly they should not be allowed to lapse for the present.

10. In letters9 to your predecessor I have referred more than once to the position of Caroe in the Frontier Province. As you know, I have been pressed continuously and most strongly by the Congress party for his removal. These representations have recently been renewed10 to the effect that there is no hope
of peace, nor of a fair and orderly referendum in the Frontier Province, so long as Caroe is Governor, and I therefore decided that the time had come when I must, for the moment at any rate, replace him.

11. I attach a copy of my letter\(^\text{11}\) to Caroe and I have just heard from him\(^\text{12}\) to say that he accepts my suggestion and that he would like to go on leave to England to settle affairs consequent on the recent death of his mother. This seems the best solution for a difficult problem.

12. In one of my past letters to your predecessor I referred to the American Ambassador Elect to India and to the impression he had created at his first press conference.\(^\text{13}\) I do not know whether it has been reported in England, but Mr Grady has managed to say the wrong thing again, this time on his arrival at Singapore, where he told reporters that “We hope to be of assistance to India in her fight for independence”. If this statement had been made before the 3rd June it would, to say the least of it, have been tactless, but at the present time it is, of course, merely pointless. One of the high ranking members of the Congress hierarchy, referring to this statement, said to me “Some people take time to grow up”.

[Paras. 13–14, on re-employment prospects in the Colonial Service for Irrigation Engineers, omitted.]

15. I may not be sending you a Personal Report next week as I am going to Simla from Friday evening the 13th to Monday morning the 16th inclusive, and to Kashmir from Wednesday the 18th to Monday the 23rd inclusive, returning in [to] Delhi in time for the visit of the Chief of the Imperial General Staff. I have promised Nehru to try and smooth over some of his recent difficulties with the Maharajah, as the latter is a very old friend of mine.

Yours sincerely,

MOUNTBATTEN OF BURMA

P.S. Ismay has had a better brain wave than paragraph 11 re Caroe, and I attach a copy of the letter\(^\text{14}\) I have just written to him.

M. OF B.

\(^{11}\) No. 96. \(^{12}\) No. 142. \(^{13}\) Vol. X, No. 164, para. 5. \(^{14}\) No. 154.
I have spent most of the past week in consultation with the Indian leaders about the administrative consequences of partition. Meanwhile press reactions in this country to His Majesty’s Government’s announcement of the 3rd June continue to be favourable and the absence of any serious outbreaks in the country is most satisfactory.

2. I received information towards the end of last week that Gandhi was in a very unhappy and emotional mood and some of the Congress leaders feared he might denounce the plan and its acceptance at his next prayer meeting. I therefore asked him to come and see me before this prayer meeting; he was indeed in a very upset mood and began by affirming how unhappy he was at my spoiling his life’s work.

[Paras. 3–5, reporting Lord Mountbatten’s interview with Mr Gandhi in virtually the same words as the Addendum to No. 69, fourth para. to concluding note, omitted.]

6. Generally speaking His Majesty’s Government’s statement has eased the tension throughout the country and the real fear of communal war on a large scale has disappeared. The situation in the Gurgaon area is however still unsatisfactory; nor did any of us expect the announcement of the 3rd June to have any appreciable effect on this particular situation. It is clear that there are still not enough troops in the area to control the situation and the District Commissioner has asked for more. The Commander in Chief has agreed to a further increase bringing the force up to one brigade. Lahore and Amritsar also remain rather unsettled, although the disturbances are on a much smaller scale than before the announcement. Calcutta is, I am glad to say, remarkably quiet. I refer to Burrows’ report on Bengal later on.

7. Auchinleck obtained special reports on the way the armed forces had reacted to the Statement. He has summarised their views by saying that in general the solution is thought to be the best possible, though nearly all regret partition. Many of the troops have not yet realised the full implication of the plan, though they are obviously concerned at the inevitable splitting of the Services. Only in one case was any anxiety betrayed about the reliability of the

1 No. 58.
2 Lord Mountbatten evidently meant the Divisional Commissioner: see Nos. 137 and 179.
army in the immediate future, while several reports were definitely most optimistic in this respect.

8. The All India Muslim League Council held a meeting in camera on Monday the 9th June. I thought it very wise of them to hold it in camera, but this did not prevent Vallabhbhai Patel from sending me the transcript of shorthand notes on the proceedings, presumably taken by a Congress spy! I attach a copy of the resolution, which was passed. I had asked Jinnah to show me the draft resolution before it was put to the meeting, but he said that the resolution would be formulated as a result of the meeting and he did not know what it would be.

9. Although I did not expect the resolution to be very differently worded, it caused a howl of indignation among the Congress Press, and violent letters of protest from Nehru and Patel, who expressed fears that they would not be able to manage the All India Congress Committee in view of the failure of the League to make a definite announcement that they accepted the plan as a settlement.

10. After a meeting this morning of the Committee of the Cabinet which I have set up to make the necessary administrative preparations for the Partition Council, I kept back Liaquat Ali Khan and Patel to thrash this matter out. Patel said quite categorically that unless Mr. Jinnah would give a firm acceptance in writing before the All India Congress Committee met, he could not guarantee what would occur at that meeting, since their draft resolution was an acceptance of the plan “in view of the acceptance of the plan by the Muslim League Council”. Liaquat countered by pointing out that when the League accepted the Cabinet Mission plan, Congress had defeated them by putting such reservations on their acceptance that the League had had to pull out, and they did not intend to be outmanoeuvred again in this way.

11. I finally suggested as a compromise that Jinnah should write me a letter saying that he was authorised by the All India Muslim League Council to accept the plan as a compromise settlement subject to the All India Congress Committee accepting it in a similar spirit. Liaquat Ali Khan went off to try and persuade Jinnah to sign such a letter, but was not very hopeful since he said Mr. Jinnah did not like signing letters of this sort. I told him that if Mr. Jinnah refused to sign he was to send him to see me. Jinnah came at 6 o’clock tonight and categorically refused to sign until after Congress. Once more I had to take the onus upon myself and so I wrote a letter to the President of the Congress (a copy of which I attach) which I hope will do the trick.

12. I had a very difficult Cabinet meeting last week in fact I have never attended a worse meeting at any time anywhere. The trouble arose over my proposal that there should be a sort of moratorium on high grade appointments
and policy decisions until the two future Governments had been sorted out. I suggested that any urgent appointments or action should be submitted to the Cabinet as a whole. (The Muslim League have been making some bad appointments in their departments the major part of which will be inherited soon by Congress, and the latter are naturally sore about this). Both sides accepted my suggestion with every sign of pleasure, with the proviso from the Muslim Leaguers that matters thus placed before the Cabinet would not be decided by a majority vote since that would put Congress in control over the appointments and high level policy of every department. I suggested that the way out of this difficulty would be for both parties to authorise me to decide whether an appointment or a policy decision was likely to be prejudicial to one or other of the two new Governments and, if so, to rule that the matter should not be decided by majority vote. This was accepted by both sides.

13. Nehru then announced that he had a number of diplomatic appointments which were awaiting confirmation and that whereas he did not mind placing them before the Cabinet, he trusted I would rule that they did not concern Pakistan. Liaquat objected and hinted that Pakistan would not wish to have an Ambassador appointed to Russia. As Nehru's own sister, Mrs. Pandit, has been proposed for this appointment, this remark was particularly tactless, though Liaquat afterwards assured me that he had no idea that Mrs. Pandit had been nominated. Anyway, there was a tremendous scene when Nehru announced that he would not tolerate interference by the League in the affairs of the Government, and that he would insist on matters like this being put to the majority vote and would see that the League was outvoted every time. When Liaquat replied equally violently, Nehru then said that if the Government were to be turned over to the League he himself would forthwith resign from the Government. Pandemonium then broke loose and everyone talked at once.

14. I had to call the principal offenders to order by name, and I then said "Gentlemen, what hopes have we of getting a peaceable partition if the very first discussion leads to such a disgraceful scene as this? This matter will be deferred for the present, and when it is brought up I will give a ruling. In the meanwhile I want to know that you back me in this matter." I then looked round at each of them. I was still faced with two or three sulky faces, and I then said "I am not going on with the next item until I see a row of smiling faces in front of me." This had the desired effect: everybody laughed and the tension was broken. I have only reported this incident at such length to show the electric atmosphere in which we are still working and the appalling difficulty with which all of us are going to be faced during the 64 days that remain until

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3 Presumably Enclosure to No. 130.
4 Enclosure to No. 127.
5 See Nos. 101 and 102.
6 Nos. 129 and 130.
7 No. 153.
8 No. 160.
partition is achieved on the 15th August. The very speed at which we will all have to work will, however, be our best safeguard against such trouble.

15. I might add that the Cabinet started this meeting under obviously strained feelings, since those Members who had not been in on my discussions with the leaders over the administrative consequences of partition had apparently resented being left out of it. I took the responsibility on myself for doing this, and explained that though they might be the legal Government of India to-day, they had to face the fact that within the next two or three weeks we should probably find on the vote of the Provinces that partition was certain. I therefore had to deal over questions affecting partition so far as possible with the leaders who were likely to be responsible for selecting the two new separate Governments. This explanation, I am glad to say, was well received; but they did insist that the committees and machinery for doing the partition should be set up by a Committee of the present Cabinet until partition was legally certain, and this was agreed to.9

16. I had an equally difficult meeting with the leaders the next day.10 Jinnah said that he could not agree that this matter had been handled correctly in the Executive Council (as he insisted on referring to the Cabinet). His point was that the authority really responsible for making all the arrangements was His Majesty’s Government or the Governor-General in his discretion, and not the Interim Government. This, of course, led to an acrimonious discussion between Jinnah and Nehru. I eventually got Jinnah to agree to the proposal I had put to the Cabinet that a Committee should be set up consisting of two representatives of Congress and two representatives of the Muslim League, all of whom should be members of the Interim Government, but that it should not be referred to as a Cabinet Committee. I also offered to act as Chairman, and with this course of action there was general agreement.

17. The representatives of this Committee have been selected by the leaders as Sardar Patel and Rajendra Prasad for the Congress, Liaquat Ali Khan and Abdur Rab Nishtar for the League. The duty of this Committee will be to make an examination of the steps to be taken to set up the machinery, including the formation of sub-committees, for carrying out partition, and that this should be a fact-finding body, whose duty it would be to make proposals and not to reach final decisions.

18. The first meeting of this Committee took place this morning,11 when it was agreed that a Steering Committee should be set up consisting of the Cabinet Secretary (H. M. Patel) and the Financial Adviser in the Military Finance Department (Mohamed Ali), probably the two most experienced and able Indian officials in the country. This Steering Committee and the expert sub-committees will consist of officials only, and both Patel and Mohamed Ali are
optimistic that the principles of partition and a great deal of the actual separation can be effected before the 15th August.

19. It was also decided that as soon as a decision on partition is known (i.e. immediately any one Province has declared in favour of joining a new and separate Constituent Assembly), a Partition Council should be set up to take over from this Committee; that it shall consist of two of the top ranking leaders of Congress and two of the Muslim League, whether they are in the Interim Government or not; and that I shall be Chairman with no arbitral functions.

20. I was again asked by both sides to act as Arbitrator, but I pointed out how soon their confidence in me would be shaken in the present atmosphere. They therefore agreed that an Arbitral Tribunal should be set up at the same time as the Partition Council. It will consist of three members, all men of great judicial experience and the composition of it will be settled by the Partition Committee. It was agreed that Sardar Baldev Singh will consult the other Sikh leaders about the composition of the Arbitral Tribunal and will inform the Partition Committee of their views. The services of the Arbitral Tribunal will be offered to the Provinces which are to be partitioned.

21. A decision has not yet been reached about the composition of the Boundary Commission, for which two suggestions have been put forward. These are:—

(a) That each Commission should consist of three persons obtained through U.N.O., plus three expert assessors from each side of each partition Province.

(b) That each Commission should consist of an independent Chairman and four other persons, of whom two should be nominated by Congress and two by the Muslim League.

22. Nehru pointed out that suggestion (a) above would involve considerable delay. The U.N.O. Headquarters would probably have to communicate with each Member Government, and a long time would elapse before a choice could be made. Furthermore, it is possible that the ultimate choice might not be a very suitable one.

23. With regard to the second proposal, it has been suggested that the four persons nominated, two each by the Congress and the Muslim League, should be of high judicial standing. Possibly these four might elect their own Chairman for each Commission. If there was any difficulty about this, the two parties could perhaps themselves suggest names for the appointments of Chairmen.

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9 No. 95. 10 No. 100. 11 No. 152. 12 No. 100, item 1, conclusion (iv). 13 Ibid., conclusion (v). 14 See Nos. 101, 124 and 128.
hope to take a decision on this matter at my meeting with the leaders on Friday the 13th June.

24. I have already described the feeling in last week’s Cabinet meeting. I must now add that the Cabinet held yesterday evening had promised to be an equally stormy one; for Liaquat had kindly warned me that he was going to oppose the proposal to set up a corporation in which private companies and the Government would co-operate to exploit the forests of the Andaman Islands. His grounds for opposing this were that the Andamans were part of the over-all assets of India, still to be divided between Pakistan and the rest of India. I knew that this would bring matters to a head again, besides broaching an issue about the future of these islands as far as His Majesty’s Government are concerned. I was therefore most gratified when Mr. Bhabha, the Parsee business man, criticised the proposal as a most unbusinesslike proposition. I thereupon referred the paper back to the Agricultural Department to work out a more business-like proposal in consultation with Mr. Bhabha. This saved a crisis and we got through a big agenda in the record time of 45 minutes.

25. It is, however, becoming increasingly clear to me that any attempt by His Majesty’s Government to claim the Andaman Islands as colonies, to be treated in the same way as Aden, will cause an absolute flare-up throughout the length and breadth of India, and will probably call forth violent opposition from Pakistan as well as from the rest of India. My own position would be permanently undermined if I were to act on behalf of His Majesty’s Government in this matter; it will therefore have to be left to the High Commissioner or some other authority. But I believe that the only reasonable solution would be to suggest some form of joint control or a leasing of the naval and air bases under a treaty. Yet another alternative might be to refer the case of these islands to U.N.O. or some form of arbitration. The one thing I am quite certain about is that any high-handed action by His Majesty’s Government about these islands at this moment will destroy all the good feeling which now exists between the two countries, and that we must be careful to avoid dealing with any items appropriate for a treaty in a piecemeal way.

26. In the last week I have sent Abell to Lahore and Calcutta to discuss with the Governors the action to be taken about the partition of the Provinces.

27. Jenkins in the Punjab is very anxious to get a Coalition Government, but has not been able to take the matter far because the Muslim League leaders are in Delhi. What he would like is a “divisible” Coalition Government consisting of members who could, when the time comes, fall into two Groups and form, perhaps with certain additions, the Ministries of the two new Provinces. For the partition work he will adopt the general outline of procedure suggested by me for the Centre and he has already got some expert committees working.
What he lacks at present is the Partition Committee comprising representative leaders who can commit the two new Governments, but he will try to secure this very soon. Meanwhile, the officials are getting ahead with preparing material and there is of course a great deal of work to do at the official level before much can be settled between the parties.

28. The Muslim League have objected that the officials are predominantly non-Muslim and Jenkins, who appointed them on what he took to be their merits and chose the men most qualified for the work, will have now to modify his arrangements in consultation with the parties.16 Unfortunately he could not consult Mamdot, the Punjab leader of the League, as he was away from Lahore. But as he was in Delhi I have spoken to him myself and he will go back to Lahore and start discussions with the Governor. Jenkins took rather a stiff line about this and wanted to refuse to alter his arrangements, but clearly this is impossible and we shall have to secure the co-operation of both parties.

29. Burrows is much fitter than he was and is very gratified by the reception of the announcement. He says the week before the announcement was appalling, with everyone in a great state of nerves expecting large scale riots. The indications, however, that the parties had accepted the plan, and especially the broadcast by Jinnah,17 did a world of good and now he thinks that he should be able to get through without a major disaster in Calcutta. Bengal, owing to having a Ministry with the leaders absent in Delhi, has been less quick than the Punjab in getting started on the partition work, but they will now go ahead. Burrows, like Jenkins, will try to get a Coalition Ministry, and though he is not sure of success in this he realises that it is essential that there must be at least a Partition Committee representing the prospective Governments and he hopes to persuade the leaders that one must be set up.

30. Both Governors expect a certain amount of difficulty over the Boundary Commission. Unless the terms of reference are drawn widely they will not satisfy the Sikhs in the Punjab. The Muslim League, who would like wide terms of reference in Bengal in order to be able to stake a claim to Calcutta, want narrow terms of reference for the Punjab in order to resist those claims of the Sikhs which are based on property and historical associations rather than on populations.

31. Jenkins is doubtful whether many British officials will stay on in the Punjab, even temporarily. They have been disgusted by recent events and most of them doubt whether they have much to contribute. Burrows is slightly more optimistic about Bengal and if the Muslim League appeal to British officials to stay on temporarily (in addition to those who want to stay on permanently) I shall of course do my best to get the men. The present indications, however, are that the Congress do not really want men on a temporary basis and are

15 cf. Nos. 97 and 98. 16 See Nos. 144 and 145. 17 No. 47.
certainly not prepared to appeal to them to stay. The matter of the Services is urgent and I hope to get firm decisions by the parties very soon.

32. Jenkins is not prepared to stay on in the Punjab because he considers that he must make it clear during the difficult weeks ahead that he has no personal axe to grind at all and is not interested in any offer of a Governorship from either party. Similarly, Burrows is sure that it would be unsuitable and undignified for him to stay on as Governor of half the Province. I respect both men for their attitude and I think they are right. I have written to Jinnah and Nehru18 reminding them of the importance of preparing at once a list of men suitable for such high appointments. A Governor cannot be got into position in five minutes.

33. It is with great regret that I have arranged for the Governor of the North West Frontier Province, Olaf Caroe, to go on leave during the period of the referendum, and asked for authority to appoint Lieutenant General Sir Rob Lockhart temporarily in his place. The situation in the Frontier is such that I do not feel it would be fair to Caroe to leave him there during the referendum. For although I am convinced of his essential integrity and highmindedness, his Government have accused him so openly of intriguing to get the Muslim League into power that his position would be intolerable during the referendum. Neither Ismay nor I feel his nerves are in a fit state to stay under such conditions.

M. OF B.

18 See No. 113 for letter to Mr Jinnah; that to Pandit Nehru was presumably on similar lines.

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Firman-e-Mubarak issued by the Nizam of Hyderabad

L/P&S/13/1843: f 143

His Exalted Highness the Nizam of Hyderabad and Berar has graciously issued the following Firman-e-Mubarak to the People of Hyderabad:

At the time when the Cabinet Mission issued the Statement of May 16, 1946, the States were invited to join one representative Constituent Assembly for the whole of India. I thought it wise then to wait before making my decision till I saw how the political situation would develop. His Excellency the Viceroy’s recent announcement of 3rd June, 1947 makes it clear that in all probability British India will now be divided into two parts and there will accordingly be not one Constituent Assembly but two. I have now, therefore, to consider
whether my State should send representatives to one or other of these Assemblies.

"INDIVISIBLE ASSET FOR ALL"

2. The basis of the division of British India is communal. In my State, however, the two major communities live side by side and I have sought, since I became Ruler, to promote by every means good and friendly relations between them. My ancestors and I have always regarded the Muslims and the Hindus as two eyes of the State and the State itself to be "the indivisible asset of all" the communities inhabiting it. I am happy to say that there has not been in my State the same acute cleavage as has led to the recent events in British India. The subjects of my State have affinities and common interest with both the contemplated new Unions. By sending representatives to either of the Constituent Assemblies, Hyderabad would seem to be taking one side or the other.

I am sure I am consulting the best interests of my subjects by declining to take such a course. I have, therefore, decided not to send representatives to either of the Constituent Assemblies.

NEGOTIATION WITH BOTH UNITS

3. The result in law of the departure of the Paramount Power in the near future will be that I shall become entitled to resume the status of an independent Sovereign. But the question of the nature and extent of the association or relationship between my State and the Units in British India remains for decision at a later stage, when their constitution and powers have been determined. Whatever form of constitution they ultimately adopt, it will be the desire of Hyderabad to live in the closest friendship and amity with both. Meantime, I and my Government will lose no opportunity of reaching by active negotiation working agreements on matters of common interest for the mutual benefit of all. When the time comes to decide on the nature of the State's association or relationship with the new Units, after they have settled their constitutions, I shall continue to be guided by a consideration of the best interests both of Hyderabad and of India as a whole.

INTEGRITY OF HYDERABAD

4. The political and constitutional picture in India has in the past few years been changing rapidly and who can say whether the two Units now contemplated for British India represent the final solution or whether there will be still further divisions or whether after all unity may eventually be achieved by mutual agreement? In these rapid changes, I am satisfied that the course of political wisdom lies in not taking sides, in concentrating on the maintenance of

1 The text of the Firman reproduced here is taken from New Hyderabad, June 1947, p. 5, a copy of which was enclosed in the Resident's Appreciation of the situation in Hyderabad, D.O. No. 84-R of 28 July. L/P &S/13/1843: ff 144–6. The Firman was issued on 12 June (Times of India, 13 June 1947).
the integrity of my Dominions and fostering the welfare of my people. The achievement of that object depends upon the continuance of mutual good-will between the two communities in my State and, in the unsettled conditions all around, upon ensuring for all my subjects the benefits of peace and security.

5. Before making this declaration I have taken into consideration the divergent views of local political opinion and I feel confident that the best solution is to follow the policy which I have adopted in this Firman.

Signature of
HIS EXALTED HIGNESS

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Mr Attlee to Major Adeane

L/P&J/10/133: ff 97-9

10 DOWNING STREET, WHITEHALL, 12 June 1947

My dear Adeane,

1. As The King knows, the Viceroy when in London reported that already at that date certain prominent Congress leaders, speaking as individuals and not on behalf of their party, had indicated in private conversation their belief that India would accept Dominion status within the Commonwealth as an *ad interim* measure if there could be a very early transfer of power; and that if this were effected at an early date there was good prospect that the portion of British India under Congress control would ultimately abstain from secession from the Commonwealth. The first part of this forecast seems now to be in a fair way to realisation. The Indian leaders, however, made plain their view that it would be a necessary condition of any such arrangement that the Royal Title should be varied by omission of the words “Indiae Imperator” and “Emperor of India”.

Apart from these representations the decision of His Majesty’s Government that, as from the date of transfer of power in British India, the Paramountcy of the Crown over the Indian Princes should cease, would make a change in this sense in the Royal Title appropriate.

2. But the preamble to the Statute of Westminster implies that a change in the Royal Title should receive the assent not only of the United Kingdom Parliament but also of each of the Dominion Parliaments.

3. So far as concerns the United Kingdom Parliament I consider that the best course would be to include in the India Dominions Bill, which will be introduced in July, a Clause declaring that the United Kingdom Parliament has
given assent to the omission of “Indiae Imperator” and “Emperor of India” and to the issue of a Royal Proclamation for this purpose.

4. As regards the Dominion Parliaments, I suggest that before the India Dominions Bill is introduced, I should inform the Prime Minister of each of the Dominions of what is proposed in the United Kingdom and should enquire whether Dominion Governments agree and are prepared to take such steps as they deem necessary to obtain the assent of the respective Dominion Parliaments.

5. There is a related point, namely the disposal of the Indian crown, on which The King may wish for information. The position is that this crown, fashioned for the special occasion of the Coronation Durbar at Delhi in 1911, was purchased out of Indian revenues at a cost of £60,000 in 1912 by the Secretary of State for India in Council on behalf of the Government of India. It is vested in His Majesty for the purposes of the Governor General of India in Council, that is to say, in the particular context, for the purposes of His Majesty’s office as “... of the British Dominions beyond the seas King, Defender of the Faith, Emperor of India”. So long as India remains within the Commonwealth it would seem appropriate that this crown should be retained among the Crown Jewels; but if at a later date one or other or both of the prospective India Dominions were to secede from the Commonwealth the contention might well be put forward that the property in the crown should be vested in some Indian authority in view of the fact that it was purchased out of Indian revenues. In the meantime, however, a suitable means of dealing with the situation might be that the crown should be retained here on the understanding that it would be available for use in India on the occasion of any future Royal visit to India while India remains in the Commonwealth.

6. I should be glad if you would lay these matters before The King.

Yours sincerely,

C. R. ATTLEE
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Cabinet

India and Burma Committee. Paper I.B.(47)97

L/P&J/10/140: ff 28–30

Andaman and Nicobar Islands

memorandum by the secretary of state for india

TOP SECRET

India Office, 12 June 1947

With reference to I.B.(47) 28th Meeting,¹ Minute 5, I have given further consideration to the problem of the Andaman and Nicobar Islands.

2. I recommend to the Committee that a telegram be sent to the Viceroy on the lines of the attached draft raising with him the question of possible repercussions if the Andaman and Nicobar Islands are taken away from India before the transfer of power. I think we ought to have the Viceroy’s considered views on this before we finally decide what to put in the Bill. It is clear that the question of the islands cannot be left indeterminate in the legislation.

3. If the islands are to be taken away from India, immediate provision must be made for their administration. The Ministry of Defence and the Colonial Office have been consulted. The Ministry of Defence consider that it is for the Colonial Office to take charge of the administrative side of the matter. I think there is no doubt that the Colonial Office is the only Department which can undertake this task but I am taking up the matter with the Secretary of State for the Colonies.²

L.

Annex to No. 165

Draft telegram from secretary of state for India
to viceroy

TOP SECRET

Future of Andamans and Nicobars. You will remember that at meeting of I.B. Committee on 28th May it was decided that Andaman and Nicobar Islands should be retained as British territory at any rate pending negotiation and that nothing should be done in the legislation or said to the Indian leaders to suggest that we accepted the view that islands were organic part of British India.

2. It has become clear in drafting the Bill that either Andamans and Nicobars must be legislated into one or other of the Indian Dominions or provision be made whereby islands are separated from India by Order-in-Council between date of passing of Act and appointed day for giving effect to the Act, so that
islands cease to be part of Indian territory prior to constitution of new Indian Dominions.

3. It is clear therefore that we have to make definite choice now between (a) separating Andamans and Nicobars from India by British legislation (b) including islands in territory transferred to one of new Indian Dominions (presumably India as distinct from Pakistan) and relying solely on subsequent negotiation to secure our defence requirements.

4. Draft Bill which is in transit to you by air deals with matter on lines at (a) in accordance with Committee’s instructions. We desire, however, to have your advice urgently on how this matter can best be handled. Defence interests are of extreme importance and we do not wish to be placed in position in which islands have been left by Parliament as part of India and we subsequently have to negotiate as to defence requirements. At same time we realise that simply to legislate islands out of India before appointed day without consultation with Indians may give rise to strong reactions from Congress. We, therefore, wish to have your view before deciding finally which of above courses to adopt in the Bill. We do not wish you to discuss this matter with Indian leaders at any rate until we have considered your views.

5. If decision is to legislate islands out of India provision must be made for their future administration before that is done. There is very little time in which to do this even if period between passing of Bill and giving effect to it is the full period of 2 months provided for under the Bill. It would help if you could supply any information available to you of what would be immediate and annual essential requirements of the islands in the way of supplies etc. and what is annual cost to India of their administration. Very little information is available here.

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1 Vol. X, No. 553.
2 For correspondence on this subject between Lord Listowel and Mr Creech Jones, and Sir D. Monteath and Sir T. Lloyd, see L/P &J/10/140.

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Mr Attlee to Mr Mackenzie King, Mr Chifley, Mr Fraser and Field Marshal Smuts

Telegram, P.R.O. PREM 8/460

IMPORTANT

PERSONAL

D. No. 520. Following from Prime Minister for Prime Minister.

Begins. We have for some time felt that the present titles of the Secretary of State for Dominion Affairs and the Dominions Office are not now entirely
appropriate and tend to convey a misleading impression of the relations between the United Kingdom and the other members of the Commonwealth. We have accordingly under consideration a proposal that they should be changed to “Secretary of State for Commonwealth Relations” (or possibly for Commonwealth Affairs) and “Commonwealth Relations (or Affairs) Office”, respectively.

Apart from indicating more clearly the existing functions of the appointment and of the department, the new titles would have the advantage of making it easier to include within the scope of the Department the conduct of our relations with other countries such as India, Burma and Ceylon if and when these should attain a position of autonomy within the Commonwealth.

It would help me in coming to a decision if you would let me know how this idea strikes you. Ends.

1 See Nos. 31 and 118, para. (i).

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Lord Ismay to Sir D. Monteath

Telegram, R/3/1/153: ff 51–2

IMMEDIATE SECRET

NEW DELHI, 12 June 1947, 10.45 pm
Received: 13 June, 2.10 pm

No. 1416–S. Your 7521–S.1 Many thanks for notes on Dominion Status.

2. VERY CONFIDENTIAL. Although para. 2 of your telegram under reply was marked “Very Confidential”, I naturally showed it to the Viceroy. His Excellency is absolutely horrified that it should be contemplated—
(a) that any (repeat any) powers should be reserved to him after the establishment of Dominion Status; and
(b) that he should have any arbitral authority whatsoever.

3. As regards (a), he has made it clear to the Indian leaders over and over again, and he emphasized in his Press Conference,2 that, after August 15th, both Dominions would be free as air, and that the Governor General or Governors General, whoever he or they might be, would be a constitutional Governor General in every sense of the word, and would have no executive authority whatsoever.

4. As regards (b), the Viceroy made it clear to the India/Burma Committee that he would be placed in an entirely false position if he happened to be appointed Governor General of both Dominions, and were then invited to undertake arbitral functions. The Cabinet entirely agreed with him.
5. If the Viceroy should be appointed Governor General of both Dominions, he would confine himself to guidance and advice, it is quite possible that, in many cases, he might get both parties to reach agreement by his own influence. But it has already been officially agreed with the Indian leaders that an Arbitral Tribunal should be set up to deal with all cases where the Partition Council, or successor Governments, fail to reach agreement. The composition of this Tribunal is now under active consideration.

6. We may have misunderstood your meaning, but it is quite clear to us that any reservations of the kind that we interpret into your telegram would blow the whole scheme sky high.

1 No. 149.  
2 See No. 59, p. 113 and 60, p. 120 et seq.

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Mr Abell to Sir D. Monteth

Telegram, Mountbatten Papers. Official Correspondence Files: Partition, Administrative Consequences of

IMMEDIATE SECRET

NEW DELHI, 12 June 1947, 8.20 pm

No. 1418-S. Your 7541 of June 11th. If Rowlands is asked to help with administrative organisation of Pakistan the Viceroy thinks no embarrassment would be caused by HMG making him available.1 If, however, the intention is that Rowlands’ knowledge obtained as Finance Member should be used to assist Pakistan in arguing their case with Hindustan before the transfer of power about the proportion of the assets of India which they would receive, he thinks that it would cause some embarrassment vis-à-vis Congress if HMG were to make Rowlands available. In any case Viceroy feels that as a general rule it would be wise to refrain from making available to either party services of high-powered British officials from the UK until after the transfer of power.

2. Monckton is expected here tomorrow, and I will telegraph further if he has more information.

1 Sir D. Monteth had informed Mr Abell that Sir A. Rowlands had received an enquiry through Sir W. Monckton regarding the possibility of his advising Pakistan on finance and administrative problems. Mountbatten Papers, loc. cit.
Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)

Telegram, Mountbatten Papers. Official Correspondence Files: Punjab, Part II(a)

BY AIR MAIL  
CONFIDENTIAL  

NEW DELHI, 12 June 1947

No. 1419-S. I saw Khan of Mamdot this evening.¹ I explained to him that you had made no arrangements whatsoever about the machinery for making political decisions and that this was a matter which you would fix up with the Indian leaders in the Punjab at the first opportunity. All that you had done was to set up fact-finding machinery, which would merely be required to assemble all the facts and present the various problems for decision on a political level. I emphasized that these fact-finding bodies would not themselves be in a position to influence decisions.

2. Khan of Mamdot countered by saying that I had consulted leaders here about the official machinery and that the same thing should have been done in the Punjab.

3. I replied that I myself had impressed upon you the need for speed in setting up the administrative machinery, but had omitted to tell you that I myself was consulting Indian leaders about the machinery to be set up at the Centre. To this extent I myself was to blame.

4. Khan of Mamdot said that in view of the Hindu preponderance on the Committees you had set up, and especially of the fact that four out of five Chairmen were Hindus, there was a danger that the facts would be twisted in such a way as to prejudice the political decisions. I asked him point blank whether he intended to cast this aspersion on the integrity of the Civil Service and he replied ‘Yes’.

5. I therefore suggested that his point would be met if Muslim members of the Civil Service were added (repeat added) to the Committees which you had already set up, pointing out that they would be in a position to examine all the files and papers and to report to him if any monkey tricks were suspected. Khan was inclined to press for changes of chairmanship, but, in the end, said that he was prepared to accept my suggestion of additional Muslim members, to avoid creating a difficult situation.

6. Khan returns to Lahore on 14th and will come to see you at once. I very much hope that you can see your way to settling this quarrel on the lines I have
suggested. In view of the procedure adopted at Headquarters, Muslims have certain grounds for grievance and I am extremely anxious that you should meet them.

1 See No. 145.

I70

Mr Abell to Mr Louis (North-West Frontier Province)

Telegram, R/3/1/151: f 153

IMMEDIATE

NEW DELHI, 12 June 1947, 11 pm

CONFIDENTIAL

PERSONAL

No. 1420–S. Your CA/108 of June 10th.1 Viceroy agrees to announcing dates of Referendum, but this announcement should explain that dates cannot be later because of Ramzan. It can also be said that preparation, including dates, have to be fixed against the possibility of the Punjab choosing partition. The arrangements will only be confirmed if such a decision is taken.

2. Viceroy agrees that you should resist all moves designed to cause delay.

3. No letter has been received from Premier.

1 No. 136.

I71

Rear Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, L/E/8/3387: f 183

CONFIDENTIAL

NEW DELHI, 12 June 1947, 11.301 pm

Received: 13 June, 6.45 am

No. 1414–S. The food position in India has become serious enough once again to be brought to the attention of H.M.G. and their assistance invited. The Food Member has now asked me, both privately and in yesterday’s Cabinet meeting to approach you.

2. Late damage occurred to autumn harvest last year in Central India, the Central Provinces and Hyderabad and millet crop was a failure throughout the country. The year therefore started with a very low carry-over. The spring

1 Time of despatch taken from Mountbatten Papers, Official Correspondence Files: Food.
wheat harvest of the same areas in Central Provinces, Hyderabad, Central India, Gwalior and Bombay was almost totally destroyed by rust disease. In the Punjab the crop has only been average and disturbances have further reduced exportable surplus available from that Province. The relevant figures are available with you.

3. Last year full publicity was given to shortages in India but this year as a matter of deliberate policy it was decided to state the facts of the situation and not to plug the risk of famine. Had this not been done, it was felt that famine propaganda, added to political tension and general jumpiness, would have induced hoarding, and produced the very famine result which we wished to avoid.

4. At the same time, every possible effort has been made by Food Department to improve procurement within India, and to secure further imports; and at the moment, representatives of Government of India are doing their best in the Argentine, Australia and America. At Cabinet meeting yesterday it was decided that we should attempt to get from Burma a further quota which would not be offset against allocations by I.E.F.C.

5. The period of July to September will be crucial and any extra ship-loads of grain which India can obtain at that time would certainly prevent semi-starvation in some areas, and may well avert famine deaths. It is possible that H.M.G. may have succeeded in arranging for a satisfactory stock-pile for Great Britain, and I therefore appeal, at request of Food Member, backed by whole of Interim Government, for diversion to India during these vital months, of any cargoes which can possibly be made available, on the understanding that they would be repaid later from India’s allotment. I need not stress the fact that cuts in 12 oz. ration, which have already been imposed in Madras and are inevitable in other deficit areas, will cause much dissatisfaction, with attendant political risks. On the other hand a gesture by H.M.G. would have very valuable results at this particular juncture.

I72

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Indian Independence Bill—Draft Bill, Part I(a)
to support their strongly expressed desire to be allowed to do so. Unless the draft is very different from what we all expect, there is no reason at all why there should be any long disputes.

1 No. 138.

173

Rear-Admiral Viscount Mountbatten of Burma to Mr Attlee (via India Office)

Telegram, R/3/1/147: f 75

IMMEDIATE
SECRET
NEW DELHI, 12 June 1947, 11.45 pm
Received: 13 June, 1 am
No. 1422–S. Please pass following to Prime Minister.

1. It has occurred to me that the visit of the CIGS would be a very favourable opportunity for settling once and for all the question of the Gurkhas, a matter which has been hanging fire. I therefore suggest that he should come out prepared to clinch the issue at a meeting with the U.K. High Commissioner, Pandit Nehru and Sardar Baldev Singh.¹

¹ Mr Attlee agreed in tel. 7877 of 18 June 1947. L/WS/1/1024: f 63.

174

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Andaman and Nicobar Islands

IMPORTANT
SECRET
NEW DELHI, 12 June 1947, 11.45 pm
Received: 13 June, 2.10 am
No. 1423–S. Ismay’s Top Secret and Personal letter of April 12th¹ to Monteath.

A statement appeared in the Times of India on June 9th saying that it is reliably understood that the Andaman and Nicobar Islands are to be ceded to British Government under the new arrangements.

¹ Enclosing a note on the Andaman and Nicobar Islands which briefly mentioned their status as ‘part of India’ and discussed their value, actual or potential, to India. Lord Mountbatten had asked for a note to be prepared in view of the expression of opinion by the Chiefs of Staff that British ‘strategic requirements can only be assured if British sovereignty over the Andaman and Nicobar Islands is maintained, whatever the future of India and Burma’ (Vol. IX, No. 544, para. 9). Mountbatten Papers, Official Correspondence Files: Andaman and Nicobar Islands.
2. This has brought a sharp rejoinder in the Hindustan Times on June 11th, probably inspired, to the effect that the British Government have not raised the question of the future of these islands with the Interim Government, and that if any suggestion of the type mentioned is made hereafter, it will be summarily rejected. In my opinion there can be no question of raising this controversial subject at the present delicate stage of our political negotiations. It is a matter on which Indians feel deeply and if we were to raise the question now of being allowed to use the Islands as a naval or air base, which is about all we can hope for, we should ruin our chances of success.

3. The line that I propose to take, if this question is raised by either side, is that it is one of the very many problems which will have to be settled by negotiation when we are framing the treaties or agreements with the two new Dominions which will be the natural result of their assumption of Dominion Status, and that it would be wrong to take up any of these points in isolation.

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Minutes of Viceroy’s Eighteenth Miscellaneous Meeting
Mountbatten Papers

SECRET
Those present at this Meeting held at The Viceroy’s House, New Delhi, on 13 June 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Pandit Nehru, Sardar Patel, Mr Kripalani, Mr Jinnah, Mr Liaquat Ali Khan, Mr Nishtar, Sardar Baldev Singh, Lord Ismay, Sir E. Mieville, Sir C. Corfield; Lieutenant-Colonel Erskine Crum (Secretariat)

Item 1

THE STATES

The Political Department and the lapse of paramountcy

Pandit Nehru said that, before considering the various papers which had been circulated, he wished to point out that this was the first time that members of the Interim Government had had the privilege of being invited to discussions concerning the States.

At Pandit Nehru’s request, His Excellency the Viceroy explained that the Political Department had, until the Government of India Act 1935 came into operation, worked under the Governor-General-in-Council. Under that Act, however, the functions formerly exercised by the Governor-General-in-Council in relation to States were separated and allotted to the Crown Representative. His Excellency stated that his instructions were that
paramountcy should lapse not later than the date on which the transfer of power took place. The lapse of paramountcy would automatically involve the closing down of the Political Department.

PANDIT NEHRU said that, as he understood it, all other functions of the Political Department except paramountcy had continued, despite the 1935 Act, to be exercised under the Governor-General-in-Council. SIR CONRAD CORFIELD said that all functions connected with the States were exercised by the Crown Representative. PANDIT NEHRU said that, whereas he accepted the position with regard to the lapse of paramountcy at present, surely all the other matters with which the Crown Representative and the Political Department had to deal were Government of India matters and would continue. SIR CONRAD CORFIELD stated that no such clear division could be made. From the point of view of the Central Government the object of the liaison functions of the Crown Representative was that States should not prejudice all-India interests. The procedure was for the Crown Representative to consult the various Departments of the Government of India and to use the paramountcy power to ensure that States did not take any detrimental action. For instance, the Crown Representative might get a representation from the States that the policy of the Central Government in a certain matter was contrary to their own interests. If, after consultation with the Central Government, the Crown Representative was satisfied that this policy was necessary, he would use his influence under paramountcy to ensure that the States complied. If, however, he was not satisfied, he would use his influence to ensure that States’ legitimate interests were not prejudiced by the Central Government.

PANDIT NEHRU said that he had consulted many eminent lawyers about this matter, and his point was that at the least it was a highly controversial one. He asked what right the Political Department had to go ahead in taking action that was highly injurious to the Government of India. He had been writing letters on this subject for four months. He and his colleagues had not (until now) been shown the common courtesy of being brought into consultation. Completely unilateral action had been taken continuously. PANDIT NEHRU said that he charged the Political Department and Sir Conrad Corfield with misfeasance. He considered that an immediate enquiry on the highest judicial level into their actions was necessary.

SIR CONRAD CORFIELD said that he wished to point out that in everything he had acted under the instructions of the Crown Representative with the approval of the Secretary of State. HIS EXCELLENCY THE VICEROY said that, from his experience, what Sir Conrad had said was absolutely correct. He went on to say that he had invariably carefully considered the points put

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1 Enclosures 1, 2 and 3 to No. 146.  
2 See Vol. IX, Enclosure to No. 543.  
3 See Vol. IX, Nos. 496 and 542; Vol. X, Nos. 102, 266 and 341; in this Vol., Nos. 68, 109, 110 and 111.
forward by Pandit Nehru in his various letters, and taken action on them. For example, Pandit Nehru had complained that the Political Department never consulted the Government of India. As a result of that, he (His Excellency) had arranged for Sir Conrad Corfield to go and see Pandit Nehru.⁴

PANDIT NEHRU said that he alone was not the Government of India. He was talking not only of himself, but of his colleagues too. A stage was now being reached at which very serious consequences were threatened. He pointed out that His Majesty’s Government’s Statement of 3rd June⁵ referred back to the Memorandum of the Cabinet Mission dated 12th May, 1946.⁶ He said that he accepted these documents as they were, but in his opinion the policy of the Political Department had been contrary to them.

HIS EXCELLENCY said that, on his arrival, Lord Wavell had informed him that the Political Department had been acting strictly in accordance with the Memorandum of 12th May. SIR CONRAD CORFIELD confirmed that this had been done. Every item of the programme of the Political Department had been based on this Memorandum. There was continual consultation with the Departments of the Government of India. Full details had been afforded to the Government at inter-Departmental conferences. There had continually been full liaison.

PANDIT NEHRU said that it was one thing to deal with a Department on a specific matter. The wider policy was quite another question. There were many rights and obligations apart from paramountcy. To deal with each Department separately concerning these would produce administrative chaos.

Independence of States

PANDIT NEHRU said that he fully admitted the principle that any States could, if they so wished, join the Pakistan Constituent Assembly. But there was no trace in the Cabinet Mission’s Memorandum of any State being allowed to claim independence.

SIR CONRAD CORFIELD read out an extract of this Memorandum which stated “The void will have to be filled, either by the States entering into a federal relationship with the successor Government or Governments in British India, or failing this, entering into particular political arrangements with it or them.”

PANDIT NEHRU said that in his opinion this did not signify the possibility of States becoming independent. SIR CONRAD CORFIELD said that in his opinion the term “particular political arrangements” implied relations with autonomous units.

MR JINNAH said that in his view the States were fully entitled to say that they would join neither Constituent Assembly. Every Indian State was a sovereign State. PANDIT NEHRU said that he differed altogether. He spoke as a lawyer. MR JINNAH said that he spoke as a lawyer also. PANDIT NEHRU
suggested that the opinion of the Federal Court on this point should be obtained.

Mr Jinnah reiterated that in his opinion Indian States were sovereign States for every purpose except in so far as they had entered into treaties with the Crown. British India could do nothing to them. The Crown was under certain obligations to them and they to it, according to the terms of treaties and agreements which had been made. To say that the Governor-General or the British Parliament could lay down that every Indian State was bound to enter one Constituent Assembly or the other, was not according to the law or to the Constitution. If the States liked to come in, they could do so by agreement, but there was no way of forcing them in.

Pandit Nehru asked what were the tests of sovereignty? One was the capacity for international relations. The States had no such capacity. Another was the capacity for declaring war. The States had no such capacity. There were 562 States. Of this number there might perhaps be a few which could claim semi-sovereignty, but no more. The significance of every treaty would have to be examined. It was impossible, in his opinion, to plan any general order. The Political Department had been run by money provided by the Government of India. Tributes obtained from States had not been sufficient to pay for this.

Pandit Nehru then read out several extracts from the Cabinet Mission's Memorandum. He said that, in his opinion, the whole background of this statement was that the States should enter the structure of one or other Government.

Mr Jinnah reiterated his view that the Cabinet Mission had never laid down that every State was bound to come into one or other Constituent Assembly. They were free to decide themselves; but there were many matters which would require adjustments. These could only be made through the Crown Representative so long as he continued. It was in the interests of both the Muslim League and Congress that these adjustments should be made.

Pandit Nehru said that he entirely agreed with this. He said that he was not intending to lay down that every State must join one or other Constituent Assembly; but if they did not come in, they would have to come to some other arrangement. Such other arrangements could not and should not be preceded by declarations of independence. His Excellency the Vice-Roy said that he did not consider that the proposals put forward in the papers before the meeting violated Pandit Nehru's point. In fact, they were intended to secure his object.

* See Vol. X, Nos. 102, 205, 218 and 236.
* No. 45, para. 18.
The Machinery for dealing with questions of common concern between the States and the successor Governments in British India

It was with this in mind that he had arranged for a paper on the machinery for dealing with questions of common concern between the States and the successor Governments in British India to be written.7 This paper proposed two alternatives—that the States should be given the option of:

(a) Dealing with local representatives of the successor Governments, or
(b) Appointing their own representatives to the Headquarters of the successor Governments.

A draft letter to all Residents, putting forward the two alternative suggestions, was also circulated.8

His Excellency the Viceroy said that he felt that the two alternative choices should be put before the States. He had discussed in London the question of the Government of India taking over the offices in the various States. His instructions had been that this was only to be done if the States agreed. Moreover, it was going to be very difficult to convince the States that Agents of the Government of India located in State territory would not continue to represent a paramount power. In his opinion, the alternative that each State or group of States should appoint a representative or representatives to be located at the Headquarters of the appropriate Government would be the best arrangement. He had discussed this with the States Negotiating Committee,9 the members of which had agreed with him. He emphasised that he was not entitled to force a State to continue to accept an agent of the Central Government in their territory.

Sir Conrad Corfield stated that he had discussed this question with a number of Dewans. It seemed to him that it would be a mistake to set up an organisation with which the States were not likely to cooperate.

Pandit Nehru said that he considered that these suggestions proceeded from a wrong basis. Neither was a good idea. Present arrangements should continue.

To have representatives of the States at capitals would lead to very considerable delays. He did not understand how H.M.G. could give a ruling in which the Government of India had not even been consulted. This ruling did not flow from the Statement of 12th May.

The Agents of the Government of India should continue in operation until they were withdrawn. The lapse of paramountcy should not lead to independence. Only certain functions would cease to be exercised. Others would remain. It was essential to have a Department to continue to deal with the States. He suggested that the Political Department and the Residents should continue to function. The political and administrative aspects should continue in operation. The choice of what machinery should be set up lay with the Government of India. If any State took up a line of opposition to the policy of
the Central Government, this would be considered as an unfriendly act, and all the privileges which those States enjoyed would cease.

His ExCellency the Viceroy said that he recognised the rights of the two new Governments each to set up a new Department to deal with States' matters, but he suggested that this should not be called a Political Department. A more acceptable name would be "States Department". It should be set up forthwith, divided into two sections, ready for the partition of the country. The existing Political Department would give all possible assistance and advice in the formation of this new Department.

His ExCellency the Viceroy stated that, on the other hand, he was convinced that it was for the States to decide whether to send representatives to either capital or to receive representatives from the successor Governments. On his Excellency's instructions, the letter to Residents on this subject was amended in certain details.

Formula for standstill arrangements
A second letter to Residents, covering a draft formula for standstill arrangements when paramountcy lapsed, was then handed round.\(^8\) It was agreed that the schedule attached to the draft formula should be amended to cover matters of common concern not specifically mentioned.\(^9\) Pandit Nehru said that he had not yet had time to analyse this draft formula. He had discussed it in the early hours of that morning with lawyers, who had raised many points of difficulty. He doubted whether the description that it covered only "administrative" arrangements was correct. Mr Jinnah gave his view that this was correct.

His ExCellency the Viceroy suggested that both parties would wish a longer time to look into this draft in detail. He considered that the States should send representatives to negotiate and sign the agreement proposed. Negotiation could be initiated through the States Negotiating Committee, but all States would have to send fully accredited representatives for the purpose of signature.

The disposal of the Crown Representative's records
The next paper considered concerned the disposal of the Crown Representative's records.\(^10\) This explained the steps which were being taken to weed and sort these documents, and to destroy those no longer of interest.

Pandit Nehru said that he thought that, without doubt, the majority of the records were of concern to the Government of India. He considered that

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7 Enclosure 1 to No. 146.  
8 Not printed.  
9 Possibly a reference to the meeting reported in No. 94.  
10 Draft letter not printed. For the brief on this subject, see Enclosure 2 to No. 146; for the draft Standstill Formula, see Enclosure to No. 198.  
11 The amendment consisted of the addition of Item 16 to the Schedule attached to the Enclosure to No. 198.  
12 Enclosure 3 to No. 146.
there should be a committee of historians and others to look into the whole question. He could see no reason for rushing the destruction.

Mr Jinnah said that he agreed with this. He was opposed to the idea that the present Political Department should be judge of what should be destroyed.

Sir Conrad Corfield pointed out that the present processes were being carried out in consultation with the Imperial Record Department, which was a very skilled body. He was ready to guarantee that nothing of value would be destroyed. Amongst the documents being sorted, there might be some which should not be handed over to the Government of India. He explained that nearly all important documents were in the Political Department, although the Residencies might have some.

The States’ Forces

Sardar Baldev Singh said that he understood that previously the Commander-in-Chief used to exercise control over the States’ forces. Sir Conrad Corfield explained that this had not really been control, but more in the nature of a bargain and applied exclusively to units included by agreement in the Indian States’ Forces Scheme. A State could have forces outside that scheme but would have to pay for their arms and equipment, whereas arms and equipment for units included in the Scheme were supplied free.

Sardar Baldev Singh asked whether, when paramountcy lapsed, the States would be free to obtain their arms from anywhere they wanted. Sir Conrad Corfield said that his suggestion was that the Central Government should provide arms, on payment, for legitimate purposes. If a bargain was made in advance, there would be factual control.

The States’ People

Pandit Nehru said that he was speaking as a representative of the people of the States. Mr Jinnah said that he challenged Pandit Nehru’s right to so. Pandit Nehru reiterated that he spoke for the people. He dealt with the Rulers but would not forget the people.

It was agreed:

(i) that the draft letter to Residents (circulated at the Meeting) under the heading “Direct correspondence between States and the Central Government”, should be amended by the Political Adviser as indicated by the Viceroy during the meeting, and despatched;

(ii) that it would be advantageous if the Government of India were to set up a new Department, possibly called the “States Department”, to deal with matters of common concern with the States; that, if this were done, the new Department should be divided into two sections, ready for the partition of the country; and that the existing Political Department and the Political Adviser should give all possible assistance and advice in the formation of this new Department;
(iii) that the draft letter to Residents, (circulated at the meeting), under the heading "Formula for Standstill Arrangements on the lapse of Paramountcy", should be amended by the Political Adviser as indicated by the Viceroy during the meeting, and despatched;

(iv) that the "Draft Standstill Formula", (circulated before the meeting), should be amended by the inclusion, in the Schedule, of a provision to include matters of common concern not specifically mentioned;

(v) that the Indian leaders should give further consideration to this "Draft Standstill Formula", and inform the Viceroy of any suggestions they might have in regard to it;

(vi) that there should be a meeting between the Indian leaders and representatives of the States (possibly the States Negotiating Committee) to consider this "Draft Standstill Formula" and any other matters of common concern, on a date to be decided, probably in July;

(vii) that it would be necessary for all States to send fully accredited representatives to sign this Standstill Formula, when it was finally agreed;

(viii) that the Political Adviser should empower Residents to continue with the destruction of ephemeral records and of documents, copies of which are held in the Political Department;

(ix) that the Political Adviser should apply to the Honourable Member for Education for the services of experts to assist in the weeding and sorting of the Crown Representative's Records; but that there should be no more destruction of these records until after the transfer of power;

(x) that records which

(i) contained information regarding the private lives of Rulers and the internal affairs of States or

(ii) had not been weeded to see whether they contained such information should be handed over, on the transfer of power, to the United Kingdom High Commissioner;

(xi) that the Political Adviser should circulate to Pandit Nehru and Mr Jinnah copies of the report of the Indian States Enquiry Committee (Financial), 1932, commonly known as the Davidson Committee Report.13

**Item 2**

**THE BOUNDARY COMMISSIONS**

**Composition**

Two alternative suggestions14 were put forward for the Composition of the Boundary Commissions.

These were:

'A' That each Commission should consist of three persons obtained

13 Cmd. 4103. 14 See Nos. 101 and 128.
through U.N.O., plus three expert assessors from each side of each Partitioned Province; and

'B' That each Commission should consist of an independent Chairman and four other persons, of whom two should be nominated by Congress and two by the Muslim League.

Pandit Nehru gave his opinion that suggestion 'A' above would involve considerable delay. The U.N.O. Headquarters would probably have to communicate with each member Government, and a long time would elapse before a choice could be made. Furthermore, it was possible that the ultimate choice might not be a very suitable one. With regard to suggestion 'B', he proposed that each of the four persons nominated should be of high judicial standing.

Mr Jinnah said that he would frankly have preferred suggestion 'A', but was willing to accept suggestion 'B'. He had wanted, if possible, to avoid lawyers. There was always trouble when two or more lawyers got together.

His Excellency put forward the suggestion that a person with previous knowledge of drawing boundaries might possibly be obtained through U.N.O. and attached to each Commission in an advisory capacity.

It was agreed:

(i) that each Boundary Commission should consist of an independent chairman and four other persons, of whom two should be nominated by Congress and two by the Muslim League;

(ii) that all these persons should, if possible, be of high judicial standing;

(iii) that Congress would include a Sikh in the two persons nominated by them for the Punjab Boundary Commission;

(iv) that Pandit Nehru and Mr Jinnah should send to the Viceroy their nominees for both Boundary Commissions, as soon as possible;

(v) that the members of each Boundary Commission, when nominated, should meet together to choose an independent chairman; and that, if they did not succeed in coming to a decision on this, the choice of chairmen would be made at a meeting of the Indian Leaders;

(vi) that the following draft Terms of Reference for the Boundary Commissions should be considered further by the Indian Leaders, and that they should send in their comments thereon to the Viceroy:

[There follows the text of the Enclosure to No. 158]

Item 3

The Arbitral Tribunal

Pandit Nehru stated his opposition to the suggestion, which had been made by Mr Jinnah,15 that the Chairman of the Arbitral Tribunal should be a member of the Judicial Committee of the Privy Council. He suggested instead that the three judges of the Federal Court should constitute the Arbitral Tribunal.
MR JINNAH stated his opposition to the use of the Federal Court for this purpose. He said that he had had enough experience of High Court Judges; the present lot were particularly poor, in his opinion. There was not a single judge in India who was "a patch" on the members of the Judicial Committee of the Privy Council. Pandit Nehru's father had always been a strong champion of the Judicial Committee of the Privy Council!

HIS EXCELLENCY THE VICE-ROY suggested that, in view of the opposing opinions which had been expressed, it would be best for this question to be further discussed outside the meeting. He pointed out that it would be necessary for both new Governments to promise to be bound by the decisions of the Arbitral Tribunal.

IT WAS AGREED:
that Sardar Patel and Mr Liaquat Ali Khan should further consider together the composition of the Arbitral Tribunal, and send in their agreed recommendations to the Viceroy.

Item 4

THE CALCUTTA ENQUIRY

IT WAS AGREED:
that the Viceroy should obtain from Sir Patrick Spens his full views concerning the suggestion that the Calcutta Enquiry\(^\text{16}\) should now be wound up, and a report obtained concerning the work it had so far completed.

Item 5

THE NORTH-WEST FRONTIER PROVINCE

IT WAS AGREED:
that Sir Eric Mieville should further consult the leaders of Congress and the Muslim League concerning the preparation of election posters for the N.W.F.P. referendum.

\(^{15}\) See Nos. 101 and 157. \(^{16}\) See Vol. VIII, Nos. 206, para. 2, 217 and 223.

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Mr Gandhi to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/151: ff 161-2

NEW DELHI, 13 June 1947

Dear Friend,
Your two letters of 12th instant\(^1\) were received last night for which I thank you. I have sent a letter to Qaide Azam Jinnah of which a copy is enclosed herewith.

\(^1\) Nos. 155 and 156.
The condition precedent to the Qaide Azam accepting my suggestion is
dangerous in its implication. My suggestion is simply what I conveyed to you
in my letter of 11th instant.2 "Before proceeding with the referendum you
should invite Qaide Azam Jinnah to proceed to the Frontier Province to woo
the Ministers including Badshah Khan and the Khudai Khidmatgars..." I have
added, "Before he goes, no doubt he should be assured a courteous hearing
from them." The visit, therefore, if it takes place will take place for convincing
and converting the Ministers and Badshah Khan and his Khudai Khidmatgars.
It should in no sense be a propaganda tour. I hope both you and Her Excellency
would have a quiet and cool week end in Simla.

Yours sincerely,
M. K. GANDHI

Enclosure to No. 176
Mr Gandhi to Mr Jinnah

NEW DELHI, 13 June 1947

Dear Qaide Azam,
His Excellency the Viceroy writes saying that 'you will gladly accept my
suggestion and put the case of Pakistan to the leaders and the people there,
provided I can obtain an undertaking from the Congress that they will not
interfere'.

I do not know what you mean by the undertaking from the Congress that
they will not interfere.

2 See No. 139, para. 2.

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Mr Jinnah to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/151: ff 163–4

10 AURANGZEB ROAD, NEW DELHI, 13 June 1947

Dear Lord Mountbatten,
I am enclosing herewith Mr. Gandhi's letter received by me to-day and the
reply I have sent to him immediately.

Yours sincerely,
M. A. JINNAH
Enclosure to No. 177

[There follows a copy of the Enclosure to No. 176]

Mr Jinnah to Mr Gandhi

NEW DELHI, 13 June 1947

Dear Mr. Gandhi,

I am in receipt of your letter of 13th June and I thought it was quite clear what I meant that the Congress should undertake that they will not interfere with the people of the Frontier in any way whatsoever.

Yours sincerely,

M. A. JINNAH

Giani Kartar Singh to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Sikh Problem, Part II(a)

NEW DELHI, 13 June 1947

Dear Lord Mountbatten,

I had the honour of an interview with your Excellency early in June.1 During that interview your Excellency was pleased to suggest that it would be better if I send to you in writing my suggestions concerning safeguards for the protection of Sikh interests in the two parts of the Punjab Province and in other spheres. It would be premature to say anything at this stage regarding safeguards for the Sikhs in Western Punjab. Due to terrible happenings since March, 1947, in Rawalpindi and Multan Divisions over a lakh of people have come over from those areas to the Eastern Punjab. Before the demarcation of the boundary line nobody can say as to how much of the Sikh population will remain in the West Punjab. Furthermore, as mentioned by your Excellency in your Broadcast speech on 3rd June,2 the exact degree of the split of the Sikh community is yet to be determined by the Boundary Commission and we trust that under your Excellency’s directive the Boundary Commission will devise ways and means to maintain the integrity and solidarity of the Sikh community in the Eastern Punjab.

In this set up I venture to make a few suggestions as regards safeguards for the Sikhs in the Eastern Punjab:—

1. In the present constitution the Sikhs have separate representation and weightage in the Legislature and there is the special responsibility of the

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1 See No. 91, para. 26.
2 No. 44.
Governor General and the Governor about the protection of the Minorities. We wish your Excellency to use your good offices with the Congress to give adequate weightage to the Sikhs in the new constitution in the Eastern Punjab.

2. Your Excellency remembers that in the Cabinet Mission Scheme there was a provision that in the future legislatures at the Centre any question raising a major communal issue shall require for its decision separate majority of votes of the members present and voting of the two major communities. We want a similar safeguard for the protection of Sikh interest in Central and Provincal Legislatures on any major communal issue affecting the Sikhs.

3. The third point is the representation of Sikh community in the Legislatures of Provinces other than Eastern Punjab. To take one illustration, in U.P. the Sikhs are over twice as numerous as the Indian Christians. The Indian Christians enjoy representation in the Legislatures of U.P., but the Sikhs go unrepresented.

4. Similarly questions of weighted representation for the Sikhs in the Central Legislatures will come up before the Constituent Assembly. The Sikhs trust that in all the matters referred to above, they have the sympathy of your Excellency.

Yours sincerely,
KARTAR SINGH

*On 24 June Commander Nicholls wrote to Giani Kartar Singh informing him that Lord Mountbatten would be pleased to discuss the points raised in his letter and asking whether he would like Baldev Singh to be present at the interview. For a note of the interview: see No. 417.*

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*Field Marshal Sir C. Auchinleck to Sir E. Jenkins*

*Telegram, R/3/1/91: f 2*

IMMEDIATE

DEFENCE DEPARTMENT, 13 June 1947, 11.20 am

SECRET

Personal for Governor from C.-in-C. Your 1126-G 10 Jun' read 12 Jun. Quite realize troops have been thin on ground in relation to area and scope of disturbance but this has been unavoidable owing numerous other commitments largely in Punjab and difficulties of rail movement. 80 Inf Bde now in process of taking over responsibility for Gurgaon operations and hope this will improve matters especially as reinforcements should be available from Delhi
District. Situation seems to be under control at present from military point of view though we quite realize trouble may increase and spread.

1 No. 137.

180

Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma (Extract)

Mountbatten Papers. Official Correspondence Files: Punjab, Part II(a)

SECRET

GOVERNMENT HOUSE, LAHORE, 13 June 1947

NO. 681

Dear Lord Mountbatten,

Many thanks for Your Excellency's message No. 1419-S of 12th June1 which I received this morning by the I[ndian] N[ational] A[irlines] Service.

I will deal with Mamdot tomorrow as Your Excellency desires. But I am sure you will agree that the grievance—if there is one—is not solely a Muslim grievance and that if the personnel of the expert committees is to be changed to suit the politicians this must be done in consultation with the leaders of all parties. The Sikhs, for example, have only one representative among the official experts—the Legal Remembrancer, who happens at the moment to be a Sikh.

It would be possible to add to the membership of the committees provided that the additional members selected for their political views do not supersede officials senior to them and that I am not expected to upset the whole administration—particularly the law and order side of it—to please the politicians. If Mamdot accepts, in his conversation with me, the appointment of additional members, I will endeavour to form the Partition Committee as soon as I can and will then put the point to all the leaders.

1 No. 169.
181

Sir O. Caroe (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/170: ff 46-7

SECRET AND PERSONAL

(Government House, Peshawar 13 June 1947)

Secret and Personal

Dear Lord Mountbatten,

Many thanks for your kind letter of the 12th June. I enclose a letter almost exactly in the terms of Your Excellency’s draft. I have written “I have been considering” at the opening—the other suggested the initiative was not mine—and have included a slightly smug bit about personal considerations not counting. I hope these small amendments are suitable: if not, please cut them out in the published correspondence.

Possibly things may in the end turn out as you suggested in your first letter: in many ways I do not wish to exclude the hope, if it means I can work with and under you again in rather a happier atmosphere.

Your draft letter is in kind and thoughtful terms. I hope it may be dated a little later than mine to avoid an appearance of too obvious planning, if this is permissible.

I rather think my wife and I will go for a short time to Kashmir, as there is a lot of packing to do, and she can’t do it in this weather—and then home about mid-July. If we can see you and Lady Mountbatten before we leave, we most certainly shall.

I don’t want you to feel that I am in any way sore about this affair.

Yours sincerely,

O. K. Caroe

P.S. I will expect Lockhart on 24th June, but will say nothing until I know the letters are published.

Enclosure to No. 181

Sir O. Caroe (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

SECRET AND PERSONAL

(Government House, Peshawar 13 June 1947)

Dear Lord Mountbatten,

I have been considering my position in regard to the vital Referendum which is shortly to be held in this Province. As you know, allegations have been made to the effect that I am not impartial, and that I would favour one party at the
expense of the other. I think you realise how unfounded these allegations are, but I believe there may be wider political considerations which would make it desirable that, just as the immediate conduct of the Referendum is to be by entirely independent British military officers of the Indian Army, so the Governorship of the Province during this time should be in new hands.

It is with the greatest regret that I make this suggestion, for I am devoted to the North West Frontier Province and its people, and I believe that I could help them. But in the larger scale personal considerations count as nothing, and, if my presence⁷ here causes the slightest suspicion about the conduct of the Referendum, I would like to take leave and let someone else hold this post until the transfer of power.

I, therefore, request that I may be allowed to go on leave for this period of about two months, and, if this is approved, I suggest that an officiating Governor should be appointed as soon as possible.

Yours sincerely,

O. K. CAROE

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Letters to and from the Secretary of State

PRIVATE AND TOP SECRET

INDIA OFFICE, 13 June 1947

Dear Mountbatten,

Thank you for your letter of 5th June¹ enclosing Personal Report No. 8,² which I, and I am sure all my colleagues, have read with the keenest interest. I have also been most interested to read the full records of your crucial meetings with the Party leaders and with the members of the States' Negotiating Committee.³ It is clear that you achieved a tactical success by at once bringing the leaders up against the administrative consequences of partition.

2. On receiving your telegram No. 1348-S of 7th June⁴ about the proposed Arbitral Tribunal, I at once approached the Lord Chancellor about a possible

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¹ No. 90. ² No. 91. ³ Nos. 23, 39 and 43. ⁴ See No. 135, note 1.
It seems that, apart from any other consideration, the members of the Judicial Committee of the Privy Council are all ruled out on account of age since 60 ought, I think, to be regarded as an absolute maximum and 55 would probably be the optimum age. As you doubtless realise, the pressure upon High Court Judges at the moment is very heavy and the Lord Chancellor can hold out no hope of one being made available for your purpose. An approach is, however, being made to Sir Cyril Radcliffe who would, I think, fill the bill admirably. Apart from his great legal abilities, he has just the right personality and acquired during the war administrative experience which would be likely to be of great assistance to him. Of course, he may well feel unable to leave the Bar, even temporarily, so soon after returning to it, however worthwhile your job can be made to appear, but there is just a possibility that he might be attracted by it.

3. I am also having the question of the manning of the Boundary Commissions, raised in your telegram No. 1364-S, looked into and the suggestion about U.N.O. taken up with the Foreign Office. Clearly, the handling of this Boundary Commission business is going to be of crucial importance. It seems as if the Sikhs may try to get back at the Boundary Commission stage some of the ground which they surrendered over the announcement of policy. It is to be hoped that the staking out of claims, as, for example, for the River Chenab line, in advance of the findings of the Boundary Commissions will not get out of hand since, once claims of this kind have been staked out, withdrawal is apt to prove difficult without loss of face.

4. I was interested in what you say in paragraph 30 of Personal Report No. 8 about Suhrawardy’s plans for the economic development of Eastern Bengal. It looks as if Eastern Bengal will be a pretty poor show economically and will require a good deal of development economically if it is to live. I am not surprised that American businessmen should already be making offers to Suhrawardy, because it is their tendency in fluid conditions, such as obtain at present in India, to make such offers, in order to get their foot in on the ground floor, but without necessarily having any intention of carrying the matter through. Doubtless the interest which American businessmen are now taking in India generally will be reflected in a certain number of orders, availability of dollars permitting. But British exporters have great advantages, flowing from their long connection with India, the organizations which they maintain there, and the fact that the Indians are accustomed to their products. They are tending to mark time at present but I think that we shall find that when they talk business they will do so seriously. We shall have to consider in due course what encouragement we should give them to help build up Pakistan economically to enable it to stand on its feet. I agree that the matter is one for Shone to handle.
5. I was a little surprised to see Ismay’s telegram to Monteath No. 1354–S about Caroe.\(^7\) When I mentioned the matter to you at Northolt,\(^8\) I understood that the Prime Minister did not wish any action taken in the matter for the time being. I can quite understand, however, that, if the public agitation for Caroe’s removal had subsided, you consider it politic in all the circumstances to meet Congress criticisms on this score and, in particular, to forestall any allegation that a referendum conducted under the local direction of Caroe would not be carried out with complete impartiality. I have already obtained the Prime Minister’s consent\(^9\) to my approaching the Palace with a view to obtaining the King’s informal approval and I shall hope to be in a position to telegraph to you within a day or so. At the same time I feel very strongly, and the Prime Minister agrees with me in this, that it would be most unwise that Caroe should be allowed to resume the Governorship of the North West Frontier Province if he once relinquishes it. Surely such action would be taken as implying that we ourselves believe that Caroe is prejudiced in favour of the Moslem League and therefore ought not to be in office during the holding of the referendum.

6. The Prime Minister recently held a meeting\(^10\) of the Ministers concerned to discuss the future of the India and Burma Offices. As a result of the meeting Sir Edward Bridges was instructed to arrange for the preparation of a detailed scheme for the establishment of a Commonwealth Relations Office to which would be assigned, not only the duties at present entrusted to the Dominions Office, but also the affairs of India, Burma and Ceylon, if those countries, on attaining their independence, desire to retain a link with the Commonwealth. It was recognised that it would be possible, and probably necessary, to provide, within the new Department, for what would in effect be separate sub-departments to carry out our special responsibilities to India and possibly Burma, which for some considerable time would be likely to differ in many ways from any which we have to exercise in respect of other countries, whether within or without the Commonwealth.

7. All concerned here have been pressing ahead as fast as possible with the preparation of the draft Indian Dominions Bill. According to present plans, the draft Bill will be considered by the India and Burma Committee on Tuesday morning next, a copy being sent to you before the week-end\(^11\) so that you may have it available by the time that the views of the Committee reach you by telegram. The time-table in regard to the Bill is of course going to be very tight indeed and great care will be required at every stage to ensure that nothing is allowed to upset it.

8. You will remember that at the meeting of the I. & B. Committee on

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\(^{5}\) No. 135. \(^{6}\) No. 120. \(^{7}\) No. 106. \(^{8}\) Vol. X, No. 417, note 2.

\(^{9}\) No. 148 and its note 5. \(^{10}\) No. 31. \(^{11}\) See No. 189.
22nd May, at which you were present, it was agreed that, on the grant of Dominion status to one or more successor States in India, the offer of facilities for Indian Officers to attend the Imperial Defence College and the Joint Services Staff College should be renewed. This matter has been taken up with the Ministry of Defence who have been consulted at the same time about the possible renewal of the invitation to India to attend the Commonwealth Advisory Committee on Defence Science and on the subject of the disclosure of classified information to India. I have asked that these matters should be approached with the desire to do everything possible to convince Indians of the advantages to be derived from membership of the Commonwealth.

9. You may care to know that of late we have rather gone out of our way to keep in close touch with the "Joint Committee on India" which is a co-ordinating body for British commercial and industrial organisations with interests in India. It seemed very desirable to let the Committee feel that they were being given the opportunity to express their views while the draft Bill was still in a fairly fluid state and I am glad to say that Stafford Cripps has agreed to be with me tomorrow when a deputation from the Committee is calling on me.

10. I am very glad that it has been possible to obtain the agreement of the Foreign Office and the Prime Minister to the Government of India’s scheme for a temporary Indian diplomatic establishment in London to handle India’s relations with a number of smaller countries in Europe. Krishna Menon was able to see both McNeil and Bevin on this question when he was over here and I have just sent a telegram to Nehru conveying H.M.G.’s agreement.

11. In paragraphs 9 to 12 of your letter of April 24th you referred to the Nagas and to Clow’s pamphlet on “The excluded and partially excluded areas of Assam”. The problem of these areas is very similar to that of the frontier areas of Burma; and there is some resemblance between the suggestions in Clow’s pamphlet and the observations in Part III of Chapter III of the report of the Burma Frontier Areas Committee of Enquiry. I enclose three copies of this report, and suggest that you may like to send one to Hydari. The report would probably also be very useful to the Sub-Committee of the Advisory Committee of the Constituent Assembly which is dealing with the future administration of the tribal and excluded areas.

12. Talking of Burma, it now looks very much as if the Burmese are going to shun the Indian example and decide for complete independence outside the Commonwealth. Whilst this decision is of course greatly to be regretted, it has to be recognised that it is probably due to the fact that the Burmese rank and file are completely ignorant of the meaning of Dominion Status which they regard as an inferior brand of independence and that the leaders of A.F.P.F.L.,
who probably themselves would prefer that Burma should remain inside the Commonwealth, do not feel certain enough of their position to give a firm lead in that direction. Certainly, if the result of their endeavouring to do so was their own overthrow and the coming into power of the Communists, we should have still greater cause for regret.

13. I was very glad to hear that Mr. Jagjivan Ram would be visiting this country on his way to Geneva and you can rest assured that we will do all we can to make his visit a success. I shall greatly look forward to meeting him myself. This week I have seen General Savory, the Nawab of Bahawalpur and Mr. B. C. Roy.

Yours sincerely,

LISTOWEL

12 Vol. X, No. 517, Minute 5. 13 See L/WS/1/1070.
14 See L/E/8/4123 for a record of this meeting which in fact took place on 13 June.
15 Papers on this subject are on L/P &S/12/4633.

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The Earl of Listowel to Mr Attlee

L/P&E/J/10/141: f 173-6

INDIA OFFICE, 13 June 1947

Prime Minister,

Please see the letter¹ from the Viceroy of which a copy is attached.

2. In the draft Bill² which I am circulating for consideration by the India and Burma Committee on Monday it is provided in Section 5 that there shall be two appointments of Governor-General, that these may be held by the same person, and that until another appointment is made the existing Governor-General shall hold both appointments. Thus, Mountbatten would remain in office until Hindustan or Pakistan asked for someone else to be appointed.

3. I do not think it would be appropriate for Mountbatten and the Governors to tender their resignations to The King on the day of the transfer of power. It is not necessary to elaborate the possibilities; but unless The King refused to accept the resignations or there and then re-appointed them there would be no Governor-General, and no one who could act in that capacity, and every Executive in India would be headless simultaneously. I appreciate, however, Mountbatten’s desire that the Indians should feel that whoever is Governor-General or Governor is publicly known to be so by their own wish. I think

¹ No. 79. ² See No. 191.
therefore that we should be at pains in the debates on the Bill to make it plain that all these appointments will be filled in future on the advice of Indians. On or before the appointed day the Governors might impress upon their Ministries that if they wish when the appointed day is reached to advise the Crown to make a new appointment of Governor they are entirely free to do so and that the present Governors will be only too ready to give way to their new nominee. The Governor-General might similarly make it plain to those who are most likely to control the affairs of Hindustan and Pakistan that he is also willing to withdraw at any time on their request. Suitable publicity could be given to the fact that this had been done.

4. The Viceroy gave us to understand when he was here that the Congress had already expressed their willingness that he should continue as Governor-General. If the Muslim League were also willing there would seem to be much the best prospect of a rapid and peaceful division of functions if Mountbatten remains as an impartial counciliator who can bring people together and force common sense upon them. I do not suggest that he should act as arbitrator in disputes, but there may be occasions on which the Indians, while unable to agree, will accept something virtually imposed by him, as they have done in effect over partition and other matters. In short, I think we want the Governor-General to stay on for a time, but I think if he actually resigned and the Indians were forced to make a new nomination themselves they might find it difficult to ask that he should be re-appointed.

5. You will no doubt wish to discuss this subject on the relevant clause of the Bill at the meeting on Tuesday. I have referred to it in the Memorandum (I.B.(47)100, paragraph 4(i)).

LISTOWEL


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Major Adeane to Mr Attlee

L[P&E]J/10/133: f 100

BUCKINGHAM PALACE, 13 June 1947

Dear Prime Minister,
The King has considered the points raised in your letter of the 12th June, which I laid before His Majesty this morning.

His Majesty entirely agrees with the course which you suggest in paragraph 3 of your letter, in which you propose including a clause in the India Dominions
Bill declaring that the United Kingdom Parliament has given assent to the omission of "Indiae Imperator" and "Emperor of India" and to the issue of a Royal Proclamation for this purpose.

The King also approves your suggestion of informing the Prime Minister of each Dominion of what is proposed, before the India Dominions Bill is introduced, but His Majesty wishes me to point out that this may well be the occasion for some of the Dominions to raise the question of further changes in the Royal Title to conform with their several views on the divisibility of the Crown. The King hopes that any such discussion may be avoided at the present time.2

Finally The King agrees with your proposals contained in paragraph 5 for dealing with the Indian Crown. That is to say that the Crown should be retained here for the time being on the understanding that it would be available for use in India on the occasion of a future Royal Visit while India remains in the Commonwealth.

I am,

Yours sincerely,

M. E. ADEANE

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1 No. 164.
2 Mr Attlee acknowledged this letter on 16 June, remarking that in his telegrams to Dominion P.M.s (see No. 203) he had suggested that discussion of any recommendations for further modifications in His Majesty’s title could not well be undertaken before the India Bill had been passed. L/P &J/10/133: f 101.

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Viscount Jowitt to the Earl of Listowel

L/P &J/7/12500: ff 93-4

SECRET AND CONFIDENTIAL

HOUSE OF LORDS, S.W.1,
13 June 1947

Dear Listowel,
I think I told you that on Wednesday I saw Cyril Radcliffe to sound him about his willingness to go out to India to fulfil the role which the Viceroy suggested. I read to him the telegram2 from the Viceroy: I did not read to him your letter to me:2 but I did warn him that he might have to stay very much longer than the six months indicated in the telegram.

1 No. 135, note 1.  
2 No. 135.
He came to see me to-day, having thought the matter over in the meantime, to tell me that he was so impressed with the importance of the task that he was prepared to undertake it, subject to certain considerations which I will mention.

I want you to understand the position which he occupies at the Bar. I do not know what his precise income is, but I should think he is making at least £60,000 a year and could, without very much difficulty, make much more if it were worth his while. Further I want you to realise that in my considered judgment he has in a pre-eminent degree all the qualities that are needed for this great task which no one else has. And further, if he were to retire from the Bar definitely he has a strong inducement from the income tax point of view, for fees paid in respect of earnings at the Bar after retirement are exempt from both income tax and surtax. For instance, if he were to retire he could collect all his outstanding fees—probably about £50,000—and not incur any obligation to pay tax thereon. Yet the circumstances of this offer and the possibility that he would not be wanted for more than six months make it impossible for him to retire from the Bar, so that this income tax inducement does not apply in his case. You will therefore see, if he does go out, that so far as the money side of the matter is concerned he places us under an immense obligation to him. I do not think the amount of the salary which he is to receive matters very much: I should suggest £5,000 a year as this is the mark of the status he is to have. But what he does want may be summed up under the three heads—travel, accommodation and living allowances.

With regard to travel, arrangements must be made so that his wife and her boys can from time to time whenever possible come to visit him and the expense of this travel must be without cost to him.

Secondly, he must be provided with suitable accommodation in India so that he and his wife and boys when they join him must be able to live in comfortable style without expense to him.

Thirdly, living allowances must be paid to him.

These terms may seem considerable, but if you are asking a man in his position to undertake a job of this nature you must be prepared to do these things handsomely.

There is one other matter and that concerns the Privy Counsellorship. I think I told you that I had a word with the Prime Minister about this who thought it was a good idea and eminently suitable; moreover, it gives him the requisite status for the important job he is to do. I think we should be able to tell him that this will be done.

Perhaps you would like to get him to come and see you and talk over these points, but, if I may say so, for God’s sake—if you want him—don’t hesitate to make your people agree to the arrangements I have suggested about travel, accommodation and living expenses. If you want a bargain, bargain about
salary and it may be that he would go out for no salary at all. Anyhow, he says he does not regard that as important.

Yours,

JOWITT

P.S. I suppose you'll be discussing everything with Mountbatten.

J

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Group Captain Stapleton to Sir D. Monteath

L/P&E/J/10/120: f 3

TOP SECRET    MINISTRY OF DEFENCE, GREAT GEORGE STREET,
               S.W.1, 13 June 1947

Dear Sir David Monteath,

I am writing with reference to my letter (COS. 1462/6) dated 22nd November, 1946, concerning the military considerations of a future Treaty with India.

2. At their meeting this morning, the Chiefs of Staff referred briefly to a draft of a Bill to make provision for the setting up in India of two independent Dominions and for other matters consequential or connected with the setting up thereof.

3. At first sight, this draft Bill did not appear to conflict with any of our military requirements. The Chiefs of Staff note that it is not concerned with details of our military requirements, nor does it provide a “card of re-entry” enabling us to retain contacts for negotiating our future military requirements.

4. The Chiefs of Staff are anxious that provision should be made for our military requirements, and they will be grateful to be advised by the India Office on how negotiations concerning these requirements are to be conducted.

5. The Chiefs of Staff’s views on our military requirements referred to in my above quoted letter, were set out, you will remember, in General Hollis’ letter to you (COS. 1213/6) dated 4th October, 1946. In addition they wish me to inform you that they will shortly be reporting to the India/Burma Committee about the withdrawal of British troops from India.

Yours sincerely,

STAPLETON

1 See Vol. VIII, No. 537, note 3 (the letter was in fact signed by Lieutenant-Colonel Haddon).
2 Not printed.                3 No. 191.                4 Vol. VIII, No. 408.
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Chiefs of Staff Committee

Joint Planning Staff. Paper J.P.(47)87 (Final)

L/WS/1/980: ff 74-5

Laccadive Islands

Report by the Joint Planning Staff

Ministry of Defence, S.W.1, 13 June 1947

As instructed, we have examined the question of the retention of the Laccadive Islands by H.M.G. in the United Kingdom.

2. These islands which are sparsely inhabited coral strips assume strategic importance from the air point of view if we find we cannot retain all the facilities we require in India. In such circumstances they would be essential for our air reinforcement and transport route to Australia, New Zealand and the Far East.

3. The Navy have had no requirements in the Laccadive Islands in the past and do not foresee any in the future. In all the islands there are only open anchorages which cannot be used during the South-West monsoon.

The Army have no requirements in the islands.

Air Transport Route

4. On the assumption that we cannot use India, the only practicable route to the Far East is through Ceylon. From Ceylon eastwards we have the facilities we need assuming that we can continue to rely on the use of the Andaman and Nicobar Islands which are excluded from the transfer of power to the successor Indian Governments by the provisions of the draft India Bill.

5. Between Masirah Island and Ceylon, a distance of 1680 miles, present facilities are inadequate. Firstly, there is an existing gap of 800 miles in the network of navigational aids. These can be partly closed by putting more powerful beacons at Masirah and Ceylon, but even then the route could only be used by our most experienced crews and the margin of safety, even in their case, would be very small.

Secondly, there is no provision for emergency landings which must be planned for on so long a leg.

The same considerations apply to the route between Aden and Ceylon which may be developed.

6. We can only provide adequate navigational aids and an emergency landing strip by making use of the Laccadive Islands. Without them regular air
communication to the Far East would be entirely dependent on the continued and full-co-operation of the Indian authorities.

Conclusion
7. Since we cannot assume that the successor States in India, even if they remain Dominions, will give us continued and full co-operation in the provision of the necessary facilities for the air transport route to the Far East, we must re-ensure by means of an alternative.

The only alternative is the retention of the Laccadive Islands.

We therefore conclude that legislative provision should be made for the transfer of the Laccadive Islands from the Government of Madras to the Administration of H.M.G. in the United Kingdom.

Recommendation
8. We recommend that the Chiefs of Staff should submit this paper to the Minister of Defence as a brief for his use at the Ministerial Meeting on Tuesday, 17th June.

J. F. STEVENS
G. H. MILLS
R. H. BARRY

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Cabinet

India and Burma Committee. Paper I.B.(47)99

L/P&J/10/81: ff 252–4

INTERNATIONAL STATUS OF THE INDIAN DOMINIONS
MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, 13 JUNE 1947

I have already circulated to my colleagues copies of the Viceroy’s telegrams of 9th June, Nos. 1358–S and 1368–S1 in which the question is raised of the future international status of the two new Indian Dominions but copies are attached for convenience of reference. The claim by Pandit Nehru that Hindustan will automatically succeed to the position of India as an international entity is, of course, part of a general claim by the Congress Party that the majority of India which will adhere to the existing Constituent Assembly is the legitimate heir of the present Government of India in all spheres and that Pakistan is merely a seceding minority. This claim is, naturally enough, contested by Mr. Jinnah

1 Nos. 115 and 116.
who seeks to establish, I gather, that what is now being done is the creation of two new States, neither of which can claim to be the successor of India in the international sphere and each of which will therefore have to secure recognition separately as a member of the family of nations.

2. The decision in a matter of this kind does not depend entirely on action taken by the United Kingdom Government and Parliament, since the position of the two new Dominions in regard to U.N.O. and other international bodies must be determined by the recognition accorded to them by the member States. On the other hand, the form in which our legislation is drafted, though not necessarily conclusive, would clearly have an important bearing on any decision reached. It is, therefore, important that the Bill should be framed in such a way as to lead to the inference that it is desired that the United Nations should draw.

3. I am advised that Clauses 1 and 2 of the draft Bill certainly lead to the inference that Hindustan (which is to be known as "India") continues the international personality of India, and that Pakistan is an off-shoot. If it were desired to do so, it would be possible to make this even more clear by altering the language. On the other hand, if it were desired to support the Muslim League view that two new States are created, then the Bill would have to be altered and would have to be drawn in a form which clearly leads to that inference.

4. I think that there is considerable force in the Viceroy's opinion that far greater difficulties will be encountered from the Congress Party if their contention is not accepted than from the Muslim League if we adopt the Congress Party's view. Apart from the majority argument and the fact that all the existing representatives of India in foreign countries and on international bodies have been nominated by Nehru as External Affairs Member of the Interim Government, there is the further consideration that Hindustan will, at least at the outset, take over the machinery of the Central Government that is concerned with external relations and will be able to function de facto as the successor Government.

5. Moreover, there can be no doubt that, whichever way the decision goes between the two points of view, Pakistan will have to establish its claim to international status and to seek election as a member of U.N.O. and other international bodies. If it desires representation in foreign countries it will have to take separate steps to secure the agreement of the Governments concerned for the exchange of diplomatic and consular representatives. It would seem therefore that the only result which the establishment of two States would bring about would be to deprive Hindustan of the right to claim a title to membership of U.N.O. and other bodies as India's successor, without thereby
making it any more certain that Pakistan would secure international recognition.

6. If, for example, Hindustan were to establish its title to continue the existence of India as an international person by securing the acceptance of a Hindustan Delegation at the U.N.O. Assembly in September as the representative of the former member India, this would not prejudice Pakistan’s right to apply separately for membership. There might, of course, be difficulties with the U.S.S.R. on the Security Council and, if it appeared that Pakistan was intending to remain within the British Commonwealth, this opposition might be more formidable; but even so I think this is a risk which must be accepted and I do not think that Pakistan would very greatly improve her chances of election merely by the fact that she would be applying concurrently with Hindustan.

7. The Treaty position to which the Viceroy refers in paragraph 6 of his telegram is rather less simple than he represents it. I understand that the position is that if Hindustan continues India’s international personality, she will prima facie inherit all India’s Treaty obligations (save those which can only be carried out in territory not belonging to Hindustan or under her control); whereas, if two new States are created, the obligations of the former India, in general, lapse and need to be re-negotiated and only those would automatically remain which—such as boundary treaties—are essentially and in any event associated with the territory of one or other of the two new Dominions. While this would be the legal position, His Majesty’s Government in the United Kingdom (who will have brought about the change in the situation) would not be relieved in either case of their political duties towards foreign States to ensure that the Treaty position is made politically and practically satisfactory. It will still, I am advised, be incumbent on us, particularly as the new States will continue at least for a time within the Commonwealth, to see that the Treaty position is regularised. I feel that we cannot disregard the precedents set when the senior Dominions established themselves as separate international entities. The steps to be taken in this regard by or on behalf of the new Governments when they are established would, however, be less if one of them continues the existence of India than if two new States were to be created.

8. On balance, the advantage would seem to lie, so far as concerns the international position, in adopting the Congress doctrine and accepting Hindustan as the successor of the former India. (It would be consistent with this and internationally, no doubt, would somewhat simplify the matter, were Hindustan to be known, as Congress desire, as “India”; but this, as is evident enough even in the Bill, entails much opportunity for confusion as to the
meaning of the word "India" in different contexts—and outside the Bill the opportunities would be multiplied). But I must point out that though the advantage lies as indicated for purposes of international position, the adoption of Hindustan as the entity taking the personality of India involves, in relation to property, a result unfair to Pakistan; in fact, on that basis, Hindustan succeeds automatically to all property outside India now owned by the Governor-General of India in Council such as India House in London and the Legation buildings in Kabul and Katmandu, even though such property has been acquired or created out of monies contributed pro rata by the Pakistan portions of the former India. It may be that this result might be mitigated by Orders passed by the Governor-General under clause 8 of the Bill; but it might be the more difficult for him to do so if it were held that, as the continuing personality, Hindustan had a legal right to the property.

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Mr Turnbull to Mr Abell

R/3/1/153: ff 70–3

SECRET

INDIA OFFICE, 13 June 1947

My dear George,

I am sending you in two consignments by today’s air mail and the next one 20 copies of the draft Bill.¹ This has been evolved by the India Office and Parliamentary Counsel in consultation with some other Departments, where concerned, and has not been approved in any way by Ministers at present. It will be taken by the India and Burma Committee on Tuesday, 16th June,² and we shall telegraph their views to His Excellency as soon as possible thereafter. We hope that you will receive the Bill more or less simultaneously with the Committee’s views. The Committee will of course not take any final decision pending the receipt of H.E.’s views.

I would draw your attention particularly to the extreme secrecy of the clause about the Andamans. The Committee will consider on Tuesday the question whether Indian politicians should be consulted on the terms of the Bill as His Excellency suggested in a recent telegram.³

I enclose a note which explains some of the points on which you may otherwise be mystified. It does not purport to be an exhaustive commentary, because I have been too pushed with the Bill itself and a memorandum⁴ for Ministers on the subject.

Yours ever,

FRANK TURNBULL

P.S. ¹. Since dictating the above Mr. Henderson and the Secretary of State
have had a discussion with us on the Bill. They thought it should be made clear to His Excellency that the use of the words "Secretary of State" in certain passages in the Bill, notably in Section 13, does not mean the Secretary of State for India will continue in being. "Secretary of State" in Acts of Parliament means any Secretary of State and will in this case be whatever Secretary of State is in charge of the relations of H.M.G. with India.

2. Timetable. To get this Bill through this Session we must introduce it on the 7th July without delay. Time must be allowed at this end for final consideration by the India and Burma Committee in the light of H.E.'s comments, redrafting in the light of their consideration, consideration of the final draft, Cabinet approval, and printing. Assuming that you receive this not later than Wednesday the 18th, I think we must ask to have His Excellency's comments not later than Wednesday the 25th. Comments on detailed points of drafting might perhaps be received up to Saturday the 28th, but comments on principles which will have to be considered by Ministers must, I calculate, be circulated to Ministers on Friday the 27th at latest, for consideration on the 30th June, and this will only leave us a week for finalising. There may be points on which we shall have to refer to you again. If you could arrange to let us have His Excellency's comments earlier, of course, that will be a great help, especially if they are major points of principle.

Enclosure to No. 189

NOTE ON THE DRAFT BILL

This note is confined to a brief commentary on points which may not be readily intelligible at a first reading of the Bill.

1. Section 2(1). This includes in Hindustan all territories under the sovereignty of His Majesty immediately before the appointed day except those included in Pakistan. It should be noted that the Andamans will under Section 16(1) cease to be part of India by Order-in-Council from a date before the appointed day and are therefore not swept up in Section 2(1).

2. Section 3(2). Assurance is particularly desired from India as to whether this Section correctly expresses the intention, i.e. are all the representatives concerned returned by constituencies within the Sylhet District.

3. Sections 2 and 3. It will be noted that, while, in deference to Congress, Hindustan is entitled India, the same principle has been applied to Bengal and the Punjab where the Muslim part of the Province continues to be called Bengal and the Punjab and a new area is called Western Bengal and Western [Eastern] Punjab.

1 No. 191. 2 See No. 244; the date should be 17 June. 3 No. 115; see also No. 172. 4 No. 190. 5 Words in italics underlined in original.
4. Sections 3(3) and 4(2). Is it agreed that decisions on the Boundary Commission's report shall be taken by Order of the Governor-General prior to the appointed day and by agreement between the two Indian Dominions thereafter?

5. Sections 5(1) and (2). The Dominions Office have represented that it is a sine qua non of Dominion status that there should be a Governor-General appointed by His Majesty. These two sub-sections enshrine this principle. Section 5(2) and (3). The intention is that the existing Governor-General should continue in office until Pakistan or Hindustan ask for a new one. It is not stated in the Bill because this would not be in accordance with constitutional practice, but it follows from the description of the two new States as Dominions that their Governors-General are appointed by the Crown on advice.

6. Section 6(1). See sub-sections 6(6) and 21(3). It is the main conception underlying this Bill that complete legislative authority is given to the legislatures of the Dominion as affects their own territory, whereby they can do anything including amending the provisions of the Government of India Act, 1935 which remain in force and amending the present Act. The present Act, however, remains valid in its operation as part of the United Kingdom law irrespective of what the Indian Dominions do. It is this fact which constitutes the essence of the transfer of power and is the reply to any suggestion that other provisions in the Bill convey something less than full Dominion status. Section 6(3) removes the existing provisions about the reservation of legislation for P.[H.]M.'s pleasure.

Section 6(4) follows the Statute of Westminster position that the United Kingdom Parliament legislates only at the request of the Dominion. Section 6(7) is inserted to show that the Constituent Assembly for each Dominion can constitute a Federation by voluntarily limiting its own power as Legislature and giving autonomy to the Provincial Legislatures. Meantime the existing Provincial set-up carries on under the existing Act modified as in Section 9(2).

7. Section 7. These are declaratory provisions. 7(1)(c) was inserted to meet the position of the Tribal areas on the North-West Frontier. The Statement of June 3rd says that new agreements will have to be negotiated. Since, however, the Tribal areas are not within the definition of Pakistan in Section 2(2) and are yet part of India as defined by the Government of India Act, 1935, there might without this sub-section be a claim by the Hindustan Government to exercise jurisdiction and to be regarded as the successor to the existing agreement with the Frontier Tribes. It was not thought necessary to say anything about the North-Eastern tribes because they have not got agreements.

8. Section 8. This is the provision designed to enable the Governor-General to take steps for the dividing up process both in Provinces and at the Centre. 8(2)(a) and (c) in particular were intended to provide for the proposed Joint
Delegations. Since, however, it is impossible for anything to be forced on Indians under this Bill unless they are prepared to agree or acquiesce in it, it was felt to be useless to impose any duties on the Governor-General in this regard. You will observe that nothing is said as to how powers under this Section are to be exercised, whether on advice or otherwise. Situations may arise in which the Governor-General may find it possible and expedient to proceed without advice, having first ascertained that his decision will be acquiesced in. It is not in any case constitutional practice to say that the Governor-General acts on advice for this is an assumption implicit in Dominion status. So long, however, as the Governor-General is the same person holding the two appointments, he cannot act on conflicting advice and his task presumably will be to try by conciliation to reconcile the two sides or to thrust upon them a via media. But in any case it is clear that Orders about matters affecting both States can only be made either by two Governors-General giving effect to an agreement of the two Governments, or by a common Governor-General receiving the same advice from the Executives of both States. I think you will agree that this Section is the best way of giving effect to the ideas which were discussed in the Cabinet Committee for Joint Delegations and the joint exercise of authority over the undivided field of administration. You will observe that this power of making Orders is conferred only for a period of six months after the appointed day, that it can be taken away any time after the appointed day by legislation of either Dominion, and that any particular Order can also be set aside by the law of either Dominion.

9. Section 9. Particular attention is invited to 9(2)(a), (b) and (c). Consideration was given to the possibility of having a schedule showing the provisions of the Act of 1935 which remain in force. This, however, unfortunately proved an impossible task in the time. It was therefore felt that a generalised provision of this kind is unavoidable and probably also preferable provided that it is made clear that there is no common Central Government over both Indian Dominions and that the discretionary and individual functions lapse. 9(2)(b) was inserted to meet the point which has constantly been made that the Secretary of State's Services cannot be wound up without Parliamentary authority.

10. Sections 10–12 and 3rd Schedule. These have been worked out by the sub-Committee appointed under a Committee appointed by the Minister of Defence to consider the question of the conditions of service of future British officers in the Indian forces. They are technical and you can take it that the Service Department experts are behind them.

11. Section 13. This is probably the most contentious. It was felt on the

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* See No. 134.  
7 No. 45, para. 17.  
8 Government of India Act 1935, Section 311(1).
official plane that it was essential to include something of this kind if the Bill is
to get through unopposed. We are taking away from the Category I per-
sonnel, referred to in the note on the Treaty which H.E. has, the statutory
protection which they have always enjoyed and we have no assurance to give
them whatever. Moreover, H.M.G. have promised to pay compensation and to
settle the matter of incidence with the Government of India. There is no
statutory authority to get the money without such a clause as this. I daresay,
however, that Ministers will have views about this Section which we shall
telegraph to you.

12. Sections 14–18 require, I think, no particular comment. Section 16 is, of

course, based on the decision taken in the India Committee. The effect of
Section 18 is that the Divorce arrangements under the Indian and Colonial
Divorce Jurisdiction Act will come to an end because under a Dominion set-up
the Lord Chancellor cannot nominate Judges and also because European
Judges will no doubt die out. Pending cases, however, will continue until they
are completed. This is understood to represent the views of the Lord Chan-
cellor.

13. Section 19. This abolishes the Secretary of State’s Advisers. Sub-section 2

has the effect of transferring the India Office and its contents to the sole control
of the United Kingdom Government.

14. Section 21 contains important definitions. Please note particularly 21(2)

which governs all references to the "Governor-General" in the Act, 21(3)
which defines the Constituent Assemblies and the definition of the remunera-
tion and pension in 21(4). 21(6) may appear futile but it is essential for some
special point of Parliamentary procedure.

Could you have carefully checked the first two Schedules.

9 See Vol. X, No. 494, Minute 2, No. 545, No. 546 and No. 553, Minute 7.
10 Paper L.B.4742 of 1 April 1947 on the proposed Treaty with India (L/P &J/10/90: ff 12–42) divided
H.M.G.’s responsibility for outstanding Indian obligations into four categories. Category I, which
was the highest category of responsibility, was defined as covering ‘persons whose contracts are
with the Secretary of State or Secretary of State in Council and were concluded in circumstances which
laid a special moral obligation on H.M.G., beyond that arising from their general control of Indian
affairs, and who, also, will remain British subjects’. It was suggested that, among others, members
of the Secretary of State’s Services and European Officers of the Indian Army fell into this category.
11 See No. 190, para. 4(xiii) and its note 8.
I attach for consideration by my colleagues a draft of the proposed India Bill. The aim is to introduce the Bill not later than 7th July. Copies have already been despatched by air to the Viceroy and circulated for comments of all Departments in Whitehall. The Committee's views will be communicated to the Viceroy by telegram. The draft will then be revised in the light of the Viceroy's reply and the views of Departments here and submitted for final approval of the Committee and the Cabinet.

2. The main principle adopted in drafting the Bill has been to confine it to minimum essentials and to avoid dealing with detail. This was necessary:
   (a) To make it possible to complete the drafting of the Bill in time, and
   (b) Because, since there is no means of enforcing the provisions of this legislation upon Indians, it would be useless and deceptive to include any detailed provisions except on matters which can be given effect by His Majesty's Government themselves or on those on which there is Indian agreement.

3. The following is a brief summary of the main provisions of the Bill:
   (a) The setting up in India, as from an appointed day, (viz. 1st October, or such earlier day as may be fixed by the Governor-General) of two Dominions (Section 1), and the definition of their territories (Section 2) subject to subsequent adjustment as the result of Boundary Commissions (Section 3(3), 4(2)).
   (b) The creation before the appointed day of new Provinces by division of Bengal and Assam (Section 3) and the Punjab (Section 4).
   (c) Provision vesting the executive authority in each of the two Dominions in His Majesty, and providing for the appointment of Governors-General by His Majesty. The possibility that at the outset the same person may hold both appointments is envisaged.
   (d) The conferment upon the legislatures of each of the two Indian Dominions thus set up of full powers to make laws for that Dominion and the taking

1 No. 191.
from Parliament of power to legislate for them except by request of the
Dominion concerned (Section 6). This legislative power rests in the Constituent
Assembly of each Dominion until other provision is made by the law of that
Dominion. The Constituent Assemblies are defined in Section 15(4).

(e) A declaratory provision (Section 7) that as from "the appointed day"
His Majesty's Government cease to have responsibility for peace and good
government in any part of India and that the functions of His Majesty in rela-
tion to Indian States shall cease to be exercisable from that day. The assent of the
United Kingdom Parliament to the change in the Royal Title to delete "Em-
peror of India" is also recorded.

(f) Power to the Governor-General to make Orders providing as appears to
him to be necessary for dividing powers, rights, property, duties, and liabilities
between the Indian Dominions and between the new Provinces (Section 8).
Similar powers are conferred on the Governors acting in their individual
judgment under sub-section (3) of Section 8. This power is given to the Gover-
nor-General up to the appointed day and six months thereafter. Orders made
within that period have effect until altered by the law of the Dominion con-
cerned and either Dominion can at any time after the appointed day legislate
to deprive the Governor-General of this Order-making power.

(g) Certain matters in regard to which, in particular, such orders may make
provision are referred to in Section 8(2) and Sections 10 and 13. Of them the
most important is the division of the Indian Army.

(h) Provision whereby the Government of India Act and all Orders and
rules under it continue in force in each Dominion until altered by a Dominion
law, and all law now applicable to British India and its parts similarly continues
in operation (Section 9). This is subject, however, to the discontinuance, from
the appointed day, of any form of control over either Dominion by His
Majesty's Government or by any common central Government.

(i) Temporary provisions as to Pensions and Debt (Section 13). Important
questions of policy arise on this on which I comment below.

(j) Provision for the separation of the Andamans from India (Section 16).

(k) Consequential provisions in regard to the military discipline of British
forces remaining in India after the appointed day (Sections 10, 11 and 12 and
3rd Schedule).

(l) Provision withdrawing jurisdiction in Divorce cases under British Law
from Indian Courts (Section 12) and for adaptation of United Kingdom Law.

4. I now refer to the points to which I think my colleagues should give
particular consideration:—

(i) The Position of the Governor-General
Provision has been made (Section 5) for two appointments of Governor-
General, one for each Dominion, to which the same person may be appointed.
It is also provided that the present Governor-General shall hold both appointments until other provision is made. As both Pakistan and India are defined as independent Dominions, new appointments to the posts of Governor-General will be made on advice of the respective Dominion authorities, though, in accordance with our constitutional practice, this is not stated in the Bill. As regards salary and emoluments of the Governor-General the existing provisions of the 1935 Act and instruments under it continue in force for both appointments until they are altered by the Dominion legislature concerned, subject, of course, to only one salary being drawn if the same individual holds both appointments.

The Viceroy has proposed⁴ that he should tender his resignation to His Majesty on the appointed day and request Governors of all Provinces to do likewise, and has asked whether this is in agreement with the wishes of the King and His Majesty’s Government. It appears to me that the only prospect of any reasonable or orderly partition of India and transfer of power depends on the continued presence for a time at least of Lord Mountbatten and of some at any rate of the British Governors, particularly those in Bengal and the Punjab. I would have thought, therefore, that neither the Viceroy nor the Governors should resign on the appointed day but that they should make it clear to their ministries in Provinces and to the Union leaders at the Centre that it is open to them at any time to recommend to His Majesty to make a new appointment, and add that they personally are entirely willing to withdraw at any time when the Indian leaders desire. In short, I think the onus of securing resignations should be placed on the Indians.

I should like to know whether my colleagues agree with this view.

(ii) Legislative Authority
Each Dominion will have complete legislative authority in respect of its own territory and can repeal or amend the present Bill, the Government of India Act, 1935, Orders-in-Council etc. under it and any existing Indian law. Until they do so, however, this Bill, and the Government of India Act, so far as not inconsistent with it, will continue in force, but explicitly shorn of the safeguarding powers that represent British control (Section 9(2)).

(iii) Executive Authority
The Bill makes no provision for setting up Ministries. This is deliberate. It will be a matter of the de facto position in each Dominion how far the executive power is exercised by the Governor-General solely on advice. It is considered undesirable to make any provision to the effect that the Governor-General shall act on advice because clearly, so long as there is one Governor-General for the two Dominions, he may receive conflicting advice and our conception of his

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⁴ Section 13 is on legal proceedings and has no sub-section (4). Presumably Section 21(3) was intended.
³ Words in italics underlined in original.
⁴ No. 79; see also No. 183.
position is that he will be a conciliator. To prescribe that there shall be Ministries and that the Governor-General shall act on their advice would greatly weaken his position. Thus, until the partition of the Central subjects is complete or until this power is limited by one or other Dominion legislature, the Governor-General will in practice have a position different from that of a Dominion Governor-General. For this reason it seems most undesirable to define his position precisely, and there is good precedent for not doing so since the constitutions of the Dominions do not prescribe that the Governor-General must act on advice.

(iv) Order-making power of Governor-General and Governors

These powers are contained in Section 8. They are conferred to enable Provinces and the Central administration to be divided speedily in the absence of any other common authority. It is under this Section (particularly sub-section 8(2)(b) and (c)) that it is contemplated that the Joint Delegations will be brought into existence. It is considered undesirable to make any more specific provision for them in the Bill because they can only exist and function with the cooperation of Indians and will be primarily of an administrative nature. It will be for the Governor-General in exercise of his power under this Section to set them up and to endeavour to get them to work. We cannot, however, lay a statutory obligation on him to do something which can only be done with the cooperation of two other parties. The power to make Orders has been deliberately drawn widely and important matters in regard to which they may be made have been specified. For the general reasons given above nothing is stated as to the extent to which it is exercisable on advice.

It will be observed that the power to make Orders is limited to the period before the appointed day and six months thereafter. After the appointed day the Orders have effect as part of the law of the Dominion or Dominions concerned but only until other provision is made by laws of the legislature of that Dominion. By sub-section (6) of Section 8 either Dominion can by its own law decide that the power of the Governor-General to make Orders in respect of it shall cease forthwith.

This Order-making power is a special apparatus for assisting the organisation of the partition. Each Dominion can prevent it from being used after the appointed day either in a particular instance or generally. Thus, although this power is—for so long as it is operative—an infringement of the principle that the Governor-General has only the powers of a constitutional monarch, it seems essential to include it in the Bill. The Viceroy has told the Indian leaders that he is not prepared to act as arbitrator, but none the less some executive authority, recognised as impartial, must take the initial decisions and action necessary for dividing Provinces and the Central subjects. Orders by an authority other than the Dominion Governments will also be needed to give
effect to the decisions of any arbitral board and to decisions of the Joint Delegations.

(v) Continuance of existing laws
Section 9 provides for this and in particular provides that the Government of India Act, 1935, the Orders-in-Council and rules and instruments under it continue in force provided that this shall not be construed as continuing in force the control of His Majesty's Government or any common Central Government over the affairs of either of the Dominions or of any Province or other part thereof. The possibility was considered of repealing the Government of India Act and scheduling to the Bill the provisions which remain in force. But this presents great technical difficulties and could not be done with accuracy in the time available. It is felt that a general provision such as is provided for in Section 9 is preferable. At a later date it may be feasible to have a Bill repealing all provisions of the Government of India Act not required for the purposes of His Majesty's Government.

There has been included in this Clause a phrase to cover the winding up of the Secretary of State's Services which may be a matter in which Parliament will display interest and which does require direct Parliamentary authority. It has also been made clear that the Governor-General and Governors will cease on the appointed day to have the discretionary and individual judgment functions which they possess under the 1935 Act.

(vi) Temporary provisions as to pay, compensation, pensions and debt (Section 13)
As the Committee is aware we have been intending to secure by Treaty or in connection with the settlement of the sterling balances firm assurances from the new Indian authorities as to the payment of certain classes of outstanding obligations for which His Majesty's Government have special responsibility. We have not been able to do this both for lack of time and also for the convincing reason that the successor authorities will not come into being until after this legislation has been passed. At the same time the effect of the Bill is to withdraw from the Secretary of State the power to meet these obligations from Indian funds as he has been able to do hitherto and there may well be enquiry in Parliament as to how that situation is being dealt with and strong criticism unless there is provision which will ensure that in no circumstances will individual pensioners and others find themselves without the means of livelihood on which they rely.

Clause 13 has been drafted primarily as a provision to bridge over a period during which negotiations on these matters can take place with Indians. It is operative for six months or such further period as the Secretary of State may subsequently specify and provides:—

(a) That the existing machinery for paying pensions and for the service of
debt in London through the High Commissioner and the Secretary of State will continue (Section 13(1)).

(b) That the Governor-General may make Orders ensuring that sufficient monies are available to defray the sums falling to be paid by them.

(c) That payments may be made by the Treasury out of the Consolidated Fund on the application of the Secretary of State for the purpose of paying remuneration or pensions to persons who have served the Crown in India or any principal or interest on any sterling debt which would have been payable but for this Act out of the revenues of the Governor-General in Council.

(d) That reimbursements by India of sums so spent may be paid into the Exchequer.

I commend a Clause on these line to my colleagues for the following reasons:

(1). There is certain to be a strong demand from the Opposition that assurances should be given to pensioners who are both United Kingdom subjects and have had contracts with the Secretary of State or His Majesty's Government in connection with Indian affairs, and from whom the existing statutory protection will be withdrawn by the Bill.

(2). In the matter of compensation and leave pay we have given an assurance to the personnel concerned that they will get their money, and that His Majesty’s Government will deal with the matter of incidence of cost in negotiations with the Indian Government. Compensation will fall due to be paid during the next six months in most cases, and we must be in a position to pay it. We must, I consider, give a similar assurance in regard to pensions of the persons in Category I (vide I.B.(47)426 pages 7, 10 and 11 and Annex I), though of course the Government of India have not shown any intention of failing to meet them.

(3). There is, I consider, a definite risk that in the process of dividing India there may be a failure, not through intent, but through maladministration, to provide the money to the High Commissioner which is required for meeting these dues. There might for example be a dispute between Pakistan and India as to the amounts payable by each with the result that something less than the full amount is actually received. I think we should have power to protect individuals against hard treatment as a result of such a development.

In general I believe that a clause of this kind is necessary to ensure the passage of the Bill this session, that it is cast in the most harmless form possible as a temporary bridging provision to cover a period of negotiations, that it does not commit us finally as to the categories whose claims we should have to meet in the event of default by India. We shall of course be pressed in Parliament for a more precise commitment and I shall submit separately to my colleagues proposals as to the line to be taken. In the meantime I ask my colleagues to
agree in principle to the inclusion of this clause, particularly as a provision is in any case necessary to enable the assurance given by His Majesty’s Government that compensation will be paid to be implemented. Payment will, of course, be subject to further discussions with Indians on the question of incidence.

(vii) The Andamans
The Committee took a decision⁷ to exclude the Andamans from the territories to be transferred to India. Clause 16 provides for this. It must, however, be expected that this provision will excite great hostility in India. It is unlikely that we should secure Indian agreement to a provision of this kind, but in the Bill we must either include or exclude the Islands in the territories transferred to India. Without Clause 16 they would pass under Clause 2(1) to the new India.

Urgent consideration is being given by the Ministry of Defence and Colonial Office to the question of the future administration of the Andamans, which have in the past not been self-supporting.

(viii) Titles of the new Dominions and Provinces
The names “India” and “Pakistan” have been adopted. The same principle has, however, been applied in the reverse direction in the Punjab and Bengal. The Muslim majority areas have been named Punjab and Bengal and the separated areas Eastern Punjab and Western Bengal. The use of the term ‘India’ for Hindustan is, however, likely to cause a good deal of confusion.

(ix) Berar
The Committee are aware of this problem. It has been dealt with in Sections 2(1) and 2(3). Sub-section 2(1) excludes Berar which is not under the sovereignty of His Majesty. Section 2(3) makes it possible for Berar to be incorporated in India. The matter will have to be negotiated between India and Hyderabad.

(x) Privy Council Appeals from Indian Courts
These will continue, under the Bill, until the Indian Dominions stop them.

(xi) Divorce Jurisdiction
This is a technical matter. At present European Judges of Indian High Courts nominated by the Lord Chancellor exercise divorce jurisdiction under English law on behalf of the High Court in this country in respect of United Kingdom residents in India. Clearly the Act of 1926 which provides these facilities cannot continue in a Dominion. The Bill proposes (Clause 18) that pending cases should be concluded and that thereafter these facilities should cease. The matter is under consideration by the Lord Chancellor and the Clause is subject to revision in the light of his final views.

(xii) The Armed Forces
Clauses 10–12 and Schedule III of the Bill provide firstly that the Indian Forces should be divided and, secondly, that any British Forces remaining in India after the appointed day should be under United Kingdom jurisdiction and authority for the purposes of their governance and discipline.

(xiii) **India Office and Secretary of State’s Advisers**

Clause 19(1) provides for the abolition of the Secretary of State’s Advisers who will no longer be required. The effect of Clause 19(2)(a) is that the India Office building and its contents will pass to the United Kingdom Government. This property, which was originally paid for from Indian revenues, at present vests in His Majesty for the purposes of His Majesty’s Government in the United Kingdom but cannot be diverted for purposes not connected with the discharge of the functions of the Crown in relation to India and Burma without the consent of the Governor-General.⁸

(xiv) **The Appointed Day**

This has been fixed as 1st October, or such earlier day as the Governor-General may appoint. The Committee earlier suggested that the day should be fixed by Order-in-Council. This would, however, be rather inconsistent with the conception that this Bill ends control from Whitehall. It seems preferable to give the power to fix the date to the Governor-General, who may wish to vary it at the last moment. This is particularly so as it will fall to be exercised in August or September when The King may be absent from London.

It seems quite clear that the Bill must come into operation in two stages. In the first place effect must be given to the division of the Punjab and Bengal prior to the coming into being of the two Dominions each of which will cover part of these two Provinces. Reasonable time must be allowed for this process. Secondly, if we decide to separate the Andamans, time is required for the passing of an Order-in-Council and for the administrative processes involved. The Viceroy has said at his Press Conference that power will be transferred by the 15th August.⁹ I cannot but feel that this is rather unfortunate. I should have thought a period of six weeks at least would be needed for dividing the Punjab and Bengal and for preparing the Orders which will be required at the Centre.

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⁸ See Government of India Act 1935, Sections 172(1)(c), (2), (3) and (4).
⁹ See No. 59, note 12; also No. 53, para. 9.
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Draft Indian Dominions Bill

L/P & J/10/123: ff 258–67

SECRET

INDIAN DOMINIONS BILL
ARRANGEMENT OF CLAUSES

1. The Indian Dominions.
2. Territories of the Indian Dominions.
3. Bengal and Assam.
4. The Punjab.
5. Executive government of the Indian Dominions.
7. Consequences of the setting up of the Indian Dominions.
8. Orders for bringing this Act into force.
9. Continuance of existing laws of British India.
10. Indian armed forces.
11. British forces in India.
12. Naval forces.
13. Temporary provisions as to pay, compensation, pensions, government debt, etc.
15. Legal proceedings by and against the Secretary of State.
16. The Andaman and Nicobar Islands.
17. Aden.
18. Divorce jurisdiction.
20. Adaptation of United Kingdom law, etc.
21. Interpretation, etc.
22. Short title.

SCHEDULES:

First Schedule—Bengal Districts provisionally included in the new Province of Bengal.
Second Schedule—Districts provisionally included in the new Province of the Punjab.
Third Schedule—Modifications of Army Act in relation to British Army in India.

1 Earlier drafts of the Bill will be found on L/P & J/10/123. This, however, was the first submitted to Ministers.
2 Not printed.
Make provision for the setting up in India of two independent Dominions and for other matters consequential on or connected with the setting up thereof.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) As from the appointed day, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

(2) In this Act, the expression "the appointed day" means the first day of October, nineteen hundred and forty-seven, or such earlier date as may be fixed by order of the Governor-General.

(3) The said Dominions are hereafter in this Act referred to as "the Indian Dominions".

2.—(1) The territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in India, except the territories which, under subsection (2) of this section, are to be the territories of Pakistan.

(2) The territories of Pakistan shall be—

(a) the territories which, on the appointed day, are included in the Provinces of Bengal and the Punjab, as constituted under the two following sections;

(b) the territories which, at the date of the passing of this Act, are included in the Province of Sind and the Chief Commissioner's Province of British Baluchistan; and

(c) if, before the appointed day, the Governor-General declares that the majority of the valid votes cast in the
referendum which, at the date of the passing of this Act, is being held in that behalf under his authority in the North West Frontier Province are in favour of representatives of that Province taking part in the Constituent Assembly of Pakistan, the territories which, at the date of the passing of this Act, are included in that Province.

(3) Nothing in this section shall prevent any area being at any time included in or excluded from either of the Indian Dominions, so, however, that—

(a) no area not forming part of the territories specified in subsection (1) or, as the case may be, subsection (2), of this section shall be included in either Dominion without the consent of that Dominion; and

(b) no area which forms part of the territories specified in the said subsection (1) or, as the case may be, the said subsection (2), or which has after the appointed day been included in either Dominion, shall be excluded from that Dominion without the consent of that Dominion.

3.—(1) As soon as may be and in no event later than the appointed day—

(a) the Province of Bengal, as constituted under the Government of India Act, 1935, shall cease to exist; and

(b) there shall be constituted in lieu thereof two new Provinces, to be known respectively as Bengal and Western Bengal.

(2) If, whether before or after the passing of this Act, but before the date of the constitution of the said new Provinces, the Governor-General declares that, at a meeting held in that behalf under his authority of the members of the Assam Provincial Legislative Assembly whose constituencies are within the District of Sylhet, the majority of the said members present and voting at the meeting were in favour of representatives of that District taking part in the Constituent Assembly of Pakistan, then, at that date—

(a) the Province of Assam, as constituted under the Government of India Act, 1935, shall cease to exist; and

(b) there shall be constituted in lieu thereof a new Province to be known as Assam; and

(c) a part of the territories of the Province of Assam which ceases to exist shall, in accordance with the provisions
of subsection (3) of this section, form part of the new Province of Bengal.

(3) The boundaries of the new Provinces aforesaid shall be such as may be determined, before the appointed day, by order of the Governor-General, in the light of the relevant reports of any boundary commissions appointed or to be appointed by him in that behalf, or as may be determined, on or after the appointed day, by agreement between the two Indian Dominions in the light of any such reports, but until the boundaries are so determined—

(a) the Bengal Districts specified in the First Schedule to this Act, together with, in the event mentioned in subsection (2) of this section, the Assam District of Sylhet, shall be treated as the territories which are to be comprised in the new Province of Bengal;
(b) the remainder of the territories comprised at the date of the passing of this Act in the Province of Bengal shall be treated as the territories which are to be comprised in the new Province of Western Bengal; and
(c) in the event specified in subsection (2) of this section, the territories, other than the District of Sylhet, comprised at the date of the passing of this Act in the Province of Assam shall be treated as the territories which are to be comprised in the new Province of Assam.

The Punjab.

4.—(1) As soon as may be and in no event later than the appointed day—

(a) the Province of the Punjab, as constituted under the Government of India Act, 1935, shall cease to exist; and
(b) there shall be constituted two new Provinces, to be known respectively as the Punjab and the Eastern Punjab.

(2) The boundaries of the said new Provinces shall be such as may be determined, before the appointed day, by order of the Governor-General, in the light of the relevant reports of any boundary commissions appointed or to be appointed by him in that behalf, or as may be determined, on or after the appointed day, by agreement between the two Indian Dominions in the light of any such reports, but until the boundaries are so determined—

(a) the Districts specified in the Second Schedule to this
Act* shall be treated as the territories to be comprised in the new Province of the Punjab; and

(b) the remainder of the territories comprised at the date of the passing of this Act in the Province of the Punjab shall be treated as the territories which are to be comprised in the new Province of the Eastern Punjab.

5.—(1) The executive government of each of the Indian Dominions is vested in His Majesty and shall be administered by a Governor-General as His representative.

(2) The Governor-General of each of the Indian Dominions shall be appointed by His Majesty:

Provided that, unless and until another appointment is made, the person who, immediately before the appointed day, is Governor-General of India within the meaning of the Government of India Act, 1935, shall, as from the appointed day, become the Governor-General of each of the Indian Dominions.

(3) Until other provision is made by the law of the Legislature of the Dominion the Governor-General of each of the Indian Dominions shall receive the same emoluments and, as nearly as may be, shall have the same provision made for him for enabling him to discharge conveniently and with dignity the duties of his office, as was enjoyed by the Governor-General of India within the meaning of the Government of India Act, 1935, immediately before the appointed day:

Provided that, where the same person is Governor-General of both of the Indian Dominions, he shall not, by virtue of this subsection, be entitled to receive greater emoluments or to have greater provision made for him for enabling him to discharge the duties of his office than he would have been entitled to receive or have made for him if he had been Governor-General of one Dominion only.

6.—(1) The Legislature of each of the Indian Dominions shall have full power to make laws for that Dominion, including laws having extra-territorial operation.

(2) No law and no provision of any law made by the Legislature of either of the Indian Dominions shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of

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* The First Schedule listed the Muslim majority districts of Bengal (see Appendix to No. 45).

* The Second Schedule listed the Muslim majority districts of the Punjab (see ibid.).
the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Legislature of each Dominion include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of the Dominion.

(3) The Governor-General of each of the Indian Dominions shall have full power to assent in His Majesty’s name to any law of the Legislature of that Dominion and so much of any Act as relates to the disallowance of laws by His Majesty or the reservation of laws for the signification of His Majesty’s pleasure thereon or the suspension of the operation of laws until the signification of His Majesty’s pleasure thereon shall not apply to laws of the Legislature of either of the Indian Dominions.

(4) No Act of Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to either of the Indian Dominions as part of the law of that Dominion unless it is expressly declared in that Act that the Dominion has requested and consented to the passing thereof.

(5) No Order in Council made on or after the appointed day under any Act passed before the appointed day, and no order, rule or other instrument made on or after the appointed day under any such Act by any United Kingdom Minister or other authority, shall extend, or be deemed to extend, to either of the Indian Dominions as part of the law of that Dominion.

(6) The power referred to in subsection (1) of this section shall, until other provision is made by the law of the Dominion, be exercised by the Constituent Assembly of the Dominion, and references in this Act to the Legislature of an Indian Dominion shall be construed accordingly.

(7) The power referred to in subsection (1) of this section extends to the making of laws limiting for the future the powers of the Legislature of the Dominion.

7.—(1) As from the appointed day—

(a) His Majesty’s Government in the United Kingdom shall have no responsibility as respects the peace and good government of any of the territories which, immediately before that day, were included in India;

(b) the suzerainty of His Majesty over the Indian States shall cease, and the functions theretofore exercisable by Him with respect to the Indian States, and any powers, authority or jurisdiction theretofore exercisable by
Him in the Indian States, being functions, powers, authority or jurisdiction incident to or flowing from that suzerainty, shall cease to be exercisable; and any powers, authority or jurisdiction which, at the date of the passing of this Act, have become exercisable by His Majesty in the tribal areas by grant, usage, sufferance or otherwise shall lapse.

(2) The assent of the Parliament of the United Kingdom is hereby given to the omission from the Royal Style and Titles of the words “Indiae Imperator” and the words “Emperor of India” and to the issue by His Majesty for that purpose of His Royal Proclamation under the Great Seal of the Realm.

8.—(1) The Governor-General shall by order make such provision as appears to him to be necessary or expedient for bringing this Act into effective operation, for dividing between the Indian Dominions, and the new Provinces to be constituted under this Act, the powers, rights, properties, duties and liabilities of the Governor-General in Council or, as the case may be, of the relevant Provinces which under this Act are to cease to exist, and for removing difficulties arising in connection with the transition from the provisions of the Government of India Act, 1935, to the provisions of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the provision to be made by any such orders may include—

(a) provision for enabling functions to be performed, property held, powers and rights exercised, duties performed and liabilities discharged, jointly on behalf of the two Indian Dominions after the appointed day;

(b) provision for enabling functions to be performed, property held, powers and rights exercised, duties performed and liabilities discharged, jointly on behalf of any two of the new Provinces constituted under this Act after the constitution thereof;

(c) provision for enabling the government of either of the Indian Dominions to be carried on during any period elapsing between the appointed day and the coming into force of provision in that behalf made by the laws of the Legislature of the Dominion in question;

(d) provision for enabling the Constituent Assemblies, or either of them, to make laws before the appointed day,
either subject to limitations or without limitations, and for enabling agreements to be entered into, and other acts done, on behalf of either of the Indian Dominions before the appointed day;

(e) provision as to the Reserve Bank of India, and, in particular, as to the reserves thereof;

(f) provision for modifying any Act or law for the time being in force and, in particular, and without prejudice to the generality of the preceding words, provision for modifying the application of the Government of India Act, 1935, in relation to the new Provinces constituted under this Act; and

(g) provision for varying the constitution, powers or jurisdiction of any Legislature, court or other authority and for creating new Legislatures, courts or other authorities.

(3) The powers conferred by this section on the Governor-General shall, in relation to their respective Provinces, be exercisable also by the Governors of the Provinces which, under this Act, are to cease to exist; and those powers shall, for the purposes of the Government of India Act, 1935, be deemed to be matters as respects which the Governors are, under that Act, to exercise their individual judgment.

(4) This section shall be deemed to have had effect as from the third day of June, nineteen hundred and forty-seven, and any Order of the Governor-General or any Governor made on or after that date as to any matter shall have effect accordingly, and any Order made under this section may be made so as to be retrospective to any date not earlier than the said third day of June:

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes any provision thereof retrospective to any date before the making thereof.

(5) Any orders made under this section, whether before or after the appointed day, shall have effect—

(a) up to the appointed day, in British India;

(b) on and after the appointed day, in the Dominion or Dominions concerned; and

(c) outside British India, or as the case may be, outside the Indian Dominion or Indian Dominions concerned, to such extent, whether before, on or after the appointed
day, as a law of the Legislature of the Dominion or Dominions concerned would have on or after the appointed day,

but shall, as respects each of the Dominions, have effect only until other provision is made by law of the Legislature of that Dominion.

(6) No order shall be made under this section, by the Governor of any Province, after his Province has ceased to exist, or, by the Governor-General, after six months from the appointed day or such earlier date as may be determined, in the case of either Dominion, by any law of the Legislature of that Dominion.

9.—(1) The law of British India and of the several parts thereof existing immediately before the appointed day shall, so far as applicable and with the necessary adaptations, continue as the law of each of the Indian Dominions and the several parts thereof until other provision is made by laws of the Legislature of that Dominion or by any other legislature or other authority having power in that behalf.

(2) The provisions of subsection (1) of this section extend to the provisions of the Government of India Act, 1935, and the Orders in Council, rules and other instruments made thereunder, so, however, that—

(a) nothing in this section shall be construed as continuing in force on or after the appointed day any form of control by His Majesty’s Government in the United Kingdom, or by any common central government, over the affairs of either of the Indian Dominions or of any Province or part thereof, or any discretionary control of the Governor-General over the affairs of any Province;

(b) without prejudice to the generality of the provisions of paragraph (a) of this subsection, nothing in this section shall be construed as continuing in force on or after the appointed day the provisions of the Government of India Act, 1935, relating to appointments to the civil services of, and civil posts under, the Crown in India by the Secretary of State or the provisions of that Act relating to the reservation of posts;

(c) so much of that Act as requires the Governor to act in his discretion or exercise his individual judgment as
respects any matter shall cease to have effect as from the appointed day; and

(d) as from the appointed day, no Provincial Bill shall be reserved under that Act and no Provincial Act shall be disallowed by His Majesty thereunder.

(3) The provisions of this section shall have effect subject to any other express provision of this Act and subject also to any orders made under the last preceding section.

10.—(1) The orders to be made by the Governor-General under the preceding provisions of this Act shall make provision for the division of the Indian armed forces of His Majesty between the Indian Dominions, and for the governance of those forces until the division is completed.

[Clauses 10(2), 11 and 12, regarding the governance as from the appointed day of members of the British Armed Forces serving with the Indian Armed Forces, of British Forces in India, and of Naval Forces, not printed.]

13.—(1) The Secretary of State and the High Commissioner are hereby authorised, during the period specified in subsection (3) of this section, to perform, between them, on behalf of whatever government or governments may ultimately be found to be concerned, the functions—

(a) as respects the paying of remuneration, compensation and pensions to and in respect of persons who have served the Crown in or in connection with the affairs of India before the appointed day; and

(b) as respects the management of, and the making of payments in respect of, government debt; and

(c) as respects the meeting of claims on the Governor-General in Council or any Provincial Government, which they were, between them, performing up to the appointed day, and the matters for which provision under this Act may be made by orders of the Governor-General shall include the securing that there are at all times in the hands of the Secretary of State and the High Commissioner sufficient monies to enable them to defray the sums falling to be paid by them in the exercise of those functions and the expenses respectively incurred by them in the exercise thereof, including, in the case of the High Commissioner, his remuneration and that of his staff.
(2) During the period specified in subsection (3) of this section, there shall be issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof such sums, if any, as the Treasury may direct on the application of the Secretary of State for the purpose of paying—

(a) any remuneration, compensation or pension to or in respect of any person who, before the appointed day, has served the Crown in India, or in connection with the affairs of India;

(b) any principal of or interest on any debt the interest whereon is payable in sterling, being interest which, but for the provisions of this Act, would have fallen to have been paid by the Secretary of State out of the revenues of the Governor-General in Council.

(3) The period referred to in subsections (1) and (2) of this section is the period of six months beginning with the appointed day:

Provided that if the Secretary of State is satisfied that insufficient time has elapsed for the making and carrying into effect of other arrangements with the Governments of the Indian Dominions as to the matters dealt with in those subsections, he may from time to time by order extend the said period as respects the said subsections or any provisions thereof, for such further period as may be specified in his order.

(4) Any sums issued from the Consolidated Fund under subsection (2) of this section shall be repaid to the Exchequer out of moneys provided by Parliament.

(5) Any sums received from the Indian Dominions in respect of any money issued from the Consolidated Fund under subsection (2) of this section or in respect of the expenses of the Secretary of State in performing functions on behalf of the Indian Dominions or either of them shall be paid into the Exchequer.

[Clauses 14 and 15, regarding the functions of the Auditor of Indian Home Accounts and Legal proceedings by and against the Secretary of State on and after the appointed day, not printed.]

16.—(1) On such date as His Majesty may by Order in Council fix, being a date before the appointed day, the Andaman and Nicobar Islands (in this section referred to as "the Islands") shall cease to be part of India, and references in this Act to India and British India shall be construed accordingly.
(2) His Majesty may by Order in Council make such provision as appear to Him to be necessary or expedient in view of the change effected by this section, being provision—

(a) for determining the laws which, on and after the date fixed under this section, are (subject to amendment or repeal by any competent legislature or authority) to remain valid as laws of the Islands, notwithstanding the said change;

(b) for adapting or modifying any such laws as aforesaid, and any other laws in force at the date of the passing of this Act relating or referring to the Islands;

(c) for dealing with incidental, supplementary or consequential matters.

(3) The British Settlements Acts, 1887 and 1945 (which authorise His Majesty to make laws and establish institutions for British Settlements as defined in those Acts) shall apply in relation to the Islands as if they were a British Settlement as so defined.

[Clauses 17 and 18, regarding Aden and Divorce jurisdiction, not printed.]

19.—(1) As from the appointed day, the Secretary of State shall not have any such advisers as are provided for by section two hundred and seventy-eight of the Government of India Act, 1935, and that section, and any provision of that Act which requires the Secretary of State to obtain the concurrence of his advisers, is hereby repealed as from that day.

(2) As from the appointed day—

(a) so much of any enactment as requires the consent of the Governor-General in Council or any other authority in India to the doing of any act done for the purposes of His Majesty's Government in the United Kingdom shall cease to have effect; and

(b) so much of any enactment as requires the approval of His Majesty in Council to any rules of court shall not apply to any court in either of the Indian Dominions.

[Clause 20, regarding Adaptation of United Kingdom law, not printed.]

21.—(1) References in this Act to the Governor-General shall, in relation to any order to be made or other act done on or after the appointed day, be construed—
(a) where the order or other act concerns one only of the Indian Dominions, as references to the Governor-General of that Dominion;

(b) where the order or other act concerns both of the Indian Dominions and the same person is the Governor-General of both those Dominions, as references to that person; and

(c) in any other case, as references to the Governor-General of the Indian Dominions, acting jointly.

(2) References in this Act to the Governor-General shall, in relation to any order to be made or other act done before the appointed day, be construed as references to the Governor-General of India within the meaning of the Government of India Act, 1935, and so much of that or any other Act as requires references to the Governor-General to be construed as references to the Governor-General in Council shall not apply to references to the Governor-General in this Act.

(3) References in this Act to the Constituent Assembly of a Dominion shall be construed as references—

(a) in relation to India, to the Constituent Assembly, the first sitting whereof was held on the day of December, nineteen hundred and forty-six, modified—

(i) by the exclusion of the members representing Bengal, the Punjab, Sind and British Baluchistan; and

(ii) if and so soon as it appears that the North West Frontier Province will form part of Pakistan, by the exclusion of the members representing that Province; and

(iii) if and so soon as it appears that the Province of Assam constituted under the Government of India Act, 1935 is to cease to exist under this Act, by the exclusion of the members representing that Province; and

(iv) by the inclusion of members representing Western Bengal, the Eastern Punjab and, if there is to be such a Province, the new Province of Assam.

(b) in relation to Pakistan, to the Assembly set up or in process of being set up at the date of the passing of this Act by the authority of the Governor-General as the Constituent Assembly for Pakistan:

Provided that nothing in this subsection shall be construed as
affecting the extent to which representatives of the Indian States take part in either of the said Assemblies.

(4) In this Act—
“remuneration” includes leave pay, allowances and the cost of any privileges or facilities provided in kind;
“pension” means, in reference to any person, a pension, whether contributory or not, of any kind whatsoever payable to or in respect of that person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or other additions thereto, of subscriptions to a provident fund;
“Indian Forces” includes all His Majesty’s Indian Forces existing before the appointed day and also any forces of either of the Indian Dominions.

(5) Any power conferred by this Act to make any Order in Council or order includes power to revoke or vary any Order in Council or order previously made in the exercise of that power.

(6) Any sums falling to be paid by reason of the passing of this Act out of any revenues of India shall be paid out of those revenues.

22. This Act may be cited as the Indian Dominions Act, 1947.
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Cabinet

India and Burma Committee. Paper I.B.(47)101

L/P&J/10/81: ff 257–8

ASSUMPTION OF INTERNATIONAL OBLIGATIONS BY
THE SUCCESSOR AUTHORITIES
MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, 13 June 1947

In his memorandum I.B.(47)42 on the content of the Treaty with India relating to matters arising out of the transfer of power, my predecessor proposed, after full consultation with Foreign Office experts, that we should seek a specific undertaking from the new Indian authorities by Treaty that they will accept and observe all Treaties with foreign States concluded in the name of the Crown or of the Government of the United Kingdom which can only be fulfilled in India or only wholly fulfilled if India observes them. The Committee felt that it would be inadvisable to include any general provision on this matter in the Treaty and decided that when it was publicly announced how the transfer of responsibilities in India would take place His Majesty’s Government should notify the foreign States with which they had Treaties which could only be fulfilled by virtue of their authority in India that in the new circumstances they could no longer be responsible for the performance of such obligations under the Treaties as could only be fulfilled by the authorities in India. The Committee felt that this notification should in itself be adequate protection against claims by foreign governments on His Majesty’s Government.

2. I annex a letter I have received from the Foreign Secretary. In this he represents that the view advanced by my predecessor was based on the advice of the Legal Adviser at the Foreign Office and that the conclusion reached by the Committee, which conflicts with that advice, was taken in the absence of any Foreign Office representative. He urges, therefore, that this decision should be reconsidered since the Foreign Office consider that, without such a Treaty undertaking, diplomatic claims and political difficulties of a grave character are likely to arise for His Majesty’s Government.

3. The meeting of the Committee at which the decision in question was taken took place before the Viceroy’s visit. Much has happened since to change

1 Dated 1 April 1947. L/P &J/10/90: ff 12–42.
3 No. 52.
the situation. We cannot now hope to conclude any Treaty with the new Indian authorities before the introduction of legislation. The options will not have been exercised until the end of June and the Pakistan Constituent Assembly can hardly begin to function until the result of the referendum in N.W.F.P. is known early in August. Until that time, therefore, there will be no one to negotiate with in respect of at any rate one of the two States. We might perhaps endeavour to hold negotiations with representatives of the two Constituent Assemblies during August in the hope of getting an agreement before the proposed Bill comes into operation. But this may be difficult if the sterling balance conversations are postponed for a considerable period as now seems likely, since some of the most important matters to be discussed in Treaty negotiations tie up with the sterling balances.

4. Therefore it seems unlikely that we could in any case secure a Treaty provision of the kind the Foreign Secretary wants before the transfer of power. The only alternative is to try and secure some assurance from the existing Interim Government on behalf of both the future States in the sense desired. There are already some Treaty matters in regard to which we requested the Viceroy to seek such an assurance, e.g. the service conditions of British personnel in subordinate Services. We could ask the Viceroy to seek a formal assurance from the Interim Government on this question of the Treaties as well.

5. The main reason why the Committee rejected the Foreign Office advice on this matter was, I think, that they felt that if the Indians were asked to accept liabilities incurred by us under Treaty, vis-à-vis foreign powers, they would ask why we should contend that it is not possible to transfer to them our rights and obligations under the Treaties with Indian States—which we have always declined to do. There is, of course, a clear distinction to be drawn between these two classes of Treaty. The international Treaties were concluded, after negotiations, by voluntary agreement between sovereign States; they are subject to interpretation, in the last resort by an international law; and they are legally terminable—save where the instruments themselves provide for denunciation by one party—only by agreement between the parties. On the other hand none of the Indian States have ever held international status. Nearly all of them were subordinate or tributary in pre-British times and some were created by us. All of them passed under British suzerainty and the rights and obligations existing between us and them are not of a like nature to the provisions of treaties between sovereign states. I feel, therefore, that possibly we gave too much weight to this consideration and I should be glad myself if the matter could be reconsidered on the lines that the Foreign Secretary desires.
The Viceroy has urged in telegram 1358–S of 9th June¹ that the party leaders should be shown the draft Bill in accordance with Pandit Nehru's request in his letter of the 7th (telegram 1368–S).² I pointed out to the Viceroy in my telegram 7496³ that opinion in the Committee had been against any consultation with Indian leaders on the terms of the Bill and said that I feared that to show it to them might give rise to controversy which would prevent the Bill passing this Session. The Viceroy in telegram 1421–S of the 13th June⁴ says that he considers it absolutely essential that the leaders should be shown the draft Bill and that he has undertaken to support their strongly expressed desire to be allowed to do so. He thinks that unless the draft is very different “from what we all expect”, there is no reason at all why there should be any long disputes.

2. We are working on the basis that the Bill should be introduced not later than the 7th July. This would allow three (possibly four) weeks for its passage in both Houses. I do not think that this is more than a bare allowance for a Bill of this importance even though we have an assurance from the Opposition that they will, if it gives effect to an agreement among Indians, assist in securing its passage. The draft now before the Committee was despatched to the Viceroy by air mail on the 13th and should reach him more or less simultaneously with the Committee's views upon it on June 18th. If we give the Viceroy a week in which to make his comments we shall then have 10 days in which to settle the final form of it, (which may involve further correspondence with the Viceroy) to redraft in the light of these decisions, and to submit the Bill to the Cabinet. I do not think this is any too much time. I very much fear that if we introduce into this programme the submission of the draft to Indian leaders we may, in spite of what the Viceroy says, get involved in a controversy which would delay the introduction of the Bill seriously. It is quite likely that Congress and the Muslim League would raise conflicting points.

3. A further important consideration is that the text contains the clause⁵ about the transfer of the Andamans to our control, before “the appointed day”;

¹ No. 115. ² No. 116. ³ No. 138. ⁴ No. 172. ⁵ No. 191, clause 16.
whereas in his telegram No. 1423–S of 13th June⁶ the Viceroy expresses himself as strongly averse from raising this matter at all at this stage, still more in such a definite way as this clause does; and proposes to leave it over as a matter to be negotiated with the relevant Dominion when created.

4. I have considered the possibility of having a memorandum prepared which could be shown to the Indian leaders giving a summary of the Bill. I think, however, that this would be dangerous as the Bill is intricate and a wrong impression might easily be conveyed by a summary. We might then be faced with charges of bad faith when the Bill is published which might be very embarrassing to us during the proceedings in Parliament.

5. At the same time I feel that if we adopt an entirely non-possimus attitude towards the Indian leaders in this matter we run the risk of getting into difficulties at a later and therefore more embarrassing stage, namely, after the Bill has been introduced and published. On this account, and having regard to the undertaking which the Viceroy has already given to the Indian leaders, I feel that, as soon as the Bill has been finally approved by the India and Burma Committee (in the light of any comments the Viceroy may have to make upon it), the Viceroy should be authorised to tell the Indian leaders orally what the main provisions of the Bill will be.

⁶ No. 174.

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Sir D. Monteath to Lord Ismay

Telegram, L/P&J/10/81: ff 289–91

IMMEDIATE
SECRET

INDIA OFFICE, 13 June 1947, 9 pm
Received: 14 June, 8.30 am

No. 7668. Your telegram 13th June 1416–S.¹ It was intended that you should show very confidential second paragraph in my 7521² to His Excellency, but I think that when the draft Bill is examined it will be recognised that too much has been read into my attempt to explain the features in this Bill, which though not inconsistent with Dominion constitution forms, are special owing to the special nature of the transitional problem to be faced. There is no repeat no reservation of power to G.G. personally or in discretion or in individual judgment and no arbitral functions are assigned to him.

2. As is normal in Dominion constitution, executive power of each new Indian Dominion is vested in His Majesty to be administered by a Governor-
General. In the Dominions this executive authority is exercised on the advice of Ministers, but the Constitution Act does not actually say so. That is a matter of constitutional practice. In the Bill equally, it is not said whether the Governor will exercise executive authority on advice or otherwise.

3. A special feature of this Bill is provision enabling Governor-General by order to make such provision as appears to him to be necessary or expedient for a variety of purposes necessary in order to bring the Act into force. These orders would be made by the Governor-General in the exercise of the executive authority of the Dominion, but following the normal forms it is not stated whether they will be made on advice or otherwise. Many of these matters concerned with the division of assets, liabilities and functions between the two new Dominions are matters on which the Governor-General of one Dominion may receive different advice from the Governor-General of the other. The Bill provides that for a time it shall be permissible, if acceptable by the authorities of the two new Dominions, that one person shall function as Governor-General for both, in which case that person would be liable to receive from one Dominion authority advice different from that of the other. Executive orders will however have to be made in order that difficulties may be overcome and the Governor-General will have to issue the orders whether they are or not wholly consistent with the advice tendered by one or other Dominion authority.

4. In ordinary Dominion circumstances the Governor-General does not act or take the initiative to action unless and until advised by Ministers. In the peculiar Indian conditions confronting us it will be necessary, in order to overcome difficulties in the way of bringing the Act into operation, for the Governor-General to take the initiative in many instances, and he will, in fact, do what is stated in the first sentence of your paragraph 5—guide and advise and use his influence to reach agreement, (or if not agreement by both, agreement by one and acquiescence by the other) which if reached will amount to advice on which he will act.

5. The last two words of my 7521 were intended to refer to the arbitral tribunal to whose award effect would need to be given by orders made by the Governor-General. But evidently inasmuch as the matters on which an arbitral award was required were matters on which the Governor-General had not earlier been able to proceed in accordance with advice tendered to him by Ministers, these orders of the Governor-General giving effect to the award of the arbitral tribunal will be orders made otherwise than "on advice".

6. It is in the practical application of the provisions of the Bill that the per-
sonal activities of the Governor-General will differ from those of Governor-General at the head of a fully established and normally working Dominion, and it was to this fact that my warning was directed rather than to any difference appearing on the face of the Bill between its provisions and those of an ordinary Dominion Constitution Act.

‘provisions’ deciphered as ‘centre’.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P & J/10/117: ff 198–9

IMMEDIATE
SECRET

INDIA OFFICE, 13 June 1947, 10 pm
Received: 14 June, 6 am

Following are my views after consulting Foreign Office with special reference to your paragraph 3.

2. Difficulties regarding reference to U.N.O. Security Council were pointed out in Paragraph 1 (i) of my telegram No. 7251 of June 4th. Reference to U.N.O. General Assembly in matter of this kind is not recommended by Foreign Office; and in any case I understand that Boundary Commissions could only be constituted formally by U.N.O. by resolution of annual Assembly or by special meeting called for this purpose. I am advised also that Secretary General could not appoint Boundary Commissions on his own initiative. He might be asked to suggest names from international field, but in this event his choice might well be governed by considerations other than that of obtaining best men. Latter difficulty would indeed apply in event of matter being referred to any organ of U.N.O.; and possibility cannot be ruled out that Russians and other Slav States would create other political difficulties. Moreover, appeal to U.N.O. would suggest that we ourselves had proved incapable of transferring power without recourse to that body.

3. Foreign Office suggest that something in the nature of the present Franco-Siamese Conciliation Commission might offer satisfactory alternative. This Commission was set up by joint agreement between French and Siamese to consider border between Siam and French Indo-China. French and Siamese of their own volition invited a British, an American and a Peruvian member to sit on the Commission in addition to French and Chinese [Siamese] representatives. As an alternative to reference to U.N.O., Hindus and Muslims might similarly adopt course of inviting French, American and British members
(or a possible variant, which might work more quickly, whereby H.M.G. would be invited to nominate one, French Government a second and U.S.A. Government a third). But, if Hindus and Muslims were unable to agree on membership of commission, then President of International Court of Justice might be invited to select the neutral members (compare paragraph 1 (ii) of my telegram No. 7251). If speed is essential and agreement improbable this course might be adopted from the outset.

1 No. 120.
2 No. 71.

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Sir C. Corfield to Lieutenant-Colonel Erskine Crum

R/3/1/137: 73

SECRET

POLITICAL DEPARTMENT, NEW DELHI, 14 June 1947

My dear Erskine Crum,

Many thanks for the draft minutes,¹ which you have so promptly and accurately produced and which I return with a few amendments.

Conclusions (i) and (iii).

I am assuming that His Excellency does not wish to see the amended drafts before issue. Copies will be forwarded to P.S.V. after issue.

Conclusions (vii) and (xii).²

I discussed the date with M.S.V. and understood that July 23rd³ would be the best date for beginning these discussions. I shall presumably be informed soon whether they are to be held in Delhi or Simla.⁴

Conclusion (xi).

Copies of the report have already been sent to Mr Jinnah and Pandit Nehru.

2. I understand that His Excellency informs the Cabinet of the conclusions reached at these talks with leaders. I hope these conclusions will be communicated at the next meeting of the Cabinet and that His Excellency will make it clear that, as jurisdiction over administered areas in States reverts automatically to States on the lapse of paramountcy (vide para. 5 of the Cabinet Mission's

¹ i.e. a draft of No. 175, Item 1.
² Presumably the reference is intended to be to conclusions (vi) and (vii).
³ It may be noted that on 9 June 1947 Lord Moutbatten had written to Lord Listowel stating that Sir C. Corfield wished to leave India on 23 July 1947 as his daughter was being married in London on 5 August. It was therefore proposed that Corfield should take leave preparatory to retirement as from 23 July. L/P &S/13/1801.
⁴ In the event the Conference opened on 25 July 1947 in New Delhi.
Memo. of the 12th May 1946\(^6\) and as this reversion will not be affected by the proposed standstill agreement\(^5\) (which only covers administrative\(^7\) arrangements) consideration of the standstill formula must not be allowed to delay the negotiation of practical arrangements in administered areas on the basis of changed jurisdiction. The full cooperation of the Interim Government in proceeding with such negotiations is essential.

It would help me greatly if a copy of the resulting Cabinet decision can be sent to me, so that I can refer to it when pursuing the urgent questions of jurisdiction over railways and cantonments in States which have been held up by the Interim Government for the last two months.

His Excellency will doubtless also make it clear to the Cabinet that if cooperation is lacking, he will, as Crown Representative, have to make independent decisions and that in cases where reversion of jurisdiction does not affect all-India Defence and Communications, he must in any case retain full discretion to retrocede jurisdiction in advance of its automatic reversion on the lapse of paramountcy, so that the rights of States and the interests of his officers are not prejudiced.

3. I shall be glad to receive 40 copies of the conclusions in the form in which they are issued to the Leaders, so that the officers at headquarters and the Residents and Political Agents can be kept in the picture.

Yours sincerely,

C. L. CORFIELD

\(^5\) Vol. VII, No. 262. \(^6\) See No. 198 and its Enclosure. \(^7\) Words in italics underlined in original.

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The Secretary to the Crown Representative to Residents

Express Letter, R/3/1/137: ff 84-5

NO. F. 45-R(5)/47

POLITICAL DEPARTMENT, 14 June 1947

Reference Political Department Memorandum No. F.24-R(5)/47 dated the 17th April, 1947\(^1\) on the subject of direct correspondence between States and the Central Government.

2. At a meeting\(^2\) with the Congress and Muslim League Leaders the Crown Representative raised the question of liaison between the States and the two Dominion Governments which will be set up on 15th August, 1947. Doubt was expressed whether the direct correspondence, which was initiated by this memorandum and which is further developing as States set up joint organis-
tions for this purpose, will ensure adequate liaison between the Successor Governments of the rest of India and the large number of States concerned.

3. The party leaders have therefore agreed that, so far as the Central Government is concerned, steps should be taken to set up a new Department, to be called the "States Department", to deal with matters of common concern with the States, and that this new Department should be divided into two sections, in anticipation of the partition of the country. All possible assistance and advice will be given by the existing Political Department in the formation of this new Department.

4. So far as the States are concerned, the following arrangements have been suggested:
   (a) that the States should agree to the location by the Successor Governments of their own agents in State territory, and/or
   (b) that each State or group of States should appoint a fully authorised representative or representatives to be located at the Headquarters of the appropriate Government to provide information, to elicit replies and to secure co-operation.

5. Please enquire from the States and Groups of States in political relations with you which of the arrangements suggested in paragraph 4 they prefer.

6. The Crown Representative feels strongly that arrangements, in one of the forms suggested, should be put into effect before paramountcy lapses to avoid the disorganisation which all the leaders and he feel may well result if one of these courses is not adopted.

7. Arrangements now decided on will, of course, be provisional and subject to review in the light of experience and subsequent developments.

8. A reply is requested before the end of this month, if necessary by telegram. The issue of the above has been authorised.

E. B. WAKEFIELD
for Secretary to His Excellency the Crown Representative.

1 R/3/1/136: f 56.  
2 No. 175, Item 1.
The Secretary to the Crown Representative to Residents

Express Letter, R/3/1/137: ff 86-8

NO. F. 46-R(5)/47  

POLITICAL DEPARTMENT, 14 June 1947

Subject:— Formula for Standstill Arrangements on the lapse of Paramountcy
Please refer to paragraph 4 of the Memorandum on States’ Treaties and
Paramountcy presented by the Cabinet Mission to His Highness the Chancellor
of the Chamber of Princes on 12th May 1946.¹

2. The interim period referred to in this Memorandum is expected to come
to an end on August 15, 1947, but no progress has been made in negotiations
between the States and British India in regard to the future regulation of
matters of common concern. The States cannot remain entirely isolated from
the economic life of the rest of India and fresh or modified Agreements will
have to be negotiated with the Successor Governments in due course. In the
meantime, however, to avoid an administrative breakdown on the lapse of
Paramountcy, it is essential in the interests of all concerned that agreements
should be reached in regard to administrative arrangements during the interval
between the lapse of paramountcy and the conclusion of such fresh or modified
Agreements. In the Cabinet Mission’s Memorandum it was suggested that such
arrangements should be on a standstill basis, and there seems to be no practical
alternative to this suggestion.

3. A preliminary draft of a standstill Agreement between individual States
and the two Successor Governments is enclosed herewith. Please communicate
it urgently to all States and report their reactions before the end of this month.

4. In communicating the draft to States, please explain that it is nothing more
than a ‘cockshy’—an attempt by the Crown Representative to provide a basis
for direct discussion and negotiation between representatives of the States and
of the prospective Dominion Governments. It is hoped to arrange for these
discussions to be held towards the end of July. British Indian party leaders are
also examining the draft from the point of view of the two Dominion Govern-
ments but have so far expressed no views on it.

The issue of the above has been authorised.

E. B. WAKEFIELD

for Secretary to His Excellency the
Crown Representative.
Enclosure to No. 198

DRAFT STANDSTILL FORMULA

WHEREAS it is expedient that, without prejudice to the rights of any State or of the Successor Governments in British India, existing administrative arrangements of mutual benefit to the people of the States and to the people of the rest of India should continue in force while negotiations for new or modified arrangements are in progress between the authorities respectively concerned:

Now, therefore, the parties jointly and severally agree that:

(1) No State shall be liable to pay any cash contribution falling due for payment after \(-/-1947^2\) otherwise than on terms to be mutually agreed upon between the parties to this Agreement.

Note: In this Article the term ‘cash contribution’ has the meaning assigned to it in subsection (5) of Section 147 of the Government of India Act, 1935.

(2) For a period of two years, but subject to denouncement by any party concerned on giving six months’ notice and subject always to earlier modification by mutual agreement of the parties concerned, a State shall be entitled to continuance of any privilege or immunity which it enjoyed immediately prior to \(-/-1947^2\) provided that it continues duly to fulfil all conditions or reciprocal obligations attached to each such privilege or immunity.

Note: In this Article the term “privilege or immunity” has the meaning assigned to it in sub-section (6) of Section 147 of the Government of India Act, 1935.

(3) In respect of all matters of common concern relating to the subjects specified in the attached Schedule existing administrative arrangements shall continue in force for a period of two years from \(-/-1947^2\) and shall not be modified otherwise than by mutual agreement of the parties concerned; provided that

(a) Nothing contained in this Agreement, and nothing done in pursuance thereof, shall be deemed to create in favour of any party any right continuing after the date of termination of the Agreement.

(b) Nothing contained in this Agreement, and nothing done in pursuance thereof, shall be deemed to derogate from any right which, but for this Agreement, would have been exercisable by any party to it, and

(c) Nothing contained in this Agreement shall affect the liberty of any party to it to exercise within its own territory all rights of jurisdiction which it may be entitled to exercise whether by reversion on the lapse of paramountcy or by transfer from His Majesty’s Government or otherwise.

1 Vol. VII, No. 262.  
2 [Sidenote in original:] Insert date of lapse of paramountcy.
SCHEDULE

1. Air Communications
2. Arms and equipment
3. Control of Commodities
4. Currency and coinage
5. Customs
6. Import and Export Control
7. Irrigation and Electric Power
8. Motor Vehicles
9. National Highways
10. Opium
11. Posts, Telegraphs and Telephones
12. Railways
13. Salt
14. Taxation
15. Wireless
16. Any other subject involving matters of common concern

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Sir W. Monckton to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Hyderabad, Part I(a)

PRIVATE AND PERSONAL

H.E.H. THE NIZAM'S PALACE,
NEW DELHI, 14 June 1947

My dear Dickie,
In the hope that you will have time to see me on Tuesday, I am writing this letter to tell you how very troubled I am about the way in which my Hyderabad clients are being treated. I have made it plain to them that you told me that H.M.G. would not consider their entering the British Commonwealth of Nations as a Dominion. This came as a disappointment to the Nizam but your statement at the Press Conference went much further and certainly gave the impression that no relations with H.M.G., even on economic questions, would be possible, save through one of the two new Dominions. You will remember the passage:—“There can be no negotiation between H.M.G. and the States. We hand back Paramountcy and in the process we offer our services for enabling them to make the necessary contact with the Government of India and with the respective Constituent Assemblies to come together and make their agreement. But we (meaning H.M.G.) are not actually going to enter into fresh negotiations. We will come out of all commitments”. I cannot believe
that you really intended to bar Hyderabad from all access to H.M.G.² If I am right in this, I wonder if you would consider making a dementi at the first convenient opportunity. Meantime, you can imagine that this statement, seized on, as it has been, by all the Hindu press, and never contradicted, has caused great indignation in Hyderabad. They point out to me that there was no prior consultation with them nor any opportunity for discussion before these decisions were announced publicly. They contrast this with what you said about British India, namely that you had made and announced no decision without full discussion with them beforehand. Moreover, your observations about geographical considerations³ appeared to the Nizam to mean that in your judgment he had no real choice: he must join the Hindustan Union. He feels that he will be kept in a very unsatisfactory state of suspense till the 15th August, or whatever date paramountcy ceases, and will then be abandoned to his own resources.

He asks me what reason he has to trust the Congress. At one moment, their leaders say that they will not exercise pressure on the States to join the Constituent Assembly; at the next, they let it be known that they will do what they can to create disorder in States which elect not to join. At one moment, they profess readiness to permit the Princes to remain: at another and in private conversations, they say that the days of the Nizam are numbered.

He points out that even a casual survey of the Hindu papers shows the eagerness with which they wish to make sure that they can get out of the British Commonwealth as soon as they want to, and their anger when they learn that they cannot drag Pakistan out with them.

The policy of the Nizam has always been, and still is, to retain and increase the ties which bind him to the British. (I need not remind you how strictly the treaties, solemnly repeated by Cripps and Wavell,⁴ oblige the British to protect the State and the dynasty against external aggression and internal disorder, nor how the State has been prevented right up till now from raising forces or procuring equipment adequate even for the maintenance of internal order, because they have been taught and compelled to rely on British arms and the British word). Can you be surprised if the Nizam cannot bring himself to trust in Hindustan for his future? He asks: Am I really to be kicked out of the British family without discussion? Will you really just denounce the treaties, refuse me any political and economic arrangements with H.M.G. and then leave me to my

¹ This particular answer is not included in the report of the Press Conference at No. 60, but was reported in the Times of India, 5 June 1947, p. 5, col. 2.
² cf. No. 112, para. 2.
³ Lord Mountbatten was reported to have said that the States were at liberty to send their representatives to either Constituent Assembly and continued: 'They were absolutely free to choose, but he supposed that geography would play a large part in their decisions'. Times of India, 5 June 1947, p. 5, col. 3.
⁴ See No. 112, note 5.
fate? Have I any assurance, if I do join them, that if they walk out of the British Commonwealth they will not be able to drag me with them?

I have written all this to you, because H.E.H. is pressing me to return at once to England, since action is urgent and he understands you to have said that there is no more you can do to maintain for him a tie or even any direct access to H.M.G. I shall feel bound to go. That means that the one prospect I wanted to avoid cannot be avoided. I cannot give proper service to my clients (and I have never yet refused to give a hundred per cent service) without making my own protest to members of the Cabinet and seeing to it, by my own speeches and writings, and through my old colleagues, that, before it is too late, the British public at least understand that, however justifiable may be the ultimate end, they have treated, and are treating, their old friends and allies shamefully. I shall hate doing this, because I came out here with a wholehearted wish to help you and I know this will have the opposite effect. Moreover, I shall hate it because I think, if I had been able to stay, I could have helped to some extent by my friendship with Jinnah and, above all, because H.E.H. will be making decisions almost day by day in my absence and I firmly believe that if I could stay with him I might still have been able to guide him into a course of friendly co-operation with the Hindustan Union as well as with Pakistan. But I cannot stand by silently and see him automatically cut off from H.M.G. or allow him to drift until August when we practically walk out and leave him to his fate. My present plan is to return to England between 23rd and 30th June and I suppose that, if once I go away, it is very improbable I shall come back again. For I only just manage to hold the Nizam when I see him daily. The extreme Muslims, the Ittihad-ul-Muslemin are attacking me in the Press and in private and will undermine me if I am away three weeks.

Sorry to be a nuisance, but I don’t want to go behind your back.

Yours ever,

WALTER MONCKTON

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Viceroy’s Conference Paper V.C.P. 76

R/3/1/160: ff 3-5

SECRET

THE VICEROY’S HOUSE, NEW DELHI, 14 June 1947

THE RECONSTITUTION OF THE EXECUTIVE COUNCIL

The attached paper, prepared by the Reforms Commissioner in the form of a
minute to His Excellency, will be considered at the next Viceroy’s meeting with members of his Staff.

V. F. ERKINE CRUM
Conference Secretary

Y.E.
As desired by Your Excellency, I discussed with Pandit Nehru, Sardar Patel and Mr. Krishna Menon the question of reconstituting the present Council after the issue of partition has been decided.

2. After decisions on partition are taken, there are two important considerations affecting the administration which have to be taken into account. It is impossible to expect at that stage either the Congress or the Muslim League Members to view matters from an all-India angle; neither party is likely to be content to leave the interests of their parts of the country to be dealt with solely by the Members belonging to the other party. Secondly, both parties, and the Muslim League in particular, would be likely to require the intervening period till the Dominion Status Constitution comes into effect to complete the partition plans and to bring the successor Governments into being. The best way to meet this situation would be to arrange that the Government at the Centre should operate in two separate compartments.

3. If this is accepted, it seems necessary to alter the basis of the existing Government almost immediately the partition issued is settled. The results of the Provincial option will be known by the end of June except in regard to Sylhet and N.W.F.P. I suggest that we need not wait for these results before Your Excellency reconstitutes the Executive Council.

4. It is accordingly suggested that at the Executive Council meeting to be held on the 2nd July Your Excellency should ask for the resignation of all Members of the Council to be sent to you by the evening of Thursday the 3rd. When these have been received, Your Excellency will ask the Congress and League leaders who are likely to be the Prime Ministers in their respective Dominions after the 15th August to nominate a Cabinet in respect of their respective territories. After taking the pleasure of the Crown, these persons will then be appointed Members of the Executive Council. As Members of Council they will have equal status and all will be equally entitled to participate in the meetings of the Council. But while the normal administration of all the Departments will be distributed among the Congress Members of the Cabinet in the usual manner, the Muslim League Members will be concerned only with the Pakistan areas; and for these areas each of them would be associated with one or more portfolios. The effect of this arrangement will be that for each Department there will be two Members of Council of whom the Congress Member will be in charge of the normal administration for the whole of India while the
Muslim League Member will be concerned only with the interests of the Pakistan areas. Corresponding to this, there will also be a parallel organisation for Pakistan areas within the Secretariat. In each Department the 'Pakistan Cabinet' will be represented by a Secretary whose functions will be confined to—

1. collecting the personnel, records, and other material necessary to set up a separate Secretariat for Pakistan by the middle of August, and

2. watching over the interests of Pakistan in the meanwhile.

If in any particular the Pakistan Secretary cannot obtain satisfaction from his opposite number, he will bring it to the notice of his Member who will take up the matter with the corresponding Member of the Congress Cabinet. If the Pakistan Member fails to get the matter suitably adjusted, he will bring it up to the Governor-General who may have it placed before the whole Cabinet.

5. These arrangements should come into operation as early as possible after the 3rd July having regard to the time taken for the acceptance of the resignations and the appointment of new Members by His Majesty.

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Mr Krishna Menon to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Demi-Official Correspondence Files: Krishna Menon

personal

17 York Road, New Delhi, 14 June 1947

My dear Lord Mountbatten,

I enclose a note on Parliamentary legislation, specially dealing with the point of two1 bills and of their character and consequences. This may be read with the note previously sent2 on the point that India was a Continuous State under H.M.G.'s plan.

The plan3 encountered heavy weather at the A.[I.]C.C. meeting today and may fare worse tomorrow. It will no doubt secure a way out, but only because of the stand taken by the leaders.

I had intended to talk to you about one or two matters that have been much on my mind, but the interview did not lend itself to it. I will mention them, and I take the liberty of doing this as my approach to you has always been frank and personal. You will forgive me if what I say appears uncalled for. I cannot in any event go into details in a letter.

You may remember that when I first submitted to you ideas on what may be done, and we had talks in London last March,4 the one thing we both thought fundamental was that, in any partition, which I put forward as necessary to a solution, the outer line of India must remain intact. All secession must be subject to it.
That picture has changed, the N.W.F.P. referendum appeared to cut right across it. Given the results of that referendum, being a victory for Pakistan, owing to various causes, the Baluchistan referendum is meaningless. However the shape of things appear to leave the defences of India in Pakistan. Mr Bevin said at Margate,\(^5\) that the withdrawal from India meant consolidation of Britain in the middle east. Is our frontier still the hinterland of this imperial strategy? Does Britain still think in terms of being able to use this territory and all that follows from it? There is a considerable amount of talking in this way and if Kashmir for one reason or another chooses to be in Pakistan, there is a further development in [2] that direction—I do not know what British policy is in this matter. I do not know that you would know it either. But if this be British intent it is tragic. It will be a grave miscalculation. As it becomes more evident, the attitude of India would be resentful, and British hold on Pakistan would not improve it. I think I have said enough, perhaps a little too much. Events in Kashmir are watched with concern. If Kashmir and N.W.F.P. go to Pakistan, all hopes of the plan being a settlement will prove fanciful. India might be absorbed in her internal and economic difficulties and for the moment be too weary. But in [2] those areas, [3] any fight will spread on a huge scale and we may be menaced by years of conflict. I have just thought aloud. I hope you will forgive me for doing so. It may be that the events cast their shadow on this unhappy country one begins to see every vision more distorted. Perhaps I am wrong and Britain does not think in terms of Empire. But it would not have been right if I did not mention to you these thoughts that pass through my mind as I have in my, very happy, relations with you maintained the utmost frankness and I hope reasonable objectivity. I won't write more about this.

I hope the weekend in Simla has done you some good. I shall leave here tomorrow and return by the end of the month and see you before I go back to London.

Yours sincerely,

KRISHNA

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1. Underlined in original.
2. Not traced.
3. i.e. No. 45.
4. See e.g. Vol. IX, No. 531.
5. The Labour Party Annual Conference met at Margate from 26 to 30 May 1947.
Enclosure to No. 201

Note by Mr Krishna Menon

R/3/1/153: ff 181–3

CONFIDENTIAL

NOTE ON PARLIAMENTARY LEGISLATION

I. The proposed Parliamentary legislation has two purposes:—
   (a) conferring Dominion Status on India
   (b) creating a new State (Pakistan) as a Dominion.

II. Dominion Status for India should be effected by a Bill to amend the Government of India Act. This would be the first measure (in time). The amending bill would seek to:—
   (a) delimit the territory of India so as to exclude from it, presumably by omission from the relevant schedules to the Act, all those areas that have seceded or are in the process of doing so
   (b) alter the relation of the Crown to the Executive and the Legislature so that the Governor-General representing the Crown would be a constitutional head as in the Dominions
   (c) make the legislature sovereign and alter the character and composition of the legislature so that in effect the Constituent Assembly becomes the legislature
   (d) make such changes as are consequential to the extinction of paramountcy (but make no other changes in the clauses concerning the States)
   (e) make such other amendments as are necessary to give the new Dominion, the Status as under the Statute of Westminster.

III. When the Government of India Act is thus amended certain parts of present India would remain outside the Dominion of India and the Jurisdiction of the new Government of India.

   These areas would be constituted into a Dominion and presumably provided with the necessary organs of Government.

   This (above) is the function of the Second Act, the Dominion of Pakistan Act which parliament would enact. This is a second and independent measure.

IV. The Pakistan Act is, in law, consequential to the Amendment Act which is Act No. 1. It is evident that the two enactments cannot be simultaneous, or be different parts of the same measure.

V. If it is proposed to create two new Dominions by first, a Repeal of the Government of India Act, and the enactment thereafter of a measure creating two new States (Dominions) a large number of complications arise.

   (a) The most important of these complications is that India will resist this method whereby the present State of India is extinguished. India holds that she continues as a state under the H.M.G. plan and the changes
consequential to the acceptance of the plan are only those of the structure and status of the government and in the delimitation of territory.

(b) The other objections have been set out in my previous note. Briefly, they are all those consequences that arise from terminating all existing interstate and international relations, political, economic, fiscal, commercial, Labour &c.

(c) Now relations cannot be established by the two successor states until they have been accorded recognition by the parties concerned. This takes time and in the meanwhile there is either an interregnum or handling of all these matters by H.M.G. Either would be disastrous.

VI. There are other objections, mainly of an Indian character.

(a) The Act creating the Dominions, is until the Constituent Assembly has made constitutions and implemented them, the Constitutions of the respective Dominions.

(b) It would be incongruous and disagreeable for the two independent states, born out of an agreement to differ and live apart, to have the same Constitution Act even though they be in two parts of the same Act.

VII. There are a large number of residuary matters which are not and cannot be now considered in the various negotiations that are in progress. There are probably a number that will not even come to light for some time.

These residual matters will remain vested in India if India is continuous as a State. International and interstate relations would continue and there would be no interregnum.

The two new States, if they are created as new States, would each have vested in them, only what the constitution vests in them and what they as free and independent states undertake thereafter. They have no residual rights or obligations.

VIII. To sum up, the proposed Parliamentary legislation must be:—

(a) by way of two independent, separate measures

(b) in the nature of things (and by law), the Pakistan Act would be consequential on the Indian Dominion Act

(c) The Indian Dominion Act should be by way of an amendment of the Government of India Act 1935

(d) The enactment of one (or two) Acts, consequential to a Repeal of the Government of India Act is neither appropriate nor likely to be accepted by India.

(e) Any enactment of parliamentary legislation in such a way as to extinguish the State, India, and to create two new States, would result in all kinds of complications, an interregnum and also cause all the obligations owed by India, all claims by and against her to lapse.

(f) Finally H.M.G.'s statement of June 3, as I have pointed out in my pre-

No. 45.
vious note does not contemplate the creation of two totally new states, but only the secession of certain territories from the present Indian State and the provision thereafter to constitute the seceding parts into a dominion while giving India herself the Status of a Dominion.\footnote{Lord Mountbatten referred this note to Mr Abell and Mr V. P. Menon on 21 June indicating that he had inadvertently overlooked it. Mr Abell noted: ‘Out of date now?’ Mr Sundaram replied on behalf of Mr V. P. Menon, in a note dated 23 June, that Mr Krishna Menon’s note was ‘out of date but interesting. The draft Bill received by us proceeds on lines different from those set out in Para. VIII of the Note, except that points (e) and (f) in that para. have been carefully kept in mind’. In a further note of 24 June Mr Abell recommended no further action on Mr Krishna Menon’s proposals, adding: ‘His main point that India should be a continuing entity has been secured’. R/3/1/153: ff 177, 180. 184.}

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Indian Independence Bill, Part I(a)

IMMEDIATE SECRET

NEW DELHI, 14 June 1947

No. 1439-S. I have given most anxious consideration to question of international status of new India after separation of Pakistan. Our Legislative Department and V. P. Menon have given me a memorandum on the subject copy of which is being sent to you by air.\footnote{Their view is that there can be no doubt that after partition the identity of the remainder of India as an internationally recognised state will not be affected and that remainder of India after the northern and eastern portions are separated will remain identifiable with the pre-partition India. According to them this position is implicit in H.M.G.’s statement of 3rd June 1947.}

2. I do not wish to involve myself in legal or constitutional arguments over this issue but to approach it from a practical standpoint.

3. I had a talk with Liaquat Ali Khan on the subject.\footnote{He was emphatic that he did not wish to waste time arguing whether Hindustan should take title of India or inherit membership of U.N.O. or regard as their own, representatives who have now been sent out by Governor General in Council to countries abroad. He told me he was a realist and all he really wanted was a fair proportionate division of assets and liabilities.} He was emphatic that he did not wish to waste time arguing whether Hindustan should take title of India or inherit membership of U.N.O. or regard as their own, representatives who have now been sent out by Governor General in Council to countries abroad. He told me he was a realist and all he really wanted was a fair proportionate division of assets and liabilities.

4. The Congress position is that Hindustan succeeds to present international personality of India. According to V. P. Menon who had talks with Patel and Nehru Congress have no desire to do down the Muslim League in the division
of assets and liabilities and are prepared to agree to any principle of equitable distribution. In other words to Congress question of the international status of Hindustan is one of prestige and the League's approach to the problem is one of practical politics. In any case League can derive no benefit to themselves by contesting the Congress view.

5. We have therefore a fair chance of a compromise between the two parties.

6. My advice therefore is (a) that so far as H.M.G. is concerned India minus Pakistan should inherit the entity of India internationally; (b) that Hindustan will take over all the international obligations of the present Government of India; and (c) that agreement should be reached between the Government[s] of Hindustan and Pakistan as regards division of assets and liabilities on equitable basis.

7. I recognise that so far as representation to U.N.O. is concerned question if raised before that body is one for them to decide and that question of representatives abroad is again a matter for Hindustan to settle with the countries concerned. It will however be very useful if H.M.G. could make their own position clear and accept my view as regards the international status of India as set out above; and also state their intention that successor authorities whoever they may be shall share proportionately assets and liabilities of the Government of India.

8. I am absolutely certain that a wrong approach to this issue will cause a complete breakdown in the present settlement. I have gone into the matter very carefully and I and my staff hold unanimous view. I must go so far as to say that I prophesy untold trouble if the course I have suggested is not adopted.

9. I shall be grateful if H.M.G.'s views on this are included in the reply to my 1358-S in a form in which it can be communicated to both parties.

1 L/P &S/12/4638: ff 97-100.
2 See No. 153.
3 'obligations' deciphered as '(? omission)s'.
4 'settlement' deciphered as 'Assembly'.
5 No. 115.
Mr Attlee to Mr Chifley, Mr Fraser and Field Marshal Smuts

Telegram, L/PO/6/122: f 375

IMMEDIATE

DOMINIONS OFFICE, 14 June 1947, 4.45 pm

TOP SECRET AND PERSONAL

Following from Prime Minister for Prime Minister. Begins.

The Viceroy has informed us that in connection with the arrangements now being made for the immediate transfer of power in India on the basis of Dominion status, the Congress leaders have stipulated that in any such arrangement, steps should be taken to alter the King’s Title by the omission of the term “Emperor of India”.2

As you will be aware, the Canadian Government have already suggested that there should be a general review of the King’s present title and that the Indian position might be considered in this connection.3 I fear, however, that in view of what I have said above, it would not be possible for us to defer action here as regards the title “Emperor of India” until such a general review had taken place. While we for our part are very willing to agree to such a review, we feel bound to make provision regarding India in the India Bill which we are now drafting in order to give effect to the new proposals for Dominion status for India and Pakistan. We contemplate therefore that in the India Bill we should include a clause declaring that the United Kingdom Parliament has given assent to the omission of “Emperor of India” and to the issue of a Royal Proclamation for this purpose. This will leave the new position of India covered in the general wording of the title. We should hope that a clear declaration of the intention of the United Kingdom and Parliament in this sense would suffice so far as Indian opinion is concerned and that the actual issue of the proclamation could then be deferred for the time being.

It is clear that under the preamble to the Statute of Westminster, any alteration in the King’s Title is a matter requiring the assent of other Commonwealth countries as well as the United Kingdom. I do not expect that it would be possible for you to take such action as you may regard necessary in relation to your Parliament before the time when we must complete our new India Bill. I should, however, be glad to learn whether you would agree that the title “Emperor of India” should be dropped and would be prepared to take such steps as you may deem necessary to obtain the assent of your Parliament. If you feel able to give me an assurance in this sense, it would meet the case if you could authorise me to make a statement to this effect in Parliament here at the time of
the discussion of the India Bill. I should be grateful to hear from you on this point as a matter of urgency.  

I am sending a similar message to the other Prime Ministers.4 Ends.

1 Tel. 120 to Australia; 100 to New Zealand; 49 to South Africa.
2 See Nos. 164 and 184.
3 See No. 8, para. 3.
4 The telegram to Mr Mackenzie King (No. 149 of 14 June) had minor variations in its wording, dealing at slightly greater length with the point alluded to in para. 2 above. L/PO/6/122: f 376.

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Mr Abbott to Mr Abell

Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II(a)

IMMEDIATE  
CONFIDENTIAL

15 June 1947, 9 am
Received: 15 June, 2.15 pm
No. 131-G. Your telegram 1437-S.1 Best available figures from 18th November to 15th May are 3280 killed and 1359 injured. Figures certainly below actuals as Rawalpindi district figures still uncertain and in Gurgaon many casualties removed by rioters themselves.

1 Dated 14 June 1947 requesting figures for casualties in communal disturbances.

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Resolution of the All-India Congress Committee³

Mountbatten Papers

15 June 1947

The A.I.C.C. has given careful consideration to the course of events since its last meeting in January last and, in particular to the statements made on behalf of the British Government on February 20, 1947,² and June 3, 1947.³ The Committee approves and endorses the resolutions passed by the Working Committee during this period.

The Committee welcomes the decision of the British Government to transfer power completely to the Indian people by next August.

The Congress accepted the British Cabinet Mission’s statement of May 16, 1946,⁴ as well as the subsequent interpretation thereof dated December 6, 1946,⁵ and has been acting in accordance with it in the Constituent Assembly

1 The text of the resolution reproduced here is that circulated to the Viceroy’s Staff under reference V.C.P. 77.
2 Vol. IX, No. 438.
3 No. 45.
5 Vol. IX, Appendix to No. 166.
which was constituted in terms of the Cabinet Mission’s plan. That Assembly has been functioning for over six months and has not only declared its objectives to be the establishment of an independent sovereign republic of India and a just social and economic order, but has also made considerable progress in framing the constitution for the free Indian Union on the basis of fundamental rights guaranteeing freedom and equality of opportunity to all Indians.

In view, however, of the refusal of the Muslim League to accept the plan of May 16, and to participate in the Constituent Assembly, and further, in view of the policy of the Congress that ‘it cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will,’ the A.I.C.C. accepts the proposals embodied in the announcement of June 3, which have laid down a procedure for ascertaining the will of the people concerned.

The Congress has consistently upheld that the unity of India must be maintained. Ever since its inception, more than 60 years ago, the National Congress has laboured for the realization of a free and united India, and millions of our people have suffered in this great cause. Not only the labours and sacrifices of the past two generations, but the long course of India’s history and tradition bear witness to this essential unity. Geography and the mountains and the seas fashioned India as she is, and no human agency can change that shape or come in the way of her final destiny.

Economic circumstances and the insistent demands of international affairs make the unity of India still more necessary. The picture of India we have learnt to cherish will remain in our minds and hearts. The A.I.C.C. earnestly trusts that, when the present passions have subsided, India’s problems will be viewed in their proper perspective and the false doctrine of two nations in India will be discredited and discarded by all.

Secession

The proposals of June 3, 1947, are likely to lead to the secession of some parts of the country from India. However much this may be regretted, the A.I.C.C. accepts this possibility, in the circumstances now prevailing.

Though freedom is at hand, the times are difficult and the situation in India demands vigilance and a united front by all those who care for the independence of India. At this time of crisis and change when unpatriotic and anti-social forces are trying to injure the cause of India and her people, the A.I.C.C. appeals to and demands of every Congressman and the people generally, to forget their petty differences and disputes and to stand by, vigilant, disciplined and prepared, to serve the cause of India’s freedom and defend it with all their strength from all who may seek to do it injury.

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Resolution of the All-India Congress Committee on the States

Mountbatten Papers

15 June 1947

The A.I.C.C. welcomes the association of many Indian States in the work of the Constituent Assembly. The Committee hopes that the remaining States will also cooperate in this building up of the constitutional structure of a free India in which the State units will be equal and autonomous sharers with the other units of the Federation.

The position of the States in the constitutional changes that are taking place was defined in the memorandum presented by the Cabinet Mission on May 12, 1946, and the statement of May 16, 1946. The recent statement of June 3, 1947, has not added to these in any way. The position, according to these papers, was that the Indian Union would consist of the provinces and the States, that paramountcy would lapse on the transfer of power, and that in the event of any State not entering into a federal relationship with the Union, it will enter into other political arrangement with it.

In the memorandum it was further stated that the British Government had been informed by the Indian States that they desired in their own interests and in the interests of India as a whole both to make their contribution to the framing of the structure and to take their due place in it when it is completed. Hope was also expressed that the various State Governments which had not already done so would take active steps to place themselves in close and constant touch with public opinion in their States by means of representative institutions. It was suggested that existing arrangements as between the States and the Government of India should continue in regard to matters of common concern until new agreements were completed.

While recognizing that some progress has been made in some States towards representative institutions, the A.I.C.C. regrets that during this past critical year, since the memorandum of the Cabinet Mission, this progress has been very limited both in its extent and quality. In view of the basic changes that are going to take place in India within the next two months, resulting from the complete transfer of power to Indian hands, it is of vital importance that progress leading to responsible government should take place rapidly in the States. The A.I.C.C. trusts that all the States will initiate these changes so as to keep in line with the fast-changing situation in India and at the same time produce contentment and self-reliance in their people.

1 The text of the resolution reproduced here is that circulated to the Viceroy’s Staff under reference V.C.P. 78.
The Committee does not agree with the theory of paramountcy as enunciated and interpreted by the British Government; but even if that is accepted, the consequences that flow from the lapse of that paramountcy are limited in extent. The privileges and obligations as well as the subsisting rights as between the States and the Government of India cannot be adversely affected by the lapse of paramountcy. These rights and obligations have to be considered separately and renewed or changed by mutual agreement. The relationship between the Government of India and the States would not be exhausted by lapse of paramountcy. The lapse does not lead to the independence of the States.\(^5\)

Both from the point of view of the spirit underlying the memorandum of May 12, 1946, and the statement of May 16, 1946, as well as the acknowledged rights of the people all over the world today, it is clear that the people of the States must have a dominating voice in any decisions regarding them. Sovereignty, it is admitted, resides in the people, and if paramountcy lapses, resulting in the ending of the relationship of the States to the Crown, the inherent rights of the people are not affected thereby for the worse.

The arrangement made under paramountcy in the past dealt, *inter alia*, with the security of India as a whole. In the interest of that security various arrangements were agreed to limiting the power of the States authorities and at the same time granting them protection. The question of the security of India as well as other matters are as important today as at any time previously and cannot be ignored in deciding the future of the States.

The A.I.C.C. cannot admit the right of any State in India to declare its independence and to live in isolation from the rest of India. That would be a denial of the course of Indian history and of the objectives of the Indian people today.

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\(^5\) Sir P. Patrick noted on 18 June that this and the penultimate paragraphs: 'directly challenge the conclusion to be drawn from the memorandum of 12th May 1946 and para. 18 of the Statement of 3rd June that the States on the recognition of the two Dominions regain independence and are free either to join the Dominions or to regulate their relations with them by special agreements. Mr Nehru's recent speech does the i's and crosses the t's. But his view is challenged by Mr Jinnah. While we must avoid as long as possible taking a hand in the controversy it will presumably be necessary to say before long that with the lapse of paramountcy the treaties and engagements made under paramountcy lapse and the States become free agents.' L/P 85/10/100: f 25. The speech by Nehru to which Patrick refers was presumably the one he made on the resolution on the States at the meeting of the A.I.C.C. *The Times*, 18 June 1947, p. 4, col. 4, reported him as saying: 'If a State does not join the Union, its relationship with the Union—and there will have to be some relationship—will not be one of equality, but slightly lower. We require suzerainty or paramountcy.' He stated that the States could not be allowed contacts with any foreign State or any independent authority in defence; and he added that 'we will not recognize any independence of any State in India', and that 'any recognition of any such independence by any foreign Power . . . will be considered an unfriendly act'. For Mr Jinnah's views see No. 225.
The A.I.C.C. trusts that the rulers of the States will appreciate fully the situation as it exists today and will in full cooperation with their people enter as democratic units in the Indian Union, thereby serving the cause of their own people as well as of India as a whole.

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/157: § 28

17 YORK ROAD, NEW DELHI, 15 June 1947

Dear Lord Mountbatten,

The following names are suggested for the Boundary Commissions:

For the Punjab Commission:
Mr. Justice Mehar Chand Mahajan.
Mr. Justice Teja Singh.
Both of the Lahore High Court.

For the Bengal Commission:
Mr. Justice C. C. Biswas.
Mr. Justice Bijan Kumar Mukherji.
Both of the Calcutta High Court.

Yours sincerely,

JAWAHARLAL NEHRU

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/157: § 27

IMPORTANT
SECRET

NEW DELHI, 15 June 1947, 2.20 pm
Received: 15 June, 2.45 pm

No. 1451–S. Your 7673 of 13th June.¹ Boundary Commissions.

1. At my meeting with the seven Indian Leaders on the 13th² it was decided, in view of the time factor, to drop the suggestion that the Boundary Commissions should be composed of persons obtained through U.N.O.

¹ No. 195.
² No. 175, Item 2.
2. Instead each Boundary Commission will consist of an independent chairman and four other persons, of whom two will be nominated by Congress and two by the Muslim League. The nominated members (all of whom will be of high judicial standing) will choose their own chairmen, or, if they cannot reach agreement, the leaders themselves will make the choice at a future meeting.

3. If, by any chance, neither of these processes results in agreement, I might then, as a last resort, put forward the suggestion that the President of the International Court should be invited to select the chairmen.

4. Please therefore take no further action on the suggestion that U.N.O. should be approached. Nor, I suggest, should any but purely exploratory action be taken with the President of the International Court. 3

3 Lord Listowel replied in tel. 7804 of 18 June that he was glad to hear that the Boundary Commission question might be settled without recourse even to the International Court, adding that he would ask the Foreign Office to take exploratory action only, as suggested in para. 4 above. L/P &J/10/117: f 194.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/178: ff 63-6

SECRET

GOVERNMENT HOUSE, LAHORE, 15 June 1947

NO. 683

Dear Lord Mountbatten,

The main event of the fortnight was the announcement of 3rd June. It is now possible to give a fairly accurate appreciation of the reactions to it.

2. There is a complete absence of enthusiasm for the partition plan—nobody seems pleased, and nobody seems to want to get on with the job. The plan has had no discernible effect on communal relations, which remain as they were. Nor is there any sign of special anxiety for, or hostility to, Dominion Status.

On the other hand, the political parties here acquiesce in the plan, but (as is usual in matters of this kind in India) for widely differing reasons. Muslim Leaguers think it a master-stroke by Jinnah, who has secured the recognition of Pakistan and will in the end get them all they want. Congressmen think it a master-stroke by Patel, who, having pushed the Muslims into a corner (or into two corners) will be able to destroy them before very long. Patel's private conversation is reported to be menacing—Barq who was a Minister in the
Coalition Government told me he had heard him say that Hindustan could quickly make an end of its Muslim inhabitants if Pakistan did not behave. This may be quite untrue, but the story represents the attitude the Hindus hope and the Muslims fear Patel will take up. The Sikhs pin their faith on the Boundary Commission; they are now said to be fairly well organised in the Districts they think critical, and it is quite likely that they will refuse to go very far with partition until they know where the boundary will run. Their latest announcement demands exchanges of property and transfers of population.

Intelligent people not deeply committed to the political parties are far from happy. They do not believe that partition will settle anything, and the disturbance it will cause will make them at best uncomfortable and at worst insecure. Land values are said to be falling in the colony districts, and there are many stories about the “flight of capital” from Lahore.

Generally, the atmosphere of fatalism continues. It was ordained from the first that the communities should massacre and loot one another; nothing can alter this; unity means ruin of one kind, and partition ruin of another; if there is to be ruin anyway partition seems the simpler and perhaps the less bloody form of it.

3. The effect of the announcement on the Services is still not quite certain. We have asked all members—British and Indian—of the Secretary of State’s Services whether they are willing to serve on and, if so, whether their willingness extends to service in a United Punjab, in a Western Punjab, in an Eastern Punjab, or in all or any two of them. Replies are due by 25th June.

It seems doubtful if many of the British officials will wish to stay. By all accounts they are not impressed by the Dominion Status idea, and they have no confidence at all in the Central or the Provincial politicians. The average British official does not in fact believe that the new Governments will be fit to serve under—in his opinion they are likely to be communal and unfair, their administrative standards will be low, and their financial stability will at best be questionable. This goes apparently not only for British members of the I.C.S. and I.P., but for the majority of the Doctors and Engineers. The General Manager of the North Western Railway tells me that feeling is much the same among his British personnel. I hope that the replies to our questionnaire may be less uncompromising than I now expect, but I fear that the political parties will have to launch the new Governments without much British assistance, even if they want it. The Irrigation Department may suffer almost more than any other.

Indian members of the all-India Services are worried. The Muslims are, I understand, already parcelling out the more lucrative Pakistan appointments among themselves. The non-Muslims do not think they will be safe in the Western Punjab, and hope to be accommodated in Hindustan.

The Provincial Services (composed almost entirely of Punjabis with a
sprinkling of Anglo-Indians) are in much the same case. It is assumed that there will be a communal split—Muslims to the West, others to the East—and I have no doubt that the scramble for appointments will soon begin.

The great mass of the Subordinate Services—including anything from an Inspector of Police recruited provincially to a Constable or office messenger recruited on a district basis—can in my opinion be dealt with only by gradual adjustments, but they will not escape the general ferment.

So far as the services are concerned, we are going through a very difficult time, with some men yearning to leave India, others trying to please new masters, and others again upset and apprehensive. The old administrative machine is rapidly falling to pieces.

4. I have kept Your Excellency informed of what I have done to get the Partition Proceedings started. The politicians do not yet realise what they are in for, and my difficulty will be to get them to take the business seriously and to undertake the really arduous work which it involves. Mamdot's sole contribution to date has been his objection to the official Committees—I am told that he and his colleagues are still too busy dividing the prospective spoils to do anything else. He returned from Delhi on 14th June, and I had understood from Your Excellency that he was to come and see me on his arrival. One of his retainers telephoned to my Secretary on 14th afternoon to say that he had arrived, but when my Secretary asked if he wished to see me, the reply was "No". I have left it at that over the week-end, but shall have to shake up all the leaders, including Mamdot, during the next few days.²

The troubles I foresee are of three kinds. In the first place, we have no outstanding political leader here and the members of the Partition Committee will almost certainly lose themselves in recriminations and hair-splitting. We are very short of magnanimity in the Punjab. Secondly, we have not really got the staff to present the material properly in the time available. There is no easy remedy, but I am getting back Askwith a senior member of the I.C.S. who was on leave preparatory to retirement and volunteered to return in any capacity. Askwith knows the Punjab background well, and as he has not served here since 1940 can hardly be suspected, even in these days, of favouring one side or the other. He was a first-class District Officer, and is also very good at Secretariat work. I am told that the Home Member did not like Askwith's return, but the offer was too good to miss. Thirdly, until the boundary is settled, final decisions can hardly be taken e.g. as to the exact financial adjustments to be made, and the Committee may decline to proceed by settling principles and applying them later.

I believe that the job could be put through quite quickly if the parties would concentrate on the minimum essentials for the establishment of two Provinces with two separate Governments. But if the parties insist upon dividing e.g. the
Irrigation and Electricity Departments, with all their assets and stores, and all financial adjustments complete to the last anna, before the two separate Governments are established, the process may take months or even years.

I am not sure what line Your Excellency intends to take if on 15th August the Partition Committees in the Punjab and/or Bengal are still hard at it with no results in sight. Here in the Punjab the boundary is vital, and until that is settled it is difficult to see how the two new Provinces or for that matter the two new Dominions can be created—unless of course the Punjab is kept as a kind of no-man’s land under Central control.

5. I have mentioned that the announcement of 3rd June had no appreciable effect on communal relations. Lahore and Amritsar have both been seriously disturbed throughout the fortnight—the main incidents being stabbings, cases of incendiarism, and bomb explosions. Lahore has been slightly better during the last day or two; but Amritsar is a constant trouble and the periodical improvements there are seldom maintained.

Gurgaon—about which I have had some separate correspondence with Your Excellency—has been largely out of hand. Our resources there have been inadequate, and we have so many commitments that it is quite impossible to make police and troops available in the numbers required to suppress quickly what amounts to a primitive war. The situation has, however, improved in the last few days, and I hope that this time the improvement will be maintained. I would fly over to Gurgaon again if I were not so busy here with the preparations for partition. Eustace, the Commissioner of Ambala, is at Gurgaon and is in close touch with the Army.

Elsewhere, largely I think because of the presence of troops in all districts likely to give trouble, the fortnight has been fairly quiet. Gujranwala had some communal stabbings; and bomb explosions, suspicious fires, and minor incidents are so common that one hardly notices them in the District reports.

Our liaison with Northern Command is excellent. Messervy established a Tactical Headquarters at Government House, Lahore, for about a week from 4th June—a very useful experiment which can be repeated if necessary.

[Para. 6, on the food position, omitted.]

Yours sincerely,

E. M. JENKINS

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[Note in original:] I am seeing Mamdot, Sachar and Swaran Singh tomorrow 16th at 10.0 A.M. Mamdot has launched a local Press campaign against me which the others will not like! They will think it an attack on them.

3 See No. 141 and its note 1.
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Note by Mr H. M. Patel

Mountbatten Papers. Partition Committee Papers

IMMEDIATE

SECRET

GOVERNMENT OF INDIA, CABINET SECRETARIAT,
NEW DELHI, 15 June 1947

NO. 135/C.F./47

The Cabinet Secretary presents his compliments to the Honourable Member for

and is directed

by His Excellency the Viceroy to request that he will attend a meeting of the

Special Committee to be held at The Viceroy’s House at 6 P.M. on Monday,

the 16th June, 1947.

AGENDA

1. Recommendations of the Steering Committee in regard to the Expert
   Committees, their terms of reference and personnel. (attached)

2. A paper prepared by His Excellency the Commander-in-Chief on the
   Re-constitution of the Armed Forces in India. (attached)

H. M. PATEL

Cabinet Secretary

To Hon’ble Members for Finance, Home, Food & Agriculture, and Com-

munications.

Enclosure to No. 210

NOTE BY THE STEERING COMMITTEE

In the attached statements are set out
(1) the Expert Committees and sub-Committees that it will be necessary to
   set up, and

(2) recommendations as to their respective terms of reference and their
   membership.

As directed by the Cabinet Committee, departments were consulted regarding
the suitability of the terms of reference as also the composition and every effort
has been made to meet the various points urged and recommendations made by
them. In regard to two Expert Committees it has not been possible for the
Steering Committee to agree on their respective terms of reference. Each of us
have [i.e. has] set out the terms of reference which he considers to be reasonable
and appropriate.

2. In so far as the Expert Committee No. 1 is concerned, alternative drafts
   are submitted for para (a).
3. In so far as the Expert Committee No. 2 is concerned, alternative drafts are submitted for clause (2). The difference between the two drafts raises a fundamental issue. Mr Patel’s view is that normally material assets must be left where they are. In ordinary times, it is not only a simple arrangement but positively advantageous in certain ways. It proceeds from the truth that division and physical transfer of a material asset generally impairs its total value. This in fact is a well-established principle. It was adopted first when Burma was separated from India and was followed subsequently in the separations of Sind from Bombay and Orissa from Bihar. In the present state of scarcity of capital goods, however, a certain measure of physical transfer may be necessary in order that the Government lacking in a particular resource may not be unduly hampered in that service for a prolonged period. For that reason, in Mr Patel’s draft, it has been stated that in such cases subject to the needs of the jurisdiction in which they lie negotiated arrangements may be reached.

On the other hand, Mr Mohamad Ali’s view is that the accident of geographical location should not have priority over the just and equitable distribution of assets like workshops and industrial installations between the two successor Governments. The separation of Burma does not provide a parallel since, owing to the geographical isolation of Burma, services in Burma were very largely self-contained. It is only fair that both the successor Governments should in the matter of efficiency of services start on as equal a footing as possible. Inevitably Pakistan will be comparatively worse off in industrial equipment which is at present in short supply throughout the world. This disadvantage should not be further accentuated.

4. The terms of reference for Expert Committee No. 5 (Finance and Currency Committee) together with its composition will be submitted later.

5. A separate paper entitled “Reconstitution of the Armed Forces in India” is being circulated today containing the proposals of the Commander-in-Chief for the setting up of an Armed Forces Committee together with its sub-committees. Owing to shortness of time, it has not been possible for us to discuss this paper with the Commander-in-Chief. The paper, however, appears to us to be satisfactory and we would recommend its acceptance.

6. It is proposed that all Expert Committees including the Armed Forces Committee should be called upon to complete their work not later than the 22nd of July. It will not be feasible for the Assets and Liabilities Committee, however, to submit its recommendations by the 22nd of July since a certain portion at least of its work can only commence after a number of sub-committees have completed their work; that Committee can, therefore, be asked to report by the 31st July. The Steering Committee will for its part submit proposals to the Partition Council as the various Expert Committees’ reports are received and examined.
EXPERT COMMITTEE NO. 1
Organisation, Records and Personnel

TERMS OF REFERENCE

(As proposed by Mr. H. M. Patel)

(a) To obtain and submit proposals—
   (i) for the administrative machinery required for Pakistan, including
   (ii) the necessary office equipment, furniture, stores, etc.,
   (iii) the necessary records, documents, international agreements, etc. (which should be separated or duplicated).

(a) To submit plans for the organisation of Departments, Offices and services so that the two successor Governments have the necessary administrative machinery including—
   (i) the various kinds and grades of staff,
   (ii) the necessary office equipment, furniture, stores, etc.,
   (iii) the necessary records, documents, international agreements, etc. (which should be separated or duplicated).

(b) To make recommendations regarding the division, in accordance with the general directive given below as far as possible, and where this may not be possible, to suggest the basis of division, of the following—
   (1) officers of the Superior Services,
   (2) the staff of the Departments of the Government of India and of the Attached and Subordinate offices,
   (3) the staff of the regional organisations, for example, the various Railways, P. & T. Circles, and Income Tax Circles.

(c) Where it is not possible to effect a complete separation of functions by the partition date to recommend interim arrangements for carrying out the functions concerned in the two areas.

(d) To recommend measures for giving effect to the decisions taken on the recommendations in (a) (b) and (c) by the Partition Council.

DIRECTIVE

Every government servant should be given the opportunity to select the Government he wishes to serve. If in any case during the transition period a different arrangement is necessary, specific orders of the Cabinet Committee (later Partition Council) would be obtained on the basis of the recommendations of the relevant Expert Committee by the Steering Committee.

[There follows a list of the Departmental Sub-Committees of Expert Committee No. 1, the terms of reference for which were to be 'as for the Expert Committee No. 1 suitably modified to meet the requirements of the departments concerned'.]
EXPERT COMMITTEE NO. II

Assets and Liabilities

TERMS OF REFERENCE

(As proposed by Mr. H. M. Patel)

(1) To compile lists of assets by broad categories showing value and present location.

(2) To make recommendations as to the division of assets between the two successor Govts., keeping in view the following broad principles—

(i) Fixed assets like railway lines, buildings and public works, telegraph and telephone lines, etc. should be regarded as the property of the Govt. in whose jurisdiction they lie.

(ii) Moveable assets like rolling stock, reserves and maintenance stores, equipment relative to the fixed assets in (i) where applicable should be divided in such manner as would enable the respective Govts. to be currently self-sufficient and maintain the utilities efficiently.

(iii) Assets like plant and machinery in workshops, factories and other installations and equipment in institutions of an all-India character may, subject to needs of the jurisdiction in which they lie, be shared by the other Govt. to assist the latter to be self-sufficient as far as practicable.

(As proposed by Mr. Mohammad Ali)

(2) To make recommendations for the physical division of assets between the two successor Govts. bearing in mind the objective that as far as practicable

(a) the service in the two Governments run with the same degree of efficiency,

(b) the two Governments are self-sufficient to the maximum degree.

COMPOSITION

1. Mr. V. Narahari Rao
2. Sir Ghulam Mohd (Non-official)
3. Mr. S. Ratnam
4. Mr. Mumtaz Hasan
5. Mr. Rangachari
6. Mr. M. Shoaib

Secretaries
1. Mr. Negi
2. Mr. Anwar Ali

Explanatory Note

There are certain categories of assets such as irrigation canals, railway lines, Telegraph lines, buildings which will be taken over by the Government in whose territory they are located. On the other hand, there are other categories of assets such as stores, equipment, rolling stock, workshops and industrial installations which can and should be divided between the two Governments irrespective of their present locations so that both Governments have their due share of such assets. This division should not be such as to destroy their utility to either Government except of course the temporary loss of production during the period of transportation and in some cases of dismantling and re-erection.

(3) When division is impracticable, to make recommendation either for mutual assistance or for joint administration or for any other arrangement for such period as may be necessary.

(4) To make recommendations in regard to the financial settlement between the two Governments arising from the above as well as from an allocation of the public debt, pensions and other liabilities.

(5) To recommend measures for giving effect to any transfer of assets after the recommendations have been accepted by the Partition Council.

Note: Departmental sub-Committees and the Armed Forces Committee will submit reports to the Expert Committee in regard to assets falling within their purview.
There follows: (i) a note on the Departmental Sub-Committees of Expert Committee No. II. (Apart from Railways and All India Radio the departmental sub-committees of Expert Committee No. I were also to function as the departmental sub-committees of Expert Committee No. II.)

(ii) a list of the other Expert Committees with their Terms of Reference.

Enclosure 2 to No. 210

SECRET
C-IN-C

Reconstitution of the Armed Forces of India
Commander-in-Chief’s Paper No. 1/47 of 11 June, 1947

1. Object
To set up a Committee for the reconstitution of the Indian Armed Forces with the necessary sub-committees.

2. Responsibility of Committee
The Armed Forces Reconstitution Committee (AFRC) is to report to the main Partition Council through the Steering Committee which will co-ordinate the work of this and other expert Committees. It is understood that the Partition Council have decided that while the C-in-C will keep the Hon Member for Defence acquainted with the proposals and intentions of AFRC, the latter will not be subject to the existing Defence Dept. of the Government of India.

3. Composition of the Committee
I propose that the Armed Forces Reconstitution Committee should be composed as follows:

(a) **Main Committee** to define policy.
   President—the C-in-C
   Members—the C-in-C RIN
   —the C.G.S.
   the A.O. C-in-C
   Mr. Muhammad Ali (FA D &S)
   Mr. G. S. Bhalja (Additional Secy. Defence Department)
   Secretary—Colonel Muller (C-in-C’s Sectt.)

(b) **Sub-Committees** to make recommendations regarding implementation of policy.

   (i) Navy Sub-Committee
      Chairman—Commodore Jefford, RIN.
      Members—2 British officers of the RIN (one of whom will be an Engineer Officer); 4 Indian officers of the RIN (The two senior Indian officers should be executive officers).
      Secretary—An officer of the RIN.

Total 8 officers.
(ii) Army Sub-Committee
Chairman—Major-General Irwin, DCGS, GHQ
Members—1 Colonel (British) GS Branch.
   1 Colonel (British) AG’s Branch.
   1 Colonel (British) QMG’s Branch.
   6 Indian Officers of the Indian Army.
Secretary—An officer of the Indian Army.
Total 11 officers.

(iii) Air Force Sub-Committee
Chairman—Air Vice Marshal Perry-Keene, RAF, AOA, AHQ
India.
Members—2 British officers of the RAF (one of whom will be a
technical officer); 4 Indian officers of the RIAF.
Secretary—An officer of the RIAF.
Total 8 officers.

A panel of names of Indian officers of each Service who are considered by me
competent to act as members of the Sub-Committee is attached, so that the
requisite number of Indian officers to serve on each sub-committee, namely 4
for the Navy, 6 for the Army and 4 for the Air Force, may be selected by the
members of the Partition Council.

I shall be grateful if H.E. the Governor General will procure for me the part
time services of Mr. Muhammed Ali and Mr. Bhalja to serve on the main
Armed Forces Reconstitution Committee. I think it is essential to have a
representative of each major community on this committee and I consider that
the two gentlemen I have suggested are admirably suited for this work.

The number of members suggested for the Army Sub-Committee may seem
to be on the large side, but the operation of reconstituting the Army is bound to
be most complex and difficult; and it is essential in my opinion to ensure that
there is the fullest possible measure of expert experience and knowledge
available in its members.

4. Terms of Reference
I suggest that the terms of reference for the A.F.R.C. should be as follows:—
“...In close consultation with the Steering Committee, acting under the
orders of the Partition Council, to prepare a plan for the creation from the
existing Armed Forces in India, namely the Royal Indian Navy, the Indian
Army and the Royal Indian Air Force, (including the various installations,
establishments and stores owned by the present Defence Department of
the Government of India) of two separate, self-contained and self-suffi-

1 See No. 152, Item 3.
2 Panels of names, indicating the community to which each officer belonged, are attached for each of
the three service sub-committees, but are not reproduced here.
cient parts, one for each of the two Dominions into which British India is to be divided. Due regard will be paid to the strategic and internal needs of these new States and the necessity for ensuring the highest possible standard of efficiency in their Armed Forces. In preparing its plan the Committee will be guided throughout by the over-riding importance of maintaining the highest possible standard of discipline, reliability and solidarity in the present Armed Forces during the process of division.

The Committee will also ensure to the best of its ability that the plan recommended by it safeguards to the utmost extent possible the welfare, prospects and interests of the officers and other ranks now serving in the Armed Forces of India. Implementation of the plan, when approved by the Partition Council, shall be the responsibility of the C-in-C in India.”

5. Assumptions
In planning to give effect to its Terms of Reference the Committee will work on the following assumptions:

(i) That it is essential for their continued existence as organised Forces, that the Navy, Army and Air Force should, during the process of their reconstitution, continue to be administered and maintained by the existing machinery, namely N.H.Q., G.H.Q. and A.H.Q. under the general direction of the C-in-C. Delegation of control to the new authorities to be set up can be gradual and progressive, as these become able to carry out their functions.

(ii) That service in the Armed Forces of the two new States will be on a territorial and not on a communal basis; that is, a Muslim domiciled outside Pakistan may serve in the Armed Forces of Hindustan, if he so wishes and is considered suitable and vice versa.

(iii) That service in the Armed Forces of both States will be voluntary, at any rate in the first instance.

(iv) That no Indian officer or man now serving in the Indian Armed Forces, whatever his domicile, can be compelled against his will to continue to serve in the new Armed Forces to be set up in the two States, and that proportionate benefits be allowed to any Indian officer or man who does not wish to do so.

(v) That Indian officers and other ranks who agree to take service in the Forces of the new States will do so under a fresh agreement to be formulated by the Governments of the States. Those who volunteer to serve on in the Forces of either State will be permitted to do so under their existing terms and conditions of service, until new terms are promulgated, and that, then, if they do not desire to serve on under the new terms, they will be allowed to terminate their service, and that proportionate benefits be admissible to them also.

(vi) That any Indian officers or other ranks it may be necessary to engage
for service in the Armed Forces, between now and the time when the new Forces of the two States are fully established, should be engaged under existing terms and conditions of service, with the option of resigning from the service, should they not wish to serve on under any new terms or conditions which may be imposed by the new Dominion Governments.

(vii) That the liability for non-effective charges in respect of pensions, gratuities, annuities, etc. earned by Indian officers and other ranks of the three Services prior to the transfer of authority to the new Dominion Governments will be undertaken by these Governments and publicly so announced.

(viii) That no increases or decreases in the number of major units or establishments of the three Services existing today will be made while the reconstitution of the Armed Forces is in process, any such changes as either Dominion may desire to make being deferred until it has assumed full responsibility for the administration and maintenance of its own new Forces.

(ix) Similarly, there shall be no changes in the basic organization of formations, units, establishments and installations of the three Services, or in the class composition of units except as may be demanded by the process of reconstitution, while the creation of the Armed Forces of the two Dominions is in progress. Any such changes which may already be in contemplation or proposed will be suspended.

(x) Likewise, no changes will be made in the nomenclature of existing formations, units or establishments while division is proceeding, otherwise administrative confusion is bound to ensue.

(xi) For the successful reconstitution of the Armed Forces, the services of the greater number of the British officers now serving in them will be required.

Therefore, while the normal process of nationalization will continue, the plan for complete nationalization by June 48 will NOT be implemented.

6. Conclusion

I request the early approval of the Partition Council to these proposals and that I may be informed of the names of the Indian officers selected to sit on the three Service Sub-Committees, so that the preliminaries for the reconstitution of the Armed Forces may be put in hand without delay. Owing to the great complexity and delicacy of this problem, it is essential that its solution should begin at the earliest possible date.

C. J. E. Auchinleck

*Emphasis in original.*
Sir D. Monteath to Lord Ismay

Telegram, L/PO/8/45: ff 25–8

MOST IMMEDIATE

SECRET

INDIA OFFICE, 15 June 1947, 11 pm
Received: 16 June, 6 am

7702. Your telegrams 14th June 1436–S and 1438–S:1 King has now given informal approval to appointment of Lockhart to act in place of Caroe and to suggestion that change should be explained by publication of letters summarised in your 1436–S.

2. I suggest that simultaneously with despatch of his reply to Caroe on lines indicated H.E. should telegraph to S. of S. his formal recommendation of Lockhart and that full text of letters exchanged should be telegraphed to Harris or me for use as shown in following paragraph.

3. On receipt of King’s formal approval which will be obtained without delay announcement will be made here repeat here. Precise time of publication will be telegraphed so that as nearly as possible simultaneous publication may be made in India. Proposed terms of announcement as follows. **Begins.** H.M. has been pleased to approve appointment of Lockhart to act as Governor of the N.W.F.P. in the place of Caroe who has been granted leave of absence by the S. of S. for I. on the recommendation of H.E. the G.G. **Ends.** This would be accompanied by Press notice containing text of letters exchanged.

4. This will conform to position now reached by fact that Caroe’s letter offering to take leave has already been despatched.

5. It is understood that letters to be exchanged will make no more definite reference to possibility of Caroe resuming Governorship after referendum than is implied by phrases in your summary of C’s letter ‘a new Governor should be in charge during referendum’ and in Viceroy’s reply ‘a new Governor during this period’. But in regard to this possibility S. of S. with whom P.M. concurs (as was about to be conveyed to you when your 1436–S was received) is opposed to resumption of Governorship by Caroe once he has relinquished it and considers that it would have been better to make his resignation and L’s appointment substantive forthwith. For whereas if referendum were to go in favour of Congress Caroe clearly could not resume, if it goes in favour of Moslem League his immediate resumption would be likely to be taken as clear evidence that he has been League’s man all along. It is too late now to pursue this course and no doubt it will be possible if necessary after further consideration to induce Caroe to tender resignation while on leave and to confirm Lockhart’s acting appointment. Of course if Pakistan Government when
created and in exercise of rights of Dominion Government were to make its own recommendation to King and advise that Caroe resume or be re-appointed a new situation would arise.³

¹ The first of these telegrams explained the proposal to announce the change of Governors by publication of an exchange of letters between Sir O. Caroe and Lord Mountbatten (see Nos. 154, 181 and 227) and emphasised the urgency of the matter; the second notified Sir O. Caroe’s agreement to the procedure proposed. R/3/1/170: ff 52–3.

² See No. 148, last para.

³ Lord Mountbatten replied to this telegram in tel. 1463-S of 16 June pointing out that ‘there is no question of Caroe taking over again as Governor unless a recommendation in his favour were made by the Pakistan Government’. R/3/1/170: f 59.

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Secretary of State to H.M. Minister at Kabul

Telegram, L/P&S/12/1811: f 127

IMMEDIATE CONFIDENTIAL

No. 51. Your telegram No. 47 of June 11th.¹ Afghan interest in future of North Western India.

2. The Afghan Minister called at the Foreign Office on June 11th to express his Government’s views on that part of the declaration of June 3rd which concerned the North West Frontier Province.

3. The Minister said that the Afghan Government were concerned at possible fate of the population of this Province if, in accordance with the present plan, a referendum took place and the choice were offered to them of associating themselves either with Pakistan or Hindustan. The Afghan Government considered that the population of the former Afghan territories annexed by Great Britain to India during the last century should have the opportunity of deciding whether they wished to rejoin Afghanistan or to form a separate State enjoying complete independence. The Afghan Government had hitherto acknowledged the necessity of treating the question of the North West Frontier Province in connexion with the question of partition in India. In view of recent developments however they considered that the moment was opportune for them to make official representations regarding the Province and to put forward proposals for its future in accordance with ethnological considerations.

4. The Afghan Minister was told that if he would submit a note setting out in detail his Government’s proposals, they would be given due consideration by H.M.G.

Repeated to Government of India, External Affairs and Commonwealth Relations Dept.

¹ No. 140.
Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Withdrawal of British Forces, Part (1)

16 June 1947

H.E.

On 31st March¹ Your Excellency wrote to the Secretary of State asking that HMG should give formal approval to the policy that there should be no substantial withdrawal of British forces from India until power had been actually transferred, i.e. until June 1948.

2. The Secretary of State for India confirmed this policy in his letter of 30th April, 1947.²

3. The situation having been completely changed by the decision to transfer power on or about 15th August, 1947, you instructed me to ask the C-in-C for his advice as to the line which should now be taken in regard to the withdrawal of British forces.

4. The C.G.S. has now submitted the paper at Flag ‘A’,³ which, it is understood, has been approved by the C-in-C. The recommendations (see para. 8) are:

(a) Provided that a formal request is received from the Governments of Hindustan and Pakistan, the provisional date for the withdrawal of British forces should now be fixed at 1st April, 1948, and reviewed on 1st January, 1948: and

(b) If no such request is received from the Governments in question, HMG should insist that British forces should remain until 1st January, 1948, to fulfil HMG’s moral obligation to safeguard British lives.

5. If these recommendations were approved, it would be necessary to safeguard the position by an arrangement whereby the British forces in India would be directly under the C-in-C, who would be responsible to HMG through the Governor General or Governors General. This safeguard would be demanded by public opinion at Home, but would, it is thought, be most unpalatable to the Governments of both India and Pakistan. It would defeat the object which is uppermost in your mind, namely that, from the date of the transfer of power, both the new Governments should be autonomous in every sense of the word, without a vestige of the old restrictions or safeguards.

6. As for the argument that HMG have a moral obligation to safeguard British lives until such time as those who have to leave India have been able to
make arrangements to do so; it looks as though the numbers are likely to be relatively small, and that these could be got away in the next two months. In any case, the responsibility for the protection of all foreign nationals, including of course British nationals, in the whole sub-continent of India will, from 15th August, rest with the Governments of India and Pakistan: and unless both of them specifically ask for British forces to remain to help them to carry out this duty, insistence on our part on retaining them would be tantamount to an admission that we did not trust them to carry out their obligations with their own forces. Finally, if things really blew up, the handful of British troops that would remain in this country could do very little to safeguard British lives as a whole.

7. I ought to remind you—
(a) That at the meeting of the India/Burma Committee (I.B. (47) 28th Meeting, Item 9) held on 28th May, you said that there would be every advantage in withdrawing the British forces from India as soon as possible after the enactment of the legislation providing for the transfer of power. The Committee decided to resume consideration of this question after the views of the Chiefs of Staff had been obtained: and
(b) That at your Press Conference you gave the impression, without saying so in terms, that the British troops would be withdrawn when Dominion status had been granted to the two new Dominions.

8. In all these circumstances, your Staff submit that political considerations are overriding and that the proper policy is to commence the withdrawal of British forces on the 15th August, and to carry it out as rapidly as possible. They further submit that a very early announcement of HMG’s decision to do this would have a most excellent political effect.

9. If you approve these proposals, I submit that you should discuss them with the C-in-C, and then, subject to anything that the Field Marshal may have to say, authorise me to draft a telegram to the Secretary of State for India, requesting the formal approval of H.M.G.

ISMAY

1 Vol. X, No. 38.  2 Ibid., No. 255.  3 Enclosure to No. 159.  4 Vol. X, No. 553.
Mr Abell to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/153: f 82

16 June 1947

The copies of the Indian Dominions Bill¹ arrived on Sunday afternoon. The Bill is being immediately examined by the Reforms Commissioner and Sir George Spence.

2. I have also sent copies for comments to the Governors of the Punjab and Bengal, to the Political Adviser² and to the C.G.S. (in the absence of the Chief, who does not get back till the 18th).

3. At first sight the Bill looks fairly satisfactory to me but there will be points on which we shall have to send comments to London.

4. The India Office want our comments by 25th June but it is not clear whether, if the Cabinet Committee, which meets tomorrow, agrees to our showing the text to the Indian leaders, we have got to get it cleared with them also by 25th. I have sent a telegram to the India Office enquiring about this.

5. Attached below the copy of the Bill is a letter from Mr. Turnbull of the India Office and a memorandum explaining certain points in the Bill.³ I do not think Y.E. need study this in detail at the moment but C.V.S. has suggested a meeting on Tuesday afternoon or evening to examine the Bill with the Reforms Commissioner in the light of the comments received.

G. E. B. ABELL

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¹ No. 191.
² Sir C. Corfield replied on 17 June stating that he had 'no comments on the parts [of the Bill] affecting the States'. R/3/1/153: f 94.
³ No. 189 and its Enclosure.

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Mr Abell to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/189: f 138

16 June 1947

Y.E. said in your broadcast of the 3rd June¹ that you appealed to members of the Services to continue in India if they were wanted.

2. The situation is likely to be different in the Congress Provinces, as compared with the Pakistan Provinces. The Home Member does not² intend to
appeal to British officials to serve on in India. He will only say that they can put
down their names for consideration by the Indian Governments if they wish to
do so.

3. Secondly, Pandit Nehru's speech to the A.I.C.C., of which I attach a
marked newspaper report, is likely to reduce to negligible proportions the
number of British officials who will stay on in the Congress Provinces.

4. Pakistan's attitude has not yet been ascertained, but I have asked the
steering committee to try and get instructions on the point, as it is most urgent.
Probably Pakistan will welcome British officials and in Sind, at any rate, they
are likely to stay.

5. The attitude of the Congress makes it, in my opinion, impossible to make
any further appeal to officers of the Secretary of State's services in Hindustan.

6. The question remains whether a strong appeal should be made to officials
in Pakistan, if the Pakistan authorities themselves are prepared to make an
appeal on their own behalf. I think this question should be left over for the
moment.

7. I shall be grateful for orders on the point about an appeal to officials in
Hindustan, because a circular to officials asking them their intentions is likely to
be issued in the next day or two from the Home Department, and I must be
able to give them an indication of Y.E.'s intentions.

G. E. B. ABELL

1 See No. 44, penultimate para.  2 Emphasis in original.  3 See Enclosure to No. 218.

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Minutes of Viceroy's Forty Third Staff Meeting, Items 1-3

Mountbatten Papers

SECRET

Those present at this Meeting held at The Viceroy's House, New Delhi, on 16 June
at 4 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir E.
Mieville, Mr Abell, Rao Bahadur V. P. Menon, Lieutenant-Colonel Erskine Crum

Item 1

THE INDIAN ARMED FORCES

His Excellency the Viceroy said that he had seen Field Marshal Auchinleck
several times at Simla during the previous week-end. Field Marshal
Auchinleck was now satisfied that the division of the Indian Armed Forces
could be carried out without vitally impairing their efficiency, provided that
there was goodwill and trust, and provided that political pressure was not applied to hurry the processes unduly.

RAO BAHADUR MENON suggested that Sir Chandulal Trivedi should be asked to come to Delhi in connection with the discussions on the division of the Indian Armed Forces.

HIS EXCELLENCY THE VICEROY:

directed P.S.V. to pursue the suggestion that Sir Chandulal Trivedi should come to Delhi for this purpose.

Item 2

THE DRAFT BILL

RAO BAHADUR MENON stated that copies of the draft Bill to be introduced into Parliament conferring Dominion status on the two parts of India had been received the previous day. His first impressions were that it was a good draft. He was at present examining it in detail and would have prepared, by the following morning, a draft telegram to the Secretary of State.

HIS EXCELLENCY THE VICEROY said that he considered that, since Rao Bahadur Menon as a citizen of the future India had had an opportunity to see the draft Bill at this early stage, it would be only fair correspondingly to allow a future citizen of Pakistan to see it. Probably the most suitable person would be Mr Mohammed Ali.

HIS EXCELLENCY THE VICEROY:

(i) decided to have a further meeting the following afternoon to consider the Reforms Commissioner's draft telegram to the Secretary of State about the draft Bill;
(ii) directed the Reforms Commissioner to show a copy of the draft Bill to Mr Mohammed Ali.

Item 3

THE STATES

HIS EXCELLENCY THE VICEROY said that it had transpired that there was some doubt as to whether he had given the right answers at his Press Conference to questions concerning the position of States which declared themselves independent. He had intended to say that H.M.G. would not confer Dominion status on any State which declared itself independent. To the question whether H.M.G. would have relations of any sort with such States, he had intended to reply that this was a hypothetical question which would have to be referred to H.M.G. It now appeared possibly that the answers to these two questions had been confused.

LORD ISMAY suggested that His Excellency might wish to make the position absolutely clear in a personal statement—possibly during his forthcoming visit to Kashmir.
RAO BAHADUR MENON made the alternative suggestion that this matter might be cleared up by means of a question and answer in the House of Commons.

HIS EXCELLENCY THE VICE ROY said that he was inclined to favour the latter of these two suggestions.

HIS EXCELLENCY THE VICE ROY:
decided to speak to Sir Walter Monckton about this matter that evening.¹

¹ Presumably Lord Mountbatten had in mind Sir W. Monckton’s letter at No. 199.
² cf. No. 60, p. 115.
³ No record of this interview has been traced.

Meeting of the Special Committee of the Indian Cabinet

Mountbatten Papers. Partition Committee Minutes

SECRET
Those present at this Meeting held on 16 June 1947 at 6 pm were: Rear-Admiral Viscount Mountbatten of Burma, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad, Mr Abdur Rab Nishtar; Lord Ismay, Sir E. Mieville, Mr Mohammed Ali, Mr H. M. Patel, Mr Osman Ali (Secretariat)

[First two items, on a press note which was to be issued explaining the partition machinery which had been set up, and on the draft letter to Provincial Governments and members of the Secretary of State’s Services regarding the guarantees to be given to members of the Services, omitted.]
[iii]. Recommendations of the Steering Committee in regard to the Expert Committees, their terms of reference and personnel.¹

MINUTES

Expert Committee No. 1.
His Excellency said that he would suggest the inclusion of a ‘standstill’ proviso in the draft directive in accordance with which it was proposed that Expert Committee No. 1 should make recommendations for the division of officers and staff. This was that after every Government servant had elected which Government he wished to serve, the cadres would be separated accordingly but actual transfers would have to be arranged over a period of time and in the meanwhile a ‘standstill’ agreement should be made so that the efficiency of the organisations might be preserved.

In the course of subsequent discussion the following points were made:—

(1) In view of the existing abnormal conditions and the consequent difficulty

¹ Enclosure 1 to No. 210.
which an officer might find in making a final choice in the matter, a reasonably long period, say, one or two years, should be allowed to officers within which to exercise their option.

(2) Unless the final choice was made within a short time it would not be possible for either Government to go ahead with recruitment to its services. Moreover, it would be detrimental to retain for any length of time in the Administration officers whose loyalty might lie with another State.

(3) These difficulties could be overcome by one of two methods (a) by arranging mutual transfers later on or (b) by stipulating that officers who chose to serve a State other than the one in which they were at present, should be retained until such time as it was possible to recruit others to take their place.

(4) It was only to provide for those officers who felt that they could not make a final choice, because of the prevailing abnormal conditions, that a chance should be given to them to reconsider their decision. This should, of course, be done before either State commenced fresh recruitment to its services on any considerable scale.

His Excellency said that H.M.G. were examining the question as to which party should be recognised as inheritor of the present Government for the purpose of preserving continuity of diplomatic representation abroad and other such matters. He thought that when H.M.G.'s decision on this point had been communicated it might be easier to agree on the terms of reference of this Committee.

**Expert Committee No. 2**

His Excellency said that in certain cases where physical assets were uprooted their value might be lowered and he felt that the interests of Pakistan might best be served if Pakistan obtained financial compensation for purchasing new machinery and if India agreed to give Pakistan equal facilities for servicing in such cases until such time as Pakistan acquired its own machinery.

The following points were made in the course of discussion:

(1) It was important that the administration and services in both States should run efficiently. This could not be done unless there was a division of physical assets. The Armed Forces, for example, could not do without Ordnance Factories.

(2) The division of all physical assets might result in neither State having efficient plants.

(3) The Steering Committee might not experience much difficulty once they got down to the job. It might, therefore, work on the general principle that the greatest good of both the new states should be secured; but if there were disputed claims by Pakistan for fixed assets like plant and machinery, the removal
of which might be detrimental to the interests of the other Government, the facts of each case should be reported to the Partition Council for consideration.

The Hon’ble Mr. Liaquat Ali Khan said that it might be necessary to make some changes in the membership of the expert committees if, for example, certain officers who had been proposed to serve on them were not available. The Steering Committee should be authorized to make such changes subject to the approval of the Partition Council. He wished to include in Expert Committee No. 2 a retired official for the reason that there were no Muslim officers of sufficient seniority and experience to serve effectively on that Committee.

DECISION

The Committee agreed:

(1) to the setting up of the expert committees with the personnel recommended in the note prepared by the Steering Committee.

(2) that as a special case Sir Ghulam Mohammad though non-official should be allowed to serve on Expert Committee No. 2 (Assets & Liabilities).

(3) that the terms of reference of the Committees should be as recommended by the Steering Committee, except in regard to Expert Committees Nos. 1 and 2.

(4) that the terms of reference of expert committee No. 1 should be settled after H.M.G. had announced their decision regarding the authority to be treated as successor to the present Government for purposes of continuity of foreign representation etc. It was desirable, however, that the work of the committee should not be held up and that the Steering Committee should endeavour to give suitable instructions to enable the committee and its sub-committees to get on with their work.

(5) that the directive in accordance with which the Expert Committee No. 1 would make recommendations regarding the division of officers and staff should be as follows:—

"Every Government servant should be given the opportunity to elect which Government he wished to serve. This option should be exercised within a period of, say, 10 days. If, however, any Government servant desired the right to reconsider his decision he should make a specific request to that effect at the time he makes his choice and be allowed six months in which to make his final choice. When the option has been exercised, the cadres will be separated accordingly. But actual transfers will have to be arranged over a period of time and in the meanwhile a 'standstill' agreement should be arranged so that the efficiency of the organisations may be preserved."

(6) that the Steering Committee should endeavour to evolve agreed terms of
reference for Expert Committee No. 2, failing which it should proceed with its work subject to the adoption of the broad principle of securing the greatest good of the two states, and that in the event of disputed claims for fixed assets like plant and machinery, the removal of which might be detrimental to the interests of the other Government, the facts of each case should be reported for consideration by the Partition Council.

(7) that changes in the personnel of the expert committees could be made by the Steering Committee subject to the approval of the Congress and the League members of the Special Committee (later Partition Council).

[iV]. Paper prepared by the Commander-in-Chief on the reconstitution of the Armed Forces in India.2

MINUTES

His Excellency said that the Commander-in-Chief had at first been gloomy about the probable effects of the division of the Army on the discipline and morale of the troops. However, as a result of the lead given by the leaders that the country should accept the partition in the proper spirit, he was now optimistic and confident that he could produce at the earliest reasonable moment two Armies each of which would be as efficient as the existing one, provided the advice of the experts on the question of division was given due consideration.

Para. 2. Responsibility of the Committee.

It was explained that the name of the Committee had been deliberately chosen by the Commander-in-Chief for psychological reasons. It implied division, which would be followed by reconstitution. The Committee agreed that the name suggested by the Commander-in-Chief should stand and the responsibilities of the Committee should be as set out in para. 2 of the paper prepared by the Commander-in-Chief.

Para. 3. Composition of the Committee.

His Excellency said he had looked at the panel of names of Indian officers who were considered by the Commander-in-Chief competent to act as members of the Sub-Committees and he had noticed that, for circumstances beyond control, none of them was of great seniority or had any high level experience. There was a world of difference between command experience and high level experience. He suggested, therefore, that Sir Chandulal Trivedi, who had been Secretary of the War Department for three years during World War II and who had a good inner knowledge of the working of the Armed Forces, might be co-opted or called in for consultation by the Armed Forces Reconstitution Committee. The Committee agreed that a wire should be sent to Sir Chandulal Trivedi inviting him to serve on the main Committee.
Para. 3(b). Sub-Committees.

The Hon’ble Mr. Liaquat Ali Khan suggested that each Sub-Committee should have two Secretaries, one from each community. Continuing, he said that most of the officers were unknown to the two parties and he suggested that they should be given some time to make recommendations regarding the composition of the Sub-Committees. They should also be enabled to interview any officer about whose suitability they were in doubt.

His Excellency suggested that the Chief of the General Staff might be asked to depute a senior officer from each service, who would be in a position to express impartial views on all the officers under consideration for appointment to the Sub-Committees and who would advise the Congress and the League members. If they wished to interview any of the Indian officers, facilities should be provided.

Para. 4. Terms of reference

His Excellency said that the main point of difference between the terms of reference suggested by His Excellency the Commander-in-Chief on the one hand and the Hon’ble Members for Home and Food & Agriculture on the other was that the latter desired that the plan for division should be completed not later than the 22nd of July, 47.

In the course of subsequent discussion the following points were made:

1. It would be possible to have an outline plan together with a certain amount of detail ready by the 22nd of July, but the task was so big that even with the utmost good-will it would not be possible to settle all the details by that date. It was understood, for example, that ordnance items alone, not including Engineer stores, etc. numbered as many as 4,50,000. The work would, however, be done with the greatest speed possible. It was essential, however, to maintain the morale and discipline on the one hand, and to keep in view the needs of internal security on the other. That and the fact that the work had to be done through the Sub-Committees necessarily imposed certain limitations.

2. It was important to know what the position of the Army would be on the 15th of August. Unless the division were completed by then, there would be no Army under the control of either Government. It was pointed out that this difficulty could be overcome by placing the troops located in each successor State under the operational control of the respective Governments, who would give their own orders to the Commander-in-Chief regarding movements.

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2 Enclosure 2 to No. 210. General Sir A. Smith, Chief of the General Staff, was present for the remainder of the meeting.

3 No copy of the terms of reference suggested by Sardar Patel and Dr Rajendra Prasad has been traced.
disposition of troops etc. within their own borders. The Commander-in-Chief would, of course, for a time have to retain administrative control.

(3) It was not clear what the position of the Commander-in-Chief would be in the event of conflicting orders being given to him by both States. The point required consideration and it may be that some sort of Defence Council would have to be evolved to deal with such cases.

(4) If the number of troops now in the Northern Command, which more or less covered the N.W. Pakistan area, could be ascertained, as well as their community-wise composition, it would be possible for those units which were wholly or mostly composed of Muslims to be kept in Pakistan (both Western and Eastern) and units which were wholly or mostly composed of other communities to be moved to the rest of India before the 15th of August. The Armed Forces Reconstitution Committee should, therefore, immediately work out proposals to ensure that the disposition of the Army on the 15th of August or as soon thereafter as might be possible, should be such that the maximum number of troops would be located in the State to which they belonged, that is, in either of the two Pakistan States or in the rest of India.

(5) It would not be possible to work out the numbers of troops to be in position in each State on the 15th of August without knowing the basis on which the present Army was to be divided. It was explained that it would be necessary for alternative schemes to be prepared by the experts each based on different premises.

(6) It was necessary to give the Sub-Committees a lead on the question whether, in making recommendations on the division of the Armed Forces, they should consider the needs of defence against external aggression or of internal security. The Committee agreed that they should primarily take into account the needs of internal security, the possibility of trouble from the tribes and as an alternative plan also from Afghanistan.

(7) It was important to know by what date British troops were to be withdrawn. After H.M.G.’s views were known, the two successor Governments could be consulted on this question.

**DECISION**

The Committee of the Cabinet agreed—

(1) that Sir Chandulal Trivedi should be invited to serve on the Armed Forces Reconstitution Committee.

(2) that each Sub-Committee of the Armed Forces Reconstitution Committee should have two secretaries, one from each community.

(3) that the Chief of the General Staff should direct a senior officer from each service who would be in a position to advise the Congress and the League members of this Committee on the suitability of the officers for appointment to the Sub-Committees. The two parties would be enabled to interview any officer about whose suitability they were in doubt.
(4) that the Chief of the General Staff should consult Sardar Patel and Dr. Rajendra Prasad and Mr. Liaquat Ali Khan and Sardar Abdur Rab Nishtar and endeavour to draw up agreed terms of reference for the Armed Forces Reconsti-
tution Committee.

(5) that H.M.G. should be consulted as to their intention regarding the date
of withdrawal of British troops.

(6) that the Armed Forces Committee should immediately work out
proposals to ensure that disposition of troops on the 15th of August, or as soon
thereafter as possible, shall be such as to contain the maximum number of units
of the State to which they are eventually going to belong, i.e., by endeavouring
as far as possible to have the majority of Muslims in Pakistan and the majority
of non-Muslims in the rest of India.

(7) that the aim should be to give operational control over the units in each
State to the Government of that State, the administrative control remaining
with the common Commander-in-Chief.

MINUTES
[v].
His Excellency said he hoped he was correctly interpreting the views of both
parties in saying that it was their common desire that the partition should be
carried out in a spirit of friendship and goodwill and with a sincere desire to
part as friends. If so, he suggested that the Committee should agree to this being
placed on record as a broad statement of the spirit in which the work would be
done. By making known their views on this matter they would exercise a
valuable psychological effect on the Expert Committees.

DECISION
The Special Committee directed that the work of partition should be under-
taken in a spirit of friendship and goodwill, and with the desire to give a fair
deal to both sides.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma
Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II(a)
SECRET

GOVERNMENT HOUSE, LAHORE, 16 June 1947

NO. 684
Dear Lord Mountbatten,
I have read with considerable surprise Pandit Jawahar Lal Nehru’s speech of
15th June to the All India Congress Committee as reported in this morning’s
"Tribune”. I enclose cuttings which show the general tone and purport of the speech.

2. Pandit Jawahar Lal Nehru’s main points are—
   (i) that it is inexplicable that British officers who dealt efficiently with the earlier civil disobedience movements should be incapable of controlling the present disturbances;
   (ii) that where Congress ministries are in office disturbances were brought under control, but where the British exercise authority there is chaos;
   (iii) that in the Punjab trouble is most acute in, if not confined to areas controlled entirely by, British officers; and
   (iv) that British officers are now callous and when asked to help during disturbances advise the victims to apply to Pandit Nehru or Sardar Patel.

3. Pandit Jawahar Lal Nehru is wrong both in his facts and in his reasoning. The answer to point (i) is that the disturbances now occurring differ not only in degree but in kind from any trouble we have had in the past. In the Punjab we are going through what amounts to a revolution. The Congress leaders commonly compare our performance in 1942 with our performance in 1946-47; but in 1942 the authorities were faced not with widespread fighting between the communities but with concentrated attacks on Government servants and Government buildings and institutions. Point (ii). There have been very serious disturbances in Bombay, Bihar and the N.W.F.P. all of which are under Congress Governments. In Bombay and in Bihar there was, so far as I can see, little justification for the disturbances and in Bihar there was by all accounts the worst massacre that has occurred anywhere. The fact is that disturbances are almost inevitable now in any province in which the conflict between the Muslim League and the Congress is a live issue. The danger spots are manifestly Bengal, the Punjab and the N.W.F.P. and it would be difficult to relate the state of law and order in those areas to the complexion of the Government holding office. It is incorrect on point (iii) that trouble in the Punjab has been confined to places where the staff is entirely British. Multan and Lahore both have Indian Commissioners; and in Multan the D.I.G. Police is also an Indian. By tradition we have always posted British Deputy Commissioners and Superintendents of Police to Lahore, Rawalpindi, Multan and Amritsar because they were places where communal trouble was likely to occur. There has only been one Indian Deputy Commissioner in Lahore and during his time things were certainly no better than they were before and after under British Deputy Commissioners. Point (iv) is malicious and is, to the best of my belief, without foundation. An allegation of this kind was made to me on one of my visits to Rawalpindi, the officer concerned being the Deputy Commissioner. I was able
to confront the complainant with the Deputy Commissioner and the com-
plainant was at once covered with confusion. It was clear from his manner
and from the laughter of those with him that he was not telling the truth.

4. If Pandit Jawahar Lal Nehru was simply the leader of a political party, his
views would not be of great importance; but he is the Vice-President of Your
Excellency’s Executive Council and I should be glad to know how far his views
are endorsed by His Majesty’s Government and Your Excellency. I do not
think His Majesty’s Government can expect their British servants in India to
remain in office until the transfer of power unless they are able to protect them
from official onslaughts of this description.

Yours sincerely,
EVAN JENKINS

Enclosure to No. 218

EXTRACT

"TRIBUNE"

(Lahore, Monday, June 16th, 1947.)

Pandit Nehru expressed his horror and disgust at the riots in the Punjab,
Bengal and elsewhere and said that these were no isolated riots. They were
planned attacks. It seemed the administration had broken down and that there
was no authority left in the country to enforce order. How was it, he asked, that
British officers who coped with the civil disobedience movements in the past
were unable to cope with the present disturbances? Where there were Congress
ministries disturbances were brought under control but where the British
exercised authority there was chaos.

In the Punjab where there was cent per cent British rule, Pandit Nehru said,
despite the efforts of certain senior officers, murder and arson continued. The
trouble was prevalent the most where there were the British officers in charge
and divisions under the control of either Hindu or Muslim officers were com-
paratively quiet. The Interim Government was able to do nothing to protect the
people.

WHAT BRITISH OFFICERS TOLD VICTIMS

Deploiring the disturbances in the country, Pandit Nehru reiterated that govern-
mental authority had almost collapsed. The British were no longer interested
because they were leaving. This probably explained why some officers asked the
victims who came to them for help to go to him (Nehru) or Sardar Patel for
help. They were not desirous of shouldering any further responsibility and
many had become callous.
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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma
(Extract)

Mountbatten Papers. Official Correspondence Files: Punjab, Part II(a)

CONFIDENTIAL GOVERNMENT HOUSE, LAHORE, 16 June 1947

NO. 685

Dear Lord Mountbatten,

I enclose for Your Excellency’s information a copy of the note on a meeting I held this morning with Mamdot, Sachar and Swaran Singh. The meeting was quite amicable and I think we shall be able to get things going.² Mamdot said almost nothing and made no reference to his complaint about the expert committees on which he launched a press campaign yesterday. I think, though one can never be sure, that the three Party Leaders will now arrive at some sensible agreement among themselves. They all seem to accept my point that the main responsibility for the presentation of facts must rest with the officials responsible for the subjects concerned.

Enclosure to No. 219

Note on a meeting on partition preliminaries held at Government House, Lahore, at 10 a.m. on Monday, 16 June 1947 (Extract)

PRESENT The Governor
Khan Iftikhar Husain Khan of Mamdot
Lala Bhim Sen Sachar
Sardar Swaran Singh

12. In the course of the proceedings the Party Leaders undertook to discuss among themselves and to advise the Governor on the following points:—

(1) The composition of the Partition Committee (including the question whether the appointment of members from outside the Punjab is admissible).

(2) On the assumption that the Partition Committee will not be set up until after 23rd June, the formation of an Interim Committee of the kind suggested by Sardar Swaran Singh.²

(3) The necessity for a “Steering Committee” and the selection of its personnel (Messrs. Askwith, Zahid Husain, and Sachdev were the persons mentioned at the meeting).

(4) The functions of the Steering Committee (The Governor’s suggestion was that this Committee might form the nucleus of the Partition Committee Secretariat in addition to “steering” the Expert Committees).

(6) The need for advisors on the lines suggested by Sardar Swaran Singh and whether such advisors, if appointed, should be attached to the Steering Committee and be available to all or any of the members of the Partition Committee.

(7) The selection of the advisors mentioned in (6).

The Governor undertook:
(a) to issue a press note;
(b) to refer to the Governor-General the views of the Party Leaders about the preparation of information for the Boundary Commission;¹
(c) to initiate arrangements for office accommodation and the clerical staff for the Partition Committee; and
(d) to examine the possibilities of remitting fees for the inspection of documents at the instance of Party Leaders.

¹ See No. 180.
² Sardar Swaran Singh’s suggestion was that the formation of the full committee should be postponed until after the decision on partition (to be taken by the Punjab Legislative Assembly on 23 June) and that in the meantime a committee consisting perhaps of the three Party Leaders might be set up to supervise the initial arrangements.
³ Sardar Swaran Singh and Lala Bhim Sen Sachar had suggested that members of the Partition Committee would require, in addition to the general partition machinery, advice of a more personal kind, and had proposed the allocation of personal advisers to the Partition Committee.
⁴ The Party Leaders had proposed that the Punjab Government should provide a regular information service capable of answering any question that any party might choose to put in the course of preparing its case for the Boundary Commission. Sir E. Jenkins thought the provision of so wide-ranging a service would be difficult and that it would be better to wait and see what information the Boundary Commission called for.

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Sir J. Colville (Bombay) to Rear-Admiral Viscount Mountbatten of Burma
(Excerpt)

Mountbatten Papers, Letters to and from the Governor of Bombay

CONFIDENTIAL

GOVERNMENT HOUSE, BOMBAY, 16 June 1947

REPORT NO. 84

My dear Dickie,

Thank you very much for your letter of 9th June,¹ also for your reply to my telegram of congratulations. I was so stirred when I heard all the broadcasts on 3rd June that I could not refrain from sending you a joyful message. Whatever

¹ Not printed.
may be ahead it was a wonderful achievement and you have now got final Muslim and Congress acceptance.

2. On the whole the plan has gone well here though a section of the Press is still attacking it. Official Congress circles take their cue from the Centre and accept with some reluctance but in a realistic spirit; Socialists and the Mahasabha oppose and Communists violently attack it. Mahomedans on the whole are pleased, and with the idea of Pakistan conceded do not appear inclined to quarrel over the arrangements for division. The Prime Minister when he read the statement shortly before your broadcast was obviously pleased at the prospect of immediate Dominion Status. So I think are my other Ministers although they are less outspoken. Kher observed to me that he had fought all his life for freedom and he believed that Dominion Status in fact gave full freedom. The prospect of splitting the Army is causing real concern to the more thoughtful and the hope is expressed that out of that headache will come a common defence policy which could retain co-ordinated services.

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*Chiefs of Staff Committee. C.O.S. (47) 76th Meeting, Minute 4
L/WS/1/1032: ff 127–9*

*Those present at this Meeting held on 16 June 1947 at 4 pm were: Vice-Admiral Sir R. McGrigor (in the Chair), Major-General A. D. Ward, Air Vice-Marshall Foster*

4. INDIAN DOMINIONS BILL

J.P. (47) 87 (Final)¹

*(Previous Reference: C.O.S. (47) 75th Meeting, Mins. 2 & 4)²*

*The Committee had before them—*

(a) A report¹ by the Joint Planning Staff examining the question of the retention of the Sovereignty of the Laccadive Islands by His Majesty’s Government in the United Kingdom.

(b) A minute by the Secretary covering a copy of a telegram¹ from the Viceroy to the Secretary of State for India expressing the view that there should be no question of raising the controversial subject of the future of the Andaman and Nicobar Islands at the present delicate stage of political negotiations.

*Major-General Ward aged that it was of the utmost importance to us to retain possession of the Andaman, Nicobar and Laccadive Islands. It would not be sufficient to ensure, as suggested in the telegram from the Viceroy, that we should merely be allowed to use the Islands as naval or air bases, but essential
to retain our sovereignty over them. He suggested that the timing and method of approach to the Indian authorities on the question was a matter for political decision.

In discussion there was general agreement with this view and with the report by the Joint Planning Staff.

THE COMMITTEE:—
(a) Approved the Report by the Joint Planning Staff.
(b) Instructed the Secretary to inform the Minister of Defence of their views in the light of the above discussion and of (a) above.

Annex to No. 221
Copy of a minute dated 16th June, 1947, to the Minister of Defence from Lt.-General Sir Leslie C. Hollis

MINISTER
The India and Burma Committee tomorrow will consider a draft of the Indian Dominions Bill.

2. The main defence items are as follows:—
(i) The maintenance of internal security. This is covered to the satisfaction of the Chiefs of Staff in paragraph 7(i).
(ii) The position of British Service personnel continuing to serve in the Indian Armed Forces. Satisfactory provision is made under paragraph 10.
(iii) The withdrawal of British units from India. This is covered in paragraph 11, but the Chiefs of Staff will shortly be reporting in detail to the India and Burma Committee on how they intend to withdraw their forces.
(iv) The Andamans and Nicobars are referred to in paragraph 16.

3. On items (ii) and (iii) above, a separate brief is being prepared and submitted to you by the Permanent Secretary.

4. On item (iv), the Chiefs of Staff were completely in accord with the proposal to hold the Andamans and Nicobars under the direct control of His Majesty’s Government. The continued possession of the Andaman and Nicobar Islands is of the utmost importance to us since they form an essential link in our air communications with the Far East. Whilst, however, the Chiefs of Staff can state what their military requirements are in these islands and

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1 No. 187.
2 Meeting of 13 June 1947; the conclusion of the relevant Minute instructed the Joint Planning Staff to prepare a report on the subject of the Laccadive Islands for consideration on 16 June. L/WS/1/980: ff 76–7.
3 i.e. No. 187.
4 No. 174.
5 See Annex immediately following.
6 No. 191.
recommend that it is essential that the islands be ceded to us, they acknowledge that the method and timing for raising the question with the Indian authorities is for political decision. In the same category as these islands is the acquisition of the Laccadive Islands, which form part of the Presidency of Madras. At Annex I, I submit a note on the military reasons for retaining the Laccadive Islands,\(^7\) which the Chiefs of Staff agreed today and instructed me to submit to you as a brief for your use tomorrow.

5. There remains one most important point omitted from the Indian Dominions Bill, namely, how we are to acquire the military facilities which the Chiefs of Staff have stated it essential to retain in the event of India either remaining in the Commonwealth or becoming an independent Republic. The Indian Dominions Bill makes no provision for even preliminary negotiations to be held with Pakistan and Hindustan for these military requirements. The Chiefs of Staff are, therefore, somewhat apprehensive that unless some formal insertion is made in the Bill providing for such negotiations to take place, or that informal soundings are taken at once as to how these requirements are to be negotiated, they may find themselves in a position where the Indian Governments could say that as no engagements had been entered into, British defence requirements can be left for future negotiations. This would be most unsatisfactory and the Chiefs of Staff have written\(^8\) to the India Office for their advice on the method of approach for acquiring these facilities. The Chiefs of Staff action was reinforced by correspondence they had previously with the India Office, when they stated that if India remained a Dominion there would be no need for a treaty but that affairs could be settled by liaison methods as with other Dominions. The India Office, however, in reply stated that a treaty might be more advantageous owing to the Indian reverence for an official document.

6. A summary of the British military requirements in India is attached at Annex II.\(^9\)

L. C. HOLLIS

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\(^7\) No. 187.
\(^8\) No. 186.
\(^9\) Not printed.
222

Mr Attlee to the Earl of Listowel

Public Record Office. PREM 8/575

PRIVATE

Prime Minister's Personal Minute: Serial No. M.246/47

Secretary of State for India

I enclose an exchange of letters between myself and Halifax. I should be glad if you would deal with the matter personally as it is one of some delicacy. Before I consult the Viceroy I should be glad to have your views on the suggestion which Halifax makes, but I ask you to consult as few people as possible in your Department about it.

C. R. A.

Enclosure 1 to No. 222

The Earl of Halifax to Mr Attlee

GARROWBY, YORK, 12 June 1947

My dear Prime Minister,

May I presume to make a suggestion about India that if it has any merit you have already probably thought of, and if it has no merit, can be quickly thrown aside in the waste paper basket.

I think, as you know, your colleagues and you have played a very courageous part in the way you have handled this business, and though no doubt you keep your fingers severely crossed, you have got across enough awkward fences to give good ground for hope.

The real seal of achievement will be of course if you can hold them in the Commonwealth on terms as nearly analogous to those of Dominions as circumstances permit.

The Indians are, I think, much more moved by sentiment than by reason and my suggestion is that subject to the Viceroy's concurrence you should get the King and Queen to go to Delhi in the autumn for the purpose of formally saying goodbye, and wishing them good luck. I would not let them do anything else but the formal farewell ceremony, at which the King would make a moving oration full of all the right emotions, emphasising the complete freedom of choice that the Indian Governments would by that time possess, and saying that whatever happened, they would enter upon their new career with the warm good will and prayers of all His peoples.

Yours ever,

HALIFAX
Enclosure 2 to No. 222
Mr Attlee to the Earl of Halifax

15 June 1947

My dear Halifax,
Thank you very much for your letter and for your suggestion. While we are not yet out of the wood, I think there is really a good chance of getting a settlement in India. I realise how much sentiment plays in the Indian makeup and I will certainly put your suggestion to the Viceroy, but I do not know at all whether it will be possible for the King and Queen.

Yours sincerely,

C. R. A.

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The Earl of Listowel to Mr Attlee

L/PO/8/45: ff 18–20

INDIA OFFICE, 16 June 1947

Secretary of State’s Minute: Serial No. 90/47

Prime Minister,
In my minute No. 88/47 of 11th June¹ (with which you concurred), I reported that I was proposing to take steps to obtain the informal approval of The King to the substantive replacement of Sir Olaf Caroe (who would resign on grounds of ill health) as Governor of the N.W.F.P. by Lt. General Sir R. Lockhart. This I did: but, before His Majesty’s informal approval had been signified and communicated to the Viceroy, a further telegram² was received from Lord Ismay reporting that the Viceroy had already proceeded on the basis that Sir O. Caroe should go on leave and not resign now at any rate and that General Lockhart’s appointment should therefore be an acting one. Sir O. Caroe has agreed to this procedure and the Viceroy proposes that simultaneously with the announcement of the appointment of General Lockhart as Acting Governor, an exchange of letters between Sir O. Caroe and himself should be published. Sir O. Caroe’s letter would say that, in view of allegations made against him, he considers that a change of governorship during the period till the transfer of power is desirable and that, just as the referendum is to be run by British Officers of the Indian Army so a new Governor should be in charge during the referendum. He will assert his own complete impartiality but recognise that there may be wider political considerations which may make the Viceroy consider it desirable to recommend the change proposed. The Viceroy in his reply will say that he is convinced of the complete impartiality of Caroe but
agrees with him that for the reasons mentioned there should be a new Governor during the period in question.

Although I would have preferred that the matter should have been handled from the start on the basis of Caroe resigning, there seemed, since Caroe’s letter in the above sense, offering to take leave, had already been written and despatched to Delhi, to be no alternative to acquiescing in the Viceroy’s method of handling it and, as Ismay pressed the extreme urgency of the matter, and matters had already proceeded so far, The King’s informal approval of the proposed change on the revised basis was obtained last night and communicated to the Viceroy. No doubt it will be possible, if necessary, after further consideration to induce Caroe to tender his resignation while he is on leave and to confirm Lockhart’s acting appointment.

LISTOWEL

1 No. 148.
2 See No. 211, note 1.
3 Enclosure to No. 181.
4 No. 211.

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The Earl of Listowel to Viscount Jowitt

L/P & J/7/12500: f 92

INDIA OFFICE, 16 June 1947

I am extremely grateful to you for the trouble you have taken to find out from Radcliffe whether he would be willing to serve as Chairman of the Viceroy’s Arbitral Tribunal.1 The success of your efforts was greater than I had dared to hope, and I am informing the Viceroy immediately by telegram2 of Radcliffe’s willingness to act subject to the conditions you mention. I do not know, of course, what the Viceroy’s reaction will be, but as a peaceful partition of India will largely depend on the effectiveness of the arbitral machinery which the parties will use when they are unable to agree, I do not myself think that the conditions suggested are out of relation to the importance of the work.

With my warmest thanks for your promptness and helpfulness in dealing with this matter.

LISTOWEL

1 See No. 185.
2 In tel. 72 of 18 June Lord Listowel informed Lord Mountbatten that Sir C. Radcliffe would probably be prepared to undertake the chairmanship of the Arbitral Tribunal on the conditions outlined in No. 185. He added that: ‘If in fact you do require a Chairman for the Arbitral Tribunal from this country I am convinced that you could not do better than secure Radcliffe’. L/P & J/7/12500: ff 90–1.
225

Report from Reuter Indian Service
L/P&S/13/1827: ff 8-9

MR JINNAH’S STATEMENT

NEW DELHI, 17 June 1947

Mr Mohammed Ali Jinnah, Moslem League President, in a statement today on the position of the Indian States after the lapse of paramountcy, said: “Constitutionally and legally the Indian States will be independent sovereign States on the termination of paramountcy and they will be free to decide for themselves any course they like to adopt.”

“It is open to the States to join the Hindustan Constituent Assembly or the Pakistan Constituent Assembly or decide to remain independent. In the last case they can either enter into such arrangement or relationship with Hindustan or Pakistan as they may choose,” Mr Jinnah said.

Mr Jinnah said if the States wished to remain independent and wished to negotiate or adjust any political or any other relationship such as commercial or economic relations with Pakistan “we shall be glad to discuss with them and come to a settlement which will be in the interests of both.”

He added that he was not of the opinion that the States were limited only to the option of joining one or other Constituent Assembly.

“In my opinion they are free to remain independent if they so desire. Neither the British Government nor the British Parliament nor any other power or body can compel them to do anything contrary to their free will and accord, nor have they any power of sanction of any kind to do so”, he said.

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Report of the Madras States Residency for the fortnight ending 15th June 1947
(Extract)

L/P&S/13/1299: f 4

TRIVANDRUM, 17 June 1947

TRAVANCORE

3. The question of independence of States after the lapse of British paramountcy, with particular reference to Travancore, has been the subject of sharp controversy between Sir C. P. Ramaswami Aiyar on the one side and leaders of the Congress and All-India States’ People’s Congress parties on the other. Through Press Conferences and Press statements, the Dewan has
explained that the decision of His Highness the Maharaja of Travancore to declare the independence of the State after the lapse of British paramountcy was taken when the Congress accepted the partition of India but that the independence so declared will not be for the purpose of remaining in isolation from the rest of India but for the purpose of entering into mutually beneficial treaties and agreements on questions of common concern with any future Government or Governments of India. The Dewan has repeatedly emphasised that the Maharaja's decision is supported by a vast majority of his subjects and has pointed out, in answer to the plea for a referendum made by the Travancore State Congress President, that the forthcoming elections on the already-announced basis of universal adult franchise may well be utilised by the State Congress for seeking a verdict on their contention that the people are not in favour of a declaration of independence.

The State Congress, which is unyielding in its attitude of opposition to the constitutional reforms announced by His Highness the Maharaja, wanted to hold meetings and demonstrations to celebrate the Constituent Assembly Day on June 13th all over the State. The Travancore Government authorised the District Magistrates to ban such meetings wherever any breach of peace was feared. A few State Congress men who defied the ban in some places were arrested.

C. G. N. EDWARDS
Resident for the Madras States

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Rear-Admiral Viscount Mountbatten of Burma to Sir O. Caroe (North-West Frontier Province)

R/3/1/170: f 65

SECRET AND PERSONAL

THE VICE ROY'S HOUSE, NEW DELHI,

NO. 1450

17 June 1947

Dear Caroe,

I have received your letter dated the 13th June.¹ I should like to say first that I am convinced that there is no truth in the allegations which have been made against you. I know you have always worked wholeheartedly in the interests of the Province as a whole, and you have done very fine work at a most difficult time.

The gesture you now make is a characteristic one, and I appreciate your motives. I believe you are right that there is much to be said for your taking leave as you propose, so that a new man may hold the post of Governor during

¹ Enclosure to No. 181.
the Referendum. Your offer will be widely recognised as prompted by your public spirit and your devotion to the people of the Frontier.

I will recommend to H.M.G. that Lt. General Sir Rob Lockhart² should be Acting Governor.

My warmest thanks for all you have done. My wife and I very much hope we may see you and your wife if you come to Delhi.³

Yours sincerely,

MOUNTBATTEN OF BURMA⁴

² In the draft the words ‘whom you know well’ followed ‘Sir Rob Lockhart’.
³ The draft had the words ‘in Delhi on your way through if you decide to go to England for your leave’ instead of ‘if you come to Delhi’.
⁴ This letter and the Enclosure to No. 181 were published on 19 June. R/3/1/170: f 70.

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Mr Kripalani to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/151: ff 172–5

IMMEDIATE AND SECRET 6 JANTAR MANTAR ROAD, NEW DELHI,

17 June 1947

Dear Lord Mountbatten,

As you know a position of peculiar difficulty has existed in the Frontier Province for a long time. We have drawn your attention to various aspects of the situation on several occasions. The provincial government has been unable to work with the Governor with the result that there is now a complete impasse in regard to many matters and the relations between the Ministers and the Governor are strained to an extreme degree.

It is in this context that we have to consider other developments. Whenever the question of the Frontier arose, we told you that it would be necessary to consult the Frontier Ministers and leaders before a final answer could be given on our behalf. The matter concerned them intimately and they were the best judges of the situation. They were very much averse to any issue being raised in the province which could be exploited as purely communal or Hindu-Muslim issue. This would give a chance to the communally-minded persons to rouse popular passions. The best way to avoid this was to put forward the real issue. This was the creation of a free Pathan State which would later decide on its relations with the Indian Union or Pakistan.

In accordance with this strong sentiment I wrote to you in my letter dated June 2nd,¹ paragraph 12, that “the proposed referendum should provide for the
people voting for independence and subsequent decision as to their relation with the rest of India”. I understand that you have been unable to agree to this unless the Muslim League also agreed. This has added to our difficulties and we have been giving anxious thought to the matter.

We have accepted the Plan contained in the Statement of June 2 [3] and we propose to abide by it fully. We do not wish to do anything which can be said to go against that Plan. At the same time we cannot impose any course of action on the N.W.F. Province to which the leaders and people there are opposed. It is this difficulty which has faced us.

We have again conferred with Khan Abdul Ghaffar Khan and Mr Yahya Jan, Minister for Education for the N.W.F.P. The former has recently consulted his colleagues, and he has been given authority on their behalf to deal with the situation. He tells us that there is a strong and insistent demand that the Frontier people should be allowed to pronounce on the issue of independence. They are totally averse to taking part in a referendum which must turn purely on the communal issue.

The referendum must take its course, assuming that there is perfect peace restored in that unhappy province. But Badshah Khan contends that if the issue cannot be between Pathanistan and Pakistan, he would advise his followers to abstain from participating in the referendum. This, he holds, will ease the situation somewhat though the Province may be lost to the Congress, at least for the time being.

Various proposals had been put forward by you in regard to this referendum. This includes the avoidance of electioneering speeches and a clear statement of the issue by either side. Irrespective of agreement I can say that the Congress has no intention of sending any one from outside the province to influence voters there for this referendum. And we have advised Badshah Khan to avoid electioneering speeches in the province immediately after the date of referendum is published.

We are very anxious that whatever might be done in the Frontier Province, it should in no way be in opposition to the working out of the Plan we have agreed to. We have impressed this upon our colleagues of the Frontier. On behalf of the Congress I hope to make a public statement explaining the Congress position in regard to the Province.

Yours sincerely,

J. B. KIRPALANI
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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma
R/3/1/137: ff 90–98
17 YORK ROAD, NEW DELHI, 17 June 1947

Dear Lord Mountbatten,
You asked me to send you a note on Kashmir and I promised to do so. I now enclose this note.

I hope you will have a pleasant holiday in Kashmir and come back refreshed.

Yours sincerely,

JAWAHARLAL NEHRU

Enclosure to No. 229

A NOTE ON KASHMIR

The State consists of roughly three parts: Kashmir proper; Jammu; Ladakh, Baltistan, Skardu and Kargil. The last named are very sparsely populated and have a considerable number of Buddhists. Jammu is largely a continuation of the Punjab.

2. Kashmir proper is a very definite cultural and linguistic unit with a very long history behind it. In the past it has been a very great centre of Buddhist and Sanskrit learning. The people of Kashmir, Hindu or Muslim, have probably more in common than Hindus and Muslims elsewhere in India. Their language is Kashmiri; their dress, food and social customs are more or less alike. There is extreme poverty all over Kashmir except for some land-lords and State officials and merchants.

3. In Kashmir proper Muslims form 92% of the population. In the whole State Muslims are 77% and Hindus 21%, the others being chiefly Sikhs and Buddhists. The following are the population figures:

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<table>
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<tbody>
<tr>
<td>Jammu</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Muslims</td>
<td>1,208,675</td>
<td>61%</td>
</tr>
<tr>
<td>Hindus</td>
<td>772,760</td>
<td>39%</td>
</tr>
<tr>
<td>Kashmir</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Muslims</td>
<td>1,589,488</td>
<td>92%</td>
</tr>
<tr>
<td>Hindus</td>
<td>139,217</td>
<td>7.8%</td>
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<tr>
<td>Total Muslims in the State</td>
<td>3,101,247</td>
<td>77.11%</td>
</tr>
<tr>
<td>Total Hindus in the State</td>
<td>809,165</td>
<td>21%</td>
</tr>
<tr>
<td>Total Sikhs in the State</td>
<td>65,903</td>
<td></td>
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<tr>
<td>Total Buddhists in the State</td>
<td>40,696</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td>4,605</td>
<td></td>
</tr>
<tr>
<td>Total population</td>
<td>4,021,616</td>
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4. About fifteen years ago a popular movement arose in Kashmir State under the leadership of Sheikh Mohamad Abdullah, himself a Kashmiri educated at Aligarh University. This movement was very largely Muslim as the population itself was largely Muslim. It took shape in the Muslim Conference. It was not, however, definitely communal. Sheikh Abdullah was arrested and imprisoned and later communal riots broke out in Kashmir. This was in the early thirties. This was followed by committees to inquire into political reforms that might be granted to the people. Certain reforms were granted and a legislature was started.

5. Sheikh Abdullah, on coming out of prison, tried to give a definitely nationalist turn to the movement and changed the name of the Muslim Conference to the Kashmir National Conference. He had some trouble with communalists in his ranks and a few left him and the organization. But the movement continued to grow and spread especially to the masses who were principally Muslim. Many Hindu and Sikh young men were also attracted to the National Conference. Even those Hindus who did not join it were usually more or less friendly to it.

6. Of all the people’s movements in the various States in India, the Kashmir National Conference was far the most widespread and popular. Sheikh Abdullah was amazingly popular among the masses and numerous songs and legends grew up about him. Certain reactionary Hindu and Muslim groups opposed him and his movement. These Muslim groups later allied themselves to the Muslim League, but they had little influence in the State. The Hindu groups represented a certain vested and middle-class element chiefly interested in the State service of which they had a dominant share.

7. The Maharaja is a Dogra Rajput and his army consists almost entirely of Dogra Rajputs. Kashmiris, whether Hindu or Muslim, are excluded from it. This was a common grievance among all Kashmiris.

8. The real background of the popular movement was economic. The terrible poverty of the people was contrasted not only with the enormous riches of the few but also with the potential resources of Kashmir State. The land system was out of date and oppressive, as well as partial to certain dominant classes. It was with this background that the popular movement grew up under Sheikh Abdullah. It demanded political reforms and responsible government.

9. This movement allied itself to the All-India States people’s movement as represented by the All-India States Peoples Conference. This Conference, though an independent body, has been working in line with the National Congress. Sheikh Abdullah became a Vice-President of the All-India body and
last year, while he was in prison, he was elected President. He is still the President not only of the Kashmir National Conference but also of the All-India States Peoples Conference.

10. After the introduction of various reforms in Kashmir, Sheikh Abdullah and the Kashmir National Conference, though far from satisfied with the extent of the reforms, decided to cooperate with them. They contested the elections for the State Assembly and won a large number of seats. One of their number became a Minister. Members of their party delivered highly eulogistic speeches praising the Maharaja for what he had done and was doing, but at the same time demanding responsible government. Their objective was responsible government under the aegis of the Maharaja who would function as a kind of constitutional head. That also was the objective of the All-India States Peoples Conference in regard to all the States in India.

11. The policy of the Kashmir National Conference was thus one of cooperation with the State authorities and more specially with the Maharaja who was considered above conflict of parties. This attitude was, no doubt, partly governed by an expectation of favours to come. But there was certainly a fund of goodwill for the Maharaja and all criticism was directed to various Ministers. There was plenty of room for criticism, for the Kashmir administration for long years past has been amazingly static and unchanging. Nothing gets done there and any intelligent officer soon gets the feeling that he is wasting his talents and his energy because he can get nothing done.

12. This period of semi-cooperation with the Kashmir State authorities even survived the upheaval in India of August 1942. The Kashmir National Conference sympathised with this upheaval and demonstrated accordingly. But the then Prime Minister, Sir N. Gopalaswami Iyengar, refused to take any precipitate action, and the situation calmed down.

13. There was a rapid change in Prime Ministers. Within a few years there were four Prime Ministers. Meanwhile the Minister who represented the Kashmir National Conference complained more and more that he had no responsible work to do and indeed that he could hardly approach the Maharaja himself. Mr. Kak was throughout the Minister in attendance on the Maharaja and ultimately in 1945 he became Prime Minister. The National Conference supported him in this on the ground that he was a Kashmiri. Almost immediately after Mr. Kak became Prime Minister, there was a change in the attitude adopted towards the National Conference. This Conference represented the most powerful organization in the State with a very big mass following. It had drawn into its ranks most of the idealistic youth in the State, Muslim, Hindu and Sikh, and it was especially popular among the peasantry. Evidently Mr. Kak thought that this was too strong to be encouraged or tolerated and he began to encourage communal organisations both of the Muslims and the Hindus.
14. Matters came to a crisis early in 1946 and the National Conference Minister resigned. Thus the period of cooperation between the National Conference and the State authorities ended and the situation became progressively more tense.

15. When the Cabinet Mission came in 1946, great expectations were roused all over India including the States. There was considerable irritation at the fact that no representatives of the States people were interviewed by the Cabinet Mission. When it was known that the Cabinet Mission would go to Kashmir for a few days, a telegram was sent on behalf of the Conference to them in which the slogan of “Quit Kashmir” was used and the Amritsar Treaty, according to which Kashmir was sold to the great grand-father of the present Ruler, was bitterly criticised. Subsequently the Quit Kashmir cry was explained to mean nothing more than responsible Government under the aegis of the Maharaja.

16. A big agitation began to grow up in Kashmir in support of the message sent to the Cabinet Mission. Within a few days, however, Sheikh Abdullah was invited by Nehru to Delhi to discuss the situation. Sheikh Abdullah thereupon stopped the agitation completely and said that nothing should be done till his return from Delhi. Four days later he started for Delhi and was arrested en route. At the same time large numbers of other arrests were made and the military practically took possession of the valley. It was clear, and indeed it was admitted by Mr. Kak, that he had long been making preparations to crush the National Conference. These preparations had nothing to do with the new phase of the agitation and had preceded it. The Quit Kashmir cry gave Mr. Kak a pretext for quick and widespread action.

17. This happened about 15 months ago and ever since then there has been a continuing conflict between the State authorities and the National Conference. Sheikh Abdullah and many of his colleagues have been in prison, most of them sentenced, others in detention. There has been repression of an extreme type and the people generally have suffered very greatly, especially during the winter months when food and fuel were deliberately not distributed with fairness. The police and the military have fired at crowds and individuals repeatedly, killing many.

18. These events in Kashmir produced a powerful effect in other States in India and the All-India States Peoples Conference made Kashmir a test case. Probably to some extent some of the other Rulers also treated it in a like way from their point of view. It is widely believed with a great deal of justification that the Political Department gave its backing to this repressive policy of the State and encouraged it.

19. Over a year has elapsed since this began and the result is that Sheikh
Abdullah is probably more popular than ever with the masses of Kashmir. The Muslim League there has no particular following. Latterly even the communal Sikh and Hindu organisations have demanded Sheikh Abdullah's release. It is said that the Dogra army also strongly disapproves of Mr. Kak's policy which has resulted in making the Maharaja completely ineffective and almost a prisoner in his palace. Corruption is rampant in the State and the whole administration is centred in a small clique controlled by the Prime Minister. Almost everybody else complains bitterly of this clique and says that nothing can be done in Kashmir till Mr. Kak ceases to be Prime Minister. Even the Maharaja has begun to realise this and wants to do something about it. But Mr. Kak has so frightened him and so isolated him that it is difficult for the Maharaja to take any step of his own volition.

20. Kashmir has become during this past year an All-India question of great importance. It was only because of other developments in India and a desire to avoid adding to the existing troubles that an effort was made to prevent this spreading.

21. Sheikh Abdullah's organization, the Kashmir National Conference, has demonstrated its hold on the masses and there is no doubt that Sheikh Abdullah himself is by far the most outstanding leader in Kashmir. Mr. Kak's efforts to build up a rival leadership have not produced much effect. It is true, however, that Sheikh Abdullah's long absence in prison has produced a certain confusion in people's minds as to what they should do. The National Conference has stood for and still stands for Kashmir joining the Constituent Assembly of India. From the Maharaja's point of view this is obviously desirable and preferable to joining the other Assembly. Mr. Kak, however, comes in the way and it has been reported that he has told the Maharaja that the Viceroy favours Kashmir joining the Pakistan Assembly because of the geographical situation of the State. Mr. Kak has also tried to convince the Maharaja that as soon as he joins the Indian Union, there will be communal riots in the State and that possibly hostile people from the surrounding territory of Pakistan might enter Kashmir and give trouble. The Maharaja is timid and is in a fix. There is no doubt that if Mr. Kak remains in control, he will himself see to it that there are communal riots.

22. The situation in Kashmir cannot be effectively met without major changes leading to responsible government in the State with the Maharaja as the constitutional head. Indeed there is no other way out and if this course is not adopted, the Maharaja's position will become progressively more insecure. If, however, the Maharaja gives a lead in this direction by joining the Constituent Assembly of India and taking steps for reforms in the State, he would immediately put himself right with the people and gain the support of Sheikh
Abdullah and the most powerful party in the State, which, though pre-
dominantly Muslim, includes many Hindus and Sikhs.

23. Before this can be done, the immediate steps that appear to be essential
are the removal of Mr. Kak from the Prime Ministership, and the discharge of
Sheikh Abdullah and his colleagues from prison. It has been said that there are
other prisoners also who belong to the Muslim League. There is no reason why
all such prisoners should not also be released. If any person misbehaves in future,
action can be taken against him.

24. Mr. Kak’s policy during the past year has caused tremendous injury to
Kashmir and to the Maharaja. Unless this is completely reversed very soon, the
Maharaja’s difficulties will become insurmountable and the only solution then
will be by way of violent upheaval. In this upheaval the sympathy of nationalist
India will not be with the Maharaja. Mr. Kak has succeeded in antagonising
every decent element in Kashmir and in India as a whole. He has hardly any
friend anywhere.

25. It is interesting and important to note that Kashmir has kept out of
communal troubles during a period when the rest of India has been full of them.
This is a remarkable tribute to the policy of the National Conference and Sheikh
Abdullah. During this period there is little doubt that Mr. Kak encouraged
communal friction in order to weaken the political movement. Yet he did not
succeed although the leaders of the popular movement were in prison. When
Sheikh Abdullah comes out of prison, he will undoubtedly be able to control
his people effectively and he will gladly cooperate with any real steps for the
progress of Kashmir.

26. Sheikh Abdullah’s wife, Begum Abdullah, has played a notable part
during this past year in heartening the people of Kashmir and in giving relief
to the vast numbers of sufferers there. Previously living mostly in purdah, she
has come out and gone to her people.

27. What happens to Kashmir is, of course, of the first importance to India
as a whole not only because of the past year’s occurrences there, which have
drawn attention to it, but also because of the great strategic importance of that
frontier State. There is every element present there for rapid and peaceful
progress in cooperation with India. Communalism has not vitiated the atmos-
phere as in other parts of India. The resources of the State are very great; but
unhappily a wrong policy, carried through ruthlessly by a man without any
scruple or long vision and with a great deal of personal ambition, has brought
the State to the verge of ruin. There is almost complete unanimity today in
Kashmir amongst all classes and sections of the people that Mr. Kak should go.
Where he can go to, it is difficult to say because he has made himself un-
acceptable everywhere in India and more especially in Kashmir. But in any event he must be removed from his position of authority. The second immediate step that has to be taken is the release of Sheikh Abdullah as well as of other political prisoners. Obviously no conditions can be attached to this release. When Sheikh Abdullah is released, he will, no doubt, take counsel with his colleagues in Kashmir and outside before any fresh step is taken. The National Congress is deeply interested in this matter and but for the urgency of other work, Nehru would have been in Kashmir long ago. He still thinks of going there soon. Gandhiji also intends going there before long.

28. If any attempt is made to push Kashmir into the Pakistan Constituent Assembly, there is likely to be much trouble because the National Conference is not in favour of it and the Maharaja's position would also become very difficult. The normal and obvious course appears to be for Kashmir to join the Constituent Assembly of India. This will satisfy both the popular demand and the Maharaja's wishes. It is absurd to think that Pakistan would create trouble if this happens.

New Delhi
17 June 1947

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma, Mr Gandhi and Mr Jinnah

Mountbatten Papers. Viceroy's Interview No. 148

17 June 1947, 10 am–12 noon

I saw Mr Gandhi from 10 to 11 a.m. The main topic of the discussion was the referendum. He still wanted Mr Jinnah to go and see the NWFP Government leaders, to woo them as suggested in the statement he had prepared with Lord Ismay.¹

He was most dissatisfied at Mr Jinnah's stipulation about no Congress interference;² and he still wanted me to urge Mr Jinnah to go, as their correspondence had come to a full stop.

I asked him whether he would agree to see Mr Jinnah right away, and on obtaining his agreement, sent a telephone message to Mr Jinnah asking if he would come earlier than his original time, to see Mr Gandhi. Mr Jinnah came at 11.0 a.m. and joined the meeting until 12 noon.

Both these great men spoke in such low voices that they could not hear each other, so I had to move their chairs close together. After a good deal of mutual recrimination about their correspondence, I finally solved the problem by suggesting that since Abdul Ghaffar Khan had been invested with plenary
authority by the Frontier Ministry, Mr Jinnah should take advantage of his presence in Delhi to meet him here.

Both leaders seemed to think this a good idea, but Mr Gandhi said that Abdul Ghaffar Khan was most mistrustful of Mr Jinnah and would not come unless he received a written invitation. Mr Jinnah said he had frequently extended verbal invitations, and that if Abdul Ghaffar Khan was not prepared to accept these, he certainly had no intention of sending him a written invitation.

After this wrangle had gone on for some time, I solved the difficulty by offering to invite all concerned to meet me at 7.45 the same evening. Both accepted and honour was satisfied.

(Unfortunately, Abdul Ghaffar Khan had had an engagement 100 miles outside Delhi, and although he was due back between 6.0 p.m. and 7.0 p.m., he did not get back in time for the meeting. I personally telephoned Mr Jinnah and Raj Kumari Amrit Kaur, Mr Gandhi’s Secretary, and got them to agree to a meeting with Abdul Ghaffar Khan at the Viceroy’s House the following day, under the chairmanship of Lord Ismay.)

Before Mr Jinnah’s arrival, I mentioned to Mr Gandhi that I believed a question was likely to be asked in the House concerning the position of those Indian States who declared their independence. I informed him that on being asked this question in my Press Conference, I had replied to the effect that States would not be allowed Dominion Status and that the question of separate negotiations with States was a hypothetical question which had not yet arisen. If I received such a request, I would refer it to HMG. I pointed out that Hyderabad had a Trade Commissioner in London, and I was sure that HMG could not be expected to cut off trade relations with Hyderabad.

Mr Gandhi begged me on no account to make any statement in Delhi, and, if possible, to make no statement about this question until he returned. Since he wished to continue the discussion with me and I was unable to do so, I invited him to see Lord Ismay and arrange for an immediate meeting.

M. OF B.

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1 Annex to No. 99.  
2 See Nos. 156, 176 and 177.  
3 See No. 228.  
4 cf. No. 216, Item 3.  
5 cf. No. 60, p. 115.

23I

Mr Liaquat Ali Khan to Rear-Admiral Viscount Mountbatten of Burma
Mountbatten Papers. Official Correspondence Files: Interviews (2)
17 June 1947

Dear Lord Mountbatten,

As I informed you yesterday, the Muslim League has decided to locate the headquarters of the Pakistan Government temporarily at Karachi. Accommo-
dation, office and residential, will, therefore, be required at Karachi by the 15th of August, 1947, for the Ministers, officers and staff of the Government and the Members of the Constituent Assembly. In view of the urgency of the requirement, and as a considerable amount of readjustment in regard to the accommodation occupied by Military units and formations in Karachi, will be involved, it would, I think, be best if the Military authorities, who have considerable experience in these matters, could be requested to undertake the provision of the accommodation, together with the necessary furniture, telephones, etc. required by the Pakistan Government. The transportation of personnel and stores to Karachi will also present a major problem which could best be handled by the Military authorities. I should be grateful if the Commander-in-Chief could be asked to issue necessary instructions to the appropriate Military authorities regarding the provision of accommodation and transportation facilities. It would be desirable to appoint a senior Military officer to be in charge of the whole operation.

2. It is not unlikely that, in addition to whatever accommodation can be found by readjustments, requisitioning, etc., fresh construction will also have to be undertaken. This will normally be undertaken by the C.P.W.D. The C.P.W.D. will therefore have to be closely associated with the Military authorities from the very start and it will be necessary for the Works, Mines and Power Department to issue instructions detailing the necessary staff to Karachi for this purpose.

3. The Sind Government will be glad to assist the C.P.W.D. and the Military authorities in whatever way they can do so.

4. We shall furnish the necessary information regarding our requirements of office and residential accommodation at Karachi to the officers who are entrusted with the work.

5. The expenditure incurred on the provision of accommodation for the Pakistan Government at Karachi will have to be duly authorised by the issue of formal orders by the Defence and Works, Mines and Power Departments respectively. The expenditure can be adjusted in due course in accordance with the principles that may be agreed to in this behalf.

Yours sincerely,

LIAQUAT ALI KHAN
Mr Liaquat Ali Khan to Rear-Admiral Viscount Mountbatten of Burma
R/3/1/90: ff 167-8

FINANCIAL MEMBER OF COUNCIL, NEW DELHI, 17 June 1947

Dear Lord Mountbatten,

I enclose for your information a copy of a letter which I have received from Mian Mumtaz Mohammad Daulatana, Member of the Punjab Legislative Assembly and a Member of the Council of Action of the All-India Muslim League and until only recently the General Secretary of the Punjab Provincial Muslim League, giving a first-hand account of the present situation in the Gurgaon area. The letter which, as you will see, represents the observations, among others, of three Ministers and one ex-Minister of Sind and the Mayor of Lahore, speaks for itself. It is hardly necessary for me to add that the stream of deputations and representations that I have been receiving, and continue to receive, in regard to the Gurgaon situation have all gone to confirm the existence of the appalling state of affairs disclosed in Mr Daulatana’s letter. You will also doubtless have seen the recent intelligence reports issued by Armed Forces Headquarters containing accounts of large-scale burning and looting of Muslim villages not only by the Hindu population of the British area but also by State Forces of the neighbouring Indian States.

2. The Muslims of Gurgaon area feel helpless and unprotected against the full-scale war of extermination which is being waged against them by the armed hosts of Hindus with the active help of the neighbouring States and, I am sorry to say, without hindrance from the Indian troops detailed to the area by the Commander-in-Chief.

3. I have repeatedly requested you to post Muslim troops also to the area but without any success.1 The situation is getting desperate and I must appeal to you once again in the name of justice and fair play that the handling of this grave situation should not be left entirely to the mercies of non-Muslim troops whose anti-Muslim activities have now broken all reasonable bounds. It would be a pity indeed if at this juncture when His Majesty’s Government is anxious to ensure a smooth transfer of power and responsibility to the peoples of this country, they were to close their eyes to the large-scale attempt that is being made and has been going on for weeks within 20 miles of the capital of India to exterminate a whole population of Muslims. May I hope that you will take more personal interest in this matter and see that something really effective is done to protect the lives and property of the Muslim population of the Gurgaon area?

Yours sincerely,

LIAQUAT ALI KHAN

1 See e.g. No. 11; also No. 254.
Enclosure to No. 232

Mian Mumtaz Mohammad Daulatana to Mr Liaquat Ali Khan (Extract)


6 KING EDWARD ROAD, NEW DELHI, 12 June 1947

My dear Liaquat Ali Khan Sahib,
A party consisting of Pir Ilahi Buksh, Mir Bundeh Ali, Mir Ghulam Ali Talpur, Ministers of Sind, Mr M. H. Gazdar, Mian Amiruddin, Mayor of Lahore, 3 members of the Ad Hoc Delhi Muslim League Committee and myself toured the riot-affected area of Gurgaon District on the 11th of June 1947. We visited Gurgaon, Sohna, Taru, Nuh and Palwal and the surrounding villages which have been devastated in the recent disturbances. We went in no official capacity and it was not our intention to present a detailed report of our observations, but we were so completely taken aback by what we saw, and by the nature and extent of the devastation already caused and likely to be caused in the immediate future that we feel it our duty to impress you with the gravity of the situation and to urge you to take immediate steps to bring under control, what, is in effect, full scale civil war raging within 20 miles of the capital of India. If the least delay is permitted in this, it is our opinion that thousands of helpless men, women and children will be massacred within the next few days and an irretrievable disaster will befall more than half a million of human beings, which will tarnish the birth of Indian freedom and shame the last days of the British rule in India.

We are surprised that it is not sufficiently realised in Delhi, or for the matter of that in any part of India, that a cruel and merciless war is being waged at this very moment in the closest proximity to the Indian capital, with all the horrors and atrocities attendant on a campaign for extermination conducted with the most modern weapons of destruction but unchecked by any of the conventions of civilised war-fare. It is ridiculous to apply the phrase communal rioting to the situation in Gurgaon. What is actually taking place is a large scale invasion of the Muslim villages by thousands of armed and disciplined men from the adjoining districts of the United Provinces, as well as by the official armed forces of Bharatpur and Alwar State. It is to be borne in mind that the Meo tract in Gurgaon and the adjoining Indian States is the only compact and populous concentration of Muslim majority population between the Sutlej and the border of Bengal, numbering near 10 lakhs of people, and it appears to be the firm intention of the surrounding Hindu provinces as well as the Hindu states to liquidate this powerful and gallant pocket by all the tactics made familiar by Herr Hitler in Poland. From reliable information that we were able to collect on the spot we are convinced that many thousands of men, women and children have been massacred in the last few days and that scores of villages have
been burnt to the ground, and that people in all the surrounding villages are living day and night in imminent peril of attack and extermination.

The most alarming feature of the whole situation is the conduct of the military that has ostensibly been called out to restore order. The composition of the military in Gurgaon is exclusively non-Muslim. From time to time a purely Hindu Rajput regiment is replaced by a Sikh Regiment which is later relieved by the former Rajput regiment. This is being done at a time when the non-Muslim army is misbehaving in a shameless and atrocity manner. In fact it is our belief that more Muslims have been indiscriminately massacred by the Indian non-Muslim military than by the combined attacks of the Jats, the Ahirs, the Rajputs, the Hindus of U.P. and the armies of Bharatpur and Alwar. In particular it is the common belief in Gurgaon that the Sikh military has taken it upon themselves to wage war on behalf of the non-Muslims. Sikh army personnel have indiscriminately shot the Meos, and it is rumoured that some of their men have actually taken off their uniforms to re-inforce the mobs with their official weapons. It is the common practice for the soldiers to carry out searches for arms in the day in Hindu villages and to redistribute the confiscated arms at strategic places under cover of night, thus securing that the maximum force is deployed at the decisive place against the doomed Meos. Similarly in one place some 600 Hindu rioters were arrested by the military at the spot, but 450 were released immediately the remaining 150 having already passed to the custody of the police. There are at the moment lying in Palwal Civil Hospital 4 men who were forced to lie on their backs by the military and then crushed twice over under military trucks. It would be fruitless to pile illustrations because it is our belief that the savagery, brutality and partisanship of the military is well-known to the authorities. We understand that the D.C. of Gurgaon has represented again and again to the Central Government for mixed troops but he has been snubbed with the answer that the military does not recognise communalism. This is amusing when it is noticed that wherever disturbances take place, whether it is in Rawalpindi, in Attock, in Multan, in Amritsar or in Gurgaon, lack of communal considerations in the Army means the exclusive presence of non-Muslims troops.

It is our firm conviction that the worst offenders in the present Gurgaon disturbances have been the non-Muslim army, and that unless immediate steps are taken to introduce a mixed military personnel there is no hope for Muslims in Gurgaon. If it is not found possible to secure this, then we suggest that the military should be completely withdrawn, because the brave Meos would be able to fight their Hindu enemies with better chances of avoiding complete annihilation if they are not re-inforced by their military allies. It is also to be hoped that when mixed military is introduced in Gurgaon it will be done in sufficient numbers to cope with the enormity of the problem. It is ridiculous that whilst it is impossible to see the road for army trucks in West Punjab, it is
possible to travel almost right through the disturbed area in Gurgaon without coming across a uniform.

Finally we would like to impress upon you with all the force at our disposal, the wicked role that is being played by the Indian States of Bharatpur and Alwar. As you know the Mewat is a compact tract that covers adjoining areas of Gurgaon, U.P., Bharatpur and Alwar, and whilst there are some 2,50,000 Meos in Gurgaon, more than twice this number live in Alwar and Bharatpur. At present these two States have declared a war of extermination on the Muslims of Mewat. As recently as the night of the 10th, whole regiments of the Bharatpur military took part in an organised attack on Meo villages in Bharatpur State on the Gurgaon boundary, killing hundreds of people and sacking and burning 7 villages completely, whilst the Indian troops on the border looked on, only concerned to see that no Muslim escaped from Bharatpur to Gurgaon, or that no Gurgaon Meo should enter into Bharatpur to succour and defend his kith and kin.

We Muslims of India believe that we are one people. We cannot watch unmoved the pitiless massacre of our brothers merely because an artificial boundary divides Gurgaon from Bharatpur and Alwar. In the name of humanity we call upon you to appeal to the Viceroy of India in this matter and to see that the concepts of medieval barbarism are not allowed to reign unchecked in a tract almost within sight of the Viceregal Palace, and at a time when we stand at the very threshold of our freedom.

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The Nawab of Mamdot, Sardar Swaran Singh and Lala Bhim Sen Sachar to Sir E. Jenkins (Punjab)

Mountbatten Papers. Official Correspondence Files: Punjab, Part II(a)

LAHORE, 17 June 1947

Dear Sir Evan,

You will kindly refer to your D.O. letter of the 16th of June, 1947,\(^1\) enclosing a copy of the minutes of the meeting of party leaders with you held yesterday at Government House, Lahore.

As decided in the meeting the three of us met last evening and discussed the various points mentioned in paragraph 12 of the minutes.\(^2\) Our agreed decisions are as follows:——

1. We have agreed that the Partition Committee should beside the Governor consist of four members of which two shall be the nominees of the Muslim League, one of the Congress and one of the Panthic Party. The parties will have
full liberty with regard to the choice of their nominees whether from within or from outside the Punjab. We are also agreed that H.E. the Governor may preside over the meetings of the Partition Committee. The issues shall not be decided by votes; and in case of disagreement parties will set up an agreed machinery for the settlement of disputes.

2. We are agreed that there is no need of an interim Committee of the party leaders pending the formation of the Partition Committee, but the party leaders should have free access to any official information that they might desire to have.

3. We are agreed that a Steering Committee consisting of Mr. M. R. Sachdev and Syed Yakub Shah, Finance Department, Government of India, shall be appointed. We are also agreed that there is no need to add a third member to this committee.

4. We are agreed that as soon as the Steering Committee assembles it shall form the nucleus of the Partition Committee Secretariat in addition to steering the Expert Committees. We are also agreed that when members of the Steering Committees assume office the office of the Partition Commissioner shall become superfluous.

5. Comments on para. 5 will follow later.³

6. & 7. We are agreed that part time official advisers may be made available for advice to the members of the Partition Committee. Such advisers will be chosen by the members of the Committee and shall be attached to the Steering Committee.

Yours sincerely,

IFTIKHAR HUSAIN KHAN
SWARAN SINGH
BHIM SEN SACHAR

¹ Not printed.
² See Enclosure to No. 219.
³ Not on file; but an agreement on the composition of the Expert Committees was subsequently reached: see No. 339, para. 7.
234

Lord Ismay to Mr Ghazansfar Ali Khan

Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II(a)

17 June 1947

Dear Mr Ghazansfar Ali Khan,

In accordance with your request, I asked the Chief of General Staff to let me have a statement showing the class composition of the units now employed in the Gurgaon civil disturbances, and I send you herewith a copy of his reply.1

It came as a shock to me to see that the Muslim Company of the 3/15 Punjab had had to be left behind at Chaman, and that it was not due in Gurgaon until after 1st July, since I was under the impression that the whole of this unit was already in the disturbed area.

The C.G.S. has undertaken to ask the Commander-in-Chief whether it would be in any way possible to get any other Muslim troops to this area in the near future, but emphasises the difficulty of dealing with disturbances on a communal basis.

Yours sincerely,

ISMAY

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1 See Enclosure
**Enclosure to No. 234**

<table>
<thead>
<tr>
<th>Ser.</th>
<th>Units</th>
<th>HINDUS</th>
<th>SIKHS</th>
<th>MUSSALMANS</th>
<th>MADRASSIS</th>
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<td>1.</td>
<td>6 RAJ RIF.</td>
<td>(a) 25%</td>
<td>(b) 100%</td>
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<td>2.</td>
<td>2/6 G.R.</td>
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<td>(c) 50%</td>
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<td>3.</td>
<td>1 SIKH</td>
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<td>(d) 50%</td>
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<td>4.</td>
<td>ARD Tp.</td>
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<td>(e) 100%</td>
<td>33%</td>
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<td>5.</td>
<td>3/15 PUNJAB. x</td>
<td>33%</td>
<td>(f) 100%</td>
<td>33%</td>
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<td>6.</td>
<td>1 KUMAON. x</td>
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<td>(g) 75%</td>
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<td>7.</td>
<td>2 MADRAS. x</td>
<td></td>
<td>(h) 75%</td>
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</table>

**NOTE:**
- (a) 1 SIKH has been withdrawn.
- (b) 6 RAJ RIF is being withdrawn today and is being relieved by 1 KUMAON.
- (c) 80 Bde to which units marked x belong assumed operational control today, 16 Jun 47.
- (d) One Muslim Coy of 3/15 PUNJAB had to be left behind at CHAMAN, due to join soon after 1 JUL.
- * Sub-classes not known.

* Sir A. Smith sent this statement to Lord Ismay under cover of a letter dated 16 June 1947 in which he explained that Serials 1-4 had been employed up to the previous week and that Serials 4-7 were now being used. With reference to note (d) he remarked: 'This is unfortunate but just shows how impossible it is for GHQ to try and allocate communally down to companies. The real lesson is that we simply cannot deal with disturbances on a communal basis and, it must be remembered that the proportion of Hindu infantry battalions is far greater than the proportion of Muslim infantry battalions.' Mountbatten Papers, loc. cit.
235

Mr Ghazanfar Ali Khan to Lord Ismay

Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II(a)

MEMBER OF COUNCIL, HEALTH, 6 KING EDWARD ROAD,
NEW DELHI, 17 JUNE 1947

Dear Lord Ismay,

I thank you for the inquiries you have made from the C.G.S.¹ The statement supplied by him shows the class composition of the troops operating in Gurgaon district. It lends point to the serious complaints which we have been receiving from there.

RAJ Rif is a regiment of mixed composition. It, however, so happened that only non-Muslim Companies of it were sent to Gurgaon. Now it transpires that the Muslim Company of the 3/15 Punjab has been left behind in Chaman so that only non-Muslim Companies of this mixed regiment will be operating in Gurgaon district. I do not wish to cast aspersions but somehow Muslim companies always happen to be left behind in such cases. One Muslim Company of 3/15 Punjab will, it is said, join soon after July 1. I doubt if there will be any Muslims left to need protection in the disturbed area by that time.

You say that the C.G.S. has emphasised the difficulty of dealing with disturbances on a communal basis. The whole point of our complaint is that these disturbances are actually being dealt with on a communal basis, only non-Muslim troops being used and Muslim units of even mixed regiments being left out by a strange series of accidents. If Muslim troops cannot be made available in the near future, is it not possible to use some British troops?

From the reports reaching me at present it appears that the Muslim villagers have become quite desperate and almost hysterical, owing to attacks by the numerical[ly] superior and better armed mobs on the one hand and the treatment which is being meted out to them by the authorities on the other. I fear clashes between these villagers and the troops out of sheer desperation, unless steps are taken immediately which may have a re-assuring effect on them.

I thank you once again for the interests you have taken in the affair.

Yours sincerely,

GHAZANFAR ALI²

¹ See No. 234.
² A note by Lord Ismay states: 'Shown to C.G.S. on 18/vi.'
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Rear-Admiral Viscount Mountbatten of Burma to Mr Kripalani

R/3/1/151: f 176

SECRET

NEW DELHI, 17 June 1947

NO. 1446/3

Dear Mr Kripalani,

Thank you for your letter of yesterday about the Referendum in the Frontier. I think you and your colleagues fully understand my point of view, and the point of view of H.M.G. I realise the great difficulties of the Frontier situation, but it is not feasible to alter the terms of the Referendum as laid down in the statement of the 3rd June.

Yours sincerely,

MOUNTBATTEN OF BURMA

PS. I had already drafted a letter to Pandit Nehru dealing with one aspect of your letter, and have now redrafted it; so perhaps you would be good enough to talk this over with him.

M. OF B.

1 No. 228; in fact dated 17 June.
2 See No. 237.

237

Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru

R/3/1/151: ff 177–8

PERSONAL AND PRIVATE

NEW DELHI, 17 June 1947

NO. 1446/3

Dear Mr Nehru,

I have received a letter from Mr Kripalani dated the 17th June about the Referendum for the North-West Frontier Province. One of his main points is contained in the first paragraph, which reads as follows:

"The provincial government has been unable to work with the Governor with the result that there is now a complete impasse in regard to many matters and the relations between the Ministers and the Governor are strained to an extreme degree. It is in this context that we have to consider other developments."

In this connection I am sending you a copy of a letter I have received from Sir Olaf Caroe, together with a copy of my reply. I should like you to know
that I only had to mention to him the difficulty you felt about the Referendum for him to have come forward with this generous suggestion on his part, thus making everything much easier. I hope you will agree that I could not do less than send him the reply of which a copy is enclosed.

Mr Kripalani’s letter puts forward once more the suggestion of allowing the Frontier to vote for independence, and I am sending you a copy of the reply I have sent to him. I have of course made the point in this reply that it was at your written request that the option for Provinces to vote for independence was taken out; and that Mr Jinnah (who was in favour of Bengal being allowed to vote for independence) is aware of the fact that I conceded this point to Congress. But in the circumstances you will see that both your position and my position would be completely untenable if either of us were to go back on this arrangement now. I hope, however, that the action of the Governor in offering to go on leave may help you in influencing Abdul Ghaffar Khan to accept the Referendum in the right spirit.

I know I do not need to ask you to use your influence to avoid the Press saying that Caroe had been sacked, for it was on the basis of your promise of no further Press attacks that I wrote to him.

Yours sincerely,

MOUNTBATTEN OF BURMA

PS. Since dictating the above Mr Gandhi has been to see me to discuss this question of the Referendum. He told me that he felt that a satisfactory solution might be found if Mr Jinnah and Abdul Ghaffar Khan could talk the matter over together.

With Mr Gandhi’s consent I invited Mr Jinnah, who was due to come for an interview later, to come earlier and have a discussion with Mr Gandhi. After an hour’s talk we three agreed between us that we would meet again at 7.45 tonight with Abdul Ghaffar Khan to try and find an amicable solution.

I told Mr Gandhi of the exchange of letters with Caroe, and he has urged me to send them to the newspapers for publication, a course which I shall of course follow.

M. OF B.

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1 No. 228.
2 Enclosure to No. 181.
3 No. 227.
4 No. 236.
6 See Vol. X, Nos. 229; 249, first para.; 264; 276, paras. 30–31; 280, last para. and 287, last para.
8 See No. 230.
238

Viceroy's Conference Paper V.C.P. 81
Mountbatten Papers

SECRET

THE VICEROY'S HOUSE, NEW DELHI, 17 June 1947

THE ESTABLISHMENT OF A "STATES DEPARTMENT"

Attached is a copy of a letter and proposals from Pandit Nehru, which will be considered at The Viceroy's meeting with his Staff at 15.00 hours on Tuesday, 17th June 1947.

V. F. ERSKINE CRUM
Conference Secretary
NEW DELHI, 16 June 1947

Dear Lord Mountbatten,

At the meeting which you had with the political leaders last Friday, it was agreed that it would be advantageous if the Government of India were to set up a new Department, possibly called the States Department, to deal with matters of common concern with the States. I attach, for your consideration, certain proposals regarding the constitution and functions of this Department.

Yours sincerely,

JAWAHARLAL NEHRU

1. The Political Department which, under the control of H.E. the Crown Representative, now deals with the Indian States is in process of being wound up and will cease to exist from the date on which India and Pakistan become Dominions. But a whole complex of administrative and economic arrangements, at present in existence between what is now British India and the Indian States, must continue if certain essential Services of common interest to the two Indian Dominions and the States are not to come to an abrupt and probably disastrous end. Indeed, even in the political field, specifically as regards External relations and Defence, the States must, until other arrangements are negotiated, continue, in relation to the successor Governments in British India, to enjoy the rights and to discharge the obligations which, in exercise of its Paramountcy, the British Crown had conferred or imposed upon them. This content of Paramountcy directly concerned the security of British India and must logically be preserved in the interests of those who will inherit, from the British Power, the responsibility to protect what is now known as British India against external aggression and internal commotion.

2. To deal with the matters referred to in the preceding paragraph, the immediate creation of some Central machinery which would take the place of

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1 No. 175, Item 1, conclusion (ii).
the Political Department a few weeks hence is essential. Steps to this end cannot be delayed because the process of succession must take a little time. The new machinery, which must be a new Department of the present Government of India until the two Dominion Governments come into being, will gradually take over from the Political Department the appropriate records and some of its personnel. It will also, during the period of its co-existence with the Political Department, endeavour to learn as much of the Political Department's procedure and mode of operation as may be useful for its own operation after the Political Department ceases to function.

3. The functions proposed for the new Department are:

(1) To correspond, on behalf of the Government of India, with Indian States on all matters of common concern. Matters of special interest to individual Departments of the Government of India will be disposed of in consultation with them by the new Department. The alternative of allowing each Department of the Government of India to deal with the States will result in lack of coordination with all its attendant disadvantages.

(2) To supervise the Agents whom the Government of India may decide to maintain in certain States and to deal with any representatives whom the States may appoint to the headquarters of the Government of India.

(3) To follow up the negotiations initiated by the Political Department between the Government of India and the States for the adjustment of matters of common interest and, where necessary, to initiate new negotiations for a similar purpose.

(4) Generally to safeguard the interests of the Government of India in the States.

4. During the pre-Dominion stage the Department should consist of one Secretary and one or possibly two Deputy Secretaries. The junior and subordinate staff should, so far as possible, be drawn from the Political Department. Since both the future Dominions will be interested in the activities of the new Department its officers should be selected with due regard to this fact.

5. The structure and composition of these Departments under the Dominion Governments of India and Pakistan should be left to be determined by the two Governments.
Minutes of Viceroy's Forty Fifth Staff Meeting

Mountbatten Papers

SECRET

Those present at this Meeting held at The Viceroy's House, New Delhi, on 17 June 1947 at 3 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir E. Mieville, Mr Abell, Rao Bahadur V. P. Menon, Lieutenant-Colonel Erskine Crum.

Also present for Items 1–4 were Sir C. Corfield, and for Items 1–2 Sir G. Spence and Mr Sundaram.

Item 1

THE NORTH-WEST FRONTIER PROVINCE

HIS EXCELLENCY THE VICEROY said that, during his interview with Mr Gandhi that morning, the latter had expressed himself as very keen to create an opportunity for the two sides to come together in connection with the referendum in the N.W.F.P. HIS EXCELLENCY said that Mr Jinnah had come early for his interview and had spent an hour together with Mr Gandhi. Mr Gandhi had proposed that the discussions should be continued with Abdul Ghaffar Khan that evening; and they were all expected at 7.45 p.m. THE VICEROY said that he was not very optimistic about the outcome of these discussions, but felt that it was up to him to provide every opportunity for their success.

Item 2

THE DRAFT BILL

The meeting considered two draft telegrams\(^2\) to the Secretary of State, prepared by the Reforms Commissioner, containing comments on the Draft Bill\(^3\) which was to be cited as the "Indian Dominions Act, 1947".

HIS EXCELLENCY THE VICEROY said that he considered it absolutely essential that copies of this Draft should be shown, before it was introduced into Parliament, to the Indian Leaders. He asked Lord Ismay to make this view perfectly clear to the Secretary of State if the latter telegraphed the opposite view during his absence in Kashmir. He also authorised Lord Ismay to conduct any negotiations which he deemed fit with Pandit Nehru and Mr Jinnah.

Berar

Clause 2 of the Draft Bill stated that "the territories of India shall be the territories under the sovereignty of His Majesty . . ." It was pointed out that these did not include Berar.

\(^1\) No. 230.

\(^2\) Drafts not printed (R/3/11/53: ff 97–105); for the telegrams as issued see Nos. 248 and 249.

\(^3\) No. 191.
HIS EXCELLENCY said that the talks which he had had with Sir Walter Monckton had indicated to him clearly that it would be essential to have a standstill agreement for Berar. He pointed out that, although legally Berar belonged to the Nizam of Hyderabad, the Government of India were in possession of it.

SIR CONRAD CORFIELD confirmed that the right to administer Berar would revert automatically to the Nizam on the transfer of power. He considered that His Excellency, as Crown Representative, would not be able to force the two parties to come to agreement but only to help to bring them together. The Nizam might well demand concessions. Moreover, the Nizam’s consent would have to be obtained before any of his representatives entered even preliminary negotiations on this subject.

HIS EXCELLENCY said that he agreed that it was his task, as Crown Representative, to do his best to bring the two parties together and to use his best endeavours to produce a standstill agreement. He added that it would be necessary to explain the legal position to Congress before the negotiations opened.

Bengal and the Punjab
HIS EXCELLENCY gave his opinion that the intention to name the new Provinces “Bengal”, “Western Bengal”, “The Punjab” and “The Eastern Punjab” was likely to create some confusion. However, he did not intend to take this point up with the Secretary of State at this stage.

The Governors-General
A proviso in the Draft Bill, in the clause concerning the appointment of Governors-General,4 read: “Provided that, unless and until another appointment is made, the person who, immediately before the appointed day, is Governor-General of India within the meaning of the Government of India Act, 1935, shall, as from the appointed day, become the Governor-General of each of the Indian Dominions”.

HIS EXCELLENCY said that he felt that both he and the leaders of the two prospective Dominions would be put in a most invidious position by this proviso. He intended to ask the two leaders whether they accepted it and whether they would ask for him to be Governor-General of each Dominion. He would then, before the Bill was finalised, ask for an alternative draft to be inserted on the lines that it would be lawful for each Dominion to have the same Governor-General if they both asked for it.

RAO BAHADUR MENON stated that the nominations made by the two Dominions Prime Ministers, for the posts of Governor-General, would come through His Excellency.

The Lapse of Paramountcy
Paragraph 7 (1) (b) of the Draft Bill concerned the lapse of paramountcy. Rao Bahadur MENON said that he was opposed to the inclusion of this para-
graph. No question of paramountcy should surely come into the legislation. His Majesty’s Government had already published their word sufficiently that paramountcy would lapse on 15th August.

SIR CONRAD CORFIELD said that he would have been ready to agree with this view if there had been general accord that paramountcy would then lapse; but many eminent jurists had expressed their disagreement with this, and he therefore considered that the paragraph would best be left in. He suggested, however, that it should be made to apply instead of “as from not later than the appointed day” rather “as from not later than the appointed day”.

HIS EXCELLENCY pointed out that it was doubtful whether the Bill would be passed until the beginning of August; and then there would only be a fortnight until the transfer of power. He did not therefore consider that the amendment suggested by Sir Conrad Corfield was necessary.

HIS EXCELLENCY added that the reports that the Nizam of Hyderabad had declared the independence of his State were incorrect. He had in fact declared that he considered himself entitled to declare his State independent if he so wished.5

The Royal Style and Titles
In connection with paragraph 7 (2) of the Draft Bill, HIS EXCELLENCY THE VICE ROY said that he intended to ask Pandit Nehru and Mr Jinnah whether they would agree that the King should continue to use the letters “R.I.” in his signature.

The Andaman and Nicobar Islands
HIS EXCELLENCY said that he had been amazed to find in the Draft Bill provision that the Andaman and Nicobar Islands should cease to be part of India after 15th August. But it was not for him to attempt to disguise the intentions and desires of His Majesty’s Government in this respect. He considered that it would be better to allow this paragraph to be circulated to the leaders; to come out into the open and then to try to negotiate an agreement with them. Whoever took the document round to the Indian Leaders should draw their particular attention to this paragraph. They should point out that Aden had ceased to be part of India under the Act of 1935; and that it was a similar procedure which His Majesty’s Government now envisaged with the Andaman and Nicobar Islands; but that, if the leaders wished to contest this, some alternative means of satisfying His Majesty’s Government would have to be found. HIS EXCELLENCY said that, so far as he knew, all His Majesty’s Government really wanted were harbours and airfields on the Islands. It would have to be a matter of negotiation. In the meanwhile an alternative draft should be prepared. Was there, incidentally, any chance of splitting the

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4 Clause 5(2).
5 See No. 163.
difference, leaving the Andaman Islands in India, and taking over Nancowry and the Nicobars?

A number of amendments to the draft telegrams to the Secretary of State consequent upon the discussion recorded above were made.

**His Excellency the Viceroy:**

(i) directed Con. Sec. to amend the two draft telegrams to the Secretary of State in accordance with the discussion and to despatch them;

(ii) authorised C.V.S. to despatch, during his absence in Kashmir, a telegram to the Secretary of State, saying that he considered it absolutely essential to show the Draft Bill to the Indian Leaders if, during that absence, the Secretary of State expressed, by telegram, an opposite view;

(iii) authorised C.V.S. to conduct or arrange any negotiations which he thought fit with Pandit Nehru and Mr Jinnah, concerning the Draft Bill; and in this connection drew particular attention to the way (recorded above) in which to deal with the Andaman and Nicobar Islands;

(iv) directed C.V.S. to discuss with Sir Walter Monckton, Sir Conrad Corfield and the Nawab of Chhattari the future of Berar;

(v) directed C.V.S. to write to Pandit Nehru after the discussions in (iv) above, saying that he (The Viceroy) considered that it was time that the question of Berar was brought forward; asking Pandit Nehru whether he would initiate or attend discussions with the Nizam’s representatives on this subject; and making clear to Pandit Nehru the legal position of Berar;

(vi) directed the Reforms Commissioner to prepare an alternative draft to the proviso in Clause 5 (2) of the Draft Bill;

(vii) decided to speak to Pandit Nehru and Mr Jinnah at the next opportunity concerning the retention in His Majesty’s signature of the letters “R.I.”.

(viii) directed the Reforms Commissioner to prepare an alternative draft of Clause 167 of the Draft Bill.

**Item 3**

**GOVERNORS**

**His Excellency the Viceroy:**

directed P.S.V. to expedite an answer from the Secretary of State to his proposals concerning the resignation of all Governors on the date of the transfer of power.

**Item 4**

**The Establishment of a States Department (V.C.P. 81.)**

The Meeting considered a letter from Pandit Nehru covering proposals which
he had drafted concerning the establishment and functions of the new States Department of the Government of India which it had been decided to set up.

Sir Conrad Corfield made a number of comments on these proposals, especially with regard to Pandit Nehru's statement that the States must continue in the political field to enjoy certain rights and discharge certain obligations. His Excellency accepted, in principle, the various comments put forward by Sir Conrad Corfield.

His Excellency said that he wished to take the opportunity to tell Sir Conrad Corfield what he felt about the attack which had been made on him, at the last meeting with the Indian Leaders, by Pandit Nehru. He explained that it had always been his policy to refuse to enter into discussions with the Indian Leaders concerning the behaviour of British officials. Nevertheless, he felt that on the occasion referred to, he should perhaps have made it absolutely clear to Pandit Nehru that he of course completely disassociated himself with the latter's remarks and was unable to consider accepting the various strictures which he had made. His Excellency added that he could not believe that Pandit Nehru would even have followed up his accusations if he had been asked to substantiate them and had been told that they would be carefully gone into.

His Excellency the Viceroy:

(i) directed the Political Adviser, in conjunction with the Reforms Commissioner, to draft a reply to Pandit Nehru's letter; this reply should make clear that the Viceroy had approved the general lines on which it was drafted and should emphasise that the Political Department would assist in the formation of the States Department;

(ii) directed the Political Adviser, in conjunction with the Reforms Commissioner, to prepare a memorandum to be enclosed in his reply to Pandit Nehru's letter, and eventually to be put up before the Cabinet, making definite proposals for the establishment and functions of the new States Department;

(iii) authorised C.V.S. to sign, on his behalf, the documents in (i) and (ii) above.

Item 5

Reconstruction of the Executive Council (V.C.P. 76.)

The Meeting considered a paper, prepared by the Reforms Commissioner, which proposed that, after the first week in July, the Central Government

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6 On 18 June Lord Ismay noted that he thought that Lord Mountbatten's remarks were in fact less categorical than this conclusion implied, and that, after discussion with Sir E. Mieville, he was clear 'that this very big question must await the return of the Viceroy himself'. In the meantime it was possible that Mr Menon might broach the subject in general terms with Sardar Patel. Mountbatten Papers, Official Correspondence Files: Indian Independence Bill, Part I(b), f 21.
7 i.e. the Clause concerning the Andamans and Nicobars.
8 No. 79.
9 No. 238.
10 See No. 175, Item 1.
11 No. 200.
should operate in two separate compartments. It was suggested that the Congress and Muslim League Leaders, who were likely to be Prime Ministers in their respective Dominions after 15th August, should be asked to nominate a Cabinet in respect of their respective parties; that all the members of each prospective Cabinet should have equal status and be equally entitled to participate in Meetings of the Council; but that the Muslim League Members should be concerned so far as normal administration was concerned only with the Pakistan areas.

Lord Ismay said that he did not believe that the Muslim League Ministers would welcome these proposals. He personally did not see the necessity for altering the present set-up so far before 15th August.

Mr Abell said that he also did not believe that the Muslim League would welcome the proposals. He considered that the administrative aspects of Partition should be left to the Steering Committee and the other bodies which had been particularly set up for this purpose. Then the political aspect of these proposals alone remained. Did Congress really attach sufficient importance to them to justify the dislocation and the dissatisfaction among the Muslim League members that they were bound to cause?

His Excellency the Viceroy said that he had no doubt whatsoever that Congress attached the very greatest importance to these proposals. On this subject there was no holding Pandit Nehru, who continually threatened resignation unless the Executive Council was reorganised. His Excellency said that he believed that he personally would be able to convince Mr Liaquat Ali Khan of the desirability of these proposals, because the chief concern of the latter, who had, on his own confession, lost interest in the Finance Department and the Cabinet, was to find and train sufficient Muslim administrators. Mr Liaquat Ali Khan might well be induced to accept these proposals if he was given absolute authority to safeguard the position of Pakistan. There would not be much legislative action during the last six weeks before the transfer of power. The efforts of all the Ministers would be directed almost exclusively towards the problems of Partition. He asked whether it would be possible to modify these proposals to the extent that the Muslim League Ministers would continue nominally to hold, until the transfer of power, the portfolios which they now held. Rao Bahadur Menon said that this suggestion had been turned down by Pandit Nehru and Sardar Patel.

His Excellency said that he believed that the proposals contained in Rao Bahadur Menon’s paper could be redrafted in a form more acceptable to the Muslim League. When this had been done, he would talk to Mr Liaquat Ali Khan on the subject.

His Excellency the Viceroy:

(i) directed the Reforms Commissioner to redraft V.C.P. 76 in a form more acceptable to the Muslim League;
(ii) decided that he would then personally speak to Mr Liaquat Ali Khan about the proposals contained in V.C.P. 76, as redrafted;

(iii) decided provisionally to mention this matter at his next Cabinet Meeting; to have a paper put up for the one after that; and to ask for resignations of Honourable Members to be effective approximately a week after that.

Item 6

THE WITHDRAWAL OF BRITISH FORCES

There was before the meeting a Minute\(^\text{13}\) by Lord Ismay to His Excellency on this subject. This referred to a paper\(^\text{14}\) prepared by Lieut. General Sir Arthur Smith, the recommendation of which was that British Forces should be retained in India at least until January 1948. Lord Ismay’s Minute stated that the Viceroy’s Staff submitted that, in this matter, political considerations were overriding, and that the proper policy was to commence withdrawal of British Forces on 15th August.

His Excellency the Viceroy:

(i) approved C.V.S.’s Minute;

(ii) directed C.V.S. to discuss the proposals contained in his Minute with the C.G.S. and subsequently with the C. in C.\(^{15}\)

Item 7

BAHAWALPUR

His Excellency the Viceroy:

directed P.S.V. to ensure that, in due course, the papers\(^\text{16}\) concerning the special position of Bahawalpur were put before the Punjab Boundary Commission.

Item 8

SIR CHANDULAL TRIVEDI

His Excellency the Viceroy:

directed P.S.V. to invite Sir Chandulal Trivedi to come to stay at the Viceroy’s House for a few days in connection with the discussions on the partition of the Army.

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\(^\text{12}\) cf. No. 80, para. 1.  
\(^\text{13}\) No. 213.  
\(^\text{14}\) Enclosure to No. 159.

\(^\text{15}\) On 18 June Lord Ismay wrote to Field Marshal Auchinleck on the lines of paras. 5–8 of No. 213 and stated that therefore, subject to his (Auchinleck’s) concurrence, Lord Mountbatten proposed:  
(a) To submit the above conclusions [i.e. the conclusions in No. 213, para. 8] to the Secretary of State for India and ask for their endorsement by H.M.G.

(b) To get authority from H.M.G. to inform the Indian leaders of this policy before it is announced, but to tell them that if both parties were to submit a formal request that British forces should remain in this country for, say, six months, to tide over the initial period of transition, he would be prepared to forward their request to H.M.G. He would, of course, explain that they could only be kept here with proper safeguards.

R/3/1/81: ff 147–9.

\(^\text{16}\) Not traced; but see No. 101, penultimate para., and No. 246, para. 5.
Item 9

DOMINION STATUS

There were before the meeting two papers^{17} which had been prepared by the Dominions Office.

These were entitled:

"THE STRUCTURE OF THE BRITISH COMMONWEALTH"

and

"DOMINION GOVERNORS-GENERAL"

HIS EXCELLENCY THE VICEROY:

directed C.V.S. to send copies of these papers to the Indian leaders for their information.

^{17} Enclosures to No. 131.

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Sir F. Burrows (Bengal) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/159: ff 4-5

MOST IMMEDIATE

CONFIDENTIAL

17 June, 1947, 3.55 pm

Received: 17 June, 11.30 pm

No. 159-C. In pursuance of my desire to have a Coalition Ministry, if at all possible, for interim period between decision to partition Bengal and advent of Dominion Status, I saw Suhrwardy on Friday and again today and Kiran Sankar Roy on latter’s return from Delhi on Sunday. Former was most unhelpful in regard to a Coalition and without in any way meeting my arguments he made it clear that he would not make room for members of the Opposition in his Ministry which he seemed to think could quite well carry on as a Care-taker government till partition actually takes effect. He agreed to the idea of having a partition committee at Party leader’s level with an official Steering Committee to submit proposals for that Committee’s decision and expert official Committees working under Steering Committee.

2. K. S. Roy also made it clear that he did not think participation in a Coalition Ministry to run a care-taker Government for two months was necessary or likely to be useful. He does not like the idea of Section 93 (in which I fully agree with him) but considers that we should have two Regional Ministries to run the Province in two parts but through one Secretariat until partition actually takes effect. He agreed that there would have to be joint consultation on matters of joint interest. After a half-hearted attempt to suggest that the partition committee should be composed entirely of High Court Judges, he saw my point that it must be a committee of Party leaders who can
pledge their Parties in advance in such matters of great urgency as settling terms for and making offers to the Services.

3. I can see that I am not going to get a Coalition Ministry. I therefore discussed at length with Suhrawardy today question of forming Regional Ministries when partition has been decided upon. He pointed out—what I already of course appreciated—great administrative difficulties of running such a system. He however did not turn the idea down but promised to give it full consideration in consultation with his colleagues and the High Command and finished with the words "I will do my best". I am therefore very hopeful that he will play.

4. He leaves for Delhi this afternoon by plane for consultation with Jinnah on this and other matters. I informed him that I was acquainting you with the position and that I should request you to interest Jinnah favourably in the idea of Regional Ministries for the period between decision on partition and handing of power. He welcomed this.

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The Earl of Listowel to Mr Attlee

Public Record Office. PREM 8/575

PRIVATE

INDIA OFFICE, 17 June 1947

Secretary of State's Minute: Serial No. 92/47

Prime Minister

I have carefully considered the exchange of letters with Halifax enclosed in your personal minute of 16th June, M.246/47.1

2. My first comment is that—adopting for the moment Halifax's assumption of a visit this year—it would be inadvisable to make any reference to the Viceroy till it has been ascertained from Their Majesties that the suggestion is not from their point of view wholly impracticable. Any reference to the Viceroy might result in the excitation of hopes, in one quarter or another, with corresponding disappointment if there were no prospect of their realisation.

3. My second comment is that Halifax writes of a visit "to Delhi in the autumn for the purpose of saying goodbye, and wishing them (that is the Indians) good luck". Halifax evidently means the coming autumn which, even if interpreted as "during the cold weather" and January and February rather than November and December, seems to me impractically early in any circum-

1 No. 222.
stances for all the elaborate arrangements that have to be made for a Royal Tour and emphatically so when the administrative machine in India is as run down and as over-stretched as it now is by its immediate and necessary duties.

4. This leads to my third comment; that the purpose of any such visit should not be, as Halifax says, that of formally saying goodbye to Indians—as though they were going out of the Commonwealth—but of inaugurating the two new Dominions. I do not think that I am being pessimistic in forecasting that neither Dominion will by the end of the coming cold weather have so fully constituted itself and so completely adjusted its relations with the other that formal inauguration, with all the ceremony involved, would be appropriate or possible—least of all, in all probability, in the case of Pakistan which, of the two is more likely to welcome whole-heartedly a visit by the King, the symbol of Commonwealth unity.

5. To sum up; my view is that, given an assurance of the appropriate atmosphere of cordial welcome, a visit by Their Majesties at the appropriate time to inaugurate the two new Dominions might well be most valuable in the way of fomenting a genuine desire to continue as Dominions within the Commonwealth; that it will be too early, at any time during the cold weather 1947–48, to be sure either of such welcome (and anything like a boycott on any considerable scale in either part of India, such as might well be organised by the Socialists or Communists, both advocates of Republicanism, would be disastrous) or that the administrations will be able to cope with the additional burden thrown on them; and that it would be better to postpone pursuit of the idea till conditions are much more settled in India than they can be for several months, with a view to considering its feasibility as a project for execution in the cold weather 1948–49.

6. By that time, too, the Indian Princes may have defined their relations with the Indian Dominions: till they have done so a visit by their Suzerain—to whom despite the severance of the link of paramountcy many will wish to remain bound in some way—might provoke many causes of political embarrassment to the new Indian Dominions, to H.M.G. and to Their Majesties themselves.

7. For all these reasons I would deprecate taking the matter any further for the time being.²

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² A note dated 3 July 1947 by the Prime Minister’s Private Secretary indicates that Mr Attlee had discussed this matter with Sir A. Lascelles ‘and agreed with the view expressed, that the idea was not practicable even if it was desirable’. Mr Attlee had not therefore mentioned it to the King. He shortly intended to explain the matter to Lord Halifax. P.R.O. PREM 8/575.
Dear Mr Nehru,
Thank you so much for your note about Kashmir, which I shall look forward to reading in the aeroplane.

I have been having a very long and busy day, with interviews with the Nawab of Chhatari about Hyderabad and the Nawab of Bhopal about Bhopal. I have been giving them advice to the best of my ability and will talk it over with you when next I see you.

I was very hopeful that we should make some progress at the meeting with Mr. Gandhi and Mr. Jinnah tonight, but have just heard that Badshah Khan cannot be found, so that the main object of the meeting cannot be achieved. But I have not given up hope.

There are so many problems pressing on me from all directions that I would complain of being over-worked to anybody but you; but I know that you are over-working a great deal more than me and I wish you wouldn’t!

Yours very sincerely,

MOUNTBATTEN OF BURMA

P.S. Since dictating the above Rajkumari has telephoned that Badshah Khan cannot be found. I considered it so important that the meeting should take place that I rang up Mr. Jinnah and obtained his concurrence to its taking place with Lord Ismay in the chair tomorrow. Rajkumari promised to get Mr. Gandhi to bring Badshah Khan to the meeting. I attach the greatest importance to this meeting and sincerely hope that all parties will attend it and arrive at a satisfactory settlement.

1 No. 229.
2 Not traced.
3 For an account of this interview see No. 369, paras. 32–5.
Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: States, Relations with, Part II(a)

IMPORTANT
SECRET

NEW DELHI, 17 June 1947, 10.20 pm

No. 1482-P. Title of His Highness for Rulers.

2. I wish to request that the orders passed in Birkenhead’s Secret Despatch No. 3 dated the 23rd July 1925 should be modified.

3. The refusal of the style of His Highness to Rulers with a salute of nine guns is seldom observed in practice, and the restriction is little known to the public. The Chancellor of the Chamber of Princes has consistently used the style of His Highness in addressing nine gun Rulers, and their subjects have done the same. In practice, it is only officials who are forced to refuse to these Rulers a courtesy which general social practice allows.

4. Many of those States are more important than certain eleven gun States; and the extension of the courtesy of the style of His Highness to all Rulers of salute States would be widely welcomed by them, and would be of much advantage in the future.

5. Arrangements will be made to avoid all publicity about this, as far as possible.¹

¹ The Earl of Listowel replied on 21 July in tel. 9401 conveying the King’s approval of the extension of the style ‘His Highness’ to all Rulers with salutes of 9 Guns and their lawful wives and widows. Mountbatten Papers, Official Correspondence Files: States, Relations with, Part II(b).

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Cabinet

India and Burma Committee. I.B.(47)31st Meeting

L/P&E/J/10/81: ff 241–50

Those present at this Meeting held at 10 Downing Street, S.W.1, on 17 June 1947 at 9.30 pm were: Mr Attlee (in the Chair), Sir S. Cripps, Mr A. V. Alexander, the Earl of Listowel, Mr C. P. Mayhew, Mr A. G. Bottomley, Mr Arthur Henderson, Lord Chorley.

Also present were: Viscount Jowitt (for item 1), Mr A. Creech Jones for (Item 4), Mr W. Whiteley (for Item 1), Sir E. Bridges, Sir D. Monteath, Sir W. Croft, Mr J. Rowlatt, Mr K. Anderson, Mr J. A. Simpson; Mr S. E. V. Luke, Mr D. F. Hubback, Mr F. F. Turnbull (Secretariat)
Minute 1

Legislation to set up the Indian Dominions and to Transfer Power
The Committee had before them a memorandum by the Secretary of State for India (I.B.(47) 100), covering a draft of the proposed India Bill, and a further memorandum by the Secretary of State for India (I.B.(47) 102), on the question whether the draft Bill should be shown to the Indian leaders.

The Chief Whip said that the aim was to introduce the Bill not later than Monday, 7th July. If that proved possible, the Second Reading might be taken on 17th July. The Committee and remaining stages might be taken either on the following day or on a day in the week following the Second Reading. He understood, however, that the Opposition leaders had suggested that the Bill might pass through all its stages on the same day. It might be best in the circumstances to defer a decision regarding the time required for the various stages of the Bill and the dates on which they should be taken until after the discussions with the Opposition on the draft of the Bill.

The Committee thought that no attempt should be made to complete all the stages of the Bill on the same day. This would not provide the House of Commons with adequate time for consideration of it, and amendments of value might be lost. It was agreed that the Bill should be introduced by 7th July or earlier if practicable. It would, however, not be possible to decide on a time-table for the passage of the Bill until the proposed discussion with the Opposition had taken place.

The Committee then considered whether the Bill should be shown in draft to the Indian political leaders.

The Secretary of State for India pointed out that the Viceroy, in his telegrams nos. 1358-S of 9th June and 1421-S of 13th June, had strongly pressed Pandit Nehru’s request that the Indian political leaders should be shown the draft Bill; he had also informed them that he would support it. But there was a serious risk that, if this request was met, we should be involved in controversy over the details of the Bill which would seriously delay its introduction. It would nevertheless be impolitic to adopt a wholly non-possumus attitude towards the request, and he suggested that the Viceroy might be authorised to tell the Indian leaders orally what the main provisions of the Bill would be.

The President of the Board of Trade thought that there were two over-riding arguments for acceding to Pandit Nehru’s request. First, the Viceroy had gone very far towards giving a personal assurance that the Indian leaders

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1 No. 190. 2 No. 191. 3 No. 193.
4 It may be noted that a tentative estimate, prepared in the India Office on about 16 June 1947, of the time which would be required to pass the Bill, envisaged its introduction on 7 July leading to a Third Reading on 31 July 'leaving one week for consideration of Lords, amendments in House of Commons and for mleshaps'. L/P &J/10/130: ff 261–2.
5 Nos. 115 and 172.
leaders would have an opportunity of seeing the draft Bill, and an oral account of the Bill might lead subsequently to complaints that its terms had not been made clear. Secondly, it could be assumed that the process of establishing the Indian Dominions and transferring power would develop more smoothly if the political leaders had been consulted about the terms of the United Kingdom legislation. This should not, however, mean that copies of the Bill should be handed to them; their request would have been sufficiently met if they were given an opportunity of studying the draft at the Viceroy’s House.

The Prime Minister said that, as soon as agreement had been reached with the Viceroy on the terms of the draft Bill, he would discuss it with the Opposition: he would inform them at the same time of Pandit Nehru’s request. Until these consultations had taken place it would be premature to show the Bill to the Indian leaders.

The Committee—

(1) Agreed to resume consideration of Pandit Nehru’s request after the consultations with the Opposition leaders on the draft Bill had taken place.

The Committee then considered the text of the draft Bill annexed to I.B.(47) 100.

In discussion, it was agreed that the draft should be amended as follows—

(a) Clause 3(2): It was pointed out that this Clause was incorrect and would have to be redrafted to provide for a referendum to be held in the district of Sylhet in accordance with the provisions of the Government’s recent announcement on the transfer of power in India.

(b) Clause 5: The Committee were informed that this Clause was based on a similar provision in the British South Africa Act. This form had been adopted to meet the views of the Dominions Office who held that a Governor-General appointed by the Crown was an indispensable element of Dominion Status. The Committee felt, however, that the Clause, as drafted, would be incomprehensible in India and would be a cause of suspicion and misunderstanding. They considered that the possibility of an alternative formula should be examined: the requirements of the Bill might perhaps be met by reference to the comparable status of one of the other Dominions.

(c) Clause 7(1)(a): It was agreed that the word “British” should be inserted before “India”. It was also agreed that it would be desirable to include in the Bill a definition of the word “India”.

(d) Clause 8: The Committee considered that it was essential that an order making power of this kind should be conferred on the Governor-General. They felt, however, that it might be preferable to substitute, for the detailed pro-
visions of Clause 8(2), a general provision enabling the Governor-General to provide by order for the "interim administration of the joint services". It was agreed that the Viceroy should be asked to ascertain the views of the Indian political leaders on the question whether they would prefer that the Governor-General's powers in this respect should be specified in detail on the lines of Clause 8(2), or by a general and comprehensive formula.

(c) Clause 9(2): It was agreed that the words "or legislature" should be inserted after the words "common central government" in Clause 9(2)(a).

(f) Clause 13: It was agreed that a definition of the term "High Commissioner" should be inserted in the Bill.

The Secretary of State for India said that the intention had been to secure by treaty or in connection with the settlement of the sterling balances firm assurance from the new Indian authorities for the payment of certain classes of outstanding obligations for which His Majesty's Government had a special responsibility. This had not so far been possible, and Clause 13 had been inserted primarily with the object of bridging a period during which negotiations could take place. There was a definite risk that in the process of dividing India there might be a failure, not through intent, but through mal-administration, to provide the necessary money for meeting these dues.

Sir Edward Bridges said that the Chancellor of the Exchequer would prefer that sub-Clauses (2), (4) and (5) of Clause 13 should be omitted from the Bill. Their inclusion implied too specifically the possibility that India might default on its obligations. If in fact there should be a breakdown in the arrangements for payment, it would be possible to meet the immediate needs of the situation from the Civil Contingencies Fund. If any public assurance was to be given that His Majesty's Government would meet these obligations as an emergency measure, it would be preferable that it should be given in the House of Commons in discussion of the Bill.

The Committee agreed that sub-Clauses (2), (4) and (5) of Clause 13 should be omitted from the draft Bill, but that an assurance should be given in Parliament that His Majesty's Government would ensure that these obligations were fully honoured.

(g) Clause 14: It was agreed that sub-Clause (2) should be omitted on the understanding that an attempt would be made to secure Indian agreement to the continuance by the Auditor of Indian Home Accounts of his existing functions in relation to Burma.

(h) Clause 15: It was agreed that the words "authorising the Secretary of State to continue to exercise his functions on and after the appointed day"
would be misunderstood in India, and that this part of the sub-Clause should be re-drafted in less general terms.\(^7\)

(i) **Clause 16**: In accordance with the conclusion reached on the discussion under item 4 of the agenda, it was agreed that this Clause should be omitted. The question whether any reference should be made to the Andaman and Nicobar Islands in the draft Bill was also discussed under that item.

(k) **Clause 17**: Mr. Rowntree informed the Committee that it was proposed to re-draft this Clause. Reference to the Government of India Act, 1935, would be omitted and the colony would be brought within the scope of the British Settlements Act.

(l) **Clause 19**: The Committee thought that it would be advisable to make clear in the Bill the fact that the words “the Secretary of State” did not mean “the Secretary of State for India”. In the absence of a definition of the term “the Secretary of State” they thought that Indian opinion might not appreciate this point. In view of the assurance that had been given that Indian affairs would no longer be handled by the India Office, it seemed important that there should be no misunderstanding. It was agreed that the possibility of amending the draft Bill to meet this criticism should be considered.

(m) **Clause 21(3)(ii)**: It was agreed that this sub-Clause should be re-drafted to avoid the implication that the North West Frontier Province would inevitably join Pakistan.

(n) **Clause 21(3)**: It was agreed that provision should be made under this sub-clause for the tribal areas.

(o) **Clause 21(5)**: It was agreed that this sub-Clause should either form part of Clause 17 or should be omitted altogether.

(p) **Clause 21(6)**: It was pointed out that this sub-Clause had been inserted to meet the requirements of the procedure of the House of Commons. It was agreed, however, that it would be misunderstood in India and should be omitted.

(q) **Clause 22**: It was agreed, on the Prime Minister’s suggestion, that the Bill should be called the “Indian Independence Bill”.

In addition to the above amendments, the following points were made in discussion:

(i) The question was raised whether provision ought to be made in the Bill for the assumption by the successor States in India of the international obligations assumed under treaties concluded in the name of the Crown or the Government of the United Kingdom. It was pointed out, however, that the United Kingdom Government and Parliament were not competent to determine the international position of the two new Dominions. That must depend on the recognition accorded to them by foreign countries. It would, therefore, be inappropriate to impose on the new Dominions by United Kingdom
legislation responsibility for the assumption of the obligations which had been assumed in respect of India by the British Government in the past.

(ii) The Prime Minister drew attention to Clause 7(1)(b) of the draft Bill, which read as follows:

"As from the appointed day . . .

(b) the suzerainty of His Majesty over the Indian States shall cease, and the functions theretofore exercisable by Him with regard to the Indian States, and any powers, authority or jurisdiction theretofore exercisable by Him in the Indian States, being functions, powers, authority or jurisdiction incidental to or flowing from that suzerainty, shall cease to be exercisable".

No reference was made in the draft Bill to the termination of the treaties and agreements with the Indian States. Would it not be advisable to denounced these treaties in the Act itself? If no reference was made to this point in the Bill, the matter might be raised in Parliament. It was desirable to take formal steps to make clear to the Princes and to others that these treaties would not remain valid on behalf of the new Dominions.

The Lord Chancellor said that it was not essential to include in the Bill any reference to the treaties with the Indian States: denunciation was an act of state for which no legislation was necessary. On the other hand there was no reason why denunciation should not be included in the Bill.

It was agreed that the question whether any reference to the treaties with the Indian States should be made in the draft Bill should be further examined.

(iii) In connection with Clause 5 of the draft Bill, The Secretary of State for India said that the Viceroy had proposed that he should tender his resignation to His Majesty on the appointed day and should request Governors of all Provinces to do likewise. It appeared, however, that the only prospect of any reasonable or orderly partition of India and transfer of power depended on the continued presence, for a time at least, of Lord Mountbatten and of some at any rate of the British Governors, particularly those in Bengal and the Punjab. He thought, therefore, that neither the Viceroy nor the Governors should resign on the appointed day but that they should make it clear to their Ministries in the Provinces and to the Union leaders at the centre that it was open to them at any time to recommend to His Majesty that a new appointment should be made and add that they personally were entirely willing to withdraw at any time when the Indian leaders desired.  

7 Clause 15(1) provided that statutory provisions authorising legal proceedings by or against the Secretary of State should cease to have effect on the appointed day 'notwithstanding anything in this Act, and, in particular, notwithstanding the provisions thereof authorising the Secretary of State to continue to exercise his functions on and after the appointed day'. L/P 8/2/10/123: f 264. The Committee evidently felt that this reference to the 'Secretary of State' might be misunderstood for the same reason as that in Clause 19 (see para. (i) below).

8 No. 79.

9 cf. No. 183.
The Committee felt that there were marked advantages in the Viceroy’s proposal that he should continue in office only on the request of the Indian leaders. The adoption of the procedure which he had suggested would, however, involve a serious risk that India might be left without a Governor-General at a most critical and difficult time, and it was clearly essential to avoid this possibility. It was agreed that the Viceroy should be asked to consult at once with the Indian leaders with a view to reaching agreement on a satisfactory solution of this problem.

The Committee:—

(2) Invited the Secretary of State for India to inform the Viceroy of the amendments of the draft Bill on which they had decided, and to take up with him at the same time the other points raised in their discussion.

Minute 2

International Status of the Indian Dominions

The Committee had before them a memorandum by the Secretary of State for India (I.B.(47) 99) on the question of the international status of the Indian Dominions.

The Secretary of State for India said that the claim made by Pandit Nehru that Hindustan should automatically succeed to the position of India as an international entity was naturally contested by Mr. Jinnah, who held that two new states were being created, neither of which could claim to succeed India in the international sphere. Each state, in Mr. Jinnah’s opinion, would have to secure recognition separately. As the position of the two new Dominions in regard to the United Nations and other international bodies depended on recognition accorded to them by member states, it was most important that the Bill should be so drafted as to influence the United Nations towards taking the same view as the United Kingdom Government. Clauses 1 and 2 as at present drafted largely embodied the Congress Party’s view; in the Viceroy’s opinion this would involve far less difficulties than would the acceptance of the Muslim League contentions. Hindustan would embrace the greater part of India; it would also take over the machinery of the Central Government concerned with external relations. Moreover, all existing representatives of India in foreign countries and on international bodies had been nominated by Pandit Nehru as External Affairs Member of the Interim Government. Whatever decision might be taken by His Majesty’s Government, Pakistan would have to establish its claim to international status. The only result of setting up two new states would be to deprive Hindustan of its right to claim membership of the United Nations without in any way assisting Pakistan to secure international recognition. Pakistan would have a claim to a share of the property now owned by the Government of India for the purposes of foreign affairs,
but these assets could be included in a financial settlement of assets and liabilities. On balance the advantage lay in accepting Hindustan as the successor of the former India. The Viceroy had very strongly supported this view in his telegram No. 1439-S of 14th June.11

The Committee:—

Invited the Secretary of State for India to inform the Viceroy that His Majesty’s Government for their part accept Pandit Nehru’s view that Hindustan will succeed to the position of India as an international entity; but assume that there will be a financial adjustment of the assets involved.

**Minute 3**

Assumption of International Obligations by the Successor Authorities

(Previous Reference: I.B. (47) 20th Meeting, Minute 2(b))12

The Committee had before them a memorandum by the Secretary of State for India (I.B. (47) 101)13 covering a letter from the Foreign Secretary regarding the Committee’s decision of 2nd May (I.B. (47) 20th Meeting, Minute 2(b)) on the procedure for securing the assumption of international obligations by the successor authorities.

The Committee were informed that the Foreign Secretary still held the view that we should seek a specific undertaking from the new Indian authorities by Treaty that they would accept and observe all Treaties with foreign States concluded in the name of the Crown or of the Government of the United Kingdom which could only be fulfilled in India or only wholly fulfilled if India observed them.

**THE SECRETARY OF STATE FOR INDIA** pointed out that the situation had changed since the Committee had reached their decision. The transfer of power would take place sooner than was then contemplated, with the result that there was no hope of concluding a Treaty with the new Indian authorities before the introduction of legislation. On the other hand, he thought that an attempt should be made to secure an assurance from the existing Interim Government on behalf of both the future Dominions in the sense desired by the Foreign Secretary. The Treaties in question were, of course, international treaties and not those concluded in the past with Indian States, none of which had ever held international status.

The Committee:—

Endorsed the views expressed by the Secretary of State for India in I.B. (47) 101.

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10 No. 188.
13 No. 192.
Minute 4

Andaman and Nicobar Islands

(Previous Reference: I.B.(47)28th Meeting, Minute 5)\textsuperscript{14}

The Committee had before them a memorandum by the Secretary of State for India (I.B.(47) 97),\textsuperscript{15} together with a telegram No. 1423 of 13th June\textsuperscript{16} from the Viceroy on the question of the future of the Andaman and Nicobar Islands.

\textbf{The Secretary of State for India} said that, in the opinion of the Viceroy, there could be no question of raising this controversial subject at the present delicate stage of our political negotiations. It was a matter on which Indians felt deeply. Any attempt by His Majesty’s Government to separate the Islands from India would probably provoke violent opposition from all parts of India. In a personal letter the Viceroy had made it clear that such a proposal would seriously undermine his own position.

\textbf{The Minister of Defence} said that, in the conversations which the Chiefs of Staff had had with the Viceroy before his departure for India,\textsuperscript{17} they had emphasised the great importance which they attached to these Islands as an essential link in the chain of Commonwealth air and sea communications. It was vitally important that we should not be deprived of the use of these Islands for strategic purposes. This was the more important in view of the uncertainty about the arrangements for securing our future defence requirements in India itself. The future of the Laccadive Islands ought to be considered at the same time: they were also very important as a link in our line of air communications to the Far East, and we should not be denied their use.

The Committee thought that, in view of the advice given by the Viceroy, it would not be possible to pursue the suggestion of separating the Andaman and Nicobar Islands from India. We should have to try to secure our defence requirements by negotiation, and on this point the views of the Viceroy should be sought. There were various possible courses of action; we might seek to lease bases; we might try to negotiate a condominium; or it was possible that Burmese interest in the strategic area of the Indian Ocean might be recognised by a tripartite agreement for the strategic use of the Islands. It would, therefore, be necessary to amend the draft Bill; Clause 16 in its existing form would have to be omitted. If no mention of these Islands were made in the Bill, however, they would automatically become part of Hindustan on the “appointed day”. The Committee thought that this should, if possible, be avoided and the Viceroy’s advice should be sought on the question whether a clause might be inserted in the draft Bill in the sense that the Andaman and Nicobar Islands should continue to be governed by a Commissioner under the Governor-General of India until agreement had been reached about their future disposal.
As regards the Laccadive Islands the Committee were informed that they formed part of the Madras Presidency: in these circumstances, they agreed that it would be necessary to seek by negotiation any facilities that we might require for their use for strategic and defence purposes.¹

¹ Vol. X, No. 553.

¹ Vol. X, No. 165.

¹ No. 174.

¹ See Vol. IX, No. 487 and No. 544, para. 9, last sub-para.; also No. 221 in this Vol.

¹ On 1 July the Air Ministry wrote to the India Office, noting the above decision in regard to the Laccadive Islands, and requesting that the approval of the Govt of India be sought for a reconnaissance of the Islands with a view to the installation of navigational equipment and if possible the construction of a landing strip there. In due course, Lord Mountbatten sounded Pandit Nehru informally on the subject, reporting on 19 July that he had spoken to Nehru who was 'quite friendly and said there was no objection to official approach being made though he could not commit himself until all implications had been considered'. Following this an official request for permission to make the proposed reconnaissance was sent to the Govt of India who agreed to it 'without prejudice'. Mountbatten to Listowel, tel. 2038-S of 19 July; S. of S. to G. of I., Defence Dept, tel. 9327 of 19 July; G. of I., Defence Dept. to S. of S., tel. 2773 of 9 August 1947. L/WS/1/980: ff 73, 70, 68, 65.

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Government of India, External Affairs and Commonwealth Relations Department, to Secretary of State

Telegram, L/P&S/12/4197: f 47

17 June 1947, 10.50 pm

Received: 18 June, 2 am

No. 4694. Reference Foreign express letter No. F. 10(14)-nef/46[147] 25th April re future of British Mission Lhasa.¹

2. Political Officer in Sikkim is anxious to explain informally to Governments of Tibet and Bhutan the effect that present constitutional developments in India will have on existing relationships between H.M.G. and those countries. He recognizes that no formal declaration such as that in regard to Indian States could be made. But urges that as a matter of courtesy an early informal explanation is desirable.

3. Representatives from Tibet and Bhutan visited Delhi for Asian Relations Conference and were left in no doubt of India’s friendliness towards their countries. Nevertheless we agree that H.M.G. might consider it desirable to send Governments in question informal messages explaining effect of develop-

ments in India on existing treaty relations and attitude which H.M.G. will adopt for the future towards Tibet and Bhutan.


5. Meanwhile we are sending informal message of goodwill to Bhutan, containing assurance that India does not wish to make any change in present arrangements without mutual agreement.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/137: f 103

NEW DELHI, 17 June 1947, 11.30 pm

EXPRESS SECRET

Received: 17 June, 11.55 pm

No. 1483-S. Paragraphs 2, 3 and 4 of this telegram state the issue about existing agreements between the Crown and the Indian States as it is seen by my Reforms Office. Political Department do not agree with the Reforms Office presentation of the issue either in method of approach or in detail. Political Department's views follow in my immediately succeeding telegram. I should be grateful for your opinion.

2. Question has been raised how far existing agreements of a commercial, economic or financial character between States on the one hand and British Government, Secretary of State in Council, Governor General in Council, &c., on the other will be binding on the States and on the successor authorities, shortly to be established.

3. One view taken is that since all agreements between States and paramount power, or agent of paramount power, all to a great or lesser degree relate to paramountcy the agreements must cease to be legally effective when paramountcy lapses. This seems an extreme view.

4. There are several important agreements entered into for common benefit of States and British India into which paramountcy did not enter, e.g. agreement of 1920 with Bahawalpur and Bikaner regarding Sutlej Valley Canals Project and Salt Agreements with Jaipur and Jodhpur. Mutual rights and obligations of parties under such agreements cannot be regarded as lapsing on withdrawal of paramountcy. On commencement of 1935 Act Crown's rights and obligations became for all practical constitutional purposes rights and obligations of Central Government and were secured as such by provisions of the Act. Financial commitments of Central Government under agreements of
this type are considerable. Better view would therefore seem to be that these agreements will continue to be binding on the States and on the successor Governments of British India jointly.

5. I discussed the Bahawalpur agreement with the Dewan who said he was particularly anxious that this agreement should be recognized as binding since the position of Bahawalpur who draw their water from the Sutlej which passes through both Pakistan and Hindustan would be most insecure if either Dominion Government repudiated the agreement. I realise however that this may be a special case.

1 The words 'that these agreements will continue to be' omitted from decipherer.
2 cf. No. 101, penultimate para.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/137: ff 104–5

EXPRESS
SECRET

NEW DELHI, 17 June 1947, 11.55 pm
Received: 18 June, 2.5 am

No. 1484–S. Reference paragraph 1 of my telegram 1483–S dated June 17th.1 Political Department’s views are as follows.

2. The question of the extent to which agreements of a commercial, economic or financial character entered into by the Indian States and Crown would continue to be binding on the successor governments in India after the transfer of power and the States after the lapse of paramountcy was considered by the Cabinet Mission. They recognized that the issue was not a legal issue and even if it was there was no authority competent to determine it. They therefore suggested negotiation of new agreements between the States and British India. See paragraph 4 of Memorandum on States Treaties and Paramountcy dated May 12th 1946.2 Question was also discussed at meeting on 9th May 1947,3 at which the Secretary of State and the Political Adviser were present. It was then agreed that abolition of the Crown Representative would automatically void paramountcy and any agreements between the Crown and the States.

3. Political Department do not endorse the view expressed in paragraph 4 of my telegram No. 1483–S that the Sutlej Valley Canals Agreement of 1920 and the Jaipur and Jodhpur Salt Agreements are Agreements into which paramountcy did not enter. The first of these was entered into on behalf of Bahawalpur by a Council of Regency controlled by the paramount power when the

1 No. 246.
Ruler was a minor. The Bahawalpur Government regard their obligations under the Agreement as having been undertaken under pressure of paramountcy. The Jaipur and Jodhpur Salt Agreements are typical of agreements which States were required to conclude with the paramount power during the latter half of the 19th century in the interests of the Central Revenues. See paragraph 96 of the Butler Committee Report, and paragraphs 209–218 of the Davidson Committee Report.

4. The opinions expressed at the end of paragraph 3 and at the end of paragraph 4 of my telegram No. 1483–S may commend themselves to the Governor General but in Political Department’s view could hardly be entertained by the Crown Representative. Political Department consider that there are other points in Reforms Office statement of case which could be criticised but say that you are fully aware of the position and that further detailed criticism is unnecessary.

6 ‘to the Governor General’ deciphered as ‘to your views’.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/153: f 106

IMMEDIATE SECRET

NEW DELHI, 17 June 1947, 9 pm
Received: 17 June, 9.30 pm

No. 1480–S. In my succeeding telegram I am sending you my preliminary comments on the Draft Bill. We should be able to reach agreement on terms of Bill by 20th.

2. I propose then to have Bill reprinted here and to consult the Indian leaders. I will not give them copies for retention. My final comments, after consultation with them, should reach you before June 25th.

1 No. 191.
Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/153: ff 107-11

IMMEDIATE             NEW DELHI, 18 June 1947, 1.30 am
SECRET

Received: 18 June, 1 am

No. 1481-S. Indian Dominions Bill. I am most grateful to you for producing what seems a very good Bill within such a short time. My advisers have examined it with reference to the note sent with Turnbull’s letter. Our preliminary comments are as follows:

Clause 1: In view of assurance given by me to leaders and at Press Conference I consider it vital that appointed day should be August 15th. I therefore urge redrafting of sub-clause (2) to read:

Begins. (2) In this Act, the expression “The appointed day” means the fifteenth day of August, nineteen hundred and forty-seven. Ends.

Clause 2 Sub-clause (1): I am glad to note the formula adopted in this clause since it supports viewpoint strongly urged by me as to continuance of international status at present enjoyed by India. But Berar is likely to raise a storm. I am informally consulting Monckton and the Nawab of Chhattari and will endeavour to bring about a standstill agreement regarding Berar between the Congress and the Nizam.

Clause (2) Sub-clause (2) paragraph (c): Possibility of referendum being completed before passing of Act should not be ignored in drafting.

Clause 3 Sub-clause (1): Since August 15th is to be the appointed day it seems unnecessary to have a different date for reconstitution of new provinces in Bengal, Assam and Punjab. Suggest that words “as soon as may be and in no event later than the appointed day” be replaced by “as from appointed day”.

Sub-clause (2): Intention is to assume from result of referendum in Sylhet district that that district will join Pakistan Constituent Assembly, and not repeat not to put the question expressly to Sylhet representatives in the Assam Legislative Assembly. Suggest therefore that opening paragraph of sub-clause should be drafted on same lines as Clause 2(2)(c) e.g. as follows:

“If before appointed day Governor General declares that majority of valid votes cast in the referendum which on the date of passing of this Act is being held in that behalf under his authority in the district of Sylhet are in favour of that district forming part of the new province of Bengal then as from the appointed day . . .”

1 No. 191.
2 No. 189.
3 See Nos. 53, para. 9, and 59, note 12.
4 cf. No. 190, para. 4(xiv).
Sub-clause (3): It is unlikely that Boundary Commissions will be able to report before 15th August, but probably this sub-clause does no harm as it stands.

Clause 4: Comments against sub-clauses (1) and (3) of Clause 3 apply equally to this clause.

Clause 5 Sub-Clause (3): Should not the words “as was enjoyed” read “as were received or was enjoyed”?

Clause 6 Sub-clauses (1) and (7): These have been drafted on the basis that the Dominion legislatures will have not merely the powers of existing Indian Legislature but full power to legislate over whole field, Central, Provincial and concurrent. This has not been our intention. It is essential to preserve existing distribution of legislative and executive authority between the new Dominions and their Provinces at any rate to start with although the Dominion Legislature will have power to amend the constitution as it thinks fit. Since this is important it should be expressly provided for in this clause if necessary by redrafting or modifying sub-clauses (1) and (7).

Clause 6 Sub-clause (6): Express provision for extinction of existing Indian Legislature should be included in this clause, since such power does not seem to accrue from sub-clause (2) of Clause 8 or from sub-clause (1) of clause 9: Sub-Clause on following lines is suggested:—

“on the passing of this Act the Indian Legislature constituted under the Ninth Schedule to the Government of India Act 1935 shall cease to exist”.

Secondly sub-clause (6) gives the Constituent Assemblies a purely Legislative power whereas it will be necessary for them to possess all the powers of the existing Indian Legislature in respect of interpellations, moving of resolutions, regulation of procedure by standing orders, etc.

Thirdly express provision is also required for filling casual vacancies in the Constituent Assemblies in accordance with original intendment.

Clause 7 Sub-Clause (1):

In paragraph (a) I suggest that the words “The government” should be substituted for “peace and good government” which are lacking in tact and likely to cause annoyance.

The provision with regard to the tribal areas will be subject to adverse comment because it will be taken as discouraging tribal areas to enter into any sort of relationship with either of the two Dominions. I feel strongly that paragraph (c) should be omitted.

Clause 8 Sub-clause (2) paragraph (b): Joint arrangements may be necessary for the three new provinces of Assam, Bengal and Western Bengal, e.g. in respect of Calcutta High Court. Reference in line 15 [2] may perhaps be to “two or more” of the new provinces.

Paragraph (f): It is our intention to adapt the Government of India Act 1935 so as to enable the States to join the Dominion. 

Power given in this paragraph
to modify any Act for the time being in force may be held to exclude power to bring part II of the Government of India Act\(^6\) into force with modifications. Paragraph should therefore be suitably modified to give this power.

Sub-clause (6): On further consideration I think that your arguments are forcible\(^7\) and I agree to retention of power for six months after appointed day with Governor-General as proposed in sub-clause; but we must be prepared to limit the retention up to the appointed day if party leaders take serious objection. I will however press the leaders to see the advantage of such provision.

Clause 9 Sub-clause (2) paragraph (a): We presume that this paragraph will not stand in the way of our adapting section 126 of Government of India Act, 1935, so that the control which is now vested in the Governor-General will in future vest in the Dominion Government. Congress attaches very great importance to such a provision.

Para. (d): Existing provisions regarding reservation of Provincial Bills for consideration of Governor-General under Section 107 (2) may continue.

Clause 13: The imposition by Parliament of duties on the High Commissioner (meaning presumably the High Commissioner for either Dominion in U.K.) and the requirement in latter half of sub-clause (1) are likely to be most contentious. It will be strongly urged that any provision of this type should be left for negotiation and mutual agreement between H.M.G. and the Dominion Governments. I feel there would be considerable force in such an argument. After all H.M.G. are holding the sterling balances and they are in a good bargaining position with the two Dominions. Therefore I suggest that the Clause should be redrafted so as to omit references to the High Commissioner and the latter half of Sub-clause (1).

Clause 16: I have no doubt that both parties, particularly Congress, will take very serious exception to this Clause. I am leaving it in but I feel strongly that we may have to think of some alternative solution or compromise. Would it meet H.M.G.'s requirement if, as a condition of omitting this Clause, Congress gave a firm undertaking that the Dominion Government of India would enter into an agreement with H.M.G., giving them all facilities, perhaps on a 'joint user' basis, for naval and air bases in the islands.

Clause 19 Sub-clause (2) Paragraph (a): I invite your attention to para. 14 of Government of India telegram No. 111 dated the 14th January 1935 and para. 19 of the Secretary of State's telegram No. 4774 of the 25th January 1935\(^8\) on Section 172, sub-sections (1) and (2) of the present Act. I feel that if we now go back upon the undertakings we gave to India in 1935, for sentimental and other reasons it will create a very bad effect in India. It is likely to be regarded as

\(^1\) 'Dominion' deciphered as 'Commonwealth'.
\(^2\) i.e. the Federal Part of the Government of India Act 1935.
\(^3\) See Nos. 149, 167 and 194.
\(^4\) See Annex to No. 252.
undisguised confiscation and its repercussions will be difficult to predict. I cannot help feeling that this is a very unwise move, especially when India is about to attain Dominion status. The subject has already been a matter of comment in India. I suggest that the matter should be left as it was in the 1935 Act so that it could be adjusted by subsequent negotiations after India becomes a Dominion.

Clause 21 Sub-clause (3) paragraph (a):
The date is 9th December.

Sub-clause (6):
Reference Turnbull’s telegram 7718 of 16th June9 to Abell, I gratefully accept offer to omit this sub-clause.

Finally, my Cabinet have asked10 me to convey to H.M.G. their desire that provision should be made in the Bill for India to give effect to the guarantees which the Government of India had agreed11 to give to those officers of the Secretary of State’s Services who would continue in service after the transfer of power.12

9 This telegram replied to tel. 1436–S of 16 June from Mr Abell asking whether Clause 21(6) was really necessary as it was likely to give rise to questions in India. Mr Turnbull explained that ‘its inclusion would simplify Parliamentary procedure but if H.E. advises that it would cause trouble it can be omitted’. R/3/1/153: f 81; L/P &J/10/123: f 298.
10 Indian Cabinet Meeting, 11 June 1947, Case No. 148/31/47. R/3/1/189: f 121. In the Home Department Summary of this Case which was before the Indian Cabinet it was stated that the Home Member (i.e. Sardar Patel) was ‘of the opinion that provision should be made in the parliamentary Dominion Legislation for India to give statutory effect to these guarantees and that His Majesty’s Government should be addressed accordingly’. Ibid., f 120.
11 In the announcements made on 30 April 1947 by the Prime Minister, the Secretary of State for India and the Viceroy regarding Compensation for the Services, it was stated that the Government of India undertook to give to those members of the Secretary of State’s Services who continued in service after the transfer of power the same terms and conditions of service as before, and that Provincial Governments would be asked to give similar assurances in respect of officers continuing to serve in the Provinces. Cmd. 7116.
12 On 18 June Mr Abell sent a message to Mr V. P. Menon asking him to consider whether the last para. of this telegram should not have been made more specific. R/3/1/153: f 115.

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The Secretary to the Crown Representative to Residents

Express Letter, L/P&S/13/1807A: f 148

NO. F.63–R(S)/46

POLITICAL DEPARTMENT, 18 June 1947

Disposal of records of Crown Representative

Reference Political Department express letter No. F.63–R(S)/46 dated 20th May 1947.
2. The Crown Representative's instructions\(^2\) that no further records should be destroyed are now modified.\(^3\) Destruction may be resumed of (1) Ephemeral records i.e. records which possess no historical interest and are patently valueless for purposes of future reference, and (2) Documents of which copies are held in the Political Department.

3. From August 15th 1947 the Crown Representative's control over his records will cease. All confidential records relating to the private lives of Rulers and the internal affairs of their States—particularly recent records—must therefore be dealt with well in advance of August 15th. Those which are not destroyed under paragraph 2 above should be sent direct to the United Kingdom High Commissioner for India, 6, Albuquerque Road, New Delhi. You will, of course, give priority to dealing with such confidential records. Other records may, if there is not time to classify and distribute all of them to their intended recipients, be left in situ. In particular, all records intended for the Imperial Record Department may be left in situ for removal in due course by the Dominion Government concerned.

The issue of the above has been authorised.

E. B. Wakefield
for Secretary to His Excellency
The Crown Representative

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\(^1\) Not printed in Vol. X.
\(^3\) No. 175, Item 1, conclusion (viii) in this Volume.

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Cabinet

India and Burma Committee. Paper I.B.(47)115

L/E/8/3387: ff 162–3

Indian Food Situation

Memorandum by the Secretary of State for India

India Office, 18 June 1947

In my memorandum I.B.(47)72 of 19th May\(^1\) I drew the attention of my colleagues to the recurrence of a potentially dangerous food situation in India and its possible bearing on the political field. I have been in constant touch with the

Minister of Food to see whether there is any way in which we might be able to help but he has told me that much to his regret he sees no way in which this country can materially assist India at the present time. He points out that in regard to wheat, which India specially needs in consequence of the damage to her own wheat harvest this Spring, such help could only be effected by diversions at the expense of the United Kingdom or areas for whose food supply the United Kingdom has a more direct responsibility. From June until our own harvest the United Kingdom will be almost entirely dependent on imported supplies and according to present estimates we shall be in no better position even at the end of July than we were last year when it was found necessary to introduce bread rationing.

2. I have now received an earnest appeal for help from the Viceroy, supported by his whole Government, contained in his telegram No. 1414-S of 13th June, of which a copy is attached and to which I invite my colleagues' attention.

3. I also append as an Annex a brief appreciation of the present Indian food position. The figures do not in themselves suggest that a breakdown is more imminent than on occasions in the recent past. But the situation is most insecure and seems likely to deteriorate. The prospects as regards imports during the next few months are depressing. The overall stock position conceals a dangerous situation in particular areas and the current political tension, the declining administrative standards and the loosening of the hold of the Central Government over the Provinces and States makes fair distribution of supplies more difficult to achieve.

4. India needs increased food imports as much as any other country. But we must consider the matter mainly from the political angle. It is important to our interests that the orderly transfer of power should not be jeopardised by a food breakdown and it would be unfortunate if the closing days of our responsibility for the good government of India coincided with another famine, particularly if we had done nothing to help prevent it.

5. In view of what the Minister of Food has told me I cannot suggest that we may be able to assist India on a major scale. But I wish to endorse wholeheartedly the Viceroy's view as to the value of a gesture by us at the present time. The political value of the diversion of even a relatively small quantity of food would be great and would indeed be enhanced by the public knowledge of our difficulty in making it.

6. It is our hope, and that of other Commonwealth Governments, that the new Dominions in India will remain within the Commonwealth. It would be appropriate for us, I suggest, to draw the attention of Australia and also Canada to our political interest in India's current food problem and to the possible value to the Commonwealth as a whole of a demonstration to India now of the
advantages of membership of the Commonwealth. The next few months may be crucial in that respect.

7. I therefore invite my colleagues:—
(1) to ask the Minister of Food, as a matter of political urgency, to arrange for the diversion to India of some quantity of wheat or flour even at the cost of slowing down the rebuilding of our own stocks;
(2) to ask the Secretary of State for the Dominions to instruct the United Kingdom High Commissioners in Australia, particularly, and also in Canada to present the problem in the light suggested above to the Australian and Canadian Governments and to urge those Governments as a matter of Commonwealth interest to do everything they can to assist India at this moment without immediately looking for too much in return.

L.

2 No. 171.
3 Not printed.

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Cabinet

India and Burma Committee. Paper I.B.(47)116

L/P&J/10/123: ff 203, 209

INDIAN INDEPENDENCE BILL

NOTE BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, 18 June 1947

I circulate herewith copies of two telegrams\(^1\) from the Viceroy received today. Telegram No. 1481–S contains his preliminary comments on the draft Bill\(^2\) circulated under cover of I.B.(47)100.\(^3\) These comments are under urgent examination by my officials, in consultation with Parliamentary Counsel, and I hope to be in a position to hand round a draft reply to the Viceroy’s telegrams at tomorrow morning’s meeting of the Committee. A copy of the interim reply\(^4\) sent to the Viceroy’s telegrams is attached.

L.

\(^1\) Nos. 248 and 249.
\(^2\) No. 191.
\(^3\) No. 190.
\(^4\) India Office tel. 7814 of 18 June referred to No. 248, reported that the India and Burma Committee had amended the draft Bill, and suggested that further action on it be deferred pending receipt of the Secretary of State’s telegrams containing the Committee’s amendments. L/P&J/10/123: f 210.
NOTE Copies of the paragraphs of telegrams exchanged between the Government of India and the Secretary of State in 1935 referred to on page 3 of the Viceroy's telegram No. 1481-S are also attached for convenience of reference.

Annex to No. 252

EXTRACTS FROM TELEGRAMS REFERRED TO IN THE VICEROY’S TELEGRAFM 1481–S OF 18TH JUNE IN THE COMMENTS ON CLAUSE 19 OF THE BILL

Paragraph 14 of Government of India telegram 111 dated January 14th 1935

Lastly we could not pass over without comment provision in Clause 250 on subject of India Office building and valuable treasures it contains. Apparently it is intended that, except to the small extent mentioned in sub-Clause (3), Federal Government should have no rights in these. Corrections in sub-Clauses (2) and (3) communicated in Dawson's subsequent telegram of January 13th, 131, do not improve position. Provisions in this Clause, if we read them correctly, will provoke the greatest resentment in India, to which the India Office is bound by the closest sentimental and other associations. We trust that no provision will be included in Bill excluding India from her rights in the India Office building and in valuable and historical possessions housed therein, including pictures, furniture, objects of art and library.

Paragraph 19 of Secretary of State’s telegram 4774 of January 25th 1935

(Paragraph 14). Clause 168. The Secretary of State is unable to appreciate the ground for the strictures which the Government of India have passed upon clause 168 (2) and (3) in relation to the India Office building and its contents. The effect of the clause is to ensure that no sale or conversion to other use of the building or of the more valuable of its contents can take place without the consent of the Government of India. It is proposed to seek Treasury agreement to the proposition that if at any time it was decided between the two governments to send any of the contents of the India Office to India H.M.G. could not, on account of the legal vesting of the property, raise any claim to be reimbursed for the value of any articles so transferred.

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Sir E. Mieville to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/159: f 6

THE VICEROY’S HOUSE, NEW DELHI, 18 June 1947

H.E.

Pug and I saw Gandhi, Jinnah and Badshah Khan in your room at 4.30 p.m. today. Jinnah started off by saying that he would be very pleased to see Badshah Khan at his house at any time that would be convenient. Gandhi then said that
surely it would be a good plan to have a discussion here and now, to which Jinnah replied that that was not his understanding of the object of the meeting. He recalled that when you were talking to Gandhi and him it was suggested that he, Jinnah, should write a note to Badshah Khan inviting him to his house but he had not seen fit to adopt this course. You had then suggested that all four should meet in your room and that he should then extend the invitation verbally. Gandhi replied that this was not his understanding of the case but Jinnah was insistent and after about a quarter of an hour's discussion during which Gandhi had suggested that he, Pug and myself should withdraw to another room so that Jinnah and Badshah Khan could talk alone—a proposal that Jinnah flatly turned down—it was agreed that Badshah Khan should call on Jinnah at 7.30 this evening. They all went away in the best of tempers!

After the meeting broke up, Pug saw Jinnah privately for a moment and asked him whether he would be prepared to authorise Suhrawardy to form a regional Ministry in Bengal as desired by the Governor. I am afraid that Jinnah's reply was an absolute negative, and I do not think that the subject is worth pursuing.  

E. M.

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Rear-Admiral Viscount Mountbatten of Burma to Lord Ismay

Telegram, R/3/1/90: f 179

IMMEDIATE

SECRET

KASHMIR, 18 June 1947, 5 pm

Received: 19 June, 9 am

1–S.K. I gave my word to Liaquat that some Muslim troops would be sent at once to Gurgaon following your discussion with C.G.S. I am immeasurably shocked that my promise has not been honoured. Please express my regret to Liaquat, whose letter of June 17th I have only just read, and ask Chief to do all in his power to send as many Muslim units to Gurgaon as soon as possible.

1 See No. 234.  
2 No. 232.  
3 Lord Ismay replied in tel. 1504–S of 19 June that he had just heard from the C.G.S. that C-in-C has ordered another battalion to Gurgaon area and that Army Commander has been instructed privately (repeat privately) to select battalion containing as large a proportion of Muslims as possible. In the meantime he (Ismay) had conveyed Lord Mountbatten's regrets to Liaquat. In his letter of 19 June to Lord Ismay giving him the information, Sir A. Smith explained that because of the 'policy never to deal in the Army with these matters on a communal basis, the Muslim aspect in choosing the battalion will not be officially mentioned in our orders'. R/3/1/90: ff 181–2; Mountbatten Papers, Official Correspondence Files: Punjab, Situation in, Part II(a).
Mr V. P. Menon to Mr Turnbull

Telegram, R/3/1/153: ff 123–4

NEW DELHI, 18 June 1947, 8 pm
Received: 18 June, 11.55 pm

No. 1487–S. Following comments and suggestions are supplementary to Viceroy’s telegram No. 1481–S of June 17th1 on Indian Dominions Bill.2

2. Clause 6 Sub-clause (i) and (7): It is suggested that effect desired by us could be produced by adding to sub-clause (7) a provision on following lines: “and until other provision is made by any such law as aforesaid, the provisions of the Government of India Act, 1935, relating to the distribution of legislative powers between the Federal and Provincial Legislatures shall be deemed to be such a law and to have effect as if the references therein to the Federal Legislature were references to the Legislature of the Dominion”. Without some such express provision we cannot regard it as “necessary adaptation” within the meaning of Clause 9 sub-clause (1). It will not (repeat not) be feasible for either Constituent Assembly to make requisite law before appointed day even if authorised under Clause 8 (2)(d) of Bill and we cannot contemplate assumption by Constituent Assembly even for a day of the totality of powers of Provincial Legislature.

3. Clause 6 sub-clause (6): Second comment on this sub-clause is elaborated in following draft provision suggested by Spence as an additional sub-clause (8):—

“In addition to the power referred to in sub-section (1) of this section the Constituent Assembly of each Dominion shall also exercise the powers formerly exercisable by the Indian Legislature constituted under the Ninth Schedule to the Government of India Act, 1935, in respect of the asking of questions on, and the discussion of, subjects of public concern in the Dominion. Each of the two Constituent Assemblies shall regulate by Standing Order its own procedure for the exercise of the powers referred to in sub-section (1) of this section and in this sub-section and Standing Orders made for the regulation of procedure in exercise of the powers referred to in sub-section (1) may include provision enabling a Bill which was pending in either Chamber of the Indian Legislature constituted under the Ninth Schedule to the Government of India Act, 1935, immediately before that Legislature ceased to exist to be proceeded with in the Constituent Assembly as if all proceedings in a Chamber of that Legislature in respect of the Bill had taken place in the Constituent Assembly”.

As regards third comment on sub-clause (6) object is to preserve existing method of filling up casual vacancies in accordance with principles and procedure which are laid down in Cabinet Mission’s Plan of May 16th as applicable
to the initial formation of Assembly. At present this is secured by a rule of procedure of the Constituent Assembly but express provision in the Bill seems necessary.

4. We assume that under the Bill there will be a Federal Court for each Dominion with powers and jurisdiction *mutatis mutandis* the same as those of existing Federal Court and that the appellate jurisdiction of Privy Council both as respects Federal Courts and High Courts is not (repeat not) affected. Please confirm.

5. Although clause 9 (2)(c) does not refer to Governor General's discretion and individual judgment, we assume they will not exist after appointed day. It is suggested however that they may be expressly eliminated.

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*The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma*

*Telegram, L/P&J/10/123: ff 221-7*

**MOST IMMEDIATE**

**SECRET**

7840. Draft Bill\(^2\) text of which marked 110-4 was sent by Turnbull to Abell on 13th\(^3\) was considered by Cabinet Committee yesterday evening.\(^4\) General view of Committee was that draft Bill met excellently requirements of situation and was on the right lines from political point of view. Committee considered draft clause by clause and approved it subject to further consideration in the light of your comments and to following points on Clauses:—

2. *Clause 1.* Titles "India" and "Pakistan" were agreed. Separate telegram\(^5\) follows about Nehru's claim that new Dominion of India is successor in international sphere of present India.

3. *Clause 2.* This was agreed. It was explained to Committee that, in view of express provision in Clause 47 of 1935 Act, Berar would not fall within Clause 2(1) of the Bill but could be included in India by agreement under sub-clause (3).

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\(^{1}\) Repeated to Kashmir. R/3/1/153: ff 118.

\(^{2}\) No. 249.

\(^{3}\) No. 191.

\(^{4}\) No. 191.

\(^{5}\) No. 270.
4. Clause 3(2). This is a mistake and will be revised to refer to referendum.

5. Clause 5(1). It was felt that this form of words might be misunderstood in India. Possibility of revision is being considered.6

6. Clause 5(2). On this Committee considered proposal in your letter of 5th June 1446(16)7 to the Secretary of State that you and Governors should tender resignations as from appointed day. It was pointed out that on the appointed day the office of Governor-General of all India ceases to exist and two new offices of Governor-General come into existence. There is therefore no question of resignation of the former post. The difficulty about making no provision in this Bill on lines of Clause 5(2) is that there would then be no executive head of either Dominion upon the appointed day and this would occur at a most difficult time. It was realised, however, that there would be much advantage in having an overt request for yourself to remain. We suggest therefore that appropriate representatives of India and Pakistan might be consulted informally before the appointed day and asked whether they wish to request for new appointments to be made or for you to carry on.

The position in Provinces which are not split differs from that at the Centre in that the existing office remains in being, but Provincial Governments could be asked informally in advance by Governors whether they wished for new appointments to be made as from the appointed day. If so, appointments in accordance with their wishes could be made in time to come into effect on that date. We think, however, that suitable publicity could be given to the fact that this had been done in the Provinces and that leaders at the Centre had been asked whether they wished to nominate new Governor-General for Hindustan or Pakistan. Proviso to Clause 5(2) would then clearly apply only for the short period necessary to make a change on advice of new Governments. View of Committee was, however, that this was a point on which we should consult Indian leaders and get their view. I am telegraphing separately8 on general question of consulting leaders.

7. Clause 7(1)(a). At end it was decided to substitute “British India” for “India”. It was also agreed to include a definition of the word “India” at an appropriate point in the Bill.

8. Clause 8. Committee were of view that a general power of this nature was essential. Though they felt that from Parliamentary point of view there would be advantages in including sub-clause 8(2), particularization might make powers more unacceptable to Indians. They would be prepared to omit sub-clause (2) and substitute for it an additional general phrase in sub-clause (1) to provide for interim administration of joint Services and for Reserve Bank. Committee thought, however, that Indian leaders might be consulted on question whether they would prefer that Governor-General’s powers in this respect should be
specified in Bill on lines of 8(2) or by general formula. Committee felt that inclusion of power to make Orders should be acceptable to Indians if it were emphasised to them that under sub-clause (6) respective Legislatures have power to terminate any Order after appointed day or to end power of Governor-General to make Orders for their Dominion.

9. **Clause 9(2).** Words "or Legislature" are to be added after "Central Government" in line 44.9

10. **Clause 13(2).** Treasury representative stated that Chancellor was satisfied that if there were a breakdown of arrangements under 13(1) monies required could be provided by Treasury temporarily without special Parliamentary authority. Funds could also be provided temporarily for payment of compensation in this way. Consequently it was agreed that Clause 13(2), (4) and (5) should be omitted on the understanding that statement would be made giving assurance in respect of pensions and sterling debt, similar to that already given in respect of compensation, i.e. that H.M.G. will see that they get their money. We are considering form of such a statement.

11. **Clause 14.** It was agreed that specific reference to Burma in sub-clause (2) should be omitted and also reference to Burma Act in Clause 20(2).

12. **Clause 15.** It was felt that reference to authorisation by Parliament of continuance of Secretary of State’s functions in lines 36 to 38 might be misunderstood in India and this is to be modified.

13. **Clause 16.** Separate telegram10 contains our conclusions on this subject.

14. **Clause 17.** This is to be revised to omit reference to Government of India Act and to bring colony within scope of British Settlements Act.

15. **Clause 19.** Committee thought it would be advisable to make it clear here and elsewhere in the Bill that words "Secretary of State" did not mean "Secretary of State for India" and that Bill definitely marks final end of any control of Indian affairs from Whitehall. Possibility of an amendment in this sense is being considered. You will of course appreciate that "Secretary of State" in Bill means any Secretary of State who may be in charge of future relations with India and not Secretary of State for India as such.

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6 In tel. 7898 of 19 June Lord Listowel telegraphed the following revised opening of Clause 5 replacing sub-Clause 1 and first sentence of sub-Clause 2 in No. 191: "For each of the Indian Dominions there shall be a Governor-General who shall be appointed by His Majesty and shall represent His Majesty for the purposes of the Government of the Dominion". L/P &J/10/123: f 176. Lord Mountbatten agreed in tel. 14-S.K. of 21 June. R/3/1/153: f 166.
7 No. 79.
8 No. 257.
9 i.e. line 4 of Clause 9(2)(a).
10 No. 258.
16. Clause 21(3)(a)(ii) is to be modified to avoid any implication that North-West Frontier Province will inevitably join Pakistan.

Clause 21(3)(b). It is proposed to include words "or about to be set up" to cover possibility that Pakistan Constituent Assembly may not be in being by the 15th August.

17. Clause 21(3). It was felt that the Proviso should cover the Tribal Areas as North-West Frontier tribes may wish to join Pakistan Assembly.

18. Clause 21(6). It was agreed to omit this.

19. Clause 22. Title. It was felt that "Indian Dominions Bill" was not appropriate and might be felt by Indians to over-emphasise acceptance of Dominion Status. We propose instead "Indian Independence Bill".

Additional points.

20. It was agreed to consider further whether there should be included in the Bill a specific denunciation of the Treaties with Indian States. Normally speaking, Treaties are terminated by Act of State but there is no reason why on an occasion of this importance and in the peculiar circumstances this should not be done by Act of Parliament. It would emphasise and legalise position whereby Paramountcy does not pass to new Indian Dominions. We should be glad of your views urgently on this suggestion. Appropriate place would be in Clause 7(1)(b).

21. Your telegram 1481-S11 was received this morning after Committee's meeting on which above telegram is based. Points you raise are being considered.

11 No. 249.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P & J/10/123: ff 216-17

Most Immediate

Secret

India Office, 18 June 1947, 5 pm

Received in New Delhi: 18 June, 11.45 pm

7841. Your telegram 1358 of 9th June.2 Paragraph 3. Cabinet Committee considered programme for passage of Bill. They are convinced that it must be introduced by 7th July or if possible earlier. In order to secure its easy passage it will be necessary to show text to Opposition leaders prior to introduction. Text should be almost finalised before this is done.

2. It is contrary to usual Parliamentary practice to show the text of a Bill to other parties concerned before publication and it certainly must not be given to them. There is clearly a strong probability that even if text is shown to Indian
leaders sense at any rate will at once be published. While we appreciate your reasons for desiring to show Bill to Indian leaders and are disposed to agree that it should if possible be done, we feel that it should only be done after we have consulted Opposition here and if possible got their agreement to doing so. At most it could only be done by letting them peruse copies in your presence and withdrawing them before they leave the meeting. We shall telegraph to you further on this subject later on. In the meantime we do not wish you to commit yourself to show the Bill to the Indian leaders. We shall use every endeavour to secure that Bill can be shown to them before publication. We should however like you to obtain their views as soon as possible on the point referred to in paragraph 6 of my telegram 7840.¹

² No. 115.
³ No. 244, Minute 1.
⁴ No. 256.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P & J/10/123: ff 213–14

MOST IMMEDIATE
SECRET

INDIA OFFICE, 18 June 1947, 5.20 pm
Received in New Delhi: 18 June, 11.45 pm

7842. Future of Andaman and Nicobar islands. Cabinet Committee considered yesterday evening² your 1423 of 13th June³ and views expressed in paragraphs 24 and 25 of your Personal Report No. 9 of 12th June.⁴

2. Minister of Defence represented to Committee strong view fully supported by Chiefs of Staff as to strategic importance of islands and their great value to Commonwealth defence on which great emphasis was laid in your discussions with them. The sea and air landing facilities there are essential to our Imperial defence communications and it is vital that we should not be deprived of them. Committee however appreciated the danger that the arbitrary retention of the islands as British territory would severely damage our future relations with India.

3. Committee felt that Clause 16 of the Bill in its existing form would have to be omitted but if no other provision is inserted the islands automatically

¹ Repeated to Kashmir. Mountbatten Papers, Official Correspondence Files: Andaman and Nicobar Islands.
² No. 244, Minute 4.
³ No. 174.
⁴ No. 162.
become part of the new Dominion of India by virtue of Clause 2(1) of the Bill. We note that Muslim League claim that they are entitled to a share in Andamans as an all-India asset. Committee thought that we should avoid if possible including the Andamans in either Indian Dominion pending discussions about them. They would be glad to have your view urgently as to whether a clause could be inserted in the draft Bill in the sense that the islands should continue to be governed by the Chief Commissioner under the Governor General until agreement has been come to about their future. Committee felt that in any such negotiations some account might have to be taken of the Burmese interest.

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Rear-Admiral Viscount Mountbatten of Burma to Lord Ismay

Telegram, R/3/1/147: f 77

IMPORTANT
SECRET

19 June 1947, 1.35 am
Received: 20 June, 12 noon

No. 5-S.K. If no answer received from London about Gurkha negotiations1 suggest most immediate follow up telegram be sent as follows subject to Shone’s concurrence—

[Begins.] Nehru has now put back consideration of Gurkha question a month by which time he will have discovered proposal to exclude Andamans from India. This latter proposal may well enrage him to point of exercising option given him by Maharaja of Nepal to refuse India’s agreement to use of Gurkha troops by British.

Only way to force quick issue on Gurkha question before he discovers about Andamans is to adopt suggestion I telegraphed and telegraph immediately asking him to conclude agreement with Shone and CIGS during latter’s visit on 23rd and 24th. Since Gurkhas destined for British Army will come under CIGS I feel certain Nehru would accept invitation and there would then be every chance of this matter being satisfactorily disposed of before the inevitable storm bursts about the Andamans.

Shone has been consulted and entirely agrees that this is our best and perhaps last chance of agreement. [Ends.][2

1 See No. 173.
2 The draft telegram was not sent because, in the meantime, Mr Attlee’s approval for the C.I.G.S. to conduct negotiations had been received: No. 173, note 1.
H.E.
Sir Eric Mieville and I had a meeting yesterday morning with the Nawab of Chhattari and Sir Walter Monckton on the subject of Berar: and we had a further meeting on the same subject with Sir Walter Monckton and Sir Conrad Corfield in the afternoon. Our recommendations are as follows.¹

1. As soon as possible after your return to Delhi, you should see Pandit Nehru and make the following points:
   (a) The position of Berar must be cleared up at the earliest possible date, otherwise there is bound to be chaos and trouble after 15th August;
   (b) The legal position is clear (see Annex);²
   (c) Congress are not only the natural successor authorities to H.M.G. in this matter, but they are also in de facto possession of the Province;
   (d) It is up to Congress to initiate negotiations. Pandit Nehru should therefore ask Your Excellency as Crown Representative to approach the Nizam to send representatives to Delhi to discuss Berar in particular, and any other points that call for immediate negotiation;
   (e) So far as Berar is concerned, the best plan would be to negotiate interim arrangements on a stand-still basis, which will continue after 15th August, until fresh agreements have been made.
   (f) You yourself, being an interested party in your capacity as Crown Representative, would be prepared to preside at the opening of the negotiations and then to drop out gradually.

2. If Pandit Nehru should agree to (d) above, the Nawab of Chhattari and Sir Walter Monckton feel that they would be able to persuade the Nizam to send representatives immediately to Delhi with the Nawab himself as head of the delegation.

¹ See also No. 239, Item 2, conclusion (v).
² Not printed. Its conclusions were that 'Berar has never been ceded to the British Government', that it had been 'specifically recognised' as being included in the Dominions of the Nizam of Hyderabad, that the British Government had no authority to dispose of it, and that the right of the British Government to administer it was 'specifically related to the obligation to afford protection to Hyderabad State'. With the establishment of two fully self-governing Dominions in British India, H.M.G. would 'be disabled from carrying out their obligations to afford protection to Hyderabad', and 'the right of administering Berar will revert to H.E.H. the Nizam'. R/3/1/142: ff 117–18. See also Vol. VIII, Enclosures to No. 522, and No. 532.
3. If, on the other hand, Pandit Nehru does not agree, you have a very strong card to play. The legal and constitutional position is crystal clear; if he challenges it, you are prepared to refer it to any judicial tribunal that he may choose; and if he insists on adopting a high-handed attitude, HMG will have no option but to issue a public announcement which would show that the very first act of the leaders of the new Government of India was to flout constitutional law and the rights of minorities. This would be a very bad start for the new India.

4. Sir Walter Monckton and the Nawab of Chhattari return to Hyderabad on Saturday, 21st June. They would like at least a week to talk things over with the Nizam, but could return to Delhi earlier if events so demanded.

ISMAY

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Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/137: ff 109–12

PRIVATE

THE VICEROY’S HOUSE, NEW DELHI, 19 JUNE 1947

My dear Viceroy,

I had a long discussion with Walter Monckton yesterday about the question and answer in the House on the subject of future relations between HMG and those Indian States which do not join either Constituent Assembly. There was no difficulty in posing the question, but considerable difficulty in framing the answer: the point being that the latter had to be sufficiently acceptable to the Nizam to prevent his sending Walter home to mobilise opinion, and particularly Opposition opinion, against our treatment of the States in question.

Walter thinks that the answer that we have drafted will do the trick, provided that in reply to any awkward supplementarys, the Under Secretary of State for India refuses to be drawn, and takes the line that nothing more definite can be stated until the whole future set-up is known.

In view of the time factor, I thought that I should send the attached letter and enclosure to Monteath at once, without waiting for your approval. It is, I think, in line with your instructions, and you yourself are not committed to the answer in its present form, since it will be referred back for your comments by the India Office.

Simultaneously, Walter is writing to Rab Butler explaining the position, and asking him or one of his friends to get the question put. He is also warning him about supplementarys.

Yours ever,

ISMAY
P.S. Since dictating the above, I have seen Walter’s letter to Rab Butler which is in line with mine to Montieath. In addition, he is sending Harry Gordon home at the end of this week with letters to Bobbity Salisbury and other friends on the Opposition front bench, telling them that the proposed answer ought to suffice to satisfy the States for the time being, and advising them to hold their horses.

I.

Annex to No. 261
Lord Ismay to Sir D. Montieath

TOP SECRET AND PERSONAL

19 June 1947

My dear David,

There has, as you know, been a lot of wild talk in the Congress Press out here on the lines that the future Government of India will not tolerate any Indian States having independent relations with HMG. Naturally, the States themselves, particularly Hyderabad, are extremely upset by this, and the Viceroy thinks that something should be done at the earliest possible moment to steady the position. Otherwise there is a real danger of the Nizam, and others, making a concerted effort to mobilise Opposition opinion against the way in which the States are being treated. I need not dilate upon the consequences that might flow if this agitation were successful.

It seems to the Viceroy that the best procedure is by way of Question and Answer in the House. It also seems to him that this question should come from the Opposition, since otherwise Congress, who are very familiar with our Parliamentary procedure, would suspect that we had deliberately framed it. Accordingly, Walter Monckton is arranging to have the annexed question put by one of his friends. The answer that we suggest, after consultation with Walter Monckton, is on the same sheet.

The Viceroy would be glad if, when the question is put, you would telegraph it out to us, together with your proposed reply, and ask for his comments. This telegram should not indicate in any way that we had had any previous discussion on the subject.

I ought to add that Walter Monckton thinks that the answer that we propose would probably satisfy H.E.H. of Hyderabad in its present form, and it is therefore most important that it should not be whittled down in any way. It is also important that whoever answers for HMG should refuse to be drawn by supplementaries. He could, we imagine, base himself on the argument that until the future set-up is known, it is impossible to go any further into the

1 See No. 216, Item 3.
2 See No. 199.
3 cf. No. 206, note 5.
4 Words in italics underlined in original.
matter, and that each case will have to be judged on its merits in the light of the then existing circumstances.

Yours ever,

ISMAY

DRAFT QUESTION AND ANSWER

QUESTION:
Will the Under Secretary of State for India explain the position in regard to relations between HMG and the Indian States after the transfer of power. Is it the intention of HMG to refuse to have any sort of relations with the States, except through one of the two contemplated Dominion Governments?

SUGGESTED ANSWER:
When the transfer of power takes place, paramountcy will lapse. The States will then be completely free either to join one of the two contemplated Dominions or to become separate autonomous units.

HMG hope that all States will associate themselves with one or other of the two Dominions, and thus become partners in the British Commonwealth. Should, however, any State or States decide otherwise, HMG would review the situation in the light of the then existing circumstances. All that can be said at this stage is that, while they are not prepared to recognise any such States as separate Dominions, they would certainly not refuse to have direct relations with them.

The Hon. Member will, however, bear in mind that it is impossible to undertake to apply any such general principle to all cases, since the Indian States range from vast territories like Hyderabad with its population of seventeen millions, down to very small areas with a few thousand inhabitants.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Jinnah

R/3/1/157: ff 33-4

SRINAGAR, 19 June 1947

Dear Mr Jinnah,

With reference to our discussion, at the meeting on Friday 13th June, on the composition of the Boundary Commissions, you may be interested to know that I have now received a reply from the Secretary of State for India to a telegram which I sent him asking for preliminary consideration to be given to the suggestion that U.N.O. should provide the members of these Commissions.
2. The Secretary of State has now confirmed the view, expressed at our meeting on the 13th, that the time factor would render this suggestion impracticable. He points out that U.N.O. could only constitute the Commissions at the annual meeting of the Assembly, or at a special meeting called specifically for the purpose. It would be unconstitutional for the Secretary General to appoint Boundary Commissions on his own initiative.

3. The Secretary of State has, however, suggested the possibility of the President of the International Court of Justice being invited to select members of the Commissions.

4. You will recall that on the 13th we decided that the chairman of each Commission should be selected by the nominated members; and, if they could not agree on a choice, that the choice of chairmen should be made at a meeting of the Indian leaders.

5. I hope that agreement will be reached in one or other of these processes. But, in case by any chance there is, eventually, no agreement on the choice of chairmen, perhaps we should fall back on the Secretary of State's suggestion and ask the President of the International Court of Justice to select chairmen.

6. The following are the names suggested by Pandit Nehru for the Boundary Commissions:

   For the Punjab Commission:
   Mr Justice Mehar Chand Mahajan
   Mr Justice Teja Singh

   For the Bengal Commission:
   Mr Justice C. C. Biswas
   Mr Justice Bijan Kumar Mukherji

7. I should be grateful to have your suggestions when you have had time to consider the matter.4

Yours sincerely,

MOUNTBATTEN OF BURMA

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1 No. 175, Item 2.
2 No. 195.
3 No. 120.
4 Lord Mountbatten wrote in similar terms to Pandit Nehru except that, instead of paras. 6 and 7, he concluded: 'Many thanks for your letter of the 15th June [No. 207], giving your nominees for the Boundary Commission. I am asking Mr Jinnah for his'. R/3/1/157: ff 35–6.
Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)

Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II(a)

SECRET AND PERSONAL

VICEROY'S CAMP, INDIA, 19 June 1947

NO. 1224/5

Dear Jenkins,

I am not surprised to get the protest in your letter of the 16th June¹ about Nehru's speech of the 15th June. I naturally realised as soon as I saw it that it would be bitterly resented by the Services, and make it very difficult to get any of them to stay on, at any rate in Congress Provinces.

2. I think you realise my difficulties with Nehru. They are partly political and partly psychological. Nehru's goodwill is essential to me in this critical transition period. He is appallingly overworked, is liable to lose his temper and generally shows many signs of extreme strain. I shall mention this speech to him at the right moment, but I am sure you appreciate that I cannot hope to achieve very much.

3. Unless I hear from you that you have any objections I shall probably forward your letter to him at an appropriate moment with a covering one pointing out that in the face of such an uncalled for onslaught it is clear that he can neither expect (nor evidently want) any British officers to stay on.

4. As for his allegations, they are, like others that he has made, completely absurd, and you can take it from me that neither I nor HMG believe a word of such charges. I hope you will do your utmost to keep up the morale of the British members of the Service, in spite of this new difficulty which has been put in your way.

Yours sincerely,

MOUNTBATTEN OF BURMA

¹ No. 218.
Pandit Nehru to Lord Ismay

Mountbatten Papers. Official Correspondence Files: States, Relations with, Part II(a)

SECRET  EXTERNAL AFFAIRS DEPARTMENT, NEW DELHI, 19 June 1947

Dear Lord Ismay,

Thank you for your letter of the 16th June sending me a note by the Dominion Office on the structure of the British Commonwealth.

2. Thank you also for sending me a note on the decisions taken at the so-called Leaders' Conference with the Viceroy when the States question was discussed.

3. I am having the summary sent to the Cabinet Office about the formation of the States Department of the Government of India, as decided upon at that Conference. I hope this will take shape soon.

4. We have been examining the draft “standstill” agreement between the Government of India and the States. I have consulted in this matter the lawyers of the Government of India as well as some of our constitutional officers and we are preparing another, and probably briefer, draft which I hope to send soon. This draft of ours will also, I hope, be circulated among the rulers. The previous draft contained many lacunae.

5. The position in regard to the States has become a very confused one, largely owing to various statements made on behalf of HMG during last year without any reference whatever to us. The Leaders' Conference the other day was the first occasion when we discussed the States question as between the Government of India and the Political Department. It seems to me essential that there should be clarity about this matter and that our views should be fully known, so that there might be no reason for misapprehension in the future. This is particularly important from the point of view of the parliamentary legislation that is being undertaken. I do not know if there is going to be any reference to the States in this parliamentary legislation. If there is such a reference I hope it is of the right kind and does not introduce unnecessary complications.

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1 This letter and its enclosure were circulated to the Viceroy's staff under reference V.C.P. 85 of 21 June 1947.
2 Not traced, but cf. No. 239, Item 9.
3 No. 175.
4 Presumably Enclosure to No. 238.
5 Enclosure to No. 198.
6. Also, that in the event of any answers being given in Parliament regarding the States in India, our point of view will be kept in mind.

7. You will appreciate that it is of the highest importance to us that the States should fit in properly into the picture of India. It is bad enough that India has to be partitioned. It would be disastrous if this process went further and resulted in the "balkanisation" of the country. That would certainly lead to conflict till some suitable equilibrium was arrived at. We might well have to go back a hundred years when the East India Company was consolidating its power in India and emerging as the dominant authority.

8. I do not wish to challenge statements made on behalf of HMG regarding the States, though I do wish to make it clear that some of these statements were unfortunate and not in line with the facts of the situation. Even accepting these statements, certain facts emerge. One is that it has been the firm intention of HMG that the States should join the Union of India or one of the two Dominions. In case they do not become federal units of these Dominions, nevertheless, they are associated with them in a number of ways. It is quite inconceivable that a State can become independent in the legal sense of the term, which means having external relations and the power to declare war or peace and controlling its defence and communications. That would be a challenge to the security of India which the Indian Union could never agree to. If any foreign power encouraged such independence of a State this can only be considered as an unfriendly act by the Indian Union.

9. All this has little to do with paramountcy in the limited sense of the word. That paramountcy is not being transferred by the British Government to an Indian Government, but the facts of geography cannot be ignored and the dominant power in India will necessarily exercise certain control over any State which does not choose to come into the Union. If a State comes into the Union, then it becomes an equal sharer in that dominant power's position. If not, it has to function within certain limitations.

10. I am enclosing a note on this subject which might help in clarifying the position. I would add that any trade pact between a State and a foreign Government would definitely affect our external relations. Foreign trade is essentially a part of foreign relations. Therefore, foreign trade must be conducted through, or with the concurrence of, the principal authority in India. I mention this specially, as it might be thought that trade is something apart from other relations. It is, in fact, intimately connected with the foreign relations of the country and it might well result in creating vested interests which affect the security and vital interests of that country.

11. I trust that the States Department of the Government of India will soon be constituted, so that it can deal with all these matters satisfactorily and
uniformly. There has been enough delay already and further delay might lead
to greater confusion.

Yours sincerely,

JAWAHARLAL NEHRU

Enclosure to No. 264

In the Memorandum on States’ Treaties and Paramountcy presented by the
Cabinet Mission to His Highness the Chancellor of the Chamber of Princes on
the 12th May, 1946, it was stated:

(a) “During the interim period which must elapse before the coming into
operation of a new constitutional structure under which British India
will be independent or fully self-governing, Paramountcy will remain in
operation. But the British Government could not and will not in any
circumstances transfer Paramountcy to an Indian Government.” (Para. 2.)

(b) “During the interim period it will be necessary for the States to conduct
negotiations with British India in regard to the future regulation of
matters of common concern, especially in the economic and financial
fields. Such negotiations, which will be necessary whether the States
desire to participate in the new constitutional structure or not, will occupy
a considerable period of time, and since some of these negotiations may
well be incomplete when the new structure comes into being, it will, in
order to avoid administrative difficulties, be necessary to arrive at an
understanding between the States and those likely to control the succes-
sion government or governments that for a period of time the then exis-
ting arrangements as to these matters of common concern should continue
until the new agreements are completed.” (Para. 4.)

(c) “When a new fully self-governing or independent government or
governments come into being in British India, His Majesty’s Govern-
ment’s influence with these governments will not be such as to enable
them to carry out the obligations of Paramountcy. Moreover, they
cannot contemplate that British troops would be retained in India for
this purpose. Thus, as a logical sequence and in view of the desires expressed
to them on behalf of the Indian States, His Majesty’s Government will
cease to exercise the powers of Paramountcy. This means that the rights
of the States which flow from their relationship with the Crown will no longer
exist and that all the rights surrendered by the States to the Paramount Power
will return to the States. Political arrangements between the States on the
one side and the British Crown and British India on the other will thus
be brought to an end. The void will have to be filled either by the States
entering into a federal relationship with the successor government or govern-


7 Words in italics underlined in original.
ments in British India, or failing this, entering into particular political arrange-
ments with it or them." (Para. 5.)

2. The plan announced by H.E. the Viceroy on June 3rd shortens the interim
period referred to in extracts (a) and (b) to a few weeks. Continuance, for a
period of time, of the arrangements now existing as to the matters of common
concern mentioned in extract (b) thus becomes a matter of urgent necessity.
These matters, it may be noted, relate mainly to the economic and fiscal fields.
A draft standstill agreement for this purpose has been prepared and circulated
by the Political Department to the Indian States. But, as regards "political
arrangements between the States on the one side and the British Crown and
British India on the other" which will be brought to an end when His Majesty’s
Government will cease to exercise the power of Paramountcy, no action has
been taken by the Political Department, although the extract in para. 1(c)
recognises that this "void will have to be filled either by the States entering into
a federal relationship with the successor government or governments in
British India, or, failing this, entering into particular political arrangements
with it or them."

3. Both with States which have joined the Constituent Assembly and those
which have declared their intention not to join it, the Government of India
are most anxious to arrive at a "regulation of matters of common concern,
especially in the economic and financial fields", and at particular political
arrangements to take the place of Paramountcy. But this desirable consumma-
tion cannot be achieved by the single will or effort of the Government of
India. Unless the States show an equal desire for a mutually beneficial and
honourable settlement, there may be a void both in respect of administrative
arrangements and of political relations.

The facts of geography, which are as paramount as Paramountcy itself, make
it necessary, however, that if the security and well-being of India are to be
assured, there shall be no 'void', and both kinds of arrangements must be made.
Otherwise, in the absence of what might comprehensively be described as
administrative arrangements, such matters of common interest as railway,
telegraphic and postal communications and other services of common benefit to
India as well as the States may come to an end. And, without political arrange-
ments, States may establish relations with foreign countries, even with countries
unfriendly to India, raise large armies, and take other measures which may be a
menace to the security of the new Dominion of India. The territories of the
Dominion will be so interlaced with the territories of the States in geographical
contiguity to it as to render a complete isolation of the administrative and
economic life of the Dominion from that of the States or the conduct of its
foreign relations and defence independently of the foreign relations and defence
of the States impossible.
4. India does not desire the continuance of any relationship between herself and the Indian States now exercised by the Paramount Power from motives of prestige. Nor is it India’s desire to offend the dignity of Indian States by the use of any such term as “subordinate cooperation” to describe her relationship with the States. But, “to safeguard the interests of the community as a whole”—the phrase is quoted from paragraph 29 of the Report of the Butler Committee⁸—the new Dominion of India must broadly retain the right to continue, in the administrative and economic as well as in the political field, the same relationships as have always prevailed between the States and the Paramount Power. The only matters which, prima facie, do not appear to affect “the interests of the community as a whole” are dynastic ones; these may be excepted from the scope of the proposed relationship if the States so desire.

5. In paragraph 39 of the Butler Report, the following passage occurs: “It is not in accordance with historical fact that when the Indian States came into contact with British Power they were independent, each possessed of full sovereignty which no [a] modern international lawyer would hold to be governed by the rules of international law. In fact, none of the States ever held international status”. It would be a strange commentary on the facts of modern government if the creation of two States, successors to British Power in India, were to result in the conferment on Indian States of an international status which they never enjoyed before, to the almost certain detriment of one or both successor States and without any apparent commensurate benefit to the people of the States. Such a sequel to the withdrawal of British Power from India, no successor government, conscious of its responsibilities to its own people, could accept.


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Cabinet

India and Burma Committee. I.B. (47)32nd Meeting

L/P & J/10/81: ff 225–30

Those present at this Meeting held at 10 Downing Street, S.W.1, on 19 June 1947 at 9.30 am were: Mr Attlee (in the Chair), Mr Hugh Dalton, Sir S. Cripps, Mr A. V. Alexander, the Earl of Listowel, Mr C. P. Mayhew, Mr A. G. Bottomley, Mr Arthur Henderson, Lord Chorley

Also present were: Viscount Jowitt (for Item 3), Mr A. Barnes (for Item 2), Mr J. Strachey (for Item 2), Mr W. Whiteley (for Item 3), Sir H. Wilson Smith (for Item 1), Sir D. Monteath, Sir W. Croft, Mr J. Rowlatt (for Item 3), General Sir G. Scoones
Continued Service of British Officers in the Armed Forces in India  
(Previous Reference: I.B.(47)28th Meeting, Item 8)  
The Committee had before them a memorandum by the Minister of Defence (I.B. (47) 98) covering a Report by an Official Committee on the question of the continued service of British Officers in the Armed Forces in India after the transfer of power. This Report had been prepared in accordance with the Committee’s decision at their meeting on 28th May (I.B. (47) 28th Meeting, Item 8).

The Minister of Defence invited special attention to the Committee’s proposals regarding the compensation and pension rights of British Officers of the Indian Army and Royal Indian Navy who continued to serve in India, and to the proposal regarding the rights of any British Officers attached to the Indian Forces to earn a special Indian element of pension. As regards the former, it was proposed that payment of compensation should be made immediately to British Officers who continued to serve, and that they should receive a special increase of pension in proportion to their length of continued service; both these concessions would involve a departure from the terms of the White Paper (Cmd. 7116). There were certain matters such as the assurance of tolerable conditions of life and provision of reasonable promotion prospects on which precise recommendations could not be made; they would be the subject of negotiation with the Indian authorities.

Sir Henry Wilson Smith said that the Official Committee had prepared their Report on the assumption that, subject to Ministerial approval, it would be communicated to the Viceroy and the Commander-in-Chief for use as a basis for negotiation with the Indian authorities. The Committee had reached the conclusion that the terms set out represented the minimum conditions which would have to be offered to British Officers as an inducement to continue to serve in the Armed Forces in India. The British Officers concerned would be employed by the Indian Dominion Governments; it was, therefore, open to them to offer less favourable terms, though, in the Committee’s view, such terms would fail in attracting British Officers for continued service. The Indian Dominion Governments would have to take financial responsibility for the employment of British Officers on the terms proposed. It was proposed that His Majesty’s Government should underwrite the terms agreed with the Indian Dominion Governments; in the event of default, however, the British Government would have a clear claim against the defaulting Government.

The Chancellor of the Exchequer said that he was in agreement with the Official Committee’s recommendations on the understanding that no additional charge on the British Exchequer was involved. He assumed that, if
the proposal to go beyond the compensation terms of the White Paper should give rise to a similar claim on behalf of civilian officers, it would be resisted.

The Secretary of State for India said that it would be assumed that His Majesty’s Government would underwrite the terms contained in any agreement with the Indian Governments to the extent necessary to ensure the position of the individual officer. Although the decision to transfer power at an earlier date than originally contemplated meant that the position of civilian officers was now not dissimilar from that of the officers of the Armed Forces, he agreed that a claim for the extension to civilian officers of the terms now proposed should not be entertained unless the Indian authorities were themselves to offer to make such payments.

The Committee—

Agreed that the recommendations in the Official Committee’s Report annexed to I.B.(47) 98 should be communicated to the Viceroy as a basis for negotiation with the Indian Government.4

Minute 2

Indian Food Situation

The Committee had before them a memorandum by the Secretary of State for India (I.B.(47) 115)5 on the food situation in India.

The Secretary of State for India said that India was entering on the most difficult months of the year. The situation was already insecure and there was a serious risk of famine in some areas in the early future. Cuts in the twelve ounce cereal ration had already taken place in Madras and Bengal. India would be short of at least 4 million tons of grain this year; additional imports of 670,000 tons were needed to maintain the present low ration. This situation might further deteriorate as the result of the administrative difficulties which would result from partition. The Viceroy has asked for a diversion to India of any shiploads which Great Britain could spare, on the understanding that they would be repaid by India after the present crisis was over. In the Viceroy’s view a gesture by His Majesty’s Government would have very valuable results at the present time.

The Secretary of State said that the main reasons for helping India now were political rather than humanitarian. We should do everything possible to demonstrate the advantages of membership of the Commonwealth.

The Minister of Food said he fully recognised the dangers of the situation in India, and was naturally anxious to give any help possible. On the other

1 Vol. X, No. 553.
2 Not printed: L/WS/1/115.
3 i.e. the White Paper setting out the terms of compensation for British Civil and Military Officers in India.
4 Lord Listowel did this in a letter, dated 20 June 1947, to Lord Mountbatten. Mountbatten Papers, Official Correspondence Files: Armed Forces, Indian, Volume I, Part II.
5 No. 251.
hand, he had to keep the overall supply situation in mind. At the Foreign Secretary's request he had agreed to the diversion of 42,000 tons of wheat to Germany. The probability of the United States Government being able to replace this wheat in a reasonable time had been seriously prejudiced by the American shipping strike. The diversion of wheat to Germany had prompted the French to make a request for 20,000 tons, which he had not felt able to meet. Moreover, the United States Government had expressed serious doubt whether they would be able to provide the 350,000 tons of cereals which they had previously agreed to export to this country in the third quarter of the year. This fresh request from India came at a time when our own stocks were low. The best we could hope for would be that our stocks by the end of June would rise to 600,000 tons, which was precisely the level at which it was considered necessary to impose bread rationing in July last year. He was being asked to procure wheat for India at the same time that Indian representatives were in keen competition with us in the wheat supplying countries. Nevertheless, he recognised the political importance of making at least a token contribution towards Indian needs, and would be prepared to withdraw the United Kingdom's claim to a shipment of 10,000 tons of Australian wheat, the proper destination of which was at present in dispute between us and India.

There was general agreement that the Minister of Food's proposal constituted the most that could be done for India at the present time.

The Committee—
Invited the Minister of Food to consider whether 10,000 tons of Australian wheat could be diverted to India for delivery in July.

*Minute 3*

*Indian Independence Bill*

Previous Reference: I.B.(47)31st Meeting, Item 1)*

The Committee had before them a memorandum by the Secretary of State for India (I.B.(47)116)*7 covering copies of telegrams*8 from the Viceroy commenting on the draft Bill*9 annexed to I.B.(47)100.*10

Copies of a draft reply to the Viceroy (subsequently circulated as I.B.(47)117)*11 were handed to the Committee. The draft was agreed to, subject to certain amendments. In particular, the Committee decided to accept the Viceroy's proposal that the "appointed day" should be 15th August.12 They also decided that Clause 19 (2)(a) of the draft Bill should be omitted, and that the disposal of the India Office and its contents should be a matter for negotiation with the Indian Government.13

The Committee wished further consideration to be given to the proposal in the last paragraph of the Viceroy's telegram No. 1481-S that provision should be made in the Bill for the Government of India to give effect to guarantees which they had agreed to in the case of those officers of the Secretary of State's Services who would continue in service after the transfer of power. The
Committee thought that it would be inadvisable to fail to take advantage of this proposal, which had been put forward by the Indian Ministers themselves.

The Committee—

Invited the Secretary of State for India to arrange for the draft telegram, as amended, to be sent to the Viceroy.

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6 No. 244.
7 No. 252.
8 Nos. 248 and 249.
9 No. 191.
10 No. 190.
11 Not printed. For telegram as issued see No. 271.
12 In the draft it was proposed that the appointed day should be ‘September 1st or such earlier date as may be fixed by Order of the Governor General’ on the ground that ‘if we had trouble in Parliament it might not be feasible to fix appointed day as 15th August and there might be criticism of such a provision in Parliament as being unreasonable’. L/P &J/10/123: f 182.
13 In the draft the comment on Clause 19(2)(a) was as follows: ‘India Office and contents at present vest in His Majesty’s Government but cannot be used for purposes not connected with India or Burma without assent of Governor General. It will not be feasible for them to be used entirely for such purposes after appointed day and must therefore be made available for other purposes of His Majesty’s Government. But we shall be prepared to discuss with the two Dominion Governments disposal of contents as we recognise that art treasures etc. are of particular interest to India.’ Ibid.: f 183.

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Mr Turnbull to Mr Harris

L/P &J/10/99: f 12

19 June 1947

Private Secretary (through Under-Secretary of State)

Mr. Harris’s note\(^2\) below refers to paragraph 4 of the Viceroy’s private letter of the 12th June, copy attached.

2. I think we should be very wary about this. Obviously one of the objections to partition which the Congress have always felt strongly is the possibility that Pakistan will fortify itself against Hindustan with the assistance of foreign powers, including in that term this country, the Americans and the Muslim States of the Middle East. Having been forced to agree to partition the Congress are now trying to re-insure themselves against such a possibility by giving it out that anyone who tries to give military or other assistance to Pakistan on a larger scale than to Hindustan will incur the displeasure of Hindustan. But they

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1 Sir W. Croft minuted that he agreed with Mr Turnbull and Sir D. Monteath noted: ‘So do I. I hope that this will be a case of “in vain is the net spread in the sight of the bird”. D.T.M. 19.vi.’
2 Asking for comments on the Viceroy’s letter of 12 June (No. 161), para. 4.
would not make so much noise about it if they were not frightened of the consequences.

3. We want good defence arrangements with Hindustan and Pakistan and good economic arrangements too. Just as this business of Congress suddenly coming round to Dominion status is partly due to the fear of Pakistan remaining in the Commonwealth and so getting the kind of advantages now in question, so it may turn out to be the case that we shall get much better arrangements with Hindustan by keeping open the possibility that if Hindustan does not give us good arrangements we shall come to more favourable ones with Pakistan. In short, to give the kind of assurance Mr. Gandhi wants might smite out of our hands the best negotiating weapon that we have or are ever likely to have, and moreover one which may be singularly effective for a long time to come.

4. Therefore, I think we should consider very carefully before making any statement of the kind the Viceroy proposes. It may be desirable to make some such statement but I think it should be a little less pro-Gandhi than the Viceroy’s formula. I suggest it should begin by saying that we want friendly and close and effective arrangements with India in all fields, and particularly in the defence and economic field, on a basis of free negotiation, and that what we should like best is to have equally good arrangements with both parts. I certainly would not say that there can be no question of any differentiation. That would simply mean that, however uncooperative the Congress were, Pakistan could get nothing better however willing it might be. Also I would not say anything about a tripartite arrangement. The agreement itself is not by any means the whole of the matter. You can have an agreement which is worth very little if the other party does not cooperate in the proper spirit, and worth a lot if they do. If the agreement were tripartite everything that was done under it would require the assent of the new Dominion of India as well as of Pakistan. If it were not tripartite, we might be able, if it suited us, to do all sorts of things with the cooperation of Pakistan within the agreement which we could not do in Hindustan.

5. Surely the time has come when we can begin to consider British interests on their merits. Every opportunity should be given to Hindustan to cooperate on a friendly basis in the Commonwealth, but not on a basis which precludes somebody else from cooperating better. It will be remembered that the Chiefs- of-Staff recently took a strong view that if Pakistan or even Travancore or Hyderabad wanted Dominion status within the Commonwealth and Hindustan went out, it would be to the advantage of Imperial defence to allow them to have it.

F. F. T.

Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/153: f 136

MOST IMMEDIATE
SECRET

NEW DELHI, 19 June 1947, 4.20 pm
Received: 19 June, 9.45 pm

No. 1497-S. 1. Reference India Office telegram 7840.¹ Staff have had first reading of Cabinet comments and are meeting again this afternoon with Spence and Griffin. We will telegraph our views on paras. 6 and 20 tonight, since India Office want immediate replies on these specific points. Our comments on remainder of telegram will follow tomorrow.

2. Reference India Office telegram 7841.² I am not using authority you gave me to telegraph direct in your name, since matter is still open. But we suggest that you send following telegram to Secretary of State at once³:

Begin: Your 7841. I must point out that I could never have got Announcement of June 3rd accepted if I had not consulted leaders at every stage. Similarly I am positive that I cannot get Bill accepted in the spirit necessary for its successful implementation unless I take leaders into my confidence in advance. In fact both leaders have made a definite request to see draft Bill as soon as possible.

You suggest that I should consult them on certain clauses of the Bill. I should much prefer to await your authority to show them the whole thing before I take up these points in isolation. I will guarantee to devise procedure whereby risk of leakage is reduced to minimum.

If it is decided to consult Opposition leaders, I hope you will emphasise that any success I may have hitherto enjoyed is largely due to the fact that I have been completely open and frank with Indian leaders, and that refusal to let them see Draft Bill would make my position impossible. Ends.

¹ No. 256.
² No. 257.
³ This telegram was not, in fact, sent to H.M.G., Mr Abell telegraphing to Lord Ismay that it was no longer necessary in light of tel. 7899 (No. 279, note 2). Tel. 7-S.K. of 20 June; R/3/1/153: f 162.
No. 163-C. I am grateful to you for sending Ismay to see Jinnah about region ministries though naturally disappointed at attitude taken up by Jinnah. Suhrawardy is not yet back from Delhi and I cannot make definite proposals till I have seen him; but there are now only two courses left—to continue present ministry with whatever safeguards of impartiality I can devise and enforce, or to go into Section 93.

2. As you know, telegram No. 389 of February 14th that a coalition Government was a necessity in Bengal as offering the only hope of obviating partition in the first place and then, since June 3rd, of effecting partition peacefully. Whatever the origin of partition movement in Bengal may have been, the argument that seems to have influenced the Hindus most is that only by partition can they escape from permanent Moslem domination. The present ministry is generally regarded by Hindus as being no better than a Moslem ministry though it has three non-Moslem ministers. Its title to be in sole office for whole province and particularly to control the administration of West Bengal after a vote in favour of partition will be bitterly denied. The arguments in favour of a coalition Government in such circumstances seem to me to be—

(1) [to] give Hindu members on separation committee equal standing and equal access to papers and officers; (2) to let province at large see they have this standing; (3) to avoid possibility of accusations, otherwise inevitable, that a government virtually drawn from one community only will take unfair advantage, e.g. postings, appointments and disposition of supplies; (4) to form nucleus of two future Governments; and (5) to give sufficient standing to Hindus to enter into engagements with members of the Services. Failing Coalition, which both sides have turned down, these arguments hold good for the plan of regional ministries also. Now that Jinnah has apparently ruled out regional ministries, the only way in which I can place the two parties on a level for the conduct of partition negotiations seems to be by going into Section 93.

3. Though Kiran Sankar Roy did not favour this, as against regional ministries, when I saw him on June 15th, there is good reason to believe that Hindus would welcome it rather than have existing government continue in office without any Congress elements. Probable reactions of Moslem League are not so clear and they would of course have technical argument that in a
meeting of whole house they would still command a clear majority of Legislative Assemblies and in the absence of 25 European members. If province were going to continue in its integrity this argument would be decisive, but in the circumstances that will exist if vote is for partition tomorrow or next day I am convinced that in logic and equity it loses much of its force. My chief doubts arise from risk that if I force Suhrawardy out of office I may not obtain the cooperation of the League in separation committee: on the other hand I am doubtful if I shall obtain Congress cooperation if I retain the present ministry in sole charge. In spite of administrative difficulties which I have all along been anxious to avoid, I feel that Section 93 by agreement, if I can get agreement, now offers best chance of securing useful cooperation of both parties in partition. I do not expect open agreement from Suhrawardy but acquiescence coupled with promise of League's cooperation in separation committee would, I consider, justify my asking you to let me go into Section 93.

4. This telegram is to keep you informed of developments. I shall be grateful for any advice you can give me. I feel it is to interest of both high commands that Separation Committee in Bengal should be formed at level and in conditions that will offer best chance of it working effectively. Argument that there is no question of dismissing Governments in Congress Provinces or making them accept coalitions will probably be advanced by League but is inapplicable to conditions in a province which is going to be partitioned.

5. I feel I should add that if I have to go into Section 93 I may require help from Centre (a) in dealing with difficult food situation in East Bengal and (b) as regards potential danger of widespread disturbances in East Bengal and Calcutta.\footnote{In a telegram of 21 June from Kashmir Lord Mountbatten referred to this telegram and directed Lord Ismay to ask Mr Jinnah 'whether he really prefers section 93 to Coalition or regional ministry'. R/3/1/159: f 11.}

Addressed Viceroy repeated Viceroy New Delhi

\footnote{See No. 253, note 4; also No. 240.}
\footnote{This reference has not been traced; the wording here may have been corrupted in transmission.}
\footnote{See No. 240.}
\footnote{Words in italics underlined in original.}
Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/153: f 137

IMMEDIATE

SECRET

NEW DELHI, 19 June 1947, 8 pm

Received: 20 June, 6 am

No. 1503-S. Reference para. 6 of Secretary of State's telegram No. 7840.1 This is exactly what Your Excellency had in mind. Position is that Congress views are known and that informal contacts have been made with the Muslim League. We suggest it would be bad tactics to press them again for two or three days but I am seeing Liaquat tomorrow about buildings in Karachi and could, if you so wished, tell him that the India Office had raised this specific point in connection with the drafting of the Bill and therefore that the matter was really immediate. Please let me have your instructions.

2. As regards the question of the appointment of Governors, the Secretary of State’s telegram assumes that Governors will be appointed by Provincial Governments. V. P. Menon says that Congress intention is that Governors should be appointed by the Governor-General on the advice of the Dominion Government concerned. The Muslim League views are not known but I could ask Liaquat about this also when I see him tomorrow.2

3. Reference para. 20 of Secretary of State’s telegram 7840. Political Department and Reforms Office both agree, although for different reasons, in deprecating specific denunciation of treaties. We suggest you should inform Secretary of State to this effect at once.

4. It has, however, been suggested that the position may be secured by the omission from para. 7(1)(b) of the draft Bill of the words “being functions, powers, authority or jurisdiction incident to or flowing from that suzerainty”. We will consider this further tomorrow but do not think that it need be mentioned in any telegram which you will be despatching at once.

1 No. 256.
2 In tel. 7-S.K. of 20 June Mr Abell informed Lord Ismay that Lord Mountbatten agreed about consulting Liaquat on procedure for appointing Provincial Governors. As regards the Governor-General he felt that ‘getting a spontaneous invitation from Jinnah’ was more important than securing immediate decision and that Liaquat could therefore ‘be given discretion to postpone approach to Jinnah if desirable’. R/3/1/153: f 162.
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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/81: f 232–3

IMMEDIATE

SECRET

INDIA OFFICE, 19 June 1947, 4 pm

Received in New Delhi: 20 June, 4 am

7893. Your telegram 1358–S, ² paragraphs 4–6, was considered by Cabinet Committee on night of 17th June.³ Question of international status of new Dominion of India and of Pakistan is not, of course, one which can be finally determined by U.K. legislation. It is a matter for members of U.N.O. and other foreign States as much as for ourselves. At same time, we recognise that form of legislation and our own attitude will not be without effect upon others.

2. Foreign Office advise that Bill as drafted will lead to the inference that new Dominion of India continues the international personality of existing India and that Pakistan is an offshoot. Committee’s view was that Nehru’s attitude on this subject should be accepted by H.M.G. so far as India’s external relations are concerned but that, as contended by Liaquat, (your telegram 1439–S)⁴ it would be reasonable that assets of Government of India outside India should be included in general equitable division of Central assets. Legally assets would pass to Hindustan but I should be glad to know that you are satisfied that this will not prejudice equitable division.

3. Disadvantage to India (Hindustan) if Jinnah’s view were accepted and two new States were created would be that India would have to apply de novo for membership of U.N.O. and would have to secure fresh agreement of each foreign State to receive diplomatic and consular representatives and new credentials would have to be presented. Pakistan will have to do these things in any case and only advantage to Pakistan of India (Hindustan) having to do so also would be appearance of absolute equality in international circles. In view of Liaquat’s attitude as reported by you we are satisfied that Nehru’s view should be allowed to prevail but subject to your views we do not think that we need do more than we have already done in the draft Bill to give recognition to it. When, however, suitable opportunity arises e.g. by appearance of Hindustan delegation at U.N.O. Assembly in September we should support claim of India (Hindustan) to be regarded as continuing international personality of existing India and therefore entitled to continued and unbroken membership of U.N.O., and also of course any application by Pakistan for separate membership.

² No. 115.
³ No. 244, Minute 2.
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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/123: ff 177–80

IMMEDIATE

SECRET

INDIA OFFICE, 19 June 1947, 7 pm

Received in Srinagar: 20 June, 8.30 am

7897. Your telegram 1481-S.² Indian Independence Bill. Cabinet Committee³ have considered your preliminary comments and reached following conclusions:

Clause 1. We agree.
Clause 2 sub-Clause 2. Account will be taken of this in next draft.
Clause 3(1). This will read “Not later than the appointed day—etc.”.
Clause 3(2) will be amended.
Clause 4(1) and (3) will be dealt with in same way as Clause 3.
Clause 5(3). We doubt necessity of this.
Clause 6(1) and (7). Since initially Dominion Legislatures are the two Constituent Assemblies they must have power to vary existing constitution. We do not consider it practicable to distinguish in Bill between constitution making function and function as legislature. It should be clear from Clause 9(2) that provincial constitutions under 1935 Act remain in force unless altered by Dominion Legislatures but words for addition to that clause to bring out the point are being considered. We do not wish to make addition to Clause 6 on this point. It is essential from Parliamentary point of view to leave the position as general as possible. Dominion Legislatures can limit their own powers under sub-Clause 7 of Clause 6.

Clause 6(6). First point. This is being dealt with in amendment to Section 9(2). Second point. In our view all these matters should be dealt with by Governor General’s Order or by the Dominion Legislature. We are reluctant to cater in legislation here for details of this kind. If however it is a point to which the Indian leaders are known to attach importance or one which they raise we will consider further what we can do to meet it. Third point. It will be made clear in Bill that this can be dealt with by Governor General’s Order.

Clause 7(1)(a). We agree.

Clause 7(1)(c).¹ We think this is essential. In course of assurances given on 15th November to Afridi Jirga and similarly to Ahmadzai Wazirs¹ Wavell said that new agreement would be required to replace present Treaty with British Government “for which ultimate responsibility still rests in England”. In view of this and of paragraph 17 of statement of June 3rd (which was inserted to meet the insistence of the tribes that their position should be made clear) we regard
it as necessary that bill should say plainly that authority of the Crown in relation to tribal areas will lapse.

Clause 8(2)(b). Your point will be met if 8(2) is retained. See para. 8 of my 7840.7

Clause 8(2)(f). Modification will be made.

Clause 9(2)(a). It is very doubtful whether what you propose could legally be done by means of Governor General’s Order under Clause 8, but there is no doubt that it is within power of Dominion Legislature to legislate making such provision if they so desire. In our view Governor General’s Order should not be used for this purpose as it would be an act of constitution making and not a matter required as a result of partition. It is proposed to amend Section 6(2) line 32 by insertion of words “this or” before “any existing”. It will thus be made clear that Dominion Legislatures can amend present Act in its application to their own territory.

Clause 9(2)(d). Appropriate amendment will be made.

Clause 13. Cabinet Committee have already decided to omit sub-Clause 2. Object of sub-Clause 1 was to authorise High Commissioner to continue to make payments on behalf of both Dominions in anomalous situation which must continue until provision is made by Dominion Legislatures and also to assure those who are accustomed to draw payments that existing machinery will go on. The clause was designed simply to authorise and not to require but in view of your comments we are prepared to omit reference to High Commissioner and confine clause to Secretary of State, provided repeat provided that you can obtain assurance from the leaders of the predominant party in each Dominion that they agree that High Commissioner and Secretary of State should continue to discharge these functions and undertake to continue to provide necessary funds. We shall require such an assurance which can be quoted in Parliament if we are to dispense with provision in Bill.

Clause 16. We have already telegraphed for your views on a possible alternative.

Clause 19(2)(a). We agree to omit this clause and leave position as it is under 1935 Act. It will then fall to be dealt with by negotiation.

2 No. 249.
3 No. 265, Minute 3.
4 The comment on Clause 7(1)(c) is a revised version transmitted in tel. 7921 of 19 June. L/P &J/10/123: f 165. Originally this comment read simply: “We think this is essential. Assurances have been given to tribes by Wavell in statement of June 3rd that as in case of States, powers of Crown resting on agreements will lapse and that new agreements will have to be negotiated.”
6 ‘met if 8(2)’ deciphered as ‘added if 8(1)’.
7 No. 235.
8 No. 258.
2. We are considering possibility of provision to cover last paragraph of your telegram 1481-S\(^9\) but it is not at all clear to us precisely what kind of provision Interim Government desire should be made in the Bill. We suggest that you let us have for consideration a draft clause of the kind you think they want.

3. Governor of Bengal’s telegram 161-S of 18th June\(^10\) as to titles of two parts of Bengal in the Bill. We are prepared to accept his view.\(^11\) If you support it would it then be necessary to use the titles East and West Punjab?

\(^9\) No. 249.

\(^10\) Sir F. Burrows had telegraphed that he apprehended ‘serious criticism from all classes of Bengali Hindus of proposed names for new provinces’. [i.e. Bengal and Western Bengal: see No. 191, Clause 3(i)(b)]. He pressed ‘most strongly on historical and sentimental grounds (and Bengali Hindus are extremely sentimental) that the two provinces should be called by the uncontroversial names of ‘East Bengal’ and ‘West Bengal’. These names have been in common parlance for many years and the former has associations which will commend it to Muslims.’ He preferred ‘the shorter and simpler words East and West to Eastern and Western, compare with Indies, Yorkshire Riding, South East Asia Command, etc.’ Tel. 161-S of 18 June, para. (a) to Viceroy repeated to Secretary of State. R/3/1/153: f 113.

\(^11\) This sentence omitted from decipher.

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Secretary of State to H.M. Minister at Kabul

Telegram, L/P&S/12/1811: f 124

IMPORTANT

CONFIDENTIAL

INDIA OFFICE, 20 June 1947, 1 am

52. My telegram No. 51 of June 16:\(^1\) Afghan representation concerning the future of the North-West Frontier Province.

Following is gist of Afghan note dated June 13th.\(^2\) Copies follow by bag.

2. Note refers to your discussions with Afghan Foreign Minister over the period 1944 to 1946 concerning frontier questions (please see correspondence ending with your demi-official letter to Weightman No. F 706/44 of March 15th 1946).\(^3\) Afghan Minister also refers to a subsequent exchange of notes with the Foreign Office, in which H.M.G. were invited to study questions which had been raised in Kabul. He expresses his Government’s regret at the reply received from the Foreign Office, which was to the effect that these questions would have to be studied in full consultation with the Government of India and that it was not opportune at that time to embark on such consultation.

3. The Afghan Minister has been instructed to draw the particular attention of H.M.G. to the question of the North-West Frontier Province. This is
described as lying between Afghanistan and India proper; it is said to be a land which has for centuries been principally inhabited by Afghans and to have been annexed by Great Britain to India during the Anglo-Afghan wars of last century. The annexation of this Afghan territory is described as an arbitrary dismemberment of Afghanistan, and the connexion between the Afghans and the North-West Frontier Province and the people of India can never be considered anything but an artificial one. The Afghan Government has consistently made it clear over the last ten years that in the event of any change in India the future of the millions of Afghans and their lands must not be neglected. In view moreover of the change in the status of India the obligations created by the Anglo-Afghan treaties in respect of these territories will in future no longer be regarded as binding.

4. The Afghan Government consider that as the future of India is now being settled it is opportune to consider the problem of the future of the North-West Frontier Province, and its population. They do not think that this matter should depend on the future Government or Governments of India. Note goes on to say that the Afghan Government consider that the referendum which is being arranged for the North-West Frontier Province is not compatible with justice, as it debar the Province from choosing either to form a separate free State or to rejoin its motherland Afghanistan.

5. In conclusion the Afghan Minister asks for an early reply and states that the Afghan Government cannot be indifferent to any decision which is contrary to justice and to the freedom of the Afghans of the North-West Frontier Province and that they will be obliged to consider the interests of this large Afghan community.

6. The terms of the note will require further study here before a reply can be returned. H.M.G. would in the meantime be grateful for any comments which you or the Government of India may have, in particular as to an assurance being given on the lines of Ali Mohammed’s suggestion in para. 5 of Katodon 47.4

Repeated to Government of India, External Affairs and Commonwealth Relations Dept.

1 No. 212.
2 L/P &S/12/1811: ff 121-2.
3 Ibid.: ff 288-95.
4 No. 140.
Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

L/P&S/13/1845: ff 12–14

1446/18

SRINAGAR, 20 June 1947

Dear Listowel,

I enclose a copy of a letter I have received from H.H. the Nawab of Bhopal, until recently the Chancellor of the Chamber of Princes. He has asked me in the last paragraph of his letter if I will transmit a copy of the enclosed note1 to the Prime Minister. I am therefore sending two copies of the note and the letter, one for you and one for you to pass to the Prime Minister. I obtained his agreement to sending also a copy of his covering letter.

I told the Nawab and his new Dewan, Sir Zafrullah Khan, at a recent interview2 that Congress would never have agreed to the Plan if there had been more than two dominions to be set up and had even refused to agree that Bengal should be allowed to have independence and dominion status.3 I pointed out that quite apart from any other consideration the Plan would not have been accepted by Congress on any other basis. I told him also that H.M.G. had given careful consideration to the position of the States and that in fact the memorandum of May 12th 19464 had been expressly referred to again in the Statement of June 3rd,5 so that its acceptance by all parties would be publicly acknowledged.

There is no doubt, however, that some of the States feel very unhappy, particularly of course Hyderabad and Bhopal, who have Muslim rulers with Hindu-majority populations.

Yours sincerely,

MOUNTBATTEN OF BURMA

Enclosure to No. 273

The Nawab of Bhopal to Rear-Admiral Viscount Mountbatten of Burma

PERSONAL AND SECRET

QASR-I-SULTANI, BHOPAL, 14 June 1947

Your Excellency,

I enclose for your consideration a Note which contains some of my reflections on what I have described as the Mountbatten Plan. I can pretend to no knowledge of the motives or considerations which may have impelled His Majesty’s Government to leave the States in the unhappy position in which they find themselves under this Plan. I can only guess that they may have been actuated by the hope that they might thereby conciliate the present leaders of the Indian National Congress. If that was so, all that I wish to observe is that a very short passage of time will demonstrate only too clearly the futility of that hope. The Congress has so far in spite of occasional internal crises been able to maintain a
united front vis-à-vis Britain inasmuch as all sections and groups inside it were actuated by an uncompromising hostility towards Britain. Of this you have had ample proof and experience as Supreme Commander of the S.E.A.C. How many times the burdens and anxieties of that very delicate and responsible position were multiplied by the open and secret activities of the Congress can be adequately known to you alone. You are also aware of the part that the States played in that life and death struggle. They at least did far more to protect their country against foreign aggression and domination than the Congress can ever lay claim to.

Now that the Congress is about to climb into the seat of supreme power in Hindustan, it will find it impossible to maintain a united front. The right wing and the left wing will not continue to hold together even during a space of months after the complete transfer of supreme power into the hands of the Congress. All indications point to the early predominance of the left wing and though that wing prefers to describe itself at present as the socialist wing of Congress, its socialism is only a thin veneer covering a mass of rank communism, a reality which H.M.G. may not at present be prepared for obvious reasons to recognise, but which has not escaped the penetrating vision of Mr Sumner Welles. By what degree of affection, devotion, and love for Britain a communist Hindustan will be inspired, I am not competent to assess. That task I leave to statesmen possessed of the far sighted vision and experience of the British Prime Minister and his colleagues and advisers.

In the accompanying note I have preferred to confine myself to the broad question of H.M.G.’s policy towards the States. I have not touched upon the concrete difficulties that have been created by the Congress in the way of the States taking part in the shaping of the future constitution of Hindustan. I have no doubt that you have studied with care the decisions already made by the Constituent Assembly on matters comprised within the Objectives Resolution, the list of Fundamental Rights and the list of Union Subjects. It seems to me that decisions and resolutions of that type leave very little incentive for the States to cast in their lot with Hindustan.

I have been privileged to enjoy your friendship for over 25 years now, and for this reason I have frankly given my views in the note, and written to you

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1 Not printed. See L/P &S/13/1845: ff 15-22.
2 See No. 369, paras. 32-5.
3 In the course of his note, the Nawab of Bhopal had argued that as, under the Mountbatten Plan, each section of British India was to be accorded 'the choice to remain within the British Commonwealth. . . . or to get out of it' the same choice should have been accorded to the States. L/P &S/13/1845: f 18.
5 No. 45, para. 18.
6 Vol. IX, No. 190.
7 cf. No. 7.
without reserve, in the confident hope that what I have said will not be mis-
understood by you and will be read in the spirit in which it has been written. I
shall be much obliged if Your Excellency will kindly arrange to transmit a copy
of the enclosed note to the Prime Minister for his information.

Yours very sincerely,

HAMIDULLAH

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Field Marshal Sir C. Auchinleck to Lord Ismay

Mountbatten Papers. Official Correspondence Files: Withdrawal of British Forces (1)

TOP SECRET AND PERSONAL

COMMANDER-IN-CHIEF IN INDIA,

NEW DELHI, 20 June 1947

My dear Ismay,
Thank you for your letter of the 18th June¹ about the withdrawal of the
British Forces from India.

2. My paper COS (47) 29B² was submitted to the Viceroy in response to a
request from him for my view on this subject. The paper represents my opinion
as the Viceroy’s adviser on all military matters and was naturally written from
the general military point of view. As Commander-in-Chief in India, one of
my responsibilities is the maintenance of law and order when so required by the
civil authorities.

3. I adhere to the advice I gave in the paper under reference but realise of
course that the Viceroy has every right to disregard it for over-riding political
considerations. That is solely his responsibility and it is not my business to
comment on his decision. It is my duty to accept it and I do accept it.

4. I have no data at my disposal to confirm your statement in the third
paragraph of your letter that the number of British nationals desiring to leave
India is likely to be relatively small and that they can be got away in the next
two months. If this is so, then so much the better, as my responsibility in this
matter would be considerably lightened.

5. I am afraid I cannot agree with your opinion that the “handful of British
troops” that might remain in this country could do very little to safeguard
British lives as a whole. My considered opinion, in which my advisers support
me, is that even small forces of British troops at say Calcutta, Bombay, Delhi
and Karachi might make all the difference should the tide of feeling in the
country take an anti-British or anti-European turn. I agree that they could do
little to protect individual Europeans in country districts, but the bulk of
Europeans are concentrated in the larger seaports and towns.
I request that this opinion may be recorded and conveyed to HMG in the representations that the Viceroy is going to make on the subject, as I feel that it would give HMG a wrong impression if we were to say that they could do very little. It all depends on circumstances prevailing at the time of course, but the above is my opinion given as military adviser to the Viceroy.

6. I must in justice to myself and in pursuance of my duty as military adviser to the Viceroy, point out that on the withdrawal of British troops, the instrument on which the civil authorities will be able to rely for the protection of British and European lives against mob violence will be the Indian Army. That Army will soon be involved in the process of reconstitution during which the majority of its units will not be capable of rendering armed assistance to the civil power even if the Indian officers and men composing them were willing to carry out these duties for the protection of Europeans, which I cannot in any way guarantee.

In order to carry out the reconstitution of the Army in an orderly and logical way, the very large number of units now distributed in small detachments all over Northern India on internal security duties will have to be recalled to undergo reconstitution. Also for the next six months and more, there will be a continuous movement and cross transfer of units between Pakistan and “India” which will virtually immobilise the units involved for the time being.

7. Moreover, I can not state with any certainty that during this process of reconstitution, the Army will retain its cohesion or remain a reliable instrument for use to aid the civil power in the event of widespread disturbances.

I have dwelt on this aspect of the situation at some length as I wish to make it clear to the Viceroy and through him to HMG, that if I am to remain, as I understand is proposed, in central control of the Armed Forces during the process of their reconstitution, I can no longer be responsible in grave emergency for the protection of British lives and property should these be threatened, once the British forces have been withdrawn.

I hope that no such need will arise but it may and, should this happen, it is essential that the position, in respect of the Indian Armed Forces and as it affects myself and my subordinate commanders, should be clearly understood by HMG.

8. I should very much like to discuss the whole question with you before the Viceroy returns to Delhi.

Yours sincerely,
C. J. AUCHINLECK

P.S. We talked of this last night but should you wish to discuss the matter further I am at your disposal—as always!

1 See No. 239, note 15; also No. 213.
2 Enclosure to No. 159.
H.E.
I had a long talk with Mr Liaquat Ali Khan. The following is a summary of the principal topics:

1. **Gurgaon**
   I reiterated the Viceroy’s regrets about the hitch over the despatch of Muslim troops to Gurgaon. I added that the Commander-in-Chief had ordered an additional battalion to that area, and that the CGS had instructed the Army Commander concerned privately that this battalion should contain as large a proportion as possible of Muslims.

2. **Karachi**
   I said that I had consulted the Commander-in-Chief who had stated that there would be great difficulty in making Muslim engineers available in the immediate future for helping with arrangements for accommodating the Pakistan Government in Karachi. Mr Liaquat Ali Khan said that he was not, at this stage, thinking in terms of engineers. What he wanted was the services of a senior military officer with ‘Quartermaster’ experience to make plans for the accommodation of the Pakistan Government in Karachi and for the move of the Government to that place. I promised to write again to the Commander-in-Chief explaining that my first approach had been under a misapprehension. A copy of my letter is at Annex ‘A’.

3. **Controller of Currency**
   I referred to a letter that I had just received from Mr Liaquat Ali Khan in which he asked me to help him to find a Controller of Currency for the Pakistan Government (Annex ‘B’): and I undertook to write to Lord Catto at once, with a copy to Mr Holland Martin (see Annex ‘C’).

4. **Arbitral Tribunal**
   I reminded Mr Liaquat Ali Khan that there had been a difference of opinion between the two parties on this matter, and that it had been agreed that he and Sardar Patel should consult together and let us have an agreed recommendation. Mr Liaquat Ali Khan said that he would get in touch with Sardar Patel at the first opportunity.

   I took the opportunity of dropping a hint—without of course mentioning names—that if they were to decide to ask for an independent British Chairman,
we had got a possible candidate in mind who would be quite first class. This was with reference to the Secretary of State’s telegram about Sir Cyril Radcliffe.

5. Boundary Commissions
I said that we had received the nominations of Congress for both Boundary Commissions two or three days ago, and asked him to expedite the Muslim nominations. Mr Liaquat Ali Khan said that he would do his best. He added that the Chairman (who was to be nominated by the Boundary Commissioners themselves) should not be an arbitrator, but, so to speak, a business manager. He anticipated that agreement would not be reached by the Boundary Commissions, and therefore that two sets of recommendations would be submitted to the Governor General who would pass them to the Partition Council. It was not beyond the bounds of possibility that the Partition Council would be able to come to an adjustment among themselves; but if they failed to do so, reference would have to be made to the Arbitral Tribunal.

6. Governor General and Governors
I told Mr Liaquat Ali Khan that we had already received certain proposals for the draft Bill, and that the Bill itself might reach us on Monday or Tuesday next. Meanwhile HMG had asked us to consult the Indian leaders on the following points:

(a) Was there to be a common Governor General to start with; and
(b) What was to be the procedure for appointing Governors.

As regards (a), I reminded him of the conversation that Sir Eric Mieville and I had had with him some days ago, but he said that he had not yet had an opportunity of talking it over with Mr Jinnah. I impressed upon him the

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1 See No. 254.
2 Lord Ismay’s letter, dated 20 June 1947, to F. M. Auchenleck enclosed a copy of No. 231 and explained what Mr Liaquat Ali Khan wanted along the lines of para. 2 above, adding that ‘the Viceroy has asked me to say that he would be most grateful if you would do all in your power to help, since it is essential in the public interest that the Pakistan Government should be in a position to function efficiently from 15th August onwards’.
3 Mr Liaquat Ali Khan’s letter, dated 19 June 1947, explained that Pakistan was urgently in need of an expert to advise on ‘currency, exchange, etc. in connection with partition’, adding that, after partition, he would function as the ‘Controller of the Currency for the Pakistan Government’ and would organise the Reserve Bank of Pakistan. He asked Lord Ismay to approach the Bank of England for a suitable officer. Lord Ismay passed on this request to Lord Catto in a letter dated 20 June, and in his letter of the same date to Mr Holland-Martin, to whom he thought Lord Catto would refer the matter, he emphasised that ‘we are desperately anxious to help these people in the terrific task which confronts them’.
4 No. 175, Item 3.
5 No. 224, note 2.
6 No. 207; see also No. 262.
7 No. 175, Item 2, conclusion (v).
8 No. 256, para. 6.
9 No record of this conversation has been traced.
urgency of this matter, and emphasised how impossible it would be to get any sort of continuity or any sort of orderly partition if each Dominion had a separate Governor General. He said that he would consult Mr Jinnah at the first opportunity.

As regards (b), I said that the alternatives were broadly as follows:
(a) Governors could be appointed by the Provinces themselves, presumably after reference to The King; or
(b) The Governors could be appointed by the Governor General on the recommendation of the Dominion Governments concerned.

I said that (b) seemed far the better procedure, but did not think it right, or perhaps tactful, to let him know that Congress favoured this course. Mr Liaquat Ali Khan said that he would discuss this point with Mr Jinnah at the first opportunity.

7. Governor General’s Bodyguard
I said that the composition of the Governor General’s Bodyguard was such that it could be divided between India and Pakistan without much difficulty. Did Pakistan want a Governor General’s Bodyguard? Mr Liaquat Ali Khan replied ‘Certainly’. I told him that since the Bodyguard was a unit of the Army, he ought to take this up with the Army Reconstruction Committee.

8. Partition of the Army
Mr Liaquat Ali Khan expressed grave doubts about the speed at which the Army was to be partitioned. I emphasised over and over again that unless there was to be chaos, the whole Army must be under a single central administration. Mr Liaquat Ali Khan said that he had no objection to this, provided that by 15th August Pakistan had its own Army (which would, of course, be subject to adjustment later, and which might, in the first instance, consist of, say, 70% Muslims and 30% Hindus), under its own Commander-in-Chief, who should be nominated at an early date. The movement of Muslim majority units to Pakistan and the movement of units which were either exclusively Hindu or had a majority of Hindus to Hindustan should be started at once and conducted as a war measure with the greatest possible dispatch. He concluded by stating most emphatically that he and Mr Jinnah were resolved that they would not take over the reins of Government in Pakistan unless they had an Army on the spot, and under their control, of the kind that he had mentioned.

Note: I feel that Y.E. should have a talk with the Commander-in-Chief at the first opportunity and impress upon him that whatever the military position, political considerations demand that these movements should be put through as a matter of the greatest urgency.

9. British Troops in India
Mr Liaquat Ali Khan said that it would help to steady matters if British troops
were to remain in India while the Indian Army was under process of transition. I said that it had already been agreed that HMG should be asked their intentions about the withdrawal of British troops: and I added that it would be very difficult for them to allow them to remain unless both Dominions specifically asked for this.

10 See No. 269, para. 2.

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Mr V. P. Menon to Mr Abell

Telegram, R/3/1/155: f 39

MOST IMMEDIATE

NEW DELHI, 20 June 1947, 8 pm

Received: 20 June, 9.15 pm

No. 1504-S, Baluchistan referendum. Crichton and I today discussed with Nehru question of supporting referendum with special reference to Prior's proposals.1 Nehru has now come round to view that time factor and other considerations preclude any attempt to increase representative character of body to decide the issue. He has now agreed that decision may be taken at a meeting of members of Shahi Jirga (excluding Sardars nominated by Kalat State) and non-official members of Quetta Municipality and that meeting should be called for a date not later than June 30th. This is satisfactory.

2. Ismay is writing2 to Jinnah that alternatives mentioned by him3 have been carefully considered, but all of them involve a considerably long period, that His Excellency is convinced that if a decision is to be arrived at within short time left the reference will have to be made to same body as before and asking him to let Ismay know urgently if he agrees.

3. If Jinnah agrees, it is proposed to issue at once the requisite announcement under para. 21 of Statement.4 Please telegraph whether His Excellency agrees.5

1 R/3/1/155: ff 34-5.

2 Ibid.: f 38.

3 Mr Jinnah had suggested that the electorate in Baluchistan should consist of one of the following three alternatives: (1) Holders of ration cards (about 2,000); (2) All Maliks and Mutibars (about 500); (3) All members of district Jirgas (about 400). Ibid.: f 32.

4 No. 45.

5 On 21 June Mr Abell noted on this telegram: 'Pt. Nehru having made all this fuss about Baluchistan now recommends the same procedure as before. Had he not agitated, the announcement of the 3rd June would have been clear on the point. I fear Jinnah will not agree now—he was definitely against the Shahi Jirga last time the matter was discussed in my presence. He is likely to fear that the Congress have now nobbled the Shahi Jirga.' Ibid.: ff 39-40.
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Sir F. Burrows (Bengal) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P/J/10/81: f 224

Immediate

Calcutta, 20 June, 1947, 3.15 pm

Received in India Office: 20 June, 1.50 pm

No. 978-S. Joint meeting of Members Bengal Legislative Assembly this afternoon decided under paragraph seven of H.M.G.'s statement by 126 votes to 90 votes to join a new Constituent Assembly. Divisions of separate meetings expected later this afternoon.

Addressed to Viceroy, New Delhi; repeated to Viceroy, Kashmir and Secretary of State.

1 No. 45.

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Sir F. Burrows (Bengal) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P/J/10/81: f 223

Immediate

Calcutta, 20 June 1947, 4.40 pm

Received in India Office: 20 June, 5 pm

No. 979-S. Continuation my telegram No. 978-S.1 Separate meetings of members West repeat West Bengal Legislative Assembly this afternoon decided under paragraph six of H.M.G.'s statement2 by 58 votes to 21 votes that Province should be partitioned; and under paragraph eight of statement by 58 votes to 21 votes again that West Bengal should join existing Constituent Assembly. Separate meeting of members East repeat East Bengal Legislative Assembly this afternoon decided under paragraph six of statement by 106 votes to 35 votes that Province should not repeat not be partitioned; under paragraph eight of statement by 107 votes to 34 that East Bengal should join new Constituent Assembly; and under paragraph thirteen of statement by 105 votes to 34 votes that East Bengal would agree to amalgamation of Sylhet.

Addressed to Viceroy, New Delhi; repeated to Viceroy, Kashmir and Secretary of State.

1 No. 277.
2 No. 45.
279

Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/153: f 163

IMMEDIATE VICE ROY'S CAMP, KASHMIR, 20 June 1947, 6.15 pm

SECRET Received: 20 June, 5.20 pm

No. 8—S.K. Your 7840,1 para. 6. I should prefer to consult the leaders on the whole text as agreed in your 7899, para. 32 but am having separate enquiries made about attitude towards appointment of Governor-General and Governors.

Para. 20. Both Reforms Office and Political Department deprecate formal denunciation of treaties3 and I agree.

1 No. 256.
2 Lord Listowel's tel. 7899 of 19 June concerned arrangements for further consideration of the draft Bill. It asked Lord Mountbatten to telegraph whether he now agreed with the text of the Bill (as amended by Nos. 256 and 271) 'subject to further comments in the light of Indian leaders' views at later stage. If so we will then proceed to consult Opposition on basis of revised text. Your consultation with Indian leaders can then take place on receipt of revised text and after Opposition have been consulted'. L/P &J/10/123: f 175.
3 See No. 269, para. 3.

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Mr Turnbull to Mr V. P. Menon

Telegram, L/P & J/10/123: ff 162–3

IMMEDIATE INDIA OFFICE, 20 June 1947, 12.30 pm

SECRET Received: 20 June, 10 pm

7944. Your telegram 1487–S1 arrived too late for consideration by Cabinet Committee2 with Viceroy's 1481–S3 reply to which has issued today.4 As regards Clause 6 sub-Clauses 1 and 7 and Clause 6(6) view here is that it is definitely not desirable or indeed necessary to enlarge the Bill as you propose except that insertion will be made to make clear that existing arrangements for filling vacancies can continue.

Your paragraph 4. It is for Dominions respectively to decide whether they want a Federal Court and provision will have to be made by Governor Gen-

1 No. 255.
2 No. 265, Minute 3.
3 No. 249.
4 No. 271.
eral's Order accordingly. Clause 8(2)(g) is intended to cover this but if only 8(1) is retained it will cover such matters as division of Federal Court if desired and of High Courts in split provinces. Appellate jurisdiction of Privy Council will continue until altered by law of Dominion though of course if Court is abolished appellate jurisdiction over it is abolished also.

Your paragraph 5. Governor General has no individual judgment at present. Discretionary control over provinces is eliminated by 9(2)(a). If what you have in mind is discretionary and individual functions under Part II of 1935 Act which is not now in operation any legislation of the Dominions or Orders of Governor General bringing this into operation will have to contain necessary modifications dealing with discretion and individual judgment.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Letters to and from the Secretary of State

PRIVATE AND SECRET

INDIA OFFICE, 20 June 1947

Dear Mountbatten,

Thank you for your letter of 12th June and your Personal Report No. 9.¹

2. Since I last wrote the All-India Congress Committee has ratified² the Congress leaders' acceptance of the announcement of 3rd June so that another potential obstacle to progress has been surmounted. It is clear from your Personal Report that it was by no means plain sailing and that once again the successful outcome was in large measure due to your own initiative. It was perhaps hardly surprising that, with the example before them of what had happened in regard to the Cabinet Mission's plan, the Muslim League were chary about committing themselves to a definite acceptance of the announcement until they knew where the A.I.C.C. stood.

3. It is also clear from your letter and report that Gandhi will continue to require very careful watching and handling, though it is to be hoped that the stage has now passed when it was within his power to sabotage the whole plan. It has to be recognised, however, that injured vanity might still impel him to try to do so.

4. I have given some preliminary consideration to his point about agreements between H.M.G. and the two Indian dominions which you mentioned in paragraph 4 of your letter³ but am not yet entirely clear as to how we should proceed in regard to it.⁴ It may very well prove the right course that the Prime Minister should say something on the point in the House but the terms of any
statement will require to be very carefully thought out and I am not at all sure that it won't have to be on lines rather different from what Gandhi would like.

[Para. 5, on honours questions, omitted.]  

6. I am sorry that it took a little time to fix up at this end the change in Governorship in the N.W.F.P. but in the result a premature leakage seems to have been avoided. I had myself thought, as you know, that it would have been better that Caroe should resign outright from the start but I can see the advantages of handling the matter on the lines finally adopted and I am glad to know that you yourself do not contemplate Caroe resuming office as Governor unless a recommendation in his favour were made by the Pakistan government.  

[Paras. 7 and 8, on re-employment prospects in the Colonial Service for Irrigation Engineers, omitted.]  

9. In addition to your letter and Personal Report I have received during the past week the reports of your various meetings with the Indian leaders about the administrative implications of partition, for which I am most grateful. It seems that you have been able to achieve considerable progress in spite of unseemly wrangles. I note that it was agreed at your meeting on 13th June that Patel and Liaquat Ali Khan should consider together the composition of the Arbitral Tribunal; possibly, however, the services of a distinguished outsider as Chairman may still be required. You will have received my telegram No. 71 [72] about Radcliffe who, as I said in my previous letter, ought to fill the bill admirably if he is acceptable. I am glad that the idea of consulting U.N.O. about the composition of the Boundary Commissions has been abandoned and it will probably be best if a reference even to the President of the International Court of Justice is also avoided as it would inevitably involve delay.

10. We feel every sympathy with you and your staff having to work at such intensity at the height of the hot weather. All concerned here, particularly those engaged on the Bill, have also been set a very fast pace and it may interest you to know that the Cabinet Secretariat staff worked until 5 a.m. on Wednesday

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1 Nos. 161 and 162.
2 No. 205.
3 No. 161.
4 See No. 266.
5 See No. 211, note 1.
6 Ibid., para. 5.
7 Ibid., note 3.
8 No. 175, Item 3.
9 No. 224, note 2.
10 No. 182, para. 2.
11 See No. 208.
morning producing the minutes of a meeting of the Cabinet Committee as a basis for communicating to you the Committee’s comments on the draft Bill.

11. It is clear from the A.I.C.C. Resolution on the subject and from various other pointers that the Congress are working up opposition to our policy towards the States and, in particular, to our declared intention not to hand over any degree of paramountcy to the successor authorities in India. Some comment on this issue is beginning to appear in the Press here and diverse opinions are expressed. You ought to know that Stafford Cripps recently received a letter on the subject from Rajagopalachariar in which he challenged alike the legal, historical, political and moral bases for the doctrine of the lapse of paramountcy. The only possible line to take in reply to such representations is, of course, that, from an historical and constitutional point of view, the Cabinet Mission’s statement of 12th May, 1946 was and remains right. Thus, there can be no doubt that the relations of the States have always been with the Crown; the point is argued at some length in the Joint Opinion of 24th July, 1928, by Leslie Scott and other eminent Counsel given to the States (cf. in particular paragraph 7(i) of Appendix 3 to the Report of the Butler Committee). Before 1935 the Government of India was, of course, used as the agent of the Crown for conducting these relations; but this function was not to be confused with that government’s executive functions as the Government of British India. At the same time it is imperative that our policy should take full account, as it has, in fact, done, of the practical consequences of the principle by which it has had to be determined. Thus, we have scrupulously avoided, and must continue to avoid, doing anything which might be taken by individual States as an encouragement to them to stand out of the new Indian set-up—this, I am sure you will agree, applies particularly to Hyderabad, Travancore and any other States which are reported to have declared their intention to assert independence—and we must clearly give any assistance in our power towards the working out of satisfactory new arrangements between the States and the successor authorities. The letters to Residents which it was agreed should be despatched at your meeting with the Indian leaders on 13th June may be expected to help in bringing about the desired result.

[Para. 12, on a forthcoming Parliamentary announcement about the future of Ceylon, omitted.]

13. I was not at all surprised to receive your telegram No. 141-S about the food situation. Both Pethick-Lawrence and I have lost no opportunity in recent months of impressing upon the Minister of Food the desirability of doing all we possibly can to help India over food and about a month ago I circulated a memorandum to the Cabinet Committee warning them of the facts. I was, therefore, able, on receipt of your telegram, to follow up my
previous representations with a further memorandum inviting my colleagues to ask the Minister of Food, as a matter of political urgency, to arrange for the diversion to India of some quantity of wheat or flour, even at the risk of slowing down the rebuilding of our own stocks, and to ask the Secretary of State for the Dominions to instruct the U.K. High Commissioners in Australia and Canada to urge those Governments as a matter of Commonwealth interest to do everything they can to assist India at this moment. I shall hope to let you know the outcome of my efforts very shortly.

14. On the subject of food I was interested to see what Ramamurty said in his fortnightly letter to you of 30th May (No. 83). Although you have hinted to me that Ramamurty acted rather lavishly during his short spell as Governor of Bombay, it appears from the letter referred to that he approached his responsibilities in an energetic and constructive manner.

[Para. 15, on the Fifth Commonwealth Forestry Conference; and paras. 16 to 18, on the claim of civilian ex-service clerks serving in G.H.Q. (India) to compensation, their future employment prospects, pensions, and the possibility of persuading the Government of India to concede to them the right to retire on proportionate pension, omitted.]

19. I am glad to know that you have been able to get up to Kashmir for a few days which will, I hope, prove most refreshing to you and Lady Mountbatten.

Yours sincerely,

LISTOWEL

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12 No. 244.
13 No. 206.
14 No. 107.
16 Cmd. 3302.
17 See No. 175, Item 1, conclusions (i) and (iii); also Nos. 197 and 198.
18 This should read ‘14:14–S’; i.e. No. 171.
19 See No. 251, note 1.
20 No. 251.
22 No. 90, para. 5.
Mr Turnbull

Draft Bill—edition 5¹
Now that old 19(2)(a) has gone,² is there any risk that 'contents' of the I.O. may be held so to cover the actual India Office records (i.e. those of the S/S in C[ouncil]'s and S/S's administration) that these could not be dealt with except by negotiations with the new Govts? Perhaps this will be a case where possession is 9 points.

G. H. B.

Minute by Mr Turnbull

Sir W. Croft
Sir A. Carter
I think there is risk of this. But nothing can be done about it except to repudiate the idea in the negotiations.

F. F. T.

Minute by Sir W. Croft

I agree with Mr Turnbull.

W. D. C.

Minute by Sir A. Carter

And I. The legal position, as now left by the Cabinet Committee, has in it the seeds of complete deadlock; but nevertheless leaving us in a pretty strong position since all this property is vested in H.M.G. in U.K.

R. H. A. C.

¹ i.e. as amended up to and including No. 271.
² See No. 265, Minute 3, second sub. para.
No. 1511-S. This and my succeeding four telegrams contain draft replies to telegrams received from Secretary of State. Following is draft reply to Secretary of State's 7840 of June 18th.1 Begins: Your 7840 of June 18th.

1. Clause 1, sub-clause (3). Suggestion has been made that it may not be acceptable to Muslim League to refer to the Dominions of India and Pakistan as "the Indian Dominions" even though it is only for the purposes of the Act. A simple solution would be to substitute for the words "Indian Dominions" wherever they occur in the Bill the words "new Dominions".

2. Reference your paragraph 6. (Your Excellency please insert paragraph here in the light of my 1503-S of 19th June.2 Reference para. 2 thereof, Liaquat today said that he would consult Jinnah).

3. Reference your paragraph 8, I do not think that sub-clause (2) of Clause 8 will be unacceptable to Indian leaders. But I cannot of course consult them about this point separately until I show them the Bill as a whole.

4. Your paragraph 10. I agree and await your draft statement.

5. Your paragraph 15. I would welcome an amendment in the sense you suggest as it would remove any possibility of misunderstanding.

6. Your paragraph 17. I would prefer that no reference should be made to tribal areas in Clause 21 (3), but if you insist I feel that reference should not be linked up to States and would suggest addition to proviso on lines "or precluding the participation of representatives of tribal areas in either of the said Assemblies in accordance with such arrangements as may be made in this behalf".

7. Your paragraph 19. I agree most heartily with title "Indian Independence Bill".

8. (Your Excellency please insert paragraph here in answer to Secretary of State's paragraph 20 and in the light of my 1503-S.3 With reference to 1503-S, however, we are now all agreed that suggested omission from paragraph 7 (1) (b) would be undesirable and that that paragraph should be left as it is). Ends.4

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1 No. 256.  
2 No. 269.  
3 Ibid.  
4 A message in these terms was sent in Lord Mountbatten's name to Lord Listowel in tel. 1527-S of 21 June, 4.5 pm, from New Delhi, with the following modifications:  
   (i) Para. 2 read: 'Reference your paragraph 6 see my 8-S.K. of June 20th.' [No. 279]  
   (ii) In para. 7 the word 'Indian' was omitted before 'Independence Bill'.  
   (iii) Para. 8 read: 'Your paragraph 20. See my 8-S.K. of June 20th.' [No. 279]  
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Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/153: f 155

IMMEDIATE SECRET

NEW DELHI, 20 June 1947, 9.40 pm

No. 1512-S. Following is draft reply to Secretary of State's 7842 of June 18th.¹ Begins: On further consideration I have come to the firm conclusion that to confront leaders with the draft Bill including paragraph 16 either in its original form or amended as you suggest would severely damage our future relations with India.

2. I have no other course but to press strongly for the complete exclusion from the draft Bill of any reference to the Andaman and Nicobar Islands. I must ask that I should be left to pursue this matter by negotiation. [Ends]²

¹ No. 258.
² Lord Mountbatten telegraphed in these terms to Lord Listowel in tel. 11-S.K. of 21 June, 12.45 pm, from Kashmir, but he deleted the last sentence and substituted the following: 'I am sure HMG will have to pursue the matter by negotiation and this is not a matter on which I personally can even negotiate. This clearly will have to be undertaken by the U.K. High Commissioner.' R/3/1/153: f 165.

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Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/153: f 156

IMMEDIATE SECRET

NEW DELHI, 20 June 1947, 9.50 pm

No. 1513-S. Following is draft reply to Secretary of State's 7893.¹ Begins. I entirely agree with views expressed in your 7893 of 19th June. I am satisfied that equitable division of foreign assets will not be prejudiced. Ends.²

¹ No. 270.
² Lord Mountbatten telegraphed in these terms to Lord Listowel in tel. 10-S.K. of 21 June, 4 pm, from Kashmir. R/3/1/153: f 164.
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Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/153: ff 157–8

IMMEDIATE SECRET

NEW DELHI, 20 June 1947, 11.30 pm

No. 1514–S. Following is draft reply to Secretary of State’s 7897.¹ Begins: Your 7897 of 19th June.

1. Clauses 3 and 4. I support Governor of Bengal’s view expressed in his 161–S of June 18th² and consider that titles of ‘East Punjab’ and ‘West Punjab’ should also be used.

2. Clauses 3 (1) and 4 (1). I adhere to my original suggestion that these should read “as from the appointed date”. I think it convenient that same date should apply to all processes. A definite date would also obviate necessity for a separate ad hoc Order.

3. Clause 6 (1) and (7). My Advisers strongly adhere to view expressed in my telegram No. 1481–S³ and still hope you will be prepared to consider amendment on lines of Menon’s telegram to Turnbull No. 1487.⁴ They are not clear of precise significance of Clause 9 (2) in this connection. I see immense advantage in starting the new Dominions with as complete a Constitution as possible. This would avoid the necessity of going to the Constituent Assemblies immediately after August 15th with essential amendments of 1935 Act, which would immediately set them off on other and perhaps more radical amendments.⁵ I consider therefore that we should be in a position to adapt 1935 Act to suit foreseeable requirements of near future of both Dominions. The risk you run in leaving gaps⁶ to be filled will land us in many serious difficulties and the whole question of the continuance of Dominion status for India might well then be raised.

4. Clause 6 (6). Second point. Provided you are satisfied that object in view can be secured by Governor General’s Order, I do not press my original suggestion.

¹ No. 271.
² See No. 271, note 10.
³ No. 249.
⁴ No. 255.
⁵ In the telegram sent to London (see note 8 below) this passage was deciphered as: ‘immediately set (7Standing Committee) off on other and perhaps undisciplined radical amendments’. L/P &J/10/123: ff 127.
⁶ Deciphered as ‘apportionments’ in telegram sent to London. Ibid.
5. After further consideration I agree to leave in Clause 7 (1)(c).

6. Clause 9 (2)(a). My Advisers are much disturbed by the narrow view you take of the scope of the power to adapt the Constitution Act in Clause 8. They suggest that last 13 words of Clause 9 (2)(a) be omitted and words “Governor-General or” be inserted in Clause 9 (2)(c) after the words “requires the”. And see also my comment in para. 3 above.

7. Clause 13. I accept your offer to omit reference to High Commissioner and confine clause to Secretary of State. I will use my best endeavours to obtain agreement of leaders when I discuss the Bill with them.

8. Reference paragraph 2 of your 7897. My Advisers suggest following clause for consideration. “Every person who, having been appointed by the Secretary of State or the Secretary of State in Council to a civil service of, or civil post under, the Crown in India, continues on and after the appointed day to serve under the Government of either Dominion or of any province or part thereof, shall be entitled to the same conditions of service as respects remuneration, leave and pensions, and to the same rights as respects disciplinary matters (or rights as similar thereto as the changed circumstances will permit) as that person was entitled to immediately before the appointed day.” Ends.

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7 No. 271.

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The Secretary to the Crown Representative to Residents

Express Letter, R/3/1/137: ff 164-5

NO. F.46-R(S)/47

POLITICAL DEPARTMENT, 21 June 1947

Formula for Standstill Arrangements on the lapse of Paramountcy.

In paragraph 4 of Political Department Express Letter No. F.46-R(S)/47 dated 14th June 1947 reference was made to discussions which it was hoped to arrange towards the end of July between representatives of the States and of the prospective Dominion Governments in regard to “standstill” arrangements on the lapse of paramountcy.

2. It is the desire of His Excellency the Crown Representative that when these discussions take place accredited representatives of all States should be present i.e. representatives empowered to sign any agreement which may be reached as a result of discussion and negotiation.
3. This question of States’ representation presents considerable difficulty. Ideally, negotiations would be conducted by a small body of States’ representatives, not exceeding 8 or 10 in number, authorised to act on behalf of all States, so that any agreement reached with this body would be automatically ratified by individual States. It is difficult, however, to achieve this ideal in existing circumstances.

4. The most practicable procedure appears to be (i) that as many States as possible should combine to send a joint, accredited representative to the meeting, and (ii) that these accredited representatives should meet before the negotiations begin and appoint from their number a small Committee to conduct the actual negotiations. The main body of representatives could, of course, remain in the background to advise their Committee as the negotiations proceeded.

5. You are requested to explain the position to all States, and to make every endeavour to ensure
   (a) that every State is represented at the meeting,
   (b) that representatives are authorised to sign any agreement that may be reached, and
   (c) that as many States as possible combine to send a joint representative.

6. There is no suggestion that States should be asked to enter into any permanent commitment. It is vitally necessary, however, that the lapse of Paramountcy should not result in widespread administrative dislocation (which would be equally damaging to the States and to British India) and it is thought that a standstill agreement covering administrative arrangements in matters of common concern is the only practical means of avoiding this disaster.

The issue of the above has been authorised.

E. B. WAKEFIELD
for Secretary to His Excellency the Crown Representative.

\[\text{No. 198.}\]
Dear Mr Nehru,

His Excellency has asked me to thank you for your letter of the 16th June 1947 forwarding certain proposals regarding the constitution and functions of the proposed States Department of the Central Government.

I now enclose a Memorandum on the subject, which H.E. proposes to include in the Agenda of the Cabinet meeting next week. This Memorandum, you will see, follows very closely the general line of your proposals. It has not been seen in its final form by the Viceroy, but is, I think in strict accord with his general instructions.

The matters with which the States Department will be primarily concerned are those to be included in the Standstill Agreement, of which you have received a draft. The Department which H.E. proposes to discuss with political leaders and representatives of States at the end of July. Meanwhile, there are many coordinating functions which the States Department can take over from the Political Department. In all these matters the States Department will work in very close cooperation with the Political Department who will give every possible assistance to the new Department. The whole object of the proposal is of course that when the Political Department is wound up, the successor Governments will each have an organisation which can take over the conduct of relations with Indian States, and that this process of taking over should be effected smoothly and without any dislocation.

Yours sincerely,

ISMAY

Draft Memorandum

The Political Department which, under the control of the Crown Representative, now deals with the Indian States is in process of liquidation and will cease to exist from the date on which the two Dominions are established. There is at present in existence, however, a whole complex of administrative and economic arrangements which extend throughout the Indian States and British India. Various essential services function as part of this nexus of administrative and economic arrangements; and it is imperative in the interests alike of the States and British India that continuity of these services should not be jeopardised when the new Dominions are set up and the paramountcy of the Crown over the States ceases to exist.
2. To achieve continuity of existing administrative arrangements, the first requirement is some kind of “standstill” agreement between the States and the two Dominions. If such an agreement can be reached, existing arrangements in the economic, financial and administrative spheres can continue without dislocation while fresh or modified arrangements are built up. A tentative draft standstill agreement has been prepared as a basis for discussion and is now being examined by the authorities concerned. It is my intention to discuss this matter with political leaders and with representatives of the Indian States about the end of July.

3. It will also be necessary, in order to achieve continuity of existing administrative arrangements, to set up a machinery at the Centre, to take the place of the Political Department. At my meeting with the Political leaders on 13th June it was agreed to set up a new Department called the “States Department”. This Department should be set up at once and should be in charge of the Hon. the Home Member.

4. The functions of the new Department will be to deal with all matters arising between the Government of India and the Indian States.

5. The Department will supervise any local agents appointed by the Central Government to conduct relations with Indian States, and deal with any representatives whom the States may appoint to the headquarters of the Central Government. The Department will also be in charge of the negotiations, initiated by the Political Department, between the Central Government and the States for the acceptance of the “standstill” agreement referred to in para. 2 above, and will, where necessary, initiate new negotiations for the adjustment of matters of common concern.

6. When the new successor Governments come into being, each of them will have its own separate organisation for dealing with matters arising between it and the States. The States Department will however have to be set up at once so that when the transfer of power takes place and the Political Department is wound up, the organisations of the successor Governments could be constituted forthwith and be ready to discharge their functions. It is therefore essential that the States Department should from its very inception be so organised and its work so distributed that at the appropriate time it can be divided up between the

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1 Lord Ismay also sent Pandit Nehru another letter of the same date to acknowledge No. 264 and its enclosure which he stated he would bring to Lord Mountbatten’s notice immediately upon the latter’s return from Kashmir. R/3/1/137: f 124.
2 No. 238; see also No. 239, Item 4, conclusions (i)–(iii).
3 Enclosure to No. 198.
4 The memorandum was circulated by the Cabinet Secretary on 23 June 1947 without further amendment to members of the Indian Cabinet. Mountbatten Papers, loc. cit.
5 No. 175, Item 1, conclusion (ii).
two successor Governments without any dislocation. The Department should therefore consist of two high level officers, a Secretary and a Joint Secretary with two Under or Assistant Secretaries.

As regards the subordinate staff, it should be left to the Secretary in consultation with the Joint Secretary to determine the strength and to select the personnel. The personnel for this Department should as far as possible be obtained by transfer from the Political Department.

7. The States Department will work in close cooperation with the Political Department.

8. The future of the Crown Finance Department requires consideration since its functions with its present status under the Crown Representative will cease to exist when the office of the Crown Representative terminates. It performs many useful functions and should be continued as part of the new States Department.

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Sir F. Burrows (Bengal) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/159: ff 14–16

IMMEDIATE

CONFIDENTIAL

21 June 1947, 3.45 pm

No. 166–C. Please refer to my telegram 163–C of June 19th.¹ In the light of “partition” decision taken yesterday² I had long discussion with Suhrawardy this morning. I began by reminding him of my efforts to promote first a regular coalition in Bengal and then, failing that, regional ministries. I pointed out that both parties had rejected the former and the League had turned down the latter though the Congress had expressed a desire for it. I made it clear to him that I did not consider it feasible for a Ministry drawn from one side only to continue in sole charge of the whole Province now that decision had been taken for partition and principal business would be dividing up assets and liabilities; any attempt to maintain present Ministry in sole charge would invite attempt to set up parallel government in West Bengal suppression of which at this stage would face him as Chief Minister with a problem he would not wish or be in a position to handle. I finished by saying that my alternative solutions having been turned down, I should like to know what he would suggest. As I expected he did not answer this directly but replied “Why put the onus on me? Why should I commit political suicide?”

². Though I did not in so many words threaten him with Section 93 he knew that this was what I had in mind and our discussion proceeded on that
basis. The upshot of a long and friendly talk was that he is not going to help me to go into Section 93: he is going to put the whole onus on me. At the same time he will not attack me for doing so and will offer no opposition. More important still is that he had promised me even under Section 93 full cooperation in the process of partition and has in fact named himself and Nazimuddin as the two League members of Separation Committee and suggested a Muslim officer for official Steering Committee. I got the impression today as before that, in spite of a certain amount of bluff, he came in fully prepared to hear that I was going into Section 93 and, except that he will not help me by making an offer from his side to the contrary, I think I could almost say that he acquiesces in my going into Section 93. This impression is strengthened by extreme friendly nature of interview and by his repeated request that when he ceases to be my Chief Minister he may still have access to me. Because of its bearing on my belief that he will cooperate in partition even if I go into Section 93 feel I must stress the particularly cordial nature of our talk today.

3. Suhrawardy’s promise that he will not attack me for going into Section 93 and that he will cooperate in partition bears out what I had gathered from other sources, particularly from Kwaja Nazimuddin with whom I had a very helpful talk yesterday. (The latter would not wish subject matter of his talk with me disclosed.)

4. As I am assured of cooperation of two main groups of League and as Congress also, while they do not on principle like Section 93, would much prefer it to continuing as we are, I feel that I must now definitely ask for your formal concurrence under Section 93(5) to my issuing proclamation. If this is agreed, the sooner I do so the better. I should like if possible to issue proclamation not later than Monday evening June 23rd both to end present uncertainty and to avoid suggestion of yielding to pressure which will undoubtedly increase as each day passes.

5. It is obvious in view of Suhrawardy’s tactics that I shall have to call for resignation of himself and his colleagues: I shall not myself use the word “dismissal”.

6. I am seeing Kiran Shankar Roy this evening with a view to getting [from] him two names for my separation Committee. I shall confirm to him that League have not agreed to Regional Ministries and that I am considering other expedients. If anything useful affecting the proposal for Section 93 comes

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1 No. 268; see also No. 240.
2 See Nos. 277 and 278.
3 Section 93(5) of the Government of India Act 1935 provided that no Proclamation should be made by a Governor under Section 93 ‘without the concurrence of the Governor-General in his discretion’.
out in my talk I shall telegraph you, but meanwhile I am getting necessary press announcement ready. I shall try to have text of this awaiting you in New Delhi on your return there on Monday.

* In tel. 167-C of 21 June Sir F. Burrows reported that he had informed Mr Roy that evening that the proposal for Regional Ministries had fallen through. Mr Roy had said that 'he thought only course left now was to go into Section 93'. R/31159: f 17.

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Mr V. P. Menon to Mr Turnbull

Telegram, R/31153: ff 174-5

MOST IMMEDIATE

NEW DELHI, 21 June 1947, 5 pm

SECRET

Received: 21 June, 4.15 pm

No. 1528-S. Your telegram 7944 of June 20th.1

2. Your first paragraph. I regret having to return to charge but must explain fully the practical difficulties I anticipate in not expressly continuing existing distribution of powers.2 In Secretary of State’s telegram 78973 the remark against Clause 9 (2)(a) shows that his advisers take restricted view of Governor General’s order making power and will regard any modification of 1935 Act not covered by terms of Clause 8 (1) and (2) and Clause 9 (2) as “constitution making”. In this view and with clauses saying no more than what they say now I have no doubt that resulting position on August 15th will be completely untenable. If Dominion constitution is to have fair trial in India or even in Pakistan I think it essential that each Dominion should have to start with as complete a constitution act as we can devise for them. Otherwise if the tidying up is left to the Constituent Assembly acting in its plenary legislative capacity there is very grave risk of that body embarking on a flood of amendments and there will be no holding it back. Further Pakistan Assembly may not have got going by August 15th and the result will be great confusion in Pakistan as to powers of Dominion Government vis-à-vis Provincial Governments. I am therefore very strongly of view that Bill must provide for continuance of existing distribution of powers as between Dominions and Provinces and for freer hand in regard to adapting provisions of 1935 Act and orders in Council, rules, &c., made thereunder. I have no doubt that both parties will welcome such provision. Spence and Sundaram who have both come to Reforms for doing adaptation work are in full agreement with above view.

3. Your second para. meets my point. As regards your third para. I would strongly press for omission of last 13 words of Clause 9 (2)(a)4 and substitution
of "the Governor General or a Governor" for "the Governor" in Clause 9 (2)(c). Although Governor General has no individual judgment at present, by virtue of Section 313 (4) provisions of 1935 Act in force which do refer to Governor General's individual judgment would technically require to be eliminated. I feel that both the Congress and League would welcome a continuance of Governor General's control (transformed to Dominion control from August 15th) over affairs of provinces.

1 No. 280.
2 cf. No. 286, para. 3.
3 No. 271.
4 cf. No. 286, para. 6.

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Lord Ismay to Sir F. Burrows (Bengal)
Telegram, R/3/1/159: f 18

MOST IMMEDIATE
SECRET

NEW DELHI, 21 June 1947, 9.30 pm

No. 1533–S. Jinnah has just told me that he has had telephone message from Suhrawardy saying that you had threatened him with Section 93 if he refused coalition ministry or regional ministry.¹ He said that this was entirely ultra vires, that we had considered Section 93 in NWFP and decided that it was impossible.² There was no reason why Suhrawardy should not carry on with caretaker government. He begged me to inform Viceroy of position at once and ask him to instruct you to take no final decision till matter had been discussed between Viceroy and Jinnah.

Have just telegraphed Kashmir accordingly.³ Viceroy returns Monday and should be able to let you know his views Monday evening or Tuesday morning at latest.

¹ cf. No. 289.
² See e.g. Vol. X, No. 310.
³ No. 292.
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Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/159: f 19

NEW DELHI, 21 June 1947, 9.30 pm

IMMEDIATE
SECRET

No. 1534–S. One minute before receiving your telegram No: nil dated June 21st 19471 Jinnah had rung me up in a great state of excitement and protest. He said that he had just had a telephone message from Suhrawardy that Burrows had threatened him with Section 93 if he did not accept Regional Ministries. Jinnah said that this was entirely ultra vires and begged that I should telephone Viceroy asking him to take no (repeat no) decision until he had discussed matter with Jinnah.

I was just going to telephone to you the submission that we ought to accede to Jinnah’s request and that you should telegraph Burrows to hold his horses until he received further instructions probably on Tuesday morning.

In view of urgency and vital importance of this matter I have telegraphed2 Burrows most immediate not to do anything definite until he hears from Viceroy.

1 See No. 268, note 5.
2 No. 291.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/153: f 169

SRINAGAR, 21 June 1947, 11.50 pm

Received: 22 June, 7.5 am

IMMEDIATE
SECRET

No. 19–S.K. My telegram of today1 answering your 7897 of 19th June2 about draft of Bill.

2. Background to my insistence on points mentioned in paragraphs 3, 4 and 6 of my telegram is as follows: V. P. Menon3 says that Congress are determined that there should be minimum discussion on constitutional points immediately after passing of Bill. They want to leave distribution of powers between Centre and Provinces as they stand, but to be quite certain that they can secure control in case of emergency over Provincial Governments to replace control now exercised through Governor-General and Governors. Apart from drafting
difficulties I am sure that their point is of practical importance and that we should meet it. Pakistan also will want to save their energies for administrative matters at first and at the same time to secure necessary control over their Provinces.

3. The less that the new Dominion Governments are obliged to deal with constitutional matters of this sort the easier for their realists to keep them off constitutional matters and get them down to vital administrative questions. Incidentally the better the 1935 Act works from the beginning the longer dominion status is likely to last.

1 See No. 286.
2 No. 271.
3 cf. No. 290.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Pandit Kak

R/3/1/137: f 114. Viceroy’s Interview No. 150

22 June 1947

H.E. said that he believed there might have been some misunderstanding about the advice he had given to H.H. the Maharaja in discussion with him.2

2. He had told H.H. that, in his opinion, Kashmir would find it very difficult to protect themselves against the pressure of the Congress unless at the right moment they joined one or other of the two Constituent Assemblies.

3. It was not for him to suggest which Constituent Assembly they should join, but clearly Kashmir should work this out for themselves on the basis of the best advantage to the ruler and his people, and in consideration of the factors of geography and the probable attitude of the Congress and the Muslim League respectively to Kashmir.

4. If Kashmir joined the Pakistan Constituent Assembly presumably Mr. Jinnah would protect them against pressure from the Congress.

5. If they joined the Hindustan Assembly it would be inevitable that they should be treated with consideration by Hindustan.

1 Interview number taken from copy of this interview in Mountbatten Papers.
2 For an account of Lord Mountbatten’s talks with the Maharaja see Nos. 319, para. 5 and 369, para. 30.
6. But if they joined neither Assembly they would be in a very difficult position.3

7. Pandit Kak replied that he was grateful for what H.E. had said. H.H.'s decision was that at present he could not commit himself. Clearly he must see what the set-up was to be in Pakistan, and until that was clear he would have to maintain his present non-committal position. H.H. realised the various factors involved, but in any case was not now in any way alarmed by Pandit Nehru or disturbed by his threats.

8. H.E. pointed out that Pandit Nehru felt very strongly about Kashmir, and it would be extremely difficult for him (H.E.) to do anything to help to protect Kashmir after the 15th August, when Pandit Nehru would become Prime Minister of Hindu India, and H.E., even if he remained, would become only a constitutional Governor-General. The only protection for Kashmir after the 15th August was to join one or other of the Constituent Assemblies.

3 In the Report on the Last Viceroyalty, submitted in September 1948, Part D, para. 116, Lord Mountbatten further recalled that: 'I told them that the States Department were prepared to give an assurance that, if Kashmir went to Pakistan, this would not be regarded as unfriendly by the Government of India'. L&P &J/5/396/3. See also V. P. Menon, The Story of the Integration of the Indian States (Orient Longmans, 1961), p. 376.'

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/144: ff 3-4

17 YORK ROAD, NEW DELHI, 22 June 1947

Dear Lord Mountbatten,

Your attention must have been drawn to the various statements made by Sir C. P. Ramaswami Aiyar or on his behalf regarding Travancore.1 He has declared that Travancore will be independent on the lapse of paramountcy on the 15th August. This raises vital issues and any perseverance on his part in this attitude and declaration will inevitably bring Travancore into conflict with the Government of India.

2. He has nominated a representative of Travancore for Delhi. Normally we would welcome any representative from any State and deal with him directly in order to facilitate business of common concern. But after the declarations made by Sir C. P. Ramaswami Aiyar, any recognition of his Envoy here becomes undesirable and objectionable.

3. In today's paper it is stated on behalf of the Travancore Government that
"as a result of personal discussions and correspondence between Mr. Jinnah and the Dewan of Travancore, the Dominion of Pakistan, on its establishment, has agreed to receive a representative of Travancore and to establish relationship with the State which will be of mutual advantage"; further that in pursuance of this decision the Travancore Government have nominated a certain person "as representative of Travancore State in the Dominion of Pakistan and he will take charge of his duties from the date on which paramountcy lapses and Travancore becomes independent".

4. This statement is extraordinary in many respects. There is no Dominion of Pakistan in existence and I am not aware of Envoys being sent to a non-existent State. Normally two existing States confer together and come to an agreement about exchange of representatives. Apart from this, I take it that till paramountcy lapses, it is still functioning and any statements affecting paramountcy are to be made only with the consent of the Political Department. I do not know if the various statements that Sir C. P. Ramaswami Aiyar has issued have been referred to the Political Department and if that Department's sanction or concurrence has been obtained. If they have not been so referred, then I think it is not only a breach of decorum but also of the rules at present governing the relationship of the States with the Paramount Power.

5. The Dominion Government of India will, no doubt, deal with this matter. But meanwhile such statements are mischievous and harmful and I think that Sir C. P. Ramaswami Aiyar should be informed accordingly.²

Yours sincerely,

JAWAHARLAL NEHRU

¹ cf. No. 226.
² Mr. Abell sent this letter to Sir C. Corfield for advice and Lord Mountbatten also asked for Mr V. P. Menon's advice. On 1 July Lord Mountbatten replied to Pandit Nehru that he had taken note of the views expressed in this letter about Sir C. P. Ramaswami Aiyar's statements and would like to discuss the matter when he and Pandit Nehru next met. R/3/1/144: ff 7, 15.

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Sir W. Monckton to Lord Ismay

Mountbatten Papers. Official Correspondence Files: Hyderabad, Part I(a)

PRIVATE AND CONFIDENTIAL

LAKE VIEW HOUSE, 22 June 1947

My dear Pug,

1. I am by no means at the end of troubles here. The State has been pressing the Political Department for the removal of Indian Army troops from our cantonments. There are 7 or 8000 Indian Army fighting troops in the State including armoured formations. The Nizam thinks it quite intolerable that they should
remain here after the 15th August. They would in effect be an Army of Occupation. But such pressure as the Political Department has been able to exert has been quite ineffective. Whether the Defence Member is stalling or not, I don’t know; but it does look as if those who will form the Government of the Indian Union would not be unwilling to find themselves with an Army of Occupation here. I spoke to the C-in-C about it and he said (privately) we should have nothing to worry about while he was directing the Army. This is cold comfort.

The Crown Representative is still the Crown Representative and he could direct the Government to take steps to move the troops out of State territory by the 15 August.

The State is writing a further letter asking for information about the dates and stages of the programme by which the troops will be removed, in view of the acceleration of the departure of the British. The letter will ask for a reply within a specified time. If no reply is forthcoming, a question will be asked in the House giving the steps taken by the State and the result and asking whether this Army of Occupation will be permitted to remain.¹

I wish the States had not been so persistently overlooked, for then it would not be necessary to risk throwing a spanner into the works in order to get a monstrous injustice avoided.

2. For your very private ear, I am under some pressure from Kashmir to go there at once for a few days and should be grateful for any information you can give me as to the form there.² Are you free to guide me as to the line taken in the recent talks and the reaction? I don’t want to waste my time and effort, unless there is something to be done. There is more than enough to do for Hyderabad.

Yours ever,

WALTER

P.S. I am in bed with fever. I hope to be well enough to come up to Delhi on Wednesday the 25th. If it wasn’t for the uncertainty, this could wait for my seeing you. But you will understand and in any event see Harry.³

WALTER

¹ The first three paragraphs of this letter were circulated under reference V.C.P. 91 of 24 June 1947 and considered as Item 2 of the Viceroy’s 47th Staff Meeting. At Sir C. Corfield’s suggestion, Lord Mountbatten directed that as soon as the further letter from Hyderabad arrived, the Nizam should be asked to send a delegation to Delhi to discuss the withdrawal of these troops, the question of Berar, and other matters of common concern with the Political Department and the States Department. The least possible publicity was to be given to the visit of this delegation. On 26 June Lord Ismay noted that he had spoken to Sir W. Monckton explaining that the States Department would take up the matter directly the Hyderabad letter arrived. Ismay added: ‘He [Monckton] didn’t seem very impressed, but agreed to wait and see’.

² No record of Lord Ismay’s response on this point has been traced.

³ Presumably Harry Gordon, Sir W. Monckton’s private secretary at this time.
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Pandit Nehru to Lord Ismay

Mountbatten Papers. Official Correspondence Files: States, Relations with, Part II(a)

17 YORK ROAD, NEW DELHI, 22 June 1947

Dear Lord Ismay,

I received your letter of the 21st June¹ last night on my return from Hardwar. Thank you for sending me the draft memorandum on the constitutional functions of the proposed States Department of the Central Government.

2. There is only one thing I would like to suggest. The memorandum deals with the whole complex of administrative and economic arrangements. I do not know if this includes certain political arrangements also and relations. You will remember that in the Cabinet Mission’s memorandum of 12th May 1946² it was stated that “the void will have to be filled either by the States entering into a federal relationship with the Successor Government or Governments in British India or, failing this, entering into particular political arrangements with it or them”.

3. Perhaps this matter can be brought out in the “Stand-Still” agreement.

4. I am sorry for the slight delay in sending you our suggestions for the “Stand-Still” agreement. I wanted to consult some lawyers and constitutional experts in regard to this. I hope to send it to you before long.

Yours sincerely,

JAWAHARLAL NEHRU³

¹ No. 288.
² Vol. VII, No. 263, para. 5.
³ Lord Ismay replied on 23 June saying that he had already, in anticipation of the Viceroy’s wishes, sent the draft memorandum to the Cabinet Secretariat for circulation and consideration at the next meeting of the Cabinet, and agreeing that the points raised in para. 2 of Pandit Nehru’s letter could well be considered when the Standstill Agreement was under discussion.

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Mr Jinnah to Lord Ismay

Mountbatten Papers. Official Correspondence Files: States, Relations with, PartII(a)

10 AURANGZEB ROAD, NEW DELHI, 22 June 1947

Dear Lord Ismay,

I am in receipt of your letter of 20th of June, 1947¹ and I have nothing more to add to the various suggestions I made to His Excellency over a week ago;² and

¹ See No. 276, para. 2.
² See Ibid., note 3.
Mr Abell was then instructed to examine those suggestions and get in touch with me, but I have heard nothing from him so far.

And now you write to inform me that His Excellency desires that a reference should be made to the same body as before viz. the members of the Shahi Jirga (excluding the Sirdars nominated by the Kalat State) and the non-official members of the Quetta Municipality.

I regret I am unable to approve of this course, as paragraph 12 of the Statement of 3rd June contemplates a reference to a more representative body than on the last occasion.

Yours sincerely,

M. A. JINNAH

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/91: f 7

GOVERNMENT HOUSE, LAHORE, 22 June 1947

Dear Lord Mountbatten,

I visited Gurgaon today and have to thank Your Excellency once more for a car and a luncheon basket.

The forces on the spot or arriving now seem adequate, and with 80 Bde Hq at Palwal and a good wireless net should be able to maintain control.

But the district is in a very bad way. Brendon has been sent off on leave—the Commissioner confirmed his original report,¹ and he had something like a nervous breakdown at the end. I am sending in Brendon’s place a Sikh member of the I.C.S. who has done well in a difficult district.

The Soldiers say that Bharatpur State is still very seriously disturbed. The C.O. 6th Kumaon came over from Kosi to see me at Palwal, and said that many Bharatpur villages could be seen burning from our side of the border. When he entered the State to contact the Bharatpur Forces he was not favourably impressed. The Brigadier and all C.O.’s apprehend an incursion of Bharatpur refugees to add to our troubles.

I hear Her Excellency is visiting some of the Gurgaon hospitals on 26th. A surgical unit has been sent to Gurgaon. I did not see it, but am told it is doing well.²

Yours sincerely,

E. M. JENKINS

¹ See No. 141, note 1.
² Lady Mountbatten minuted on 27 June: ‘The surgical unit mentioned in Sir Evan Jenkins’ letter forms part of the Gurgaon Civil Hospital which I visited yesterday and which is I think doing very good work indeed’. She added that in the report she had sent to Lord Mountbatten on her tour ‘I have referred to the trouble being caused from Bharatpur and Alwar’. R/3/1/91: f 39.
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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/91: ff 8-12

PERSONAL

17 YORK ROAD, NEW DELHI, 22 June 1947

Dear Lord Mountbatten,

You have not returned from Kashmir yet and are due back tomorrow. I am, however, writing this to you rather late at night because I am distressed and the sending of this letter will perhaps give some relief to my mind.

2. I am writing about what is happening in Lahore and to some extent in Amritsar. Yesterday I went with Gandhiji to Hardwar and visited the numerous refugee camps there. There were, till yesterday, about 32,000 refugees there from the Frontier Province and the Punjab. Most of them were from the Frontier Province. Daily some 200 or so fresh arrivals came there. Apart from these refugee camps in Hardwar, there are similar large camps at half a dozen other places, some in the U.P. and some in the Indian States like Patiala, Alwar etc. The condition of many of these people is pitiable although many relief societies and local governments are trying to help them.

3. But this letter is mainly about the city of Lahore where fires are raging and consuming hundreds of houses. It is reported that 100 houses were burnt down last night and this morning. During the previous two days about 250 houses were set fire to and burnt. At this rate the city of Lahore will be just a heap of ashes in a few days’ time. The human aspect of this is appalling to contemplate.

4. Amritsar is already a city of ruins, and Lahore is likely to be in a much worse state very soon. Lahore is, of course, a much larger city than Amritsar.

5. If you will forgive a personal touch, I should like to tell you that my mother came from Lahore and part of my childhood was spent there. The fate of Lahore, therefore, affects me perhaps more intimately than it might many other people who are not connected with that city.

6. Human beings have an amazing capacity to endure misfortune. They can bear calamity after calamity; but it is very difficult to have to bear something which can apparently be avoided. I do not know if it can be said that what is happening in Lahore is beyond human control. It is certainly beyond the control of those who ought to control it. I do not know who is to blame and I do not want to blame anybody for it. But the fact remains that horror succeeds horror and we cannot put a stop to it. Meanwhile vast numbers of human beings, men, women and children, live in the midst of this horror, often in streets and pavements, or run away in search of some peace and shelter elsewhere. It is curious that when tragedy affects an individual we feel the full force
of it, but when that individual is multiplied a thousand-fold, our senses are dulled and we become insensitive.

7. Apart from newspaper reports, people have come from Lahore to see me today and they have given descriptions of what is happening there. Whether their accounts are correct or not, I cannot say. They tell me that repeatedly, when houses were set fire to, the residents of those houses rushed out into the streets and lanes and these people were fired at by the police for breach of the curfew order. Most of these fires occurred at the time of the curfew. I am told that the District Magistrate has ordered that people should keep open the doors of their houses and lanes so as to allow refugees from burning houses to enter other houses, because if they remain in the streets during curfew hours, they will be fired at by the police.

8. This is a very strange state of affairs and few persons would like to be residents of Lahore at present. Surely something effective has to be done to stop this tragedy, if existing methods have failed and the police are incapable of controlling the situation. As I told you once, the insistent demand is either for the military to take charge, or for the withdrawal of the police and the military so that the people can look after themselves. You were surprised at this last demand and it is surprising enough. But it is passionately repeated. All manner of charges are made against the police of committing arson and of preventing people from putting out fires and firing at them when they try to do so. It is not possible for me to know the truth of these charges; but the fact remains that there is this strongly-felt feeling about the police and further that the situation continues to deteriorate. Are we to be passive spectators while a great city ceases to exist and hundreds of thousands of its inhabitants are reduced to becoming homeless wanderers, or else to die in their narrow lanes?

9. You gave an assurance even before June 3rd and subsequently that any kind of disorder will be put down with vigour. I am afraid we are not honouring that assurance in some places at least, notably in Lahore and Amritsar. Gurgaon also is still more or less a battle-field, although similar and adjoining areas on the U.P. side are fully under control.

10. From all accounts that I have received, the Statement of June 3rd has had a sobering and calming effect in most places. Whether people like the decisions or not, they accept them and have a general feeling that a settlement has been arrived at. The old tension is gone or is much less. There is no more talk, as there used to be, of civil war and the like.

11. But this does not apply to Lahore, Amritsar and Gurgaon. Gurgaon is a wide area and already several hundred villages have been burnt down. The damage has been done and, I suppose, sooner or later the trouble there will end,
During my stay in the sanatorium, I worked on the theory of the general relativity. I was fascinated by the mathematical formulas that describe the behavior of matter and energy in the universe. I spent long hours in the library, poring over the works of Einstein and his contemporaries. It was a time of great intellectual stimulation, and I felt a strong sense of purpose in my work.

As I delved deeper into the subject, I began to notice inconsistencies in the data. I realized that the theory was not as perfect as it seemed, and I felt a growing sense of doubt. I began to question the very foundations of the theory, and I began to wonder if there was more to the universe than what was currently understood.

I decided to take matters into my own hands. I began to study the equations in more detail, and I made some surprising discoveries. I realized that there were fundamental flaws in the theory, and I set about to correct them. It was a difficult and lonely journey, but I was determined to see it through.

Eventually, I was able to formulate a new theory that was more consistent with the data. It was a radical departure from the previous work, and it was met with skepticism and resistance. But I was confident in my own work, and I knew that the truth would prevail in the end.
Facsimile of Gandhi's message to Lord Mountbatten written on the back of five separate old envelopes on his day of silence. Document 27.

[Handwritten text]
though it is still continuing to some extent. Lahore is an even more serious matter, not only because it affects a very large number of persons and valuable property, but also because it is the nerve-centre of the Punjab. There appears to be a deliberate policy being pursued there of smoking out people. It is an astonishingly foolish policy from any point of view and can do no good to anybody. Nevertheless it has succeeded in a large measure, and if it is continued on this scale for another ten days or so, there will be little left in the city of Lahore to save. If anything has got to be done, it must be done immediately.

12. There is one other matter I should like to refer to. This relates to numerous refugees in various places. I think there should be an organised and scientific approach to their problem. So far nothing of this kind has been done and they have been left largely to their own resources or to the charity of various institutions. It may be said that the Central Government is not directly concerned because most of these refugees are in the U.P. or in some State. I think, however, that it is only the Central Government that can view the problem as a whole and help in laying down uniform policies. It is not so much a question of money but of proper direction. The Central Government may have to find some money too. What I would like to suggest, however, is for us to appoint a competent Relief Officer with a few able assistants to collect full particulars about these refugees and to report how their problems can be tackled. He would naturally consult local authorities who are dealing with the problem now. Some kind of effort should be made to engage the refugees in productive work as far as possible. Their trades and professions should be noted down. This will at least give us the data for the formulation of any policy. Personally I feel that most of them should go back to their own homes. But where the homes have ceased to exist, something will have to be done for them even there. Many may not be able to go back because of changed political conditions. Perhaps the final decision in this matter will have to await some time. Meanwhile all this data can be collected and relief organised on a proper basis. Discarded military camps might be used for their residence.

12. Please forgive me for this long letter which you will get on your return from Kashmir. I tried to stop myself writing it, but the thought of Lahore burning away obsessed me and I could not restrain myself.²

Yours sincerely,

JAWAHARLAL NEHRU

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¹ See No. 60, p. 115 and its note 10.
² On 23 June Mr. Abell noted on the file: 'This is a long rigmarole about the Punjab', and suggested a draft reply, but on 27 June Captain Brockman noted: 'H.E. says this is now out of date in view of the discussion in Cabinet on 25/6.' R/3/191: f 15.
I received the following message from Mr Tyson, Governor's Secretary, Bengal, over the telephone at 11.30 this morning.

"On Saturday evening' the Governor received a very peculiar letter from Mr Suhrawardy. He said he had been meeting the members of the League Parliamentary Party in Bengal and he wished to place before H.E. their reactions to the present position. They considered that to go into Section 93 would be wholly unconstitutional so long as the province continued united. As between a Coalition Ministry and Section 93 they preferred a Coalition Ministry and they stated that a Coalition Ministry or a joint Ministry (Regional Ministry) must be given a test before Section 93 can be imposed. They thought the correct position would be for the present Ministry to function as a caretaker government until separate legislatures can be set up.

To this the Governor replied 'I notice you do not mention your own views, and I assume that you do not resile from the position you took up at our conversation this morning.' Or am I to understand that you are now prepared to agree to the immediate formation of Regional Ministries?'

To that we have had no reply and it is quite clear that Mr Suhrawardy, who has been in touch with Mr Jinnah by telephone, is now sitting on the fence."

After Mr Tyson had dictated the above message he said that they were finding great difficulty in drafting a proclamation under Section 93. The reason was that the ostensible reason for going into Section 93, namely, the risk that if the present Government remained in office, the Hindus of West Bengal might take it into their heads [to] set up a parallel government in Calcutta which would inevitably cause widespread trouble, was one which the Governor felt should not be stressed in present circumstances. The real reason for going into Section 93—that it was unfair that, during the two months before the transfer of power, all the assets of the whole of Bengal should be in the power of one Party, while the other Party would have no means of getting access to information nor have a legal position from which to hold a watching brief for the Hindus while the division of the assets and liabilities of the Government was decided—is one which under the terms of the Section would not justify a Governor in making a proclamation under Section 93. Mr Tyson said that they had received two telegrams from Lord Ismay and that they were not taking any action of any kind until they received further instructions from H.E.

C. P. SCOTT

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1 21 June 1947.
2 See No. 289.
3 No. 291 and presumably a repetition to Bengal of No. 292.
302

Note by Mr I. D. Scott

Mountbatten Papers. Official Correspondence Files: Bengal, Situation in, Part I(b)

23 June 1947

Governor’s Secretary Bengal has telephoned the following passage from a letter just received by the Governor from Suhrawardy. This letter is in reply to the Governor’s\(^1\) asking Suhrawardy what his view was about the Muslim League party’s opposition to a Section 93 Government in Bengal.

“My position is as follows: I entirely agree with the party that in view of the fact that there is no constitutional breakdown, Section 93 is inapplicable. The 1935 Act has not been abrogated: as regards regional ministries, I personally have no objection to such a course, if Section 93 is the alternative. That is to say, I consider the regional ministry to be a lesser of two evils.

The final decision however appears to rest in other spheres”.

I. D. SCOTT

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Sir S. Cripps to Mr Rajagopalachariar

R/31/137: f 193

AIR MAIL

BOARD OF TRADE, MILLBANK, S. W. I, 23 June 1947

My dear Rajagi,

I have carefully studied your letter of 8th June\(^2\) about the States. I am afraid I cannot go with you on the historical and constitutional argument: I feel no doubt that our Cabinet Mission Statement of May 1946\(^2\) was, and remains, right, and that the relations of the Crown with the States, though before 1935 conducted through the agency\(^3\) of the Governor-General in Council, have always been constitutionally quite distinct from the executive government of British India. When the Crown ceases to be the paramount power in India as a whole, the executive government of British India will pass to British Indian hands, but the Crown’s existing relations with the States must necessarily lapse.

But, the constitutional issue apart, I quite recognise and appreciate the practical issues which so disturb you. You rightly say that these relations com-

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\(^1\) See No. 301, second paragraph.

\(^2\) No. 107.

\(^3\) Vol. VII, No. 262.

\(^3\) Words in italics underlined in original.
prise a large number of important matters which directly concern British India. The Cabinet Mission recognised this and suggested the "standstill" arrangements in the Memorandum. Of course, at that time we envisaged a longer period in which such an arrangement could be made. Now things are moving much faster and both we and the Viceroy are alive to the need for some speedy settlement between the States and British India on the lines of a "standstill" agreement. This is a matter which must be settled at your end and I understand the Viceroy has been discussing it with the Committee of Leaders. You may be sure that we shall do anything we can here to help and support him. It is a case for co-operation and goodwill on the administrative level in the first instance—like so much of the business now before you all in India—and cannot be settled on a legalistic basis; I feel sure that in practice means will be found to avoid undue administrative confusion.

R. STAFFORD CRIPPS

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Report from Reuter Indian Service

L/P&J/8/663: ff 81–2

PUNJAB ASSEMBLY VOTES AMID BURNT-OUT RUINS

LAHORE, 23 June 1947

With large sections of Lahore and scores of villages throughout the Province fire-blacked ruins, the 168 members of the Punjab Legislative Assembly laughed and joked as they shook hands in the lobbies of the Assembly building on their way to record their votes to decide whether the Punjab should be partitioned.

Meeting in joint session in the Assembly Chamber, 91 members voted to join a new, separate Constituent Assembly if the Province remained united.

Twenty minutes later, 72 members from East Punjab, meeting in separate session, rejected by 50 votes to 22, a motion by the Moslem League leader Khan of Mamdot that the Province should remain united.

Under the British plan, this decided the partition issue, although West Punjab members rejected a partition motion by 69 votes to [2]7.1

Later East Punjab members decided to join the existing Constituent Assembly.

The Assembly members' decision is to be formally communicated to the Governor by the Assembly speaker.

Members, by agreement, barred discussion or speeches at the meetings which were without incident and, since the result was virtually decided in
advance in the Party Councils, there was little dramatic about the formal moves to decide the partition of the Province.

Approaches to the Assembly building were blocked by barred [barbed] wire barriers and the vicinity was under heavy police guard.

The public was not admitted, but foreign and local pressmen filled the press gallery.

The 91 members who voted in favour of joining the new Constituent Assembly consisted of 88 Moslems, two Indian Christians and one Anglo-Indian.

Hindus, Sikhs and representatives of the Scheduled castes, numbering in all 77, voted for the present Constituent Assembly.

The 88 Moslems included eight Moslem unionists (who have in the past been opposed to the partition of the Punjab) led by Sir Khizar Hyat Khan Tiwana, former Premier of the Punjab.

For the first time in the history of the Punjab Legislative Assembly, the speaker, Dewan Bahadur S. P. Singh (Indian Christian) went to the lobby and recorded his vote for the new Constituent Assembly.

A back-bencher occupied the Premier’s seat because instead of the Parties sitting in separate groups as in the past the seats were allotted in alphabetical order of members’ names.

As a result of the partition decision the present Punjab members of the existing Constituent Assembly cease to be members from today.

Fresh elections are now expected to be held in the first week of July to return representatives of the Western Punjab (Moslem) to the new Constituent Assembly and of the Eastern Punjab (Congress) to the existing Constituent Assembly.

1 The correct figure here should apparently be 27. Report in Times of India, 24 June 1947, p. 5, col. 1.

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Note by Sir E. Jenkins (Punjab)

R/311/176: ff 203-5

23 June 1947

I asked Mamdot, Sachar and Swaran Singh to see me at 3.30 p.m. to-day to discuss the law and order problem.

2. I began by explaining the situation in Gurgaon and the measures taken to deal with the refugee problem and with rehabilitation. I said that Gurgaon seemed to me on rather a different footing from the rest of the Punjab. The district would probably settle down within a reasonable time, but I doubted if
outside leaders could help very much. In fact, the local people had given me the impression that they would do better without outside interference.

My gravest anxiety was about Lahore and Amritsar. In these two cities we were faced with a campaign of assassination and arson by individuals. A campaign of this kind was notoriously difficult to deal with. I mentioned the Irish troubles and the present troubles in Palestine. The police and the troops could only get results very slowly and the real remedy was a determined change in public opinion. I believed that the parties could make this change. I did not recommend the issue of press statements by the leaders, but contacts which could certainly be established between the parties and the disorderly element among their supporters. If the parties failed to restore order, the two Premiers of the new provinces, who would already have an extremely difficult task, would find themselves in an almost impossible position.

3. The three Party Leaders said that they agreed with what I had suggested. They intended to hold a further meeting of their own this evening and to decide on what action to take. They thought that the British officers now in charge of disturbed areas should be relieved and replaced by selected Indian officers.

I said that this change would have to be made very shortly in accordance with the partition plan. The Party Leaders agreed, but said that it would be unnecessary to wait for any final plan as they seemed to imagine that the displaced British officers would be available for general duty. I pointed out that it would be unfair to keep those who wanted to go hanging about in the Punjab in relatively unimportant appointments. Once a British officer had been relieved, he should be allowed to go for good. I think this was generally accepted, though Sardar Swaran Singh did not seem to approve entirely.

I did not think the Leaders very determined about the law and order situation and they seemed to pin their faith rather on a change of personnel, which may or may not work.

4. I took the opportunity of settling the programme for the Constituent Assembly elections. Mamdot wanted much earlier dates while Sachar and Swaran Singh wanted to stick to the dates provisionally settled for the election on 12th July. In the end they compromised and the elections will be on 4th July.

5. I asked when the Partition Committee would be set up. Mamdot was extremely vague. Jinnah apparently still hopes to bring in Zahid Husain who is at the moment in Quetta. Bhim Sen Sachar is going to Delhi tomorrow for at least two days. Swaran Singh was also vague. I said that we must get going as soon as possible and I hoped that the Leaders would let me have their names without delay.
[Para. 6, on the terms of a 'standstill order' and on action already taken in the case of State scholars; and para. 7, on the Physical Assets Committee's Report, omitted.]

8. Our discussion was quite amicable, but there is not yet very cordial cooperation between the parties.

E. M. J.

After my meeting with the Party Leaders this afternoon Lala Bhim Sen Sachar and Sardar Swaran Singh stayed with me for some little time. They said that they deplored the Muslim League resolution demanding my recall\(^1\) and that they were considering what they could do to counter it. I replied that from my point of view it would be best if they did nothing. Any press propaganda would naturally be embarrassing and could do no good. Things of this kind had to be left to work themselves out.

2. Lala Bhim Sen Sachar and Sardar Swaran Singh then spoke at some length about the alleged misconduct of Mr A. G. Cheema, and the law and order situation in the city. I said that the political parties had debauched the Services for their own ends. In the past people wanted officials to be fair and the task of the District Officer, particularly of the British officer, was comparatively easy. Now no one wanted fairness and district officers who tried to be impartial were heavily criticised. Sardar Swaran Singh, who is a very fairminded person, thought that there was a good deal of truth in this. As regards Mr Cheema I said I had had certain reports and was making enquiries.

E. M. J.

\(^1\) On 21 June 1947 the Punjab Muslim League Assembly Party passed a resolution expressing lack of confidence in Sir E. Jenkins in view of his 'partisan attitude' and requesting the Governor-General to withdraw him 'during these decisive days which will affect the destiny of our people for many generations to come'. The meeting appointed a sub-committee consisting of Malik Firoz Khan Noon, Mian Mumtaz Daultana and Maulana Daud Ghaznavi to wait in deputation on Mr Jinnah to acquaint him with the feelings of Punjab Muslims against the Governor. The Statesman, 22 June 1947, p. 9, col. 3.
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Viceroy's Conference Paper V.C.P. 88
Mountbatten Papers

SECRET

THE VICEROY'S HOUSE, NEW DELHI, 23 June 1947

GOVERNMENT IN BENGAL

1. The attached paper, prepared by the Reforms Commissioner, will be considered at The Viceroy's Meeting at 4 p.m. on 23rd June, 1947.

2. It should be read in conjunction with the Governor of Bengal's telegram No. 166-C of 21st June.†

V. F. ERSKINE CRUM
Conference Secretary

GOVERNMENT IN BENGAL

The position now reached in Bengal is summarised as follows:

(1) Neither the Congress nor the Muslim League agrees on the basis of a Coalition Ministry for the Province.

(2) Congress is in favour of the formation of Regional Ministries, but the Muslim League is opposed to such an arrangement.

(3) The League is also opposed to the Governor taking over under Section 93, but the Congress is prepared to acquiesce in a 93 administration as a Caretaker arrangement.

In other words, the League position is that the present Ministry must continue in office and that no suggestions for any alternative arrangement should be considered; while the Congress is most anxious that the present Ministry should not remain in office.

2. The decision having been taken that the Province of Bengal should be partitioned, it is obviously most anomalous that the League Ministry, which definitely does not enjoy the confidence of the Hindus, should continue in sole charge of the whole Province during a period when issues of vital importance to both parts of Bengal will have to be settled. This point has been well brought out in the Governor's report of his interview with Mr Suhrawardy.

3. The issue raised takes on an added importance in view of the fact that any decision taken will have implications in other Provinces and possibly in the Centre as well.

4. In the Punjab the Governor has continued in Section 93 and has refused to allow the Khan of Mamdot to form a purely Muslim League Ministry because a communal Ministry would find it difficult to maintain itself in present conditions in that Province; he has informed the Muslim League leader that con-
stitutional Government by a Ministry must be conducted in accordance with certain principles, and when any large section of the population denies the validity of those principles, the position of a Ministry becomes impossible. One of the first acts of the Governor, after the issue of H.M.G.'s Statement of June 3, was to put to the party leaders a suggestion for a "divisible" Coalition Ministry during the short period remaining before partition. If we allow Mr Suhrawardy to continue in Bengal with the present Ministerial set-up, the position of the Punjab Governor is bound to be weakened, and he may not be able to withstand further pressure from the League for the formation of a communal Ministry in that Province.

5. In the N.W.F.P. it is clear that if as a result of the Referendum the Province opts to join Pakistan, the position of Dr Khan Sahib and his Ministry will at once directly be in issue. But this Ministry has a comfortable majority in the Legislature. If therefore it insists on remaining in office on the strength of its Parliamentary majority, our decision in Bengal will more or less also decide our attitude in the N.W.F.P.

6. It is also possible that our decision in regard to Bengal may affect the set-up at the Centre. A Coalition Government at the Centre consisting of both the major parties is a most valuable safeguard of the interests of the two Dominions after Partition. But, if the League continues in power in Bengal, we may not be in a strong position to deal with a Congress demand that the Centre should be run by the majority party on a Caretaker basis.

7. My conclusion therefore is that, both on merits and on a consideration of the wider implications involved, there remain in Bengal only two alternatives—either that the Chief Minister must reconstitute his Ministry in a manner acceptable to the minorities, or that the Governor should go into Section 93 as an assurance that during the crucial weeks that lie ahead there will be an impartial Caretaker in charge.

1 No. 289.
2 See No. 97, para. 3.
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Viceroy’s Conference Paper V.C.P. 90

Mountbatten Papers

TOP SECRET

THE VICEROY’S HOUSE, NEW DELHI, 23 June 1947

THE WITHDRAWAL OF BRITISH FORCES

The attached draft telegram to the Secretary of State will be considered in conjunction with V.C.P. 84 at the Viceroy’s Meeting at 4 p.m. on 23rd June, 1947.

V. F. ERSKINE CRUM
Conference Secretary

Draft telegram from Viceroy to Secretary of State (Extract)²

6. I agree with Auchinleck’s recommendation in 3(a) above, subject to the absolute proviso that the request is received from both new Governments. I consider that a unilateral application from one Government should be refused. It is only by dealing with the two new Dominions as far as possible on the basis of identical bi-lateral agreements that we shall retain the goodwill of both.

7. Liaquat has already informally asked Ismay for British troops to remain in Pakistan after the transfer of power. Ismay replied that it would be very difficult to allow them to remain unless both Dominions specifically asked for this. Information at present leads to the belief that Congress will not make such a request.

8. I therefore recommend:
(a) that I should now be empowered formally to ask the representatives of both future Dominions whether they want British forces to stay after 15th August.
(b) That unless both reply in the affirmative, the process of withdrawal should start on 15th August and be completed as quickly as possible.
(c) That if both reply in the affirmative the provisional date for the withdrawal should be fixed for 1st April 1948 and be reviewed on 1st January 1948.

9. I request the early approval of H.M.G. to these recommendations.

¹ V.C.P. 84 circulated Lord Ismay’s letter of 18 June 1947 to Field Marshal Auchinleck (No. 239, note 15) and the latter’s reply of 20 June (No. 274).
² Paras. 1–5 not printed. This portion of the draft differed in only minor respects from paras. 1–4 of the telegram as issued, for which see No. 335.
³ Para. 3(a) read: ‘Provided that a formal request is received from the Governments of India and Pakistan, the provisional date for the withdrawal of British Forces should now be fixed at 1st April, 1948, and reviewed on 1st January, 1948,’ cf. Enclosure to No. 159, para. 8.
⁴ No. 275, para. 9.
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Minutes of Viceroy’s Forty Sixth Staff Meeting, Items 1 and 3-11
Mountbatten Papers

SECRET

Those present at this Meeting held at The Viceroy’s House, New Delhi, on 23 June 1947 at 4 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir E. Mieville, Mr Abell, Rao Bahadur V. P. Menon, Captain Brockman, Mr I. D. Scott, Lieutenant-Colonel Erskine Crum

Item 1

BRITISH BALUCHISTAN

The meeting considered a letter1 from Mr Jinnah in which he said that he was unable to “approve” of the decision in British Baluchistan being taken by the members of the Shahi Jirga (excluding the Sirdars nominated by the Kalat State) and the non-official members of the Quetta Municipality.

RAO BAHADUR MENON stated that the Chief Commissioner had been consulted in this matter and had said that it would be out of the question to secure a representative opinion from the people of Baluchistan before the end of June by any other method.2 Any of the plans which Mr Jinnah himself had proposed3 would put back the decision in regard to British Baluchistan till about 17th July. RAO BAHADUR MENON stated that it would be possible to amend the Draft Bill in its references to British Baluchistan to cover the contingency of no decision being reached before that date. The provisions in the Draft Bill concerning British Baluchistan could be made similar to those which dealt with the N.W.F.P. He pointed out that Pandit Nehru had agreed that the decision should be taken by the Shahi Jirga.

LORD ISMAY gave his opinion that Mr Jinnah’s letter was only a further example of his well-known delaying tactics. It was, in his view, quite possible that Mr Jinnah would say that he would not be prepared to take over power on 15th August.

HIS EXCELLENCY said that in such a contingency he would make it absolutely clear to Mr Jinnah that power would be transferred on 15th August in any case. He would discuss the procedure in British Baluchistan with Mr Jinnah when he saw him that evening and would, if necessary, point out that, according to H.M.G.’s statement of June 3rd,4 the decision on this point lay in his own hands and that he was under no compulsion to obtain the Party Leaders’ agreement to it.

1 No. 298.
2 R/3/1/155: f 34.
3 No. 276, note 3.
4 No. 45, para. 12.
Item 3

GOVERNMENT IN BENGAL

The Meeting considered a paper prepared by Rao Bahadur Menon, the conclusion of which was that there remained in Bengal only two alternatives—either that the Chief Minister must reconstitute his Ministry in a manner acceptable to the minorities or that the Governor should go into Section 93. Rao Bahadur Menon emphasised that the Governor was legally entitled to form a Section 93 Government.

His Excellency the Viceroy:

(i) approved V.C.P. 88;
(ii) decided to make clear to Mr Jinnah at his meeting that evening that only these two possibilities existed for the future Government of Bengal;
(iii) decided to consult Pandit Nehru on the subject when next he saw him.

Item 4

RECONSTITUTION OF THE EXECUTIVE COUNCIL

His Excellency the Viceroy said that he considered that his discussions with Mr Jinnah that evening on the reconstitution of the Bengal Government might afford a good opportunity for opening with him the subject of the reconstitution of the Executive Council.

Rao Bahadur Menon stated that Mr Mahommed Ali had informed him that Mr Jinnah would never accept the reconstitution of the Executive Council on the lines which had been proposed. He added that he felt, on the other hand, that it might well be possible to persuade Pandit Nehru to continue the present Interim Government.

Item 5

GOVERNORS-GENERAL

Rao Bahadur Menon pointed out that it was apparent from the Draft Bill that the India Office were assuming that His Excellency would be asked by both parties to become Governor-General of each of the two new Dominions which were going to be set up. It appeared that the India Office were expecting both Mr Jinnah and Pandit Nehru to write letters to His Excellency asking him to accept this post; and that it would be possible to quote these letters in Parliament. He gave his opinion that it would be essential to obtain such a letter from Mr Jinnah before 5th July if the Legislation was to remain in its present form.

His Excellency pointed out that, in the present wording of the proviso in the Draft Bill, one of the three parties (consisting of himself, Pandit Nehru and Mr Jinnah) would have to take active steps. It was possible that Mr Jinnah would do nothing active. One course, in such circumstances, would be for him
(His Excellency) publicly to state that he would be prepared to resign whenever either Mr Jinnah or Pandit Nehru asked him to.

His Excellency said that he had not as yet finally decided how to handle Mr Jinnah on this issue. He might, if favourable opportunity offered, broach the subject that evening. He might ask Mr Jinnah to give a definite answer in, say, three days' time. He might offer to make a member of his staff available to Mr Jinnah clearly to point out the advantages and disadvantages of himself remaining as Governor-General of both Dominions for the initial period.

Item 6

THE WITHDRAWAL OF BRITISH FORCES

The Meeting considered copies of letters\(^9\) which had been exchanged between Field Marshal Auchinleck and Lord Ismay on this subject: and a draft telegram\(^11\) to the Secretary of State.

His Excellency the Viceroy:

(i) approved in principle the draft telegram contained in V.C.P. 90;
(ii) directed C.V.S. to discuss the draft telegram contained in V.C.P. 90 with the C.I.G.S. and the C-in-C; and, if they agreed with it, to despatch it without further reference to him.

Item 7

THE DRAFT BILL

The paper\(^12\) before the Meeting recommended that His Excellency should, at the appropriate time, invite the Indian Leaders to come to Viceroy's House; allow them to bring such legal advisers as they wished; let each party consider the Draft Bill in separate rooms for one or two hours; and then hold a Meeting with both parties and go through the Bill clause by clause, withdrawing copies after the Meeting.

His Excellency the Viceroy:

(i) approved V.C.P. 89 subject to the exclusion of the recommendation that the Indian Leaders should be allowed to bring legal advisers with them when they came to Viceroy's House to read through the Draft Bill;
(ii) decided that he would invite only Pandit Nehru, Mr Jinnah, Sardar Patel and Mr Liaquat Ali Khan;
(iii) directed Con. Sec. to prepare invitations to these four leaders.

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\(^3\) V.C.P. 88 (i.e. No. 306).
\(^6\) See No. 239, Item 5.
\(^5\) See No. 200.
\(^8\) cf. No. 256, para. 6.
\(^9\) For the proviso see No. 191, Clause 5(e).
\(^10\) No. 239, note 15 and No. 274.
\(^11\) No. 307.
\(^12\) V.C.P. 89: not printed. This paper summarised the references to showing the draft Bill to the Indian leaders in Nos. 248, 257, para. 2, and 279, note 2, and concluded with a recommendation in the same terms as para. 1 of Item 7 above.
Item 8

CEREMONIES ON THE DAY OF TRANSFER OF POWER

The Meeting considered a draft telegram to the Secretary of State on this subject.

His Excellency the Viceroy said that he had intended, at an early opportunity, to consult Pandit Nehru and Mr Jinnah concerning flags for the two new Dominions. He had already had a specimen design made out.

Mr Abell stated that Sir John Colville had told him that he would not be prepared to remain as Governor of Bombay unless he was permitted to fly the Union Jack or a flag embodying the Union Jack.

His Excellency the Viceroy:

(i) approved the telegram contained in V.C.P. 87 subject to a slight amendment agreed in discussion; and instructed Con. Sec. to despatch it;

(ii) directed Pers. Sec. to ensure that he discussed with Pandit Nehru and Mr Jinnah, at the earliest opportunity, the design for the flags of the Dominions of India and Pakistan.

Item 9

THE NORTH WEST FRONTIER PROVINCE

His Excellency the Viceroy said that he had asked Sir Eric Mieville and Lieutenant General Sir Rob Lockhart to prepare an explicit poster in connection with the Referendum in the N.W.F.P. As he envisaged it, there would be two ballot boxes, one marked for Pakistan, and one for India. The actual vote would be on the issue of whether the N.W.F.P. should send representatives to the existing Constituent Assembly or to the new Constituent Assembly. Whichever Constituent Assembly was chosen, the N.W.F.P. would join the Dominion which it represented. There would be no opportunity for the N.W.F.P. to remain independent.

Item 10

BERAR

His Excellency the Viceroy said that he considered that it was up to him as Crown Representative to initiate discussions on the position of Berar. He proposed, as soon as the new States Department was set up, to write to Sardar Patel and the Nizam of Hyderabad suggesting that meetings should be held on this subject.

His Excellency the Viceroy:

directed P.S.V. to draft invitations to Sardar Patel and the Nizam of Hyderabad to participate or to send representatives to participate in discussions on the future of Berar; and to ensure that these invitations were not despatched until after the States Department had been set up.
Item 11
HYDERABAD

Reference was made to a letter from Sir David Monteath to Lord Ismay which said that the emissary of the Nizam of Hyderabad in London had approached Air Chief Marshal Courtney to go to Hyderabad and advise on the organisation of the Hyderabad Air Force. The India Office had advised Air Chief Marshal Courtney, and he had accepted this advice, that the matter should be left over for three or four months at least.

His Excellency the Viceroy said that he agreed with this advice.

His Excellency the Viceroy:
directed C.V.S. to inform Sir Walter Monckton, when the latter returned to Delhi, of the offer which had been made by the Nizam of Hyderabad to Air Chief Marshal Courtney.

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H.M. Minister at Kabul to Government of India, External Affairs and Commonwealth Relations Department

Telegram, L/P&S/12/1811: f 95

IMMEDIATE

KABUL, 23 June 1947, 5 pm

Received in India Office: 23 June, 8.25 pm

No. 51. Forminka 52. I have just had further interview with Afghan Foreign Minister who assures me that Afghan interest in North West Frontier is purely ideological. They do not consider Pathans to be Indians and are anxious that they should have the utmost freedom to decide their own future. Afghan Government have given no thought to political, economic or security implications of independent Pathanistan or other alternatives.

2. They do further earnestly wish to make their position clear and have therefore allowed their press and radio considerable hearing. But they have not discussed the matter with the Russian Embassy as they are fully aware of the dangers of such a course, nor have they even consulted the American Legation as the matter is purely one for friendly (2 settlement) with H.M.G. and Government of India.

3. In order to explain their attitude and to inform themselves of the real feeling in the North-West Frontier and Delhi, they now wish to send very urgently mission consisting probably of Abdul Majid Khan, Najibullah Khan

1 No. 272.
and Abdus Samad Khan of Afghan Foreign Office, to India to have informal
talks with political leaders such as Dr Khan Sahib, Abdul Ghaffar Khan and
Sardar Abdur Rab Nishtar in Peshawar and Pandit Nehru and Mr Jinnah in
Delhi. They also hope that His Excellency the Viceroy would give them an
interview. Ali Mohammad asked me to ascertain urgently whether the Govern-
ment of India would agree and whether they would prefer visit to be official,
semi-official or purely private (as guests of the Afghan Consul-General in
Delhi). They are anxious to send mission this week if possible.

4. If Government of India with all their present preoccupations could find
time to receive mission I consider it would be wholly beneficial in removing
misunderstandings. Grateful for urgent telegraphic reply.

Repeated to Secretary of State, and North West Frontier Province.

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Sir O. Caroe (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten
of Burma (Extract)

L/P&J/5/224: ff 29–30

CONFIDENTIAL GOVERNMENT HOUSE, NATHIAGALI, 23 June 1947

NO. GH-93

Dear Lord Mountbatten,

In two days' time I expect to have handed over, but we have been too closely
in touch for it to be necessary for me to attempt to tie up many loose ends in
this letter. There is, however, one matter on which I think it important I should
lay emphasis at this moment, and that is the position of the North-West Frontier tribes. Circumstances have been such that Your Excellency has been
compelled to devote the greater part of your attention to political and minis-
terial matters within the Province as they affect the parties in India, but you
found time to speak to the tribes. What I wish to say now is that the most
important part of the Governor's work up here is keeping the tribes steady.
The tribal situation and the situation within the Province of course react to one
another continually, but by proper management a great deal can be done to
maintain tribal steadiness. The fact that on the whole we have been successful
in doing this during the last few years, including the last momentous year, is
not the result of chance. It is in the first place a tribute to our system of tribal
management over many years, while recent success owes a tremendous lot to
the influence of Cunningham and the way in which he left the tribes for me to
take over. During the last 16 months I have given a great deal of my mind and
energy to this matter, have seen innumerable Jirgas, and talked to tribesmen
and to the ruling Chiefs in the north continually. I have made a great point of
keeping the right men, as far as I could judge them, in the right places, and this includes not only the Resident and the Political Agents, but the Assistant Political Officers who belong to the Provincial Service. My Ministry have continually tried to interfere with postings and to bring unfair charges against officers in the tribal areas, mainly Indian, based on prejudice or false report. I shall tell Lockhart that it will be necessary for him during the next two months to keep an eye on this.

I have already written separately to you about the all-important question of fitting the tribes into the new Constitution and finding the money to run them during the interim period, and I have particularly emphasised the value of employment as the real method by which we maintain a steady frontier. This employment must be kept going. Mudie, to whom we lent a number of Frontier Constabulary platoons to deal with the Hurs, will tell you what splendid men they are, and the same applies to the Militias and Scouts in Waziristan, the Khyber and elsewhere. The Khassadari system, too, must be kept alive and improved, and it is worth remembering that we spend about eight times as much on Khassadars as we do on Maliki allowances.

Lastly in my view the new Constitution should not aim at placing the tribes under the Provincial Government, which can never pay for them and too often must clash with them. The Agent who deals locally with the tribes must derive his own authority from a Centre, whether that Centre be of Hindustan or Pakistan. And in the long run I believe H.M.G. will not be able to divorce themselves entirely from interest in the maintenance of this most delicate and difficult land frontier.

2. It was inevitable that the Afghans would bring their weight to bear in this matter and raise the cry of Afghanistan irredenta, but it is interesting that they should have timed it and brought it into line with the Congress theme of Pathanistan. I do not myself think that this Afghan interference is going to be very dangerous, if (and this is the important point) the successor authority makes it quite clear that the tribesmen are going to get the benefits that they enjoy at present from this side. Tribal Jirgas are already asking the Political Agents if there is any objection to their going off to see the Afghans in Kabul, and the answer the Political Agents should be able to give is that the tribes receive benefits from this side and we are going to do our best to see that any successor authority continues to grant those benefits. If the successor authority, whoever it is, can be got to endorse this, so much the better. The pity is that it is impossible to get any line on matters of this kind out of the External Affairs Department at this moment.

3. This brings me to one reflection which I think I ought to make, namely that most of our troubles were started when Nehru took tribal affairs under his

1 Not printed.
wing and followed this up with his ill-starred visit. Before that time the Province was going along very nicely all things considered, but it was an impossible thing to do to bring these tribes under a Pandit. Practically all our frictions and tensions date from that time.

[Remainder of para. 3, on Sheikh Mahbub Ali’s case, omitted.]

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Mr Jinnah

Mountbatten Papers. Viceroy’s Interview No. 153

SECRET

23 June 1947, 7 pm

Sir Eric Mieville was also present.

The Viceroy started the conversation by saying that, whereas he was not raising the matter on personal grounds, he must ask Mr Jinnah to give his earnest and early consideration as to whom he would wish as the first Governor-General of Pakistan and also the names of those who he would want as Governors of the Pakistan Provinces. The Viceroy, while stressing the advantages to be derived from having during the partition period a common Governor-General for both Dominions, made it abundantly clear that he was not asking for the appointment himself and that it was an entirely free choice of the two Dominions concerned. The Viceroy further explained that an early decision was required because it affected a clause in the Bill that was shortly to be laid before Parliament. Mr Jinnah replied by saying that he trusted he would be allowed to see the Bill and to comment on it. The Viceroy said that he had had a great tussle with H.M.G. who had taken the line that it was entirely contrary to Parliamentary procedure for a Bill to be shown to anyone outside the Government before presentation. However, he had fought hard and won and was glad to say that Mr Jinnah would be given an opportunity of seeing the Bill, although the Viceroy could not allow him to take a copy away.

Referring back to the question of the Governor-General, Mr Jinnah then said that whatever decision he reached would not be taken on the grounds of not wanting the Viceroy, in whom he had implicit trust and confidence, but the rule of his life was that he must always consider the interests of his people. At various times of his career he had had to pass over those nearest and dearest to him. He finished by saying that in two or three days time he would be ready to convey his decision to the Viceroy.

2. Boundary Commissions. Mr Jinnah said that he accepted the terms of reference that had been put up by the Congress Party and that he
would have names of his nominees for both Boundary Commissions ready for submission to the Viceroy within the next day or two. He then said that he felt it would be impossible for both parties to agree upon the two Chairmen and he therefore suggested that a distinguished member of the Bar from England might come out as an independent Chairman for both Commissions and that his decision should be final. He should, in fact, act as an Umpire. It was suggested that in view of the fact that the Arbitral Tribunal in Mr Jinnah’s opinion would not be functioning seriously for some time to come, whoever was appointed Chairman of that Tribunal (and the composition of the Tribunal has not yet been agreed to by Congress) might come out from England in the near future and act as Chairman of the two Boundary Commissions before taking over his duties with the Tribunal. He did not anticipate that the work of the Boundary Commission would last very long. The Viceroy told Mr Jinnah, in confidence, that the man who had been suggested as Chairman of the Arbitral Tribunal was Sir Cyril Radcliffe. Mr Jinnah, while saying that he would like a day or two to consider whether he thought Sir Cyril to be a suitable Chairman, knew of him and of the high reputation which he held at the Bar.

3. Bengal. Mr Jinnah started by hotly contesting the right of the Governor to go into Section 93. The Viceroy said that he had two alternative suggestions to offer, namely (a) Coalition Government and (b) Regional Ministries. To neither of these did Mr Jinnah agree. The Viceroy then proposed that the existing Government in Bengal should remain in power but that a shadow Cabinet should be formed in West Bengal which should be invested with a right of veto over all decisions taken by the Government affecting West Bengal. To this Mr Jinnah agreed. The Viceroy added that he had a similar plan in mind for the interim period at the Centre. Mr Jinnah did not demur.

4. British Baluchistan. The Viceroy explained that we had gone carefully into the three suggestions put up by Mr Jinnah for obtaining a more representative vote in British Baluchistan than that which had hitherto prevailed, but all these suggestions involved considerable delay and he therefore asked Mr Jinnah whether he would not reconsider his decision. Mr Jinnah

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1 See No. 308, Item 5; also No. 275, para. 6.
2 See Nos. 262 and 275, para. 5.
3 See Nos. 158 and 175, Item 2, conclusion (vi).
4 See Nos. 175, Item 3, and 275, para. 4.
5 See No. 308, Item 3.
6 Lord Mountbatten communicated the gist of this para. to Sir F. Burrows in tel. 1552-S of 24 June remarking that 'I hope this will solve your difficulty satisfactorily, as I know you share my view that we should avoid sec. 93 if possible'. R/3/1/159: f 25.
7 See No. 308, Item 1.
said that he really did not feel strongly in the matter and would leave it in the Viceroy’s hands.

5. **Sir Evan Jenkins.** Mr Jinnah said that he thought Sir Evan was adopting a weak attitude and that he must show a firm hand. He should, for example, make a statement that he was determined to put down the present troubles and that there would be no more latitude shown. The Viceroy agreed that it might be useful if Sir Evan were to make some such statement on those grounds.

6. **Division of the Army.** Mr Jinnah returned to the charge that he must have a Pakistan army ready by August 15th and that there must be an operational Commander-in-Chief in Pakistan by that date who would take his orders from the Pakistan Government. The Viceroy agreed with this, but added that for administrative matters both armies should continue to be under Field Marshal Auchinleck. Mr Jinnah saw the point but said that the Muslims no longer had faith in Field Marshal Auchinleck and they would much prefer to see someone else in his place. The Viceroy disagreed with this view entirely and said there was no more reliable or respected officer in India than Field Marshal Auchinleck.

7. **Constituent Assembly.** Mr Jinnah asked the Viceroy whether he thought that the first meeting of the Pakistan Constituent Assembly should be held in Karachi or in Delhi. The Viceroy expressed the view that in his opinion Delhi would be the more convenient place. Mr Jinnah then said that the first meeting would be held somewhere about the middle of July and he wondered whether the Congress would be agreeable to the meeting taking place in the Legislative Assembly Chamber.

**Conclusions of a Meeting Between the Viceroy and Mr Jinnah Held at 7 P.M. on Monday, June 23rd**

1. Mr Jinnah promised to give early consideration to the question of who he wished to have as Governor-General of Pakistan and Governors of the Pakistan Provinces when the transfer of power took place. He promised to let the Viceroy have his views in the next two or three days.

2. **Boundary Commissions.** Mr Jinnah accepted the terms of reference which had been put up by the Congress leaders based on H.M.G.’s statement of June 3rd. Mr Jinnah promised to let the Viceroy have the names of his nominees for the two Boundary Commissions within the next two or three days. Mr Jinnah felt that the Chairman of both Commissions should be a senior member of the Bar from England. He thought that one Chairman could act for both Commissions, and subsequently perhaps as Chairman of the Arbitral Tribunal.
3. BENGAL. MR JINNAH agreed with the Viceroy's suggestion that the Government in Bengal should remain in being and that a shadow Cabinet should be formed in West Bengal with a right of veto over decisions on matters affecting West Bengal.

4. BRITISH BALUCHISTAN. MR JINNAH agreed that he would not press the Viceroy to alter the existing proposal whereby the views of the people in British Baluchistan should be obtained through the non-official members of the Quetta Municipality and the members of the Shahi Jirga (except the Sirdars of Kalat State).

5. MR JINNAH proposed and the Viceroy agreed that a suggestion should be made to Sir Evan Jenkins that he should issue a statement in the near future to say that he would not tolerate any longer the violence and bloodshed that was going on in the Province and that he intended to stop it. Mr Jinnah pressed the point that this applied equally to members of all communities.

6. MR JINNAH said that he must have a Commander-in-Chief in Pakistan for operational purposes before August 15th and that whoever was selected for the post should be under the orders of the Pakistan Government. The Viceroy agreed, although he added that for administrative purposes both the Dominion armies would still be under the present Commander-in-Chief until the partition of the armies had become an established fact.

7. MR JINNAH said that he would like to hold the first meeting of the Pakistan Constituent Assembly in Delhi and that he hoped that the Legislative Assembly Chamber might be available for the purpose.

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Note by Field Marshal Sir C. Auchinleck
Mountbatten Papers. Partition Committee Papers

TOP SECRET

RETENTION OF BRITISH OFFICERS

Commander-in-Chief's paper No. 4/47 of 23 June 1947

1. It will be remembered that at a meeting of the Defence Committee (India) on Friday 25 April last, it was agreed that the total nationalization of the Armed Forces, originally planned to be completed by June 1948 would be held up until a political decision had been taken on the main issue of separation.

1 Vol. X, No. 221, Conclusion (3).
2. I have always stated my firm conviction that it is not practicable to reconstitute the Armed Forces as required by the Partition decision and to give effect to the complete nationalization of their officer cadres at the same time.

Therefore, the services of a number of British officers and also of certain British other ranks and ratings must be retained with all three Services during the process of reconstitution.

To regularise the situation and to ascertain to what extent British officers and other ranks would be willing to continue to serve with the Indian armed forces during their reconstitution, I request that a public announcement be made by the Partition Committee on behalf of the two new Dominion Governments to be set up, that those Governments will desire to retain the services of a number of British officers and other ranks during the process of the reconstitution of the Armed Forces.

3. The numbers of British officers now serving in the Indian Armed Forces are approximately:

<table>
<thead>
<tr>
<th>R.I.N.</th>
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</thead>
<tbody>
<tr>
<td>RIN (Regular)</td>
<td>150</td>
</tr>
<tr>
<td>RIN (Reserve)</td>
<td>70</td>
</tr>
<tr>
<td>RN (on loan)</td>
<td>20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ARMY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian Army—Regulars</td>
<td>2500</td>
</tr>
<tr>
<td>ECOs</td>
<td>2000</td>
</tr>
<tr>
<td>British Service attd.</td>
<td>3700</td>
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</tbody>
</table>

<table>
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<tr>
<th>AIR FORCE</th>
<th></th>
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<tbody>
<tr>
<td>General Duties</td>
<td></td>
</tr>
<tr>
<td>Technical</td>
<td>630</td>
</tr>
<tr>
<td>Other Branches</td>
<td></td>
</tr>
</tbody>
</table>

4. To ensure the wholehearted cooperation of such British officers and other ranks as it may be necessary to retain, it is essential that they should serve as volunteers and not be subjected to any form of compulsion. I consider that the number of British officers required, initially at any rate, will approximate to the totals given in paragraph 3. Whether this number of volunteers will be forthcoming it is not yet possible to say.

5. There is every reason to believe that, in the present circumstances, many serving British officers are not really desirous of continuing their service in India. This attitude is the result of the frequent and emphatically expressed desire of Indians of various shades of opinion to be rid of the British Officer element in the Armed Forces; and the markedly unfriendly and mistrustful attitude frequently adopted towards them by some Indians; and their disappointment that, for political reasons, the forces—of which they are so justly proud—are to be remoulded into separate entities.
6. It must be appreciated, therefore, that it is asking a great deal of the British Officer, after hearing the cry "Quit India" reiterated so loudly and so often in the past, to acquiesce readily to a request to stay. For this reason, I think Indian leaders must say publicly that they need the help of British officers. Such a statement should encourage the officer to hope that he will be respected and trusted and treated as a friend which is what he desires.

7. This paper refers to Officers. There will be problems of a similar nature affecting some of the British ratings and other ranks serving with the Indian Armed Forces whose retention will be required, but I assume that their treatment will follow the same lines as that accorded to the officers.

C. J. E. Auchinleck

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Mr Mackenzie King to Mr Attlee (via Dominions Office)
Telegram, P.R.O. PREM 8/460

IMPORTANT

23 June 1947, 4.09 pm

PERSONAL

Received: 24 June, 6 am

No. 122. Your telegram D. No. 520 of June 12th.¹

Following from Prime Minister for Prime Minister.

`Begins. I entirely sympathize with your desire that everything possible should be done to avoid giving misleading impressions of the relations between members of the Commonwealth. It has been our own experience that the term “Dominions” as applied to some of the members of the Commonwealth tends to be misinterpreted both here and abroad. While the designation of Cabinet Ministers of the United Kingdom is a matter for decision by the United Kingdom Government, other members of the Commonwealth have a particular interest in the title given to the Minister with whom they are in direct communication. I appreciate your courtesy in letting me know that a change in the title of the Secretary of State is under consideration. If a change in the designation appears to meet with general acceptance, I should prefer the adoption of “Secretary of State for Commonwealth Relations” to “Secretary of State for Commonwealth Affairs”. The former appears to indicate more adequately the nature of the Office than the alternative. Ends.²`

¹ No. 166.
² The other Dominion Prime Ministers had already replied to No. 166. Mr Fraser thought the change 'inevitable' and Field Marshal Smuts considered it 'very timely': both preferred 'Commonwealth Relations' to 'Commonwealth Affairs' (tel. 118 of 14 June and tel. (copy unnumbered) of 17 June). Mr Chifley saw merit in the change but did not indicate which alternative he preferred; he stated that such change might require changes in other titles and suggested that the matter be discussed at a British Commonwealth Meeting to take place at the end of August (tel. 144 of 16 June). P.R.O. PREM 8/460.
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Sir A. Hydari (Assam) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/157: f 44

IMMEDIATE

CONFIDENTIAL

23 June 1947, 7.50 pm

Received: 23 June, 11 pm

No. 145-MSG. Reference para. 1 of your telegram 1472-S June 17th. Boundary Commissions. There is strong and unanimous feeling among my Ministers that there should be separate Boundary Commission as between Eastern Bengal and Assam in case Sylhet elects to join Eastern Bengal. The same Boundary Commission as may be appointed for partitioning Bengal would not be acceptable. I recommend compliance of this request.

1 This telegram to the Governors of Punjab, Bengal and Assam described the progress so far made in setting up the Boundary Commissions. R/3/1/157: f 29.

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Field Marshal Viscount Montgomery to General Simpson (via Viceroy and India Office)

Telegram, R/3/1/82: ff 5–6

IMMEDIATE

NEW DELHI, 23 June 1947, 11.40 pm

TOP SECRET

Received: 24 June, 12.40 am

No. 1547–S. PEPPER 73. Please pass following to War Office personal for VCIGS from CIGS.

1. I arrived in Delhi at 1230 hours today and had my first interview with Nehru at 1700 hours. I discussed two main points:

2. Withdrawal of British troops from India. I said that the War Office had been planning to complete the withdrawal by June 48 but that a new situation had now arisen in that transfer of power was to take place on 15 August. Did he want the withdrawal to begin on 15 August and to be finished as soon after that date as was reasonably possible. To this question he answered yes. I then said that if we began the withdrawal on 15 August we would hope to complete it by about the end of Feb. 1948 and would this be quite satisfactory to him. He said that it would suit him very well. I pressed him again on this latter point so as to make quite certain and he again agreed and added that a few weeks either way could make no possible difference. I finally said that I wanted to be
quite certain that he would not at some later date ask to keep some British troops in Hindustan. He replied that I could be quite certain on this point and that he wanted them all to go and none to remain.

3. We can now regard this matter as settled. You should plan to begin the withdrawal on 15 August and to finish it by 28 Feb 1948. It is important that the first British troops to leave should actually sail from Karachi on 15 August and the Viceroy is most anxious that this should be done. Inform all concerned.

4. Gurkhas. We had a long discussion on this subject. Nehru was on the defensive to start with and was obviously worried about possible political repercussions. But he thawed very considerably by the time we had finished talking. He said he must consult some of his colleagues before he could agree to it. I am to meet him again at lunch tomorrow at the house of the British High Commissioner and he will give me his answer then.

5. SALT seventy received.

6. ACK.

1 For more detailed accounts of Lord Montgomery’s talks with Pandit Nehru see Nos. 337 and 388.
2 Not traced.
3 General Simpson acknowledged this telegram in tel. 8100 (Salt 72) of 24 June 1947 stating that the necessary instructions for planning for withdrawal of British troops were being issued to all concerned; he also enquired whether it was possible that Mr Jinnah might ask for perhaps two brigades to be left in Pakistan ‘for some time longer’ than February 1948. R/3/1/82: f 7.

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Viceroy’s Conference Paper V.C.P. 92

Mountbatten Papers

SECRET
THE VICEROY’S HOUSE, NEW DELHI, 24 June 1947

THE ESTABLISHMENT OF A NEUTRAL ZONE IN THE PUNJAB

The attached note will be considered at a Staff Meeting.

V. F. ERSKINE CRUM
Conference Secretary

THE ESTABLISHMENT OF A NEUTRAL ZONE IN THE PUNJAB

1. The following is an extract from a telegram from the Governor of the Punjab containing his comments on the Draft Bill:

“The boundaries may be determined before or after the appointed day; but, until they are determined, the present notional boundaries hold good. Unless the boundaries are determined before the appointed day, the Sikhs

certainly and the Hindus probably will demand a neutral zone under a special Commission to be excluded temporarily from both Dominions. Such a neutral zone would cause many complications; but the demand may be very strong and, unless H.M.G. are determined to resist them firmly, appropriate provision should be included in the Bill. This point has doubtless been considered already.”

2. P.S.V. has minuted against the above extract:
“I do not think a neutral zone is feasible. The Muslims will not accept it, and there will be no neutral authority to control it.”

3. Mr Sundaram has minuted:
“Rao Bahadur Menon agrees that the suggestion of a neutral zone is not practicable but feels that, before we turn down the proposal, it should be discussed at a Staff Meeting.”

2 V.C.P. 92 was considered as Item 6 of the Viceroy’s 47th Staff Meeting on 25 June 1947 at which Lord Mountbatten decided to discuss the question at the Partition Committee the next day. No clear record of such a discussion has been traced, but cf. Nos. 354, Item vi, para. 3, 456 and 473.

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Mr Jinnah to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/157: f 58

10 AURANGZEB ROAD, NEW DELHI, 24 JUNE 1947

Dear Lord Mountbatten,
I am in receipt of your letter dated (Srinagar) 19th June 1947 and I thank you for it. With regard to your suggestion that in the event of there being no agreement on the choice of the chairmen of each Commission, the President of the International Court of Justice should select the chairmen, we discussed this matter last night and, for the reasons that I have already given to you, that course will not be at all satisfactory.

I have already made my suggestions to you with regard to the chairmen of the two Boundary Commissions and with regard to the Arbitral Board, which will finally decide the partition of assets and liabilities including Defence, Finances and Communications and I hope that you will be able to persuade the Congress to accept my suggestions which are fair and which will lead to finality in the shortest possible period.

With regard to the names for the Punjab Boundary Commission I submit the following two names:

1. Mr. Justice Din Mohammad, ex-judge, Punjab High Court, and
2. Mr. Justice Mohammad Munir, sitting judge of the Punjab High Court.

With regard to Bengal the two names are:
1. Mr. Mustice Abu Saleh Mohammad Akram, Judge Calcutta High Court; and
2. Mr. Justice S. A. Rehman, judge Punjab High Court.

Yours sincerely,
M. A. JINNAH

1 No. 262.
2 See No. 311, Item 2.
3 See ibid.

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Sir T. Shone to Mr Tyson

R/3/1/280: ff 77–8

CONFIDENTIAL

24 June 1947

Dear Tyson,

I am sorry for the delay in replying to your letter of 20th March¹ which is due to the necessity for consultation with the authorities in London. In your letter you raised on behalf of the Central Constitutional Committee two major questions, namely:

(a) the maintenance of law and order and the protection of British lives and property during the period before the final transfer of power in India, and

(b) the protection of British business interests in India both before and after the 30th June 1948.

2. The position in India, has, of course, been considerably changed by the Viceroy’s announcement of June 3rd which has greatly shortened the period before the transfer of power.

3. In connection with the maintenance of law and order and the protection of British lives and property during the interim period your Committee made three requests:²

   (1) that British troops should be maintained in India in numbers adequate to secure the protection of British residents as long as possible,

¹ Vol. IX, No. 552.
² The portion of Mr Tyson’s letter detailing these requests is not printed in Vol. IX. Their gist is adequately summarised here. However, in regard to (1), on the maintenance of British troops in India, Mr Tyson had stated that: ‘It is realised that after the complete transfer of power we shall have to look for protection to an Indian Government or Governments and the forces at their disposal. The C.C.C. strongly urge, however, that until the transfer of power there should be no general withdrawal of British troops’. R/3/1/280: f 39.
(2) that security schemes independent of the Government of India should be perfected and that His Majesty’s Government should satisfy themselves that these schemes are in fact workable, and

(3) that an assurance should be given that His Majesty’s Government would advise without delay if in their opinion a situation is reached when it is no longer possible to ensure the safety of British women and children in India.

4. As regards the first of these requests your Committee no doubt recall the statement made in Parliament by the Minister of Defence on the 20th March 1947 that until the transfer of authority His Majesty’s Government recognise that they have responsibilities in India which require the continuous presence of British Forces and that His Majesty’s Government are not therefore prepared to contemplate complete withdrawal of those Forces from India in the intervening period before power is transferred.

5. Careful consideration has been given to the second and third requests referred to in paragraph 3 above. I understand that your Committee are already aware that certain security precautions have been planned by the Viceroy in conjunction with Governors and the military authorities. At the present stage it therefore appears more appropriate that any further enquiries which you may wish to make should be pursued in those quarters. Although your Committee will doubtless agree that it would be most undesirable to do anything which would be likely to cause undue alarm, the fact remains that there are certain areas in this country where disturbances are more likely to occur than others and where Europeans in isolated situations are more likely to be menaced. There would therefore be no objection to your Committee advising Europeans living in isolation in such areas who still have their families with them to remove them for the time being, if not out of India, to some place of comparative safety. It seems to me, however, that it would be preferable for such advice to be given unofficially through the various agencies represented in the Central Constitutional Committee rather than through official channels which it is anticipated would be more likely to cause alarm.

6. A separate reply will be sent as soon as possible regarding paragraphs 11, 12 and 13 of your letter in which you discussed the question of the protection of British commercial interests in India.

TERENCE SHONE

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4 See L/E/8/4123 for the discussions which took place between H.M.G., the High Commissioner and the business community as to what approach, if any, should be made to the Government of India regarding the protection of British commercial interests. No firm conclusions appear to have been reached prior to the transfer of power.
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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Pandit Nehru

Mountbatten Papers. Viceroy’s Interview No. 151

TOP SECRET

24 June 1947, 11 am–12.30 pm

I showed him the article in the Indian News Chronicle of the 23rd June, in which he was reported to have made the following statements at Hardwar:

1. The Frontier Congress will, in all probability, decide to boycott the proposed referendum.

2. In the event of a one-sided referendum, the present Ministry will resign and fight elections afresh on the issue of Pakistan versus Free Pathanistan.

3. Whatever may be the immediate future of the Province, the freedom-loving Pathans will continue their struggle for an independent Pathan State.

I told him that Mr Jinnah had last night protested to me about this, on the ground that statement No. 2 was a highly improper remark to make coming from a leader of Congress who had accepted that there should be no alternative for the N.W.F.P. except to join Hindustan or Pakistan.

Pandit Nehru defended himself by saying that he had made no statement to the Press, nor had he seen any pressmen. This statement appeared to have been extracted by a reporter from refugees with whom he had been in conversation, and did not represent either what he said or his views. I told him I would inform Mr Jinnah accordingly.

2. I told him that Mr Mandal had asked permission to address the Scheduled Castes in Sylhet on the subject of the referendum, and asked him if he had any objection. He shrugged his shoulders and said he did not mind particularly, but asked, while we were on the subject of Sylhet, why the Reforms Commissioner had excluded the labourers from taking part in the referendum. I sent for Mr V. P. Menon, who explained the reasons to Pandit Nehru, and they arranged to meet subsequently to go into the matter further.

3. I gave him my painting of a proposed flag for the Dominion of India which I had designed. This consisted of a Congress flag with a small Union Jack in the upper canton. Since the Congress flag consists of three horizontal stripes, the Union Jack had been fitted into the exact width of the space between the stripes, which made the Jack one sixth* of the total area of the flag instead of one quarter as in the case of Australia, etc.

* In the original ‘ninth’ has been typed above the word ‘sixth’.
He took the flag away with him and said he would follow the matter up and let me know.

4. I told him that Mr Jinnah had asked me for advice as to where he should assemble the Pakistan Assembly. I said that I had strongly recommended that it should be in Delhi in the first instance so that they could obtain the benefit of close contact with the Indian Constituent Assembly.

Pandit Nehru said that he thought that there were a lot of advantages in this if accommodation difficulties could be overcome. I suggested that the Pakistan Constituent Assembly might use the Legislative Assembly Chamber since this was not being used by the Indian Legislature. He promised to follow the matter up and let me know.

5. Finally, we talked about Kashmir. I told him I had arranged with the Maharajah to have a long talk with him on the last day (Sunday)—first an hour or so alone with him after luncheon, and then an hour or so with him and his Prime Minister after dinner. Unfortunately His Highness had been indisposed and had had to take to his bed, and so the conversation could not take place.

Pandit Nehru said that that was an old trick, which the Maharajah had played on him when he was going to meet him in Kashmir—he had on that occasion also had “a tummy ache”.

I remarked that I did not think the colic was feigned, and that in any case I had managed to have a certain amount of conversation both with the Maharajah and Mr Kak, the Prime Minister, though not together. The advice I had given to both of them independently was:

(a) That Kashmir should not decide about joining any constituent assembly until the Pakistan Constituent Assembly had been set up and the situation before them was a bit clearer.

(b) That meanwhile they should make no statement about independence or about their intentions.

(c) That they should go ahead and enter into “standstill” and other agreements with both new States.

(d) That eventually they should send representatives to one Constituent Assembly and join one of the two States, at least for defence, communications and external affairs.

(e) That so far as possible they should consult the will of the people and do what the majority thought was best for their State.

I said that I got the impression that the Maharajah and the Prime Minister had separately agreed that this was sound advice; but both had stated that on account of the balance of population and the geographical position in which they found themselves, any premature decision might have a very serious effect on their internal stability.

Pandit Nehru agreed that my advice was sound and unexceptionable.
6. He then asked me what luck I had had about Sheikh Abdullah. I told him that my wife had had an invitation from Begum Sheikh Abdullah to have tea with her at her house, and that she had enclosed a letter from Pandit Nehru urging acceptance. I told him that this letter only arrived on Friday evening and that Sunday was being devoted to an expedition away from Srinagar; and the only spare time on Saturday had been taken up for visits to two hospitals which had not been included in the programme. The only way therefore that the Begum could have been seen, would have been to invite her up to the Palace. This the Maharajah asked me not to do since he said she was indulging in political propaganda against him and it would be too awkward if she came. Her Excellency had therefore written to the Begum and explained her inability to accept her invitation.

Pandit Nehru said he was sorry that I had been unable to solve the problem of Kashmir, for the problem would not be solved until Sheikh Abdullah was released from prison and the rights of the people were restored. He, Nehru, felt himself called upon to devote himself to this end, and he thought he would soon have to go to Kashmir to take up the cudgels on behalf of his friend and for the freedom of the people.

I replied that both H.H. and the Prime Minister had particularly asked that no Congress or League leaders should come and visit Kashmir until their decision had been announced, since it would gravely add to their troubles if they were to be subjected to political propaganda before a decision had been reached. As this did not appear to deter Pandit Nehru, I then pointed out that he really must look to his duty to the Indian people as a whole. There were four hundred millions in India and only four millions in Kashmir. He would soon be the Prime Minister of an Indian Government, ruling at least two hundred and fifty millions; and I would consider it highly reprehensible of him to desert his most important duties at the Centre to interest himself on behalf of four millions who might very well be going to join Pakistan and have nothing more to do with him. In fact I called upon him as a matter of duty not to go running off to Kashmir until his new Government was firmly in the saddle and could spare his services.

He reluctantly agreed that I was right, and took my advice in very good part.

M. OF B.

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2 No. 311, Item 7.
3 See No. 294.
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Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)

Telegram, Mountbatten Papers. Official Correspondence Files: Punjab, Situation in,
Part II(a)

BY SCAPHONNE
CONFIDENTIAL

24 June 1947, 1.10 pm

No. 1569-S. I talked with Jinnah last night and he begged me to be utterly ruthless in suppressing trouble in Lahore and Amritsar. He said: "I don't care whether you shoot Moslems or not, it has got to be stopped".

2. Today Nehru came to see me and talked in the same strain. He has suggested that what is required is a fresh approach to the problem, which although somewhat unorthodox and without precedent, might have excellent psychological effect. He suggests—

(i) That martial law should be declared forthwith in Lahore, Amritsar and any other area you think fit;
(ii) That the whole operation should be handed over to the military, all police being withdrawn ostensibly for rest and recuperation;
(iii) That the troops should be empowered to be utterly ruthless and to shoot at sight.

3. I entirely agree with Indian leaders that something must be done, and, subject to your comments, I propose to raise it at Cabinet tomorrow morning and to issue announcement of what has been decided with their full backing.

4. Request your comments, in consultation with Military Commander.

1 The time of despatch given here is taken from the recipient's copy on the Punjab Governor's Secretary's file (R/3/1/176: f 206). The time given on the copy in the Mountbatten Papers (7.30 pm) is evidently a mistake since the time of despatch of Sir E. Jenkins's reply (No. 327) is given as 3.45 pm on both his copy and that in the Mountbatten Papers.
2 No. 311, Item 3.

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Statement by Khan Abdul Ghaffar Khan

L/P&J/10/81: f 203

24 June 1947

KHAN ABDUL GHAFFAR KHAN OPPOSES FRONTIER REFERENDUM

An appeal to all Khudai Khidmatgars and others who believe in a free Pathan State not to participate in the referendum in the frontier, and to keep away
peacefully from it, is made by Khan Abdul Ghaffar Khan, who has just returned to Peshawar after attending a joint meeting of the Frontier Provincial Congress Committee, the Frontier Congress Parliamentary Party, the Khudai Khidmatgars and the Zalme Pakhtoon.

In a statement on June 24th, he says: “Recent developments have placed great difficulties in our way. In the announcement of June 3rd it has been stated that a referendum will be held in the N.W.F.P. where the only alternative which will be put before the electors of the present Legislative Assembly will be whether to join the India Union Constituent Assembly. This limits our choice to two alternatives, neither of which we are prepared to accept. We cannot vote as we want to vote for a free Pathan state. The way this question will be put makes it a communal question, and people will be confused because of this communal approach. We do not want to encourage communalism in our province.”

Alleging that even now, leading members of the Muslim League are carrying on a “raging and tearing campaign” to frighten people from voting against them in the Frontier, Khan Abdul Ghaffar Khan says that holding a referendum in the circumstances and on the issues mentioned in paragraph four of the announcement of June 3rd, which are essentially communal in their nature, appear to be “the result of a deep-rooted conspiracy.”

He says: “In view of this situation, it was pointed out to the Viceroy that it would be necessary to provide an opportunity for us to vote in the referendum for a free Pathan State.2 The Viceroy said he was unable to change the procedure laid down except with the consent of the parties.3 I consulted the leaders of Congress4 and they assured me they were perfectly willing for this opportunity to be given to us. Mr. Jinnah, however, on behalf of the Muslim League, entirely opposed the idea of a free Pathan State, and would not agree to the opportunity being given us to vote for this.5 It is therefore clear that the Muslim League wants to take full advantage of the communal issues involved.”

Maintaining that the great majority of Pakhtoons are for the establishment of a free Pathan State, he says: “In these circumstances, I am convinced that we cannot associate ourselves with this referendum . . . but this does not mean that we should sit still. A new struggle has been forced upon us . . . However, I wish that, even at the eleventh hour, Mr. Jinnah had recognised the justice of our position and refrained from dividing Pathans from Pathans.”

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1 The text reproduced here is taken from tel. B 461 of 25 July 1947 received by the India Office Information Dept from the Press Information Bureau, New Delhi.

Sir O. Caroe had telegraphed on 23 June 1947 that: ‘Abdul Ghaffar Khan announced at largely attended public meeting at Bannu on 22nd evening Congress decision to boycott referendum.’ He added: ‘League wish referendum to proceed and their campaign continues actively. Still no marked tribal reaction to coming constitutional changes.’ Tel. 227-CB of 23 June to Viceroy, repeated to Secretary of State and Governors of Sind and the Punjab. R/3/1/151: f 211.

2 No. 35, para. 12.  
3 No. 91, para. 23(a).  
4 See No. 228.  
5 See No. 369, para. 25.
Cabinet C.M.(47)56th Conclusions, Minute 4

L/P&E/J/10/133: f 91

Those present at this Meeting held at 10 Downing Street, S.W.1, on 24 June 1947 at 11.30 am were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Arthur Greenwood, Mr Hugh Dalton, Sir S. Cripps, Mr A. V. Alexander, Viscount Jowitt, Mr J. Chuter Ede, Viscount Addison, Mr J. Westwood, Mr A. Creech Jones, the Earl of Listowel, Mr E. Shinwell, Mr Aneurin Bevan, Mr T. Williams, Mr George Tomlinson

Also present were: Mr John Strachey, Sir E. Bridges

INDIA

Constitutional Changes

(Previous Reference: C.M.(47)50th Conclusions)¹

The Prime Minister reminded the Cabinet that, when the proposed constitutional changes took place in India, it would be necessary for The King to divest himself of the title “Emperor of India”. The assent of the United Kingdom Parliament would be given by a Clause in the Indian Independence Bill, and the four Dominion Governments who had been consulted² had agreed to introduce similar legislation as soon as practicable.³

The Secretary of State for Dominion Affairs said that the Government of Eire had not yet been consulted but that this would be done as soon as practicable.

The Cabinet—

Took note of the Prime Minister’s statement.

² No. 203.
³ In their replies to No. 203, all four Dominion P.M.s had indicated the willingness of their Governments to take the necessary action in their Parliaments in due course. Mr Mackenzie King, Mr Chifley and Field Marshal Smuts also authorised Mr Attlee to state in the U.K. Parliament that they had agreed to take such action, but Mr Fraser did not refer to this point. Tel. 121 of 20 June (Canada); tel. 150 of 21 June (Australia); tel. (copy unnumbered) of 19 June (South Africa); tel. 125 of 20 June (New Zealand); L/PO/6/122: ff 287-8 and L/P&E/J/10/133: ff 94-5.
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Cabinet

India and Burma Committee. Paper I.B.(47)121
L/P&J/10/123: ff 95-8

Viceroy’s Comments on the Draft Bill

memorandum by the Secretary of State for India

India Office, 24 June 1947

A number of telegrams have been received from the Viceroy replying to our comments on the Bill, and to our views on his own suggestions. For convenience I circulate a summary of the points on which full agreement has not yet been reached.

The most important points on which there is still a difference of view are Clause 6(i) and (7), Clause 16 (the Andamans). I am circulating separately a memorandum1 on these points.

Annex to No. 323

Summary of Viceroy’s Replies2 to the Points Outstanding on the Indian Independence Bill

(References are to the 4th Edition3 of the Bill circulated with I.B.(47)100.)4

1. Clause (1) sub-Clause (3)

The Muslim League may object to the words: “the Indian Dominions”. Suggests that this be changed to “the new Dominions”. There seems no great harm in this.

2. Clause 3 and 4

(a) Agrees with the proposal of the Governor of Bengal that the titles East and West Bengal be used. The Punjab must then follow suit. (Amendments are being made to meet this.)

(b) Clauses 3(1) and (4)(1). Considers that these should open “As from the appointed day…” i.e. The partition of Provinces and inauguration of the new Dominions should be simultaneous. (See Memorandum I.B.(47)122, paragraph 2.5

3. Clause 5(1) and (2)

Agrees with the revised text proposed by the India and Burma Committee. (Telegram 7898 from Secretary of State to Viceroy.)6

1 No. 324.
2 Unless otherwise noted the points listed occur in Nos. 283 and 286.
3 No. 191.
4 No. 190.
5 No. 324.
6 No. 256, note 6.
4. **Clause 6(i) and (7)**

5. **Clause 7(i)(c)**
Agrees to retain this.

6. **Clause 8**
Does not consider Indians will reject sub-Clause (2) but can only ascertain this when the whole Bill is shown to them.

7. **Clause 9(2)(a)**
His advisers are disturbed by the view expressed in my telegram 78978 that Governor General’s Orders should not be used to alter the constitution beyond what is required for effecting partition. Requests omission of the words “or any discretionary control of the Governor General over the affairs of any Province” and suggests the addition of “Governor General or” before “Governor” in sub-Clause 9(2)(c). (I deal with the merits of this in the separate paper I.B.47122, paragraphs 3–6.)

8. **Clause 13**
Agrees to the proposed limitation to the Secretary of State and omission of sub-Clause 2, and will do his best to obtain agreement of the Indian leaders when the Bill is discussed with them. Awaits text of draft statement in Parliament.

9. **Clause 16 (Andamans)**
Has come to the firm conclusion that to confront the Indian leaders with a draft Bill including this clause, even modified as the Committee suggested, would severely damage our future relations with India. Has no other course but to press strongly for complete exclusion of any reference to the Andaman and Nicobar Islands. Is sure that the matter will have to be pursued by negotiation and is not one on which he personally can negotiate. It will clearly have to be undertaken by the High Commissioner (Telegram 11–S.K.).9 (See Memorandum I.B.47122, paragraph 6.)

10. **Clause 19**
Agrees that it should be made clear that the ‘Secretary of State’ in the Bill is not the ‘Secretary of State for India’ and that the Bill ends control from London. This has been dealt with in the 5th Revise of the Bill (I.B.47123, Clause 13).10

11. **Clause 21(3)**
Would prefer no reference here to the Tribal areas but if one is to be made feels that it should be an addition to the proviso as follows: “or precluding the
participation of representatives of the Tribal areas in either of the said Assemblies in accordance with such arrangements as may be made in this behalf". Words to this effect could be added in the Proviso to Clause 19(3) of the revised draft Bill (I.B.(47)123).11

12. Additional

Proposes the following clause to cover the desire of the Interim Government that the Bill should contain provision implementing the assurances given by them in respect of members of the Secretary of State’s Services who continue to serve:

[There follows the draft contained in No. 286, para. 8]

A separate Memorandum12 is being circulated on this point.

7 Nos. 286, 293 and 290.
8 No. 271.
9 No. 284.
10 The 5th Revise (I.B.(47)123) has not been reprinted. Clause 13 was the same as No. 428, Clause 14.
11 Clause 21(3) had become Clause 19(3) in the revised draft of the Bill.
12 No. 325.

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Cabinet

India and Burma Committee. Paper I.B.(47)122

L/P&EJ/10/123: ff 99–102

OUTSTANDING POINTS FOR DECISION ON THE INDIAN INDEPENDENCE BILL

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, 24 June 1947

I am circulating separately (I.B.(47)121)1 a paper summarising the points which remain for decision as a result of the Viceroy’s replies2 to the telegram3 sent to him after the Committee’s last meeting on this subject.4 There are, however, among these points some which raise considerable issues. These I discuss in the present paper.

1 No. 323.
2 Nos. 286 and 293; see also No. 283.
3 No. 271.
4 No. 265, Minute 3.
2. Clause 3(1) and 4(1). The Committee's proposal was that the Bill should require that the division of Provinces should take place "not later than the appointed day". The Viceroy wishes it to take place "as from the appointed day". I should have thought that administratively it would be much preferable for the division of Provinces to have proceeded some distance before the two new Dominions are set up. But if the Viceroy and his Advisers are of a considered opinion to the contrary, I do not press this consideration. There is, however, one difficulty which seems to me to be of some importance. Governors will have to be appointed by the King for the two newly created Provinces. If the appointments are made on or after the appointed day, this will raise the question on whose advice the King should make these appointments. Provincial Ministers will not be entitled to advise the Crown direct but from the appointed day the Ministers in each Dominion will become entitled to so do. It is questionable, however, whether the Dominion Governments should advise the Crown on the appointment of Provincial Governors. In Canada Provincial Governors are, by the constitution, appointed by the Governor General on the advice of his Ministry. In Australia on the other hand, which is, constitutionally, a closer analogy with India, State Governors are appointed by the Crown on the advice of the Secretary of State for the Dominions. I understand that the Secretary of State has informal correspondence, generally through the retiring Governor, with the leaders of the political parties as to who would be acceptable, but that there is no right of formally tendering advice to the Crown. It seems very desirable that this issue should not come up in India until a later stage and it will be particularly difficult in the case of split Provinces because on the appointed day there will be no Ministry already constituted to advise the Crown and presumably no Ministry can be constituted until after a Governor has been appointed. For this reason I should prefer to see the splitting of Provinces take place at any rate a few days before the appointed day.

3. Clause 6(1) and (7) and Clause 9(2). The Committee are familiar with the point raised on Clause 6 which briefly is the contention that the Constituent Assemblies of the two Dominions should, in their legislative as distinct from their constitution making function, be limited to exercising the powers over Provinces exercised by the present Central Legislature and should not be entitled to invade the provincial field of legislation. The effect of the point made on Clause 9(2) is to request that the Bill should not, as it does now, wash out the Governor General's discretionary control over Provinces but should leave it to be exercised on the advice of the Dominion Ministers. At the same time it is suggested that the Governor General's individual judgment functions should be specifically knocked out, even though they are not at present in operation. The object is to clear the way for bringing into operation parts, at any rate, of the federal provisions of the Government of India Act and to provide a ready made
constitution for the two new Dominions. The arguments put forward for the first point are—

(a) That unless it is made clear that the existing distribution of functions continues between the Provinces and the two new Centres there will be great uncertainty as to the constitutional position.

(b) That we should provide as complete a constitution as possible for each of the new Dominions since otherwise the Constituent Assemblies will begin to make modifications and will be led on to wholesale but piece-meal constitution making and this will lead to widespread confusion. The Pakistan Constituent Assembly may not have got going by the appointed day and an uncertain situation might continue there for some little time.

4. The arguments advanced for the continuance of the Governor General’s discretionary control over the affairs of Provinces but exercisable on advice of Ministers is that both Congress and the League would welcome the continuance of such control. The technical objection to the continuance of it is that the discretionary control of the Governor General was exercised through the Governor acting in his individual judgment. For the Bill to retain the discretionary functions of the Governor General when the discretionary and individual judgment functions of the Governors have been made exercisable on advice creates an impossible position because the Governor who receives the directions from the Centre is required to act on the advice of his Ministers.

5. I draw the attention of my colleagues to the general drift of the observations made in support of these two points by the Viceroy and his Advisers. Particularly I draw attention to telegram 19 S.K., copy annexed. This appears to indicate that the Congress at any rate intend to side-track constitution making entirely and to establish their authority under the existing constitution. While they wish to leave the distribution of powers as at present, they wish to be certain that they can secure other [secure control over] Provincial Governments in case of emergency in view of the control now exercised through the Governor General and Governor. The Viceroy urges that the more we enable the two new Dominions to keep off constitution making and devote themselves to administrative matters the longer Dominion status is likely to last. I think that there is much force in this assertion and that our interest probably lies in securing that the existing Congress leaders can fortify their position in India without the Left Wing elements having a chance to make radical constitutional changes at once. If that view is accepted then we have to consider, I suggest, not merely

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5 [Note in original:] References are to the 4th Edition [No. 191] of the Bill circulated with I.B.(47)100 [No. 190].

6 See Nos. 255, 280, 286, paras. 3 and 6, 290 and 293.

7 No. 293.
whether we give way on the points in Clauses 6 and 9 to which the Viceroy refers but whether we do not also widen the powers in Clause 8 to enable the 1935 Constitution to be adapted into a temporary constitution which might last a considerable time by Orders of the Governor General.

6. Clause 16 (15 in the new edition). The Viceroy is quite clear\(^8\) that no provision should be included about the Andamans and that the matter must be dealt with by negotiation by the High Commissioner presumably after the appointed day. The Committee are fully aware of the arguments both ways on this matter. The essential point is that if no provision is inserted about the Andamans they will go into the Dominion of India by virtue of Clause 2(1) of the Bill. The Committee may wish to consider the revised Clause 15 in the new text of the Bill circulated as I.B.(47)123.\(^9\) It seems possible that this would not be as offensive to Indians as the Viceroy suggests.

7. On the question of the resignation of the Governor General and Governors as from the appointed day, the Viceroy proposes to consult with the Indian leaders when he shows them the Bill as a whole.\(^10\)

8. I suggest that the Committee should finalize the text of the Bill in the light of the Viceroy’s comments and that the Opposition should be consulted on it this week so that the Viceroy can show it to Indian leaders if possible this week end.

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\(^8\) No. 284.

\(^9\) Not printed. The revised Clause 15 read as follows:

References in this Act to the Indian Dominions include references to the Andaman and Nicobar Islands, but, until other provision is made as respects those Islands with the agreement of both the Dominions—

(a) those Islands shall be treated as belonging to the Indian Dominions jointly;

(b) the government thereof shall be carried on by a Chief Commissioner appointed by, and holding office at the pleasure of, and acting in all respects subject to the direction and control of, the Governor-General; and

(c) the Governor-General and, to such extent as the Governor-General thinks fit to authorise him to do so, the Chief Commissioner, may make regulations for the peace and good government of those Islands.

L/P 8/10/123: f 71v.

\(^10\) cf. No. 279.
At their meeting on the 19th June\(^1\) the Committee asked that further consideration should be given to the proposal in the last paragraph of the Viceroy’s telegram No. 1481–S dated 17th June\(^2\) that provision should be made in the Bill to give effect to guarantees which the Government of India had agreed to give to those officers of the Secretary of State’s Services who continue in service after the transfer of power, namely that they will be given the same terms as to scales of pay, leave, pension rights and safeguards in matters of discipline as hitherto. The Committee thought that it would be advisable to take advantage of this proposal which had been put forward at the express request of the Indian Interim Government. The terms of the clause proposed by the Viceroy will be found on p. 3 of I.B.(47)121.\(^3\) The wording will, however, require to be revised by Parliamentary Counsel.

2. The arguments for and against the inclusion of such a provision appear to be:

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<th>For</th>
<th>Against</th>
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<tr>
<td>(a) in order to implement the assurance given to us in this matter by the Congress and League Leaders at the Centre it is necessary for them to have the co-operation of the Provincial Governments and it will be of assistance to them in securing this if there is a constitutional provision alterable only by the Dominion Legislature and binding on Provincial Governments until such alteration is made.</td>
<td>(a) if a guarantee is given to Secretary of State’s officers only, officers of the Central and Provincial Governments own Services may feel that, as they have not been given similar protection, they have no security and become apprehensive as to their position.</td>
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\(^1\) No. 265, Minute 3.
\(^2\) No. 249.
\(^3\) No. 323, para. 12; see also No. 286, para. 8.
(b) it is, in fact, impossible to guarantee the same conditions of service since the Secretary of State’s control and protection will have disappeared.

(c) officers of the Secretary of State’s Services will regard the provision as a guarantee by H.M.G. that their existing conditions of service will continue and in the event of any Government defaulting will undoubtlessly look to H.M.G. to see that the obligation is met or that compensation is granted for the failure to discharge it.

(d) The provision is in fact unenforceable by H.M.G. and can be removed the day after the Bill becomes law by either Dominion Legislature. Yet it would remain binding on H.M.G. as part of the law of the United Kingdom. Our position vis à vis Parliament in the matter would therefore be somewhat equivocal.

3. In view of what has already been said in connection with the grant of compensation about the obligation of the Secretary of State and H.M.G. to protect Secretary of State’s officers, it seems difficult in spite of the obvious objections to refuse to meet a specific request by the Indian Interim Government that provision for the protection of such officers should be included in the present Bill.

4. On the whole I consider that it would be to our advantage to include the provision proposed by the Viceroy subject to the condition that when he shows the draft Bill to the Indian Leaders he secures their specific concurrence to the terms of this Clause and makes it clear that we have included this provision as a result of their request and propose to say in Parliament that this is the reason why it has been included.

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Cabinet

India and Burma Committee. Paper I.B.(47)128

L/P&E/10/81: ff 208-9

 Proposed Parliamentary Question About Policy Towards the States Memorandum by the Secretary of State for India

India Office, 24 June 1947

We have just had by bag from Lord Ismay¹ the enclosed draft Question and Answer which the Viceroy thinks should be used in Parliament at the earliest

¹ Annex to No. 261.
possible moment. He says that the States, particularly Hyderabad, are extremely upset by wild talk in the Congress press about the future Indian Government not tolerating States having independent relations with H.M.G. If something is not said, the Nizam and others may make an effort to mobilise Opposition opinion against the way the States are being treated.

2. It appears that this suggestion is the result of a talk between Ismay and Walter Monckton, who is in India as the Nizam’s constitutional adviser. Monckton is arranging to have the Question put down by one of his friends, and Ismay says the draft Answer is based on consultation with him, would probably satisfy the Nizam, and should not be whittled down.

3. This looks like a “plant” by Monckton. The draft Answer goes further than the Committee’s decision on I.B.(47) 84 on 28th May, which was that if we admit at this stage that we will be prepared to maintain separate relationships with States we shall be charged with disintegrating India. It is, of course, inevitable that the point should come up in the Debate, and it will need careful and delicate handling. I should have thought it highly undesirable to make any fresh statement of constitutional importance earlier than the second reading of the Bill. The Viceroy suggests that supplementaries should be refused, but this seems obviously impracticable.

4. I suggest we put these considerations to the Viceroy. If the Question is actually asked meantime, I suggest the answer should be that the matter cannot be appropriately dealt with in the limits of Question and Answer, and that it will of course be fully covered during the passage of the Bill.

L.


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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/176: f 207

BY SECORPHONE 24 June 1947, 3.45 pm

Your secorphone message of today. I discussed similar proposal yesterday with Lahore Area Commander and I.G. Police and later with Party Leaders. I decided against it.

2. I have again discussed with Bruce and Bennett and am still against proposal for following reasons:

1 No. 320.  2 No. 305
(a) Trouble in Lahore/Amritsar is not rioting but continuous and widespread cloak and dagger activity. Decisive action by troops therefore out of the question.

(b) Bruce says that although he will take on anything he is told he does not think Martial Law could make any difference. He could not in any case operate without Police whose strength in Greater Lahore is about 2000. Commander 23rd Bde (Cazenove) with whom he discussed yesterday was against martial law even if Police were retained.

(c) If Martial Law is declared troops must succeed immediately or we shall be in a very difficult position. Civil control could not be restored with disorder continuing and troops would be exposed to same communal attack as Police.

3. I admit that situation is causing me grave anxiety but I do not think Martial law is the answer to trouble of this kind. We have recently improved our intelligence and investigation arrangements and may within a reasonable time get better information about organisation behind the outrages. Real remedy is active intervention by political leaders not by Press Statements but by contacts which they unquestionably possess with violent elements. Muslim League in my opinion started Muslim burning and stabbing and Hindu bombing is work of R.S.S.S. I explained this to leaders yesterday. They promised to cooperate but I doubt if they will be effective. Mamdot was very strongly opposed to Martial Law.

4. Police are physically tired and services generally are disintegrating. I would adopt any measures including Martial Law that I thought would do the trick. The Party Leaders would like to relieve all British Officers and this change will have to be made anyhow during next few weeks. But no change in organisation or personnel will work unless Parties bring genuine private pressure to bear on their own goonda supporters.

328

Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/91: f 19

24 June 1947

H.E.
Here are the views of the Governor of the Punjab on the proposals that we put to him this morning after your talk with Mr. Nehru.

2. I admit that I find Sir Evan Jenkins' arguments very convincing. Admittedly the removal of the police and their replacement by the military would be a spectacular move and might have a good psychological effect to start with; but
we must face it that it is not a military problem, and that if the military fail, we will have played our last card.

3. I suggest that you should read this message, suitably expurgated, at the Cabinet meeting tomorrow, and press the leaders to make whatever contacts they can with the local politicians with a view to controlling extremists.

ISMAY

1 No. 327.

329

Field Marshal Viscount Montgomery to General Simpson (via Viceroy and India Office)

Telegram, R/3/1/82: f 8–9

MOST IMMEDIATE

NEW DELHI, 24 June 1947, 7 pm
Received: 24 June, 6 pm

TOP SECRET

No. 1560–S. PEPPER 74. Please pass following to War Office personal for VCIGS from CIGS.

1. In continuation of PEPPER 73. I had a talk with Jinnah at 1830 hrs last night.

2. Jinnah was agreeable that the withdrawal of British Troops should begin on 15th August but he was most anxious that the withdrawal should not be conducted too quickly as he considered that troubles might possibly arise.

3. I told Jinnah that I would do everything I could to help him and that the withdrawal would be spread over a period of months so that it would not finish till February 1948. He accepted this and said that would suit him very well.

4. Jinnah then said that he would definitely require British Officers to serve in the Pakistan Army. I told him that it was beyond my powers to grant this and that he must submit an application through Governmental channels stating clearly the terms of service and so on that he proposed to offer. I said that he should do this without delay and before the majority of the present British Officers of the Indian Army began to go off to other occupations or appointments. He said he was quite clear on this matter and would do as I suggested.

5. The question will arise as to the status of the British Troops in India after 15th August 47. My own view is that the British Government should become

1 No. 315.
financially responsible for the pay and administration of these troops from that date. We should leave Whistler with a suitable H.Q. to command them his status being changed from that of adviser to the present C.-in-C. to one of a Command. The British Government should lay down clear cut rules as to the employment of the British Troops in the event of widespread disturbance threatening British life and property. In general the British Troops would be regarded as lodgers in the Dominions of Pakistan and Hindustan until such time as they can be withdrawn in accordance with the programme given in para. 3 of PEPPER 73. You should immediately begin an examination of these problems and get Governmental instructions issued about them as soon as possible.

6. I have given copies of PEPPER 73 and 74 to the Viceroy and have no objection to you giving them to Scoones if you wish.

7. ACK [nowledge].

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Field Marshal Viscount Montgomery to Mr Attlee (via Viceroy and India Office)

Telegram, R/3/1/147: f 84

IMMEDIATE NEW DELHI, 24 June 1947, 7.15 pm

TOP SECRET Received: 24 June, 7.10 pm

No. 1565–S. PEPPER 75. Please pass following personal to Prime Minister from Field Marshal Montgomery, with copy to Minister of Defence and VCIGS, War Office. Begins. In accordance with your instructions1 I have had talks in Delhi with Mr. Nehru concerning the grant of facilities for the employment of Gurkha Troops in the British Army. I have now to report to you that Mr. Nehru has agreed in principle that we can proceed in the matter. There are of course many details still to be settled and I am arranging for a Mission from the War Office to come to Delhi to work out these details and then to proceed to Nepal in company with a Mission from India. I would like to tell you that throughout our talks in Delhi Mr. Nehru has shown the greatest sympathy and friendliness and it was due to this that we reached agreement so quickly. Ends.

1 See No. 173 and its note 1.
My dear Vice-President,

As I told you yesterday, the Prime Minister of Great Britain empowered me to come to an arrangement with you concerning the grant of facilities for the employment of Gurkha Troops in the British Army. As a result of our discussions I am delighted to be able to inform Mr. Attlee that you and I have reached agreement in principle on the matter, and I enclose for your retention a copy of the telegram1 I have sent to him.

There remain of course many details still to be settled. As I told you today, I am telegraphing the War Office for my Mission to come out immediately to Delhi so that these further details can be settled in full consultation with your Mission; when the two Missions have worked out the details my suggestion to you was that they should both proceed to Nepal to get the agreement of the Nepalese Government.

I would like to express to you my very great appreciation for the kindness and sympathy which you have shown during our talks. It has been a real pleasure for me to meet you. I hope that we may have many more such friendly meetings in the future.

As arranged with you yesterday, we will now plan to begin the movement of the British Troops from India on 15th August, 1947 and we shall aim to complete this withdrawal by the end of February, 1948.

With kind regards,

Yours sincerely,

MONTGOMERY OF ALAMEIN

No. 330.

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My dear Field Marshal,

Thank you for your letter of the 24th June1 which I have just received. As I told you, we have approached this question with every desire to meet the

1 No. 331.
wishes of the British Government. We have our difficulties and we do not wish to do anything which might perhaps add to them in future. I am glad, however, that in this matter there has been agreement in principle as you have informed the Prime Minister of Great Britain. The details will have to be worked out in consultation with representatives of the War Office.

2. It has been a great pleasure to meet you. I have long been looking forward to doing so. I should have liked to have had occasions to see more of you, but I hope that the future may bring additional meetings.

With all good wishes,

Yours sincerely,

JAWAHARLAL NEHRU

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&S/12/4638: ff 143–5

IMMEDIATE

INDIA OFFICE, 24 June 1947, 6.25 pm
Received: 25 June, 6.30 am

8122. I have already replied in my telegram No. 7893 on question of international status of new India. Further question remains as to assumption by Indian Dominions of international obligations (a) which were concluded expressly on behalf of present India and (b) which were concluded in the name of H.M. or H.M.G. but which are applicable to India.

2. I agree with statement of legal position in paragraph 6(b) of your telegram No. 1439–S to the extent that if Hindustan continues international personality of present India, she will prima facie inherit all India’s existing international Treaty obligations, i.e. both (a) and (b) above. But it is clear that she cannot be bound in international law by those obligations which by their nature can only be carried out in territory not belonging to Hindustan or under her control. Some obligations (for instance those relating to frontiers) run with the land and consequently pass to the future sovereign of the land whoever he may be. There are also others which can only be performed in the future Pakistan and as to which it is perhaps more open to question whether they pass to the successor by automatic operation of law. Former obligations must clearly pass to whatever successor authority (Pakistan or a non-acceding State) becomes responsible for the territory concerned, and latter should also pass.

3. Foreign Office advise, however, that H.M.G. in the U.K. (who will in the eyes of foreign Governments have brought about the change) will still not be relieved of their political (repeat political) duty towards those Governments to see that the Treaty position of the new Dominions (which will remain within
the Commonwealth at least for a time) is satisfactorily regularised. Foreign Office point out that, when senior Dominions became international persons, they and all parties concerned apparently accepted without question position not only that Dominions inherited all Treaty rights and obligations which had any local or territorial application to them, but also claimed the benefits and accepted the obligations of Treaties whose provisions applied territorially to the whole Commonwealth and Empire and from which all repeat all British subjects benefited in foreign countries. I should not expect that Government of India would dissent from the view that both new Dominions will similarly inherit Treaty rights and obligations which have local and territorial application to them respectively but I should be glad if you could obtain confirmation that this will be the position.

4. The question arises particularly in connection with Treaties in category (b) of paragraph 1, i.e. those concluded in the name of the Crown or of the U.K. Government most of whose stipulations can only be fulfilled in India or can only be wholly fulfilled if successor authorities observe them. (Examples are Anglo-Afghan Treaty, 1921; Anglo-Tibetan Convention, 1914; Anglo-Nepali Treaty, 1923).

5. Assuming that no question could arise as to category (a) with a united India we had in mind at one stage attempting to provide for acceptance by the new Indian authorities of obligations in category (b) by including clause in projected Treaty relating to matters arising out of transfer of power. We had intended to seek agreement to the effect that "all obligations and responsibilities heretofore devolving on H.M. or on U.K. Government which arise from any international instrument applicable to India shall henceforth, insofar as their application to India is concerned, devolve on India alone". There would have been corresponding provision for transfer to successor authorities of reciprocal rights and advantages associated with obligations.

6. Now, however, that we cannot hope to negotiate any Treaty with the new Indian authorities before the introduction of legislation, only alternative is to try to secure some assurance from the existing Interim Government on behalf of both the future Dominions in the sense desired.

7. I should be grateful for your views whether an assurance of this kind would be likely to be forthcoming and, if so, whether there is any possibility of securing it in such a form as to ensure its being implemented by the two new Governments when set up.

1 No. 270.  2 No. 202.  3 See Nos. 52, 192 and 244, Minute 3.
4 'to see' deciphered as 'even in'.
5 See e.g. Vol. VIII, No. 447.
6 Lord Mountbatten replied in tel. 1599–S of 26 June that he accepted the position as stated in paras. 1–4 above. As regards paras. 5–7 he entertained 'no doubt that desired assurances will be forthcoming from Indian leaders whom I propose to consult in due course'. L/P &S/12/4638: f 141.
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Secretary of State to Government of India, External Affairs and Commonwealth Relations Department

Telegram, L/P&S/12/4197: f 44

SECRET

INDIA OFFICE, 24 June 1947, 7.50 pm

8125. Your express letter dated 25th April, No. F.10(14)-NEF/47.1 British Mission, Lhasa.

2. H.M.G. note that Government of India intend to be represented in Tibet by a Mission headed by an Indian Officer, and that a change is expected to take place in about 4 months’ time.

3. H.M.G. themselves will not wish to maintain a separate Mission at Lhasa after the transition has been made but, subject to the consent of the Tibetan Government, would like to provide for the continuance of contact with that Government by arranging for visits to be paid to Lhasa from time to time, by members of the staff of the U.K. representative in India.

4. It is observed that the transition from a British to an Indian Mission is intended to take place unobtrusively and without publicity in order to avoid the risk of any constitutional issue being raised by China. H.M.G. fully appreciate the reasons for this precaution in present circumstances, but doubt whether the Tibetan Government will be content with the proposed assurance that the Mission will continue in being as an earnest of India’s continued friendly interest in Tibet. They would indeed have expected that an intimation of the kind proposed would provoke an enquiry from the Tibetan Government as to the future of the Treaty relations which have hitherto subsisted between themselves and H.M.G. Even if the Tibetan authorities do not raise this matter, H.M.G. would wish to make their own position clear before the British Head of the Mission is replaced.

5. H.M.G. note that the Government of India wish to see Tibetan autonomy maintained and the Govt of India will therefore, we presume, be prepared to assume until other arrangements are made the obligations under the Simla Convention 1914 and associated trade regulations hitherto devolving on H.M.G. A statement to this effect to the Government of Tibet by the Head of the present Mission at Lhasa or by Political Officer in Sikkim (your telegram 17th June No. 4694) on behalf of the Government of India would no doubt re-assure the Tibetans of India’s friendly interest in Tibet and would be consistent with the maintenance of the proposed Indian Mission at Lhasa. H.M.G.
would be glad to have an early expression of the views of the Government of India on this matter.

6. I will reply separately to your telegram No. 4694 of 17th June.

7. Please pass copy to U.K. High Commissioner.

2 No. 245.
3 Emphasis in original.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/31/82: ff 10–12

IMMEDIATE

SECRET

NEW DELHI, 24 June 1947, 10 pm

Received: 24 June, 11 pm

No. 1570–S. Withdrawal of British Forces from India.

1. You will recall that at India/Burma Committee meeting on 28th May¹ I stressed advantages of withdrawing British Forces as soon as possible after enactment of legislation providing for the transfer of power. Committee decided to resume consideration of this question after the views of the Chiefs of Staff had been obtained.²

2. I have in the meanwhile discussed question with Auchinleck.³ His recommendations were:

(a) Provided that a formal request is received from the Governments of India and Pakistan, the provisional date for the withdrawal of British Forces should now be fixed at 1st April, 1948, and reviewed on 1st January, 1948.

(b) If no such request is received from the Governments in question, HMG should insist that British forces should remain until 1st January, 1948, to fulfil HMG’s moral obligation to safeguard British lives until all civilians who want to quit India have had the chance of doing so.

3. In making these recommendations he stressed that, during the forthcoming period of reconstitution of the Indian Army, the majority of its units will be immobilised and incapable of rendering armed assistance to the civil power, even if the Indian officers and men composing them were willing to

² A Report by the Joint Planning Staff of the Chiefs of Staff Committee, dated 23 June 1947, will be found on L/WS/1/1091: ff 60–66.
carry out these duties for the protection of Europeans, which he can in no way guarantee. Nor can he guarantee that the Indian Army will retain its cohesion and remain a reliable instrument for use in aid of the civil power.

4. I can well understand Auchinleck's anxieties but I am convinced that the following wider considerations are overriding:—

(a) Presumably, if British forces were retained against the wishes of the two new Governments, HMG would demand safeguards. These would be most unpalatable to the two new Governments and would defeat our primary object of introducing complete autonomy from the date of the transfer of power. As I have always emphasised, it is by the introduction of this complete autonomy, with no reservations, that we are going to stand the best chance of India indefinitely retaining Dominion status.

(b) Although (as Auchinleck points out and I agree) British forces could probably ensure protection of British nationals in large cities in India; they could do very little to protect them in country districts, where their danger is much greater though their number is less.

(c) The responsibility for the protection of all foreign nationals, after the transfer of power, will in any case rest with the two new Governments and not with the C-in-C, although it is possible that both Governments might look to him while reconstruction of the Armed Forces is in progress. Insistence on retention of British forces would be tantamount to an admission that we did not trust them.

(d) The general impression given in India, although no statement on the subject has been made, has been that British forces will be withdrawn on the transfer of power.

5. I therefore have no doubt that our correct policy is to start withdrawing British forces from India on August 15th and to continue the process as shipping permits.

6. C.I.G.S. saw Nehru and Jinnah yesterday. Both agree to the withdrawal starting on 15th August, and being completed by about the end of February, 1948.

7. The situation is therefore clear for a very early announcement. I suggest the following:

   Begins. On the transfer of power on 15th August, British Forces will immediately start to be withdrawn from India. This withdrawal will be completed as shipping permits. Ends.

   Please confirm that I may make this announcement at once.

8. The presence of British forces in India from 15th August until the date on which the withdrawal is completed raises a number of questions such as—
(i) Their functions;
(ii) By whom are they to be paid;
(iii) System of command; and so forth. I would be glad if I could receive the instructions of HMG on these matters as soon as possible. Meanwhile, I will consult C-in-C. and send you our own ideas.

† See Nos. 315 and 329.

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Sir F. Burrows (Bengal) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/159: ff 27–8, 30

IMMEDIATE

SECRET

24 June 1947, 11.15 pm

Received: 25 June, 7 am

No. 170–S. Your telegram No. 1552–S of June 24th.† I understand that suggestion is that “Shadow” Cabinet would consist of small number of Ministers sworn as such but without portfolio to whom all decisions of government affecting West Bengal whether believed to be Cabinet or Departmental level would be shown before being implemented: that these Ministers would attend Cabinet and have a right to see all papers affecting such decisions. Subject to the point made in para. 2 below I am personally prepared to accept this and to do my best to make it work if my Ministry here and respective High Command verdicts agree.

2. I presume that veto will not extend to any matters relating to my special responsibility but a (gr. cor) individual judgement cases; and I regard it as vital that for this purpose should be added the matter of “food” which since Ministry (gr. cor) formed, I have (gr. cor), with their tacit acquiescence confront [treated] virtually as a special responsibility. I must (gr. cor) exception as the food problem of the province is one and indivisible at this time of the year, but it would be first to attract by means of veto because the deficit areas just now are mainly east southward.

3.† If the foregoing is agreed to, I think it most important that Congress High Command should be persuaded to accept it on behalf of themselves and their local representatives, as Hindu feeling here is very strong against con-

† See No. 311, note 6.

† The text of paras. 3 and 4 as originally transmitted contained a number of corrupt groups and a repeat was called for. It is the text of this repetition contained in the Governor’s tel. 173–S of 25 June (received 26 June, 1 am) which has been reproduced here.
tinuance of the present Ministry and we cannot face the possibility of a “move-
ment” in West Bengal.

4. Speculation about Section 93 is so rife here that I must put out a press note
and broadcast explaining continuance of the present Ministry with addition of
“shadow” Ministers, and I seek your permission to broadcast.

5. I am seeing Suhrawardy at 11 a.m. tomorrow standard time. Perhaps
Abell could telephone Tyson about reactions to this telegram before I see him. A

A note by Sir G. Abell of a telephone conversation with Mr Tyson on 26 June 1947 indicates that no
answer had been sent on 25 June—possibly because of difficulties in the transmission of No. 336 (see
note 2). He had now told Mr Tyson that Lord Muntbatten ‘agrees to the Governor broadcasting if
necessary and that the special powers and responsibilities of the Governor are not affected by the
proposal’. Sir F. Burrows was going to try to see the Bengal political leaders that evening. R/3/1/159:
\[31.\]

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Sir T. Shone to Secretary to the Cabinet

L/WS/1/1024: ff 30–32

TOP SECRET  OFFICE OF THE HIGH COMMISSIONER FOR THE UNITED

DESPATCH NO. 61  KINGDOM, 6 ALBUQUERQUE ROAD, NEW

DELHI, 25 June 1947

Sir,

I have the honour to transmit herewith records which I made of two con-
versations\[1\] between Field Marshal Viscount Montgomery of Alamein and
Pandit Nehru at the External Affairs Department on the 23rd and at my house
on the 24th June.

2. The employment of Gurkha troops in the British Army, in regard to
which Pandit Nehru had been reluctant to make any further move during the
past few weeks, was the main subject of discussion. As will be seen, all the old
doubts and queries came up again—with one or two new ones—before Pandit
Nehru gave his agreement in principle to our proposals. Viscount Mont-
gomery’s visit to Delhi at this moment was most fortunate in that his inter-
vention, with the powers given to him by the Prime Minister,\[2\] has resulted in
securing this agreement.

3. There will, of course, be many matters of detail to be arranged when the
British military mission arrives; and it may be that some of the Indian sugges-
tions, for instance, that the Gurkha troops should all be employed in the Indian
Army which would lend some of them to His Majesty’s Government, will
come up again. But I hope that the way has now been cleared for a satisfactory settlement of this matter.

I have the honour to be,
Sir,
Your obedient Servant,

TERENCE SHONE

Enclosure to No. 337

23 June 1947

I accompanied the Chief of the Imperial General Staff when he called on Pandit Nehru this afternoon. After exchange of courtesies, in the course of which Field Marshal Viscount Montgomery told Mr. Nehru that he desired to help India in any way possible, the question of Gurkha troops was raised. Viscount Montgomery said that he had been empowered by the Prime Minister to come to an arrangement with Mr. Nehru about the employment of Gurkha troops in the British Army, to the extent and on the lines with which the Government of India were familiar, from the conversations which Major-General Lyne and I had had with them in March and April. Viscount Montgomery made it clear that this was a matter on which an urgent decision was needed; he was making arrangements to place the British Army on a peace-time footing and it was essential to know the position as regards the Gurkha battalions which His Majesty's Government wished to employ. There had been a long delay since Sir Girja Bajpai and Major General Lyne had gone to Katmandu in April together to obtain the consent of the Nepalese Government to the employment of Gurkha troops in both the Indian and the British Armies. The British military delegation which it was proposed should come out to Delhi to make a concerted plan with the Indian military authorities, had been held up, pending the agreement of the Government of India to grant the necessary facilities for the employment of Gurkha troops by His Majesty's Government. Viscount Montgomery was anxious that it should start work as soon as possible, and before the division of the Indian Army took place, as that was likely to complicate the preparation of the plan for employing Gurkhas.

2. Mr Nehru spoke at some length of the difficulties which had arisen over this question both in Delhi, with his colleagues, and with regard to the Nepalese Government, who had been unwilling to define their attitude. He indicated that it was not a matter which he wanted to be raised again in the Cabinet; the Cabinet was tending more and more to work in two parts; presently there would no doubt be changes of personnel. (I fancy that in saying this, he meant to convey his reluctance to commit any future government of the Indian

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1 Only the record of the first of these conversations has been reprinted. For an account by Pandit Nehru of the talks see Enclosure to No. 388.
2 See No. 173 and its note 1.
Union. His attitude, while perfectly friendly, was at first unforthcoming; and he did not mention that the visit of Sir G. Bajpai and Major General Lyne to Katmandu had resulted in a definition of the Nepalese Government's attitude. He did not, however, allude to the report which we have heard Sir G. Bajpai gave him after his return, to the effect that the Nepalese Government would not be averse from the employment of Gurkhas in the Indian Army alone; nor did he say that the Indian Army would now want to employ all the existing Gurkha battalions, as we had some reason to believe he might).

3. I interposed at this stage to say that we had understood from Major General Lyne, who had acted in the closest collaboration with Sir G. Bajpai, throughout the proceedings in Katmandu, that the Maharaja of Nepal had made a very definite statement regarding the attitude of his Government, and that he would welcome the proposals for employing Gurkha troops in both Armies, if agreement were reached between the Government of India and His Majesty's Government. We had taken particular care to act in the closest collaboration with the Government of India in our approach to the Nepalese Government, and we were now desirous of coming to an agreement with the Indian authorities without further delay.

4. Viscount Montgomery made it clear that he did not wish the matter to be decided by the Indian Cabinet if that presented difficulty; he would be satisfied if he could obtain a satisfactory assurance from Pandit Nehru. He pressed Pandit Nehru to give this assurance before he left Delhi, in order that he might be able to inform the Prime Minister.

5. Pandit Nehru, whose attitude became rather more forthcoming towards the end of the conversation, said he must consult some of his colleagues. Viscount Montgomery urged Pandit Nehru to do this without delay and said he would be glad to call on Pandit Nehru at any time or place convenient to him tomorrow, to hear his answer.

6. I told Pandit Nehru that Viscount Montgomery was lunching with me tomorrow and that I hoped he would come too and would be able to give us an answer by then. Pandit Nehru accepted the invitation but did not promise a reply by then.

7. Viscount Montgomery then raised the question of British troops in India. Was it correct that Pandit Nehru wished them to be withdrawn on the transfer of power, on 15th August? Pandit Nehru replied in the affirmative. Viscount Montgomery said that after the transfer of power, British troops would be in India merely as sojourners; it would not be possible to withdraw them all at once; the plan he had been working on was for complete withdrawal by June, 1948, but he wished to get the British troops out as soon as possible and the plan
could be speeded up to make withdrawal complete by the end of February, 1948. Pandit Nehru agreed. Viscount Montgomery said it was important for him to know whether there was any likelihood of the Government of the Indian Union changing their minds and asking for British troops to remain. Pandit Nehru said "we shall not ask you to stay".  

8. It was pointed out to Pandit Nehru that the forthcoming withdrawal of British troops was an additional reason for reaching an early agreement about the employment of Gurkhas.

9. The conversation then turned to the arrangements for the division of the Indian Army, in regard to which Pandit Nehru's ideas seemed to be rather nebulous and impractical.

10. Before we took our leave, there was some general talk about conditions in India with particular reference to the division of the country. Viscount Montgomery congratulated Pandit Nehru on the fact that the Indian leaders had reached agreement. Pandit Nehru spoke of the great amount of work to be done in connexion with the division of India, and of the relative poverty of Pakistan, industrially, as compared with the Indian Union. But Pakistan would possess many of the most productive food-growing areas, which showed how necessary it was for the two parts of India to have good relations. He also alluded to the French and Portuguese colonies in India which, he said, would inevitably come into the Indian Union sooner or later. He spoke of M. Baron's "strange" proposal that France should continue to exercise some sort of cultural control in the French Colonies; and he said that the Portuguese title to Goa derived from a Papal Bull. The Government of India had made an approach to the Vatican on this, through the Catholic Primate in India. The Vatican, it appeared, were more concerned with the maintenance of their religious institutions throughout India, than with the question of Goa itself.

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3 Emphasis in original.
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Meeting of the Indian Cabinet Case Nos. 152 and 155/32/47

Mountbatten Papers. Minutes of Indian Cabinet Meetings

SECRET

Those present at this Meeting held on 25 June 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Pandit Nehru, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad, Mr Abdur Rab Nishtar, Mr Rajagopalachari, Dr Matthai, Sardar Baldev Singh, Mr Bhabha, Sir R. Pillai; Mr Abell, Mr H. M. Patel, Mr Osman Ali (Secretariat)

Case No. 152/32/47. Proposal for the establishment of a States Department of the Government of India

MINUTES

His Excellency said that at his meeting with the political leaders on the 13th of June the question of liaison between the States and the two future Dominion Governments had been discussed and the memorandum now before the Cabinet embodied the conclusions that had been reached at that meeting. He had himself felt the need for such a department to take the place of the present Political Department which was now in process of liquidation. The new Department would, on his advice, negotiate ‘standstill’ agreements with the States and would advise him on other matters concerning both the States and the Central Government.

In the course of subsequent discussion it was agreed that the Hon’ble the Home Member, who would be responsible for the work of the new department, should work in consultation with a League member of the Interim Government so that the Government of Pakistan would be in a position to take over the responsibility for relations with those States which would have dealings with it when it was established. The Hon’ble the Finance Member undertook to recommend to His Excellency the name of a League member to be associated with the Hon’ble the Home Member.

After further discussion, His Excellency stated that he would arrange to issue a Press communiqué in his capacity as Crown Representative announcing that with the approval of the Cabinet he had decided to set up this new Department.

DECISION

The Cabinet agreed:

1. that a new Department to be called the “States Department” should be set up in charge of the Hon’ble the Home Member.

2. that the Hon’ble the Home Member should work as far as possible in consultation with a League member of the Interim Government.
(3) that the functions and organisation of this department should be as stated in paragraphs 4 to 6 of the Summary.

(4) that the Crown Finance Department should be continued as part of the new States Department.

(5) that a Press communiqué should be issued by the Crown Representative in consultation with the Political Department announcing the decision to set up this new Department.

(6) that care should be taken in drafting the communiqué not to give the impression that anything was being done to upset any permanent arrangements between the States and the Government.

Case No. 155/32/47. Communal situation in Lahore and Amritsar

MINUTES

His Excellency said that he had been in touch with His Excellency the Governor of the Punjab regarding the situation in Lahore and Amritsar. The Governor had also held meetings with the Army Commanders, the Police and the political leaders of the Punjab at which various proposals had been put forward, for example, the imposition of martial law, withdrawal of police and drafting more troops into the area, extension of curfew orders and the general tightening up of security measures. The difficulty in tackling the situation lay in the fact that they were faced with what he might call ‘cloak and dagger activities’ organised and carried into effect by a small body of well-trained men. The General Officer Commanding Northern Command and the Commander of the 23rd Brigade were of the opinion that while martial law might assist in dealing with large numbers of rioters it would not be of value in tackling a small organisation of this nature which operated mostly in ones and twos at night. They also felt that the assistance of the police force which knew every inch of Lahore and Amritsar could not be dispensed with. He realised that in some quarters the police were being accused, probably unjustifiably, of being in league with the offenders. This was a common occurrence not only in India but in other countries also whenever the police force failed to stop a crime wave. There was, however, much force in the argument that if they were withdrawn the army could not perform all their duties. Further, since martial law is generally imposed only after the civil administration breaks down, it would be necessary to make certain before it was actually introduced that there were good chances of martial law succeeding in restoring order promptly. On the whole, therefore, the expert advice was against martial law and the local leaders had acquiesced in that view. The Governor of the Punjab was doing his best to

1 Secretary, Commerce Dept attending in the absence of Mr Chundrigar.

2 No. 175, Item 1.

3 Enclosure to No. 288.

4 See Nos. 320 and 327.

5 This was evidently intended to be a reference to the Lahore Area Commander: see No. 327.
improve his intelligence resources with a view to tracking down the organisations responsible and he had reason to believe that they were meeting with a certain degree of success. To his mind, the real remedy, however, seemed to lie in contact being established by political leaders with the people and he hoped that the High Commands of the different political parties would impress upon the Punjab leaders the necessity of establishing and sustaining such contact. He was anxious to know what suggestions his colleagues had to make as to the best manner in which the situation could be tackled.

In the course of subsequent discussion the following points were made:—

(1) The excuses made by the officers for their inability to stop communal trouble in Lahore and Amritsar were not convincing. The fact had to be faced that these officers were unable to handle the situation and the administration had broken down.

(2) There was a general feeling rightly or wrongly that the present set of officers were complacent and they did not enjoy the necessary confidence. The best way of giving effect to the desire of the political leaders would be to man the administration by officers in whom all parties had confidence. That would create a sense of security among the people.

(3) The only alternative to this course was to place the administration in the hands of the Army.

(4) The imposition of martial law had been strongly opposed by the Punjab leaders. It might perhaps succeed in frightening the people but would not secure their cooperation in the same manner as the appointment of generally acceptable officers would do.

(5) The need of restoring peace in Gurgaon had also to be considered. This might be achieved if the same course were adopted of posting suitable officers in that district, and increasing the number of troops. It was pointed out, however, that in Gurgaon the problem was different in that it was a question of dealing with armed mobs. An adequate armed and mobile force of mixed composition was essential. Two additional battalions had recently been moved into Gurgaon, but it had to be borne in mind that the area they had to cover was large and mostly hilly and inaccessible and gave little scope therefore for the required degree of mobility.

Summing up, His Excellency said that his colleagues were agreed that the Governor of the Punjab should invite the political party leaders to suggest the names of officers acceptable to all of them for service in Lahore and Amritsar. He would also suggest to the Governor that he should invite the political leaders and officials to form a permanent security committee which might meet daily and review events. As regards the situation in Gurgaon, he would now request the Hon'ble the Defence Member to examine again the question whether there were adequate numbers of troops in Gurgaon.
DECISION

The Cabinet agreed—

(1) that the Governor of the Punjab should be requested to invite the political party leaders of the Punjab (a) to make agreed recommendations regarding the names of officers in whom they had confidence to be posted in Lahore and Amritsar and (b) to form a permanent security committee of officials and non-officials who would meet daily to review events, and to suggest steps necessary for the maintenance of law and order.

(2) that the Hon’ble the Defence Member should be requested to examine afresh the position in Gurgaon and satisfy himself that the district had a sufficient number of mixed troops.

(3) that leaders of parties should continue to use their influence to encourage local leaders to do all in their power to stop this violence.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/176: ff 211-15

SECRET

GOVERNMENT HOUSE, LAHORE, 25 June 1947

Dear Lord Mountbatten,

There have been various developments here which I think I should report to Your Excellency without waiting for my fortnightly letter.

2. Lahore and Amritsar, which have never really settled down since the first week in March, flared up again about the middle of June. It is necessary to be quite clear about the nature of this trouble and the causes of the deterioration and of our failure to control it.

3. During the first week in March we had, in Lahore, Amritsar, Rawalpindi, Multan and Jullundur communal riots of the usual kind—a series of incidents in which hostile crowds clash with one another or with the police or troops. Such riots are commonly followed by several days of stabbing, which is gradually brought under control.

In Rawalpindi and Multan affairs followed the normal course.

In Lahore and Amritsar, on the other hand, people seem to have discovered during the actual riots how easy it is to burn the average building in an Indian city. The expected stabbing campaign began; but it was accompanied by an entirely new campaign of incendiaryism. I have no doubt whatever that the Muslim League approved, and in some degree directed, the burning. Most of it was done by Muslims.
Our first problem was thus to deal with stabbing and burning—not by crowds or even groups of people, but by individuals. We seldom saw or apprehended the offenders—an assassin does not stab his victim without choosing his moment carefully, and the incendiarists threw their fireballs through windows and sky-lights making full use of the rooftops and the maze of narrow city lanes. The flight of Hindus from Lahore and the large number of empty houses made our task more difficult. It was a fight against time, for it was clear that if we failed to control the burning there would be reprisals from the Hindus, who were losing far more property than the other communities. Sometimes for two or three days together we seemed to be on top—we tried roof-pickets and fire-spotting on A.R.P. lines—but progress was always arrested by some new outrage—on one occasion the brutal murder of four Muslims sleeping in the open in one of the suburbs of Lahore. In the upshot we failed to forestall the reprisals, which took the form of bombing.

The Hindus and Sikhs had been practising with bombs for some time, but had done little damage except to themselves. Suddenly on 10th June they began to use bombs offensively and with success in Lahore:

1. On 10th June a bomb (probably a Mills) was thrown into a cart carrying Muslim passengers. The thrower is believed to have been a Sikh on a bicycle. Two Muslims were killed and five injured.

2. On 15th June a bomb (possibly a booby-trap) exploded in a bathroom drain at a private hospital outside the Shahalimi Gate of the city. When a police party went to investigate and a considerable crowd had been collected in the courtyard some person unknown lobbed a bomb (probably home-made) over the wall killing one and wounding forty-three.

3. On the night of 16th/17th June a bomb was thrown on to the roof of a Muslim house in the city where several persons were sleeping, killing one and injuring five. The house concerned stands among a number of much higher Hindu houses. The thrower and make of the bomb are unknown.

4. On the morning of 19th June a bomb was thrown at a party of Muslim labourers going to work along Brandreth Road, killing one and injuring eleven. The thrower is unknown and was probably in, or on the roof of, a house. The bomb appears to have been a Mills.

5. On the 20th June a bomb exploded in a truck carrying Hindu labourers, injuring sixteen. It is not known whether the bomb was thrown into the truck, or placed in it, or was being carried by one of the passengers.

6. On 21st June two bombs were thrown in the Sabzi Mandi killing nine and injuring thirty-eight.

There have been other bomb incidents, but these are, I think, the most important. Of the six I have listed all, except probably No. (5), were in my opinion Hindu or Sikh outrages. There have been some Muslim bomb outrages, but so far no really effective one.
In Amritsar there have been fewer major outrages other than burning, but the use of bombs by all communities is common; and some Hindus have been using revolvers for communal attacks on Muslims. There have also been one or two actual riots in which it has been possible for the Police and Troops to inflict severe punishment on those taking part.

We are thus in general faced not with a series of incidents in which hostile crowds clash with one another or with the Police and Troops; but with a series of "cloak and dagger" outrages. It is necessary to be quite clear about this because unless the problem is understood it is impossible to solve it.

4. The deterioration in Lahore and to some degree in Amritsar is in my opinion due to the bombing. The Sabzi Mandi outrage (No. (6) in the preceding paragraph) led immediately to the Shahalmi Gate burnings and to a large number of stabbing outrages by Muslims. In Amritsar there is also the underlying feeling that the Muslims are doomed and may as well do as much damage as they can before they migrate or perish.

5. Our failure to control the situation is due mainly to the following causes:

(a) The nature of the trouble is such that decisive action by the Police and Troops is impossible. The Brandreth Road outrage (No. (4) in paragraph 3) is fairly typical. Someone who had a Mills bomb and was probably in, or on the roof of, a house adjoining the street threw it at a party of working men against whom, presumably, he had no personal grudge at all. Two police pickets came up on hearing the explosion and searched the neighbouring houses. They detained (I think) about 20 people; but there was nothing to connect any of them immediately with the outrage. It is not possible in such a case to shoot the people who are detained—nearly all of them are almost certainly innocent, and it is quite possible that the guilty man or men have already escaped. Outrages of this kind can be dealt with only by patient investigation; we have recently overhauled and improved our intelligence and investigation system, and hope for early results.

(b) I have no doubt that the Political Parties approve and in some measure direct the outrages. I do not mean that Jinnah, Nehru and Patel or even Mamdot and Sachar personally abet murder and/or arson. But somewhere connected with the Party organisations here there are people who control the campaign and are given the money to do so. Fire raisers actually caught include an Indian Christian (at Rs. 15/-) and three Purbia Hindus (salary not stated) who had been engaged to burn Hindu property. Evidence is accumulating that on the Hindu side the Rashtriya Swayam Sewak Sangh are the organisers. This body has highly respectable gentlemen at its head; but it makes and uses bombs, and acquires and distributes arms and ammunition. It has close contacts with the Congress. At my instance, and after a lot of havering Mamdot, Sachar and

1 See No. 305.
Swaran Singh have promised to cooperate in stopping the trouble. So far they have not gone beyond pious statements. What is needed is direct and private pressure on the party underworld and a stoppage of funds.

(c) Justice is far too slow. We have caught some murderers and fire-raisers, but have not hanged one yet. I am considering fresh legislation on which I am addressing Your Excellency. Moreover, in spite of their clamour for Martial Law and "stern measures", the communities—particularly the Hindus—are resentful of any arrests and detentions under section 3 of the Punjab Public Safety Act, 1947, and the High Court have virtually demolished the section. Many goondas whom we had picked up have been released, and the destruction of the Mozang bazar coincided with one of these jail deliveries. In many respects the High Court are right, for the Section has been used with inadequate attention to detail; but the results of the Habeas Corpus hearings have been disastrous for Lahore.

(d) The Services are now beginning to disintegrate. It is impossible to blink the fact that the outlook of a Muslim magistrate or policeman is different from that of a Hindu magistrate or policeman. Many of the stories of partiality are inventions; it has been the deliberate policy of the parties here to smash the Services, and they have in some measure succeeded. A Muslim officer who sets out to do his job, quickly finds that whatever he does he will be vilified by the Congress Press. The converse applies to Hindu and Sikh officers. If a man is driven to take sides, he naturally sides with his own community, and there has been partiality. There has also been some negligence and indiscipline. In Amritsar certain sections of the Police became scandalously corrupt. We pulled them out, whereupon fifty eight resigned and ostentatiously placed their services at the disposal of the Muslim League. We are now working with imperfect and unreliable instruments; but it is the Political Leaders who wished them to be unreliable, and on the whole I am surprised that the Services have stood up so long and so well to the incessant communal attack.

6. As to the remedy, I do not think Martial Law would make any great difference. My judgment may be wrong; but talk of "utter ruthlessness" and "shooting down the offenders" seems to me misconceived in a situation in which the offenders are seldom seen. The Political Leaders do not, I suppose, really mean that we should shoot the residents of any area in which an outrage occurs, or the people who happen to be standing by at the time at which an outrage is committed. The real remedies are, I believe, (a) a genuine effort by the Party Leaders to stop the trouble not by peace appeals, but by pressure on their own goondas; (b) better intelligence and more coordinated investigation; and (c) speedier justice especially where offenders are caught red-handed. I gave Your Excellency my general views, in which the Lahore Commander concurred, in reply to a Secraphone Message yesterday, 24th June.
7. The Partition developments have been as follows. As I have already reported in a letter of 16th June, I had a satisfactory talk with Mamdot, Sachar and Swaran Singh on that date. They have since (on 17th June) unanimously invited me to preside over the Partition Committee when it is set up. The composition of the Expert Committees has been finally settled, and a Steering Committee is at work.

On 23rd June the two halves of the Punjab Legislative Assembly met; the decision was for Partition. I saw the three Party Leaders that afternoon. They have not been able to give me the names of the members of the Partition Committee yet, and as Sachar is away in Delhi and Mamdot seems to want to go to the N.W.F.P. for the referendum I do not know when they will get started. Relations are still strained and Mamdot has written me two letters (i) demanding “standstill” orders of a most drastic kind; and (ii) asking for the removal of non-Muslims from canal headworks in the Western Punjab, which he thinks will be sabotaged by the Sikhs. I was able to discuss (i) with all three leaders on 23rd June, and they are to send me an agreed proposal. In the meantime I have issued orders stopping new appointments to gazetted posts, new land grants, and new original works of provincial importance.

The elections to the Constituent Assemblies will be on 4th July.

The official progress is fairly satisfactory, but I doubt if our local leaders are capable of putting the Partition through in a businesslike way. They are always out of Lahore and some of them are unaccustomed to sustained effort.

8. There are signs of dissension within the Muslim League. Jinnah has apparently made it known that Pakistan must be a militant one-party State. He will nominate the Provincial Ministries; the Provincial Legislatures will meet once a year to pass the budget, but there will be no contested elections or other political activities likely to split the party. The average Leaguer in the Punjab is an old Unionist, and thought Pakistan would give him some political influence and pickings. Firoz (who belongs to the Shahpur district) has taken

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8 In tel. 143-G of 25 June 1947 Sir E. Jenkins explained the lines on which he had directed that legislation should be considered to provide for a summary procedure 'in limited number of cases' where 'offenders are caught red-handed'. He remarked that it seemed to him that 'if a man is caught actually stabbing another or in possession of explosives or bombs or in the act of manufacturing the same it should be possible to try him summarily in the morning, to have the sentence confirmed in the evening and to hang him next day. I believe that this would have a very good effect.' Sir E. Jenkins's formal proposals were to follow; in the meantime he suggested Lord Mountbatten might like to consult his legal advisers on the possibility of legislation of the kind indicated. R/31/176: ff 208-9.

3 See No. 320.

4 No. 327.

5 No. 219.

6 No. 233, para. 1.

7 See No. 304.

8 No. 305.

9 Not traced.
advantage of the prevailing uneasiness to obtain the signatures of 53 out of the
60 Muslim members for the Western Punjab appointing him to be their leader.
He has had his differences with Jinnah and now proposes to confront him with
this paper and demand his rights—perhaps the Premiership. Mammadot belongs
to the Eastern Punjab and sits for an Eastern Constituency; he is not universally
liked. Khizar tells me that with free elections the League would split within
four or five months—there are too many personal animosities and economic
differences within it. I doubt if Firoz will win; he is not sufficiently determined.
But his move is interesting.

Incidentally on 21st June the Punjab Muslim League passed a very rude
resolution demanding my immediate resignation or recall. I was trying that
day to get the three Party Leaders together to discuss law and order, and Mammadot (in a rude letter) declined to see the others until he, Daultana and Shaukat
had seen me. I accordingly saw Mammadot and his friends after they had passed
the resolution, and waited with some amusement for them to mention it. They did not do so! Mammadot had presumably forgotten that on 17th June he
had signed, with Sachar and Swaran Singh, a letter inviting me to preside over
the Partition Committee.

9. The Sikhs are still on the boil about the Boundary Commission, and a
resolution of the Shiromani Akali Dal published today indicates that they may
go back on the plan or force us to go slow. Swaran Singh hinted pretty broadly
on 23rd that Partition could not go very far until the boundary had been
determined.

10. Outside Lahore and Amritsar and Gurgaon (where things seem slightly
better) the Punjab is reasonably quiet.

Yours sincerely,

E. M. JENKINS

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10 See No. 305, note 1.
11 R/3/1/177: 58.
12 For a note of this interview see R/3/1/176: f 198.
13 No. 233.
14 The 'Sikh Akali High Command' was reported to have sent on 24 June a 'secret circular' containing
a 'charter' of eight demands to Sikh organisations. The demands included: driving the western
boundary of Pakistan 'further westward enabling them [the Sikhs] to have the maximum area
under Eastern Punjab'; exchange of property and population; the right of pilgrimage to their
sacred places and of management of property attached to them; and the retention in Hindustan of a
number of districts, including canal districts, of which the circular was quoted as stating: 'Economically
this area is the spinal cord of the Sikh nation and the Sikhs will not part with it'.

Other demands envisaged the creation of a homeland in Hindustan for Punjabi-speaking Hindus
and Sikhs, and the strengthening of the Sikhs' political position in Hindustan by giving them special
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Pandit Nehru to Lord Ismay

R/3/1/137: ff 174–80

SECRET EXTERNAL AFFAIRS DEPARTMENT, NEW DELHI, 25 June 1947

Dear Lord Ismay,

I enclose three copies of our draft “standstill” agreement applicable to the States. After much consideration we have decided to keep it as short as possible and to adhere to the previous draft.¹

I have added some notes on the clauses so as to explain their significance.

May I suggest that this draft should also be circulated to all the people to whom the previous draft was sent, so that they may have full time to consider it?

Yours sincerely,

JAWAHARLAL NEHRU

SECRET

Enclosure 1 to No. 340

The “standstill” agreement should be on the following lines:

Preamble

Whereas it is expedient that certain existing relations and arrangements between the Indian States and the rest of India should, for their common benefit, continue in force while negotiations for new or modified relations and arrangements are in progress between the authorities concerned.

Now, therefore, it is agreed between the parties that:—

1. No State shall be liable to pay any cash contribution falling due after in so far as it exceeds the value of any privilege or immunity which the State enjoys.

2. Until otherwise provided by mutual agreement, a State shall be entitled to the continuance of any privilege or immunity which it enjoyed immediately before ,² provided that it continues duly to fulfil all conditions or reciprocal obligations attached to each such privilege or immunity.

Explanation

The term “cash contribution” and “privilege or immunity” in the above clauses have the meanings assigned to them in section 147 of the Government of India Act, 1935.

¹ Presumably Enclosure to No. 198.
² [Sidenote in original:] Here mention date on which Dominion Constitution comes into operation.
3. (1) Until new agreements in this behalf are completed, all relations and arrangements as to matters of common concern now existing between the Crown and any Indian State shall continue as between the appropriate successor Government and the State.

(2) In particular, the matters referred to above shall include those specified in the Schedule annexed.

4. Until otherwise provided by mutual agreement, the criminal, revenue and civil jurisdiction heretofore exercisable in any Indian State of Clause III as defined in para. 11 of the Indian States Committee's Report 1928–29, by, or by persons acting under the authority of, the Crown Representative shall hereafter be exercisable by, or by persons acting under the authority of, the appropriate successor Government.

**SCHEDULE**

1. Air Communications
2. Arms and equipment
3. Control of Commodities
4. Currency and coinage
5. Customs
6. Defence
7. External Affairs
8. Extradition
9. Import and Export Control
10. Irrigation and Electric Power
11. Motor vehicles
12. National Highways
13. Opium
14. Posts, Telegraphs and Telephones
15. Railways
16. Salt
17. Taxation
18. Wireless.

*Enclosure 2 to No. 340*

**NOTES ON CLAUSES**

Clauses 1 and 2 correspond to clauses (1) and (2) of the Political Department's draft, except in one respect. The effect of the latter is to remit all cash contributions payable by the States while preserving to them for two years the privileges or immunities which they are enjoying. This seems rather one-sided: even section 147 of the Act of 1935 did not permit the remission of any cash contribution except in so far as it exceeded the value of any privilege or immunity enjoyed by the State. The effect of the clauses as re-drafted is to
remove the two-year limit, and to set off the privileges or immunities against the cash contributions.

Clause 3 corresponds roughly to clause (3) of the Political Department's draft, but with certain important differences. First, it will be noticed that in the Schedule referred to in the clause, we have proposed to insert three new subjects, defence, external affairs, and extradition. Defence and external affairs are the most important matters of common concern, as they involve the security of the whole of India. Extradition is also an obvious matter of common concern. Secondly, clause (3) of the Political Department's draft is limited to the scheduled matters, whereas, according to the present draft, the enumeration in the Schedule is merely illustrative and not to be regarded as exhaustive. Every matter of common concern, whether it is mentioned in the Schedule or not, comes within the meaning of the new clause, although for greater certainty some of the more important matters have been enumerated in the Schedule. A third point of difference between the two drafts is that the two-year limit occurring in the Political Department's draft has been omitted in the revised draft, which substitutes the phrase "until new arrangements in this behalf are completed", following in this respect the wording of paragraph 4 of the Cabinet Mission's memorandum of May 12, 1946. Lastly, while the Political Department's draft refers to "existing administrative arrangements", the redraft refers to "all relations and arrangements", which is a more comprehensive phrase. In regard to external affairs in particular, the term "relations" is more appropriate than "arrangements".

It should be noted that relations and arrangements as to defence and external affairs are not only covered by the phrase "regulation of matters of common concern" occurring in para 4 of the Memorandum, but also by the phrase "political arrangements" occurring in para 5.

Clause 4. This is new, there being no corresponding clause in the Political Department's draft. It applies only to certain petty States, particularly in Kathiawar and Gujerat. According to paragraph 11 of the Butler Committee's Report, there are 327 of these petty States classed by the Committee as estates, jagirs, etc. The total area of these States is less than 6,500 sq. miles and the population at the time of the Committee's Report was less than one million. The Rulers of these States exercise petty judicial powers, such as, trying criminal cases punishable with not more than three months' imprisonment and Rs. 200/- fine, and disposing of civil suits up to Rs. 500/- in value. The residuary powers have been exercised in the past by the Crown Representative or by persons acting under his authority. It cannot be the intention that after the termination of Paramountcy, say in August 1947, these petty States are to

3 Cmd. 3302.
4 Enclosure to No. 198.
5 Vol. VII, No. 262.
attain a status that they never had during the last 150 years and to acquire almost overnight powers of life and death. Obviously, therefore, some kind of standstill agreement is necessary for the exercise of the residuary jurisdiction. In a large number of cases, the Crown Representative has under various attachment schemes transferred his jurisdiction to the "Attaching State". The effect of clause 4 is that the residuary jurisdiction will in future fall to be exercised by, or by persons acting under the authority of, the successor Government. If the successor Government chooses to adopt the existing attachment schemes in regard to the Attached States, it can do so by passing an appropriate order to that effect, and, in that event, the residuary jurisdiction will fall to be exercised by, or under the authority of, the Ruler of the Attaching State. If, however, the successor Government chooses to depart from the attachment scheme in any particular instance, it is free to do so. Clause 4 as drafted leaves the successor Government free to adopt any course which it deems best.

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Mr V. P. Menon to Mr Abell

R/3/11/149: f 87

D.O. NO. 24-S/47-R

NEW DELHI, 25 June 1947

My dear George,

Please refer to your letter No. 1299/2 dated the 16th June1 regarding the destruction of confidential records.

I have already destroyed all my copies of the Governors' fortnightly letters. As regards other papers, all our confidential records have been assembled by the office and when I get some time I shall go through them and have them destroyed.

Yours sincerely,

V. P. MENON

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1 This was a reminder from Sir G. Abell asking to be informed about the latest position regarding the destruction of confidential records in the Reforms Office. Sir G. Abell had originally raised this question with the Secretaries to the Governor-General (Reforms) and (Public) on 27 November: see Vo. IX, No. 108, para. 3. Mr Menon had told A.P.S.V. in January that he had practically completed his destruction. On 14 February the Public Secretariat sent a letter stating that secret papers including Governors' Reports and D.I.B.'s Daily Summaries and Weekly Reports, were examined periodically with a view to destruction of those not needed which normally took place after completion of the Quarterly Survey. The Public Secretariat was also going through its files to see whether they contained anything embarrassing with a view to destruction. R/3/11/149: ff 38, 42 and 86.

The last note on the file concerning the records of Reforms Office and Secretary to the Governor-General (Public) is a note dated 11 July by Mr Scott (D.P.S.V.) as follows: 'I have spoken to Pub., about this. It is in hand, and there is no need to remind him again. Put up on 1/8 for verifying that R[eforms] C[ommissioner] has finished his destruction.' Ibid. f 88.
No. CA/126. Kabul telegram No. 51 of June 23rd.¹

2. I am unaware of reactions of Foreign Office or of Government of India to this Afghan incursion into Frontier affairs. But Your Excellency should know that there is reason to conclude that this move was to some extent inspired by Frontier Congress leaders with certain Afghan elements and considered when Abdul Ghaffar Khan visited Kabul for Qashan² last summer. Moreover fact that Gandhi is wedded to Pakistan idea will make it difficult for E. A. Dept at present juncture to approach this issue objectively.

3. On merits arrival of official Afghan Mission to interfere in crucial Indian constitutional and political issue seems to me more than objectionable particularly during the referendum period.

4. Disturbing effect on tribes must also be borne in mind. In no case as I see it could Mission be given access to our tribal territory or Frontier States.

5. Lockhart has seen and fully agrees.

¹ No. 309.
² A small town in the U.S.S.R. just north of the Afghan border.

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Mr Abell to Mr Abbott

Telegram, Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II(a)

NEW DELHI, 25 June 1947, 12.30 am
Received: 25 June, 6 pm

No. 1571-S. Viceroy has just had a very difficult time in Cabinet over Lahore.¹ He explained why martial law was not likely to be effective, and asked for suggestions. Nehru blew up and said that the situation must be controlled, and that officials concerned from top to bottom should be replaced. Viceroy replied

¹ See No. 338, Case No. 15532/47.
very strongly that this was a totally irresponsible suggestion and that he could not consider anything of the sort.

2. Patel followed with great feeling about the failure to restore order. He advocated (a) martial law or failing that, (b) withdrawal of all police from the City of Lahore and (c) replacement of all local officials in Lahore by men agreed upon by all three communities; he said that the first need was to get men in whom all communities would repose confidence.

3. Liaquat Ali Khan was against martial law, and the withdrawal of the police, but was strongly in favour of course (c).

4. It was unanimously agreed that course (c) should be adopted and that Viceroy should request Governor to call leaders again, tell them of this decision and ask if they could agree on a set of local officials in whom they would all undertake to repose complete confidence, and support in every way. Viceroy requests that action to this effect should be taken at once and result reported.

5. It was also agreed that local leaders of communities should be asked to form a Standing Security Committee and meet daily with Governor to review arrangements.²

² On 25 June Abell wrote to Abbott with reference to this telegram stating that Lord Mountbatten had asked him to add that 'he [Mountbatten] pressed the leaders of both parties very strongly to use their influence to secure that political pressure is brought to bear at all levels to stop these outrages'. R/3/1/91: f 30.

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Minutes of Viceroy’s Forty Seventh Staff Meeting, Item 7

Mountbatten Papers

SECRET

Those present during discussion of Item 7 at this Meeting held at The Viceroy’s House, New Delhi, on 25 June 1947 at 4 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir E. Mieville, Mr Abell, Rao Bahadur V. P. Menon, Mr Christie, Captain Brockman, Mr I. D. Scott, Mr Campbell-Johnson, Lieutenant-Colonel Erskine Crum

BOUNDARY COMMISSIONS

The Meeting considered a paper summarising the decisions which were now required in connection with the setting-up of the Boundary Commissions.¹ Reference was made to a telegram² from the Governor of Assam asking that
there should be appointed for Assam a Boundary Commission separate to that which was going to deal with the partition of Bengal. His Excellency the Viceroy said that, in view of the fact that the Indian Leaders had already agreed that the Bengal Boundary Commission should deal also with Assam, and because the establishment of a separate Commission for Assam would cause further delay, he considered that it was not practicable to accede to the Governor of Assam's request.

His Excellency said that he intended further to discuss the question of the chairmanship of the Boundary Commissions at the Partition Committee Meeting the following day.

It was pointed out that terms of reference for Assam did not include an instruction to the Boundary Commission concerned to "...... also take into account other factors." His Excellency the Viceroy said that, in view of the fact that these terms of reference had been agreed by Pandit Nehru and Mr Jinnah, he did not propose to take the initiative in amending them.

Reference was also made to a letter from the Secretary to the Governor of the Punjab, covering a paper presented to the Governor by Chaudhri Sunder Singh. This asked that the Scheduled Castes should be given representation on the Boundary Commission. His Excellency said that it was not practicable to accede to this request as the composition of the Boundary Commission had already been decided; but Chaudhri Sunder Singh should be informed that the Boundary Commission would certainly call upon representatives of the Scheduled Castes to give evidence before them.

His Excellency the Viceroy:

(i) directed P.S.V. to arrange for a letter to be sent to the Dewan of Bahawalpur informing him that Bahawalpur's case would be considered by the Punjab Boundary Commission; that he should inform that Commission of the necessary details; and be prepared to send a representative to give evidence before it;

(ii) decided to raise the question of chairmanship of the Boundary Commissions at the Partition Committee Meeting the following day;

(iii) directed P.S.V. to ensure that the broadcast which he had made on 3rd June was among the papers put before the Punjab Boundary Commission;

(iv) approved, subject to amendments agreed in discussion, a draft tele-

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1 V.C.P. 93 of 25 June. The matters listed as requiring decision were: (a) whether there should be a separate Boundary Commission for Assam; (b) the method of selecting the Chairmen; (c) whether the acceptance of the terms of reference of the Boundary Commissions by Pandit Nehru and Mr Jinnah would be taken as decisive or whether the Sikhs would be 'further consulted in this respect'; also the method of promulgating the terms of reference. Mountbatten Papers.

2 No. 314.

3 See Nos. 158 and 311, para. 2.

4 Not printed.
gram to the Governors of Punjab, Bengal and Assam at Annex 'B' to V.C.P. 93;\footnote{In this telegram (which issued as tel. 1580—S of 25 June 1947) Lord Mountbatten informed the three Governors concerned of the position reached regarding the composition and terms of reference of the Boundary Commissions, and asked the Governors of Punjab and Bengal to obtain the concurrence of their Chief Justices to the appointment of the Judges nominated to serve on the Boundary Commissions, and to 'convene Commissions as quickly as possible, and arrange accommodation for them in Lahore and Calcutta respectively'. He also informed the Governor of Assam, in reply to No. 314, that: 'I regret that I am unable to comply with your request for a separate Boundary Commission for Assam. Leaders have now agreed on composition (except question of chairmen) and terms of reference, and I am loath to reopen the issue. It took three weeks to get this agreement, and the time factor does not allow of further major changes'. R/3/1/157: f 60.}

(v) directed P.S.V. to ask the Secretary to the Governor of the Punjab to inform Chaudhri Sunder Singh that it was not possible that the Scheduled Castes should be given representation on the Boundary Commission; but their case would certainly be heard by the Punjab Boundary Commission.

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Lieutenant-General Sir L. Hollis to Mr Alexander\footnote{[Para. 1, listing the memoranda to be considered by the India and Burma Committee that morning, omitted.]}

L/WS/1/1032: ff 69–70

25 June 1947

2. The two main issues, from the Defence point of view, arising out of these Memoranda are as follows:

(a) ANDAMAN AND NICOBAR ISLANDS

[Paras. 3–6 summarised the position regarding the Andaman and Nicobar Islands and suggested that the Minister of Defence would not ‘wish to do more than reiterate your previous statements on this issue’.

(b) RELATIONS OF H.M.G. WITH INDIA AND PAKISTAN

7. The Viceroy has reported that Gandhi is pressing for an assurance to be given that H.M.G. will not differentiate in any way between India and Pakistan in the agreements to be made with each after the transfer of power.

8. The Secretary of State for India sees considerable dangers and disadvantages for us in acceding to any such proposal, and attached to his Memorandum (I.B. (47) 124)\footnote{is a draft reply to the Viceroy for consideration by the India and Burma Committee, advising against committing ourselves to any statement on the lines Gandhi wishes.} is a draft reply to the Viceroy for consideration by the India and Burma Committee, advising against committing ourselves to any statement on the lines Gandhi wishes.
9. I feel sure that the Chiefs of Staff would advise against our being committed to any statement which might preclude us from accepting a request by Pakistan to remain a Dominion while Hindustan elected to be independent, and that they would therefore support the views of the Secretary of State for India in this matter.

1 Sir L. Hollis informed the Chiefs of Staff at their meeting on 25 June that, since the India and Burma Committee was to meet later that morning, he had already submitted this minute to the Minister of Defence in order to inform him of the views which he felt the Chiefs of Staff would wish to express. The Chiefs of Staff approved this action, and invited General Hollis to submit a further minute (i.e. No. 346) to inform the Minister of Defence of their views expressed in discussion at the Meeting. L/WS/1/1032: f 68.

2 See No. 360, Minute 3.

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Lieutenant-General Sir L. Hollis to Mr Alexander

L/WS/1/1032: f 71

25 June 1947

I have two further points to bring to your notice before the India and Burma Committee meeting this morning.

WITHDRAWAL OF BRITISH FORCES FROM INDIA

2. A telegram1 has just come in this morning from the Viceroy (copy attached) which the Secretary of State for India may raise at this morning’s meeting. You will see in Part III2 of the Viceroy states that both Nehru and Jinnah agree to start withdrawing British troops on August 15th, the movement being completed by about the end of February, 1948. The Chiefs of Staff have seen this telegram and recommend, from the military point of view, that we agree to the movement and to the announcement in paragraph 7. As regards the questions which the Viceroy has put in paragraph 8, the Chiefs of Staff feel that we should wait until he has consulted the Commander-in-Chief and sent us the views of the people on the spot.

ANDAMANS AND NICOBARS

3. The Chiefs of Staff asked me to let you know that they are very worried about the line taken by the Viceroy about the Andamans and Nicobars. They attach such importance to these Islands that they feel grave anxiety that we may lose any control over them if the matter is allowed to be left open for negotiations at some distant date. They feel strongly that some reference to the Andamans and Nicobars should be included in the Bill.

1 No. 335.
2 i.e. para. 6 of No. 335.
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Cabinet

India and Burma Committee. I.B.(47)35th Meeting

L/P & J/10/123: ff 89-93

Those present at this Meeting held at 10 Downing Street, S.W.1, on 25 June 1947 at 11.45 am were: Mr Attlee (in the Chair), Mr Hugh Dalton, Sir S. Cripps, Mr A. V. Alexander, the Earl of Listowel, Mr C. P. Mayhew, Mr A. G. Bottomley, Mr Arthur Henderson

Also present were: Viscount Jowitt, Mr W. Whiteley, Sir A. Carter, Mr J. Rowlatt, Mr M. J. Clauson; Mr S. E. V. Luke, Mr F. F. Turnbull (Secretariat)

Minute 1

Recruitment of Gurkha Troops for British Army

The Prime Minister informed the Committee that he had received a telegram from the Chief of the Imperial General Staff reporting that he had had talks in Delhi with Pandit Nehru about the grant of facilities for the employment of Gurkha troops in the British Army. Pandit Nehru had agreed in principle that we could proceed in the matter, and had shown the greatest sympathy and friendliness in the discussions.

The Committee—

Took note of the Prime Minister’s statement.

Minute 2

The British Army in India

(Previous Reference: I.B.(47) 28th Meeting, Minute 9)

The Minister of Defence reminded the Committee that, at their meeting on 28th May, the Viceroy had raised the question of the arrangements to be made for the withdrawal of the British Army from India. The Committee had decided to resume consideration of this question after the views of the Chiefs of Staff had been obtained. In a telegram No. 1570-S of 24th June to the Secretary of State for India, the Viceroy had expressed the view that the correct policy was to start the withdrawal of the British Forces from India on 15th August, the objective being to complete the operation by about the end of February, 1948. Lord Mountbatten had suggested that the way was clear for an early announcement of our intention to take such action and had asked for authority to issue a statement on the matter immediately. The Minister was doubtful whether the stage had yet been reached when a firm date for the transfer of power could be announced. Apart from this, he thought that the first announcement regarding the plans for the withdrawal of the British Army should be made in the House of Commons; a Question on the subject had been put down
and he had persuaded the Member concerned to postpone it until 2nd July.

The Committee—

Invited the Secretary of State for India to consult with the Minister of Defence on the terms of the reply to the Viceroy regarding the timing of the announcement on the question of the withdrawal of the British Army from India.

**Minute 3**

Indian Independence Bill

(Previous Reference: I.B.(47)32nd Meeting, Minute 3)\(^4\)

**THE SECRETARY OF STATE FOR INDIA** said that it was hoped that the final comments of the Viceroy on the draft would be received by the morning of 27th June. Consultation with the Opposition ought to take place this week, so that the Viceroy could show the draft to the Indian leaders during the weekend, or at the beginning of the following week.

**THE PRIME MINISTER** said that he proposed to report the position generally to the Cabinet at their meeting on 26th June. It was not essential that the final details of the Bill should be settled before his discussions with the Opposition.

The Committee had before them the following papers circulated by the Secretary of State for India—

I.B.(47) 121:\(^5\) covering a summary of the detailed points on the draft Bill on which agreement had not been reached with the Viceroy;

I.B.(47) 122:\(^6\) on certain major points on the Bill raised by the Viceroy;

I.B.(47) 123:\(^7\) covering the 5th Revise of the draft Bill embodying the amendments on which the Committee had taken decisions, other than those still under discussion with the Viceroy;

I.B.(47) 125:\(^8\) on the financial obligations arising under Clause 13 of the draft Bill;

I.B.(47) 126:\(^9\) covering telegrams Nos. 1483–S and 1484–S from the Viceroy to the Secretary of State for India, asking for a ruling whether the lapse of States’ treaties and agreements necessarily covered commercial, economic or financial agreements affecting British India, together with the drafts of two telegrams in reply; and

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1 No. 330.
2 Vol. X, No. 553.
3 No. 335.
4 No. 265.
5 No. 323.
6 No. 324.
7 Not printed.
8 Not printed; see note 14 below.
9 Not printed; see note 15 below.
I.B.(47) 127:10 on the considerations arising from the proposal put forward by the Indian political leaders that provision should be made in the Bill to give effect to guarantees which the Government of India had agreed to give to those officers of the Secretary of State’s services after the transfer of power.

The Committee reached the following conclusions on the draft Bill—

Clause 1(3) and elsewhere in the Bill as required: The phrase “the Indian Dominions” should be changed to “the new Dominions”.

Clause 4: The titles East and West Punjab should be used.

Clauses 3(1) and 4(1): The Committee thought that it should be made clear to the Viceroy that, if the Provinces were partitioned before the appointed day, the new Governments [i.e. Governors] could be appointed without any question of formal advice being tendered [i.e. tendered] to the Crown by Indian Ministers. If the appointments were made “as from the appointed day”, there might be a demand by the Dominion Executive formally to advise the Crown as to who should be appointed, and we should be forced to decide whether to act on the Canadian or the Australian precedent. If after considering this point the Viceroy still desired that the division of Provinces should take place on the appointed day there was no objection to the Clause beginning “As from the appointed day”.

Clause 16: The Committee noted that the Viceroy had come to the firm conclusion that no provision should be included in the Bill about the Andaman and Nicobar Islands. In his view we should have to seek to obtain such strategic facilities as we might require by negotiations through the High Commissioner for India in due course. The Committee thought, however, that the Viceroy should be asked to put to the Indian leaders the clause to the effect that these Islands would belong to the two Indian Dominions jointly pending agreement, unless he was convinced that this would have definitely unfortunate repercussions. It could be put to them on the basis that His Majesty’s Government thought that this would be a convenient arrangement as between the two Dominions. The Viceroy should, however, be informed that, if the Indian leaders could not agree to it, we should be prepared to omit any reference to these Islands from the Bill and to leave our interests to be dealt with by negotiation with the new Dominion of India alone.

Clause 21(3): The Committee agreed that an addition should be made to the proviso to make it clear that representatives of the Tribal areas are not precluded from participation in the Constituent Assemblies.

Further points discussed on the Bill were—

(a) The Committee noted that agreement had not yet been reached with the
Viceroy on the terms of Clause 6 of the draft Bill.\textsuperscript{11} The original intention had been merely to give the Constituent Assembly in each Dominion full power to legislate until further provision was made by them in exercise of their constituent powers. It was, however, understood to be the desire of the Congress leaders that specific provision should be made in the Bill for the Constitution established by the Government of India Act, 1935, to be made applicable (subject to necessary modifications) separately in each of the two Indian Dominions until such time as other provision was made by the Constituent Assembly. The Committee agreed that the draft\textsuperscript{12} of the new Clause 8 handed to the Committee at the meeting should be communicated to the Viceroy, with whom the ultimate choice between the original provisions of the draft and the new Clause should be left.

(b) The Committee considered that provisions should be made in the Bill to give effect to the two guarantees which the Government of India had agreed to give to those officers of the Secretary of State’s Services, who continued in service after the transfer of power.\textsuperscript{13} They felt that it would be inexpedient to fail to take advantage of the offer made by the Indian leaders in this matter. On the other hand, they felt that there were substantial arguments against the inclusion of such a Clause in the Bill. The fact that it would be confined to the Secretary of State’s Services would make the members of other services feel that they had inferior security as to their future. It was very likely that the question would be raised in Parliament why no statutory guarantees were given for these other classes and His Majesty’s Government might be pressed to make such provision. The Committee were satisfied, therefore, that this Clause could be included only on the understanding that, when the Viceroy showed the Bill to the Indian leaders, he would obtain their express concurrence in it and their agreement that it should be stated in Parliament that the Clause had been included at the direct request of the Indian Interim Government. The Committee also thought that the words “to receive from the Government of the Dominion or Province in which he is from time to time serving” should be added after the words “entitled to” in the draft Clause suggested by the Indian Interim Government. This was necessary to make it clear that the Clause outlined a guarantee by the Government of India and not by His Majesty’s Government.

\textsuperscript{10} No. 325.
\textsuperscript{11} See No. 324, paras. 3–5.
\textsuperscript{12} L/P &J/10/123: f 81; not printed. This draft was the same, except for minor amendment, as Clause 8 in No. 428.
\textsuperscript{13} See No. 325.
(c) The Committee considered the suggestion in paragraph 7 of I.B.(47) 125 that Clause 13(1) of the draft Bill should be deleted, but their view was that this would be inadvisable. The justification for including a reference in this Clause to the Secretary of State and not to the Indian High Commissioner in London lay in the fact that the Secretary of State was under the control of Parliament. If no reference was made, the matter would undoubtedly be raised in Parliament.

(d) The Committee agreed with the terms of the draft telegrams annexed to I.B.(47) 126 on the question whether the lapse of States’ treaties and agreements necessarily covered agreements of a commercial, economic or financial character.

The Committee—

1. Took note that the Prime Minister would inform the Cabinet at their meeting on 26th June of the position with regard to the draft Indian Independence Bill and of the procedure proposed for consultation with the Opposition and the Indian political leaders.

2. Invited the Secretary of State for India to consult the Viceroy further on the terms of the draft Bill in accordance with the conclusions reached in their discussion.

3. Invited the Secretary of State for India to telegraph to the Viceroy as proposed in I.B.(47) 126.

Para. 7 of Paper I.B.(47)123 of 24 June 1947 summarised the exchange in Nos. 249 and 271 regarding Clause 13(1) of the draft Bill (No. 191) and pointed out that, as a result, the only portion of the Clause now remaining was that which authorised the Secretary of State to continue to perform 'agency' functions similar to those which he was performing on the appointed day. The memorandum proceeded to the conclusion that this portion was not worth retaining. L/P&J/10/123: ff 108-111.


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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/123: ff 78-9

MOST IMMEDIATE

SECRET

INDIA OFFICE, 25 June 1947, 2.50 pm
Received: 25 June, 8 pm

8156. Cabinet Committee considered this morning your telegram 18-S.K. and other telegrams commenting on draft Bill.

2. In view of strong views expressed on point taken on Clause 6(t) and (7) in paragraph 3 of 18-S.K. in Menon's telegrams and in your 19-S.K., we are prepared to meet your views. We are, however, satisfied that this cannot be
satisfactorily done without more substantial amendments than you propose. Parliamentary draftsman has substantially revised and rearranged Bill to produce desired effect. Text of amendments is contained in my immediately preceding telegram with duplicates by air mail.

3. Time is getting very short. We must show Bill in substantially its final form to Opposition on Friday. We should give them week-end to study Bill and obtain their views on Monday. We should hope then to be able to enable you to consult Indian leaders. For this programme to be followed we must know without fail by Friday morning whether you desire amendments in the manner proposed in my immediately preceding telegram or existing layout. We are quite satisfied that there is no via media and in view of time shortage we must ask you to choose one or other. We should be willing of course to consider minor amendments to text of revised passages at a later stage but could not alter the main layout after showing it to Opposition.

4. Even on this programme we only have one week for consultation with Indians and any alterations resulting from them and this is not much time since Opposition will have to be consulted on any important alterations desired by Indians.

1 No. 347, Minute 3.
2 No. 286.
3 See No. 191.
4 Nos. 255 and 290.
5 No. 293.
6 The revision and rearrangement indicated by this telegram (No. 8155 of 25 June 1947) was as follows: 
   (i) A completely new Clause 8, entitled 'Temporary provision as to government of each of the new Dominions', was inserted;
   (ii) Existing Clause 8 was renumbered as Clause 9 and its existing sub-sections (1) and (2) were replaced by a single new sub-section (1), existing sub-sections (3)–(6) being renumbered (2)–(5);
   (iii) Existing Clause 9 was completely omitted and a new Clause 10, entitled 'Secretary of State's services, etc.', inserted.
The text of the new Clauses was the same, except for minor verbal differences, as Clauses 8, 9(1) and 10 of No. 428. The telegram also indicated the consequential amendments made necessary by these major changes. L/P & J/10/123: ff 80–82.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P & J/10/102: ff 78–80

MOST IMMEDIATE
SECRET

INDIA OFFICE, 25 June 1947, 3.30 pm
Received: 25 June, 9 pm

8162. Your telegrams 1483–S and 1484–S.1 States agreements. H.M.G. fully appreciate importance attached by your Reforms Department to avoidance if

1 Nos. 246 and 247.
possible of complete severance of relations with States and necessity for
negotiations between parties over whole field. But we consider views of Political
Department must be accepted and are in line with our policy as stated in Cabinet
Mission memorandum of May 12th 1946. It is impossible to distinguish
between agreements freely negotiated and those imposed. In any case all were
made under the authority of the Crown and not of the executive governments,
central or provincial, of British India.

2. It might perhaps originally have been possible to proceed on some such
lines as suggested by the Reforms Department and have assumed that provisions
of treaties and agreements will remain in force until denounced or replaced by
fresh agreements, the only essential initial denunciation being the termination
of all rights and obligations exercised by the Crown Representative on behalf
of His Majesty. This would have left States and Provinces and the two new
Central Governments as inheritors of all rights and obligations not falling
strictly within the field of paramountcy control over the States, thus preserving
the status quo until changed by financial and economic agreements without of
course impeding their future liberty of action.

3. However that may be, it is now too late to consider the merits or demerits
of such a course since a different attitude was taken in paragraph 5 of the
Cabinet Mission’s memorandum of 12th May which definitely states that
“political arrangements between the States on the one side and the British
Crown and British India on the other” would be brought to an end and that the
void will have to be filled. It is we think impossible in the context to interpret
“political” in a narrow sense as excluding financial or economic arrangements.
The statement of 3rd June specifically endorsed the memorandum of 12th May
1946. We must abide by this and we think it is inevitable that we must make the
position clear in some more formal way than a Government statement. In any
case Parliament would require this.

4. We think that much the best method is to make specific provision in the
Bill. Individual formal denunciation by the Crown State by State seems much
too elaborate a process and would also involve the difficult question of how to
deal with those who have no written treaty relation. One single instrument of
denunciation by His Majesty might be possible but this would be politically
undesirable. Accordingly we think we should retain sub-section 7(1)(b) of the
Bill in the latest revise sent to you subject only to the modification indicated in
the immediately succeeding telegram to make it plain that obligations are
covered as well as rights. In your telegram of 20th June you do not give your
reasons for depreciating denunciation in the Bill. We admit there are some
objections but we think any other course would lead us into worse difficulties.

5. The whole question of the status of existing agreements is we consider a
practical rather than a legal issue and are convinced that the line that you took at your meeting on the 13th June⁴ is correct, namely that it is essential to bring about direct agreement between parties in regard to their future relations over the whole field. I gather from the documents forwarded with Crum's letter of 17th June to Harris⁷ that the draft of a standstill arrangement⁸ as envisaged in para. 4 of the memorandum of 12th May is already in existence as a basis for discussion.

6. You will probably wish to consider making some communication to States either when Bill is introduced or when it receives assent.

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The Earl of Listowel to Sir Hartley Shawcross

L/PO/6/122: f 228

TOP SECRET

INDIA OFFICE, 25 June 1947

As you will doubtless be aware we have of late been hard at work at the draft Indian Independence Bill at the cost of much midnight oil. Up to this stage I have refrained from troubling you but I feel that the draft Bill has now reached a sufficiently firm state to ask you to be good enough to have a look at it. I therefore enclose a copy of the 5th Revise¹ of the Bill.

I should explain that, broadly speaking, the draft Bill has been devised on the principle that its object is to tide over an interim period in India until the respective Constituent Assemblies have had time to work out constitutions for the two new Dominions. We understand from the Viceroy, however, that it has been strongly represented to him in India that the principle underlying the Bill ought rather to be that the provisions of the 1935 Act, in so far as they relate to the Central Government and the Provinces and to the relations between them, ought to continue in operation in both of the new Dominions to the maximum possible extent and the draft amendments, of which I also send you a printed copy, have been designed to meet this point of view.

¹ This intermediate draft has not been printed.
Following a meeting of the India and Burma Committee this morning the draft amendments have been telegraphed to the Viceroy (who should by now have received by air mail a copy of the 5th Revise of the Bill) who has been asked to let us know definitely by Friday morning whether he prefers the Bill as it stands in the 5th Revise or subject to the amendments in the separate print.

I hope what I have said above will give you a sufficient indication of the considerations underlying the present draft and the draft amendments to it. If you should have any comments to offer on the draft or on the amendments at the present stage, I should indeed be grateful if you would let me have them as soon as you can.

LISTOWEL

2 No. 347, minute 3.
3 See No. 348, note 6.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&E/J/10/123: ff 56-8

MOST IMMEDIATE

TOP SECRET

8184. My telegram 8156.1 Cabinet Committee today2 reached following conclusions on other outstanding points dealt with in previous correspondence with you as follows. References in this telegram are to Edition of Bill Numbered 110-43 enclosed with Turnbull’s letter to Abell of 13th June.4

Clause 1, sub-Clause 3. “the Indian Dominions” will be changed to “the new Dominions”.

Clause 4. The titles East and West Punjab will be used. Necessary consequential amendments have been made on copy of 5th Edition of Bill marked A3 sent to Abell with letter of 20th June.

Clauses 3(1) and 4(1). We are prepared to agree to “As from the appointed day” provided that you feel this is still desirable when you have considered my telegram No. 81856 which is issuing simultaneously. The point is that if Provinces are split before appointed day, new Governors can be appointed without any question of formal advice being tendered to Crown by Indian Ministers. If the appointments are made as from appointed day there may be demand by Dominion Executive formally to advise Crown as to who should be appointed and we should be forced to decide whether to act on the Canadian
or the Australian precedent whereas this question should be decided by the form of the ultimate constitution.

Clause 21(3). Words will be added to proviso to this clause in sense you suggest. Precise text will be telegraphed later. I telegraph separately⁷ about Clause 16. Point raised by you on Clause 6(1) and (7) has been covered by major amendments in my telegram 8155.⁸

2. Last paragraph of your telegram 1481–S.⁹ Clause in terms proposed by you¹⁰ has been included in amendments already telegraphed as sub-Clause 2 of Clause 10.¹¹ There are substantial arguments against its inclusion. These are briefly that fact that it is confined to Secretary of State’s services will make non Secretary of State personnel feel that they have inferior security as to their future and that it does not cover comparable personnel such as judges who have been appointed by Crown. We may be asked in Parliament why no statutory guarantee is given for these other classes and pressed to make such provision. We are therefore clear that we can only include this clause provided that when you show the Bill to Indian leaders you get their express concurrence to it and their agreement that we should state in Parliament that it has been included at the direct request of the Indian Interim Government. We feel the difficulty of rejecting such a request and are prepared on that basis to include it subject to the addition of the words given in sub-paragraph (3) of para. 1 of my telegram 8176.¹² These are necessary to make it clear that this clause enshrines a guarantee by the Indians and not by H.M.G.

¹ No. 348.
² No. 347, Minute 3; see also Nos. 323 and 324.
³ No. 191.
⁴ No. 189.
⁵ This intermediate draft has not been printed.
⁶ No. 352.
⁷ No. 353.
⁸ No. 348, note 6.
⁹ No. 249.
¹⁰ No. 286, para. 8.
¹¹ See No. 348, note 6.
¹² Tel. 8176 of 25 June communicated minor amendments to the major revision outlined in No. 348, note 6. The words to be inserted in Clause 10(2) were: ‘receive from the Governor of the Dominion of Province in which he is from time to time serving’ L/P &J/10/123: f 76. For the Clause as finally embodied in the draft Bill as shown to the Indian leaders, see No. 428, Clause 10(2).
The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&E/F/10/141: ff 163-5

IMMEDIATE

SECRET

INDIA OFFICE, 25 June 1947, 9.40 pm

Received: 26 June, 7 am

8185. I have been considering the position of the Governors of split Provinces as from the appointed day. You will observe that there is no special provision in the Bill about this and situation will be that as from the date of partition the existing Governors’ appointments will lapse. It will be necessary for you or for the Governor before division takes place to make an Order under Clause 8 modifying the Government of India Act 1935 in relation to the new Provinces and providing for the Legislature to be split into two new Legislatures (presumably the parts of the Legislature which have determined the question of partition). It will also be necessary for the Crown to issue letters patent constituting the offices of Governors of East and West Bengal and East and West Punjab.

2. Difficult question arises as to how these new appointments are to be filled. Provinces are not given Dominion status by the Bill and therefore Ministers in Provinces are not, as Dominion Ministers are, Ministers who are entitled to advise the Crown. I understand that in Australia which has a Federal Dominion constitution, Governors of States are appointed by the Crown on the advice of the Secretary of State for the Dominions. The Governor General of Australia does not come into the matter at all but private correspondence takes place between the Secretary of State (normally through the retiring Governor) and the State Ministry or the leading party in the Legislature and various unofficial methods are used of sounding opinion as to who should be appointed. It is doubtful whether we should do anything to encourage the idea that the Central Government of each Indian Dominion is entitled to advise the Crown on the appointment of a Governor in a Province within that Dominion, although it may be that the new constitutions when framed will be such that that will be the position. This would be the case if the Canadian practice were followed. Under the Canadian Constitution the Lieutenant Governors of the Canadian Provinces are appointed by the Governor General in Council i.e. on the advice of the Dominion Government. Moreover strictly speaking the question does not arise in regard to the appointments made with effect from the appointed day because those appointments must be made before any form of Ministry can be set up and therefore there is no Ministry to advise.

3. I suggest that you instruct Governors of Bengal and the Punjab, if it splits, to prepare the necessary order and also to consult the political leaders as to who
they wish should be appointed Governor. Language should be used which gives no ground for them to allege that they have a constitutional right to advise the Crown. The position is that the Crown in fact takes steps to ascertain opinion but is not formally advised by Ministers on this matter.

4. Under the Bill emoluments of Governors remain as fixed by the Government of India Act and instruments thereunder. They are alterable only by law of the Dominion or by Governor or Governor General's Order. It may be that the split Provinces cannot be expected to pay new Governors the emoluments previously paid to Governor of the whole. It seems necessary to raise this matter with the leaders in each part of the Province as it can be pointed out to them that whoever they desire should accept the position will wish to know what his emoluments will be. Question of course also arises of accommodation for the new Governor of one part of the Province.

5. I do not think consultation with provincial leaders on this can take place until the Bill is published but immediately thereupon I suggest that the Governors concerned take the matter up as it is one which may be raised in Parliament.\footnote{cf. Nos. 324, para. 2, and 347, Minute 3.}

\footnote{On 27 June 1947 Mr Attlee sent a Minute to Lord Listowel commenting that he understood 'that you were not in touch with the Palace' before this telegram was despatched. 'I think it is desirable that in matters of this kind the Palace should be kept informed before telegrams of this nature are sent.' Prime Minister's Personal Minute M.259/47. L/PO/11/4: f 40.}

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P & J/10/140: f 11

IMMEDIATE

TOP SECRET

INDIA OFFICE, 25 June 1947, 11 pm

Received: 26 June, 7 am

8194. Andamans. Your telegram 11-S.K.\footnote{No. 284.} was considered by Cabinet Committee today.\footnote{No. 347, Minute 3.} You had not when it was despatched seen text of proposed new clause which you will find as Clause 15\footnote{See No. 324, note 9.} in edition of Bill forwarded by Turnbull to Abell with letter of 20th June. Committee felt that sub-Clause (a) of this should go far to make it acceptable to Indians and unless you are strongly of the view that inclusion of this clause in the draft to be shown to Indian leaders will seriously prejudice chances of their accepting the Bill we should like you to put the Clause to them on the basis that we suggested\footnote{No. 258.} as a con-
venient arrangement as between the two Dominions. If however the Indian leaders cannot agree to it being included we should be prepared to omit it and leave our interests in the matter to be dealt with by negotiation with the new Dominion of India only.5

If it is omitted consequential omission of Clause 2(4) is required.6

1 'the new Dominion of India only' deciphered as 'any Dominion to India only'. Mountbatten Papers, Official Correspondence Files: Indian Independence Bill—Draft Bill, Part I(b).

6 An additional sub-Clause (4) had been added to Clause 2 in No. 191 which read: 'The provisions of this section shall have effect subject to the special provisions of this Act relating to the Andaman and Nicobar Islands'. L/P &J/10/123: f 138v.

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Meeting of the Special Committee of the Indian Cabinet

Mountbatten Papers. Partition Committee Minutes

SECRET

Those present at this Meeting held on 26 June 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad, Mr Abdur Rab Nishtar; Lord Ismay, Sir E. Mieville, Mr Mohamad Ali, Mr H. M. Patel, Mr Osman Ali (Secretariat)

Also present for Items iv, vi and vii were: Sardar Baldev Singh, Field Marshal Auchinleck

MINUTES

i. Procedure for the appointment of Governors of Provinces

His Excellency stated that it would be necessary to decide who would be the appointing authority for Governors of the two Dominions. There was no uniform practice; in Canada, for example, such appointments were made on the recommendation of the Governor-General-in-Council whereas in Australia the State Governments advised on this subject. His own opinion was that the Canadian practice was the more suitable one. It was also necessary to give some indication to the present Governors as to whether they would be kept on after the 15th of August. As far as the Governors of the Punjab and Bengal were concerned they had informed him that they would ask to be relieved of their offices as it would be embarrassing for them to serve in either part of those provinces after division.

Sardar Patel said that the Congress preferred the Canadian method; Mr Liaquat Ali Khan said he wished to consider the matter further and would give his reply the following day.

It was agreed that recommendations on the above questions would be made in consultation with the leaders of the two parties and should bind the respective successor Governments.
ii. The replacement of the Special Committee of the Cabinet by the Partition Council
His Excellency said that the question of the date on which the present Special Committee should be replaced by the Partition Council and the composition of the latter had to be settled. He suggested that as the Punjab, Bengal and Sind had all voted in favour of Partition, in accordance with the decision previously taken,² the Partition Council should be set up immediately. It would be composed of three members from the Congress, and three from the League, but meetings would be attended by only two members from each party. The Viceroy would be in the chair as at present. It was agreed that the first meeting of the Partition Council should be on the following day and that before then, Sardar Patel and Mr Liaquat Ali Khan should intimate to the Cabinet Secretary the names of the members their respective parties wished to nominate on the Council.

iii. Preliminary arrangements for the setting up of the Central Pakistan Government in Karachi
His Excellency said he was faced on two occasions during the war with problems similar to those which now faced the future Government of Pakistan when he had to move the Headquarters of South East Asia Command first from Delhi to Kandy and then to Singapore. He could appreciate, therefore, the difficulties of the Pakistan Government and he hoped the committee would agree to the requests for assistance made on its behalf and accord them top priority.

In the course of subsequent discussion the following points were made:

(1) The original note which had come through the Steering Committee was acceptable as it provided for demands being vetted by the Steering Committee. The revised note³ of the Hon’ble Mr Liaquat Ali Khan, however, sought a general directive from the Partition Council to all departments to meet demands without providing for their prior scrutiny. Some of the requests in the latter list could not be agreed to. It would not be possible, for example, to spare a Government press for the use of the Pakistan Government because the existing number of Government presses was inadequate to cope with the work they had to do.

(2) The question was raised whether it was in order for a member of the Council to send any paper direct and not through the Steering Committee for consideration in the Council. After some discussion, it was agreed that a member was entitled to bring up any subject directly before the Partition Council, if necessary and without its having been

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1 In tel. 1704–S of 2 July 1947 Lord Mountbatten referred to No. 256, para. 6, and notified Lord Listowel that both Congress and the League had informed him that they wished appointments to Governorships to be made on advice of respective Dominion Governments. L/P &J/10/141: F 155.
² No. 100, Item 1, conclusion (iv).
³ Both the original and revised notes may be found in Mountbatten Papers, Partition Committee Papers.
first passed through the Steering Committee, care being taken, save in exceptional circumstances, to see that the Steering Committee had sufficient time to examine the proposals involved, and if necessary to brief the concerned members of the Council. If this were not conceded the work of the Council, which was the body to take all high level decisions, would be impeded.

Summing up, His Excellency said the Committee was agreed that the original note should be accepted and top priority given both to the consideration of the matters mentioned in it and to the execution of non-controversial items. A list of items in the revised note which were considered controversial might be drawn up by the Steering Committee together with brief notes on each point which would assist the Council in arriving at a decision and be placed before the Council at its meeting tomorrow.

DECISION

The Committee agreed—

(1) that the procedure for meeting any of the requirements in the note submitted by the Steering Committee should be as indicated in paragraphs 2 and 3 of that note and that the approved demands should receive top priority.

(2) that the Steering Committee should place before the Partition Council for the consideration at its meeting tomorrow a note dealing with the request for the transfer of a Press and any other controversial items.

(3) that members of the Partition Council would be entitled to bring up matters directly before the Council, it being understood that the Steering Committee should, as far as possible, be given sufficient time before the meeting to enable them to examine the proposals in question, and to brief, where necessary, the members of the Council on such subjects.

iv. A note by the Commander-in-Chief on the retention of British Officers in India

His Excellency said that it must be recognised that the process of nationalisation and the division of the armed forces could not proceed together. In effect this would mean that the special programme of nationalisation would in the meantime have to be put on ice and that division would have to be given preference. That would mean retaining a proportion of British officers in the Dominion Governments for some time. He had discussed this question with the Cabinet in London which was generally agreeable to some officers being kept on provided they were first transferred to the British service. They might perhaps be known as belonging to the British service (Indian Branch). A similar method had been adopted by the other dominions of the Commonwealth when they were building up their armed forces. British officers, however, could only be asked to volunteer to stay on and not be compelled to do so. He did not, however, anticipate much trouble on this score although in the past
year many of them had been discouraged by the communal troubles and the
prevailing uneasiness in the country. A paper was being prepared on the
proposed terms on which these officers might be kept on, and it would be put
to the Partition Council.

The Commander-in-Chief explained that it was essential to avoid the
possibility of chaos in the Units, and every effort will be made to retain the
British officers as far as possible in the Units in which they were now serving
during the process of reconstitution. He emphasised the desirability of the
leaders making it known that they wished some British officers to stay on for a
time in order to help the dominion Governments to build up their armed
forces. If this were done they would be assured of getting the required number
of officers who would give of their best.

In the course of subsequent discussion, the following points were made:

1. It was desirable to retain some British officers for such purposes as
   training Indians to take their place but they should not be used to quell
   communal trouble. The Indian Parties had been accused in the past of
   relying on British arms to put down communal rioting and further
   charges of that nature must be avoided. His Excellency undertook to
   prepare a draft common message to British officers for the consideration
   of both parties. This message would be put out by the Partition Council
   expressing its desire that officers should stay on and assist in the building
   up of the two Dominion forces.

2. As was proposed to be done in the case of Indian officers, British officers
   also might be given the option of deciding in which of the two domin-
   ions they would prefer to serve. It was pointed out, however, that this
   would be a wrong approach calculated to put into their heads the idea of
   taking sides. In any particular case where an officer had strong personal
   reasons for serving in a particular area, he could ask for transfer to another
   unit in that area.

DECISION

The Committee approved His Excellency’s proposal to have a paper prepared
in the light of today’s discussion, and in consultation with Sir Chandulal
Trivedi, among others. The paper should be placed before the Partition Council
for consideration on Monday next.

v. Letters regarding option to Secretary of State’s Officers issued in anticipation of
   approval

No. 312.

A circular letter dated 21 June 1947 was issued by the Partition Office to all Officers of the Secretary
of State’s Services in order to ascertain how many of those wishing to continue in service after the
transfer of power would wish to serve under the Government of Pakistan. This followed an earlier
circular, dated 18 June 1947, asking Officers to indicate their intentions regarding their continuance
in service after the transfer of power and their wishes in respect of any possible transfer to another
Province. Mountbatten Papers, Partition Committee Papers.
The Committee took note of the letter.

vi. **Division of Armed Forces**

His Excellency said he had discussed the question of the division of the army with the Commander-in-Chief and they were both in agreement that the two Dominions should each have an operational Commander-in-Chief responsible for the forces in their respective territories. Until the division was completed administrative control for the whole of the Army would be with a joint Headquarters under the Commander-in-Chief. This general administration related to matters such as food, clothing, equipment, ordnance and medical supplies and moving of units from one Dominion to another. Meanwhile, the disposition of troops would be so arranged that by the 15th of August or as soon thereafter as might be possible there would be a maximum number of troops in the respective dominions to which they belonged.

The Commander-in-Chief explained that in order to avoid a breakdown, the process of transferring administrative control would have to be done by stages but it would proceed as rapidly as possible. Details would have to be worked out by the Expert Committees and approved by the Partition Council. Each dominion would thus gradually be building up its own administrative organisation. For some time to come it would be necessary to continue certain establishments under joint control until each dominion was in a position to take over the whole work. This control could be exercised by the Joint Headquarters, the policy being determined by a Defence Council consisting of the Governor General or Governors General, the two Defence Ministers and the Commander-in-Chief or alternatively by the Partition Council with which might be associated the Defence Members of the two Dominions.

In the course of subsequent discussion it was pointed out that under existing circumstances, tension would be greatest in the areas through which the boundaries would be drawn between Pakistan and the rest of India. There was a possibility of a clash of operational control over the two armies in that area and it was necessary to avoid such a contingency. The suggestion was made that the boundary commissions which would be required to finish their work by the 15th August might be asked to stay on for two or three months to exercise joint control over such areas and secure a common policy for the operation of troops in them. Alternatively, a common policy could be evolved by the proposed Defence Council. This would be a matter for the Partition Council to consider.

In answer to a question the Commander-in-Chief said that the basis for division of the armed forces was primarily a matter for the Armed Forces Reconstitution Committee to decide but he thought that a suitable guiding principle on which the Expert Committees could start work would be to move units composed predominantly of Muslims and of non-Muslims to Pakistan and to rest of India respectively.

Summing up, His Excellency said the Committee seemed to be agreed in
principle that operational command should pass to the respective dominions but that joint administration should remain with a common body until such time as it could be transferred to the respective dominions. He would prepare a paper in the light of today's discussion for consideration by the Partition Council on Monday.

His Excellency went on to request the Commander-in-Chief to prepare two separate panels of names of officers considered suitable for appointment as operational Commanders-in-Chief of the forces of the two dominions and to discuss these lists separately with each party.

vii. Withdrawal of British Army

H.E. said that Field Marshal Montgomery has discussed with Pandit Nehru and Mr Jinnah the question of the rate of withdrawal of the British Army from India after the 15th of August. H.M.G.'s views were that the withdrawal of British Units should commence on the 15th of August, proceed gradually and be completed by the end of February, 1948, at the latest.

viii. Boundary Commissions

H.E. said that at the time of giving the Boundary Commissions their terms of reference he proposed to hand over to them certain documents, namely, a copy of his broadcast, the letter of the Dewan of Bahawalpur regarding the Sutlej and the use of its waters and the scheduled castes' request for special consideration.

After some discussion, it was agreed that as it would be open to interested parties to submit any documents which they wished to be considered direct to the Boundary Commissions they need be given nothing beyond their terms of reference.

H.E. further said that all parties had unanimously expressed the opinion that it was most desirable that the Boundary Commissions should finish their work by the 15th of August. If this was to be done, it would be necessary, he felt, to modify the previous decision that the Commissions should elect their own Chairmen. In his view it would expedite work if the Partition Council could agree upon the names of two eminent men enjoying the confidence of both parties to serve as Chairmen and having a casting vote. He had accordingly asked the Secretary of State if he could suggest suitable persons for appointment as Chairmen and the latter had recommended Sir Cyril Radcliffe, a man of high integrity, legal reputation, and wide experience. If it proved difficult to

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6 Nos. 315, 329 and 337.
7 No. 44.
8 Not traced; but see No. 101, penultimate para. and No. 246, para. 5.
10 No. 175, Item 2, conclusion (v).
11 In fact, in the correspondence between Lord Mountbatten and Lord Listowel regarding Sir C. Radcliffe, he had so far been mentioned only as a possible Chairman of the Arbitral Tribunal (No. 135, note 1, and No. 224, note 2). See also, however, No. 317, para. 2.
find any other person he would suggest that Sir Cyril might be considered for the Chairmanship of both Boundary Commissions. The advantage of such a course would be that Sir Cyril Radcliffe would be enabled to adjust any slight loss one State might have to suffer in one particular area by compensating it in another and generally to see that justice was done uniformly to all claims. Further if, as was probable, the work of the Arbitral Tribunal would arise mostly after the 15th of August, it might be possible to retain Sir Cyril for that work also. The idea generally appealed to the members and they agreed to consider it further. H.E. for his part agreed to write formally to Sardar Vallabhbhai Patel and Mr Liaquat Ali Khan asking them to consider the suitability of Sir Cyril Radcliffe and setting out details of his experience and the terms on which he might be invited to come to India. His fees would be debited to the general expenses of Partition.

ix. Reconstitution of Governments at the Centre and in Bengal

His Excellency said that the decision to partition the country and divide Bengal necessitated the reconstitution of both the Central Government and the Bengal Government. These appeared to him to be inter-related matters which would have to be considered together. He was of the view that the best way of handling the situation in Bengal was to appoint Congress ministers for West Bengal, and to give them the right to veto any action, which they considered was likely to be harmful to the interests of West Bengal. Mr. Jinnah, with whom he had discussed the matter approved of this idea, and he had communicated it to the Governor of Bengal. It had occurred to him since that the position at the Centre was no different from that in Bengal, and an identical course of action should be pursued. He had accordingly asked the Governor of Bengal to stay his hand until a decision was reached in regard to the Centre.

He would have liked the present arrangement to continue at the Centre but if that were done, it would be only fair to make corresponding arrangements for Bengal by appointing a coalition ministry.

In the course of subsequent discussion the following points were made:

(1) The two cases were not parallel. In Bengal a ministry was functioning which was responsible to and commanded a majority in the provincial legislature whereas the Executive Council Members at the Centre were not responsible to the Central Legislature.

(2) It was necessary to consider this question on a commonsense basis rather than by a legalistic approach. Only then would our action command public confidence.

(3) A possible solution would be to have two Cabinets at the Centre, one dealing with Pakistan and the other with the rest of India. No decision would be taken by either which was likely to affect the interest of the other without mutual consultation. Under this scheme there would, of course, be only a single Secretary in each Department who would put up papers to the Member
concerned. Correspondingly, in Bengal Congress Ministers would have to be appointed for the Western part of the Province.

(4) Since the economy of the country was at present integrated it would be impossible to ensure that any proposed action would apply only to one part and not to the whole country. The best working arrangement would be to lay down that all action would be taken only by mutual agreement between the two parties in the present Central Government.

(5) Another course would be to replace the present Central Government by Congress Members who would hold the portfolios and appoint League Members who would have a watching brief on behalf of Pakistan and see all papers. The League Members would have the right to veto any decision which they considered prejudicial to the interests of Pakistan. Corresponding to this set-up at the Centre, Congress Ministers could be appointed in Bengal with a watching brief while the League Members would hold the portfolios.

(6) If action on any of the lines indicated were to be taken it would be necessary to make similar provision for Sylhet also.

Summing up, His Excellency said that he himself was in favour of the continuance of the present Government at the Centre with a strict adherence to the ‘stand-still’ agreement and a coalition Government or regional Governments in Bengal. That was calculated to hold up least the work of partition. The other two alternatives were the ones set out at (3) and (5) above. He requested the members of the Partition Council to consider these alternatives carefully and to discuss them or any other arrangement they could think of with him on the following day.

12 See No. 311, para. 3.

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Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru

Mountbatten Papers. Official Correspondence Files: States, Relations with, Part II(a) 1446/32
26 June 1947

Lord Ismay has shown me your letter of June 19th1 and the Note on the States which you sent with it.

2. You will not expect me to comment in detail on the views expressed. I do agree, however, that accommodation between the States and the two Dominions is most desirable. This will, I hope, be secured at the meeting next month between representatives of the authorities concerned, i.e. the Dominions

1 No. 264.
and the States, who must, of course, decide between themselves what their future relationship is to be. I myself, I need hardly add, will do what I can to promote an agreed settlement.

Yours sincerely,
MOUNTBATTEN

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/153: ff 234–5

SECRET
EXTERNAL AFFAIRS DEPARTMENT, NEW DELHI,
26 June 1947

Dear Lord Mountbatten,
It has been announced in the press and on the radio that legislation is going to be introduced in Parliament in regard to amending the Government of India Act on or about July 7th. You were good enough to inform us that before any legislation was so introduced, we would have an opportunity of examining it. It would be unfortunate if the draft was finally prepared and there was something in it to which we took strong exception. Although the main lines have been agreed upon, it is a matter of vital importance what the approach should be.

The question is not one of repealing the Government of India Act but of amending it. Any repeal would create grave difficulties and would leave us without any kind of a constitution. In fact, you mentioned in your broadcast that one of the reasons for giving Dominion Status was to enable India to have a constitution until the Constituent Assembly made a new constitution.

The amending Act would confer Dominion Status on India and delimit the territory of India by the exclusion of the seceding areas. It would constitute the Constituent Assembly into a sovereign legislature with power necessarily to amend the Constitution Act as it thought fit. It would thus bring this Act into line with the Statute of Westminster. The Act would apply to all the territories of India, with the exception of those that have seceded, which territories would be dealt with separately and constituted into a Dominion.

There would thus be two Acts. If there is only one Act dealing with these processes in India and in Pakistan then there will be a great deal of confusion and the status of India would be affected. We are naturally interested in the continuing entity that is India. As regards Pakistan, though we may be interested, it is for the representatives of Pakistan to say what they want and how they want it. Mixing up the two will lead to obvious difficulties. Parliamentary legislation will embody our constitution till such time as our Constituent
Assembly draws up another constitution. If that parliamentary legislation deals with Pakistan also it will mean that our constitution is contained in a Statute which also contains the constitution of another country. That would not only be incongruous but legally and constitutionally inadvisable.

The two processes of creating a Dominion of India and a Pakistan Dominion are not simultaneous, even though they might follow each other in quick succession. The Pakistan Dominion follows the secession of certain areas. Therefore, the Act for creating the Pakistan Dominion has to be a new and separate Act following the constitution of India as a Dominion.

There may also be other practical difficulties in the way of dealing with India and Pakistan together in the same legislation. India is not only a continuing entity but also a running organisation. Pakistan as a state is starting from scratch. Any attempt to tie them up legally will mean putting two things together with are dissimilar and which are functioning differently. That would not be good either for India or for Pakistan. The legislation, therefore, has to deal with each separately and on merits.

These are some points that I should like to place before you again, as I am anxious that parliamentary draftsmen should not ignore them at this stage. If a single Bill is drafted for parliamentary legislation dealing with all these processes, it will raise all manner of complications and difficulties and it would be unfortunate if we have to raise objections at that stage.

Yours sincerely,

JAWAHARLAL NEHRU

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1 No. 44.
2 Lord Mountbatten acknowledged this letter on 27 June remarking that he hoped to have authority to show the draft Bill after next week end, and that he thought Pandit Nehru would be satisfied it fulfilled the essential requirements. R/3/1/153: f 239.

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Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/91: f 36

SECRET

GOVERNMENT HOUSE, LAHORE, 26 June 1947

NO. 687

Dear Lord Mountbatten,

In compliance with the instructions contained in Your Excellency’s telegram of yesterday? I saw my three Party Leaders at 12.30 p.m. to-day. I have asked them to suggest the names of the new team of executive gazetted officers for the

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1 No. 343.
Lahore district. I have told them that their suggestions must be unanimous and must include only the names of those who, in their opinion, will enjoy the complete confidence of all the communities. I have also formed the Security Committee and issued a press note about it.

2. I adhere to the opinion that the parties can stop the trouble if they really wish to do so. Nearly all of it is caused by persons or organisations under some degree of party control. If by permitting the poachers to select their own game-keepers we can stop them poaching, so much the better.

3. I trust that the present arrangements will not have to continue for very long. I am gradually being forced into a position in which I shall in fact have two Cabinets, one consisting of the Party Leaders and the other consisting of the Partition Committee, who will have no actual or constitutional responsibility but will claim to interfere (probably on communal lines) whenever it suits them to do so. I am still not very hopeful of quick partition proceedings—I have just been told that the Committee cannot meet before Tuesday, the 1st July. I shall endeavour to push the proceedings as quickly as possible to a point at which two separate Governments can be set up even if a good many loose ends are left, and I hope that when that point is reached Your Excellency will be able to relieve me. I am assuming that I shall in any case be relieved not later than 15th August.

Yours sincerely,

E. M. Jenkins

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Field Marshal Sir C. Auchinleck to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/82: f 14

TOP SECRET 26 June 1947

C.-in-C.’s Paper 6/47

1. I have just seen telegrams pepper 73 and pepper 74 from CIGS to VCIGS. I have already started planning the withdrawal of British Troops, but before executive action can be taken, I shall no doubt receive official instructions from yourself confirming agreement of Pandit Nehru and Mr Jinnah.

2. Reference pepper 74. Para. 2. The remark by Mr Jinnah that he wished that “the withdrawal should not be conducted too quickly as he considered that troubles might possibly arise” is significant. I hope the CIGS did not in any way suggest to Mr Jinnah (even unintentionally) that British Troops could be used in communal disturbances. I have no doubt that the CIGS did not intend to convey this, and I note he refers in para. 5 to their use in protecting British
life. But if Mr Jinnah clearly realizes British Troops will not be available in communal disturbances, why should he be anxious lest they depart too quickly?

3. Reference PEPPER 74. Para. 4. The immediate aspect is the terms proposed by HMG rather than the terms Mr Jinnah proposes to offer. I hope that nothing that was said by the CIGS will cause Mr Jinnah to get out of step with the programme which we are following here with regard to the retention of British officers.

4. Reference PEPPER 74. Para. 5. Although I told the CIGS that I agreed that General Whistler should become G.O.C. British Troops in India, the responsibility for implementing this rests with me and not with the CIGS. It is my responsibility, for instance, to decide the size of the staff required, and to decide exactly how General Whistler will exercise command. Local administration of British Troops must remain as at present.

5. You may wish to ensure with the Secretary of State that executive action is not taken by the War Office on personal telegrams from the CIGS to the VCIGS until officially confirmed by the Government of India. British Troops in India, and Gurkhas serving under HMG are cases in point.

C. J. AUCHINLECK

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1 Nos. 315 and 329.
2 Lord Ismay replied to this note on 27 June 1947 on Lord Mountbatten’s behalf. He stated that the answers to its paras. 1 and 2 were contained in No. 335; that, as regards para. 3, the Viceroy had ‘no intention of allowing anything the CIGS may have said to Mr Jinnah to interfere with our programme for the retention of British officers’; that the Viceroy agreed with para. 4; and that, as regards para. 5, ‘the Viceroy took care to get off his No. 1570-S [No. 335] in order to regularise CIGS’ irregular communications to VCIGS’. R/3/1/82: f 16.

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Note by Sardar Patel

R/3/1/188: f 12

HOME DEPARTMENT, 26 June 1947

Reference Cabinet Secretariat No. 90/C.F./47 dated the 25th June 1947 regarding the question of financial liability arising out of the payment of compensation to the officers of the Secretary of State’s Services.

2. The position now taken up by His Majesty’s Government requires a considered reply from the Cabinet. At the previous meeting, when this question came up for discussion, the Cabinet was clearly and strongly of the opinion that the Government of India owed no liability on this account and that the matter

1 See No. 103, note 4.
should not be linked with the negotiations in regard to Sterling Balances. In my opinion, that position requires to be re-stated. H.M.G. should be informed that we do not regard this matter as one of negotiation. I would, therefore, suggest that the question may be taken up again in the Cabinet.²

V. J. Patel
H.M. Home

² Lord Mountbatten agreed to this procedure.

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Cabinet

India and Burma Committee. I.B. (47) 36th Meeting, Minutes 2–3

L/WS/1/1032: ff 60–63

Those present at this Meeting held at 10 Downing Street, S.W.1, on 26 June 1947 at 9.45 am were: Mr Attlee (in the Chair), Mr Hugh Dalton, Sir S. Cripps, Mr A. V. Alexander, the Earl of Listowel, Mr A. G. Bottomley, Mr A. Henderson, Lord Chorley

Also present were: Viscount Jowitt, Mr W. Whiteley, Sir A. Carter, Mr M. J. Clauson, Mr K. Anderson; Mr S. E. V. Luke, Mr F. F. Turnbull (Secretariat)

[Minute 1, on ‘Financial Obligations under Clause 13 of the Draft Indian Independence Bill’—i.e. the payment of pensions to European members of the Services, omitted.]

Minute 2

Relations between His Majesty’s Government and the Indian States after the Transfer of Power

(Previous Reference: I.B.(47)28th Meeting, Minute 4)³

The Committee considered a memorandum by the Secretary of State for India (I.B.(47) 128), on a proposal made by the Viceroy that an early statement should be made in Parliament regarding the relations between His Majesty’s Government and the Indian States after the transfer of power.

The Secretary of State for India said that the Viceroy had reported that the States, particularly Hyderabad, had been perturbed by references in the Congress press to the possibility that the future Indian Government might not tolerate the States having independent relations with His Majesty’s Government. Lord Mountbatten had suggested that the following reply might be made to an arranged question:—

“His Majesty’s Government hope that all States will associate themselves with one or other of the two Dominions, and thus become partners in the British Commonwealth. Should, however, any State or States decide
otherwise His Majesty’s Government would review the situation in the light of the then existing circumstances. All that can be said at this stage is that, while they are not prepared to recognise any such States as separate Dominions, they would certainly not refuse to have direct relations with them.”

The reply proposed by the Viceroy went substantially further than the Committee’s decision on 28th May (I.B.(47) 28th Meeting, Minute 4), when the view was taken that, if the British Government should admit at this stage that they would be prepared to maintain separate relationships with States, they would be charged with disintegrating India. There appeared to be strong objections to making any definite statement at this stage.

The Committee were in general agreement that no new statement on the subject should be made at this stage. They thought that if the question should be raised in Parliament during the debates on the Indian Independence Bill, the Government spokesman should take the line that His Majesty’s Government felt that it would be inopportune to make any statement on the subject until the States had had full opportunity of considering their position in the light of the arrangements made for the transfer of power in British India and of their discussions with each other and with the Governments of the new Indian Dominions. In the meantime, individual Members should, if possible, be dissuaded from asking questions in the House of Commons on the subject. It was pointed out that certain practical problems would arise in the international field from the indeterminate position of the Indian States in the period between the lapse of paramountcy and the final determination of their international status. It was agreed that these questions should be examined.

The Committee—
Invited the Secretary of State for India to inform the Viceroy that His Majesty’s Government considered that it would be inopportune [1] inopportune] to make any statement at this stage on the relationship between His Majesty’s Government and the Indian States after the transfer of power.3

Minute 3

Relations of His Majesty’s Government with India and Pakistan

The Committee considered a memorandum by the Secretary of State for

1 Vol. X, No. 553.
2 No. 326.
3 In tel. 8259 of 27 June 1947 Lord Listowel referred to the enclosure to No. 261 and stated that the Committee “felt that it would be unwise to make any statement before second reading of Bill”, explaining that the ‘principal objection seen to reply as drafted was that it implied a departure from policy indicated in last sentence of para. 5 of Cabinet Mission’s memorandum of 12th May 1946’ [Vol. VII, No. 262]. He added that they hoped in the meantime to forestall any questions: cf. A. Henderson’s letter to Mr. Harold Macmillan dated 27 June 1947 asking him not to put the Question given in the enclosure to No. 261 on the grounds that only a stalling reply could be given and that there would be opportunity to cover the point fully during the passage of the Bill. L/P &S/13/1839: ff 92, 94.
India (I.B.(47) 124) regarding a request made by Mr. Gandhi that His Majesty's Government should give an assurance that they would not differentiate in any way between India and Pakistan in the agreement to be made with each after the transfer of power.

The Committee were in general agreement that this request could not be acceded to; it was certainly not a proposal which could be seriously considered in advance of the forthcoming treaty negotiations. The Minister of Defence pointed out that acceptance of Mr. Gandhi's proposal might seriously prejudice our prospects of obtaining the defence facilities which we required in the two Indian Dominions.\(^4\)

The Committee—

Approved the draft letter (Annex C to I.B.(47) 124) which the Secretary of State for India proposed to send to the Viceroy on the subject.

[Minute 4, on Burma policy, omitted.]

\(^4\) In Paper I.B.(47) 124 of 24 June 1947 Lord Listowel circulated the text of Nos. 161, para. 4, and 281, para. 4, together with the draft of the reply which he proposed to send to Lord Mountbatten for which see No. 376, paras. 2–6. See also No. 266.

\(^5\) cf. No. 345.

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Cabinet C.M.(47) 57th Conclusions, Minute 4

R/30/11: ff 29–30

Those present at this Meeting held at 10 Downing Street, S.W.1, on 26 June 1947 at 11 am were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Arthur Greenwood, Mr Hugh Dalton, Sir S. Cripps, Mr A. V. Alexander, Viscount Jowitt, Mr J. Chuter Ede, Viscount Addison, Mr A. Creech Jones, the Earl of Listowel, Mr E. Shinwell, Mr Aneurin Bevan, Mr T. Williams, Mr George Tomlinson

Also present during discussion of item 4 were: Mr Alfred Barnes, Mr John Strachey

INDIA

Constitutional Changes

(Previous Reference: C.M.(47) 55th Conclusions, Minute 4)\(^1\)

4. The Prime Minister informed the Cabinet that good progress had been made in drafting the legislation to give effect to the decision to transfer power in India on the basis of establishing two independent Dominions. The Viceroy's final views were still awaited on certain Clauses, but the main lines of the Bill were now settled. It would provide that from 15th August two independent Dominions would be set up in India, to be known respectively as India and Pakistan. It would define their territories and provide for the appointment of a Governor-General for each. The original intention had been to do no more than give the Constituent Assembly in each Dominion full power to legislate until
other provision was made by them in exercise of their constituent powers, but it was understood that the Congress leaders wished the constitution established by the Government of India Act, 1935, to be made applicable separately in each of the two Dominions until such time as other provision was made by the Constituent Assemblies and it was proposed to agree to this. The Governor-General would have power to make by order such provision as was necessary to bring the legislation into effective operation; and the Bill would also provide for dividing the Indian armed forces and safeguarding the position of the British forces in India. It had been hoped to obtain Indian agreement to a provision separating the Andaman and Nicobar Islands from India, but it was now clear that we should have to seek to secure our defence requirements in these Islands by negotiation. The Indian Interim Government had asked that provision should be made in the Bill to give effect to their guarantee that any officer of the Secretary of State's Services who continued in service after the transfer of power would receive the same conditions of service from the successor authorities; and this proposal was still under discussion with Indian Ministers. The title “Indian Independence Bill,” which had been adopted at his suggestion, would be acceptable to the Indian leaders and to Dominion Governments.

The aim was to introduce the Bill not later than 9th July, and he hoped that the Cabinet would agree that he should discuss it with the Opposition leaders on 27th June, though its final details might then be still undecided, and that thereafter the Viceroy should be authorised to show it to the Indian political leaders, who had pressed to see it before its introduction.

The Cabinet—

Agreed that the Prime Minister should discuss the terms of the draft Indian Independence Bill with the Opposition, and that the Viceroy should be authorised to show the draft to the Indian political leaders.

1 No. 322.

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Chiefs of Staff Committee. Paper C.O.S.(47)134(0)

L/WS/1/1091: ff 25–30

British Forces in India

Report by the Chiefs of Staff

Ministry of Defence, 26 June 1947

At a Meeting of the India and Burma Committee1 we were asked to consider the question of the withdrawal of British forces from India and to submit our views. This paper is confined to this point alone and does not deal with methods

of obtaining our long term strategic requirements in India, about which he have already addressed a letter\(^2\) to the India Office.

2. We have taken into account the views expressed by the Viceroy at the Meeting of the India and Burma Committee, and in particular his opinion that there would be every advantage in withdrawing British forces as soon as practicable after the enactment of legislation providing for the transfer of power on the basis of the grant of Dominion Status to the two Successor States. We understand that the Viceroy is intending to submit further views in the near future.

3. We assume that there can be no question of beginning any withdrawal of British forces while we remain responsible for the defence of India and for internal security. That is to say, withdrawal could not begin before the appointed day for the transfer of power, and, although no detailed movement programme has been worked out, it could not be completed for about six months from that date.

4. Whether it would be desirable to begin withdrawal at the transfer of power, or if possible to retain British forces in India, is the problem examined in this paper. It must be judged against the background of the latest political developments.

5. We would however point out that there are in India certain stores which must be evacuated and which may need protection until this process is complete. Our present forecast is that evacuation of these stores will be complete by March, 1948. If we leave the country this commitment should be liquidated during the progress of the withdrawal of our troops.

There is also the question of the retention of some R.A.F. personnel to operate the air route to the Far East until agreement on our air transit rights has been reached and the Indians themselves can meet our needs.

**Considerations affecting the problem.**

6. As a result of political developments, the following considerations are relevant to the problem of withdrawal or retention of British forces in India:—

(a) As the Successor States will be Dominions, we can only retain forces in India if asked to do so. Conversely, if asked to do so it would be difficult and imprudent to refuse. We must also however allow for the possibility that Pakistan will ask us to leave forces and Hindustan not.

(b) The Commander-in-Chief, India, has stated\(^3\) that it is unlikely that the reorganisation of the Indian Forces will be completed in under two–three years, and that during this period India will be virtually undefended. The period might even be as much as five years. The Indian Air Forces, especially those of Pakistan, are likely to be inadequate for a considerably longer period. We have however assumed that some Indian forces will remain in being and adequately organised to keep watch and ward on the N.W. frontier and to maintain some measure of internal security.
(c) If British forces were retained they could not be employed on internal security duties. This means that they could not take any preventive action for the protection of British lives and could only render direct assistance in extreme emergency.

(d) If British forces were retained, they would have to remain under our control, and it might, therefore, be necessary to agree that they should be paid for by the United Kingdom Government.

7. The question is, therefore, whether in these circumstances it would be desirable from the point of view of both India and ourselves that British forces should be retained in India after the transfer of power. The length of time for which they might be invited to stay cannot be definitely estimated, but it is unlikely to be less than the time taken by the Successor States to organise their own armed forces.

**DESRABILITY OF RETAINING BRITISH FORCES IN INDIA**

A. IN HINDUSTAN AND PAKISTAN

8. We first discuss the advantages and disadvantages which would result from the retention of British forces in both Hindustan and Pakistan.

*Advantages to India.*

9. India would obtain the following advantages:—

(a) The presence of British forces, even if only in token strength, would have a steadying effect from the points of view both of external aggression and internal trouble in India.

(b) British forces in North West India would deter aggression by the tribes and could assist and support the Dominion forces in repelling them should they invade the settled districts in force.

*Disadvantages to India.*

10. We cannot see that either Pakistan or Hindustan would suffer any practical disadvantage by the retention of British forces.

*Advantages to us.*

11. An increase in stability is as much an advantage to us as it is to India. Our strategic requirements in India in a major war are of such importance that we should not miss any opportunity of trying to obtain them. It is certain that they would never be obtained if, as a result of the withdrawal of all British forces, India relapsed into general unrest and disorder or if both governments of India decided to appeal elsewhere for support. The presence of British forces in India would not only contribute a steadying influence but would help to ensure that India did not pass into a foreign and hostile orbit. We should, moreover, be more easily able to maintain our influence with neighbouring states, notably Afghanistan.

2 See No. 186 and Annex to No. 221, para. 5.

In addition to these broad strategic considerations, our immediate advantages would be:—
(a) The security of British stocks of war material would be assured, until they are removed.
(b) Facilities for the military air route to the Far East would be maintained.
(c) British forces would be able to render direct assistance to British civilians in case of extreme emergency.

Disadvantages to us.

12. Against these advantages we must weight the following disadvantages:—
(a) There is always a risk of becoming involuntarily embroiled in communal disturbances and in any conflict between Pakistan and Hindustan.
(b) If conditions in India deteriorated we might later be forced to evacuate our forces in unfavourable circumstances.
(c) The retention of British forces would mean an additional call on British man-power. We deal with this point in paragraphs 17–21 [22] below.

B. IN PAKISTAN ALONE

13. The main advantages conferred upon India and upon us by the retention of British forces apply equally if they are retained in Pakistan alone. For geographical reasons they would have the same steady effect in relation to both external aggression and tribal incursions. We should be taking the same step towards achieving our long term strategic requirements, in so far as these can be met in Pakistan alone.

14. On the other hand, there is a risk of some additional disadvantages arising. Hindustan would react unfavourably and the presence of British forces might increase the tension between Hindustan and Pakistan and both increase the danger of our being involved in a conflict between them, and also render still more remote our chances of getting the communications, administrative facilities and industrial potential of Hindustan which would so much increase the value of India to us in a major war. But it could be argued that the presence of British forces might have exactly the opposite effect in both cases.

Air transit facilities in Pakistan alone would not be sufficient to maintain our air route to the Far East.

Conclusion on desirability of retaining British forces in India.

15. We recognise that in the present situation we cannot insist on retaining British forces in India and that if neither Hindustan nor Pakistan ask for them we have no option but to withdraw them.

Nevertheless, we feel that whatever political advantage the Viceroy may see in their immediate withdrawal, the balance of military advantage lies decisively in their retention. The advantages are greater if both Hindustan and Pakistan ask for them but they are still decisive if only Pakistan asks.
PROVISION OF THE NECESSARY FORCES

16. Apart from long term strategic requirements the immediate purpose of leaving forces in India would be to deter external aggression and assist in preventing tribal incursion. The safeguarding of our transit rights and stocks of war material could be accomplished with a small number of men.

17. The total numbers required would not vary very much whether Pakistan and Hindustan or Pakistan alone invited us to stay, since the frontier areas of military importance are in Pakistan. Nevertheless, if they both invited us, it would clearly be unacceptable to locate all our forces solely in Pakistan and to that extent somewhat larger forces might be wanted.

Army Forces.

18. As regards the provision of army forces for India, we have planned to retain there the present six Brigades until June, 1948. Thereafter, these will run down quickly and no provision for any forces in India has been made in any future order of battle, although in fact for a few months after June 1948 the process of run down would allow us to leave some forces.

The provision of forces for India on any longer term basis can therefore only be made either by reallocating our resources or by increasing the regular content of the army, since forces in India must be composed of regulars only.

19. As it already appears that it will be difficult to obtain sufficient regulars to fill the regular ceiling, as at present planned, the mere approval to raise that ceiling would not solve the problem. We are, therefore, faced with the other alternative of reallocating our resources.

20. Existing British forces in India are dependent on Indian administrative backing. In time of civil disturbance it would not be possible to rely on Indian Administrative Services for supplies to British Forces. It would therefore be necessary to allow for some British Administrative troops for certain essential services. The remaining administrative services might be undertaken by Indian troops, depending on the plans made for re-constituting the Indian armies.

21. The only two areas from which these troops could be provided are Middle East and Malaya.

As regards Middle East, given a satisfactory solution to the Palestine problem leading to tranquillity in that country by the second half of 1948, it should be possible to provide an absolute maximum of two Infantry Brigade Groups from Middle East resources. This would, however, mean disorganising the infantry division located there. The provision of more than one brigade would, therefore, be difficult.

As far as Malaya is concerned, it should be possible to withdraw three British battalions from Malaya for use in India, if good progress is made with the formation of the Gurkha division in Malaya.
22. To sum up; given the necessary conditions in Middle East and Malaya it is considered that two British Infantry Brigade Groups could be found for India. At the best these would be only token forces but in view of the prestige enjoyed by British services in India should serve the purpose for which they are required.

Air Forces.

23. The R.A.F. could probably provide 4 or 5 squadrons, though possibly at reduced strength for a time. Limited technical backing and advice could also be found for some five R.I.A.F. squadrons. But, as with the Army, retention of R.A.F. units would depend on being able to make arrangements with the Successor governments for certain aspects of administrative backing, which are at present undertaken by the Indian Army.

We believe that an R.A.F. Force of this size, would provide a powerful deterrent both to tribal incursions and external aggression.

CONCLUSIONS

24. The following is a summary of the factors affecting the conclusion:—

(a) It is of great strategic importance to us that British forces should be retained in India, particularly during the period in which India is re-organising her armed forces.

(b) The political arrangements for the transfer of power make it impossible for British forces to be retained in India unless the Successor States ask for them. At the same time it would be a great mistake to refuse a request.

(c) Although the R.A.F. Squadrons could be provided, there can be no certainty that after June, 1948 we can find even token British land forces for India. In any event we are unlikely to be able to make available more than two Brigade Groups.

25. We conclude that:—

(a) No obstacle should be placed in the way of the Successor States asking us to leave forces.

(b) If either Indian government asks us to leave forces in India, we should accept, but in doing so should point out that whereas it should be possible to make the necessary provision up to June 1948, thereafter we can give no promise that we shall be able to find land forces, though we should be able to leave some air forces, and should do our best to make available land forces up to two brigade groups.

26. Since completing this report we have seen in a telegram from the Viceroy that both Pandit Nehru and Mr. Jinnah have agreed that withdrawal of British Troops should start on 15th August and that the withdrawal should be
completed by the end of February 1948. We do not however consider it necessary to modify our above conclusions in the light of this fresh information.

TEDDER.
R. R. MCGREGOR, V.C.N.S.
F. E. W. SIMPSON, V.C.I.G.S.

No. 335.

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Sir F. Burrows (Bengal) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/153: f 231

IMPORTANT
SECRET

26 June 1947, 7.40 pm
Received: 27 June, 9 am

174–S. My telegram 161–S dated 18th June.1 Indian Dominion Bill. I have following supplementary comment. Under clause 3(3)(b) of the Bill2 Chittagong Hill Tracts will, until otherwise determined, fall within the new Province of West Bengal. For reasons indicated in my immediately succeeding telegram I regard this as entirely impracticable proposition since all of the Hill Tracts’ links are with Chittagong District. Pending negotiations between the two Dominions, I would strongly press for amendment of the Bill to allow Hill Tracts to be treated at all events temporarily as part of territories of East Bengal.

1 See No. 271, note 10.
2 See No. 191.

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Sir F. Burrows (Bengal) to Rear-Admiral Viscount Mountbatten of Burma

Telegram, R/3/1/153: ff 232–3

IMPORTANT
CONFIDENTIAL

26 June 1947, 7.40 pm
Received: 27 June, 9 am

No. 175–C. My immediate preceding telegram. Chittagong Hill Tract. Constitutional position of the Hill Tracts was fully discussed in memorandum about their future administration forwarded with para. 4 of my General Letter F.J.B.–24 dated May 7th.1 It was recommended that Hill Tracts should continue to remain attached to the Province of Bengal and that their future administra-

1 Not printed.
tion should rest with the Provincial Government. Their only easy means of communication with outside world is through Chittagong District and all their commerce and administrative ties are with that District. It would be wholly impracticable for them to be administered as part of West Bengal Province. Population figures in 1941 Census are:

- Tribals — 233,392
- Muslims — 7,270
- Hindus — 4,881
- Others — 1,510
- Total — 247,053

When I saw the three Chiefs of the Tracts on May 3rd they strongly deprecated being placed under the Muslim Province of East Bengal and indicated preference for federation with Tripura and Assam States; (group corrupt) admitted that all their links were with Bengal. Great weight need not be attached to opinion of the Chiefs who are more concerned with personal aggrandisement than the welfare of the population.

3. Neither major political party has yet evinced any strong interest in tracts which as an excluded area have been outside the main stream of political life of the province. But League are likely to press for inclusion in East Bengal, if only because hydro-electrical project for electrification of Chittagong Area depends on the dam at Barkal on Karnaphuli River in the interior of tracts. Congress will naturally try to keep any non-Muslim Area out of Muslim hands.

4. Though reference to “Other factors” in terms of reference of the Boundary Commission gives Commission considerable scope, I assume that the fate of Hill Tracts would be a matter for negotiation between the two Dominion Govts. or their Constituent Assemblies and not for decision of Boundary Commission.

5. Your Joint Secretary Christie was Deputy Commissioner Hill Tracts for two years and will be able to give you much local colour.

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**Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel**

**Telegram, R/3/1/153: ff 227-8**

**MOST IMMEDIATE**

**SECRET**

NEW DELHI, 26 June 1947, 10 pm

Received: 26 June, 7.20 pm

No. 1598—S. Indian Independence Bill. Your telegrams 8155, 8156, 8162, 8163, 8176, 8184, 8185 and 8194 of 25th June. All textual amendments communi-
cated therein and consequential renumbering of clauses have been carried out in master copy of Bill. References are to text as so amended and re-numbered.

2. **Clause 2(2)(a).** Definite article before names East Punjab and West Punjab appears out of place and may be omitted.

3. **Clause 3(1).** In view of time factor we still think that balance of convenience lies in reconstituting Provinces on appointed day. I accept view that section 48 of 1935 Act should be left to its operation but I should note for your information that informal consultation will take place not between Provincial leaders and Governors but between myself and all-India leaders who will doubtless themselves sound leaders in Provinces concerned. This holds good equally in the case of Provinces which will continue undivided but where existing Governors will resign unless they are asked and are willing to continue in office. Subject to this remark I agree with your suggestions in paras. 3 and 4 of your 8185 and I shall take up questions with leaders here as soon as possible.

4. **Clause 3(2).** Point mentioned in my telegram 1481-S of 17th June has not been fully met in revised draft clause. Referendum is in terms of para. 13 of Statement of 3rd June to ascertain whether Sylhet District is in favour of amalgamating with new Province of East Bengal and not repeat not whether it is in favour of representatives of that district taking part in Pakistan Constituent Assembly. I suggest therefore that in lines 38 to 40 the words “representatives of that district taking part in the Constituent Assembly of Pakistan” should be replaced by the words “that district forming part of the new Province of East Bengal”. Reference to “that date” in line 40 may be mistaken to mean date of passing of Act and clarification seems required.

5. **Clause 7(1).** In view of your 8162 I see no alternative but to accept your redraft of paragraph (b) and also of paragraph (c). But I am certain that Pandit Nehru will vehemently protest against statutory denunciation of all the existing treaties many of which in his view and in the view of his constitutional advisers may arguably have survived but for the statutory provision.

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1 See Nos. 348 and its note 6, 349 and its note 4, 350 and its note 12, 352 and 353.
2 Presumably a reference to the views expressed about the appointment of Governors in No. 352, paras. 2-3 and 4. Clause 48 of the Government of India Act, 1935, provided (1) for the appointment of Governors by His Majesty by a Commission under the Royal Sign Manual, and (2) for the salary and allowances of Governors.
3 No. 352.
4 No. 249.
5 No. 45.
6 Lines 38-40 referred to a verdict in the Sylhet referendum in favour of ‘representatives of that District taking part in the Constituent Assembly of Pakistan’. L/P 8&J/10/123: f 138v.
7 The intention was to refer to the appointed day—‘that date’ (rather than the date of the passing of the Act) being the date on which the amalgamation of Sylhet with East Bengal was to be effected. Ibid.
8 No. 349.
6. New Clause 8. Referring to para. 3 of your 8156\(^9\) my Advisers have no hesitation in accepting amendments proposed in your 8155\(^10\) which they regard as eminently satisfactory.

7. Clause 10(2).\(^{11}\) I now understand that intention of my Cabinet was to confine statutory guarantee to members appointed to regular services and not to persons appointed to ad hoc non-cadre posts. In that view words "or civil post under" will have to be omitted. I do not consider fact that provision is confined to Secretary of State’s Services is a weighty argument against its inclusion but I agree with you that fact that it does not cover Judges of High Courts and Federal Court and other persons appointed by His Majesty is strikingly anomalous. I shall consult leaders when I show them draft Bill and telegraph to you if they agree to widen scope of clause so as to include these persons. I understand Congress is prepared to continue existing Judges on their present conditions of service.

8. Clause 16.\(^{12}\) I am convinced that the clause as amended will be entirely unacceptable to Congress. The arrangement would be unworkable administratively and would in any case leave no chance of satisfactory negotiations about the Islands with either Dominion. This clause and clause 2(4) should certainly be omitted, as these clauses would create such suspicion in Indian minds that even if they were omitted at their request the damage would have been done as far as future negotiations are concerned.

\(^{9}\) No. 348.

\(^{10}\) No. 348, note 6.

\(^{11}\) See No. 353, para. 2. For the Clause as finally embodied in the draft Bill as shown to the Indian leaders, see No. 428, Clause 10(2).

\(^{12}\) i.e. the Clause on the Andaman and Nicobar Islands: see No. 353 and, for the text of the Clause as amended, No. 324, note 9.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/153: f 230

MOST IMMEDIATE
SECRET
PRIVATE

26 June 1947, 9.15 pm

No. 1600–S. I have been thinking over the terms of Clause V(1) of the Bill. I do not want it to appear that if I stay I have in any way been forced on the political parties. Would it not be possible to amend the proviso on the following lines:— “provided it shall be lawful for one person to hold both appoint-
ments of Governor-General for such period as may be determined by either Dominion after the 15th August.”

1 See No. 191, Clauses 5(1) and (2) as amended in No. 256, note 6.

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Meeting of the Partition Council Case Nos. P.C.1/1/47 and 5/1/47

R/3/1/160: ff 11-13; R/3/1/153: ff 255

SECRET

Those present at this Meeting held on 27 June 1947 were: Rear-Admiral Viscount Mountbatten of Burma, Mr Jinnah, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad; Lord Ismay, Sir E. Mieville, Mr H. M. Patel, Mr Mohamad Ali

Case No. P.C.1/1/47. Reconstitution of the Government at the Centre and in Bengal

His Excellency said that the Bengal Ministry was responsible to the Legislature and was, as such, entitled to continue. It was proposed, therefore, and Mr. Jinnah had agreed to this,¹ that the Bengal Governor should be asked to invite the leaders of West Bengal to form a shadow Cabinet and be responsible for matters solely or predominantly concerning West Bengal. In the event of any disagreement, matters would come up before a full Cabinet meeting at which the Bengal Governor would be invited to preside. As regards the Centre, he had discussed this question with the Cabinet when he was in London² and the law officers of the Crown had been consulted as to the legality of an arrangement similar to that now proposed for Bengal. It had been necessary for him to do this as, in agreeing to partition, the Congress had asked for an assurance that they would be allowed a free hand in dealing with the area which would fall to them.³ He for his part had given this assurance subject to its being found to be legally feasible, and provided the Congress agreed to give to Muslim League an equally free hand in their areas. The Congress were agreeable to this condition. When he realised the amount of work that had to be done to implement the decision to partition, he had hoped that it would be possible to carry on on the standstill basis. The Congress, however, had made an issue of the matter and wished immediately to be masters in their own house.⁴ He had considered the whole question very carefully and suggested for the consideration of the Council the following arrangement: firstly, that he should ask for the resigna-

¹ For the previous Partition Committee Meeting on this subject see No. 354, Minute ix; for further accounts of the crisis see No. 369, paras. 14-18, and No. 379.
² See No. 311, para. 3.
³ See Vol. X, No. 494, Minute 3; No. 517, Minute 7; Nos. 545-6; and No. 553, Minute 7.
⁵ cf. No. 73, Item 1; No. 80, para. 1; No. 200; and No. 239, Item 5.
tion of all existing members of the Cabinet; secondly, that he should invite the leaders of the two future governments to nominate an equal number of men for appointment as members. He would suggest a set of 9 members on each side, each of whom would hold about two portfolios. The Congress members would be in actual charge of the portfolios but would be responsible only for their own future area. The League members holding corresponding portfolios would see all papers and would have over-riding powers both to refer to the full Cabinet and, in the event of disagreement, to the Viceroy for his own decision on any proposal which solely or predominantly affected Pakistan and to which they objected. They would also have the right to initiate any action required for the Pakistan area which must be acted upon by the member concerned. The standstill agreement would of course still continue to operate, since we had to concentrate all our energies to getting on with the partition work. The only real difference between this suggestion and Dr. Rajendra Prasad’s was that in the case of the latter proposal both members would sign, whereas under the former only one would sign and that would be the Congress member who would be in actual charge.

Concluding his remarks, His Excellency said that he hoped that this suggestion would be acceptable to the two parties. So far as Muslims were concerned, they would be setting up a machinery which they would have to pack up and remove to Karachi after some 40 odd days. His suggestion would give them and their government a certain measure of continuity.

Mr. Jinnah remarked that this was now only a matter of 40 odd days. He would appeal to the Congress to rise to the occasion and not to put forward a proposal which may be humiliating to either side. We were already agreed that nothing should be done which was prejudicial to either side, and although he realised that there was distrust on both sides, which he hoped would disappear soon, he trusted that no attempt would be made to dishonour any agreement which we had entered into as honourable men. His suggestion therefore was “Do not do anything which would make it appear that it was the Congress which would have the authority while the League would be merely a watchdog”. While this was his appeal he thought it necessary to emphasise that legally and constitutionally the proposal was wrong and untenable.

Sardar Patel said that he in his turn would appeal to Mr. Jinnah to look after his own area and to leave them to look after theirs. What was the good of going into the legal side of the question?

His Excellency reiterated his own preference for the continuance of the existing arrangement but in view of the assurance that he had given to the Congress and the legal opinion that had been given to him he could not accept Mr. Jinnah’s view. As regards the legal issue, his advice was, and that was supported by what Mr. Jinnah had earlier quoted from Parliamentary debates, that he could appoint anybody, have as many portfolios as he considered
desirable, and distribute the work among the members appointed as he considered suitable.

It was agreed that Mr. Jinnah should prepare a note on the legal aspect of the proposal and submit it to His Excellency the Viceroy by Sunday morning. His Excellency the Viceroy for his part would warn H.M.G. that a telegram on this question would be coming. He would despatch Mr. Jinnah's note as soon as it was received asking H.M.G. to let him have a reply in time for the matter to be finally settled at the Cabinet meeting on Wednesday.

After a brief discussion, it was further agreed that in so far as Bengal was concerned, the existing League Ministry would continue in office for the whole of Bengal but that the representatives of the future government of West Bengal would be included in the Ministry and be given over-riding powers both to refer to the full Cabinet and, in the event of disagreement, to the Governor for his own decision on any proposal which solely or predominantly affected West Bengal and to which they objected; they would also have the right to initiate any action required for the West Bengal area which must be acted upon by the League Minister concerned.

In the case of the Punjab, which was under Section 93, it was agreed that the Governor would be invited to appoint two bodies of advisers one from each of the future parts of the Province to advise him on matters concerning their respective territories.

Case No. P.C.5/1/47. The draft India Bill

His Excellency said that by a special dispensation it had been arranged for the draft India Bill to be sent to India in order that the Indian leaders might have an opportunity of studying it. It had also been agreed that the bill must not leave the Viceroy's House and he proposed therefore as soon as the Bill was received, to invite two leaders from each side to come and study it. Each side might bring with them a legal expert. The two Steering Committee members would also be asked to attend.

* No record of Dr Prasad's suggestion has been traced.
7 29 June.
8 2 July.
* See Nos. 257; 279, note 2; and 348, paras. 3-4.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel Mountbatten Papers, Letters to and from the Secretary of State

PRIVATE AND TOP SECRET

27 June 1947

Thank you for your letters of the 13th and 20th June, 1947; I did not write to you last week as I was away for brief visits to Simla and Kashmir.

1 Nos. 182 and 281.
2. I was very glad to hear of the possible appointment of Sir Cyril Radcliffe. I saw a certain amount of him when he was Director-General at the Ministry of Information during the war and formed a high opinion of him. I have put the matter in confidence to the Leaders and I hope to let you have a reply shortly to your telegram.²

3. There is, as might be expected, some difficulty in finding a Chairman for the Boundary Commissions, for the setting up of which the Leaders have just agreed, and, as the Arbitral Tribunal will probably not have much to do in the early stages, Jinnah has suggested³ that Radcliffe, if he proves acceptable, might perhaps serve in the first instance as Chairman of both Boundary Commissions to sit only to settle disputes within the Commissions. This is so far a purely tentative proposal. If anything comes of it I will let you know by telegram.

4. I was interested to read⁴ of the proposal for the establishment of a Commonwealth Relations Office to take over the duties at present entrusted to the Dominions Office and the India and Burma Office. I feel that this change of name will be a popular move as the title “Dominion” seems to be going out of fashion these days and becoming almost unpopular.

5. I am glad to note, from Press accounts, that there is now a possibility that Burma may follow India’s lead and ask for Dominion status in the first instance.

6. In this connection, I was interested to read the suggestion put forward by Rance in his telegram No. 151⁵ of the 11th June, suggesting that the time was now ripe for investigation of a form of association within the British Commonwealth. I feel that the British Empire must move with the times and that it might well prove possible to find a somewhat looser form of association on the lines that Rance suggests. There are other parts of the Empire which might be placed in a similar position to India, Burma and Ceylon in the next few years, particularly the West Indies, where some form of federation seems to be quite possible in the future.

7. At this point may I say how much I appreciate your giving me advance information of the Colonial Secretary’s announcement about Ceylon. One of the first things I had to do after reaching Kandy in April 1944, was to advise H.M.G. that an inquiry into the political future of the island was an urgent necessity if trouble was to be avoided in one of our principal bases in the Far East. The result was the Soulbury Commission and I have retained an interest in Ceylon’s affairs from that time.

8. I am so glad to hear⁶ that the Ministry of Defence are being consulted about the possible renewal of the invitation to India to attend the Commonwealth Advisory Committee on Defence Science and on the subject of the
disclosure of classified information to India. These points, together with the offer of facilities for Indian Officers to attend the I.D.C. and the Joint Staff College, Chesham, will make a very good impression out here and will be a great help in convincing India of the advantages to be derived from membership of the Commonwealth.

9. Thank you also for your reply about Honours and Awards. I feel that the best solution is to include the final Indian List with the New Year's Honours List 1948, and to back date it to the 14th August, 1947. It will thus, I think, attract less notice and will not appear as if we are celebrating our departure by a triumphant Honours List.

[Para. 10, on re-employment prospects in the Colonial Service for Irrigation Engineers; and para. 11, on the position of certain U.P. Officers who had retired on proportionate pension between 1 January 1947 and the announcement of compensation terms on 30 April 1947, omitted.]

12. Paragraph 10 of your letter about the late hours worked by the Cabinet Secretariat Staff reminded me of the war years in Whitehall, and, although, we had not yet managed to achieve as late an hour as 0500 it is only with the greatest difficulty that I manage to avoid after-dinner work and "midnight follies" are all too frequent. But in spite of it all the whole party out here are as keen and cheerful as ever.

MOUNTBATTEN

2 No. 224, note 2.
3 No. 311, para. 2; see also No. 354, Item viii.
4 No. 182, para. 6.
5 Not printed; but see No. 121.
6 No. 182, para. 8.
7 Not printed; but see Nos. 78, para. 12, and 161, para. 9.
8 No. 281.

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Viceroy's Personal Report No. 10
L/PO/6/123: ff 137-50

TOP SECRET AND PERSONAL

I forwarded no Personal Report last week, as I was away from Delhi for brief visits to Simla and Kashmir.

2. The internal situation in the country is much quieter with the unfortunate exception of the Punjab, where trouble has flared up again in Lahore, Amritsar and the Gurgaon district. In the two former the trouble is confined to arson and stabbing on a widespread scale. It is carried out by "cloak and dagger" methods
and is therefore very difficult to put down. In Gurgaon, where my wife went again on the 26th June there has been a longstanding feud between the Meos and Jats, and now that additional troops with increased vehicles and wireless facilities have been sent in I hope that we shall be able to control the troubles. A similar Meo-Jat flare-up in the United Provinces was dealt with very quickly, as the authorities were ready for it.

3. Every responsible person is particularly worried about the situation in Lahore and Amritsar, for if we cannot stop this arson both cities will soon be burnt to the ground. In his interview with me on the 23rd June, Jinnah begged me to be utterly ruthless in suppressing trouble in Lahore and Amritsar. He said: "I don’t care whether you shoot Muslims or not, it has got to be stopped". On the 24th June, Nehru came to see me and talked in the same strain. He suggested turning over the cities to the military, withdrawing the police and declaring martial law.

4. I accordingly asked Jenkins for his views by secraphone, so that I could raise the matter in Cabinet on the following day. Jenkins replied to the effect that he had discussed a similar proposal on the 23rd June with the Lahore Area Commander and the Inspector General of Police and later with the local Party leaders, and had decided against it. His reasons were that since decisive action by troops against "cloak and dagger" activities was out of the question, martial law might well fail, and the troops would soon be exposed to the same communal attack as the police. To sum up, Jenkins, while admitting that the situation was causing him grave anxiety, did not think that martial law was the answer to trouble of this kind.

5. The meeting of the Cabinet on the 25th June was a very difficult one. I was violently attacked by leaders of both parties for the complete failure of the "British" to maintain law and order under Section 93. Nehru, as usual, completely lost control of himself and demanded the sacking of every official, from the Governor downwards, that same day. I had to reprimand him publicly for this irresponsible suggestion. I must admit he took the rebuke very well. Patel then ranted against the British, saying that in the days when they were putting down Congress and freedom movements, they had no difficulty in keeping law and order. He said it was a case of the British covering up for the British. I told him I could not take such a slur, and he immediately said he had not meant it as a slur. Then the League started attacking me and saying that there would soon be no city left for them to inherit. Baldev chimed in with a "shoot everyone on sight" cry; upon which Patel pointed out that the only people shot by the troops were the wretched householders who were forced into the streets during curfew hours when their houses were set on fire!

6. Finally I obtained unanimous agreement that the Governor should be invited to form a Security Committee of the local leaders of the Hindus, Mus-
lims and Sikhs; that this Committee should draw up an agreed list of local officials in whom all three parties would have confidence; and that they should be put in power wherever possible. I suggested that the Security Committee should meet every day and that all the leaders, from the High Commands downwards, should use every effort to call off all violence. These proposals were well received and I passed them on to Jenkins at once. I am glad to say that the news from Lahore is now better.

7. On the 20th June the members of the Bengal Legislative Assembly met and decided on the partition of Bengal. At the preliminary joint meeting it was decided by 126 votes to 90 that the Province, if it remained united, should join a new Constituent Assembly (i.e. Pakistan). At a separate meeting of the members of the West Bengal Legislative Assembly on the same day, it was decided by 58 votes to 21 that the Province should be partitioned and by the same majority that West Bengal should join the existing Constituent Assembly. At a separate meeting of members of the East Bengal Legislative Assembly, it was decided by 106 votes to 35 that the Province should not be partitioned, and by 107 votes to 34 that East Bengal should join the new Constituent Assembly should partition eventuate. It was also decided, by 105 votes to 34, that in the event of partition East Bengal would agree to amalgamation with Sylhet.

8. The Punjab has also decided for partition. At the preliminary joint session of the two Assemblies held on the 23rd June 91 members voted for joining a new Constituent Assembly and 77 for the present Constituent Assembly if there were no partition. The East Punjab Assembly, meeting separately, decided in favour of partition of the Province by 50 votes to 22, and by the same majority for joining the present Constituent Assembly. The Western Punjab Assembly, meeting separately, voted against partition by 99 [? 69] votes to 27, and by the same majority for joining a new Constituent Assembly.

9. As anticipated, the Sind Legislative Assembly at its special sitting on the 26th June, decided by 33 votes to 20 that Sind should join the new Pakistan Constituent Assembly. Thus we can now look upon the creation of Pakistan on the 15th August as legally decided upon.

10. I have been discussing the Boundary Commissions for the Punjab and Bengal with the leaders including Baldev Singh, and I am glad to say that very simple terms of reference have now been agreed upon. They are as follows:

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1 See No. 320.
2 Ibid.
3 No. 327.
4 No. 338, Case No. 155/32/47.
5 No. 343; for Sir E. Jenkins's reply see No. 357.
6 The correct figure here should apparently be 69. Report in *Times of India*, 24 June 1947, p. 5, col. 1; see also No. 304.
7 See No. 158; No. 175, Item 2, conclusion vi; and No. 311, para. 2.
For the Punjab:

The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will also take into account other factors.

For Bengal:

The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will also take into account other factors.

For Sylhet:

In the event of the referendum in Sylhet District of Assam resulting in favour of amalgamation in Eastern Bengal the Boundary Commission for Bengal will also demarcate the Muslim majority areas of Sylhet District and contiguous Muslim majority areas of adjoining districts.

11. The Boundary Commissions are now being set up, Congress and the League having each nominated two representatives to each Commission. The question of the Chairman has been causing a lot of trouble. At the first meeting of the Partition Council held to-day Jinnah’s proposal was accepted by Congress, namely that Sir Cyril Radcliffe should be appointed as the Chairman of both Boundary Commissions with a final casting vote, as this was considered to be the only way in which the boundaries could be definitely settled before the 15th August. Meanwhile the Boundary Commissions would start work at once and only what is in dispute would be laid before the Chairman.

12. We held the last meeting of the Partition Committee on the 26th June and it was highly acrimonious. When Liaquat asked that one of the six Government printing presses should be moved from Delhi to Karachi, as they only had one small press there which was not sufficient for the Provincial Government’s needs and could not possibly handle the Pakistan Government’s requirements, Patel flared up. He said that all six presses were fully occupied with Government of India work and could not be spared. When I appealed to him to release at least one press to Pakistan, even if it meant inconvenience to the new Government of India, he flared up again and said “No one asked Pakistan to secede. We do not mind their taking their property with them but we have no intention of allowing them to injure the work of the Government of the rest of India merely because they have not sufficient resources of their own”. I told Patel that I thought that this was a shocking spirit in which to start partition, and Liaquat remarked that if that spirit persisted there would be no possible hope of the Pakistan Government being ready to take over on the 15th August.

13. It was decided that the Partition Committee should be turned into the
“Partition Council” at the next meeting, which was held on the 27th June. It was agreed that the Partition Council should consist of any two of three members nominated by each side and thus Jinnah was able to attend this meeting. By means of private discussion with Patel I was able to move him to agree to Pakistan having the use of one of the six Government presses forthwith, provided it was not moved, and that this press should continue to work for them until a new press had been bought and set up in Karachi. I undertook to send a telegram home urging that the highest possible priority should be given to the purchase of the necessary press and sending it to Karachi forthwith, since Congress are unwilling to allow their press to work one unnecessary day for Pakistan. Congress also want another press. I might add that this amicable solution was not obtained without a lot of hard work on my part.13

14. The biggest crisis with which I have been faced however has been the reconstruction of the Interim Government.14 As there are only seven weeks left before partition I had hoped that all parties would be content to continue working with the present Interim Government under the Standstill arrangements to which all parties had agreed. But it appears that Nehru,15 who is becoming more and more temperamental through overwork, protested that this would be a breach of faith in that I had agreed16 to obtain His Majesty’s Government’s consent to giving the Congress party complete control over their own area whilst giving the League adequate safeguards for Pakistan areas. He apparently informed his Working Committee that he would resign forthwith unless this arrangement were honoured, and there was a danger of other Congress leaders following his example and my being left without a responsible Congress Government.

15. In the case of Bengal, which was about to be partitioned, Jinnah had

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8 Nos. 207 and 317.
9 See Nos. 311, para. 2, and 317.
10 The minutes of the meeting of the Partition Council on 27 June 1947 record that Congress and the Muslim League agreed to the proposal made by the Viceroy the previous day [see No. 354, Item viii] that Sir Cyril Radcliffe should be invited to come out as Chairman of the two Boundary Commissions. The Boundary Commissions would be asked to start work on Monday (30 June) without waiting for his arrival. Microfilm of Partition Council Proceedings supplied to IOLR by National Documentation Centre, Pakistan. IOR Pos. 3659.
11 See No. 354, Item iii.
12 No. 354, Item ii.
13 The minutes of the meeting of the Partition Council on 27 June record that the Viceroy suggested that he should send a telegram to H.M.G. at the highest level requesting them to arrange for top priority for the supply of two presses for India, the first off the line to go to Karachi and the second for use in the rest of India. Microfilm of Partition Council Proceedings (see note 10). The telegram referred to was duly despatched by Lord Mountbatten to Lord Listowel as tel. 1617-5 of 27 July 1947. L/P &J/10/81: f 174.
14 For a further account of this crisis see No. 379.
15 See No. 379, para. 4.
refused to allow Regional Ministries or a Coalition Ministry to be formed, but had agreed that West Bengal should be allowed to have Ministers without portfolio who could hold a watching brief over the League Ministry and see that they did nothing to harm West Bengal. I pointed out to Jinnah that if he considered that the interests of West Bengal were adequately looked after by this proposal, then I considered he should accept a similar proposal for the whole of India. The proposal I put up was that I should call for the resignation of all members of the Cabinet and then invite the leaders of both parties to nominate nine members each to form two Committees of the Cabinet. The Union of India members would each take two of the eighteen actual portfolios, but should confine their activities to the area which would belong to the Union of India after the 15th August. The League Members would be given only "Pakistan portfolios" and would be responsible for looking after the interests of Pakistan areas for the remaining six or seven weeks. They would be shown all papers and would have the right of veto, as well as the right of asking for action to be taken.

16. In the event of a corresponding Pakistan and Union of India member disagreeing, the matter would be brought to the full Cabinet of eighteen members. There would be parity in the Cabinet and I would give a decision as to whether the matter affected the interests of one or other of the future Dominions, and action would be taken accordingly. In any case everyone is so busy on partition that practically all other action is at a standstill.

17. I saw Jinnah about all this, but was unable to move him. I therefore raised the matter at the Partition Council meeting, at which I forced Jinnah to admit that the arrangement I proposed would adequately safeguard the interests of Pakistan; but he maintained that the system I proposed was an insult to the League since they were to be deprived of actual portfolios. I personally drafted out a press announcement which was so worded that the general consensus of the meeting appeared to be that the announcement could not be construed into an insult. Jinnah then shifted his ground by saying that it was illegal; but as he had for quite different reasons maintained that the Cabinet was no Cabinet but merely consisted of Members of the Executive Council nominated by the Viceroy, he weakened his own case.

18. He finally said that he wished to put in a note protesting at the illegality of my proposed action, and asked me to refer it to His Majesty’s Government. I told him that if he would let me have the note by Sunday the 29th June I would ask for a reply before the next Cabinet meeting on Wednesday the 2nd July. But I warned him that if His Majesty’s Government upheld the legality of my action it would have to go through. He shrugged his shoulders, and I quickly passed on to the next item. He may not like this new decision, but it is perfectly fair, and I am convinced that he will accept it; the more so since he
was kind enough to say that he realised that I was acting in good faith and that he did not hold me responsible for the situation created by Congress.

19. We have reached a complete stalemate about the Arbitral Tribunal. Jinnah would like Radcliffe to be the Chairman;\(^{21}\) but Congress opposed this (apparently under the impression that he is a Conservative and therefore likely to favour the League!) and then put up the proposal that they should use the existing Federal Court.\(^{22}\) Jinnah said he could not possibly accept this. Judicious enquiry from the Chief Justice (who is staying with me in the house at present) has revealed that he chose his Muslim colleague Mr. Justice Fazl Ali for his non-communal outlook and fairmindedness; and presumably Jinnah would like to nominate a pro-League judge! In the meanwhile Congress have stuck to their guns, and so has Jinnah, and I have now got a new headache in trying to get agreement about the personnel of the Arbitral Tribunal.\(^{23}\) Jinnah glibly remarked that until the Tribunal was set up, it would be for me to give the arbitrary decisions, but I made it abundantly clear that I have no intention of doing this.

20. I am glad to say that general agreement has been reached between the three parties in the Punjab about the partition machinery, which is to be on the same lines as that at the Centre.

21. It will be recalled, that when His Majesty’s Government’s announcement of the 3rd June was shown to Nehru in draft, that he objected to the method of election proposed for Baluchistan, and it was eventually agreed that an attempt should be made to evolve a more democratic procedure. This has not proved feasible in the time available and Nehru expressed himself as satisfied with the original arrangement that the election should be left to the members of the Shahi Jirga, excluding the Sirdars of Kalat State and including for this purpose elected representatives of Quetta municipality. However, Jinnah who had in the first place expressed himself as satisfied with the proposed arrangement, wrote to me a few days ago\(^{24}\) saying that he could not now agree and that he too would like something more democratic. I saw him personally\(^{25}\) and after explaining to him that considerable delay would be involved by any other

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\(^{17}\) No. 311, para. 3.
\(^{18}\) See No. 379, paras. 5–6.
\(^{19}\) No. 367; see also No. 379, paras. 7–9.
\(^{20}\) See No. 379, para. 5.
\(^{21}\) See Nos. 311, para. 2, and 317.
\(^{22}\) See No. 175, Item 3.
\(^{23}\) The minutes of the meeting of the Partition Council on 27 June record that it was agreed that the two sides would let the Viceroy have a list of those whom they considered suitable for appointment to this Tribunal and that the Viceroy himself would endeavour to find a suitable Chairman. Microfilm of Partition Council Proceedings (see Note 10).
\(^{24}\) See No. 298.
\(^{25}\) No. 311, para. 4.
method he agreed to leave the matter in my hands, and I have therefore adopted the original arrangement.

22. The referendum in the N.W.F.P. has been the subject of considerable discussion. I saw Gandhi about it on the 17th June, when he still wanted Jinnah to go and see the N.W.F.P. leaders, to "woo them" as suggested in the statement he had prepared with Ismay and which was sent to Jinnah. He was most dissatisfied at Jinnah's reply stipulating that there should be no Congress interference in the N.W.F.P.; but he still wanted me to urge Jinnah to go, as their correspondence had come to a full stop.

23. I asked him whether he would agree to see Jinnah right away, and on obtaining his agreement, sent a telephone message to Jinnah, asking if he would come earlier than his original time, to see Gandhi. He came at 11 a.m. and joined the meeting until 12 noon. Both these great men spoke in such low voices that they could not hear each other, so I had to move their chairs closer together. After a good deal of mutual recrimination about their correspondence, I finally solved the problem by suggesting that since Abdul Ghaffar Khan had been invested with plenary authority by the Frontier Ministry, Jinnah should take advantage of his presence in Delhi to meet him here.

24. Both leaders seemed to think this a good idea, but Gandhi said that Abdul Ghaffar Khan was most mistrustful of Jinnah and would not come unless he received a written invitation. Jinnah said he had frequently extended verbal invitations, and that if Abdul Ghaffar Khan was not prepared to accept these, he certainly had no intention of sending him a written invitation. After this wrangle had gone on for some time, I offered to invite all concerned to meet me at 7.45 the same evening. Both accepted and honour was satisfied. Unfortunately, Abdul Ghaffar Khan had had an engagement 100 miles outside Delhi, and although he was due back between 6 p.m. and 7 p.m., he did not get back in time for the meeting. I personally telephoned Jinnah and Rajkumari Amrit Kaur, Gandhi's secretary, and got them to agree to a meeting with Abdul Ghaffar Khan at the Viceroy's House the following day under the chairmanship of Ismay.

25. This meeting was held at 4.30 on the following day, but Jinnah refused to have any discussion at all with Abdul Ghaffar Khan beyond extending an invitation to him to come and visit him at his house. Nothing anyone could say could shake Jinnah, and so the meeting broke up after half an hour and was continued at Jinnah's house at 7.30 the same evening. Jinnah subsequently told me that this meeting was not a success and that Abdul Ghaffar Khan in fact had decided to boycott the referendum since they still wished to have authority to vote for an independent Pathanistan. Fortunately the Congress High Command is not agreeing to this, so the referendum will be a walk-over for the League, and I hope that bloodshed may be avoided.
26. I have had some difficult meetings, particularly one with the leaders on the 13th June, about the position of the Indian States. Nehru pursued the traditional Congress party line that any Indian successor Government is entitled to assume paramountcy after the transfer of power and strongly denying the right of States to declare their independence. He attacked the Political Adviser, Sir Conrad Corfield, to his face and said he ought to be tried for misfeasance. In fact, as usual he completely lost control of himself. Jinnah, of course, took the opposite point of view that Indian States were Sovereign States for every purpose, except in so far as they had entered into treaties with the Crown. After a long and acrimonious discussion all agreed that the Government of India should set up a new department, to be called the “States Department”, to deal with matters of common concern with the States; in fact that it should take over everything not connected with Paramountcy from the present Political Department.

27. I am glad to say that Nehru has not been put in charge of the new States Department, which would have wrecked everything. Patel, who is essentially a realist and very sensible, is going to take it over in consultation with Nishtar. Even better news is that V. P. Menon is to be the Secretary. By this means, I think we shall avoid a really bad break with the States with all the endless repercussions that this would have entailed.

28. I am arranging to get representatives of the States up on the 25th July, to discuss and if possible ratify Standstill Agreements with the new States Department. I was only able to prevent the future Indian Government from trying to send in agents against the will of the States to take over the Residencies and Political Agents’ offices by getting them to agree that the States should be given the opportunity of sending representatives to Delhi or Karachi instead, to maintain liaison with the Dominion Governments.

29. On the subject of the States, Nehru and Gandhi are pathological. Nehru said he must go to Kashmir to get his friend Sheikh Abdullah (the President of the States National Conference) out of prison and to support the Freedom movement in the State. Gandhi came to see me and suggested that he should go to Kashmir to prepare the way for Nehru. Finally I told them I had an invitation from the Maharajah, who is an old friend, and that I would greatly prefer that they should let me go and have some discussions with the Maharajah and his Prime Minister before they tried their hand. They were both very anxious that
he should make no declaration of independence and should, in fact, indicate a willingness to join the Constituent Assembly.

30. Accordingly I went to Kashmir from the 18th to the 23rd June. I had several preliminary talks with the Maharajah and with his Prime Minister (Kak), but nearly always in the presence of others. I therefore asked for an hour’s interview alone with the Maharajah, to be followed by an hour with him and his Prime Minister. The Maharajah suggested this should take place on the last day, the 22nd June. I agreed and on that last morning the Maharajah remained in bed with colic and was unable to have his interview. Corfield remarked that this was his usual technique to avoid unpleasant discussions. The same view was expressed by Nehru, who was bitterly disappointed at my not being able to discuss the release of Sheikh Abdullah. However, I think he was pleased at the Maharajah and Prime Minister agreeing not to make any independence declaration for the present and agreeing to give serious consideration to joining one or other Constituent Assembly as soon as the picture about Pakistan was a bit clearer.

31. On the 26th June Gandhi came to see me in high distress about Kashmir. He said that either he or Nehru must go at once to Kashmir. I did my best to dissuade him and have finally written to the Maharajah suggesting that he should accept a visit from Gandhi as very much the lesser evil than a visit from Nehru from his point of view, particularly as Gandhi gave me an undertaking that he would make no propaganda speeches.

32. I had an interview with the Nawab of Bhopal, Sir Walter Monckton and Zafrullah Khan (Advisor to the Nawab of Bhopal and late of the Federal Court) on the 17th June. This interview was mainly in connection with the Nawab’s letter of the 14th June, of which copies have been sent to the Prime Minister and to the Secretary of State for India. The Nawab of Bhopal and Zafrullah Khan between them re-stated the case for the Indian States as set out in the note. I told them that in the short time available to me to arrive at a solution of the problem of how to transfer power, I had discussed the matter as far as possible with different rulers and dawns, and I had sent Corfield home to look after the interests of the States in Ismay’s discussions with the Cabinet.

33. I also told the Nawab that I had sent home his idea of States being allowed to group together and have Dominion Status, and that the Nizam of Hyderabad’s telegram asking for Dominion Status had been placed before the Cabinet Committee. I told him that Corfield had assured me that if I could get the memorandum of the 12th May reaffirmed and the statement of the 3rd June accepted by all parties, it would give fresh life to this memorandum and be looking after the interests of the States in the best possible manner. Zafrullah Khan explained that the memorandum of the 12th May, when taken in con-
juncture with the Cabinet Mission Plan of the 16th May 1946, presented a
different picture from that presented by the Memorandum of the 12th May,
taken in conjunction with the plan of the 3rd June 1947, since, in the former
case, there would have been a united but very loosely-knit India: whereas in the
latter case, there were two communal Dominions with very tight centres.

34. I told him that I believed Congress would be quite willing to accept
States coming in on an agreement for the three central subjects of the Cabinet
Mission Plan. The Nawab of Bhopal, however, pointed out that his population
included 150,000 warlike Muslims, who would never agree to his joining a
purely Hindu Dominion. He reiterated that His Majesty’s Government had
left the Princes in the lurch again, but was kind enough to absolve me personally
from any blame, although I told him I must take responsibility for the plan. I
told him that basically Congress would never have accepted the plan if there
had been more than two Dominions: they had even refused to allow Bengal to
vote for independence and separate Dominion status to avoid partition.

35. The Nawab asked me for my advice about what he should do and I
strongly urged him to get together with Walter Monckton and follow the same
general line as the Nizam of Hyderabad had done, since both States had the
same communal problems, though on a different scale. I begged him on no
account to declare independence, but to come forward in a generous manner
and offer to enter into relations with the appropriate Dominion, since I was
certain that the only abiding harm he could do himself and his State was to
throw down the glove and take on a straight fight with Congress, as C. P.
Ramaswamy Iyer had done in the case of Travancore.42

36. I had a further interview with the Nawab of Bhopal, on Wednesday the
25th June,43 and informed him about the new States Department and that
Vallabhbhai Patel would be the Member in charge, with Mr. V. P. Menon as
Secretary. He could hardly contain himself with pleasure at this unexpected bit
of good news, and said “This alters the whole outlook for the States. By a
coincidence I had already written to Patel: now if I may I will add my congratulations and good wishes on his new appointment.” I told him that I thought it
would be a good thing for him to do so.

32 For the interview with Pandit Kak see No. 294.
34 No. 319, para. 5.
35 No record of this interview has been traced.
36 See No. 386.
37 Not printed.
38 No. 273.
41 Vol. VII, No. 262.
42 cf. No. 226.
43 Not printed.
37. The Home Department of the Government of India have circularised Provincial Governments and Secretary of State’s Services asking them to state their intention about serving on, transferring to other Provinces or retiring.44 The Home Member does not, however, intend to appeal to British officials to serve on in India and, although Pakistan will probably welcome British officials, and in the Sind at any rate they are likely to stay, the official Pakistan attitude is not yet known. There is no doubt that Nehru’s speech to the All-India Congress Committee meeting, of which I attach extracts at Appendix A,45 is likely to reduce to negligible proportions the number of British officials who will stay on in the Congress Provinces. In this connection I attach as Appendix B46 the Governor of the Punjab’s remarks on Nehru’s speech.

38. Nehru, was also reported (in the Indian News Chronicle of the 23rd June) as having made the following statements at Hardwar:—

(a) The Frontier Congress, will, in all probability, decide to boycott the proposed referendum.

(b) In the event of a one-sided referendum, the present Ministry will resign and fight elections afresh on the issue of Pakistan versus Free Pathanistan.

(c) Whatever may be the immediate future of the Province, the freedom-loving Pathans will continue their struggle for an independent Pathan State.

39. When I saw Nehru on the 24th,47 on my return from Kashmir, I showed him this article and told him that Jinnah had the night before protested to me about this, on the ground that his statement was highly improper coming from a leader of Congress who had accepted that there should be no alternative for the N.W.F.P. except to join Hindustan or Pakistan. Nehru defended himself by saying that he had made no statement to the Press, nor had he seen any pressmen. This statement appeared to have been extracted by a reporter from refugees with whom he had been in conversation, and did not represent either what he said or his views. I told him I would inform Jinnah accordingly.

40. I have designed flags for the two Dominions consisting of the Congress and League flags with a small Union Jack in the upper canton. On account of the design of the original flags, instead of the Union Jack extending to half the depth of the flat it only extends to one third. I have given copies to Nehru and Jinnah and it remains to be seen what their reactions will be.

41. Jinnah recently asked48 for my advice where to hold the Pakistan Constituent Assembly meeting, which he proposed to call in mid-July; and asked whether I thought it would be a good thing to hold it in Delhi. Knowing that the Congress were calling their Constituent Assembly at the same time and that the Legislative Assembly chamber would be empty, I thought it would be an excellent idea that they should meet simultaneously in different chambers and
have an opportunity of getting together socially in the evenings. I even offered to give a party myself to bring them together. Jinnah was all for this, but when I mentioned it to Nehru,\(^49\) Patel, Rajendra Prasad and Gandhi, all four absolutely blew up and said that in no circumstances would they agree to allowing the Pakistan Constituent Assembly anywhere near Delhi. No amount of argument could make them see that this would be a good gesture for the future happy relations between the two Dominions.

42. The Chief of the Imperial General Staff has been staying with me and has had a most useful series of talks with Nehru,\(^50\) Jinnah,\(^51\) Auchinleck and Ismay. I am so glad that the withdrawal of British troops from India and also the employment of Gurkha troops in the British Army both appear to be on the way to a satisfactory settlement. Jinnah would have liked the withdrawal to take longer but Nehru regretted it would take as long as six months, though he accepted this.

43. Plans are going ahead for the partition of the Army and both Congress and League leaders have been insistent that on the 15th August the respective armies should be reconstituted under separate operational Commanders in Chief. I am insisting however that the administration of the Army shall remain under Auchinleck until the partition of personnel and physical assets is complete. Trivedi (Governor of Orissa) who has had more experience than any other Indian official on defence problems has come to Delhi at my suggestion, and with the concurrence of both leaders, to assist in these partition arrangements.\(^52\)

M. OF B.

\(^{44}\) See No. 354, note 5. \(^{45}\) Enclosure to No. 218. \(^{46}\) No. 218.
\(^{47}\) No. 319, para. 1. \(^{48}\) No. 311, para. 7. \(^{49}\) cf. No. 319, para. 4.
\(^{50}\) Nos. 315, 330–2, and 337. \(^{51}\) No. 329.
\(^{52}\) See No. 217, second item; No. 354, Item vi; and No. 372.

Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)
Mountbatten Papers. Official Correspondence Files: Punjab, Situation in, Part II(a)

27 June 1947

Dear Jenkins,
Thank you for your letter of the 22nd June.\(^1\) I have decided in the end not to give a copy of your letter of the 16th June to Nehru,\(^2\) at any rate at present, as he is in a rather difficult state of mind, and I do not wish to add to the state of

\(^1\) No. 299.
\(^2\) No. 218; see also No. 263.
emotional attrition in which he now exists. I am therefore holding it to show him later on.

2. I can assure you that I personally fully sympathise with you and all your officials; and that only the overriding necessity of getting this political settlement through compels me to avoid anything which tends to a break with the principal Indian leaders.

Yours sincerely,

MOUNTBATTEN OF BURMA

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Mr Moon to Lord Ismay

Mountbatten Papers. Official Correspondence Files: Sikh Problem, Part II(a)

PRIVATE AND PERSONAL AS FROM BAHAWALPUR, 27 June 1947

Dear Lord Ismay,

I write with reference to our conversation a few weeks ago regarding the Sikhs.

Feroz Khan Noon made, I understand, a direct approach to them, indicating that the Muslims would grant them special concessions if they would throw in their lot with Pakistan, but he met with a rebuff.

This was to be expected. The Sikhs are still smarting from the injuries inflicted on them by the Muslims in the Rawalpindi division. Temporarily they’ve been thrown off their balance. But an influential section of them (including Master Tara Singh and Gyani Karter Singh) know, in their heart of hearts, that they must come to a settlement with the Muslims if the Punjab is to be spared disaster. Hence, though one must not look for any immediate results, there is yet hope that with patience and perseverance the Sikhs will be brought to the view that Eastern Punjab—which must in any case be formed—should join Pakistan. If this is achieved, then the civil war, not to mention administrative complications, which must inevitably follow an attempt to draw a frontier between two National States somewhere in the middle of the Lahore Division, will be averted.

Meanwhile what steps are to be taken?

Certain Sikhs, in touch with both Baldev and Tara Singh, are going to formulate, informally and entirely privily, the Sikh conditions for joining Pakistan. If these offer, as I believe they will, a possible basis for negotiation, certain Muslim League leaders will be informally approached. The Sikhs are
anxious that it should not leak out¹ that any such negotiations are afoot or contemplated.

It will considerably facilitate matters if it can be so arranged that the new Eastern Punjab has the strongest possible Sikh complexion and does not, therefore, include Gurgaon, Hissar, Rohtak and Karnal. The Sikhs have already put this demand to Congress who hesitate to accept it. I would suggest that this Sikh demand should be encouraged and conceded. You can doubtless be of assistance in this regard. If the Sikhs are taken out of Hindu clutches—as they want to be—and put in a more or less independent position on their own, they are much more likely to gravitate in the end towards their natural alignment with the rest of the Punjab and Pakistan.

The next step would be to indicate that it is optional for this Sikh Eastern Punjab to join either Hindustan or Pakistan and that there is no presumption that it must join one rather than the other. The Sikhs will probably make this clear themselves, but if they ask for some pronouncement to this effect from HMG, it will probably be advisable to accede to their request.

Please forgive this unasked for effusion. My excuse is that without a Sikh-Muslim pact there will be chaos in northern India.

Yours sincerely,
PENDEREL MOON

¹ Words in italics underlined in original.

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Note by Mr H. M. Patel
Mountbatten Papers. Partition Council Papers

GOVERNMENT OF INDIA, PARTITION OFFICE,
NEW DELHI, 27 June 1947

The undersigned is directed to circulate to the Members of the Partition Council with a view to discussion at a date to be notified later a copy of a note by His Excellency the Viceroy relating to the Partition of the Armed Forces.

H. M. PATEL

To Mr M. A. Jinnah.
The Hon’ble Mr Liaquat Ali Khan.
The Hon’ble Sardar Vallabhbhai Patel.
The Hon’ble Dr Rajendra Prasad.
The Hon’ble Mr Abdur Rab Nishtar.
Partition of the Armed Forces

note by the viceroy

I have prepared this note in consultation with H.E. the C-in-C, Sir Chandulal Trivedi and my other Advisers as a basis for discussion by the Partition Council.

2. The division of the Indian Armed Forces is bound to be a complicated process. If it is to be accomplished without confusion and without any marked loss of morale and efficiency, it is essential that all the existing forces in India should be under a single administrative control until—

(a) they have been finally sorted out into two distinct forces; and

(b) the two Governments are in a position to administer, i.e. to pay, feed, clothe and equip their respective forces.

3. On the other hand, it is essential that the Union of India and Pakistan should have each, within their own territories, forces which:

(a) are with effect from the 15th August under their own operational control;

(b) are on the 15th August predominantly composed of non-Muslims and Muslims respectively; and

(c) are as soon as possible after the 15th August reconstituted predominantly on a territorial basis.

4. The requirements set out in paragraph 3 above necessitate that partition should be in two stages. The first stage would be a more or less rough and ready division of the existing forces on a communal basis. Plans should be made forthwith for the immediate movement to the Pakistan area of all Muslim majority units that may be outside that area, and similarly for the movement to India of all exclusively non-Muslim or non-Muslim majority units at present in the Pakistan area.

5. The next stage would be to comb out the units themselves with a view to eliminating non-Pakistan personnel by transfer to the Armed Forces of the new India and \textit{vice versa}. These transfers must be on a voluntary basis and this may mean, for example, that Hindu and Sikh personnel from Pakistan may elect to serve in the Armed Forces of the new India, and Muslim personnel from the new India may elect to serve in the Pakistan forces. While this reconstitution is being carried out, arrangements should be put in train to ensure that each Dominion shall have as soon as possible its own administrative machinery to enable it to maintain its own Armed Forces. It is not until these two processes have been completed that central administrative control can be dispensed with. Every effort should be made not only to complete the reconstitution of units, but also to provide each Dominion with its own administrative and maintenance services for its own Armed Forces by the 1st April 1948, thus making it
possible to dispense with central administrative control by that date. This of course does not preclude arrangements or agreements between the two Governments for sharing any administrative or training establishments.

6. If both Governments are to have operational control over their respective Armed Forces by the 15th August, they must each have heads for the three services, i.e., the Navy, the Army and the Air Force, and headquarters staffs through which to exercise their functions. It is therefore important that these six heads should be selected forthwith, and that they should have authority to begin setting up their headquarters so as to be ready to take over command by the 15th August. The heads of these Services will be directly responsible to their respective Ministries through their Defence Members and will have executive control of all the Forces in their territories.

7. So far as central administration is concerned (see paragraph 2 above), the Indian Armed Forces as a whole will remain under the administrative control of the present C-in-C in India who in his turn will be under the Joint Defence Council. This Council might consist of:

(i) The Governor-General or Governors-General;
(ii) Two Defence Ministers; and
(iii) C-in-C in India.

The Commander-in-Chief in India will have no responsibility for law and order, nor will he have operational control over any units, save those in transit from one Dominion to another; nor will he have any power to move troops within the borders of either Dominion.

8. In order to avoid confusion, it is suggested that the existing C-in-C in India might be entitled Supreme Commander from the 15th August until his work is completed. His existing staff would of course be reduced progressively as his functions diminish.

9. Attached to this note are:

(i) a paper by H.E. the C-in-C giving outline proposals for control of Armed Forces during the reconstitution (annexure I); and

(ii) draft Terms of Reference of the Armed Forces Reconstitution Committee (annexure II).

Annexure I to No. 372

OUTLINE PROPOSALS FOR CONTROL OF ARMED FORCES DURING THEIR RECONSTITUTION

1. In the following paragraphs, proposals for control of the Army are given in some detail as the Army is the largest and most complicated of the three Services. It is suggested that the control of the Navy and Air Forces should be on the same general lines.

1 For previous discussions by the Partition Committee of the division of the Armed Forces see Nos. 152, Item iii; 217, Item iv; and 354, Item vi.
2. PROPOSALS FOR CONTROL OF ARMY DURING RECONSTITUTION

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(i) Pakistan Army H.Q. to be formed from existing Northern Command H.Q. and to remain at Rawalpindi until accommodation and communications are available at Karachi.

(ii) Area Commands in Pakistan to remain as at present, except that Lahore Area will be exclusive of the Eastern Punjab districts transferred to the new India and will absorb the present Rawalpindi area.

(iii) A nucleus Army H.Q. with a new C-in-C will have to be set up for the new India; and on this nucleus will be built up the administrative machinery required for the future control of the army of the new India.
(iv) The area of the new India is too large to be controlled directly by one Army headquarters, so the existing two "Command" H.Q. at Ranchi and Poona should be retained, becoming subordinate to the new "Army H.Q." at Delhi. This "Army H.Q." should be set up in Meerut, until eventually it takes over the accommodation from the existing G.H.Q. in Delhi.

(v) "Delhi District" which at present is responsible only for the military control of the area comprised in the Delhi Province should become an "Area" Command and be enlarged to include those districts of the Eastern Punjab transferred to the new India. It would then become a Major-General's command.

(vi) The other areas in the new India would remain as at present, except that the present Bengal and Assam Area would become the "Western Bengal (or Calcutta) Area" under the new Army H.Q. India and the "Bengal (or Eastern Pakistan) Area" under the new Army H.Q. Pakistan with Headquarters at Dacca or Chittagong. A new area headquarters will have to be formed for this purpose.

3. Responsibilities

(i) During the actual process of reconstitution of and re-allocating the Army and its establishments, continuity of maintenance and administration can only be ensured by the retention of control centrally by the existing G.H.Q. India. Similarly all movement necessary to give effect to reconstitution plans from one Dominion to another and vice versa can only be centrally controlled as this movement of individuals and units must be related to the actual accommodation and general maintenance facilities available in each Dominion. If there is no central control, confusion and even chaos is almost certain to ensue to the detriment of the welfare, morale and contentment of the troops. It is essential to keep the morale and discipline of the troops at the highest level during the process of re-allocation and reconstitution and no deterioration in their general administration and welfare should be risked.

(ii) It is proposed, therefore, that during the process of reconstitution, the existing C-in-C in India should be responsible for carrying out the recommendations of the Armed Forces Reconstitution Committee (A.F.R.C.) as approved by the Partition Council. He will also exercise the following responsibilities under the general direction of the Joint Defence Council:—

(a) The general administration and maintenance of the Army, e.g. Pay, Clothing, Equipping, Food, Medical attendance.

(b) The general administration of military law and the maintenance of discipline.
(c) Control of such military establishments as may be serving both Dominions.
(d) Command and control, including the posting and movement, of all British officers and British other ranks serving with the Indian Forces.
(e) The movement of units and individuals from one Dominion to another to give effect to reconstitution plans.
(f) The movement of stores, equipment, vehicles, arms, etc., from one Dominion to another.

(iii) Initially the responsibilities of the Army H.Q. in each Dominion would include:—

(a) Operational control and allocation of all troops in the Dominion as instructed by the Dominion Government.
(b) Local (as opposed to general) administration of all troops in the Dominion and their training.
(c) The selection of personnel, i.e. Officer Selection Boards, etc., and the training and first appointment of officers.
(d) Recruitment of other ranks and their training.
(e) The implementation of instructions from G.H.Q. regarding general maintenance and administration and of the reconstitution programme as approved by the Partition Council.

4. General Remarks

A separate administrative machinery for each Dominion Army must be built up by re-allocation of the existing administrative units and personnel of the Army. This will commence at once but must necessarily take some time unless there is to be an administrative breakdown.

As this machinery is developed and new units formed by which the two new armies can be fed, paid, clothed, housed, moved and medically attended, the two Dominion Army H.Q. would progressively take over the responsibility of general administration from G.H.Q., which would be correspondingly reduced and then disappear.

After the disappearance of G.H.Q. the two new Army H.Q. would be completely self-sufficient under their own C-in-C’s and the two Dominion Governments would be in a position to enlarge, reduce, re-design, reorganise and nationalize their Armies as they wished.

Annexure II to No. 372

DRAFT TERMS OF REFERENCE OF THE ARMED FORCES RECONSTITUTION COMMITTEE

In close consultation with the Steering Committee acting under the orders of the Partition Council, to make proposals for the division of the existing armed forces of India, namely, the Royal Indian Navy, the Indian Army and the Royal Indian Air Force (including the various installations, establishments
and stores owned by the present Defence Department of the Government of India), in accordance with the principles enunciated in His Excellency the Viceroy’s note and annexeure I thereto.

The Committee will work on the following assumptions:—

(1) Existing members of the Armed Forces serving in either State will be governed by their existing terms and conditions of service, until new terms are promulgated, and then, if they do not desire to serve, they will be allowed to terminate their services and proportionate benefits will be admissible to them;

(2) Any Indian officers or other ranks it may be necessary to engage for service in the Armed Forces between now and the date of the transfer of power should be engaged under existing terms and conditions of service, with the option of resigning from the service, should they not wish to serve on under any new terms or conditions which may be imposed by the new Dominion Governments.

(3) The liability for non-effective charges in respect of pensions, gratuities, annuities, etc. earned by Indian officers and other ranks of the three Services prior to the transfer of authority to the new Dominion Governments will be undertaken by these Governments and publicly so announced.

(4) In respect of the Armed Forces affected by division, there shall be no changes, except as demanded by the processes of division, in the basic organisation and nomenclature of formations, units, establishments and installations of the three Services, or in the class composition of units, until such division is completed.

(5) For the successful division of the Armed Forces, the services of a number of British officers now serving in them will be required. Therefore the implementation of the plan for complete nationalisation may take longer than was anticipated.

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The Earl of Listowel to Mr Attlee

L/P&J/10/123: f 39

INDIA OFFICE, 27 June 1947

Prime Minister
The Viceroy’s reply\(^1\) to the various amendments we propose to the Indian Independence Bill has been received and a copy is attached. Also attached is a

\(^1\) No. 365.
note by my Office showing the outstanding points which matter. I think you will agree that none of these points need to be taken to the India Committee. The only one on which I have any doubt is the Andamans but we decided to give the Viceroy discretion to omit the clause dealing with them if he thought it would cause serious difficulties.2

As regards the Viceroy’s point on Clause 5(1)3 I think that we should try and meet his view but that before taking a decision, the Palace must be consulted. I am preparing a draft letter to Lascelles on the subject.4

*Annex to No. 373*

**POINTS OUTSTANDING ON THE DRAFTING OF THE INDIAN INDEPENDENCE BILL**

The Viceroy’s telegram 1598–S6 replies to all the telegrams sent to him on the drafting of the Bill. It seems very satisfactory.

2. The Viceroy accepts, vide comments on Clause 8, the major re-drafting telegraphed to him in telegram 81556 and all other amendments which have been telegraphed. The only points now outstanding between us and the Viceroy which are not mere drafting points which can readily be met are the following:

1. The Viceroy sticks to his view that Provinces should split on the appointed day. He proposes to discuss the question of new Governors with all-India leaders and not with Provincial leaders. As we told the Viceroy that we would accept [his] view on this after he had considered what we had said,5 I presume that the Viceroy’s view will be accepted.

2. Clause 5(1). The Viceroy wishes the existing proviso which states that unless and until another appointment is made, the person who is now Governor General of India shall, from the appointed day, become Governor General of each of the new Dominions to be amended in order to make it clear that he has not in any way been forced on the political parties as Governor General. He proposes that the proviso should read:

“provided it shall be lawful for one person to hold both appointments of Governor General for such period as may be determined by either Dominion after August 15th.”

The disadvantage of this is that it involves the re-appointment by the King of Lord Mountbatten as Governor General of each Dominion and this would have to be done on formal advice.

3. Clause 7(1). The Viceroy protests against (b) and (c) on the ground that Pandit Nehru won’t like them. The Cabinet Committee were, however, very firm6 on both points and I suggest it is not necessary to put it to them again.

4. Clause 10(2). The Viceroy says that the intention of his Cabinet was not to cover persons outside the regular Secretary of State’s Services and that the words “all civil posts under” will therefore have to be omitted. He is
going, when he discusses with the leaders, to try and get it widened to
cover judges.

(5) Clause 16. The Andamans. The Viceroy is adamant that this clause and
2(4) should be omitted. The Cabinet Committee decided to leave this to
him. It is assumed that the clause can now be omitted.

Mr Harris noted on this minute on 27 June 1947: 'P.M. has no comments', and in tel. 8295 of 27 June
Lord Listowel informed Lord Mountbatten that the amendments which the latter had proposed in
No. 365 to Clauses 2(3)(a), 3(1), 3(2) and 10(2) would be made, and that Clauses 16 and 2(4) would be
omitted. L/P &J/10/123: f 19.

It may be noted that, in addition to the amendments discussed in the telegraphic exchanges
between Lord Mountbatten and Lord Listowel, a number of minor drafting changes had been made
in London. Letter from Turnbull to Abell, 27 June 1947, despatching copies of revised text of Bill.

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The Earl of Listowel to Mr Attlee

L/P &J/10/124: ff 234–8

INDIA OFFICE, 27 June 1947

Secretary of State’s Minute: Serial No. 102/47

Prime Minister
In my minute No. 98/47 I said that I would be submitting to you a draft letter
to Lascelles dealing with the Viceroy’s private telegram No. 1600–5 on Clause
V(1) of the Bill. I attach a draft of a letter from yourself to Lascelles accordingly.

LISTOWEL

Annex to No. 374

DRAFT LETTER TO SIR ALAN LASCELLES

SECRET

My dear Lascelles,
You will have received, with the papers of the India and Burma Committee
of the Cabinet, copies of the draft Indian Independence Bill. I now send you a

1 No. 373.
2 No. 366.
3 The letter as issued, dated 28 June 1947, was the same as the draft. P.R.O. PREM 8/541, part 11.
revised text incorporating all the latest amendments and upon which, apart from certain relatively minor points, agreement has now been reached with the Viceroy.

The Viceroy has raised a point on the proviso to Clause V(1) which, as printed in the Bill, provides that from the appointed day (15th August) the present Governor-General of India shall, until other provision is made, be Governor-General of each of the new Dominions of India and Pakistan. The Viceroy's point is that he does not want it to appear that if he does stay on as Governor-General of each of the new Dominions, he has, in those capacities, in any way been forced upon the Indian political leaders. He therefore suggests that this proviso should be revised in the following sense:—

"provided it shall be lawful for one person to hold both appointments of Governor-General for such period as may be determined by either Dominion after August 15th."

(If this were adopted it would have to be reworded by Parliamentary Counsel here.)

I feel that there is great force in what the Viceroy says. As the new India and Pakistan will each be Dominions it follows (though it is not, of course, expressly stated in the Bill), that the Governors-General of those Dominions will be appointed by His Majesty on the advice of Dominion Ministers. Our hope is that the leaders of both major parties will agree that Lord Mountbatten should remain as Governor-General of both during a period in which the Central administration of India as it now exists is being split up and allocated between the two new States. The processes will be greatly facilitated if this can be arranged. On the other hand, once the new States are declared to be Dominions their Ministers will be entitled to advise the Crown to make a new appointment of Governor-General at any time. The realities of the position therefore are that Lord Mountbatten can only remain with the assent and approval of the Indian leaders but it is desirable that he should not only remain with their approval but should overtly appear to the Indian public to do so.

The technical difficulty about meeting Lord Mountbatten's desire is that if the existing proviso is removed from the Bill, His Majesty will have to make a new appointment of Governor-General for each of the Dominions with effect from the 15th August, and, although they are Dominions as from that date, there can be no Ministers formally to advise the Crown until a Governor-General has been appointed and has selected Ministers. Thus there would in a sense be some departure from strict Dominion practice, but I feel that in the unusual circumstances this can be overcome if His Majesty would be willing to agree to an arrangement whereby Lord Mountbatten consults the recognised leaders of Congress and the Muslim League as to whom they would wish to have appointed by His Majesty to be Governor-General of India and Pakistan respectively as from the 15th August. This consultation would be of an informal
character and the appointments would be made formally on the advice of His Majesty's Government in the United Kingdom. We should, in the circumstances, have to see that publicity was given to the fact that, although for the last time, the appointments were being made on the advice of Ministers here, there had been full consultation with the recognised Indian political leaders as to the appointments and that they were being made in accordance with the wishes expressed by Indian leaders.

A rather similar situation will arise in regard to the appointment of Governors of the new Provinces which are being created out of the Provinces of Bengal, Assam and the Punjab. In these cases the Viceroy proposes to take the advice of the main leaders of the Congress and the Muslim League respectively according as to whether these Provinces are within India or Pakistan and not to take advice of local political leaders. In Indian conditions, I think that this is the right course, because I think that better advice will be tendered to His Majesty in this way than if local provincial politicians are consulted. But, of course, the procedure proposed by the Viceroy does prejudice to some extent the question whether Governors of Provinces will in future be appointed by His Majesty after taking informal soundings of provincial opinion as is done in the case of the Australian States or whether the appointments are made on the advice of the Dominion Government as is the practice in Canada.

From the political standpoint I consider that as regards the Governor-General's appointment, the Viceroy is right in maintaining that he should only remain in the two new appointments on the expressed and publicly known desire of the Indian political leaders and that an amendment in the sense which he desires should be made to the Bill. As regards the Provincial Governorships also I recommend that the Viceroy's advice should be followed.

Would you be so kind as to take His Majesty's pleasure.

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* No. 365, para. 3.
* Sir A. Lascelles replied on 2 July 1947 that, 'after carefully considering' the points raised, the King was of the opinion that, as suggested by Mr Attlee, the Viceroy's advice should be followed regarding both the appointment of Governors-General and of Governors. L/PO/6/122: f 149.

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Mr Beards to Mr Attlee

P.R.O. PREM 8/541, Part 11

27 June 1947

Prime Minister
You agreed with the Secretary of State for India to send to the Leaders of the Opposition copies of the India Bill and the covering memorandum before the
week-end so that they would have an opportunity of reading them before meeting you on Monday afternoon.¹

I understand that Mr. Macmillan will not now be able to attend the meeting after all as he is going abroad to-day. Sir John Anderson also has to catch a train about 4 p.m. that day and so will be unable to attend the meeting.

I assume in view of this that you would only wish to send copies of the India Bill and the memorandum to the following:—

Mr. Eden
Mr. Stanley
Mr. Clement Davies
Lord Salisbury
Lord Samuel
Lord Simon²
Drafts are attached.³

P. F. R. B.

¹ 30 June 1947.
² A further note on the file indicates that Mr Attlee saw Lord Templewood at Wimbledon on 28 June and that, as a result, arrangements were made for Lord Templewood to come and have a talk with him about the Bill on 1 July 1947 at 10 am.
³ Not printed.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma
Mountbatten Papers. Letters to and from the Secretary of State

PRIVATE AND SECRET

Dear Mountbatten,
I have no letter from you to answer this week—not that I was expecting one after what you said in the last paragraph of your last letter.¹

2. In paragraph 4 of your Private and Top Secret letter of the 12th June² you said that Gandhi was pressing for an announcement to be made to the effect that H.M.G.’s wish was either to enter into tripartite arrangements with both the new Dominions or to have similar bilateral agreements with each of them and that in any event there would be no question of differentiation. You suggested that this might be referred to by the Prime Minister in the House of Commons in his speech on the Second Reading of the Bill.

3. This proposal of Gandhi’s seems to me to be of such importance that I have put the matter before the India Committee.³ We all felt strongly that we should be extremely guarded in dealing with it.
Clearly one of the main objections to partition from the Congress point of view has been the danger that Pakistan would fortify itself with outside assistance from ourselves, the Americans or others. It seems to have been the fear of this happening through Pakistan remaining in the Commonwealth which in the end brought Congress to agree to temporary Dominion status and several utterances have been made to the effect that anyone who indulges in giving support to Pakistan will incur the hostility of Congress. The Congress would hardly pay so much attention to this point if they did not regard it as a serious danger.

4. Our position is that we want good defence arrangements with India as a whole and from our point of view it would be much best if they were on the same basis with both the Dominions and if the Commonwealth relationship provided the nexus between the two. But we feel that we should be very careful not to say that we shall not in any circumstances have closer relations with Pakistan than with India. Once we have said that, it will be open to the Congress to refuse any definite arrangements with us in regard to defence and other matters and then to say that we are precluded from having any better relationship with Pakistan. The best hope of getting an effective relationship with the Congress derives from their fear that if they do not play up we shall have differential and better relationships with Pakistan and possibly with non-acceding Indian States. The probability is that this is the strongest bargaining point we have with the Congress and it is one that may continue to operate for a substantial period. We feel that we should be very ill-advised to throw it away.

5. Further we do not think that we should say at this stage that it is our wish to enter into tripartite arrangements. Of course, if all parties were co-operating fully a tripartite arrangement would be the best but there can be a great deal of difference in the way in which an identical agreement is operated by two different parties. If we had a tripartite agreement all the arrangements under it would require the assent of the three parties. If, on the other hand, we had separate agreement with Pakistan and India we should be free, even though the agreement were in identical terms, to develop our relations with Pakistan under agreement without India having the right to object. In practice, formal agreement about defence matters cannot contain more than general principles and what really matters is the kind of arrangements which are reached between the Chiefs of Staff or between the Governments in implementing the general agreement. Clearly Gandhi's idea is that we should commit ourselves before we even begin to negotiate not to have any arrangements with Pakistan different from those which we have with Hindustan. Once we have said that, Hindustan

1 and 2 No. 161.
3 No. 360, Minute 3.
can decide what arrangements, if any, we shall be committed to have with either of the new Indian Dominions.

6. At the same time we recognise that it is of immense importance to have, if possible, good and close relations with the new India and we agree that the Prime Minister in the Debate on the India Bill should refer to our desire to have close and effective arrangements with both the new Dominions in all fields and particularly in the defence and economic field on a basis of free negotiation. It might be added that what we hope for is to have equally good and close arrangements with both the new States in India.

7. I regret that I have not yet been able to let you know the outcome of my efforts reported in para. 13 of my last letter4 to obtain from H.M.G. a gesture in the matter of food, but I am not letting the matter rest and shall hope to reply to your telegram soon.

8. We are indeed grateful to you for your prompt reply to our latest telegrams to you about the draft Indian Independence Bill. The receipt of your telegram No. 1598–S5 this morning has made it possible for the Prime Minister to send copies of the draft Bill to Opposition Leaders before the weekend with a view to discussing it with them on Monday afternoon.6 It is to be hoped that after that discussion the way will be clear to authorise you to discuss the Bill with Indian leaders.

9. Thank you for your letter of 20th June (1446/18)7 enclosing one you had received from Bhopal forwarding a statement of views upon H.M.G.'s policy towards the States. It is certainly to be regretted that any of the Princes should feel as he does about our policy but much of what they criticise is an inevitable consequence of the termination of British rule in India rather than a result of the particular way in which we have thought it best to handle matters.

10. You will like to know that the discussions with the Burmese Goodwill Mission which is here at present have been on a very friendly basis although it has now become quite clear that, in spite of what appear to be their own personal inclinations, the AFPFL leaders feel bound by the ignorances and prejudices of their rank and file to persist in their determination to take Burma out of the Commonwealth. It has been made clear to them that there can be no question of legislation to transfer power during the present Session except on the basis of dominion status for a reasonable period of time and that, if it is a question of transferring power to a sovereign republic, H.M.G. cannot do more than promise to introduce legislation next Session and secure its enactment as soon as possible.

Yours sincerely,

LISTOWEL

4 No. 281; Lord Listowel’s reply on this subject did not in fact issue until 11 July 1947 (tel. 8928).
6 No. 365.
7 See No. 375.
8 No. 273.
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H.M. Minister at Kabul to Government of India, External Affairs and Commonwealth Relations Department

Telegram, L/P&S/12/1811: f 83

IMMEDIATE

KABUL, 27 June 1947, 4.30 pm
Received in India Office: 27 June, 8 pm

No. 52. North West Frontier Province telegram No. 331/CB, 25th June.¹
Afghan Government have made two alternative requests:

1. For immediate statement that Pathans are free to choose independence,
2. For permission for mission to proceed at once to India vide paragraph No. 3 of my telegram No. 51.²
They naturally hope for reply before referendum takes place.

2. If both requests are refused on the ground that the question is not the concern of Afghanistan results are unpredictable. The Afghan Government by instigating or allowing unwise publicity have aroused much excitement and if their representations fail will have to take some action if only to placate public opinion.

3. Possible action might be:

(i) To attempt to suppress agitation by promise of appeal to UNO,
(ii) To allow press campaign to continue while maintaining present policy of advising tribes to keep aloof,
(iii) To leave tribes free to act,
(iv) Actively but of course secretly to encourage the tribes to interfere with her if choice of independence can be now conceded this would cut the ground from underneath Afghan agitation [sic]. If this is impossible perhaps mission could be permitted to visit Delhi ostensibly to discuss the future diplomatic relations with whatever governments will now be set up. This is in any case a matter to which both countries must now pay early attention.

5. Afghan Minister for Foreign Affairs yesterday again asked for urgent reply to their suggestions. He should not of course leave Kabul until I receive your reply.
RePEATED to Secretary of State, and North West Frontier Province.

¹ Possibly a repeat of No. 342.
² No. 309.
Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel
Telegram, R/1/157: f 69

M ost im med ia te
NEW DELHI, 27 June 1947, 4.30 pm
SECRET
Received: 27 June, 5.5 pm
No. 1610–S. Your telegram No. 72 of June 18th.1 At a meeting of the Partition Council which I held this morning,2 both parties agreed that it was of the utmost importance that the Boundary Commissions should finish their work by August 15th and they felt that there would be no great difficulty in achieving this object, provided a really first-class Chairman could be made available. The Indian members of both Commissions for Punjab and Bengal have been appointed and will be starting work within the next day or two. It was agreed that one Englishman should be appointed Chairman of both Commissions and the man whom they wanted was Radcliffe. At the moment, Congress will not look at him as Chairman of the Arbitral Tribunal because they say it is undignified and humiliating to have to ask anyone from outside India to come and take on this task.

2. I very much hope that Radcliffe will see his way to accepting the Chairmanship of both Boundary Commissions. The matter is very urgent. The sooner he gets here the better and from what I have said above it looks very unlikely that he would be required to stay after August 15th. I foresee no difficulty whatsoever about emoluments, indeed both parties said they would treat him generously. I had thought that he might be Chairman of the Boundary Commissions and then of the Arbitral Tribunal afterwards, but both parties agree that this would not do since the report of the Boundary Commissions would almost inevitably upset one party or the other or both, whose confidence he would thus lose. However, if, as I sincerely trust will not, repeat not, be the case, he feels unable to accept, I will try again to get the leaders to accept him as Chairman of the Arbitral Tribunal, but I frankly cannot hold out much hope.

3. In the extremely unfortunate event of Radcliffe not accepting the Boundary Commissions Chairmanship, have you any other names to suggest?3

1 See No. 224, note 2.
2 See No. 369, paras. 11 and 19.
3 In tel. 8415 of 1 July Lord Listowel reported to Lord Mountbatten that Sir C. Radcliffe was prepared to accept the Chairmanship of the Boundary Commissions subject to certain conditions regarding his salary, allowances, etc. (the cost of which was to be borne by the Governments of India and Pakistan). In the event Sir C. Radcliffe was paid £200 from the £1,000 set aside to meet his expenses and drew no salary. On his return to England he wrote, on 21 August 1947, as follows to the Secretary of State for Commonwealth Relations:

'I came to the conclusion at an early date that my post was one which I should prefer to regard as being an unpaid one and subsequent events have tended to confirm me in this view. I did not raise the matter while I was in India, but it is my desire that I should be enabled formally to relinquish any claim to salary or remuneration for my services as Chairman.'
L/P 8&7/12500: ff 82, 62, 42–3, 37, 18–19.

It was also arranged that Mr H. C. Beaumont, I.C.S., then on leave in England, should fly out to India with Sir C. Radcliffe to act as his Secretary. Ibid.: ff 58, 42.
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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/160: ff 23–5

IMMEDIATE
SECRET

NEW DELHI, 27 June 1947, 10.30 pm
Received: 27 June, 9.30 pm

No. 1616–S. At the meeting of the India/Burma Committee on 28th May¹ the future of the present Interim Government was considered in the light of papers² by the President of the Board of Trade and the Secretary of State for India, and I was invited to discuss this question with the Indian leaders and keep you informed.

2. I had hoped that it would be possible for the present Interim Government to carry on for the 7 weeks that remain until the transfer of power, since any change must inevitably distract Departments from their all important task of partition. Congress have, however, been insistent and have reminded me that they only agreed to partition in the belief that I would dismiss the Interim Government at the earliest possible date after the decision of the Provinces became known.³

3. We had a long discussion on the problem at the Partition Council⁴ yesterday, Congress being represented by Patel and Rajendra Prasad, and the League by Liaquat and Nishtar. The discussion was inconclusive and I sent them away with three alternative solutions and the request that they should let me know which they preferred today. It was clear that the League would not commit themselves without consultation with Jinnah.

4. I had arranged a meeting for 10.00 a.m. this morning with the same party, except that Jinnah was to come in place of Nishtar. Before the meeting started, however, I go an urgent telephone message from my own sources that Nehru had blown up and was determined to resign unless the Interim Government were dismissed.

5. I postponed the meeting an hour and saw Patel and Jinnah separately.⁵ I got the former to agree to the following draft announcement: Begins: Now that Bengal and the Punjab have voted for partition, and East Bengal, West Punjab and Sind have voted to form a separate Constituent Assembly for Pakistan, the question of the Governments of the Centre and the partitioned

¹ Vol. X, No. 553, Minute 7.
² Ibid., Nos. 545–6.
³ See Ibid., No. 472.
⁴ Lord Mountbatten evidently meant to refer to the discussion at the Partition Committee: i.e. No. 354, Minute ix.
⁵ No notes have been traced of these private talks with Sardar Patel and Mr Jinnah.
Provinces arises. The Viceroy has called for the resignations of all Members of the Central Government and is asking the leaders each to nominate their own future Governments. Legally these will form Committees of the Cabinet, and Cabinet meetings will be attended by all members of both Governments.

In view of the fact that the Government of the Union of India will continue in Delhi whilst the Government of Pakistan will move to Karachi, the Union of India Members of the Cabinet will hold the portfolios but be responsible only for their own future areas. The League Members holding corresponding portfolios will have overriding powers both to refer to the full Cabinet and in event of disagreement to the Viceroy for his own decision, any proposal which solely or predominantly affects Pakistan and to which they object, and also to initiate any action required for the Pakistan areas, which must be acted upon by the Member concerned. Ends.⁶

6. I propounded the scheme to Jinnah in my private talk with him, but the above statement had not been typed before it became necessary to start the meeting.⁷

7. When I unfolded the plan Jinnah resisted it on grounds of equity and legality. As regards equity, he said that the Congress Ministers would hold the actual portfolios and sign all the orders, while the Muslim members would be merely watchdogs. This was not a position which he could possibly accept with honour and he would have nothing to do with it. I argued that whatever the facade, Pakistan's interests would, in fact, be completely safeguarded and new Pakistan Ministers would have a chance of learning their business.

8. At this point the draft statement appeared and was circulated. Jinnah gave me the impression of being slightly less dissatisfied, and in the ensuing discussion he concentrated more on the legal aspect of the case. He contested that I had no right in law to do this. I countered by saying that I had taken the precaution of consulting the Cabinet Committee when I was in England, and that they had, on advice, assured me that my proposition was entirely legal.⁸

9. Mr Jinnah said that legal opinions were often influenced by the manner in which a problem was presented. I therefore told him that if he would present his case, I would submit it to you for legal opinion. He agreed to do so and has undertaken to let me have a paper tomorrow night. I will telegraph this to you at once, and I shall be most grateful if you could let [me] have a reply as a matter of the greatest urgency.

10. The next meeting of the Cabinet is at 10.00 a.m. on Wednesday, 2nd July. This will be the last meeting of the present Cabinet. I shall call for their resignations and inform them of the new arrangements. It is therefore most important that I should have the legal opinion by Monday night⁹ at latest, so that I can
inform Jinnah on the Tuesday. I cannot help hoping that if this is favourable, Jinnah will reluctantly accept and in any case he has no other choice.

11. Both parties agreed to the reconstitution of the Bengal Government on the lines proposed for the Centre in para. 5 above, and both also agreed that the Punjab Governor should appoint two groups of advisers representing East and West Punjab respectively. Action is being initiated at once in Calcutta and Lahore by the Governors.¹⁰

* Sir G. Abell communicated the text of the draft Press statement to the Governor’s Secretaries in Bengal and the Punjab and to Mr V. P. Menon. The first two paragraphs of this text were the same (except for insignificant verbal differences) as the extract given here, but it also contained two additional paragraphs, dealing with arrangements in Bengal and the Punjab, as follows:

‘The same system will be followed in Bengal where the existing League Ministry will continue in office for the whole of Bengal, but where the future Government of West Bengal will be brought in with similar powers in regard to their corresponding portfolios.

In the case of the Punjab, which is in Section 93, the Governor will appoint two bodies of advisers, one from each of the future parts of the Province, to advise on matters concerning their respective territories.’


⁷ See No. 367.


⁹ 30 June 1947.

¹⁰ Sir G. Abell had telephoned the Governor’s Secretary, Bengal. The Governor was going to send for the party leaders and would telegraph or telephone a draft communiqué to the Viceroy’s office as soon as the matter was settled. Abell also telephoned and wrote to the Governor’s Secretary, Punjab, explaining that Lord Mountbatten would like Sir E. Jenkins to discuss with the Punjab leaders the question of setting up two bodies of advisers as contemplated in the last para. of the press statement (see note 6).

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*The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma*

*Telegram, L/P & J/10/81: ff 172–3*

**IMPORTANT**

**SECRET**

**INDIA OFFICE, 27 June 1947, 7 pm**

Received: 28 June, 11 am

No. 8270. Reference Minutes of your 17th Miscellaneous Meeting on 7th June,¹ Item 1. Under draft Bill² it is contemplated that administrative consequences of partition will be dealt with both before and after appointed day by Governor General’s Orders under Clause 8. By Clause 8(4) any Order made by yourself or a Governor of a split Province after the 3rd June will be retrospectively validated.

¹ No. 100.

² See No. 191.
2. This provision was designed to meet the fact that action as regards partition cannot properly be taken on the advice of Government of either Dominion or of Interim Government acting by majority vote but must be the product of consultation and agreement between the representatives of the two new Dominions. There is surely some force in Jinnah’s contention whatever its merits as an interpretation of the 1935 Act that the Interim Government is not a suitable body to decide these matters at any rate by majority decision in accordance with the statutory provisions of 9th Schedule.

3. Whatever opinion Spens may give, I suggest that you might seek to bury this controversy as soon as Bill has been shown to Indian leaders by pointing out the provision in Clause 8(4) and proposing that this power should be exercised to give effect to the decisions of the proposed Partition Tribunal and Arbitary [sic] Tribunal. You could then get the arbitration machinery set up forthwith and use the order-making power at any rate as soon as the Second Reading has been given to the Bill in the Commons.

4. It seems to me a dangerous idea that the Interim Government is the body which will take decisions for the execution of partition and one which we should get away from as soon as possible.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/WS/1/1091: ff 31–2

IMMEDIATE  INDIA OFFICE, 27 June 1947, 8.30 pm
SECRET  Received: 28 June, 6.30 am

No. 8284. Your 1570–S of 24th June.2 Withdrawal of British forces from India. In view of your paragraphs 5 and 6 H.M.G. agree that British forces should start withdrawing from India on 15th August and continue the process as shipping permits.

2. Necessity for very early announcement suggested in your para. 7 is not apparent, and unless cogent reasons to the contrary exist, H.M.G. would prefer to defer any announcement on this matter until 2nd reading of Bill in Parliament, provisional date for which is 15th July. This would avoid piecemeal announcements. Announcement when made should be simultaneous in Parliament and in Delhi.

Draft announcement as suggested by you appears to require inclusion of terminal date. Suggest therefore that last sentence should read: “This with-
drawal will continue as shipping permits, and is expected to be completed about end of February, 1948."

3. Full consideration of the questions which you raised in your paragraph 8 must await C-in-C’s views and your own. I should be grateful if we could have these as soon as possible.

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1 As directed by the India and Burma Committee (No. 347, Minute 2) the terms of this telegram had been agreed between Mr A. V. Alexander and Lord Listowel. The latter submitted it on 27 June 1947 for Mr Attlee’s approval which was received the same day. L/WS/1/1091: f 36.

2 No. 335.

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Mr Gandhi to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/156: ff 100–101

NEW DELHI, 27/28 June 1947

Dear Friend,

I sent you a note in the afternoon. The time after the evening prayer and walk I wish to devote to talking to you on certain matters I was able to touch but could not develop when we met.

I told the Parliamentary delegation that heralded the Cabinet Mission and the Cabinet Mission itself that they had to choose between the two parties or even three. They were doomed to fail, if they tried to please all, holding them all to be in the right. I had hoped that you were bravely and honestly trying to extricate yourself from the impossible position. But my eyes were opened when, if I understood you correctly, you said that Qaide Azam Jinnah and the League members were equally in the right with the Congress members and that possibly Qaide Azam Jinnah was more so. I suggest that this is not humanly possible. One must be wholly right in the comparative sense. You have to make your choice at this very critical stage in the history of this country. If you think that Qaide Azam Jinnah is on the whole, more correct and more reasonable than the Congress, you should choose the League as your advisers and in all matters be frankly and openly guided by them.

You threw out a hint that Qaide Azam might not be able even to let you quit even by 15th August especially if the Congress members did not adopt a helpful attitude. This was for me a startling statement. I pointed the initial mistake of the British being party to splitting India into two. It is not possible to undo the mistake. But I hold that it is quite possible and necessary not to put a premium

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1 Not traced.

2 No record of this interview has been traced.
upon the mistake. This does not in any way impinge upon the very admirable doctrine of fairplay. Fairplay demands that I do not help the mistaken party to fancy that the mistake was no mistake but a belated and only a partial discharge of an obligation.

You startled me again by telling me that, if the partition had not been made during British occupation, the Hindus being the major party would have never allowed partition and held the Muslims by force under subjection. I told you that this was a grave mistake. The question of numbers was wholly untenable in this connection. I cited the classic example of less than one hundred thousand British soldiers holding India under utter subjection. You saw no analogy between the two instances. I suggested the difference was only one of degree.

I place the following for your consideration:
(a) The Congress has solemnly declared that it would not hold by force any province within the Union.
(b) It is physically impossible for millions of caste ridden Hindus to hold well knit though fewer millions of Muslims under subjection by force.
(c) It must not be forgotten that Muslim dynasties have progressively subjugated India by exactly the same means as the English conquerors later did.
(d) Already there has been a movement to win over to the Muslim side the so called scheduled classes and the so called aboriginal races.
(e) The caste Hindus who are the bugbear are it can be shown conclusively a hopeless minority. Of these the armed Rajputs are not yet nationalists as a class. The Brahmans and the Banias are still untrained in the use of arms. Their supremacy where it exists is purely moral. The Sudras count, I am sorry, more as scheduled class than anything else. That such Hindu society by reason of its mere superiority in numbers can crush millions of Muslims is an astounding myth.

This should show you why, even if I am alone, I swear by nonviolence and truth, together standing for the highest order of courage before which the atom bomb pales into insignificance, what to say of a fleet of dread-naughts [sic].

I have not shown this to any of my friends.

If I have misunderstood you in any single particular you have only to correct me and I shall gladly accept the correction. If I am obscure anywhere, I shall try to remove the obscurity either by letter or by meeting according to your wish.

My anxiety to save you from mistakes as I see them is the sole excuse for this letter.

Yours sincerely,

M. K. GANDHI
Dear Jenkins,
Thank you for your most interesting letter of 25th June about the situation in the Punjab.

2. I appreciate the type of trouble that you are up against in Lahore and Amritsar and I took pains to explain to the Cabinet at the last meeting exactly what the difficulties are and why it was considered that martial law would not be effective.

3. The tendency to ‘blame it all’ on the officials and especially on the British officials is difficult to bear but you know the psychology behind it all, and of course if all three parties could agree to the appointment of a set of local officials in Lahore whom they would pledge themselves to support, it would make a great deal of difference. Merely to prove their previous allegations right, they would probably see to it that the trouble stopped. I realise how strongly you will feel that any transfers at this stage will be unfair to officers who have done remarkably well in an almost intolerable situation. But the time is exceptional and those who feel they must go will soon be free to go with compensation and proportionate pension. Though they may resent the injustice of the allegations against them I expect few of them will be sorry to have a rest.

4. You have had a message saying that the Congress and the League have agreed that you should appoint two sets of advisors, one for East Punjab and one for West Punjab. I hope you will find that the local leaders will accept the instructions of the High Command and join you at once.

5. I am having examined your proposals for legislation to provide for speedier justice. I quite agree with you that something on these lines would be a great improvement if it can be arranged, though usually formidable difficulties arise over proposals of this sort.

Yours sincerely,

MOUNTBATTEN OF BURMA

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1 No. 339.
2 See No. 338.
3 cf. Nos. 343 and 357.
4 See No. 379, para. 11 and its note 10.
5 See No. 339, note 2.
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Rear-Admiral Viscount Mountbatten of Burma to Sir E. Jenkins (Punjab)

R/3/1/91: f 41

133/14

28 June 1947

Dear Jenkins,
Thank you for your letter, No. 687, of the 26th June.¹ As Abell informed your Secretary,² I did press the leaders to use their own influence to stop the trouble in Lahore, and a decision that this would be done was recorded after the last Cabinet meeting.³ What the effect will be I cannot say.

2. As you know, I have informed the leaders that you wish to be relieved from the 15th August in any case, and I confirm that you will be free to go then. I am trying to get the parties to make their nominations in the next day or two. When they do so the position will be clearer, but I do not think it would be legal to instal the two new Governors until the 15th August.

Yours sincerely,

MOUNTBATTEN OF BURMA

¹ No. 357.
² See No. 343, note 2.
³ No. 338, Case No. 155/32/47, conclusion (3).

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Sir C. Corfield to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/94: f 14

IMMEDIATE

POLITICAL DEPARTMENT, NEW DELHI, 28 June 1947

Dear Lord Mountbatten,
I return the enclosures to Your Excellency’s letter of the 27th instant regarding Mr Gandhi’s proposed visit to Kashmir.

I have suggested an amendment in and an addition to the first letter to His Highness. I think the amendment is advisable in case the correspondence were to become public property later and it might be alleged that a declaration of independence at a later stage had been approved by Your Excellency.²

The addition² is an attempt to ensure that any letter sent to Mr Gandhi is couched in suitable terms.

I enclose for Your Excellency’s information a copy of the letter⁴ which was sent to Mr Nehru in a similar but more explosive situation last year, after Mr Nehru’s arrest in Kashmir. I spent three days with His Highness and his Prime
Minister before I could get them to accept the draft of this letter in place of another draft, which they wished to send and which would have blown Mr Nehru 'sky high'. They will remember these discussions and will I hope draft the letter to Mr Gandhi in a similar vein, so that everyone's 'face' can be saved as on the last occasion when Mr Nehru paid his second visit to Kashmir without any real untoward incident.

May I suggest that it would be as well to let Mr Jinnah know the background, since Mr Gandhi's visit at this stage will cause deep suspicion in Pakistan, which might be allayed by a previous explanation?

Yours sincerely,
C. L. CORFIELD

1 Asking whether Sir C. Corfield agreed with the letters (i.e. No. 386 and its Enclosure) which Lord Mountbatten proposed to send to the Maharaja of Kashmir and Mr Gandhi. R/3/1/94: f 11.
2 In No. 386 as originally drafted the end of the first sentence of the second para. read: 'essential not to make any statement claiming independence at this stage, since your legal right to this was unquestioned'. Sir C. Corfield suggested the substitution of the words actually used in No. 386. R/3/1/94: f 16.
3 The addition was the last sentence of the final para. of No. 386. Ibid.: f 17.
4 Maharaja of Kashmir to Pandit Nehru, 11 July 1946. Ibid.: f 15.

386

Rear-Admiral Viscount Mountbatten of Burma to the Maharaja of Kashmir

R/3/1/94: ff 6, 18–19

27 [28] June 1947

My dear Maharajah Sahib,
As you know, I had promised Mr. Nehru and Mr. Gandhi that I would take up the question of Sheikh Abdullah with you. I had to inform them, however, that owing to your having colic on the very day that we had arranged for a discussion on this matter, it had not been discussed.

I told them that I had had discussions both with you and your Prime Minister about the future of Kashmir; and that I thought I had succeeded in convincing both you and your Prime Minister that it was essential not to make any statement about independence, since your freedom of choice on the lapse of paramountcy remained constitutionally the same. I told them that I understood that you were willing to enter into agreements with both the new Dominion Governments and that you were seriously considering the question of linking yourself up from the military point of view with one or the other new Domin-

1 Though dated 27 June this letter was evidently not despatched until 28 June following receipt of Sir C. Corfield's comments on the draft in No. 385.
2 See Nos. 319, para. 5–6, and 369, para. 31.
ion, and might consider sending representatives to that Constituent Assembly provided that this did not involve you in a closer association than you desired.

I further went on to say that you were most anxious not to have any political leaders coming up at this time, since any form of propaganda speeches at this moment might well rouse communal feelings and provoke bloodshed which you have been so successful in avoiding up to now.

Mr. Nehru was very upset, and said he felt he must go up to Kashmir himself at once. I told him that I did not feel that his services could be spared from the Centre with only seven weeks remaining in which to fix up the details of partition and the transfer of power; and he promised to think it over.

Mr. Gandhi then came to see me and said that Mr. Nehru had agreed not to go provided he, Mr. Gandhi, went in his place. Mr. Gandhi, however, offered not to go and to let Mr. Nehru go if I would prefer that.

I told him that provided he would give me the necessary assurances not to indulge in propaganda, I would put the case to you personally; and I dictated an official letter to you in his presence yesterday, which I now enclose. I have also sent a copy of the official letter to Gandhi.

May I suggest that you should send an answer direct to Mr. Gandhi, and that if you do decide to accede to his visit you should stress that you do so under the conditions mentioned in my letter.

I need not remind you that I have not the power to stop either of these two coming up to visit you, and so you will have to make up your mind which of the two you would sooner have. I sincerely hope for all our sakes that, if you do accept a visit from one of them, you will be able to so arrange matters that there is no clash. I am sure that you and your Prime Minister, with your great tact and knowledge of the situation, will be able to handle this matter. My attention has been drawn to Your Highness’ letter of the 11th July 1946 to Nehru, as a result of which I understand that the latter paid a second visit to Kashmir last year without any untoward incident.

Yours sincerely,

MOUNTBATTEN OF BURMA

Enclosure to No. 386

Rear-Admiral Viscount Mountbatten of Burma to the Maharaja of Kashmir

26 June 1947

My dear Maharajah Sahib,

I am writing to tell Your Highness that I have had a talk with both Mahatma Gandhi and Pandit Nehru, who are both still anxious to visit Kashmir. I pointed out to them that any visit from a big Congress leader in which speeches were made could not fail to cause the League to send speakers of the order of Mr Jinnah to counter their propaganda. This would in effect produce the electioneering atmosphere which you so rightly wish to avoid, since, as you pointed
out to me, there has been no bloodshed up to date and only violent political speeches could now bring about this bloodshed.

Mr Gandhi tells me that Pandit Nehru is prepared to forgo his visit if he (Mr Gandhi) goes instead.

I am therefore writing this at Mr Gandhi's request (and dictating it in his presence) to suggest that you should agree to his visit in the near future and make things as easy as possible for him.

He has given me his firm assurance that he will make no political speeches or carry out any form of propaganda. The object of his visit would be to see Madame Abdullah; and, if you granted permission (but only if you did grant him permission), he would like to see Sheikh Abdullah. He would like to meet the people in a general way, but has no desire to address them or to collect large crowds.

May I suggest that Your Highness or your Prime Minister should communicate direct with him to save time.

I am sending Mr Gandhi a copy of this letter.⁴

Yours sincerely,
MOUNTBATTEN OF BURMA

⁵ R/3/1/94: f 15.
⁴ Lord Mountbatten did this under cover of a letter dated 27 June 1947 in which he remarked: 'I enjoyed our interview so much; it is always most refreshing hearing your point of view and obtaining the benefit of your advice'. R/3/1/94: f 7.

Rear-Admiral Viscount Mountbatten of Burma to Lieutenant-Colonel Webb

R/3/1/94: ff 20–21

28 June 1947

Dear Webb,

Since writing you the attached letter, I have received from Gandhi the letter of which a copy is enclosed together with a copy of my reply.¹ I would be grateful if you would warn His Highness that it will be dangerous to postpone the visit

¹ In a letter of 27 June Mr Gandhi stated that Pandit Nehru had expressed anxiety at the delay involved if Lord Mountbatten's letter (Enclosure to No. 366) to the Maharaja of Kashmir was sent by post rather than by wire. Mr Gandhi added that he shared Pandit Nehru's anxiety 'that the matter brooks no delay. For him it is one of personal honour.' Lord Mountbatten replied on 28 June that the letter had gone by post but that he was now telegraphing to the Resident to ask him 'to inform the Maharaja of the despatch of my letter and its subject'. This telegram (1625–5 of 28 June, 3.50 pm) read as follows: 'Please warn His Highness that the only way I could persuade Nehru to postpone an immediate visit to Kashmir was to agree to forward a request that His Highness should receive Gandhi instead. Letters to this effect from myself to His Highness are on their way. Congress attach great importance to an early and favourable answer'. R/3/1/94: ff 9, 12, 13.
too long, and that the main thing is to send off an answer to Gandhi as soon as possible.

I am also telegraphing to this effect.

Yours sincerely,

MOUNTBATTEN OF BURMA

Enclosure to No. 387

Rear-Admiral Viscount Mountbatten of Burma to Lieutenant-Colonel Webb

CONFIDENTIAL

28 June 1947

Dear Webb,

I enclose copies of two letters\(^2\) I have sent to the Maharaja, which explain themselves.

For your private information I can tell you that Nehru is over-working himself to such a degree that he practically is not sleeping at night and is having real difficulty in controlling himself at meetings. He is under a very great strain and I consider that a visit by him to Kashmir at this moment could only produce a most explosive situation; whereas if His Highness can be persuaded to handle Gandhi tactfully, I believe there is a good chance that his visit could be passed off without any serious incident.

I am afraid that to refuse to allow Gandhi in at all would precipitate a crisis and would certainly not prevent Gandhi from going up, probably accompanied by Nehru.

Gandhi absolutely refused to consider accepting seven weeks delay before paying his visit, but it is possible that the Maharaja might be able to produce special reasons why his visit should not take place until say mid-July.

It was so nice seeing you and Mrs Webb again, and we enjoyed our lunch at the Residency enormously.

Thank you for all the trouble you took in connection with the visit, and do not forget to look us up in Delhi on your way home.

Yours sincerely,

MOUNTBATTEN OF BURMA

\(^2\) No. 386 and its Enclosure.

388

Sir T. Shone to Secretary to the Cabinet

L/S&G/7/1253: ff 105–10

TOP SECRET

OFFICE OF THE HIGH COMMISSIONER FOR THE

DESPATCH NO. 63

UNITED KINGDOM, 6 ALBUQUERQUE ROAD,

NEW DELHI, 28 June 1947

Sir,

With reference to my Top Secret Despatch No. 61 of the 25th June,\(^1\) I have the
honour to transmit herewith a copy of Pandit Nehru’s record of the conversations between him and the Chief of the Imperial General Staff about the employment of Gurkha troops in the British Army. I have to thank the Viceroy’s Secretariat for sending me a copy of this record.

2. I think it will be found that, in general, the record tallies fairly closely with my own. The order in which the questions of the Gurkha troops and of the British troops in India came up was correctly given in my account—i.e. the former and not the latter was in fact raised at the beginning of the first conversation. There are occasional differences of emphasis on certain points and Pandit Nehru goes into greater detail here and there, notably in regard to some of Viscount Montgomery’s replies to his enquiries.

3. Paragraphs 20 and 21 of Pandit Nehru’s account, emphasize the personal character of the agreement reached between him and Viscount Montgomery. He made it clear more than once that he could not commit the future government of the Indian Union, let alone the present Government of India.

4. I would also draw attention to Pandit Nehru’s concern lest the employment of Gurkha troops in the British Army might be used as a precedent for that of, e.g., Afridi battalions, and to Viscount Montgomery’s assurance on this point (paragraph 15 of the enclosure).

5. The care which Pandit Nehru, a very busy man, has devoted to his account of these conversations (which he must have made himself, as no other Indian was present), goes to show what importance he attached to them.

6. I request that copies of this despatch and of my despatch under reference may be sent to the War Office as soon as possible.

I have the honour to be,

Sir,

Your obedient Servant,

TERENCE SHONE

Enclosure to No. 388

24 June 1947

NOTE ON AN INTERVIEW WITH F.M. MONTGOMERY ON THE
EMPLOYMENT OF GURKHA TROOPS IN THE BRITISH ARMY
AND OTHER IMPORTANT MATTERS

Field Marshal Montgomery came to see me yesterday, accompanied by the United Kingdom High Commissioner, Sir Terence Shone. He told me that as head of the British Army he was arranging for the complete withdrawal of British troops in India. He intended beginning this process on the 15th August. He wanted to do so as rapidly as possible, but there were shipping and other difficulties which would delay the process. In any event he said that the end of

1 No. 337.
February 1948 was the final date for the withdrawal of the last soldier of the British Army from India.

2. He asked me if I was agreeable to this withdrawal. I said I was entirely agreeable to the withdrawal as soon as possible. I could not fix any definite date, as this would depend on various facilities. A few weeks this way or that way would not matter, but I hoped that the withdrawal would be speedy and complete.

3. He asked me if there was any chance of our changing our minds later and asking for some British troops to be left in India. If this happened it would upset his programme. I told him that there was not the least chance of this happening and we wanted British troops in India to be taken away completely.

4. He then spoke to me about the British proposal about taking Gurkha troops in the British Army. This, of course, had been discussed previously with Major General Lyne, who came here some months back. It had been before the Cabinet on two or three occasions and it was in this connection that Sir Girja Shankar Bajpai and Brigadier Rudra had visited Kathmandu, on behalf of the Government of India.

5. The position was that the Government of India had agreed to the inclusion of Gurkha battalions—probably eight in number—in the Indian Army, on the express understanding that they would be officered by Indian officers or possibly Gurkha officers. This had been agreed to on behalf of the Nepalese Government informally.

6. As regards the employment of Gurkha troops in the British Army, no decision had so far been reached, though some light had been thrown on the attitude of the Nepalese Government by the visit of Sir Girja Shankar Bajpai and Brigadier Rudra to Nepal.

7. Field Marshal Montgomery pointed out that the British Government were very anxious for a decision in principle of this matter and their plans were hung up because of this. Also, in view of the division of the Indian Army which was now taking place, it might be difficult to tackle this question at a later stage when facilities for doing so might not be forthcoming. Therefore a quick decision by us was necessary. That decision need be only of the principle involved and not of any details. He did not want any formal decision either of the Cabinet. He is satisfied if I could give the assurance and he would communicate it to his Prime Minister and go ahead with the proposal. This meant that some representatives of the British War Office would visit India in the near future and discuss the matter more fully with representatives of the Government of India or our Defence Department. Later the two could go to Kathmandu for final discussions and decisions.
8. I told the Field Marshal that while we were anxious to meet the wishes of His Majesty’s Government, there were considerable difficulties in our way and many questions of principle were involved. I could not possibly, therefore, give him any answer at that stage committing our Government. Indeed, it was impossible for me to commit the future Dominion Government of India as that has not been formed. This did not seem to worry the Field Marshal and he said that my own assurance was quite enough for him. Ultimately, I said that I would consider the matter further, consult some of my colleagues and give him our reactions the next day, that is today.

9. Having consulted a number of my colleagues this morning, I met the Field Marshal this afternoon. Sir Terence Shone was also present. I told him that Gurkha troops especially, and, to some extent the whole Indian Army, had become unpopular because of their use for imperial purposes by the British Government in the past. A year ago Gurkha troops came into conflict with Indonesians and there was much resentment in Indonesia against Gurkhas. Anything that we might do and which might lead to a continuation of the old tradition of Gurkha troops for imperial purposes would be subject to adverse comment in India. While the present was no doubt different from the past and the future was likely to be still more different, it was the past that had produced the present psychological approach of our people. They would judge every action by their past and any hang-over from the past would be objected to. It would be looked upon as a continuation of the old Imperialist method of holding down colonial territories. It might also appear as a continuation of the Imperialist link with India. We were entirely opposed to any such thing, and would object strongly to the use of any troops, much more Gurkha troops, against any people struggling for their freedom. “What were the Gurkha troops required for?”, I asked.

10. The Field Marshal said that they were required as a reserve for emergencies and to carry out the British commitments in the Far East. These troops were not to be used locally and certainly not against any peoples’ movement for freedom. They were not to be used at all in fact, unless war came. Malaya was a suitable place for them to be stationed; otherwise they had nothing to do with Malaya. He told me how Gurkhas had been misjudged in Indonesia, as they really helped in keeping the peace and preventing grave developments. So also in Syria, Sir Terence Shone added, where the Gurkhas became very popular with the people.

11. I said that we could not come in the way of any arrangement between the United Kingdom and Nepal, as Nepal was an independent country; but, owing to the geographical situation of Nepal, surrounded as it was by India, certain facilities were required of us. What were these facilities? He said, in the main,
they required transit facilities, not for troops as such, but for individuals or groups of Gurkhas travelling as civilians across India. There might also be some facilities for transfer of moneys from the Gurkhas soldiers to their country. Apart from this, practically nothing more was required of us at a later stage. To begin with, of course there would have to be some kind of a division of the present Gurkha battalions in India. They did not propose to have any training or big recruiting centres in Nepal. At the most, they would have some recruiting agents in Nepal for replacements in the future. Training would take place where the battalions were stationed normally. As soon as these battalions were separated from the Indian Army, they will be taken away to Malaya and lodged there. Immediately arrangements will be made for them in Malaya.

12. He pointed out the grave man-power difficulty of the United Kingdom leading to the necessity of their retaining Gurkha troops in South-East Asia for emergencies, notably war. He hoped they would never be used for any other purpose. They naturally turned to the Gurkhas because of their past association with them in the British Army. He referred to our taking Gurkhas in the Indian Army.

13. I pointed out that though Nepal was an independent country, it was very closely allied to India in culture and tradition and we did not look upon it as a foreign country. It was natural therefore for us to develop the closest bonds with it and I hoped that this would grow closer still in the future. That did not apply to any other country in regard to Nepal, though we recognised the long-standing association of the Gurkhas with the British Indian Army.

14. Our talk ranged over many matters and I pointed out to the Field Marshal the psychological background of the problem and how the average Indian must necessarily look upon any such agreement with suspicion and how it might be misunderstood in other countries also, especially of Asia. I then said that it might become a precedent. The British Army might think of recruiting troops from the North-West tribal areas, the Afridis, etc., and might come to terms with Pakistan. The Field Marshal said that this was quite out of the question. They never thought of it and they did not propose to think of it. The Gurkhas stood quite apart from others for many reasons and on no account would this be treated as a precedent. Indeed, he was prepared to guarantee that no other arrangement would be arrived at by the British Government in regard to any part of India as a whole without the consent of the Indian Union, or Greater India as he called it. He was quite emphatic that the Gurkha matter could not and must not be treated as a precedent.

15. I suggested to him if it would at all be feasible for all the Gurkha regiments to be formally incorporated in the Indian Army and then some of them loaned out to the British Army. In fact, they will be under the British Army,
but they would technically belong to the Indian Army. He said this was a difficult and complicated matter and probably not feasible. All manner of confusion might arise.

16. I asked him what would be the primary allegiance of a Gurkha soldier serving in the British Army. He said that while the soldier would obviously be under the discipline of the British Army, his primary allegiance would be to Nepal and nothing could or should be done which might come in the way of that allegiance.

17. Again, I pointed out, the fact that Gurkhas were employed both by India and by United Kingdom would produce confusion in peoples' minds. The Field Marshal thought that there was no particular reason why all this could not be clarified in subsequent discussions. For the present, he wanted a general assurance of an agreement on principle, so that he could go ahead.

18. I pointed out that the Nepalese Government had, while expressing their willingness to allow Gurkhas to serve both in the Indian and the United Kingdom Army, made it perfectly clear that they must not be regarded as mercenaries and must not be used against each other or against any popular movement. He agreed that this could be clarified later.

19. After a considerable discussion of various aspects of the question, I told him that we felt reluctant to agree to his proposals because of a large number of implications involved, but we were anxious not to put any difficulties in the way of the United Kingdom or of Nepal, if they wanted to come to an agreement. Therefore, taking everything into consideration, we were prepared to give them the facilities for transit, etc., asked for, subject to further consideration of details and an agreement with the Nepalese Government. He said that that was all he wanted for the present and he could proceed immediately on this assumption. He was going to inform his Prime Minister accordingly and probably in the course of ten days or so a small commission of two or three persons might come to India from the British War Office to discuss this matter further. He hoped that these discussions will be carried out quietly without much fuss and later the venue would be transferred to Kathmandu. I said that we were frightfully busy as present, what with this partition and division of the Army, etc. and it might be better to postpone this for a while. He said that we were not likely to be less busy later on and when the British Army and the British element in the Indian Army were leaving India it would be more difficult. Therefore, it is better to do it as soon as possible in a quiet way without any fuss.

20. I told him that we had considered this question in isolation from the other problems that might arise in regard to the relations of India with Britain, though, of course, it was a part of those problems. Possibly, this may be incor-
porated in any future settlement or kept apart, as might be the better course. Further, I again made it clear to him that it was beyond my power or authority to commit the future Dominion Government to any course of action.

21. He said that he thoroughly appreciated this, but he was quite content with my personal assurance. Indeed, he did not want a written reply even and an oral answer was enough for him to proceed. He expressed his gratitude for our agreeing to give the transit facilities the United Kingdom Government had asked for.

22. There the conversation ended. Presumably, some representatives of the War Office are likely to come to India soon, to pursue this matter further. They are not likely to be any very senior officers. The Field Marshal said that he would send a Colonel and one or two others.

23. Field Marshal Montgomery told me that in case we required his services in any way in future he would be glad to come to India to advise us, but, of course, he would only come if invited by us, and not otherwise.

J. NEHRU

2 cf. Nos. 331 and 332.

389

Minutes of Viceroy’s Forty Eighth Staff Meeting, Item 1

Mountbatten Papers

SECRET

Those present at this Meeting held at The Viceroy’s House, New Delhi, on 28 June 1947 at 11 am were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir G. Abell, Mr Christie, Captain Brockman, Mr I. D. Scott, Mr A. Campbell-Johnson, Lieutenant-Colonel Erskine Crum

MR GANDHI

His Excellency the Viceroy read out a letter which he had received that morning from Mr Gandhi. He stated that throughout this letter Mr Gandhi had completely misinterpreted what he had said at his meeting two days previously. In fact, he had told Mr Gandhi that he was finding increasing difficulty in helping to get matters connected with Partition settled. He had pointed out that it was for Congress not a question of fair play to ensure that the various issues were settled speedily, but of sheer expediency. If Congress took the line that they were not going to help, Mr Jinnah would point out to the world at large that Congress’s acceptance of the Statement of 3rd June had not been honest. He had told Mr Gandhi that it would be very foolish of Congress to give Mr Jinnah any excuse for not being ready to take over power on 15th
August. He had assured Mr Gandhi that he intended in any event to hand over power on that date, but had explained that Congress would be put in a very poor position in the eyes of the world if they made it difficult for Mr Jinnah to take over. Mr Gandhi had stated that the words “fair play” did not exist in any Hindustani dialect. He (The Viceroy) had reiterated that he was not expecting or demanding fair play; all that he was requesting was a degree of common sense so that Congress would not put themselves in the position of wrecking an agreement which had been honourably reached.

HIS EXCELLENCY THE VICEROY:

directed P.S.V. to draft, for his approval, a reply to Mr Gandhi’s letter.

1 No. 382.
2 No. 45.

390

Rear-Admiral Viscount Mountbatten of Burma to Mr Gandhi

R/3/1/156: f 106

28 June 1947

Dear Mr Gandhi,

Thank you for your letter of this morning,¹ which I have read with much interest.

I am glad you wrote because after reading your letter I feel that almost from first to last I must have failed to make clear to you my meaning. I am glad that you have not shown your letter to others, since I should be very sorry that views should be attributed to me which I did not, in fact, express.

I hope you will agree to discuss these matters again at our next meeting.

Yours sincerely,

MOUNTBATTEN OF BURMA

¹ No. 382.

391

The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&EJ/10/81: f 196

IMPORTANT PRIVATE

INDIA OFFICE, 28 June 1947, 9.35 am

Received: 28 June, 4.40 pm

73. My telegram 8185.¹ I assume that it would greatly facilitate the process of partition of the three [sic] Provinces and the constituting of new Provinces if

¹ No. 352.
political leaders could agree that for a limited period the existing Governors of Bengal and the Punjab should be appointed Governor of both East and West Bengal and East and West Punjab. I do not know what are the chances of that happening or whether you would think it wise to attempt to steer in that direction. I should be glad to know your view when you reply to my telegram.

392

Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/153: ff 263-4

17 YORK ROAD, NEW DELHI, 28 June 1947

Dear Lord Mountbatten,

In your letter of the 27th June¹ you have said that you hope to have authority to show me the draft legislation after the next week-end. I should like to point out that this legislation is of the utmost consequence to India and we shall necessarily have to consider it very carefully and to take constitutional and legal advice on it. We are eager to get the Bill through Parliament as early as possible. But unless it is thoroughly vetted, the hurry may lead to unfortunate results.

2. I think you told me that parliamentary legislation is kept secret till it is actually placed before Parliament. How far this rule is applied to legislation affecting Dominions, I do not know. My own recollection is that in the case of the Union of South Africa Act, the Bill was drawn up completely in South Africa and then sent to Parliament for formal adoption. Someone in Parliament pointed out a small grammatical error. It was stated by the then Prime Minister that he would not correct that error as he had given an assurance to accept in its entirety what the South African leaders had produced. This does not indicate that parliamentary secrecy was functioning when the Bill was being drafted in South Africa. Indeed in legislation of this type where the future of a country is concerned, it seems to me an entirely wrong approach to proceed secretly and without taking a sufficient number of people into one’s confidence. Legislation is always a complicated affair requiring the utmost scrutiny not only of one person but of many minds. I trust that this full opportunity will be given to us before the Bill is introduced in Parliament.

Yours sincerely,

JAWAHARLAL NEHRU

¹ No. 336, note 2.
Mr Liaquat Ali Khan to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/157: ff 88-9

FINANCIAL MEMBER OF COUNCIL, NEW DELHI,
28 June 1947

Dear Lord Mountbatten,

I am herewith sending our draft for terms of reference of Boundary Commissions. This is strictly in accordance with the statement of the 3rd of June.¹

Yours sincerely,

LIAQUAT ALI KHAN

Enclosure to No. 393

TERMS OF REFERENCE OF BOUNDARY COMMISSIONS²

For the Punjab.
The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. The Commission will also take into account other factors.

For Bengal.
The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. The Commission will also take into account other factors.

2. In the event of the referendum in Sylhet District of Assam resulting in favour of amalgamation with Eastern Bengal, the Boundary Commission for Bengal will also demarcate the Muslim majority areas of Sylhet District and contiguous Muslim majority areas of adjoining districts to be transferred to Eastern Bengal.

¹ No. 43.
² cf. No. 369, para. 10. In a minute dated 28 June 1947, Sir G. Abell commented: “The elimination of the words “in doing so it” [at the beginning of the second sentence] makes a substantial difference. These words indicate that the main emphasis is on the duty of demarcating the boundaries according to the population figures. If they are eliminated and it is simply stated “that the Commission will also take into account other factors” the Commission is given considerably more freedom than was intended by the terms of reference which were proposed by the Congress [No. 158] and definitely accepted by Mr Jinnah at his interview on the 23rd June. The interview record states “Mr Jinnah accepted the terms of reference which had been put up by the Congress leaders based on H.M.G.’s statement of the 3rd June”. [No. 311, Conclusion 2]. R/3/1/157: ff 90.

It may be noted that the terms of reference proposed by Mr Liaquat Ali Khan differed in one other respect not mentioned by Sir G. Abell: namely the addition of the words ‘to be transferred to Eastern Bengal’ at the end of para. 2 on Sylhet.
Mr Tyson to Sir G. Abell

D.O. NO. 113/C.R. GOVERNMENT HOUSE, CALCUTTA, 28 June 1947

My dear Abell,
As I informed Ian Scott by telephone this morning, Dr P. C. Ghosh\(^1\) refuses to play though Suhrawardy has agreed.\(^2\) Dr Ghosh told H.E. this morning that he had been summoned by the High Command and that he is leaving for Delhi today by plane, will reach Calcutta again on Monday and will give H.E. his final word after meeting his party members on Monday afternoon. It looks, therefore, as though we should be unable to make an announcement before Tuesday.

In the meantime here is the text\(^3\) of the announcement we should like to make. The references to promises of cooperation by the leaders of both parties may require a little modification if Dr Ghosh’s acquiescence is very half-hearted.

Yours sincerely,

JOHN D. TYSON

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\(^1\) Dr P. C. Ghosh was elected leader of the Congress Assembly Party of West Bengal on 22 June 1947. Mr Kiran Sankar Roy, previously leader of the undivided Congress Party in Bengal, was elected leader of the East Bengal Assembly Party on 24 June. The Indian Annual Register, 1947, Vol. I.

\(^2\) See No. 379, para. 11 and its note 10.

\(^3\) Not printed.

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Government of India, External Affairs and Commonwealth Relations Department, to Secretary of State

Telegram, L/P&S/12/1811: f 82

NEW DELHI, 29 June 1947, 1.55 am

Received: 29 June, 4.50 pm

No. 5047. Our telegram No. 4755 of 19th June.\(^1\)

2. Nanking telegram No. 187 repeated to you in our telegram No. 4854 of 21st June\(^2\) leaves no room for doubt that the Afghan press campaign is officially inspired. In effect Afghan Government have come into open with Irredentist claim recently raised informally in course of exchanges on mutual frontier policy questions. There is this difference that whereas in conversations territorial scope of Afghan interest in frontier areas was somewhat vaguely defined it is now specifically related to whole area between Durand Line and Indus River; and Pathans living in this area are referred to throughout the articles enclosed
with Squire's despatch\(^3\) as Afghans; possibly intention is to claim that they are Afghan subjects.

3. Since Afghan Government have chosen to come out into the open Government of India assume H.M. Government will reaffirm unequivocally the views expressed during informal conversations that took place in 1944-46. Any claim that Pathans who have for generations been domiciled between Durand Line and Indus are Afghan subjects cannot possibly be accepted by Government of India. By article two of Durand agreement of 1893 Amir Abdur Rahman Khan bound Afghanistan to refrain from interference in territories lying beyond Durand Line “on the side of India” in return for undertaking by Government of India that they would not interfere in territories on Afghan side of line. That agreement has been respected up to present day by successive Indian and Afghan Governments. In other words Afghan Government have at least since 1893 recognised that Pathans living East of Durand Line are British Indian nationals or British protected persons. (Inhabitants of tribal areas are classed as British protected persons.) It follows that present press campaign in Afghanistan and language used by Afghan Minister in Nanking to Indian Ambassador constitute unwarranted attempt by Afghan Government to interfere in internal affairs of India.

4. The Afghan Government must be aware that under the terms of His Majesty’s Government’s announcement of June 3rd the people of settled districts of North West Frontier Province are to be given the opportunity to express their wishes regarding their future and that Pathans of tribal areas after transfer of power are left free to negotiate their future relations with whatever successor government is concerned with the Frontier.\(^4\) There is thus no repeat no question whatever of compulsion (c.f. paragraph No. 5 of Squire’s telegram No. 47 of June 10th).\(^5\) Issue of independent Pathan State is also a matter entirely

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\(^1\) See No. 140, note 2.

\(^2\) In this telegram the Indian Ambassador in Nanking reported a conversation on 19 June 1947 with the Afghan Minister there, during the course of which the latter had said that Afghanistan had always wished to see a united India, but ‘now that India was going to be divided the claims and sentiments of Afghanistan regarding the Afghan portions of India should not repeat not be ignored. By Afghans he meant Pathans. Why, he asked, should they be forced to join either Hindustan or Pakistan? Why should not repeat not the North West Frontier Province and Baluchistan be formed into an independent State in intimate relations with Afghanistan? The Afghan Minister added that Afghanistan ‘now expected recompense for all wrong done to her in the last century’. He did not define the recompense ‘but one thing Afghanistan would insist on was an outlet to the sea’. He stated that ‘these were his personal views’ and that he was speaking ‘as brother to brother’. L/P &S/12/1811: f98.

\(^3\) In Despatch No. 51 of 14 June 1947 Sir G. Squire enclosed translations of the articles referred to in No. 140, discussed the Afghan Government’s motives in launching the press and publicity campaign, the extent to which the Afghan public supported the Government’s policy, and how far the Government were prepared to go in pursuance of it, and reported on a further interview with the Afghan Minister for Foreign Affairs. Ibid.: ff 100-108.

\(^4\) See No. 45, paras. 11 and 17.

\(^5\) No. 140.
within the Indian orbit and therefore one in which the Afghan Government have no locus standi.

5. Squire has mentioned the possibility that objective of Afghan Government may be to forestall public attention in Afghanistan from the internal situation. We think this quite likely and do not ourselves altogether exclude further possibility of Afghan Government embarking on some diversionary adventure in tribal areas. Such development would of course be disastrous to the peace of the border and we think everything possible should be done to prevent it. A clear reminder of probability of developments dangerous to Afghan security on Kingdom’s northern frontier and of certainty of cessation of generous aid that Afghanistan has been receiving from India in recent years should have a sobering effect. Afghan M.F.A. has often himself expressed the fear that Soviet[s] would be only too ready to take advantage of tribal disturbances to further their designs. As regards economic assistance which Government of India, at some sacrifice to themselves, have been affording to Afghanistan in many directions and also supply of military equipment, Afghans can hardly expect India to continue this form of assistance in face of an attitude that threatens the peace of her own frontier.

6. In recent years, the Afghan Government have shown great solicitude for friendship of U.S.A. H.M. Government might wish to consider the desirability of requesting U.S. Government to utter, in season, an informal word of warning to Afghan Minister in Washington against this adoption of a policy of adventure which, in the present state of international tension, may have international repercussions and, instead of profiting Afghanistan, do her incalculable harm.

Repeated to H.M. Minister, Kabul (No. 149) and Nanking (No. 123). Copies by post to North-West Frontier Province, Baluchistan and United Kingdom High Commissioner.

* In his Despatch: see note 3.

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Mr Gandhi to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/151: f 234

NEW DELHI, 28/29 June 1947

Dear Friend,
I have to inflict another letter on you—this time about the Frontier referendum. Badshah Khan writes to me to say that he is carrying out the plan I had
discussed with you and he with Qaide Azam Jinnah. The plan was to move for free Pathanistan framing its own local constitution and when the Pakistan and the Union Constitutions were out to decide either to belong to one state or the other. In this move he has failed. Therefore the referendum would go on without any interference by his followers, the latter abstaining from voting either way. He fully realises that in this case the Frontier would probably go to Pakistan.

He wants me also to draw your attention to the fact that Punjab Muslims men and women are being freely introduced in the Frontier Province to affect the referendum and that notable non-Frontier Muslims too have been sent to the Frontier Province for the same purpose. This increases the risk of bloodshed and worse.

He also says that the non-Muslim refugees numbering many thousand will have no chance, so far as he is aware, of taking part in the referendum and they are threatened with dire penalty should they dare to exercise the vote.

I see in today’s papers that Qaide Azam Jinnah contends that if the Pathans abstain from voting, the abstention will constitute a breach of the terms of the referendum. I do not see the force of the contention.

Many thanks for your telegram to the Resident in Kashmir.

Yours sincerely,
M. K. GANDHI

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Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru
R/3/1/153: ff 275-6

28[29]\(^1\) June 1947

Dear Mr Nehru,
I received your letter of 28th June\(^2\) after the attached invitation had been drafted.

I trust that the fact that you can have Sir B. N. Rau accompanying you on Tuesday will satisfy you that constitutional and legal advice will be available.

We can, as I suggest in the attached invitation, continue consideration of the Draft Bill on Tuesday and Wednesday evenings. Let us further discuss this on Tuesday morning.

In any case you can rely on my doing everything in my power to help.

Yours sincerely,

MOUNTBATTEN

\(^1\) Though dated 28 June a note on the file copy indicates that it was not in fact issued until 29 June 1947.

\(^2\) No. 392.
Enclosure to No. 397
Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru

29 June 1947

Dear Mr Nehru,

1. I hope shortly to receive from London copies of the Draft "Indian Independence Bill", which is going to be introduced into Parliament next month.

2. His Majesty's Government has agreed that I should show you copies of this Draft. In doing so, they have pointed out that it is completely contrary to usual Parliamentary practice to show texts of Bills to other parties concerned before publication.

3. His Majesty's Government has therefore insisted that I should not give you copies of the Draft Bill for retention. I am sure that you will appreciate the reasons for this.

4. I invite you to come to the Viceroy's House at 10 a.m. on Tuesday, 1st July to study this Draft. I would propose that the representatives of Congress and of the Muslim League should sit in separate rooms for two hours and read the Draft through. The Muslim League representatives would be in Her Excellency's sitting-room, and the Congress representatives in my study. I shall be obliged to withdraw copies of the Draft Bill after you have studied them.

5. I am also inviting
   Mr Jinnah
   Sardar Patel
   Mr. Liaquat Ali Khan

6. I suggest that Sir B. N. Rau should be available to give you any assistance you require when you read through the Draft. Mr. H. M. Patel will be present in any case as Secretary. I am similarly suggesting to the Muslim League representatives that Mr. Justice Rahman and Mr. Mohammed Ali should be available for them. My Reforms Commissioner will also be in attendance, ready to be summoned by either party to elucidate any points.

7. I myself will be available towards the end of the morning to hear any points which you might wish to suggest that I should take up with H.M.G.

8. Let us arrange, on Tuesday morning, any further meetings that are required—either that evening or on Wednesday evening, perhaps.

Yours sincerely,

Mountbatten of Burma

3 Lord Mountbatten also sent letters dated 29 June 1947 in similar terms to Sardar Patel, Mr Jinnah and Mr Liaquat Ali Khan inviting them to come to study the draft Bill. All three replied the same day with brief letters of acceptance. He had informed Lord Listowel of the arrangements he was making to show the Indian leaders the draft Bill in tel. 1638—S of 28 June, adding that he would like to put out a communiqué announcing that he was to show the draft Bill to the Indian leaders during the morning of 1 July. R/3/1/153: ff 266, 273-4, 277, 279-80, 285.
Dear Mr Jinnah,

Lord Ismay has told me about your conversation with him last night\(^1\) on the subject of the terms of reference for the Boundary Commissions: and meanwhile I have received Mr Liaquat Ali Khan’s letter\(^2\) in which he suggests amendments to the draft which was discussed by the Partition Committee as long ago as 13th June,\(^3\) and sent to him the following day.

I am afraid that there appears to have been a complete misunderstanding on this matter. You will remember that, in the course of our conversation on the 23rd June,\(^4\) I raised this question with you, and Sir Eric Mieville and I were left with the impression that you had categorically agreed. The record of our talk which was prepared by Sir Eric the following morning and initialled by me immediately afterwards contains the following passage:

“\textit{Boundary Commissions.} Mr Jinnah said that he accepted the terms of reference that had been put up by the Congress party and that he would have names of his nominees for both Boundary Commissions ready for submission to the Viceroy within the next day or two. He then said that he felt it would be impossible for both parties to agree upon the two Chairmen and he therefore suggested that a distinguished member of the Bar from England might come out as an independent Chairman for both Commissions and that his decision should be final.”

Again, at the Partition Committee meeting on Friday, the 27th,\(^5\) you will remember that I definitely asked Sardar Baldev Singh whether he agreed with the terms of reference and that he signified that, though not content, he accepted them. Neither you nor Mr Liaquat Ali Khan gave the slightest indication that you demurred or that you still had the matter under consideration.

Accordingly, there has never been a shadow of doubt, either in my own mind, or in the minds of my Staff, that the League had agreed.

You yourself have always emphasised the necessity for speed and I have therefore gone ahead as fast as possible. I have already informed the Secretary of State and a notice is being issued simultaneously tomorrow in England and in India in which the terms of reference are set out as originally suggested. I have

\(^1\) See No. 399, Item 2.
\(^2\) No. 393.
\(^3\) Presumably a reference to the Viceroy’s meeting with the Indian leaders on that date: see No. 175, Item 2.
\(^4\) No. 311.
\(^5\) See No. 369, paras. 10–11.
also informed the Governors concerned, and have asked them to summon the members of their respective Boundary Commissions and make arrangements to get them to work at once.

I am sure that you will agree with me that we ought not to incur the delay which would result from re-opening this question, particularly as I understand that you told Lord Ismay that your amendments were really more a matter of form than of substance.

MOUNTBATTEN OF BURMA

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Lord Ismay to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Official Correspondence Files: Interviews (2)

29 June 1947

H.E.
I had two hours talk with Mr Jinnah yesterday. Mr Liaquat Ali Khan was also present. The following were the main topics of discussion:

1. Interim Government

Mr Jinnah said that he had consulted legal opinion who had confirmed the illegality of your proposed action. I reminded him that you had agreed to get the opinion of Law Officers at home and that he (Mr Jinnah) had undertaken to present his case. He accepted this and said that he would let you have his presentation by Sunday evening, the 29th.1

Continuing, he said that he had only raised this question of illegality in order to let you out of your undertaking to Congress: and that whatever the Law Officers said, he could not in honour take any part in the Interim Government as now proposed. His representatives would be merely spies and watchdogs. I brought out all the old arguments—only 48 days to go—Pakistan interests would be fully safeguarded and he would thus have the substance, even if he had to let the shadow go—and so forth. But I failed to move him; while Liaquat Ali Khan intervened to say that he himself could not possibly play second fiddle in the Financial Department after having had Ministerial charge of it for so long.

At the end of our discussion on this point, I was not absolutely convinced that, when it came to the point, Jinnah would refuse to play.

2. Boundary Commissions

Mr Jinnah said that he had now sent in his proposed amendments to the terms of reference suggested by Congress. His amendments were designed to bring the terms more in line with the announcement of 3rd June.2

I told him that we were all under the firm impression that the League had
already agreed to the Congress draft and that it was probably too late to take his suggestions into account. It would be a tragedy, I said, if we were to delay the business of the Boundary Commissions by having any further wrangles over the terms of reference. I added that I would report to you at once, and you have already written him a long letter\(^2\) on the subject.

3. **Purnea**
He asked what was happening about Purnea and reminded me that in one of his many letters to you on the subject of the announcement he had said that there must also be a referendum in Purnea, which should be given a chance of joining Eastern Bengal.\(^4\)

I said I was not fully in the picture, but if I remembered aright, Congress had also demanded a fat slice of Sind. If the question of Purnea were reopened, this demand would also be pressed. Was it not better to leave well alone? Mr Jinnah was inclined to think otherwise and I undertook to report our conversation to you.\(^5\)

4. **Referendum in the N.W.F.P.**
Mr Jinnah said that he agreed to the proposed poster provided that the Pakistan areas in the map of India were painted green instead of blue. I said that I would look into this at once.

In point of fact, the Governor of the N.W.F.P. has today reported that this change has already been made and agreed to by his Ministry.

5. **Sir George Cunningham**
Mr Jinnah said that he was very anxious to have Sir George Cunningham as Governor of the N.W.F.P. and that he would give him any terms within reason. I expressed considerable doubt as to whether Sir George would be prepared to make this immense sacrifice, but undertook to get in touch with him at once. I have today telegraphed Sir Archibald Carter.\(^6\)

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1. See No. 379.
2. See No. 393.
3. No. 398.
5. Notes on file R/5/1/167: ff 10–11 by Lord Ismay and Sir G. Abell show that they subsequently discussed the advice that they should give to the Viceroy on this subject. After seeing the papers Lord Ismay reached the conclusion that 'we should let the matter drop. Mr Jinnah has, by implication, abandoned his claim to Purnea since he has accepted: (a) The Plan of 3rd June: and (b) The terms of reference of the Boundary Commissions, which could not be interpreted as allowing the examination of the Purnea problem… If Mr Jinnah raises this again, we can always counter by saying that Nehru will insist on Thar Parkar [in Sind].' Minute by Lord Ismay of 3 July 1947.
6. In tel. 1659-S of 30 June Lord Ismay reported this part of the conversation to Sir A. Carter. He mentioned that Mr Jinnah had said that he would give Sir G. Cunningham 'any terms within reason to induce him to accept', added that Lord Mountbatten thought 'it would be grand if Cunningham would make this sacrifice', and asked Carter to get in touch with him. He also asked for information on how the question of Sir A. Rowlands was proceeding (see para. 6). Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of, (2).
6. Sir Archibald Rowlands

Mr Jinnah asked how the question of Sir Archibald Rowlands was proceeding. He wanted him very badly as Financial Adviser and general administrator. I said that we had not been handling this question. (I believe that it was conveyed to England by Sir Walter Monckton.) I would, however, find out the position. I pointed out that, in any case, there could be no question of getting Rowlands, who is an officer serving the British Government, before the transfer of power on 15th August. Mr Jinnah entirely accepted this argument.

ISMAY

7 See No. 168.

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Rear-Admiral Viscount Mountbatten of Burma to Sir H. Dow (Bihar)

R/3/1/167: f 12

592/92

29 June 1947

Dear Dow,

I am sorry to have been so long in replying to your letter of the 12th June, on the question whether the Boundary Commission's work will include consideration of Bihar boundaries.

2. This is not so. The purpose of the two Boundary Commissions is to achieve the final partition of the provinces of the Punjab and Bengal; and to demarcate the Muslim majority areas of Sylhet district and contiguous Muslim majority areas of adjoining districts in Assam, if Sylhet decides to join East Bengal.

3. There are claims by the Congress to an area of Sind (Umarkot), but they have been told that the possible alteration of the boundaries of the two dominions will be a subject for negotiation between the dominions themselves in due course. That applies equally to the Kishengunj part of Purnea district, and there is no agitation by the League High Command to get the Boundary Commission to consider this area.

Yours sincerely,

MOUNTBATTEN OF BURMA

PS: One can never exclude the possibility of Jinnah raising this matter again but I hope to be able to adhere to the above.

1 Not printed.
2 cf. No. 23.
3 cf. No. 399, para. 3 and its note 5.
Your Excellency,
I am writing to invite Your Excellency’s personal attention as Crown Representative to the agitation engineered against Travancore from British India. H.M.G.’s Statement of 3rd June, 1947, re-affirming the Cabinet Mission’s Memorandum of 12th May, 1946, has been accepted by all parties. That Plan gives various options to the States and it is the duty of all concerned, to ensure that no extraneous interference or pressure is brought to bear on the free choice of any State in deciding on any of the alternatives open to it under the accepted Plan. Otherwise, the orderly transfer of power in India, to which Your Excellency and H.M.G. have openly pledged yourselves, may, it is feared, be seriously endangered. Moreover, all parties who have accepted that Plan are bound to render bona fide co-operation in the implementation of that Plan. Nevertheless, what is now happening in regard to Travancore is the reverse of what one is entitled to expect after Your Excellency’s public declaration and that of the party leaders that have accepted the Mountbatten Plan.

It has also been recognised by responsible leaders of all parties concerned and by H.M.G. that the decisions of the States will be voluntary, and left to their free choice. The attitude of certain parties in this matter, is I am afraid not in conformity with their formal undertakings, and runs counter to what some of the leaders of the parties had accepted during the discussions between the Negotiating Committees.

The States have been invited by Your Excellency and the new States Department to discuss Standstill agreements for the future. Your Excellency will appreciate that it is necessary for each side to respect the integrity of the other and to desist from any action contrary to the letter and spirit of the accepted Plan, in order to create an atmosphere needed in the country for devising suitable relationships and Standstill arrangements for joint action on many matters of common concern vital to the two Dominions and the States.

1 No. 45, para. 18.
I have cited Travancore as an example. My State is equally concerned with and interested in what is done to another State.

Yours very sincerely,

HAMIDULLAH

Sir C. Corfield advised Lord Mountbatten to take the line in reply that he appreciated the Nawab’s point of view and would discuss with Sardar Patel the effect that any unfriendly action might have on the success of the joint discussions to be held at the end of July. Brief notes on the file indicate that Lord Mountbatten saw the Nawab of Bhopal on 1 July 1947 and spoke to him on the lines suggested. Corfield to Abell and note by I. D. Scott, 1 July; Abell to Corfield, 2 July 1947. R/3/1/138: ff 11–12, 24.

It may also be noted that on 30 June 1947 the Nawab of Cambay, as Acting President of the Gujarat States Rulers Council, wrote to Sir C. Corfield expressing similar views to those contained in the Nawab of Bhopal’s letter above. He asked that his letter should be laid before Lord Mountbatten and concluded with a request that the Crown Representative should use his good offices to put a stop to this ‘sinister trend’. On 4 July Corfield sent a copy of this letter to Abell for Mountbatten’s information stating that he would merely acknowledge it and say that it had been laid before the latter. Ibid: ff 37–8.

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The Nawab of Bhopal to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/137: f 203

QASR-I-SULTANI, BOPAL, 29 June 1947

Your Excellency,

The proposed amending legislation for the future Governments in India would be receiving Your Excellency’s active consideration. The States unfortunately are being made to feel at every step in the recent developments that nuisance value is at a premium and tried and trusted friendship of over a century is at a discount. Nevertheless, I am writing to request that Your Excellency may be pleased to use your personal good offices to ensure that the proposed legislation clearly provides, in terms of the Cabinet Mission’s Statement of 12th May, 1946; and the assurances given us before and thereafter, that there shall be no paramountcy after the transfer of power and that all powers and rights in relation to the States ceded to or assumed by the Crown will revert to the States, and that this position would apply to the States that join any of the Dominions as well as to others which decide to stay out of both.

Yours very sincerely,

HAMIDULLAH

1 Vol. VII, No. 262.
2 Sir C. Corfield advised Lord Mountbatten to take the line in reply that he had every reason to expect that the proposed bill would implement to the fullest extent that could be done by parliamentary legislation the policy contained in the Cabinet Mission’s Memorandum of 12 May 1946 (Vol. VII, No. 262). Brief notes on the file indicate that Mountbatten saw the Nawab on 1 July 1947 and spoke to him on the lines suggested. R/3/1/138: ff 11–12, 24.
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Sir G. Abell to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/137: ff 197–8

29 June 1947

Lord Ismay received from Pandit Nehru, with his letter of the 25th June,¹ a new draft Standstill Agreement. The Political Adviser thinks that this should be referred to the new States Department as, if it is circulated, the result will be to prejudice the negotiations which that Department will shortly begin. His letter dated the 27th June is below.²

2. I have spoken to V. P. Menon and he thinks that Pandit Nehru has no business to circulate a paper like this and that the paper will certainly do harm if circulated, apart from the offence caused to Home Member.

3. Mr Menon agreed with me that I should write to him, as in the letter below,³ and that Lord Ismay might reply to Pandit Nehru as in the second draft.⁴

G. E. B. ABELL

Annex to No. 403

Sir G. Abell to Mr V. P. Menon

29 June 1947

Dear V. P.,

I enclose a copy of a letter which Lord Ismay has received from Pandit Nehru and a copy of a draft Standstill Agreement, which he enclosed.

His Excellency presumes that if circulation is considered advisable it should be done by the States Department, and would be grateful if you would show the papers to your Honourable Member. If the draft is circulated, it should please be stated that it has been put forward by the successor authorities for the Union of India, and does not originate from the Crown Representative.

Lord Ismay is informing Pandit Nehru that this letter has been sent to you.

Yours sincerely,

GEORGE ABELL

¹ No. 340.
² Not printed. Sir C. Corfield commented that 'the practical effect of this draft is the acquisition of the powers of paramountcy over a very wide field by the successor governments'. R/3/1/137: f 184.
³ See Annex.
⁴ Lord Mountbatten noted 'Agree', and on 30 June 1947 Lord Ismay wrote to Pandit Nehru stating that he had shown No. 340 to Lord Mountbatten who had given instructions that it 'should be sent to the new States Department for necessary action'. Ibid.: f 206.
I circulate:

Annex I. The Viceroy’s report on developments in his discussions with Indian leaders on this subject. (Telegram 1616-S of 27th June.)

Annex II. A draft reply. The legal advice referred to has been given by my Legal Adviser, Sir Kenneth Kemp. With reference to paragraph 9 of the Viceroy’s telegram the promised further telegram giving Jinnah’s case had not been received when the draft reply was prepared (mid-day Sunday).

Annex III. Sections 40 and 41 of IXth Schedule of the Government of India Act 1935 which are the main relevant statutory provisions.

The Committee’s previous consideration of this subject during the Viceroy’s visit is recorded in I.B.(47)87 and 88 and I.B.(47) 28th Meeting Minutes.

Annexure II to No. 404

Secretary of State to Viceroy

MOST IMMEDIATE

Your telegram 1616-S of 27th June. Interim Government.

2. Draft announcement in your paragraph 5 is so full of obscurities and apparent inconsistencies that it is impossible to give fully considered legal Opinion that would have direct application to it.

[The remainder of para. 2 and para. 3 of the draft are substantially the same as in the telegram as issued: see No. 433]

4. As regards arrangements proposed in your draft announcement these differ from what was contemplated in my paper to I. & B. Committee, No. I.B.(47)88 paragraph 3 in that—

(a) so far as I understand the position League Members of Interim Government will not be Joint Ministers working within existing Secretariats and seeing all decisions but rather Ministers Without Portfolio having a right of protest and giving their authority to any executive action required within Pakistan;

(b) League Members can only object and bring to full Council a matter which “solely and predominantly affects” Pakistan. It appears that Central subjects will in practice be almost entirely in hands of Congress under this
arrangement. They could generally claim that Pakistan was not pre-
dominantly affected. Phrase "solely and predominantly"\(^4\)
seems much too restrictive.

5. Is it out of the question to secure a compromise whereby—
(a) there are Joint Ministers for each Portfolio, each of whom receives full
information of what is being done, each of whom is entitled to authorise
without question action solely affecting his own area and each of whom
can protest against acts of his colleague and bring them to Council on the
ground that they substantially affect interests of his area;
(b) Co-ordinating Committee (in fact the Partition Council) to deal with
major policy questions of Defence and Foreign Affairs, to supervise
communications and collection of Central Revenues.

Such an arrangement could, however, operate only after results of forthcoming
Referendum are known.

6. As time will not permit further consultation before Wednesday morning,
H.M.G. authorise you to deal with this most difficult situation as seems best to
you in light of this telegram, but they would like you to bear in mind that [it]
is important, in order to ensure a smooth and quick passage of the Bill through
Parliament, to be able to continue to maintain that partition is being carried out
by agreement and to avoid giving any grounds for an assertion that fair partition
has been prejudiced by giving to Congress in advance undue advantage in
relation to all Central subjects and particularly defence.

7. It is desirable that any Statement on lines of your paragraph 5 should be
released simultaneously here if possible. Please therefore give me text and time
of release in India as far in advance as possible.

[Para. 8 of the draft is substantially the same as para. 7 of the telegram as issued:
see No. 433]

Annexure III to No. 404

40. (1) All orders and other proceedings of the Governor-General in
Council shall be expressed to be made by the Governor-General in Council, and
shall be signed by a secretary to the Government of India, or otherwise as the
Governor-General in Council may direct, and, when so signed, shall not be
called into question in any legal proceeding on the ground that they were not
duly made by the Governor-General in Council.

(2) The Governor-General may make rules and orders for the more con-
venient transaction of business in his Executive Council, and every order made
or act done, in accordance with such rules and orders, shall be treated as being
the order or the act of the Governor-General in Council.

\(^1\) No. 379. \(^2\) Vol. X, Nos. 543, 546 and 553, Minute 7.
\(^3\) Elsewhere these words read 'solely or predominantly', see Nos. 379, para. 5; 413, p. 752; 433,
para. 4.
\(^4\) Ibid.
41. (1) If any difference of opinion arises on any question brought before a meeting of the Governor-General’s Executive Council, the Governor-General in Council shall be bound by the opinion and decision of the majority of those present, and, if they are equally divided, the Governor-General or other person presiding shall have a second or casting vote.

(2) Provided that, whenever any measure is proposed before the Governor-General in Council whereby the safety, tranquillity or interests of British India, or of any part thereof, are or may be, in the judgement of the Governor-General, essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the Council dissent from that opinion, the Governor-General may, on his own authority and responsibility, adopt, suspend or reject the measure in whole or in part.

(3) In every such case any two members of the dissentient majority may require that the adoption, suspension or rejection of the measure, and the fact of their dissent, be reported to the Secretary of State, and the report shall be accompanied by copies of any minutes which the members of the Council have recorded on the subject.

(4) Nothing in this section shall empower the Governor-General to do anything which he could not lawfully have done with the concurrence of his Council.

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Sir G. Abell to Mr Harris

Telegram, L/P & J/10/124: f 267

IMPORTANT

NEW DELHI, 29 June 1947, 4.15 pm
Received: 29 June, 4.30 pm

No. 1643-S. Harris from Abell.
Your 8338 dated June 28th.¹ Liaquat Ali Khan as reported in Viceroy’s 1439-S of June 14th² said he did not wish to waste time asking whether Hindustan should take the title of “India”. Subsequently title of “Union of India” has been used in Cabinet to describe Hindustan without any protest from Moslem League members. Had Jinnah wished to object presumably he would have made

¹ Explaining that it was thought that Opposition leaders might enquire what was the ‘attitude of Muslim League, and particularly of Jinnah himself, to proposed adoption of title of “India” (as opposed to “Hindustan”) by those areas adhering to existing Constituent Assembly’, and asking for latest available information on this point. L/P & J/10/130: f 246.
some protest. There is every possibility of Jinnah objecting later but he would certainly never positively accept it and it would be a waste of breath to discuss subject.  


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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel
Telegraph, Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of (2)

IMPORTANT
PRIVATE

NEW DELHI, 29 June 1947, 7.30 pm

No. 1650-S. Your 73 of the 28th June.1 As I have already informed you the Governors of Bengal and the Punjab are unwilling to stay on after partition, and I think there is no chance of persuading the parties to agree that they should stay on temporarily as Governors for both of the Provinces. Jenkins against whom the Muslim League have recently waged a most unfair campaign of abuse is anxious to be relieved as soon as possible. Burrows told Abell that though the Muslim League might ask for him he was quite sure that the Congress would not do so.

1 No. 391.

407

Mr Abbott to Sir G. Abell
Express letter, R/3/1/160: f 41

SECRET
GOVERNMENT HOUSE, LAHORE, 29 June 1947
NO. G.S. 401

Your letter 1446/36 of 27th June.1 Governor records following observations:—

“'I am not concerned with arrangements at Centre, but I very much doubt if communiqué will be readily intelligible even to persons with long experience of working of present constitution. In Punjab I understand appointment of regular advisers in charge of portfolios is contemplated. In present conditions advisers would for all practical purposes be Ministers but would not relieve me of any responsibility whatever. I foresee endless disputes which may interfere

1 See No. 379, notes 6 and 10.
seriously with Partition proceedings and law and order. It would be necessary to have two advisers (one from each half of Punjab) in charge of each portfolio and effect on law and order matters might be disastrous. I recommend either installation of Ministry (which Parties have already rejected) or continuance of present arrangement in which Partition Committee will in many ways perform functions of Cabinet. I deplore most strongly further transfer of authority without responsibility until final transfer of power.”

2 On the 4 July Lord Mountbatten wrote to Sir E. Jenkins confirming a telephone message sent on 1 July that the latter might dispense with Advisers. He indicated, however, that his agreement was based on the assumption that the local leaders had no real desire for the establishment of Advisers and were satisfied with the arrangement for a Partition Committee and a Security Committee (see also No. 426, paras. 5-8). If there was a strong demand for a change either at the Centre or in the Punjab, they would have to think again. R/3/1/160: ff 75, 83.

408

Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/153: ff 283-4

17 York Road, New Delhi, 29 June 1947

Dear Lord Mountbatten,
Thank you for your two letters of today’s date.1 I shall come as suggested on Tuesday the 1st July at 10 a.m.

2. I am not competent to say anything about the procedure in regard to draft Bill for Parliament. But we are naturally deeply concerned with any legislation which is going to affect the future of India vitally. Indeed this Bill is likely to be the basis for the interim constitution of India. It will not only define the relations of India to the United Kingdom but also to Pakistan. It may deal with the position of the States in India. All these are highly intricate and sometimes controversial matters and require the most careful consideration.

3. So far as I know, any Bill establishing Dominion Status has not only originated in the Dominion in question but has also received full consideration there before it became a Bill for Parliament. The procedure being adopted here is entirely different and the whole drafting of the Bill takes place without any reference to us and we are only given a chance to see the draft and perhaps suggest some amendments at the last stage. I am afraid this will prove very unsatisfactory. Sir B. N. Rau’s presence will, no doubt, prove helpful and we would welcome it. But we would like to consult a number of other eminent
lawyers, experts and constitutionalists such as Sir Alladi Krishnaswami Aiyer, Sir N. Gopalaswami Aiyengar, Mr K. M. Munshi and possibly others who may be available here. In any complicated piece of legislation it is desirable that several minds view it so that no important matter is overlooked.

4. I should particularly like Gandhiji to see the draft Bill and to advise us in regard to it. His advice is especially valuable in such matters as he has considerable experience of this kind of thing and is interested in it. For him to see it after it has been finalised and then to point out some deficiencies would be unfortunate.

5. It is your desire, as it is ours, to have a Bill which carries with it the willing assent of all parties concerned. If this is not obtained, then the object of the Bill is somewhat nullified.

6. I would, therefore, earnestly request you to consider this matter afresh and, if necessary, consult H.M.G. in regard to it so that we may have the fullest opportunities of consulting our colleagues and our advisers.

Yours sincerely,
JAWAHARLAL NEHRU

1 No. 397 and its Enclosure.

409
Rear-Admiral Viscount Mountbatten of Burma to Sir F. Burrows (Bengal)

Telegram, R/3/1/160: f 31

IMMEDIATE
CONFIDENTIAL

NEW DELHI, 29 June 1947, 9 pm

No. 1651-S. My immediately succeeding telegram gives text of exact instructions for you based on the draft press statement which was sent to you a day or two ago.1 You will find this is different in important particulars from the paper which Tyson gave to Ghosh2 and which I have seen here. I am satisfied this will be acceptable to the Congress and if it is possible to get hold of Ghosh before he leaves he will be approached on these lines by the Congress High Command to whom I am giving a copy of the instructions.

1 See No. 379, note 6.
2 See No. 394.
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Rear-Admiral Viscount Mountbatten of Burma to Sir F. Burrows (Bengal)

Telegram, R/3/1/160: f 32

IMMEDIATE
CONFIDENTIAL

NEW DELHI, 29 June 1947, 9 pm

No. 1652–S. Following is text of instructions. Begins:

The Governor of Bengal will send for the leader of the West Bengal part of the Legislative Assembly and ask him to nominate a Cabinet (not exceeding the strength of the present Ministry) in respect of that part of the Province. These persons will then be sworn in as Ministers and will be entitled to participate in all the meetings of the Cabinet.

The present Ministry of Bengal will be in actual administrative charge of the various portfolios, but the policies which they formulate shall be implemented only in East Bengal, unless the West Bengal Ministers agree to their application to and implementation in West Bengal. On all questions affecting West Bengal the West Bengal Ministers shall be consulted. In the event of a difference of opinion, the case will be referred to the Cabinet. The West Bengal Ministers will have the right to call for relevant papers and to comment thereon or on their own initiative to ask the Secretariat to examine any proposals. They will also have the right to initiate policies in matters solely concerning West Bengal and any decision reached by them shall be implemented by the Government.

Ends.¹

¹ On Lord Mountbatten’s behalf Sir G. Abell sent a copy of this telegram to Mr Jinnah on 29 June, remarking that the latter had agreed to the proposal at the last meeting of the Partition Council (No. 367) ‘so far as Bengal was concerned’.

In tel. 183–C of 2 July Sir F. Burrows informed Lord Mountbatten that that evening Dr P. C. Ghosh had given him a list of ten persons for his shadow cabinet (an eleventh name was to follow later), and that arrangements had been made to swear them in the next morning (3 July 1947). R/3/1/159: ff 37, 43.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/153: f 286

MOST IMMEDIATE
CONFIDENTIAL

NEW DELHI, 29 June 1947, 11 pm

Received: 29 June, 10 pm

No. 1653–S. Nehru has asked me¹ that the Bill should be shown on Tuesday to the following in addition to those mentioned in my No. 1638–S, dated the 28th June:²

¹ No. 408.
² See No. 397, note 3.
Gandhi
Sir A. Krishnaswami Aiyer
Sir A. Gopalaswami Aiyengar
K. M. Munshi

2. Patel also emphasises the importance of consulting Gandhi and I think this must in any case be done.

3. I intend to allow the Bill to be seen by additional persons named above and also by three additional lawyers nominated by the League on the clear understanding that Jinnah and Nehru will accept personal responsibility that there will be no leakage, if necessary asking Patel to impose censorship.

4. It is of great importance that we should take parties with us and I think that except for the denunciation of treaties and agreements with States and tribal areas which is HMG's business the Bill is likely to be acceptable.

5. Nehru has written protesting at the procedure since he claims that any Bill establishing Dominion Status has not only originated in the Dominion in question but has also received full consideration there before it became a Bill for parliament. Nevertheless I hope by yielding to his request to carry Congress Leaders with me.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/160: f 34

IMMEDIATE
CONFIDENTIAL

NEW DELHI, 29 June 1947, 11.55 pm
Received: 30 June, 7 am

No. 1655–S. My immediately succeeding telegram gives text of Jinnah's note objecting to legality of proposal discussed in Partition Council's last meeting for reconstitution of Interim Government. I am advised that arrangement proposed is legal. Both Congress and League representatives would be sworn in as members of Cabinet. Congress would hold actual portfolios but League members would have a watching brief and though without portfolio would divide departments between them for purpose of that brief and would act as a Committee of the Cabinet for Pakistan. Proposal is on the lines of that made by India Office in paper submitted to Cabinet Committee just before I left

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1 No. 367; see also No. 379.
London. League have accepted similar proposal for reconstitution of Bengal Government.

2. Jinnah told Ismay last night³ that his objection on legal grounds was a device to let me out if I wished to postpone the reconstitution of the Central Government. Though I would prefer to leave things as they are I am sure I must go ahead if the course proposed is not unconstitutional, since Nehru in particular is most insistent.

Grateful for early advice.

³ See No. 399, para. 1.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/160: ff 35-40

IMMEDIATE
CONFIDENTIAL

NEW DELHI, 29 June 1947, 11.55 pm
Received: 30 June, 9.30 am

No. 1656-S. My immediately preceding telegram. Following is text of Jinnah's note.¹

_Begins:_ The proposal has been made that the Union of India Members of the Cabinet should hold the actual portfolios but be responsible only for their own future areas and that the League Members holding corresponding portfolios should have overriding powers both to refer to the full Cabinet and in the event of disagreement, to the Viceroy for his own decision, any proposal which solely or predominantly affects Pakistan and to which they object, or to initiate any action required for the Pakistan area, which must be acted upon by the Member concerned. In other words, it is proposed that the Union of India Members of the Cabinet shall be invested with full powers but the League Members should merely hold a watching brief or adopt the undignified and invidious role of spies on behalf of Pakistan.

In the preamble to the proposal it is recited³—"In view of the fact that the Government of the Union of India will continue in Delhi whilst the Government of Pakistan will move to Karachi . . ." This preamble has no relevancy whatever to the question under discussion. In the first instance, the Congress has made no announcement so far that Delhi will be their capital. Secondly the question is not where the capitals of the two States may be located but the question before us is what provision should be made for the next 47 or 48 days for the standstill arrangement of the present administration of the Government of India, in which both parties are equally and vitally concerned with regard
to their respective interests, before the final partition of all the assets and liabilities takes place as laid down in H.M.G.'s Statement of June the 3rd.\(^3\)

The proposal is open to several grave objections.

**Legal and Constitutional**

In the first place, it represents a fundamental departure from the proper practice under the Constitution. The relevant constitutional provisions are contained in the Ninth Schedule to the Government of India Act, 1935 (hereinafter referred to as the Constitution Act), which have been continued in force by Section 317 of that Act. It is clear on reference to those provisions that the members of the Governor-General's Executive Council are appointed by His Majesty under the Royal Sign Manual, which means in practice that their appointment is made by the Crown on the advice of the Secretary of State for India, acting on the recommendation of the Governor-General. They are consequently responsible, through the Governor-General, to the Secretary of State who in turn is responsible to the British Parliament and not to the Indian Legislature. They do not in any sense of the term, constitute a "Cabinet"—a term unknown to the Constitution Act. They hold office during His Majesty’s pleasure and according to recognised practice, would not be removable from that office except for grave misconduct or a like cause. They would be expected to resign at the end of their normal term.

It is expressly provided in sub-section (2) of Section 39 of the Ninth Schedule to the Constitution Act that at any meeting of the Council, the Governor-General or other person presiding and one member of the Council (other than the Commander-in-Chief), may exercise all the functions of the Governor General-in-Council. The proposal under examination militates strongly against the letter, as well as the spirit, of this provision. Supposing that at a meeting of the Council, besides the President, the only other member present happens to be a League Member. It would be absurd to say that in the case envisaged, the League Member would suddenly divest himself of his watching brief and become a full-fledged responsible member of the Council for that meeting. The plea that such a contingency was not likely to arise in practice, cannot affect the validity of the argument on the legal and constitutional plane. On the contrary, this extreme case would provide a good test of the validity of the proposed measure.

Again under Section 41 of the Ninth Schedule to the Constitution Act, where a difference of opinion arises on any question brought before a meeting

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1 Mr Jinnah sent this memorandum to Lord Mountbatten on 29 June 1947 stating that he hoped the latter would communicate ‘our objections and opposition’ to the proposal for reconstituting the Interim Government to H.M.G. as agreed. Mountbatten replied on 30 June that he had telegraphed the memorandum to London and awaited ‘the opinion of the experts there’. R/3/1/160: ff 43, 45.
2 See No. 379, para. 5.
3 No. 45.
of the Council, the opinion of a majority of those present, is to prevail. The proposal under examination, in so far as it assigns a mere watching brief to some of the Members, is clearly repugnant to this provision. It is obvious that a Member's right to dissent to any matter brought before the meeting cannot be arbitrarily curtailed, in this fashion. During the interim period, any member could raise a discussion on a matter whether relating to an area which will be included in the future Union of India or to that which shall be allotted to Pakistan. The position would of course be different if the right to dissent on matters pertaining to a particular region, were allowed to fall into desuetude, by tacit agreement but such a convention could not be established in the face of opposition.

The proposal in question is unprecedented and unconstitutional. There can be no such constitutional change without the Government going to Parliament for authority. Reference may in this connection be made to the answer given by the Hon'ble Minister without Portfolio—(Mr A. V. Alexander)—to Sir John Anderson, during the Parliamentary debate on India, on Friday, the 13th December 1946, printed in Hansard Vol. 431, Nos. 22, 23 and 24 at page 117 et seq. 4

In the background of the proposal seems to be the wholly unwarranted assumption that Pakistan would be an area seceding from the Indian State. The actual position is that with the creation of the two new Dominions, the State will be split up, by a fiat of the British Parliament, into two wholly new States none of which could by itself be identified with the existing Indian State. The future Union of India consequently could not justifiably be described as a successor state vis-à-vis the present Indian Government.

Administrative and Practical
In practice, the proposal, if put through, would be fruitful of dissensions and difficulties. “Watching Brief” Members, having no effective control over the administrative machinery in their hands, may be reduced to the position of ineffective and unwilling spectators of the activities of the opposite group. If they do assert themselves, the vague expression “proposal which solely or predominantly affects Pakistan” would be bound to lead to sharp cleavages of opinion, which may well prove irreconcilable. Indeed the word “predominantly” carries within itself great potentialities of mischief. For instance it may be admitted that the removal of cloth control is a measure which does not solely affect Pakistan and it may be argued by the other side that it does not predominantly affect Pakistan inasmuch as the major portion of the country would fall within the future Union of India. It would be recognised, however, that this is a matter with which Pakistan is vitally concerned.

Moreover, the duplication of work involved in the proposal and the conflicts it is bound to raise, would gravely prejudice an early settlement of the
partition problems facing us and in view of the urgency of these problems, the position cannot be regarded with equanimity.

The League Members entertain the reasonable apprehension that the Congress Members who would, under the proposal, entrench themselves in possession of the machinery and assets of the present Government, might refuse to part with any of the assets in favour of the Pakistan Government, after the date of creation of the two Dominions, on the principle of "what we have, we keep". This would create an extremely delicate situation whose repercussions might well spell disaster for the country and its peoples.

The position of League Members of the Council, under the proposal would be humiliating in the extreme. Every effort would be made by the other side to curb their curiosity into matters of moment. Deprived practically of all power and responsibility and relegated either to the position of passive spectators of their colleagues' activities or to the invidious role of spies ferreting out information by indirect means, they would be hard put to it to keep up the dignity and prestige of their office.

The genesis of the proposal, it is understood, is a promise said to have been given to the Congress Party by H.E. the Viceroy to the effect that as soon as partition is a settled fact, they would be given a free hand in their area and the League Party in theirs. But it may be pointed out that so long as the administrative machinery continues to be one and undivided, there would be no practical means available for effectively carrying out such an intention.

As it is, the present proposal goes far beyond the scope of the promise mentioned in the preceding paragraph. It is clear that the Congress Members who would hold the actual portfolios would have complete charge, in fact as in law, of the whole of British India including the future Pakistan areas, and not merely of the areas to be allotted to the future Union of India. The League Members of the Council would be there merely on sufferance—more or less ornamental pieces in the constitutional parlour.

Hardly 47 or 48 days are now left up to the deadline of the 15th August 1947. No cogent reason exists for not continuing the existing arrangements for this interim period, with both parties undertaking to strictly follow the standstill arrangement, as in honour bound. It would be statesmanlike to take this course rather than face grave issues pointed out above, which raise grave constitutional difficulties and make the proposal impossible as a practical and workable proposition. Further it would be a most humiliating position for the representatives of the League to which they cannot be a consenting party. Such

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4 Mr Jinnah annexed to the original of his note a copy of the exchange between Mr A. V. Alexander and Sir J. Anderson reprinted in Parl. Debs., 5th ser., vol. 431, 13 December 1946, from the last para. beginning in col. 1548 to the first para. concluding in col. 1550.

5 See Vol. X, No. 472; also No. 367 in this Vol.
a revolutionary change fraught with great difficulties for the sake of 48 days is
not at all advisable or worth while to pursue.

If this eminently reasonable suggestion is, however, not considered acceptable, the League Party would strenuously urge that both the Congress and the League Members should be placed on a footing of equality, in the Council and the proposal amended accordingly. This could be ensured by allotting half the actual portfolios to the League Members and the other half to the Congress Members and then associating [with the actual holders of the portfolios.] Members from the opposite party with watching briefs, as contemplated under the present proposal. This would be fair to both parties and damaging to none. Both Members attached to a portfolio could see and sign relevant files though, while issuing orders, this fact would not be revealed as orders normally issue under the signatures of a Secretary under the rules of business framed by the Governor General, under S.40 of Schedule 9 to the Constitution Act.

Another alternative that suggests itself is a scheme of partial division of functions on a regional basis with provision for joint deliberations and decisions, in matters of common concern. Such a scheme would be evolved on the basis of an agreed convention. Under this scheme, each portfolio would be assigned to two Members, one drawn from the Congress Party and the other from the League Party. The Congress Members would deal exclusively with matters that solely concern the future Union of India and likewise, the League Members with those appertaining to the Pakistan areas. On matters relating to both areas, the two members concerned or the Council as a whole, as the case may be, would sit together under the presidency of the Governor General and arrive at decision. Ends.

The words in square brackets do not appear in the original of the note on the file. R/3/1/160: f 49.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/153: f 287

MOST IMMEDIATE

SECRET

NEW DELHI, 29 June 1947, 11.30 pm

Received: 29 June, 10.10 pm

No. 1657–S. Clause 6(2). I have reason to believe that Congress would insist on Dominions Legislatures having power to amend Indian Independence Act itself. Is there any objection to restoration of words “this or” before words “any existing or future Act of Parliament of the United Kingdom”. The issue is
fundamental and the acceptance of the Bill by the Congress may largely depend on this issue. I very much hope it will be possible to restore the original wording of the sub-clause. I shall be grateful for an immediate reply.

For the insertion of these words in clause 6(2) of the draft Bill (No. 191), see comment on clause 9(2)(a) in No. 277. The words were subsequently deleted as a consequence of the general revision of the draft Bill (outlined in No. 348 and its note 6) which was undertaken in response to the telegrams at Nos. 255, 286, 290 and 293.

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The Gazette of India Extraordinary

R/3/1/157: f 104

NEW DELHI, 30 June 1947

GOVERNMENT OF INDIA
SECRETARIAT OF THE GOVERNOR-GENERAL (REFORMS)
NOTIFICATION

New Delhi, the 30th June 1947

NO. D. 50/7/47-R.—The following Announcement by the Governor-General is published for general information.

ANNOUNCEMENT BY THE GOVERNOR-GENERAL

Whereas in accordance with the provisions of paragraphs 5 to 8 of the Statement by His Majesty’s Government dated the 3rd June 1947 it has been decided that the Provinces of Bengal and the Punjab shall be partitioned:

Now therefore, in pursuance of paragraph 21 of the Statement, His Excellency the Governor-General is pleased to make the following announcement with reference to paragraphs 9 and 13 thereof:—

(1) There shall be two Boundary Commissions, one for Bengal and the other for the Punjab, consisting of the following:—

For Bengal:—

Chairman . . . . To be appointed later.
Members . . . . Mr. Justice Bijan Kuman Mukherjea.
               Mr. Justice C. C. Biswas.
               Mr. Justice Abu Saleh Mohamed Akram.
               Mr. Justice S. A. Rahman.

1 No. 45.
For the Punjab:

Chairman . . . To be appointed later.
Members . . . Mr. Justice Din Muhammad.
            Mr. Justice Muhammad Munir.
            Mr. Justice Mehr Chand Mahajan.
            Mr. Justice Teja Singh.

(Note.—It is intended to appoint the same person as Chairman of both the Boundary Commissions.)

(2) The two Boundary Commissions shall be summoned to meet as early as possible by the Governors of the respective Provinces, and shall submit their reports at the earliest possible date.

(3) The terms of reference for the two Commissions shall be as follows:

For Bengal.—

The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.

In the event of the referendum in the District of Sylhet resulting in favour of amalgamation with Eastern Bengal, the Boundary Commission will also demarcate the Muslim majority areas of Sylhet District and the contiguous Muslim majority areas of the adjoining districts of Assam.

For the Punjab.—

The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will also take into account other factors.

K. V. K. Sundaram
Officer on Special Duty

Meeting of Partition Council Case No. P.C.7/2/47
Mountbatten Papers. Partition Council Minutes

SECRET
Those present at this Meeting held on 30 June 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Mr Jinnah, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad; Sardar Baldev Singh, Field Marshal Sir C. Auchinleck, Sir C. Trivedi, Lord Ismay, Mr H. M. Patel, Mr Mohamad Ali, Mr Osman Ali
Case No. P.C.7/2/47. Note* by His Excellency the Viceroy regarding the partition of the Armed Forces
In answer to a question the Commander-in-Chief said that there would be no residue of troops outside the operational control of either dominion on the 15th August although the allocations between the dominions after that date might be subject to further adjustments. The only body remaining outside the control of the two dominions on the 15th August would be the central administrative machinery. The intention was that after that date each dominion would be responsible for the financing of the forces in its operational control and that the expenses of the central administrative machinery would be based on the proportion which the respective ultimate forces of the two dominions bore to the combined total.

It was agreed that each dominion would be responsible for financing the troops under its operational control after the 15th August and that the allocation between them of the expenses of the central administrative machinery would be based on the proportion which the respective forces of the two dominions bore to the combined total.

It was agreed further that movable stores and equipment such as vehicles, guns, tanks etc. would be divided between the two armed forces in proportion to their respective strengths. The division of fixed installations presented more difficulties and would be separately considered.

Para. 3. In answer to a question as to what the strength of the respective forces of the two dominions would be on the 15th of August, the Commander-in-Chief said that he could only give a rough idea. The disposition of troops by that date would be affected (a) by the withdrawal of British troops from the country and the return of Indian troops from abroad, (b) by the transfer of sub-units from one Dominion to another, (c) the accommodation available in the two dominions and (d) the numbers required for internal security purposes. He hoped that demands under category (d) would cease or at any rate be substantially reduced so as not to hold up the transfer of troops between the two dominions. Subject to these considerations, which rendered his estimate more of a guess than a precise forecast, he reckoned that on the 15th August the disposition would be as follows:

<table>
<thead>
<tr>
<th>Kind of formation</th>
<th>Pakistan</th>
<th>Rest of India</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infantry Battalions</td>
<td>Equivalent of 30 to 35</td>
<td>70 to 75 (including 12 Gurkha battalions)</td>
</tr>
<tr>
<td>Armoured Regiments</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Artillery Regiments</td>
<td>12</td>
<td>25</td>
</tr>
<tr>
<td>Engineer Companies</td>
<td>16</td>
<td>35 to 38</td>
</tr>
</tbody>
</table>

The Commander-in-Chief explained that this roughly represented the present proportion of Muslims to Non-Muslims in the Army which was 30:70. The Armoured Regiments and the Artillery Battalions in Pakistan would

* No. 372.
be composed wholly of Muslims. 9 of the Engineer Companies were composed entirely of Muslims while three were still mixed and would have to be combed out.

DECISION

It was agreed: (1) that the Commander-in-Chief would place before the Council Progress Reports showing the allocation of Units between the two future dominion Governments from time to time, (2) that His Excellency would impress upon the Provincial Governments on behalf of the Partition Council the need to reduce to the absolute minimum the number of troops they required for internal security purposes and (3) that the replies of the Provincial Governments on their minimum requirements would be consolidated and placed before the Council.

Para. 4. The Commander-in-Chief explained that in moving units to the Pakistan area non-Muslim Coys. would as far as practicable be detached and similarly Muslim Coys. would be detached from units being moved into the rest of India.

Para. 5. As regards future recruits to either army they should be at liberty to say whether they wished to serve Pakistan or the rest of India. Some restrictions, however, had to be placed on the freedom of choice of existing members with a view to avoiding the possibility of men belonging to one dominion electing to serve in the other with mischievous intent.

After some discussion it was agreed (1) that all personnel now serving in the armed forces would be entitled to elect which dominion they chose to serve in. To this however there would be one exception, namely, that a Muslim from Pakistan now serving in the armed forces would not have the option to join the armed forces of the Indian Union and similarly a non-Muslim from the rest of India now serving in the armed forces would not have the option to join the armed forces of Pakistan. There would however be no objection to non-Muslim personnel from Pakistan and Muslim personnel from the rest of India electing to serve in the armed forces of the Indian Union and of Pakistan respectively. The serving personnel will have the option to resign, if they did not wish to serve in the armed forces of either dominion, (2) that as regards future recruitment to the Armed Forces of the two Dominions, this would be a matter for each of them to decide, and (3) that the Steering Committee should prepare the basis for a draft questionnaire in suitable terms embodying decision 1 above.

Para. 6. The Committee approved of His Excellency’s proposal to prepare in consultation with the Commander-in-Chief lists, arranged in order of preference, of officers considered suitable for appointment as heads of the three services in each of the two dominions and discuss them separately with the leaders of the two parties.
Para. 7. It was agreed that: (i) the Joint Defence Council would consist of (a) the Governor General or Governors General, (b) the two Defence Members and (c) the Commander-in-Chief in India, (2) that if for any reason either or both of the Defence Members were unable to attend, another Minister or Ministers might attend in their place, and (3) that each Defence Member (or the Minister acting for him) should be entitled to call in one other Minister and Experts to assist him if he so chose.

Para. 8. It was agreed that the existing Commander-in-Chief in India should be called Supreme Commander in order to distinguish him from the two dominion Commanders-in-Chief from the 15th August until his work of setting up separate administrative machinery for the armies of both dominions was completed.

OUTLINE PROPOSALS FOR CONTROL OF ARMED FORCES DURING THEIR RECONSTRUCTION (ANNEXURE I)

The Council approved the outline proposals for control of the Armed Forces during their reconstitution as set out in annexure (1) to the note by His Excellency subject to the following:

Paragraph 2. Note (iv): The Army Sub-Committee should examine and report to the Council on the pros and cons of setting up the Army H.Q. for the Union of India at Meerut rather than at Delhi.

Paragraph 3(i): It was noted that the control of Ordnance Depots, arsenals, Factories and other such installations would remain with the Supreme Commander acting under the directions of the Joint Defence Council until such time as the central administrative control remained.

Paragraph 3(iii) (c): It was decided that the responsibility of the Army H.Q. in each dominion would include the posting and promotion of officers, both British and Indian, with the proviso that in the case of British officers the promotion and posting would be done in consultation with the Supreme Commander as a single list would be maintained.

DRAFT TERMS OF REFERENCE OF THE ARMED FORCES RECONSTRUCTION COMMITTEE (ANNEXURE II)

Assumption (i): In answer to a question, the Commander-in-Chief explained that the option of being allowed to terminate their services and remain eligible for proportionate benefits would apply only in the case of personnel serving on regular engagements as against temporary members of the Armed Forces. It was agreed that the assumption should be reworded as follows: "Existing members of the armed forces serving in either state will be governed by their existing terms and conditions of service. If, subsequently, new terms are promulgated and if they do not desire to serve on the new terms, they will be allowed to terminate their services and proportionate benefits will be admissible to them."
Assumption (iii): It was agreed that the allocation of pensionary liability between the two governments would be dealt with by the relevant Expert Committee.

Assumption (iv): It was agreed that this assumption should be reworded as follows:

"Except as demanded by the processes of reconstitution of the Armed Forces, there shall be no changes in the basic organisation and nomenclature of formations, units, establishments and installations, of the three services or in the class composition of units until such reconstitution is completed."

The Council approved of the draft terms of reference of the Armed Forces Reconstitution Committee as set out in Annexure (ii) of the note before the Council subject to Assumption (i) and (iv) being reworded as above.

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Giani Kartar Singh and Sardar Baldev Singh

Mountbatten Papers. Viceroy’s Interview No. 154

30 June 1947

H.E. spoke about four points which the Giani had made in his letter, dated the 13th June. He pointed out that after the 15th August he would have no special powers at all, and even if he was Governor-General would be purely constitutional. He thought there was some consolation for the minorities in Maulana Azad’s appeal. He promised that in regard to weightage and safeguards he would bear the Sikh point of view in mind and use his influence with the major parties.

2. Sardar Baldev Singh said that neither of the major parties would give any safeguards or weightage.

3. Giani Kartar Singh said that the time for action was now, while the Governor-General still had his powers.

4. H.E. said that he had already talked to both sides about the minorities and both had given assurances. He thought that the presence of so many representatives of the world Press in India would provide the minorities with an important safeguard if they used it properly.

5. After some discussion Giani Kartar Singh said that the main points
which the Sikhs wished to press were two. First that they should have weight-
age in the Legislature of the East Punjab, or, alternatively, the Hindi-speaking
parts of the East Punjab should be separated off and there should be a Province
comprising the Punjabi-speaking areas. The Home Member had said that he
preferred the second alternative, to the first.

6. Next Giani Kartar Singh said that the Sikhs wanted more representation
in the existing Constituent Assembly, because they were at a great disadvantage
in committee as a result of having only two representatives.

7. Giani Kartar Singh then put forward some further points. He said that
the Sikhs were very anxious:
(a) That the boundary should be drawn more favourably to them.
(b) That transfer of population should be arranged, and
(c) That H.E.'s broadcast\(^3\) should be given to the Boundary Commission
as part of the Plan of the 3rd June.\(^4\)

H.E. explained that he had not agreed\(^5\) to putting his broadcast to the
Boundary Commission in this way because the result would have been that
the Muslim League would have put in a large number of documents to the
opposite effect. He had authorised Sardar Baldev Singh to put in a copy of the
broadcast. He thought that the Sikhs would have greater bargaining power than
they imagined owing to their military importance in the new Union of India.

8. H.E. undertook to write to the leaders and say that as a result of discussion
with the Sikh leaders he wished to put their point of view. They asked for
assurances about weightage in the Legislature of the East Punjab and for
extra representation in the existing Constituent Assembly.

They hoped the question of the transfer of population would be taken up, and
H.E. thought that this might be examined.

G. E. B. ABELL

\(^1\) No. 178.
\(^2\) In a press statement dated 29 June 1947 Maulana Azad referred to the apprehensions of minorities
in the Indian Union and in the seceding areas and suggested a joint meeting of representatives of the
two Constituent Assemblies to draw up a common charter of rights of minorities in both States.
\(^3\) No. 44.
\(^4\) No. 45.
\(^5\) cf. No. 354, Item viii.
Annex to No. 417

Note by Giani Kartar Singh

Mountbatten Papers. Official Correspondence Files: Sikh Problem, Part II(a)

DEMARcation OF BOUNDARIES

1. The main problem confronting the Sikh community, at the moment, is the line of demarcation, separating the Eastern Punjab from the Western Punjab. Our anxiety in the matter is well-known. Our cultural, linguistic and spiritual affinities as also our economic well being, and the solidarity and integrity of our populace have been placed in jeopardy by the notional division of the Punjab. Every Sikh in whatever situation he is placed feels most acutely about it. Faith is put in the words used in Your Excellency’s broadcast speech and it is hoped that the permanent division will be fair and just to the Sikhs, as it is expected that the boundary line will be demarcated in such a manner that it brings a substantial majority of the Sikh population in the Eastern Punjab. The Sikhs will not be satisfied unless at least 80% of their population is brought into the Eastern Punjab by demarcating the boundary line properly. Nankana Sahib the birth place of Guru Nanak, the founder of the Sikh faith and the adjoining Hindu-Sikh majority belt spreading in Lyallpur, Sheikhpura and Gujranwala Districts and a just share of the colony areas ought to be included in the Eastern Punjab, wherein the Sikh population can be shifted. After the wholesale massacre of the Sikhs in the Rawalpindi Division, the Sikhs are in no mood to cast their lot with Pakistan. While demarcating the boundary of the Eastern and Western Punjab Provinces, greatest good of both of the Provinces should be kept in view.

TRANSFER OF POPULATION

2. Next to the demarcation of boundary line, the Sikhs insist that the exchange and transfer of Sikh population from the Pakistan areas and the Muslim population from Eastern Punjab area must be arranged. Unless this is done, bitterness and frustration will prevail on both sides. Resistance to and flouting of authority will occur again and again, intrigues will go on on either side and perhaps will make peace impossible of achievement. The exchange of Hindu and Muslim minorities all over India is an impossibility but exchange of the Sikhs in Pakistan area with the Muslims of eastern Punjab will involve not a very large number of persons. Even transfer of a million of Sikhs with a similar number of Muslims will solve the problem to a great extent so far as the Sikhs are concerned. If at least a million of the Sikhs or so are brought to the Eastern Punjab and similar number of Muslims from Eastern Punjab is sent to Pakistan, after demarcating suitable boundary line, and Hindi speaking area of Eastern Punjab is separated from the non-Hindi speaking population of
this Eastern Province, then the Sikh problem is solved. The British Government and Your Excellency have devised means to give Hindus and Muslims their own separate countries, resourcefulness should not fail in the case of Sikhs and their problem must also be resolved to their satisfaction.

SAFEGUARDS

The Sikhs can exist as an entity in political affairs in Hindustan if the following safeguards are granted to them:

(i) Federation of Hindustan:

(a) The Sikhs shall have at least one Minister in the Federal Cabinet.
(b) 6% representation in both Houses of Federal Legislature.
(c) Guarantee that the traditional strength of Sikhs shall be maintained in the Armed Forces of Hindustan both in Officers and ranks.
(d) Constitutional provision for protecting the Sikh interests in case of major communal issue affecting the Sikhs.

(ii) Eastern Punjab and Other Provinces:

(a) 1/3rd share in the Legislature of the Eastern Punjab.
(b) Convention that either of the Governor and the Premier of the Eastern Punjab Province shall be a Sikh.
(c) Sikhs in Delhi and U.P. to have adequate representation in their respective legislatures and one seat reserved for Sikhs in the Western Bengal Legislature.

(iii) Dominion Act:

(a) In the Dominion Act which is now on the anvil provision shall be made empowering the Governor-General to nominate a few representatives say 10 to each of the two Constituent Assemblies—existing as well as new—in consultation with the representative organisations of minority communities to give them some voice in the affairs of respective Constituent Assemblies, so that their case may be adequately represented and pressed in the Constitution-making bodies. This provision will neither upset communal balance in either of the Constituent Assemblies nor hurt general interests,

(b) provision should be made for the inclusion of the representative of the Sikhs in both the Dominion Governments.

* A note indicates that Giani Kartar Singh gave this note to Lord Mountbatten at his interview.
Rear-Admiral Viscount Mountbatten of Burma to Sir C. Corfield

R/3/1/137: ff 207-8

30 June 1947

Dear Conrad,

The Raja of Bilaspur came to see me on Saturday to consult me about the future of the Punjab States. He told me that with the exception of Patiala all the other Punjab States were proposing to act together in the manner that would best safeguard their future. I suggested that they would be well advised to continue to act together as a unit. I pointed out that the new States Department (which His Highness said he warmly welcomed) would be acting on behalf of both dominion Governments and that on the 25th July Standstill Agreements would be negotiated between each State and one or both of the new Dominion Governments.

His Highness asked what the machinery would be to get each State to sign the agreements. I told him that you were organising this and presumed an accredited representative would have to come from every State or group of States, which would probably fill the whole Chamber of Princes! I hoped they would then elect a small committee to represent them.

I pointed out that Standstill Agreements affecting railways, posts, telegraphs, etc., would not in themselves cover every interest of the States, and that commercial agreements particularly as to irrigation and so forth might also be necessary.

I also told His Highness that I was quite certain that the Punjab States must make up their minds to send representatives to one of the two Constituent Assemblies when they met in mid-July, since by so doing they would indicate their willingness to enter into military relations with the particular Dominion Government they had chosen, and ensure the goodwill of that Government. I gave it to him as my strong view that no State would be well advised to hold out for the complete independence, to which the Cabinet Mission Statement of 12th May entitled them, even though this had been accepted by all parties in their statements of 3rd June. His Highness quite agreed.

I suggested that he might prepare a paper for consideration at the next meeting of the Punjab States, setting out fully the following considerations as to which of the two Constituent Assemblies they should join:

(a) Geographical situation.
(b) Composition of the population of the States.
(c) The wishes of the people of the States.
(d) The direction in which their principal commercial interests lay.
(e) The terms likely to be offered by the respective Dominion Governments to the States adjoining them.
His Highness asked me how any State or group of States could elect to join a Dominion Government with whose areas they were not contiguous. I replied that whereas legally they could do so this would only be feasible by negotiating transit agreements with the other Dominion. For this reason he might well find that the geographical situation was the overriding factor to be considered.

His Highness asked advice on what the position would be if for geographical considerations States had to join a Dominion Government with whom they would not be in close commercial relations. I pointed out that this was a matter which would have to be negotiated on 25th July, since I could not now answer for the future Dominion Governments whether they would agree either to give transit facilities to States whose commerce naturally flowed from a Dominion whose borders they did not touch, or alternatively whether a Dominion with whom they were in commercial relations would agree to continue those relations if they joined the other Dominion.

Finally I told His Highness that I had made it a point of principle not to advise any State which of the two Dominions they should join.

I should be grateful if you would discuss this letter with V. P. Menon and through him try and sound the views of the future Union of India and Pakistan representatives in the States Department.

I should like you to keep in touch with the Raja of Bilaspur on this matter so as to facilitate his discussions with his fellow rulers.

Yours sincerely,

MOUNTBATTEN OF BURMA

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1 No record of this interview has been traced.
2 See No. 287.
3 Vol. VII, No. 262.
4 In the course of his reply, dated 2 July 1947, Sir C. Corfield remarked that progress in setting up the States Department had been slow, adding that that Department would 'need every day' between now and the end of the month to prepare for the discussions then to be held with States representatives. R/3/1/138: f26.

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Sir Hartley Shawcross to the Earl of Listowel
L/P&EJ/10/130: f 244

TOP SECRET  ROYAL COURTS OF JUSTICE, LONDON, 30 June 1947

Dear Listowel,
Thank you for your Top Secret letter of the 25th June¹ about the draft Indian Independence Bill. I have had a long talk with John Rowlatt about it, and in the result I think there are no comments which I can usefully offer.

¹ No. 350.
My own preference is, however, for the second version of the Bill, containing the amendments which have been suggested in order to meet the points raised by the Viceroy.² Whilst this version of the Bill gives more limited powers to the Constituent Assemblies, it is, I think, a neater and tighter draft.

As far as I can judge, the Bill does not give wider powers than those enjoyed by existing Dominions, and it appears to meet a situation of extraordinary difficulty and complexity as well as can be done in existing circumstances. I have no doubt, however, that legalistically minded M.P.s could raise a very large number of troublesome Committee points, to which the only answer would have to be that the Bill is drafted in the hope and on the assumption that the Indians will play and not make technical difficulties. I hope that the negotiations with the Opposition will result in their refraining from putting down detailed amendments in Committee.

If at any time there is any help I can give, you will of course call upon me.

Yours sincerely,

HARTLEY SHAWCROSS

² See No. 348 and its note 6.

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The Earl of Listowel to Mr Attlee

L/P&E/J/10/124: ff 263-6

INDIA OFFICE, 30 June 1947

Secretary of State’s Minute: Serial No. 103/47

Prime Minister

There are one or two points to which I should wish to draw your attention before our meeting with the Opposition Leaders this afternoon:

(a) I understand that when you saw certain Conservative Members on Friday afternoon they asked what was the attitude of Mr Jinnah to the proposal that the areas adhering to the existing Constituent Assembly should constitute themselves into a “Union of India”; which would be regarded as the successor State—the areas not adhering to the existing Constituent Assembly being regarded as seceding areas.

The latest indication of Jinnah’s attitude on this question is contained in telegram No. 1656-S² from the Viceroy (received this morning) the relevant paragraph of which runs as follows:

“In the background of proposal seems to be the wholly unwarranted assumption that Pakistan would be an area seceding from the Indian State. The
actual position is that with creation of two new Dominions, the State will be split up, by a fiat of British Parliament, into two wholly new States none of whom could by itself be identified with existing Indian State. The future Union of India consequently could not justifiably be described as a successor State vis-à-vis the present Indian Government."

(b) You may wish to warn the Opposition Leaders that the exact terms of Clause V(1) are still indefinite. You will remember that you have just written to Sir Alan Lascelles seeking His Majesty’s pleasure on the Viceroy’s suggestion that the draft clause should be modified to make it clear that, if Lord Mountbatten does stay on as Governor-General of each of the new Dominions, he has not in any way been forced upon the Indian political leaders.

(c) You will have seen from telegram No. 8340 sent in reply to the Viceroy’s telegram No. 1638-S that I have promised the Viceroy that we would let him know, after seeing the Opposition Leaders, whether it is all right for him to issue a communiqué to the effect that he will be showing the Bill to Indian leaders and that their views will be forwarded to His Majesty’s Government. You may feel that it would be of advantage to mention this point to Opposition Leaders.

(d) I suggest also that it would be desirable to explain to the Opposition that we have deliberately not stated in the Bill that the Order making power under Clause 9 is not exercisable on advice. Equally we have not stated that it is so exercisable. The reason is that we hope that Lord Mountbatten will continue as Governor-General for both Dominions during the period in which partition of the Central subjects is being completed and that he will in fact exercise considerable influence on how this is done. We do not want to limit his initiative as would be the case if he could act [only] on formal advice, and further, if he had so to act he would sooner or later, and probably sooner, receive conflicting advice in his two different capacities and be unable to continue in that position. On the other hand, he clearly cannot do anything by Order unless he is satisfied that both Dominion Governments will acquiesce in it and operate it. We think that the Governor-General may be able to do a good deal in this way provided his position is not too closely defined at the outset. For this reason it would be undesirable for this point to be discussed in debate or for the Opposition to press the Government for a precise statement in regard to the Governor-General’s position.

LISTOWEL

1 See No. 405 and its notes 1 and 3.
2 No. 413.
3 See Annex to No. 374.
5 See No. 397, note 3.
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Cabinet

India and Burma Committee. I.B.(47)37th Meeting

L/P&J/10/81: ff 160–4

Those present at this Meeting held at 10 Downing Street, S.W.1, on 30 June 1947 at 12 noon were: Mr Attlee (in the Chair), Sir S. Cripps, Mr A. V. Alexander, Viscount Addison, the Earl of Listowel, Mr C. P. Mayhew, Mr A. G. Bottomley, Mr Arthur Henderson, Lord Chorley

Also present were: Viscount Jowitt (for Item 2), Mr C. W. Key (for Item 1), Sir A. Carter, Sir K. Kemp, Mr J. Rowlatt; Mr S. E. V. Luke, Mr F. F. Turnbull (Secretariat)

Minute 1

The Future of the India Office and Its Contents

(Previous Reference: I.B.(47)32nd Meeting, Minute 3)¹

The Committee considered a memorandum by the Secretary of State for India (I.B.(47)130)² regarding the disposal of the India Office and its contents.

The Minister of Works recalled that the Committee, at their meeting on 19th June,³ had decided that Clause 19(2)(a) of the draft Indian Independence Bill (4th Reprint)⁴ should be omitted and that the disposal of the India Office and its contents should be left for negotiation with the Indian Government. In effect, this would leave in operation the provisions of Section 172 of the Government of India Act, 1935, which vested in His Majesty, for the purpose of His Majesty’s Government in the United Kingdom, the control of the India Office and its contents but prohibited their sale or diversion to “uses not connected with the discharge of the functions of the Crown in relation to India or Burma” save with the consent of the Governor-General. He thought that serious difficulties might later arise from this decision if there should, for example, be a deadlock between the Governors-General in India and His Majesty’s Government about any proposed change in the use of the India Office building.

The Prime Minister pointed out that the original intention had been to legislate in the Bill to remove the Governor-General’s power of veto on diversion, but the Viceroy had advised very strongly against raising this issue at the present time. He did not think, however, that it would be difficult to negotiate in due course a satisfactory solution of the problem, or that there need be embarrassing delay in reaching a settlement. In view of the Viceroy’s attitude, there could be no question of pressing further the matter at this stage. A reasonable solution might be for the building to be taken over by the Minister
responsible for handling the relations of His Majesty’s Government with India.

The Secretary of State for Dominion Affairs pointed out that, if responsibility for relations with India should be transferred to the new Commonwealth Relations Office, it would be very inconvenient if Indian affairs had still to be handled in the present India Office building, while the remainder of the Department occupied the present Dominions Office building. He suggested that the staff responsible for Indian matters in the Department of Commonwealth Relations should be accommodated in the premises shortly to be vacated by the Colonial Office and that part of the present India Office building should, as required, be made available for the Foreign Office, instead of the Foreign Office staff being moved, as had previously been suggested, into rooms now occupied by the Colonial Office.³

The Committee—

Agreed that no provision should be made in the Indian Independence Bill regarding the control of the India Office and its contents, but that this should be left for negotiation with the Indian Governments.

Minute 2

The Future of the Present Interim Government (Previous Reference: I.B.(47)28th Meeting, Minute 7)⁶

The Committee had before them the following documents—

I.B.(47)131: Memorandum by the Secretary of State for India covering telegram No. 1616–S of 27th June⁸ from the Viceroy reporting developments in his discussions with the Indian leaders on the future of the Interim Government, together with the draft of a reply.

Telegrams Transmitting representations by Mr Jinnah against the proposals for a new Interim Government contained in the Viceroy’s

Nos. 1655–S and 1656–S of 30th June⁹

The Secretary of State for India said that the Viceroy’s hopes that it might be possible for the present Interim Government to continue unchanged

¹ No. 265.
² Not printed.
³ No. 265, Minute 3.
⁴ No. 191.
⁵ The wording of this sentence given here is taken from a corrigendum slip issued by the Cabinet Office on 5 July.
⁷ No. 404.
⁸ No. 379.
⁹ Nos. 412 and 413.
until the transfer of power had been disappointed. Congress had insisted that the Interim Government should be dismissed as soon as the decision of the Provinces became known, and their pressure had now been backed by a threat of resignation by Pandit Nehru himself. In the circumstances the Viceroy had felt that there was no alternative to calling for the resignations of all the members of the Central Government and the formation of a new Interim Government on different lines. He had agreed with Sardar Patel the terms of a draft announcement as set out in paragraph 5 of his telegram No. 1616-S. The proposal was that the leaders of the Congress and Muslim League Parties should be invited to nominate their own future Governments, which would then form committees of the Cabinet; the Cabinet meetings would be attended by all Members of both Governments. The formula agreed with Sardar Patel appeared to be extremely ambiguous, particularly as regards the position of the Muslim League Members of the Cabinet, as it was not proposed that they should hold portfolios. It was not clear how they would have access to information as to what was being done by the Union of India Members; it was also obscure whether they could initiate policy in respect of their own areas or only refer to the whole Cabinet proposals solely or predominantly affecting Pakistan to which they objected, and issue consequential orders giving effect in Pakistan areas to policy initiated by the Union of India Members. Mr Jinnah’s note (Viceroy’s telegram No. 1656-S) showed that he was opposed to this formula on both equitable and legal grounds; his alternative proposal was either that portfolios should be held in equal numbers of Members of each Party, Members of the other Party having watching briefs in respect of each Department, or that there should be a partial division of functions on a regional basis under which each portfolio would be assigned to two Members. In his telegram No. 1655-S, however, the Viceroy seemed to think that Mr Jinnah might be prepared to acquiesce in the Viceroy’s formula in view of the fact that similar arrangements had already been agreed with the Government of Bengal.

In discussion the following points were made—

(a) Some Ministers thought that there was much substance in the objections raised by Mr Jinnah to the formula set out in paragraph 5 of the Viceroy’s telegram No. 1616-S. It was felt that, whatever might be the practical effect of these proposals, they gave the appearance of imposing an excessive limitation on the powers of Muslim League Members who might, in any event, find great difficulty in keeping in touch with the activities of Departments. It seemed that their effect might be to leave the Congress Party Members with a monopoly of power, of initiating policy and action and of making public appointments, and that they might well be publicly acclaimed by the Congress Party as a political victory. An arrangement which might be acceptable to the Muslim League for Bengal was not necessarily applicable to the Central Government.

(b) On the other hand, it was pointed out that serious difficulties could hardly
arise within the very limited period during which the new Interim Government would remain in existence. The arrangement proposed by the Viceroy would provide an opportunity for the Muslim League to create a Government which could, in due course, take over the administration of Pakistan; Muslim League Members would have a watching brief over the whole field of government; the Muslim League would have, for the first time, full equality of numbers in the Viceroy’s Cabinet.

The Committee considered that it would be inadvisable to fetter the Viceroy’s discretion in his handling of the negotiations with the Indian political leaders on this subject. The aim was to reach agreement on some arrangements which would function effectively until 15th August. The Viceroy should, however, be informed that Ministers considered that there was much force in the contentions in Mr Jinnah’s note (Viceroy’s telegram No. 1656–S) and in his proposal that the portfolios should be divided equally between the Congress Party and Muslim League Members.

The Committee—

Invited the Secretary of State for India to telegraph to the Viceroy as proposed in Annexure 2 to I.B.(47)131, subject to the substitution for paragraph 5 of the suggestion that he should, if possible, try to secure by agreement the adoption of an arrangement on the lines suggested in the penultimate paragraph of Mr Jinnah’s note (Viceroy’s telegram No. 1656–S).

Minute 3

Indian Independence Bill

(Previous Reference: I.B.(47)35th Meeting, Minute 3)11

The Committee considered a telegram No. 1657–S of 29th June12 from the Viceroy, reporting that he had reason to believe that the Congress Party would insist that Dominion Legislatures should have power to amend the Indian Independence Act itself. He hoped, therefore, that the words “this or” might be restored before the words “any existing or future Act of Parliament of the United Kingdom” in Clause 6(2) of the draft Bill.

The Committee—

(i) Invited the Secretary of State for India to inform the Viceroy of the reasons for which the words “this or” had been deleted from Clause 6(2) of the draft Indian Independence Bill but agreed that the Clause could be amended to enable Dominion legislatures to amend the Indian Independence Act, if after considering the explanation the Viceroy thought it desirable.

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10 See No. 433 for the telegram as issued.
11 No. 347.
12 No. 474.
The Committee then considered telegram No. 1638–S of 28th June 13 in which the Viceroy asked for authority to announce publicly his intention to show the draft Indian Independence Bill to the Indian leaders on 1st July.

The Committee recognised that the procedure proposed, under which the Indian leaders would be shown the actual text of the draft Indian Independence Bill, might be open to the criticism of involving a breach of Parliamentary privilege. On the other hand, they did not feel that it would be possible to refuse to comply with the wishes of the Indian leaders in this matter; it might reasonably be assumed that Parliament would recognise that in this case there were special circumstances which rendered unavoidable some departure from normal practice. This was a matter which would have to be discussed first with the Opposition leaders, and, in the meantime, the Viceroy could not be authorized to make any announcement on the subject.

The Committee—

(2) Invited the Prime Minister to give directions regarding a reply to the Viceroy’s telegram No. 1638–S in the light of his discussions with the Opposition that day.

The Committee next considered the Viceroy’s telegram No. 1653–S of 29th June,14 regarding a request of Pandit Nehru that certain persons additional to those mentioned in telegram No. 1638–S should be allowed to see the draft Indian Independence Bill. Special efforts would be made to avoid any leakage.

The Committee—

(3) Agreed that the Viceroy should be authorised to show the draft Indian Independence Bill to the persons mentioned in paragraph 1 of his telegram No. 1653–S.

13 See No. 397, note 3.
14 No. 411.

422

Rear-Admiral Viscount Mountbatten of Burma to Mr Gandhi

R/3/1/151: f 236

1446/3

30 June 1947

Dear Mr Gandhi,

Thank you very much for your letter of the 29th June1 about the Frontier. I am glad to hear that the referendum will be allowed to proceed without any interference by the followers of Badshah Khan. I am sending a copy of your letter to the Governor so that he may take any action that may be necessary as a result of the points you make about Punjabi Muslims being introduced in
the Frontier to affect the referendum, and non-Muslim refugees having no
chance to vote.

I sent a copy of the letter\(^2\) I wrote to the Maharajah of Kashmir to the
Resident,\(^3\) as well as to you. My telegram\(^4\) instructed him to ask the Maharajah
for an early reply to my letter.

Yours sincerely,

MOUNTBATTEN OF BURMA

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1 No. 396.
2 Enclosure to No. 386.
3 See Enclosure to No. 387.
4 See No. 387, note 1.

423

Rear-Admiral Viscount Mountbatten of Burma to Mr Gandhi

R/3/1/153: f 295

30 June 1947

Pandit Nehru, Sardar Vallabhbhai Patel and I all feel that you should un-
questionably be shown the Indian Independence Bill. I therefore invite you to
come with them at 10.00 a.m. tomorrow to see the Bill at the Viceroy’s
House. I hope you will be able to do so.

MOUNTBATTEN OF BURMA

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424

Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru

R/3/1/157: f 294

30 June 1947

1446/8

Thank you for your letter of the 29th June.\(^1\)

I agree to those gentlemen named therein attending the meeting to-morrow,
Tuesday, and seeing the Bill. I should be grateful if you would extend invita-
tions accordingly. I enclose a copy of a letter\(^2\) I have written to Mr. Gandhi.

It is, however, extremely important that there should be no leakage of the
contents of the Bill prior to its publication in London, for the reasons given
in my letter of the 29th June.\(^3\) I hope, therefore, that you will impress the
vital importance of this on the additional members that you are bringing.

1 No. 408.
2 No. 423.
3 Enclosure to No. 397.
I told* Mr. Jinnah you would be bringing a larger party than I had informed him of, and said that he could increase his party similarly if he so wished, but that I sincerely hoped that he would keep his numbers down. He thought he would be able to manage with his original party.

* No record of this conversation has been traced.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Jinnah

R/3/1/153: f 293

NO. 1446/8

NEW DELHI, 30 June 1947

Dear Mr Jinnah,

I am so glad to know¹ that you are satisfied with the composition of your party for considering the Indian Independence Bill tomorrow, for I feel that the fewer people who are in the know the less chance there is of leakage. You with your great experience with the Privy Council in London will realise what great importance H.M. Government attach to there being no leakage; and I am therefore appealing to both leaders to ensure that there will be no leakage from their teams.

I also thought it would be advisable to authorise Congress to bring Mr. Gandhi if they wished to; for although, of course, he does not as a rule attend such meetings, I particularly do not wish any difficulties caused through his omission.

You will find that the new Bill includes a provision for each Dominion to have a separate Governor-General and a clause making it lawful for one person to hold both appointments for such period as may be determined by either dominion after 15th August. I therefore trust that you will be able to let me have a letter by Wednesday morning informing me whom you wish to nominate as the first Governor-General of Pakistan, so that I may communicate this to the King. Congress, as you know, have already sent me their nomination.

Yours sincerely,

MOUNTBATTEN OF BURMA

¹ No record of this communication has been traced.
Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Letters to and from the Governor of the Punjab

SECRET

GOVERNMENT HOUSE, LAHORE, 30 June 1947

5. The new Security Committee has held three meetings on 27th, 28th and 30th June. There was no meeting on 29th as two of the Party Leaders, Sachar and Swaran Singh, were away. The Party Leaders have, I think, really tried to restore peace. How far the improvement in Lahore and Amritsar is due to them I cannot yet say. There is usually a lull after the more savage outbursts of trouble in these cities and our new police methods are beginning to bear fruit. Before long we shall have a great deal of information about the activities of individuals and we are already beginning to pick up men who thought they were secure.

6. I have discussed with the Security Committee (in the absence of Sachar who was away at Delhi) the changes in the district staffs at Lahore and Amritsar. Mamdot said frankly that he could not make any selection himself and wanted me to help. He also seemed to think that the idea was for each party to select its own officers independently—a kind of “balance of power” arrangement. I said that I wanted the Party Leaders to take responsibility for the selections and added that the whole idea was that there should be a joint list of officers in all of whom all the Party Leaders had confidence. Personally I was satisfied with the present staffs and if we eliminated half a dozen good British officers at one stroke there would naturally be difficulty in replacing them. Sardar Swaran Singh said he hoped that the feelings of the British officers would not be hurt, and to this I replied that if a good man was turned out of an appointment on purely political grounds we could not expect him to be pleased: in fact, it would be necessary for me to recommend to Your Excellency the immediate release with entitlement to compensation of any officer displaced under the new arrangements. I did not see how I could keep men who did not wish to serve on hanging about in the Punjab for a few weeks after the Party Leaders had publicly expressed their lack of confidence in them. We settled a provisional list of names, but Swaran Singh wanted to talk it over further with Sachar and I expect a joint list to be submitted within a few days.

7. The Partition Committee will, I hope, hold its first meeting at 10 a.m. tomorrow. The members are Daultana and Zahid Husain for the Western Punjab and Gopi Chand Bhargava and Swaran Singh for the Eastern Punjab. Zahid Husain is not a Punjabi and is, I understand, Jinnah’s nominee. He retired not very long ago from the Indian Audit and Accounts Service and is

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1 Lord Mountbatten acknowledged this letter in tel. 1900–S of 11 July adding that he would be sending Sir G. Abell that night to see the Governor. Mountbatten Papers, ibid.

2 See Nos. 343 and 357.
now the Vice-Chancellor of the Aligarh University. He was my Financial Adviser in the Delhi Province and later in the Supply Department and I have the highest opinion of his ability and integrity. Daultana is clever but inexperienced. Gopi Chand Bhargava is an experienced politician who has never held office and Swaran Singh is of course the former Development Minister in the Coalition Government.

The Steering Committee seems to be working all right. In view of the new arrangements and the decision that no British official should serve on the expert committees I told Askwith\(^1\) that he had better not return to India. I am sorry about this, as he would, I think, have been invaluable. The partition work really requires an objective rather than a party outlook.

8. Sachar mentioned at this morning’s meeting of the Security Committee the proposal for the appointment of two teams of Advisers of which he had heard in Delhi.\(^4\) He said that he was not sure how the Advisers would fit in with the Security Committee and the Partition Committee. It seemed to him that with a “standstill” order there would be little administrative business other than routine, and in practice the only Cabinet business would go before the Partition Committee. I had not intended to discuss this question with the Party Leaders until I had heard further from Your Excellency. As Sachar brought it up I simply said that I agreed with him that there might be some difficulty in running Advisers in conjunction with the Security Committee and the Partition Committee, and that I would be grateful if the Party Leaders would think the matter over and let me know in a day or two what they thought the best arrangement would be.

9. At one of the meetings of the Security Committee I discussed my rather draconian bill for the establishment of special tribunals.\(^5\) All the Party Leaders thought the main provisions of the bill much too severe—I was a little amused at the attitude of Sachar and Swaran Singh in view of their recent demands for Martial Law.

10. I have just been interrupted for an interview with Mamdot and Sadiq Hassan, a leading Muslim Leaguer from Amritsar. Mamdot is clearly not at all happy about the communal position, and he seems particularly sore at a considerable operation we are carrying out today at Misri Shah—a northern suburb of Lahore—where we hope to find explosive and incendiary material and also to pick up some wanted men. I told Mamdot that Jinnah had asked\(^6\) Your Excellency to ensure that the most drastic measures were taken to restore and maintain order. I added that the Misri Shah operation was only a part of a much larger plan and we had no intention of concentrating entirely on Muslims—Misri Shah is largely a Muslim area. Mamdot is full of stories about non-Muslim plots to sabotage canal headworks and to import arms.
He wants to add another Muslim member to the Security Committee and I have told him that we must discuss this in the Committee tomorrow. Personally I see no objection, but I cannot properly add to the Committee without the concurrence of Sachar and Swaran Singh.

3 See No. 209, para. 4, sub-para. 2.
4 See No. 379, notes 6 and 10, and No. 407.
5 See No. 339, note 2.
6 See No. 320, para. 1.

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Mr Qureshi to Major Davy

R/3/1/138: ff 4–6

D.O. No. 370

Bhopal, 30 June 1947

My dear Major Davy,


(1) Proposed creation of State Department by the Successor Governments of British India, and

(2) Formula for Standstill arrangements on the lapse of Paramountcy.

As the two subjects referred to above are inter-related, Bhopal Government is sending this joint reply to your two letters.

His Highness’ Government have considered the alternative suggestions made in para. 4 of your letter No. 4719–28–A and have decided to appoint a representative or representatives to be located at the Headquarters of Government to provide appropriate information on a reciprocal basis, to elicit replies and to secure reciprocal co-operation. Immediate steps are being taken to make the necessary appointments.

Bhopal Government will much appreciate if the composition, personnel and functions of the new State Department are communicated to it at an early date.

His Highness’ Government recognise the need for some sort of Standstill arrangements, envisaged in your letter No. 4730–39/A/35–A/47 of June the 20th 1947. It will be appreciated that without full discussion to clarify the points at issue it will be difficult to arrive at definite conclusions in regard [to] the draft formula appended to your letter. This matter can best be settled

1 A copy of this letter was sent to Lord Mountbatten by the Nawab of Bhopal on 1 July. R/3/1/138 f 3.
2 See No. 197.
3 See No. 198.
after discussion between Representatives of the Successor Governments and of Bhopal State.

His Highness’ Government welcome this opportunity for discussion. As the lapse of Paramountcy is now imminent, it is suggested that no time should be lost in holding these discussions with representatives of the Successor Governments.

There is no indication in the two letters referred to above as to the method by which the Crown Representative intends to settle certain matters directly arising from the exercise of Paramountcy powers by the Crown or from the obligations undertaken by the Crown as a result of agreements between the State and the Crown in British India. The fulfilment of certain contractual obligations by Government of India is essential in view of the commitments made by and on behalf of the Crown, before, during, and subsequent to the war.

There are questions such as the retrocession of jurisdiction on Railway running through the State territories, and of Railway lands. There are pending cases which the Crown promised to settle before the lapse of Paramountcy. There is also the question of supply of necessary arms and ammunition for essential security purposes. This supply has been promised to us and we have relied on the assurance, given by Crown Representative and the Political Department in this respect. The delay, it was explained, was due only to administrative dislocation etc. It is entirely due to Paramountcy restrictions imposed on us that we find ourselves in a state of unpreparedness today. We cannot even meet properly our internal security obligations to our people. We relied on the assurances given by the Political Department in this matter and we think it is essential that these supplies should be forthcoming before power is transferred to Successor Government and Paramountcy lapses. It may be noted that His Highness the Ruler wrote in the matter to the Political Adviser as long ago as 24th March, 1947. He also addressed His Excellency the Crown Representative directly on 30th April, 1947. Copies of the correspondence with Political Adviser referred to above were forthwith communicated to the Polical Agent for immediate action. If the formal communication of such matters is delayed in transit between Indore and Delhi for three months, this Government cannot be blamed for it. His Highness’ Government cannot believe that it would be the intention of the Crown Representative to give the States an unfair deal in regard to even their minimum requirements for the maintenance of peace and order within their territories. The denial to the States now of the supply of necessary arms, ammunition and equipment for their legitimate requirements on the ground that the Central Government may not be willing to sanction is most unfair. Paramountcy has not yet lapsed and the Crown Representative still has authority to take necessary action and secure to the States justice and fairplay.

Fiscal matters such as the share of the States in Sterling balances and in the
contribution to general revenue from Post Office etc., Reserve Banks and in the assets of the Government of India to which the peoples of the State have also contributed, are also questions, which require immediate attention.

If H.M.G. without any warning to the States has decided to transfer power in August, 1947, instead of June 1948, it is no ground to deny the States their legitimate requirements and due claims. This is not a plea for delaying transfer beyond the 15th August. The States are happy that the transfer is coming earlier, but they have a right to expect that proper arrangements will be made to secure and safeguard the interests of the States arising from the sacred obligations undertaken by the Crown and the repeated solemn assurances given in this connection very recently. Every effort is being made to safeguard the interests of Pakistan and Hindustan, the Bhopal Government is constrained to observe that the only party that is suffering and is being neglected is the Indian States. It cannot in justice be the price for the closest and consistent cooperation freely and loyally given by the States to the British Crown for well over a century. Bhopal Government therefore trust that His Excellency the Crown Representative will be pleased to take necessary action in all these matters.

Very sincerely yours,
SHUAIB QURESHI

* and * Not traced; but see Vol. X, No. 354, para. 31.

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Viceroy’s Conference Paper V.C.P. 97
Mountbatten Papers
SECRET
THE VICEROY’S HOUSE, NEW DELHI,
30 June 1947

THE DRAFT BILL
Attached is a copy of the Draft Bill, amended to 29th June 1947.¹

V. F. ERSKINE CRUM
Conference Secretary

¹ The draft of the Bill reprinted here is the one shown to the Indian leaders on 1 July. The principal changes made to it between that date and its publication on 4 July 1947 have been indicated in the following way:
(a) words in square brackets were deleted from the published Bill;
(b) words in square brackets and printed in italics were inserted in the published Bill.
Most of these amendments were decided on at the India and Burma Committee meeting on 3 July 1947 (No. 486, Minute 3) in the light of points raised by the Congress and Muslim League leaders.
There were also a number of technical amendments made to the draft Bill before its publication which have not been indicated. Readers wishing to follow up such detailed technical points should consult files L/P&S/J/10/123-124 and R/3/1/153-154. The full text of the Bill as published is at L/P &S/J/10/124; ff 103-113. The Act as passed by Parliament on 18 July 1947 will be reprinted in full in the next Volume.
SECRET

INDIAN INDEPENDENCE BILL

ARRANGEMENT OF CLAUSES

Clause
1. The new Dominions.
2. Territories of the new Dominions.
3. Bengal and Assam.
4. The Punjab.
5. The Governor-General of the new Dominions.
7. Consequences of the setting up of the new Dominions.
8. Temporary provision as to government of each of the new Dominions.
10. Secretary of State’s services, etc.
11. Indian Armed Forces.
12. British forces in India.
13. Naval Forces.
14. Provisions as to the Secretary of State and the Auditor of Indian Home Accounts.
15. Legal proceedings by and against the Secretary of State.
17. Divorce jurisdiction.
18. Provisions as to existing laws, etc.
19. Interpretation, etc.
20. Short title.

SCHEDULES

First Schedule—Bengal Districts provisionally included in the new Province of East Bengal.

Second Schedule—Districts provisionally included in the new Province of West Punjab.

Third Schedule—Modifications of Army Act and Air Force Act in relation to British forces.

2 Not printed.
DRAFT
OF A
BILL
TO

Make provision for the setting up in India of two independent Dominions and for other matters consequential on or connected with the setting up thereof.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1) As from the fifteenth day of August, nineteen hundred and forty-seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

(2) The said Dominions are hereafter in this Act referred to as "the new Dominions", and the said fifteenth day of August is hereafter in this Act referred to as "the appointed day".

2. (1) [Subject to the provisions of subsections (3) and (4) of this section.] The territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which, under subsection (2) of this section, are to be the territories of Pakistan.

(2) [Subject to the provisions of subsections (3) and (4) of this section.] The territories of Pakistan shall be—

(a) the territories which, on the appointed day, are included in the Provinces of East Bengal and West Punjab, as constituted under the two following sections;

(b) the territories which, at the date of the passing of this Act, are included in the Province of Sind and the Chief Commissioner's Province of British Baluchistan; and

(c) if, whether before or after the passing of this Act but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the North West Frontier Province are in favour of representatives of that Province taking part in the Constituent Assembly of Pakistan, the territories which, at the date of the passing of this Act, are included in that Province.
(3) Nothing in this section shall prevent any area being at any time included in or excluded from either of the new Dominions, so, however, that—

(a) no area not forming part of the territories specified in subsection (1) or, as the case may be, subsection (2), of this section shall be included in either Dominion without the consent of that Dominion; and

(b) no area which forms part of the territories specified in the said subsection (1) or, as the case may be, the said subsection (2), or which has after the appointed day been included in either Dominion, shall be excluded from that Dominion without the consent of that Dominion.

[(4) Without prejudice to the generality of the provisions of subsection (3) of this section, nothing in this section shall be construed as preventing the accession of Indian States to either of the new Dominions.]

3. (1) As from the appointed day—

(a) the Province of Bengal, as constituted under the Government of India Act, 1935, shall cease to exist; and

(b) there shall be constituted in lieu thereof two new Provinces, to be known respectively as East Bengal and West Bengal.

(2) If, whether before or after the passing of this Act, but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the District of Sylhet are in favour of that District forming part of the new Province of East Bengal, then, as from the appointed day—

(a) the Province of Assam, as constituted under the Government of India Act, 1935, shall cease to exist; and

(b) there shall be constituted in lieu thereof a new Province to be known as Assam; and

(c) a part of the territories of the Province of Assam which ceases to exist shall, in accordance with the provisions of subsection (3) of this section, form part of the new Province of East Bengal. [Then, as from that day, a part of the Province of Assam shall, in accordance with the provisions of subsection (3) of this section, form part of the new Province of East Bengal.]

[(3) The boundaries of the new Provinces aforesaid shall be such as may be determined, before the appointed day, by order of the Governor-General, in the light of the relevant reports of any boundary commissions appointed or to be appointed by him]
in that behalf, or as may be determined, on or after the appointed day, by agreement between the two new Dominions in the light of any such reports, but until the boundaries are so determined—

[(3) The boundaries of the new Provinces aforesaid and, in the event mentioned in subsection (2) of this section, the boundaries after the appointed day of the Province of Assam, shall be such as may be determined, whether before or after the appointed day, by awards of boundary commissions appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined—]

(a) the Bengal Districts specified in the First Schedule to this Act, together with, in the event mentioned in subsection (2) of this section, the Assam District of Sylhet, shall be treated as the territories which are to be comprised in the new Province of East Bengal;

(b) the remainder of the territories comprised at the date of the passing of this Act in the Province of Bengal shall be treated as the territories which are to be comprised in the new Province of West Bengal; and

(c) [in the event specified in subsection (2) of this section, the territories, other than the District of Sylhet, comprised at the date of the passing of this Act in the Province of Assam shall be treated as the territories which are to be comprised in the new Province of Assam.]

[in the event mentioned in subsection (2) of this section, the District of Sylhet shall be excluded from the Province of Assam.]

4. (1) As from the appointed day—

(a) the Province of the Punjab, as constituted under the Government of India Act, 1935, shall cease to exist; and

(b) there shall be constituted two new Provinces, to be known respectively as West Punjab and East Punjab.

(2) [The boundaries of the said new Provinces shall be such as may be determined, before the appointed day, by order of the Governor-General, in the light of the relevant reports of any boundary commissions appointed or to be appointed by him in that behalf, or as may be determined, on or after the appointed day, by agreement between the two new Dominions in the light of any such reports, but until the boundaries are so determined—]

[The boundaries of the said new Provinces shall be such as may be determined, whether before or after the appointed day, by awards of boundary commissions appointed or to be appointed by the Governor-

3 The First Schedule listed the Muslim majority districts of Bengal (see Appendix to No. 45).]
General in that behalf, but until the boundaries are so determined—]
(a) the Districts specified in the Second Schedule to this Act shall be treated as the territories to be comprised in the new Province of West Punjab; and
(b) the remainder of the territories comprised at the date of the passing of this Act in the Province of the Punjab shall be treated as the territories which are to be comprised in the new Province of East Punjab.

5. For each of the new Dominions, there shall be a Governor-General who shall be appointed by His Majesty and shall represent His Majesty for the purposes of the government of the Dominion:

[Provided that it shall be lawful for one person to hold both appointments of Governor-General for such period as may be determined by either Dominion after the appointed day.]

[Provided that, unless and until provision to the contrary is made by a law of the Legislature of either of the new Dominions, the same person may be Governor-General of both the new Dominions.]

6. (1) The Legislature of each of the new Dominions shall have full power to make laws for that Dominion, including laws having extra-territorial operation.

(2) No law and no provision of any law made by the Legislature of either of the new Dominions shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of [this or another Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Legislature of each Dominion include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of the Dominion.

(3) The Governor-General of each of the new Dominions shall have full power to assent in His Majesty’s name to any law

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4 The Second Schedule listed the Muslim majority districts of the Punjab (see ibid).
5 In tel. 1676-S of 1 July 1947 Lord Mountbatten informed Lord Listowel that he had removed Clause 5(2), dealing with the emoluments of the Governor-General, from the text of the Bill to be shown to the Indian leaders. The Clause included a proviso that, if the same person was Governor-General in both Dominions, he should not receive any greater emoluments than he would have done as Governor-General of only one Dominion [cf. No. 191, Clause 5(3)]. Lord Mountbatten stated that he could not possibly run two Government houses simultaneously on his present emoluments. He added that, if it should be decided that he was to stay on after 15 August, he thought the necessary arrangements could be made under Clause 9(1)(c). R/3/1/153: f 313.
6 For the substitution of this proviso for the one printed above, see correspondence concluding with No. 440.
7 For insertion of these words see correspondence concluding with No. 452, para. 2.
of the Legislature of that Dominion and so much of any Act as relates to the disallowance of laws by His Majesty or the reservation of laws for the signification of His Majesty's pleasure thereon or the suspension of the operation of laws until the signification of His Majesty's pleasure thereon shall not apply to laws of the Legislature of either of the new Dominions.

(4) No Act of Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion [unless it is expressly declared in that Act that the Dominion has requested and consented to the passing thereof]

[unless it is extended thereto by a law of the Legislature of the Dominion.]

(5) No Order in Council made on or after the appointed day under any Act passed before the appointed day, and no order, rule or other instrument made on or after the appointed day under any such Act by any United Kingdom Minister or other authority, shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion.

(6) The power referred to in subsection (1) of this section extends to the making of laws limiting for the future the powers of the Legislature of the Dominion.

7. (1) As from the appointed day—

(a) His Majesty's Government in the United Kingdom have no responsibility as respects the government of any of the territories which, immediately before that day, were included in British India;

(b) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian State, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise; and

(c) there lapse also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas, any obligations of His Majesty existing at that date to any such persons or with respect to the tribal areas, and all powers, rights, authority or jurisdiction exercisable at that date by His
Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance or otherwise.

[Provided that, notwithstanding anything in paragraph (b) or paragraph (c) of this subsection, effect shall, as nearly as may be, continue to be given to the provisions of any such agreement as is therein referred to which relate to customs, transit and communications, posts and telegraphs, or other like matters, until the provisions in question are denounced by the Ruler of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or Province or other part thereof concerned on the other hand, or are superseded by subsequent agreements.]

(2) The assent of the Parliament of the United Kingdom is hereby given to the omission from the Royal Style and Titles of the words “Indiae Imperator” and the words “Emperor of India” and to the issue by His Majesty for that purpose of His Royal Proclamation under the Great Seal of the Realm.

8. [(1) In the case of each of the new Dominions, the powers of the Legislature of the Dominion shall, in the first instance and so far as appears necessary for the purpose of establishing the fundamental laws thereof, be exercisable by the Constituent Assembly of that Dominion.]

[(1) In the case of each of the new Dominions, the powers of the Legislature of the Dominion shall, for the purpose of making provision as to the constitution of the Dominion, be exercisable in the first instance by the Constituent Assembly of that Dominion, and references in this Act to the Legislature of the Dominion shall be construed accordingly.]

(2) Except in so far as other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion under subsection (1) of this section, each of the new Dominions and all Provinces and other parts thereof shall be governed as nearly as may be in accordance with the Government of India Act, 1935; and the provisions of that Act, and of the orders in Council, rules and other instruments made thereunder, shall, so far as applicable, and subject to any express provisions of this Act, and with such omissions, additions, adaptations and modifications as may be specified in orders of the Governor-General under the next succeeding section, have effect accordingly:

Provided that—

(a) the said provisions shall apply separately in relation to each of the new Dominions and nothing in this subsection shall
be construed as continuing on or after the appointed day any Central Government or Legislature common to both the new Dominions;

(b) nothing in this subsection shall be construed as continuing in force on or after the appointed day any form of control by His Majesty's Government in the United Kingdom over the affairs of the new Dominions or of any Province or other part thereof;

(c) so much of the said provisions as requires the Governor-General or any Governor to act in his discretion or exercise his individual judgement as respects any matter shall cease to have effect as from the appointed day;

(d) as from the appointed day, no Provincial Bill shall be reserved under the Government of India Act, 1935, for the signification of His Majesty's pleasure, and no Provincial Act shall be disallowed by His Majesty thereunder; and

(e) the powers of the Federal Legislature or Indian Legislature under that Act, as in force in relation to each Dominion, shall, in the first instance, be exercisable by the Constituent Assembly of the Dominion. [in addition to the powers exercisable by that Assembly under subsection (1) of this section.]

3. Any provision of the Government of India Act, 1935, which, as applied to either of the new Dominions by subsection (2) of this section and the orders therein referred to, operates to limit the power of the legislature of that Dominion shall, unless and until other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion in accordance with the provisions of subsection (1) of this section, have the like effect as a law of the Legislature of the Dominion limiting for the future the powers of that Legislature.

9. (1) The Governor-General shall by order make such provision as appears to him to be necessary or expedient—

(a) for bringing the provisions of this Act into effective operation;

(b) for dividing between the new Dominions, and the new Provinces to be constituted under this Act, the powers, rights, property, duties and liabilities of the Governor-General in Council or, as the case may be, of the relevant Provinces which, under this Act, are to cease to exist;

(c) for making omissions from, additions to, and adaptations
and modifications of, the Government of India Act, 1935, and the Orders in Council, rules and other instruments made thereunder, in their application to the separate new Dominions;

(d) for removing difficulties arising in connection with the transition to the provisions of this Act;

[(e) for authorising the carrying on of the business of the Governor-General in Council between the passing of this Act and the appointing day otherwise than in accordance with the provisions in that behalf of the Ninth Schedule to the Government of India Act, 1935;

(f) for enabling agreements to be entered into, and other acts done, on behalf of either of the new Dominions before the appointed day;]

(c) [(g)] for authorising the continued carrying on for the time being on behalf of the new Dominions, or on behalf of any two or more of the said new Provinces, of services and activities previously carried on on behalf of British India as a whole or on behalf of the former Provinces which those new Provinces represent;

(f) [(h)] for regulating the monetary system and any matters pertaining to the Reserve Bank of India; and

(g) [(i)] so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the constitution, powers or jurisdiction of any legislature, court or other authority in the new Dominions and creating new legislatures, courts or other authorities therein.

(2) The powers conferred by this section on the Governor-General shall, in relation to their respective Provinces, be exercisable also by the Governors of the Provinces which, under this Act, are to cease to exist; and those powers shall, for the purposes of the Government of India Act, 1935, be deemed to be matters as respects which the Governors are, under that Act, to exercise their individual judgement.

(3) This section shall be deemed to have had effect as from the third day of June, nineteen hundred and forty-seven and any order of the Governor-General or any Governor made on or after that date as to any matter shall have effect accordingly, and any order made under this section may be made so as to be

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* For the insertion of this sub-clause see correspondence concluding with No. 469.
* For the insertion of this sub-clause see No. 452, para. 5, and 466, para. 6.
retrospective to any date not earlier than the said third day of June:

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes any provision thereof retrospective to any date before the making thereof.

(4) Any orders made under this section, whether before or after the appointed day, shall have effect—
(a) up to the appointed day, in British India;
(b) on and after the appointed day, in the new Dominion or Dominions concerned; and
(c) outside British India, or as the case may be, outside the new Dominion or Dominions concerned, to such extent, whether before, on or after the appointed day, as a law of the Legislature of the Dominion or Dominions concerned would have on or after the appointed day, but shall, in the case of each of the Dominions, be subject to the same powers of repeal and amendment as laws of the Legislature of that Dominion.

(5) No order shall be made under this section, by the Governor of any Province, after the appointed day, or, by the Governor-General, [after six months from the appointed day] [after the thirty-first day of March, nineteen hundred and forty-eight.] or such earlier date as may be determined, in the case of either Dominion, by any law of the Legislature of that Dominion.

[(6) If it appears that a part of the Province of Assam is, on the appointed day, to become part of the new Province of East Bengal, the preceding provisions of this section shall have effect as if, under this Act, the Province of Assam was to cease to exist on the appointed day and be reconstituted on that day as a new Province.]

10. (1) The provisions of this Act keeping in force provisions of the Government of India Act, 1935, shall not continue in force the provisions of that Act relating to appointments to the civil services of, and civil posts under, the Crown in India by the Secretary of State, or the provisions of that Act relating to the reservation of posts.

[(2) Every person who, having been appointed by the Secretary of State, or Secretary of State in Council, to a civil service of the Crown in India, continues on and after the appointed day to serve under the Government of either of the new Dominions or of any Province or part thereof, shall be entitled to receive from the Governments of the Dominions and Provinces or parts
which he is from time to time serving the same conditions of service as respects remuneration, leave and pension and the same rights as respects disciplinary matters, or rights as similar thereto as changed circumstances may permit, as that person was entitled to immediately before the appointed day.]

[(2) Every person who—

(a) having been appointed by the Secretary of State, or Secretary of State in Council, to a civil service of the Crown in India continues on and after the appointed day to serve under the Government of either of the new Dominions or of any Province or part thereof; or

(b) having been appointed by His Majesty before the appointed day to be a judge of the Federal Court or of any court which is a High Court within the meaning of the Government of India Act, 1935, continues on and after the appointed day to serve as a judge in either of the new Dominions, shall be entitled to receive from the Governments of the Dominions and Provinces or parts which he is from time to time serving or, as the case may be, which are served by the courts in which he is from time to time a judge, the same conditions of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or, as the case may be, as respects the tenure of his office, or rights as similar thereto as changed circumstances may permit, as that person was entitled to immediately before the appointed day.]

(3) Nothing in this Act shall be construed as enabling the rights and liabilities of any person with respect to the family pension funds vested in Commissioners under section two hundred and seventy-three of the Government of India Act, 1935, to be governed otherwise than by Orders in Council made (whether before or after the passing of this Act or the appointed day) by His Majesty in Council and rules made (whether before or after the passing of this Act or the appointed day) by a Secretary of State or such other Minister of the Crown as may be designated in that behalf by Order in Council under the Ministers of the Crown (Transfer of Functions) Act, 1946.

II. (1) The orders to be made by the Governor-General under the preceding provisions of this Act shall make provision for the division of the Indian armed forces of His Majesty between the new Dominions, and for the command and governance of those forces until the division is completed.

(2) As from the appointed day, while any member of His
Majesty’s forces, other than His Majesty’s Indian forces, is attached to or serving with any of His Majesty’s Indian forces—
(a) he shall, subject to any provision to the contrary made by a law of the Legislature of the Dominion or Dominions concerned or by any order of the Governor-General under the preceding provisions of this Act, have, in relation to the Indian forces in question, the powers of command and punishment appropriate to his rank and functions; but
(b) nothing in any enactment in force at the date of the passing of this Act shall render him subject in any way to the law governing the Indian forces in question.

[Clauses 12 and 13, regarding the governance, as from the appointed day, of British forces in India and of Naval Forces, not printed.]

14. (1) A Secretary of State, or such other Minister of the Crown as may be designated in that behalf by Order in Council under the Ministers of the Crown (Transfer of Functions) Act, 1946, is hereby authorised to continue for the time being the performance, on behalf of whatever government or governments may be concerned, of functions as to the making of payments and other matters similar to the functions which, up to the appointed day, the Secretary of State was performing on behalf of governments constituted under the Government of India Act, 1935.

(2) The functions referred to in subsection (1) of this section include functions as respects the management of, and the making of payments in respect of, government debt, and any enactments relating to such debt shall have effect accordingly:

Provided that nothing in this subsection shall be construed as continuing in force so much of any enactment as empowers the Secretary of State to contract sterling loans on behalf of any such Government as aforesaid or as applying to the Government of either of the new Dominions the prohibition imposed on the Governor-General in Council by section three hundred and fifteen of the Government of India Act, 1935, as respects the contracting of sterling loans.

(3) As from the appointed day, there shall not be any such advisers of the Secretary of State as are provided for by section two hundred and seventy-eight of the Government of India Act, 1935, and that section, and any provisions of that Act which require the Secretary of State to obtain the concurrence of his advisers, are hereby repealed as from that day.
(4) The Auditor of Indian Home Accounts is hereby authorised to continue for the time being to exercise his functions as respects the accounts of the Secretary of State or any such other Minister of the Crown as is mentioned in subsection (1) of this section, both in respect of activities before, and in respect of activities after, the appointed day, in the same manner, as nearly as may be as he would have done if this Act had not passed.

[Clauses 15, 16 and 17, regarding Legal proceedings by and against the Secretary of State on and after the appointed day, Aden, and Divorce jurisdiction, not printed.]

18. [Subclauses (1)–(2), regarding adaptation of United Kingdom law, not printed.]

(3) Save as otherwise expressly provided in this Act, the law of British India and of the several parts thereof existing immediately before the appointed day shall, so far as applicable and with the necessary adaptations, continue as the law of each of the new Dominions and the several parts thereof until other provision is made by laws of the Legislature of the Dominion in question or by any other Legislature or other authority having power in that behalf.

(4) It is hereby declared that the Instruments of Instructions issued before the passing of this Act by His Majesty to the Governor-General and the Governors of Provinces lapse as from the appointed day, and nothing in this Act shall be construed as continuing in force any provision of the Government of India Act, 1935, relating to such Instruments of Instructions.

(5) As from the appointed day, so much of any enactment as requires the approval of His Majesty in Council to any rules of court shall not apply to any court in either of the new Dominions.

19. (1) References in this Act to the Governor-General shall, in relation to any order to be made or other act done on or after the appointed day, be construed—

(a) where the order or other act concerns one only of the new Dominions, as references to the Governor-General of that Dominion;

(b) where the order or other act concerns both of the new Dominions and the same person is the Governor-General of both those Dominions, as references to that person; and

(c) in any other case, as references to the Governors-General of the new Dominions, acting jointly.

(2) References in this Act to the Governor-General shall,
in relation to any order to be made or other act done before the appointed day, be construed as references to the Governor-General of India within the meaning of the Government of India Act, 1935, and so much of that or any other Act as requires references to the Governor-General to be construed as references to the Governor-General in Council shall not apply to references to the Governor-General in this Act.

(3) References in this Act to the Constituent Assembly of a Dominion shall be construed as references—

(a) in relation to India, to the Constituent Assembly, the first sitting whereof was held on the ninth day of December, nineteen hundred and forty-six, modified—

(i) by the exclusion of the members representing Bengal, the Punjab, Sind and British Baluchistan; and

(ii) should it appear that the North West Frontier Province will form part of Pakistan, by the exclusion of the members representing that Province; and

[(iii) should it appear that the Province of Assam constituted under the Government of India Act, 1935, is to cease to exist under this Act, by the exclusion of the members representing that Province; and

(iv) by the inclusion of members representing West Bengal, East Punjab and, if there is to be such a Province, the new Province of Assam;]

[(iii) by the inclusion of members representing West Bengal and East Punjab; and

(iv) should it appear that, on the appointed day, a part of the Province of Assam is to form part of the new Province of East Bengal, by the exclusion of the members theretofore representing the Province of Assam and the inclusion of members chosen to represent the remainder of that Province;]

(b) in relation to Pakistan, to the Assembly set up or about to be set up at the date of the passing of this Act under the authority of the Governor-General as the Constituent Assembly for Pakistan:

Provided that nothing in this subsection shall be construed as affecting the extent to which representatives of the Indian States take part in either of the said Assemblies, or as preventing the filling of casual vacancies in the said Assemblies, or as preventing the participation [of representatives of the tribal areas in either of the said Assemblies
in accordance with such arrangements as may be made in that behalf.]

[in either of the said Assemblies, in accordance with such arrangements as may be made in that behalf, of representa-
tives of the tribal areas on the borders of the Dominion for which that Assembly sits, and the powers of the said Assemblies shall extend and be deemed always to have extended to the making of provision for the matters specified in this proviso.]

(4) In this Act, except so far as the context otherwise requires—
"India", where the reference is to a state of affairs existing before the appointed day or which would have existed but for the passing of this Act, has the meaning assigned to it by section three hundred and eleven of the Government of India Act, 1935;
"Indian forces" includes all His Majesty's Indian forces existing before the appointed day and also any forces of either of the new Dominions;
"Province" means a Governor's Province;
"remuneration" includes leave pay, allowances and the cost of any privileges or facilities provided in kind;
"pension" means, in reference to any person, a pension, whether contributory or not, of any kind whatsoever payable to or in respect of that person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or other additions thereto, of subscriptions to a provident fund.

(5) Any power conferred by this Act to make any order includes power to revoke or vary any order previously made in the exercise of that power.

20. This Act may be cited as the India Independence Act, 1947.
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Note

Mountbatten Papers. Official Correspondence Files: Indian Independence
Bill—Draft Bill, Part II(a)

SECRET

THE INDIAN INDEPENDENCE BILL
POINTS FOR DISCUSSION

The following points are for discussion with leaders:

I. Assumption by the new Dominions of international obligations.²

The position under international law is understood to be that the new Dominion of India will continue the international personality of the existing India, and as such, assets of the present Government of India outside the country will pass to the Dominion of India. This however will not in any way prejudice the inclusion of those assets in the equitable division of all assets and liabilities of the present Government of India between the new Dominions. The further question remains as to the assumption by the new Dominions of international obligations under treaties (a) which were concluded expressly on behalf of the present India, and (b) which were concluded in the name of His Majesty or His Majesty's Government but which are applicable to the present India.

2. Since as stated above the new Dominion of India continues the international personality of the present India, she will prima facie inherit all India’s existing international treaty obligations that is, both (a) and (b) above. But it is clear that she cannot be bound in international law by those obligations which by their nature can only be carried out in territory not belonging to her or under her control. Some obligations, for instance, those relating to frontiers, run with land and consequently pass to the future sovereign of the land whoever he may be. There are also other treaty obligations which can only be performed in the future Dominion of Pakistan and as to which it is perhaps more open to question whether they pass to the Government of that Dominion by automatic operation of law. The former obligations must³ apparently pass to whatever successor authority becomes responsible for the territory in question, and the latter obligations should also pass to that authority.

3. When the other Dominions of the British Commonwealth became international persons, they and all the parties concerned accepted without

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¹ A draft of this Note, prepared by the Reforms Commissioner, had been circulated to the Viceroy's staff under reference V.C.P. 99. This draft was considered and, after some amendment, approved at the Viceroy's Fiftieth Staff Meeting on 30 June 1947. Mountbatten Papers.

² See No. 333.

³ Words in italics underlined in original.
question the position not only that the Dominions inherited all treaty rights and obligations which had any local or territorial application, but also claimed the benefits, and accepted the obligations, of treaties whose provisions applied territorially to the whole Commonwealth and from which all British subjects benefited in foreign countries. It is suggested that the Dominions of India and Pakistan will similarly inherit all treaty rights and obligations which have local or territorial application.

4. The question arises more particularly in connection with treaties concluded in the name of His Majesty or of His Majesty’s Government, most of whose stipulations can only be fulfilled in India or can only be wholly fulfilled if the successor Government or Governments concerned observe them. Examples are Anglo-Afghan Treaty, 1921, Anglo-Tibetan Treaty, 1914, and the Anglo-Nepali Treaty, 1933.

5. It is for consideration whether the leaders could give an assurance to the effect that the Dominion Governments when set up will consider themselves as the successors to all treaty rights and obligations in the sense indicated above.

II. Orders for bringing the Act into Force (Clause 9).

It will be noted that under sub-clause (5) of Clause 9, the Governor-General’s power to make orders under that Clause continues for a period of six months from the appointed day, unless it is curtailed by a law of either Dominion Legislature.

2. It is possible, (especially in view of the fact that the Reconstitution of the Armed Forces will probably not be complete until 1st April, 1948), that six months may not be a sufficiently long period.

3. It is for consideration whether this period should not be increased now to, say, eight or nine months. It is pointed out that the chosen period can easily be curtailed after the passing of the Act, whereas it could not be extended.

III. Guarantee to members of Secretary of State’s Services who continue in service.

In clause 10(2) of the Bill the statutory guarantee is given only to members of the Secretary of State’s Services who continue in service after the transfer of power. This was based on the decision of the Interim Government. The terms of the draft clause are subject to the express concurrence of the leaders.

2. It is however pointed out that to give a statutory guarantee of this kind to members of the Secretary of State’s Services and not to give a similar guarantee to Judges of the Federal Court and the High Courts who may also continue in service seems to be highly anomalous. It is suggested that the guarantee may appropriately be extended to these Judges. If the leaders agree, an appropriate amendment could be made in Clause 10(2) of the Bill before introduction.
IV. Clause 14.5

The Secretary of State for India and the High Commissioner for India in the United Kingdom, between them, discharge certain financial functions on behalf of the Government of India and the Provincial Governments. These are broadly in regard to the management of the Government debt and the making of payments in respect of that debt, and the meeting of claims in the United Kingdom on the Government of India and the Provincial Governments, including the paying of salaries and pensions, to or in respect of persons who are or have been in the service of the Crown in India. Provision has to be made in one form or another for the continued performance of these functions on and after the appointed day, when the Secretary of State for India will cease to function and each of the new Dominions will appoint its own High Commissioner.

2. Without an express authorisation by an Act of Parliament, H.M.G. cannot make payments on behalf of the new Dominion Governments, although there may be no doubt as to the latter subsequently accepting liability and agreeing to reimburse H.M.G. the payments so made. Clause 14 accordingly authorises a S/S or other Minister to continue to make payments on account of (i) existing sterling debt of India, and (ii) remuneration, pensions, etc., payable to service personnel. The question of the ultimate incidence of the liability is intended to be subsequently settled by H.M.G. with the two Dominion Governments.

3. It was at first proposed that the clause in the Bill should refer expressly to the High Commissioner and authorise him jointly with a S/S to continue meeting payments on behalf of both Dominions in the anomalous situation which must continue for a short period until adequate provision is made by the Dominion Legislatures. That would have assured those who are accustomed to draw those payments in the United Kingdom that the existing machinery for such payments will continue. It was however felt that it would not be appropriate to impose duties on the Dominion High Commissioners in this fashion by Statute.

4. H.M.G. are prepared to omit the reference to the High Commissioner and confine the provision to a S/S or other Minister (as in the draft clause) provided an assurance can be obtained from leaders that they agree that the High Commissioner and the S/S should continue to discharge these functions and that the Dominions will undertake to continue to provide the necessary funds. H.M.G. desire an assurance in this respect which can be quoted in Parliament.

* See Nos. 249, last para; 286, para. 8; 351, para. 2; and 365, para. 7.
* See Nos. 249, comment on Clause 13; 271; and 286, para. 7.
Minutes by Lieutenant-Colonel Erskine Crum, Sir G. Abell and Rear-Admiral Viscount Mountbatten of Burma
R/3/1/153: f 290

30 June 1947

1. Since the Staff Meeting, Sundaram and I have been in communication with V. P. Menon about the proposal to raise, at the meeting tomorrow, the question of the Chittagong Hill Tracts. Menon is very strongly of the view that to raise this question tomorrow would lead to extreme trouble. He even offered to dress immediately and come over and personally convince H.E. on this point. He says that the Governor of Bengal is looking at the matter from a purely provincial point of view. To depart from the "Muslim-majority" principle at this stage would be exceedingly dangerous and lead to endless complications.

2. I have also looked up an extract from a letter of 16th May from Pandit Nehru, which reads:—

"8. There is no mention in the document of the Chittagong Hill areas which are predominantly Hindu and Buddhist. These are Excluded areas lying to the east of East Bengal. They have nothing in common with Chittagong District or with East Bengal. They will naturally line up with some of the Hindu States to the north of them and possibly with Assam."

3. I have prepared the papers about the Chittagong Hill Tracts, but recommend that these should not be produced unless the Muslim League representatives raise the matter tomorrow. Sundaram agrees.

V. F. ERSKINE CRUM

I am going to see V. P. Menon tonight, but I put this up for immediate information. I think the Chittagong Hill states must at least be mentioned though the feasible alternatives are limited to:

(1) leaving things as they are for future discussion, and
(2) insisting that some arrangement be made before the appointed day to ascertain the will of the inhabitants.

G. E. B. ABELL

No action is to be taken to raise this issue with any of the leaders unless the League raise it. I hope to discuss it with VP about 10.15.

1 The Minutes of the Viceroy’s Fiftieth Staff Meeting record that: "There was discussion on the Chittagong Hill Tracts, and His Excellency indicated the outline of a note which he wished to be prepared on this subject"; and that the Viceroy 'directed Con. Sec. to draft a note on the Chittagong Hill Tracts, for discussion, if necessary, with the Indian Leaders the following day'. Mountbatten Papers.
2 Nos. 361 and 364.
5078. Katodon telegrams Nos. 51 and 52:1 (both received here on night of June 28th).

2. In our telegram No. 5047 dated June 29th2 we reaffirmed the view expressed on behalf of H.M.G. with the full concurrence of the Government of India during the 1944–46 conversations with the Afghan Government that the territory between the Durand Line and the Indus is solely India’s concern. The historical grounds on which Kabul now claims a special interest in them would if pushed back far enough chronologically justify India’s claiming Afghanistan. Such arguments from whichever side they may be pressed only lead to a reductio ad absurdum. We have to deal with things as they are not as they were in some less or more distant past. The Afghan proposal to send a Mission now to discuss the frontier question with us is as much an attempt to interfere in what is an internal affair of India as other proposals designed to claim a voice in settlement of this question and we cannot repeat cannot accept it.

We have always recognised that both India and Afghanistan are interested in the welfare and development of the tribes inhabiting their respective zones of tribal territory. The appropriate time for discussing these common problems will be after the new Governments of India and Pakistan come into being; it is not now.

3. As regards the first alternative mentioned in para. No. 1 of Katodon telegram No. 52 “independence” in the sense of freedom to people of the territory in question to join (?) Afghanistan) or to separate from both the Dominions of India and of Pakistan cannot be conceded. The fact that what is now India is soon to be succeeded by two sovereign Federal States cannot affect the strategic importance of the territory in question to these two States. Changes in the political status of India cannot alter geographical factors that govern her security. A small independent State like the North West Frontier Province cannot (possibly) safeguard its own security and therefore must be a source of weakness to India. It can legitimately claim to exercise the fullest autonomy within the framework of one of the two Federal Dominions which

1 Nos. 309 and 377.
2 No. 395.
will replace the present Government of India. This measure of self determination the plan of 3rd June\(^3\) does not exclude.

4. We desire nothing but friendship with Afghanistan; the help that, in recent years, Government of India have given to the Afghan Government is proof of the sincerity and measure of that desire. It can be confidently stated that successors of the present Government will be equally anxious to maintain and promote amicable neighbourly relations with Afghanistan. But neither the present Government nor its successors can afford to surrender any vital interest or right. It is to be hoped that the Afghan Government will be persuaded that, in being firm, we are not being unfriendly, and that, at this juncture in her history, India is more entitled to expect Afghan goodwill than Afghan intervention in her internal affairs.

5. Of the four possibilities mentioned by the Minister, we do not know which will materialise if the Afghan Government are not satisfied with our answer. We can only express the hope that in their interest even more than in ours, (i.e. they will) desist from any course which may disturb the peace of the border. Once more we would urge the desirability of asking a friendly third party such as the U.S.A. to put in a word of caution which may serve to deflect the Afghan Government from the path of rash adventure.

Repeated to Chief Sec. to Govt of the N.W.F.P. and H.M. Minister, Kabul No. 150) and copies by post to Baluchistan and U.K. High Commissioner.

\(^3\) No. 45.

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*Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel*

*Telegram, R/3/1/153: f 301*

**IMMEDIATE**

**SECRET**

NEW DELHI, 30 June 1947, 8.30 pm

Received: 30 June, 7.55 pm

No. 1674–S. My 1657 of 29th June.\(^1\) I now understand main point of amendment is to allow India to declare independence by legislation. It is desirable that this freedom should be given by the Act.

\(^1\) No. 414.
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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma
Telegram, L/P & J/10/81: ff 156–9

MOST IMMEDIATE

Secret

India Office, 30 June 1947, 6.45 pm

Received: 1 July, 6.15 am

No. 8360. Your telegrams 1616–S of 27th June and 1655–S and 1656–S of 30th June regarding Interim Government were considered by Ministers this morning.

2. We find draft announcement in your paragraph 5 difficult to understand in the details of its operation so that it is impossible to give fully considered legal opinion that would have direct application to it. In particular, the position of the Muslim League Members is obscure. It is not clear how they will have access to information as to what is being done by the Union of India Members or whether they can initiate policy in respect of their own areas or only refer to whole Cabinet proposals solely or predominantly affecting Pakistan to which they object and issue consequential orders giving effect in Pakistan areas to policy initiated by Union of India Members.

3. Generally, the legal position is, however, as follows. Sections 40 and 41 of the 9th Schedule of the 1935 Act are in wide terms permitting many varieties of methods of conducting business. At the same time Section 41 cannot be openly disregarded. Phrases “overriding powers” and “must be acted upon” come very near being breach of section. This is particularly awkward if this part of the formula is publicly announced. Nevertheless, something on the lines which you contemplate can legally be done provided that repeat provided that there is general agreement among Members of your Council that such a procedure should be followed. In particular, it would be within the Constitution.

(a) to double the number of Portfolios and for members to operate in two
Committees representing Hindustan and Pakistan areas, each taking
decisions in respect of their own area;

(b) even for Pakistan Committee to go to Karachi and operate there at
once. (I assume, however, that it is not intended that any form of
Pakistan Government should operate from Karachi till after the appointed
day. Formula in its present form rather suggests Pakistan Members will
go to Karachi at once. It is important to avoid any misunderstanding on
this point.)

1 No. 379.
2 Nos. 412 and 413.
3 No. 421, Minute 2.
4 ‘(b) even’ deciphered as ‘till (gr. cor)’.
If, however, anything is done except with the full agreement of all the Members of the Council there is always a possibility that validity of the acts done may be challenged. Essence of any such arrangement must, therefore, be that there is agreement on the procedure and that it is adhered to. Possibly, however, there may be some remedy for any acts which are challenged as being unconstitutional by means of Governor-General’s orders under clause 9(3) of Indian Independence Bill when it becomes law.

4. Arrangements proposed in your draft announcement differ substantially from what was contemplated in my paper to Cabinet Committee, No. I.B. (47)887 paragraph 3 and limitation of League Members’ rights to bringing before full Council only matters “solely or predominantly” affecting Pakistan seems dangerously restricted. It appears that Central subjects will in practice be almost entirely in hands of Congress under this arrangement. In general, Jinnah seems to us to make out a strong case; but as indicated above proposals might be deemed to be constitutionally possible provided all Members of the Council accept them and abide by them. If it is not too late to propound a fresh solution, something on lines of the suggestion in penultimate paragraph of Jinnah’s note seems to us preferable course to adopt.

5. As time will not permit further consultation before Wednesday morning, H.M.G. authorise you to deal with this most difficult situation as seems best to you in light of this telegram but they would like you to bear in mind that it is important to be able to continue to maintain that partition is being carried out by agreement and to avoid giving any grounds for an assertion that fair partition has been prejudiced by giving to Congress in advance undue advantage in relation to all Central subjects and particularly defence. Smooth and quiet passage of bill through Parliament might turn on this.

6. It is desirable that any statement on lines of your paragraph 5 whether in its present form or in a new shape should be released simultaneously here if possible. Please therefore give me text and time of release in India as far in advance as possible.

7. It is proposed to take general line here that these changes are not of the first importance and are only a convenient re-arrangement of the work of the Indian Government preparatory to its constitutional conversion which will occur on the appointed day. I hope that the same line can be taken in India. Otherwise there may be pressure for a discussion in Parliament before the Second Reading of the Bill which would inevitably be embarrassing. If, however, either Congress or League are likely loudly to claim this as a victory such a line would be difficult and in that event please telegraph before the formula is released your views as to the line to be taken.

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5 'is adhered to’ deciphered as ‘adheres’.
6 No. 428.
8 No. 413.
9 2 July.
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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/124: ff 257–8

MOST IMMEDIATE
SECRET

India Office, 30 June 1947, 5.20 pm
Received: 1 July, 6.15 am

8361. Your telegram 1657–S. Words “this or” were included in Clause 6(2) in previous version of draft Bill but have been excluded from text in 117–13 on the ground that they were inconsistent with the concluding words of Clause 8(3) which purport to limit the powers of the Dominion legislature unless other provision is made by Constituent Assembly under Clause 8(1). I understood that both you and the Indian leaders attached importance to this limitation and I am advised that restoration of the words “this or” would make its legal effectiveness doubtful.

2. For these reasons it would seem desirable to avoid reinserting words “this or” in Clause 6(2) if possible but we do not attach vital importance to this and if you judge it desirable they may be re-inserted before Bill is shown to leaders or you can let them know if they raise the subject that we should be prepared to meet them to this extent. It should of course be clearly understood by them that power of the Dominion Legislature to amend the new Act will be in relation to territories of that Dominion only.

3. Please inform me most immediate whether you have decided to include these words or not and if not what outcome of consultation with leaders on this point is.

1 Deciphered as ‘8371’.
2 No. 414.
3 See No. 428.

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Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/153: ff 297–8

17 York Road, New Delhi, 30 June, 1947

Dear Lord Mountbatten,

Thank you for your letter of the 30th June. I am grateful to you for your agreeing to some additional experts and lawyers accompanying us tomorrow morning. I shall convey your invitation to them.

1 No. 424.
2. It was not my intention to have a larger party at the Viceroy’s House tomorrow morning. What I was thinking of was to have the time and opportunity to consult my colleagues as well as these experts. You will appreciate that it is very awkward for us to ignore our colleagues in the Cabinet in a matter of this kind. I have mentioned to them that Sardar Patel and I had been invited by you to see the draft Parliamentary legislation. They felt hurt at being kept out of this business and I feel that they were completely right. As members of the Cabinet it concerns them much more than others and we have to consult them at every stage. I feel, therefore, that it is very necessary for us to take them into our confidence in regard to this bill. I realise fully the importance of secrecy in this matter and that there should be no leakage of the contents of the Bill. We shall make every effort to prevent a leakage. I suggest that you should allow us to have a copy of the Bill so that we may show it to our colleagues in the Cabinet. That copy will be kept by me and it will not go out of my possession. Without the draft Bill it is difficult to get any proper idea of it or to consider it carefully.

3. I do not know if Mr Gandhi will be able to come tomorrow at 10 in the morning as that is a very inconvenient time for him.

Yours sincerely,

JAWAHARLAL NEHRU

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Rear-Admiral Viscount Mountbatten of Burma to Mr Attlee (via India Office)

Telegram, R/3/1/153: f 299

MOST IMMEDIATE

CONFIDENTIAL

NEW DELHI, 30 June 1947, 11 pm

Received: 30 June, 8.45 pm

No. 1675–S. Following for Prime Minister. Krishna Menon came this evening to warn me that Nehru intended to come with an ultimatum tomorrow that unless he was allowed to take away copy of Bill he would resign. Since then I have received letter¹ from Nehru insisting that he must have copy to show colleagues in the Cabinet. Nehru is in very difficult state and maintains that it is gross insult to his people not to be allowed a copy of the Bill at this historic moment &c. He promises that if I will let him take away one copy of the Bill he will not let it go out of his possession and will make every effort to prevent leakage.

2. May I have your authority to use my discretion to avert a crisis? You can rely on me not to give anything away unnecessarily, but it would be tragic if Congress at this stage were to refuse to cooperate.

¹ No. 435.
Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/31/160: ff 52-3

IMMEDIATE
SECRET

NEW DELHI, 30 June 1947, 11.45 pm
Received: 1 July, 12.5 am

No. 1677-S. My 1655-S and 1656-S forwarding Jinnah’s memorandum of legal objection, of the 29th June.

2. Jinnah told Ismay on 29th2 that even if the Plan for the reconstitution of the Centre was held to be legal he would not accept it. Liaquat Ali Khan said that he himself could not possibly play second fiddle in the Finance Department after having had charge of it for so long. At the end of the discussion Ismay was not completely convinced that when it came to the point Jinnah would refuse to play.

3. I have considered whether we could not postpone the reconstitution of the Central government, which on the merits is the obvious thing to do. Patel would probably accept this, but Nehru, who is in a highly temperamental state, would very probably resign.

4. On the assumption that because of Nehru’s attitude I must go ahead I have considered what Jinnah could3 do if he decided to withdraw the League members and oppose the new move. Provided it is clear to him that the date of 15th August is firm I think he is bound to take part in the Partition Council and try to get the maximum assistance in setting up his new Government. Otherwise Pakistan will have a very bad start.

5. Jinnah might refuse to let the Pakistan Constituent Assembly meet,4 and there would then be no authority to which to transfer power under the Bill.

6. I do not see, however, where any such obstruction would lead Jinnah, and I do not think he would adopt this policy.

7. Since he probably wants to put off the 15th August date, and to embarrass the Congress as much as possible, he is likely to be more dangerous on the Westminster front. If he could persuade the Opposition that he was having a raw deal I suppose the Bill would not go through this Session. I need not tell you that in that event we would be in an absolutely irretrievable mess.

8. To avoid Nehru’s resignation which would undoubtedly be followed by

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1 Nos. 412 and 413.
2 No. 399, Item 1. The interview actually took place on 28 June but Lord Ismay’s note is dated 29 June.
3 ‘could’ deciphered as ‘would’.
4 ‘Pakistan Constituent Assembly meet’ deciphered as ‘Liaquat Ali Khan (sic) Constituent Assembly meeting’.
the other Congress members I may have to go ahead since the plan is unquestionably perfectly fair to the future Pakistan interests, even if it does hurt Jinnah’s pride.

9. In this case I suggest that it would be wise to keep the Opposition fully in touch with these latest moves so that they may have material on which to judge any approach from Jinnah.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&E/J/10/124: ff 245-6

MOST IMMEDIATE

Top Secret

India Office, 30 June 1947, 8.20 pm

Received: 1 July, 6.15 am

8380. Your telegram 1653-S1 was considered by Cabinet Committee this morning.2 As an exceptional case we have secured concurrence of Opposition leaders to Bill being shown in draft to Indian leaders and we therefore agree with what you propose in paragraphs 1 and 3 of your telegram under reference and para. 1 of your telegram 1638-S of 28 June.3 You will no doubt emphasise importance of secrecy at the time.

2. Committee were strongly of the view that it must be made clear to the Indian leaders that this is the Bill which it is the intention of H.M.G. to introduce and that in view of the shortage of time due to the fact that we are undertaking legislation at extremely short notice to meet the wishes of Indian leaders we cannot consider drafting points. If there are points of principle on which Indian leaders wish to make representations H.M.G. will consider them to the best of their ability in the time now available.4

3. Your paragraph 5. I suggest that this point can be countered by pointing out that Dominion legislation in question was passed by much more leisurely processes and in the case of Australia and South Africa gave effect to new constitutions made by agreement. Present legislation is of transitional nature and provides for full power for the Legislature of each new Dominion to legislate at will in the constitutional field.
4. Argument on this point will however be affected by the manner in which you decide to handle the question of the inclusion of the words "this or" in Clause 6(2)\(^5\) If those words are inserted line proposed gives a complete answer to Nehru.

5. It is of course impossible to prevent it being known in India that you are consulting Indian leaders on the Bill, but it is desirable to avoid if possible any formal communiqué of kind suggested in para. 2 of your telegram of 28th June.

6. Any views they express to you on the Bill should be kept as secret as provisions of the Bill itself. It would be most unfortunate if Indian reactions to the Bill began to appear before it has been published.

7. I am telegraphing privately some account of our discussion with Opposition, but you are now free to show Bill to Indian leaders.

\(^1\) No. 411.
\(^2\) No. 421, Minute 3.
\(^3\) See No. 397, note 3.
\(^4\) Lord Mountbatten noted on this telegram in the margin by para. 2: 'Paraphrase read over to Nehru'. R/3/1/153: f 302.
\(^5\) See Nos. 414 and 434.

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Mr Attlee to Rear-Admiral Viscount Mountbatten of Burma
(via India Office)

Telegram, L/PO/6/122: f 166

MOST IMMEDIATE

TOP SECRET

INDIA OFFICE, 1 July 1947, 1:35 am

Received: 1 July, 8:30 am

8393. Personal from Prime Minister to Viceroy. Your telegram 1675–S.\(^1\)

I agree that you may use your discretion in allowing Nehru to take away copy of Bill.

You will appreciate desirability of giving Jinnah similar facilities.

\(^1\) No. 436.
The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/PO/6/122: f 162

PRIVATE

74. Your private telegram 1600-S.² Proviso to Clause 5(1). I cannot yet give you final answer on this since His Majesty’s pleasure has to be taken and there has not yet been time to do so. Our provisional views are however as follows. We should have no objection to proviso being re-drafted as follows:

Begins: Provided that unless and until provision to the contrary is made by law of the Legislature of either of the new Dominions, the same person may be Governor-General of both the new Dominions. Ends.

2. It might however be better to try out proviso as it now stands. It may conceivably be more acceptable to leaders in this form since it obviates the necessity for them to offer advice to the Crown that you should remain as Governor-General which they might find embarrassing though I appreciate that if they offer such advice your position would be fortified.

3. If nevertheless you feel that proviso you recommend, redrafted as above, is definitely preferable you might hint that you would be willing to suggest modification in this sense for consideration of H.M.G., but if you take this course you must not commit yourself too far in view of fact that H.M.’s pleasure is not yet known.³

¹ Lord Listowel, in minute 104/47 of 30 June 1947 to Mr Attlee, referred to No. 374 and suggested that, pending receipt of the King’s pleasure in the matter, it would be helpful to give Lord Mountbatten some provisional indication of H.M.G.’s views. He therefore attached the draft of this telegram which Mr Attlee approved the same day. L/P &J/10/124: ff 232–3.
² No. 366.
³ In tel. 76 of 1 July Lord Listowel informed Lord Mountbatten that the draft proviso in para. 1 above was acceptable to the King. Lord Listowel wished to know most immediately whether this form should appear in the draft Bill. In tel. 1686-S of 2 July Sir G. Abell informed Mr Harris that the Viceroy was unwilling to accept the text of the proviso until he knew whether Mr Jinnah would invite him to be Governor-General. Mr Jinnah was being asked to give his reply immediately. In tel. 1693-S of 2 July Lord Mountbatten informed Lord Listowel that he accepted the text of the redraft. L/P &J/10/124: f 230 and Mountbatten Papers, Official Correspondence Files: Indian Independence Bill—Draft Bill, Part II(a).
75. Discussion with Opposition leaders from both Houses took place this afternoon. In general their attitude was helpful and the Bill was on the whole well received. There was however, not unnaturally, a general undercurrent of anxiety though this did not crystallise in any form of counter proposals. Only two points appeared likely to give rise to any considerable criticism. These were:

(a) Use of title India for Hindustan. There was a certain uneasiness about this based on a feeling that it would antagonise the Muslims and was not justified on merits. There was moreover a feeling that “Union of India” should be kept for any organisation wider than either Dominion which may develop.

(b) Strong feeling was expressed by Conservatives against the title “Independence Bill” and we were pressed to agree to “Indian (Self Government) Bill” and to substitute “two self governing Dominions” for “two independent Dominions” in the long title and in Clause 1. We put all the arguments and finally pointed out that time factor made it impossible to alter Bill on this point before it was shown to Indians. Opposition to this title was not withdrawn but we are not disposed to alter it.

2. There was general feeling that it would be suitable to have a preamble to the Bill, but proposal was not pressed in view of difficulty of finding a form of words which would command general assent.

1 Lord Listowel had submitted the draft of this telegram to Mr Attlee who approved it on 30 June. L/P & J/10/124: ff 226–7.
2 i.e. 30 June. For the Opposition leaders invited to this Meeting see No. 375. On the Government side, in addition to Mr Attlee, the Earl of Listowel was presumably present, and Sir S. Cripps and Viscount Addison were also invited. It is not known whether any other Ministers attended. Mr Rowlatt was among the officials who were present. L/P & J/10/124: ff 285–7.
Mr Gandhi in an after prayer speech on 30th June, said that the question of a referendum in the Frontier Province just now looms large in the public eye because it has been and still is officially a Congress province. Khan Abdul Ghaffar Khan and his co-workers do not relish being asked to choose between Hindustan or Pakistan bearing respectively an unjust meaning for the Hindus or the Muslims. How is Khan Abdul Ghaffar Khan to get over the difficulty? Congress has pledged its word that there should be a referendum in consultation with Doctor Khan Sahib but under the Viceroy’s direct supervision. So it is going to take place at the appointed time. The Khudai Kidmatgars (Red Shirts) will not exercise their vote thus providing a walk over for the Muslim League and at the same time doing no violence to their conscience. Is there in this procedure any breach of the terms of the referendum? The Khudai Kidmatgars, who bravely fought the British, are not men who shirk defeat at the polls.

Referring to the charge of a new cry for Pathanistan made against Khan Abdul Ghaffar Khan Mr Gandhi said, “even before the Congress Ministry came into being so far as I know Khan Ghaffar Khan had on his brain Pathan independence in internal affairs. He does not want to create an additional state. If he can frame his own local constitution he will gladly make his choice of one state or the other.”

Mr Gandhi also referred to the allegation that Khan Abdul Ghaffar Khan was playing into the hands of Afghanistan and said that he considered Ghaffar Khan incapable of any underhand dealing. The Frontier Leader would not allow the Frontier to be absorbed by Afghanistan.
Minute 2
R/30/1/11: f 36
DOMINIONS OFFICE
Change of Title

The Prime Minister said that it was proposed that the titles of the Secretary of State for Dominion Affairs and the Dominions Office should be changed to "the Secretary of State for Commonwealth Relations" and "the Commonwealth Relations Office" respectively. This proposal had been warmly welcomed by the Dominion Governments,¹ and the new titles would also be more acceptable to the Indian Governments after the transfer of power. The changes would be announced in Parliament immediately.

The Cabinet—

Took note, with approval, of the Prime Minister's statement.

Minute 6
L/P&J/10/124: f 224
INDIA
Constitutional Changes
(Previous Reference: C.M.(47)57th Conclusions, Minute 4)²

The Prime Minister informed the Cabinet that he had now discussed the terms of the draft Indian Independence Bill with the Opposition leaders.³ The only criticism of substance which they had made related to the title of the Bill, which, in their view, suggested that the Indian successor States were being granted independence outside the British Commonwealth.

In discussion there was general agreement that there were no grounds for modifying the proposed title of the Bill, which would be acceptable both to the existing Dominions and to Indian opinion, as indicating and confirming the real nature of Dominion status. It was felt, however, that special pains ought to be taken to explain the implications of the title, and, since not less than a week would have to elapse between the publication of the Bill and its Second Reading in the House of Commons, it was suggested that it would be advisable for the Prime Minister to hold a Press Conference immediately before the publication of the Bill, at which he could explain fully its purpose and meaning.

The Secretary of State for Dominion Affairs said that it was desirable that the Bill should reach the House of Lords as soon as possible and, in any event, not later than the last week in July.

The Cabinet—

(1) Took note that the Prime Minister would hold a Press Conference on the Indian Independence Bill on the day of its publication;

¹ See No. 313 and its note 2.
² No. 361.
³ See No. 441.
(2) Invited the Lord President of the Council and the Secretary of State for Dominion Affairs to consider what arrangements might be made to enable the Bill to reach the House of Lords as soon as possible.

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Mr Attlee to Mr Churchill

Public Record Office. PREM 8/541 Part 11

1 July 1947

My dear Churchill,
I have discussed our proposed Indian legislation with Eden and other of your colleagues.

I am not sure when we shall have the Second Reading of the Bill, but I fear that it will not be possible to hold it up until you return as I should have wished to do, had time permitted. We must allow time for the House of Lords and this limits the possibilities.

I hope that you continue to make good progress.

Yours sincerely,

C. R. A.

1 The draft of this letter is in Mr Attlee's own hand. R/30/1/11: ff 39-40.
2 Mr Churchill was recuperating after an operation for hernia.

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Mr Churchill to Mr Attlee

Public Record Office. PREM 8/541 Part 11

28 Hyde Park Gate, London, S.W.7, 1 July 1947

My dear Prime Minister,
I am much concerned to hear from my colleagues whom you consulted yesterday that you propose to call the India Bill, "The Indian Independence Bill". This, I am assured, is entirely contrary to the text, which corresponds to what we have previously been told were your intentions. The essence of the Mountbatten proposals and the only reason why I gave support to them is because they establish the phase of Dominion status. Dominion status is not the same as Independence, although it may be freely used to establish independence. It is
not true that a community is independent when its Ministers have in fact taken the Oath of Allegiance to The King. This is a measure of grave constitutional importance and a correct and formal procedure and nomenclature should be observed. The correct title would be, it seems to me, "The Indian Dominions Bill". I should however be quite willing to support it if it were called, "The India Bill, 1947" or "The India Self-Government Bill".

I am glad to hear you are considering such alterations.

Believe me,

Yours sincerely,

WINSTON S. CHURCHILL

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Record of Interview between Rear-Admiral Viscount Mountbatten of Burma and Sardar Panikkar

Viceroy's Interview No. 155. 1 R/3/1/138: f 15

1 July 1947

SARDAR PANIKKAR spoke of the detrimental effect from the States' point of view of the lapse of paramountcy. He said the States had not appreciated how many agreements there were which were advantageous to the States and the lapse of which would be extremely inconvenient. He gave as an example the rights in water from the Punjab enjoyed by Bikaner and he asked how such agreements could be terminated at six months' notice, as was proposed in the draft standstill agreement which had been circulated. 2 He suggested that when negotiations were begun about the standstill agreements an attempt should be made to classify the existing agreements into:

(a) those which might be on a six months' notice basis, e.g. agreements about opium and salt;
(b) those which were of a more permanent nature, e.g. about railways, Post Offices, telegraphs, water rights, for which there should be a two years standstill agreement and no notice.

HE agreed that this was a matter which should certainly be considered when the discussions began on the standstill agreements.

SARDAR PANIKKAR also mentioned the embarrassment that would be caused to the States by disputed succession cases. He hoped some arrangement would be made for a Committee of Privileges to which such disputes could be referred.

1 Interview number taken from Mountbatten Papers.
2 See Enclosure to No. 198.
H.E. agreed that this matter ought to be considered by the States and he said he would see what could be done.

Finally, Sardar Panikkar mentioned H.H.'s desire that he should continue to be eligible for honours and H.E. said that this was permissible and that the Congress had no objection to it.3

3 On 1 July Sir G. Abell sent a copy of this interview to Sir C. Corfield. Replying on 5 July the latter sought (and the following day received) Lord Mountbatten's agreement to send a copy of the first part of the interview on the draft standstill agreement to the States Department 'who are taking charge of the negotiations with the States in this matter'. As regards disputed successions, Sir C. Corfield drew attention to a Model Succession Act which had been drawn up and sent to all States. He also stated that on 4 July he had discussed with Sardar Patel the question of setting up a Committee of Privileges, that obviously no such body could be set up by the Crown, and that it had been agreed that Mr Menon should consider including this matter in the agenda for the forthcoming discussions with the States. Subsequent notes by Sir G. Abell dated 17 and 22 July show that, because of its delicacy, the subject was not put on the agenda, but that it was intended to discuss it informally during the Conference. R/3/1/138: ff 14, 73, 82, 160, 187.

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Mr Attlee to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, L/PO/6/112: ff 31–2

MOST IMMEDIATE

SECRET

INDIA OFFICE, 1 July 1947, 2.15 pm

Received: 1 July, 9.30 pm

No. 8402. Following for Viceroy from Prime Minister. Your telegram 1677–S of 1st July1 to Secretary of State. Jinnah's attitude on proposed new set-up of Interim Government. You will see from Secretary of State's telegram 8360 of 30th June2 that I and my colleagues do not share the view you express in paragraph 8 of your telegram under reference that formula in paragraph 5 of your telegram 1616–S of 27th June3 (so far as we understand it) is perfectly fair to future Pakistan interests and further that it is clear that it cannot be brought within framework of existing constitution unless Jinnah and Muslim Members of Cabinet accept it. Accordingly it cannot be forced down his throat.

If you find it absolutely essential to reach some decision on Wednesday4 H.M.G. will support you, but unless you can secure agreement of both sides to some plan, dangers set out in your telegram 1677–S are so great that you should, if possible, secure a little more time in which to seek a fresh solution. A new open split at this stage between Congress and League will certainly endanger chance of getting any bill through Parliament this session.

1 No. 437 sent late on 30 June.  
2 No. 433.  
3 No. 379.  
4 2 July.
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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/160: f 65

MOST IMMEDIATE

NEW DELHI, 1 July 1947, 6.40 pm

SECRET

PRIVATE

No. 1681–S. Your 8360.¹ There is still a very slight hope that I may be able to persuade Nehru not to insist on reconstitution of Interim Government.

2. It might be very useful to me to be able to show Nehru a self-contained telegram expressing your doubts, as indicated in your 8360, about legality of procedure proposed, and risk of validity being challenged in the courts. Please send such a telegram.

¹ No. 433.

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Sir S. Cripps to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, L/PO/6/112: ff 29–30

MOST IMMEDIATE

PRIVATE

1 July 1947, 6.10 pm

Received: 2 July, 4 am

No. 78. Following personal from Sir Stafford Cripps. Begins: Following is message from me to Nehru.¹ Begins: I have not worried you with any letters because I know how desperately busy you must be with all the changes that are taking place but I want now to ask you to help us in getting through the necessary legislation before the beginning of August. You will realise that we can only do this on the basis of an agreement here with the Opposition to facilitate the passage of the Bill. This depends very largely upon the continuance of agreement in India upon all the major steps that are taken. This applies particularly as regards the question of the interim form of Government

¹ In tel. 77 of 1 July Sir S. Cripps told Lord Mountbatten that he was sending this message for Pandit Nehru in case it might be of assistance. He left it entirely to Lord Mountbatten to decide whether it would be helpful to deliver it or not. L/PO/6/112: f 28.

In tel. 1731–S of 3 July Lord Mountbatten thanked Sir S. Cripps. He said that as he had shifted his ground after consideration of the legal position he thought now that it would be a tactical mistake to use his message to Nehru. Nonetheless he was most grateful for what might have been a very valuable help. R/3/1/160: ff 67, 77.
up till August 15th next. If there were to be a major dispute upon this it would most seriously jeopardise our chance of getting the legislation through in time.

I understand that there is a strong difference of opinion as to the steps if any which should be taken to reconstitute the present Indian Government for the short period that will elapse before the coming into force of the new legislation. I am sure that you will realise our difficulties especially in view of all that the Viceroy and the Government here have done to meet you and to facilitate your most difficult task and that is why I make the strongest personal appeal to you to help us at this critical moment.

It seems to me that as you will be realising your independence on August 15th if all goes well it is hardly worth while to jeopardise that date by insistence upon a particular form of interim Government for the intervening few weeks.

Would it not be possible for you to leave matters as they are for the present and until the major change is made. This would certainly be most helpful to us in our task here. If this cannot be done for some reason which I do not at the moment appreciate then is it not possible to arrive at some method of sharing power with the Muslim League which will enable them to retain at least the appearance of effective administrative control over some of the portfolios. It does not seem quite fair that in this interim period all the portfolios should pass to your Party in view of what is to happen immediately afterwards. We have got so far together along the road we have both been seeking out that I hope you will feel able to give us your help to complete the final stages of the journey smoothly and safely.

You know how passionately I wish for the independence of India and how I and others at this end have worked for it. It would indeed be tragic if some incident were now to make it impossible for us to complete the final stages by the time fixed. Please do all you can to help.

When you see Vallabhbhai will you pass on a message from me to him in the above sense.

I send you all my very best wishes and Godspeed in your difficult and trying times and when August 15th comes and with it Indian Independence I shall indeed have a song in my heart. Stafford. Ends.
450

Mr Vellodi to Pandit Nehru

Telegram, R/3/1/138: f 18

SECRET AND CONFIDENTIAL

HIGH COMMISSION FOR INDIA,

LONDON, 1 July 1947, 6.50 pm

Received: 2 July, 6.30 am

No. 1016. Personal for Pandit Nehru from Vellodi. Begins: Life appears to be just one damned thing after another. There are signs that agents for Indian States are at present very active in London. Very shrewd propaganda being carried on with help of Walter Elliot, Tweedsmuir and others. Understand that money being freely spent in influencing people in key positions in British press with object to misleading British public in regard to question of States Independence. Times Leader writer very much under influence of these men and has done a great deal to compare [? confuse] issues involved. Some counter propaganda appears necessary. Though how and on what lines does not seem very clear. Would appreciate your guidance. Ends.

1 In the course of a leader on 2 July entitled "The Congress Party and the Plan", The Times said '... full allowance should be made for the difficult position in which many of the Indian States now find themselves. A statesmanlike generosity will not only be appropriate to the strength of the position the Congress Party occupies but will prove the one means of fostering the spirit of amicable cooperation through which its declared ideal of a united India may ultimately draw the two Dominions together.'

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Sir A. Carter to Lord Ismay

Telegram, MSS. EUR. D 714/81

IMMEDIATE

TOP SECRET

INDIA OFFICE, 1 July 1947, 7 pm

Received: 2 July, 4 am

No. 8413. His Excellency may like to know that announcement text of which is given in my immediately following telegram will be made in Parliament tomorrow Wednesday 2nd July regarding the new title for Dominions Secretary of State and Dominions Office. Announcement should not be

1 See No. 443, Minute 2. In tel. 8414 of 1 July Lord Listowel sent Lord Mountbatten the text of the announcement which stated that the titles 'Secretary of State for the Dominions' and 'Dominions Office' were to be changed to 'Secretary of State for Commonwealth Relations' and 'Commonwealth Relations Office' respectively. MSS. EUR. D 714/81.
released in India from any Government source. It will reach India through ordinary channels.

One of the reasons for the change thus announced is to pave the way for a different set-up for the Secretary of State for India and the India Office but present intention is to say nothing about this in Parliament.

Final Ministerial decisions have not yet been taken about new India Office set-up though presumably they will have to be announced not later than second reading of the bill.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/154: ff 2–4

SECRET

MOST IMMEDIATE

NEW DELHI, 1 July 1947, 11.55 pm

Received: 2 July, 2 am

No. 1684–S. Congress and League leaders met today and I gave them copies of Bill. Both parties were seated in separate rooms. Preliminary reaction of Jinnah is very favourable and detailed discussion will take place tomorrow. Congress raised three points in today’s discussion with my Advisers.

2. The first point was the re-insertion of the words “this or” in Clause 6(2). Despite inconsistency pointed out by you in your telegram 8791 Congress leaders and their legal advisers insist on re-insertion of these words. Since inconsistency is not likely to be of practical importance I have decided that the words should be re-inserted.

3. The second point was that Clause 8(1) might be held not to empower Constituent Assembly to include in fundamental laws of the Dominion provision for accession to and consequent inclusion in the Dominion of Indian States and for manner in which fundamental laws of the Dominion would apply in respect of Indian States subsequently included therein. They referred in this connection to sub-clause (1) of clause 2 and suggested that reference to any area in sub-clause (3) thereof might be taken to embrace only areas included in territories distributed between India and Pakistan by sub-clauses (1) and (2).

4. The third point, as I had already warned you, was about clause 7(1)(b). Congress leaders expressed themselves very strongly that complete wiping out of all treaties and agreements with States proposed in this clause would produce
administrative chaos of gravest kind. Railway agreements, customs agreements, agreements regarding harbours, irrigation agreements would all disappear and very existence of States like Benares and Mysore which rest on instruments of transfer from Crown would be without legal basis. They pointed out that paragraph 4 of Memorandum of May 12th 1946\(^2\) contemplated standstill agreements in matters of common concern until conclusion of new agreements but that bringing forward date of lapse of paramountcy from June 1948 to August 1947 made it much more difficult to conclude such agreements. Individual negotiation of new agreements some of them multipartite with a large number of States would necessarily be a long and laborious task. They therefore suggested that a standstill clause should be included in Bill itself. The effect of the provision which would be in the nature of a proviso to paragraphs (b) and (c) of Clause 7(1) should be to the effect that until new agreements are concluded existing relations and arrangements between the Crown and an Indian Ruler or Tribal Chief in all matters of common concern shall continue as between the appropriate successor authority or authorities and the Ruler or Chief concerned. It was strongly urged that such a provision would be in accordance with spirit of Memorandum of May 12th and would obviate immediate necessity for individual standstill agreements. It was pointed out that paragraphs (b) and (c) of Clause 7(1) as drafted put an end as from appointed day to treaties and agreements in force on date of passing of Act so that agreements concluded between those two dates, though during Crown’s paramountcy, would not lapse. Possibly intention of draft is that standstill agreement should be negotiated during this period with the help of HMG and Crown Representative as mentioned at end of paragraph 4 of Memorandum of May 12th. It was argued that if HMG was prepared to lend such assistance easiest way of doing so would be to insert standstill provision on lines indicated above in Bill itself. Congress leaders and their advisers attach greatest importance to this matter.

5. Arising incidentally out of last point it was suggested that a paragraph should be inserted in Clause 9(1) for enabling agreements to be entered into and other acts done on behalf of either or both of the new Dominions before the appointed day: c.f. clause 8(2)(d) of original version of Bill dated June 13th.\(^4\) It was thought that such a provision would be useful for concluding before August 15th standstill agreements with States which are willing.

Above are impressions gained by my staff. Objections have not yet been formally communicated. Please be ready with your reply to the points in paras. 4 and 5. I shall send considered views tomorrow on objections actually raised then.

\(^1\) No. 434.
\(^2\) No. 365, para. 5.
\(^3\) Vol. VII, No. 262.
\(^4\) No. 191; cf. No. 428, Clause 9(f) in italics.
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Secretary of State to H.M. Minister at Kabul

Telegram, L/P&S/12/1811: ff 73-5

IMMEDIATE

INDIA OFFICE, 1 July 1947, 11.15 pm

No. 56. Correspondence ending with G. of I. telegram 30th June 5078.1 Future of North-West Frontier Province.

2. Subject to views of Government of India, H.M.G. are disposed to return reply to Afghan Minister’s Note (Forminka 52)2 to following effect on their own behalf, and trust that Government of India will agree to reply in similar terms being returned to Afghan Foreign Minister in Kabul as representing views of both Governments. H.M.G. are anxious, if possible, to make this reply before referendum in North-West Frontier Province begins on 6th July. The matter is therefore very urgent.

3. (a) H.M.G. have given full and sympathetic consideration to the representations made by the Afghan Minister. They are bound to point out, however, that these representations relate to an area which forms an integral part of India and is recognised as such by the Afghan Government in the Anglo-Afghan Treaty of 1921.

(b) The statement of policy in regard to India made by H.M.G. on 3rd June3 was issued with the assent of the leaders of the principal political parties in India and has since been endorsed by responsible Indian opinion. This declaration sets out the procedure which it has been decided after full consultation with all interests concerned to adopt in order to bring about the transfer of power in India in orderly fashion from British to Indian hands and to fulfil H.M.G.’s pledges to the Indian people.

(c) While therefore H.M.G. readily appreciate the friendly interest which the Afghan Government naturally feel in the future constitutional structure of the territories on their southern frontier and the feelings of kinship arising from ties of blood and religious affinity which the Afghan people share with many of the inhabitants of those territories, they cannot admit the right of any foreign government to intervene in matters which are the sole concern of the inhabitants of the territories in question.

(d) Indeed H.M.G. would regard as incompatible with the undertakings exchanged by the British and Afghan Governments in Article 1 of the Treaty of 1921 (by which they mutually “certify and respect each with regard to the other all rights of internal and external independence”) any attempt by the Afghan Government to intervene in the internal affairs of any territory situated on the Indian side of the Anglo-Afghan frontier mutually accepted by the two con-
tracting parties in Article II of the Treaty and as defined in the map attached thereto.

4. As regards the specific enquiries which the Afghan Foreign Minister has made in Kabul, H.M.G. suggest that, if the Government of India agree, you should explain, on behalf of both Governments, that the arrangements contemplated in the statement of 3rd June are there expressed in general terms and will require to be elaborated in due course by further announcements which will be made from time to time by the Governor-General. You might add statement on the lines of para. 4 of G. of I. telegram 5047* coupled with the warnings as to future consequences contained in last three sentences of para. 5 of that telegram.

5. H.M.G. would appreciate an urgent expression of the Government of India’s views on above suggestions. They are themselves considering urgently valuable suggestion that U.S. Government might be asked to put in word of caution.5

Repeated to Government of India, External Affairs and Commonwealth Relations Department, No. 8419.

1 No. 431.
2 No. 272.
3 No. 45.
4 No. 395.
5 This reply was approved by Mr Attlee who was also shown Nos. 395 and 431. Mr Attlee had seen Nos. 309 and 377 and had indicated a wish to be kept informed. L/P &S/12/1811: ff 77.

In tel. 5139 of 2 July the G. of I., External Affairs and Commonwealth Relations Dept informed the S. of S. that the G. of I. concurred in the terms of the proposed reply to the Afghan Foreign Minister. In tel. 57 of 3 July the S. of S. notified Sir G. Squire that the agreed answer would be handed to the Afghan Minister in London on 4 or 5 July. Squire was to reply in similar terms to the Afghan Government. An account of the interview in the Foreign Office on 4 July with the Afghan Chargé d’Affaires was sent to Squire in tel. 60 of 7 July. Ibid.: ff 63-5, 67.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P &J/10/81: ff 149–50

MOST IMMEDIATE

INDIA OFFICE, 2 July 1947, 12.30 am

SECRET

Received: 2 July, 6.30 am

8453. I have taken legal advice as to the constitutional validity of the arrangements proposed in the draft announcement regarding the Interim Government which you have had under discussion with Indian leaders.¹

¹ See No. 448 for the background to this telegram.
2. I am advised that generally the legal position is that Sections 40 and 41 of the 9th Schedule of the 1935 Act are in wide terms and would permit many varieties of methods of conducting business. At the same time Section 41 cannot be openly disregarded. The phrases “overriding powers” and “must be acted upon” come very near being a breach of the Section. Nevertheless something on the lines which you contemplate can legally be done provided that repeat provided that there is general agreement among members of your Council that such a procedure should be followed. If, however, anything is done except with full agreement of all the members of the Council there is always the possibility that validity of the acts done may be challenged. Essence of any such arrangement must therefore be that all members of Council accept your proposals and agree to abide by them.²

² Mr Attlee was shown and approved the issue of this telegram.

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The Nawab of Mamdot to Sir E. Jenkins (Punjab)

R/3/1/176: ff 224–6

MAMDOT VILLA, DAVIS ROAD, LAHORE, 2 July 1947

Received: 2 July, 11.30 am

My dear Sir Evan,

It is already too well known to Your Excellency that as a result of the joint efforts by the Muslim and non-Muslim leaders an appeal for peace² was made to the people of the Punjab calling upon them to stop internecine hostilities immediately, since definite decision had been taken that India was to be divided into Pakistan and Hindustan. The result of the peace appeal has been most salutary and remarkable. During the last few days there has been a marked decrease in cases of arson, stabbing and bomb-throwing. You, no doubt, know that I, on behalf of the Muslim League, undertook full responsibility for safeguarding the life and property of non-Muslims and gave assurance that so far as Muslims were concerned, they would preserve peace and would do their utmost to restore law and order. After the peace appeal many of my colleagues and I myself have gone round the city of Lahore and have exhorted the people fully to respect the pledge which I had given on their behalf.

² After all this, it was most astounding and shocking for me to learn that a 72-hour curfew had been clamped down on the Muslim abadi of Misri Shah, where for a long while there has been no communal incidents of any kind. I understand that a huge Military and Police force has been collected there in
order to carry out intensive searches in the locality. You will remember that I protested to you yesterday and today\(^1\) against this unwarranted attack upon a peaceful and law abiding Muslim locality.

3. Throughout the recent riots in Lahore the remarkable thing has been that provocation has always come from the side of the non-Muslims. It has been the Hindus and Sikhs who have taken the initiative in starting the trouble. The Muslims have never been the aggressors, and have only tried to defend themselves against bombs, firearms and hand-grenades. In the peaceful atmosphere created by our peace appeal, when the Muslims were doing their best to create an atmosphere of amity and concord, it is understandable why punitive and repressive measures should be started against the Mussalmans of Lahore. Not only rigorous and merciless curfew is being imposed on Muslim mohallas and abadis without any warning and without any previous provision for their food, sanitation, and drinking water, but large scale arrests continue to be made of Muslims all over the city. All this is happening when it is well known that it is not the Muslims who are the aggressors. I have no doubt that it is not a secret for you that very high people among the Hindus and Sikhs are seriously involved in the conspiracy which had led to the orgy of bomb-throwing and bloodshed in Lahore and other cities of the Punjab. According to my information, there is proof that the recent raids on Rajgarh, Singhpura and Sabzi Mandi in Lahore City, and Rasulpura and Bohl villages in the Amritsar district, and the atrocities in Gurgaon district were the result of premeditated and well-organised plans. In spite of this it is not the non-Muslims but the Muslims who are being crushed by the repressive and oppressive machinery of your administration. I understand that a Special Staff has been brought into existence under the immediate supervision of the D.I.G. (CID) in the Mental Hospital Lahore. In this Special Staff there is a huge preponderance of non-Muslim personnel, who are, according to my information, using the cruelest methods of torture to extort false statements from the Mussalmans who are arrested and taken there.

4. I have already protested before you that the action which has been taken by the administration after our peace appeal is calculated to disturb the peaceful atmosphere which we were trying to build and will lead to distrust among the Muslim public against their leadership. It is noteworthy that no searches have so far taken place in those localities where explosives, hand-grenades and

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1. Earlier on 2 July the Nawab of Mamdot had written to Mr. Abbott saying that as he was not feeling well he would not be able to attend the meeting arranged for that morning. R/3/1/176: f 223.

2. On 24 June, after a four hour meeting at Mamdot Villa, the leaders of the three main political parties in the Punjab—the Khan of Mamdot, Mr. Bhimsen Sachar and Sardar Swaran Singh—issued an appeal for peace to the three communities. This was to be followed up by joint efforts to combat lawlessness which were to take the form of 'joint meetings, formation of joint self-protection committees and joint tours of the affected areas and towns'. Statesman, 25 June 1947, p. 1, col. 3 and p. 7 col. 4.

3. cf. No. 426, para. 10.
firearms have been freely used by Hindus and Sikhs against Muslims and no non-Muslims have been taken into custody for intensive interrogation by the Special Staff from any of these localities, nor, as far as I know, has any action been taken to bring to the book the real offenders among the non-Muslims who organised the raids on Rajgargh, Singhpura, Sabzi Mandi in Lahore and Rasulpura and Bohl villages in Amritsar district. All these things lead me to the conclusion that the hand of cooperation which I, on behalf of the Mussalmans of the Punjab, extended for the restoration of peace, is being spurned and we are being forced into a position of non-cooperation. Before, however, we finally decide to sever our connection, I should like to impress upon you the desirability of immediate action on the following points:

(i) There are at the moment three non-official members of the Security Council of whom there is only one Muslim and two non-Muslims. Keeping in view the principle of parity, which has been uniformly observed in the matter of partition work and all other measures, both at the Centre and in the Punjab, it is essential that there must be two representatives of the Muslims on the Security Council.

(ii) All repressive and oppressive administrative measures must cease forthwith.

(iii) If any such measures are really necessary, they should be adopted only after consultation with the Security Council.

(iv) There should be complete parity of Muslim and non-Muslim officers in the Special Staff which has been brought into existence and which is working at the Mental Hospital.

Yours sincerely,
IFTIKHAR HUSAIN KHAN

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Sardar Baldev Singh to Pandit Nehru
Mountbatten Papers. Official Correspondence Files: Punjab, Part II(b)
SECRET
17 TUGLAK ROAD, NEW DELHI, 2 JULY 1947
My dear Pandit N.,
Yesterday, I glanced through the India Independence Bill which is to go before the Parliament shortly. You will have studied the clause dealing with the Indian State. I wish however to draw your attention to the provisions relating to the Western Punjab. Some of the districts included that side, according to the
annexure attached to the bill, as you know are disputed territory and it is our case that control over them should remain joint till final settlement is made.

The other day when we discussed the question of Armed Forces Reconstitution in the Partition Council Meeting, I pointed out the difficulties inherent in allowing one Government's control over these very disputed districts. The Viceroy appreciated my point and instructed the C-in-C to prepare a scheme for joint administration of Armed Forces stationed in this area.

The districts concerned are—Lahore, Gurdaspur, and Sheikhupura in the Division of Lahore. I would like you to please see that suitable amendments are made in the Bill or the Annexure or both to ensure that these districts do not automatically go over to Pakistan when the Bill becomes law. The Boundary Commission will take some time investigating the rival claims. We believe that it will be prejudicial to us if the administration of these districts is allowed to pass into the hands of Pakistan Government until such time as the Boundary Commission has announced its findings. I hope you will take necessary steps to exclude these areas from Pakistan territory at this stage.

Yours sincerely,

BALDEV SINGH

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1 No. 428.
2 See No. 354, Item vi, para. 3. Reference was made to this discussion at the Partition Council Meeting on 30 June 1947 and it was agreed that the Commander-in-Chief should be requested to examine 'the possibility of a clash of operational control in the areas through which the boundaries would be drawn between Pakistan and the rest of India' and submit proposals on the best means of dealing with this contingency. Mountbatten Papers, Partition Council Minutes, Case No. P.C.9/2/47.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Jinnah

R/3/1/162: f 16

2 July 1947

I must confess I was astounded when you informed Sir George Abell this morning that you would not be able to let the King have your advice about the future Governor-General by Friday, for the reasons which he reported.

I should be glad if you would look in and see me when you have finished your meeting today to let me know what answer you wish me to telegraph to London.

[MOUNTBATTEN OF BURMA]

1 4 July.
Rear-Admiral Viscount Mountbatten of Burma to Mr Attlee (via India Office)

Telegram, R/3/1/160: ff 72–4

MOST IMMEDIATE  
SECRET  
PERSONAL

NEW DELHI, 2 July 1947, 4 pm  
Received: 2 July, 5 pm

No. 1690–S. Please pass following to Prime Minister.

Most grateful for your telegram No. 77.¹ Situation here incredibly explosive and more dangerous than any I have seen to date. Have been using Krishna Menon as contact with Nehru and V. P. Menon as contact with Patel, and had a meeting with them today at which both agreed that all Congress leaders are firmly united in their complete refusal to be dictated to by Jinnah any longer. Disastrous consequences of withdrawal of Muslim League on chances of getting Bill passed unopposed through Parliament this session were fully explained. Both Nehru and Patel said they would face any consequences rather than yield once more to Jinnah which they consider would be quite fatal to their standing with their own followers.

2. They point out that in that case they will in any event hold all the portfolios for India and that this will suit them quite well.

3. My private opinion is that Gandhi² is adopting his usual Trotsky attitude and might quite well like to see the present plan wrecked, so he is busy stiffening Congress attitude.

4. I am advised that no compromise on any different system will be accepted.

5. In these circumstances the legal objections contained in Secy of State’s telegram 8453³ have come as a Godsend, since I now propose to take up the line that I cannot legally put this through until the Bill has been passed in Parliament giving me necessary legal cover. I am advised that Clause 9(c) may not give me necessary cover and if so it will help me to be able to say that Bill is being modified for the purpose.

6. I have pointed out that July the 4th was always the date on which I proposed to call for resignations of the Cabinet, and that I proposed to adhere to this date and ask them to carry on provisionally. To adhere literally to my word would involve setting up the new form of government before next week’s Cabinet meeting about 9th or 10th July.

7. Since it now transpires that the legality of such action can be challenged I propose to say that H.M. Government will not permit me to put this new procedure into effect until the Bill is passed.
8. Krishna Menon has stressed the great urgency of getting the date on which the Bill becomes law advanced as far as possible. He feels that if we could give a target date of the 20th July Congress might accept with good grace, but if it were put off much later they would feel that they had been cheated out of the reconstruction.

9. If therefore you could send me a most immediate telegram undertaking to use your best endeavours to get the Bill passed by the earliest possible date and that you were enquiring whether it could be as early as July the 20th, I could use this to show to Nehru and Patel when I meet them on Thursday prior to the Cabinet meeting on Friday.

10. As regards Jinnah, I understand that he proposes to start moving the League members of his Government to Karachi on 7th August, and the League Members of the Interim Government will therefore presumably start winding up their Cabinet activities a few days before this. If therefore the reconstruction of the Cabinet does not take place before the 20th July, there would only be approximately a fortnight left for the Muslim League to have to serve under the new conditions which they so dislike.

11. Observing that Congress accepted Jinnah’s exactly similar proposals for Bengal when he refused to give them regional ministries or a coalition, and observing that Jinnah could very well say that he was setting up his new Ministry on the 20th July and that they would be so busy organising their secretariat and getting ready for the move that they did not wish to be burdened with the responsibility of a few more days in the Central Government, I have a feeling that this really is a compromise which might prove equally acceptable to both sides. It would certainly be fair to the League.

12. At any rate this is what I am aiming at and a telegram from you along the lines of my immediately following telegram would be of the utmost help.

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1 See No. 449, note 1. The telegram was in fact from Sir S. Cripps.
2 cf. No. 382.
3 No. 454.
4 3 July.
5 Tel. 1691-S of 2 July contained the text of telegram that Mr Attlee might send Lord Mountbatten. This draft was the same as No. 468 except that it did not include the last two sentences. In addition there was the same verbal difference mentioned in No. 467. R/3/1/160: f 76.
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Mr Rajagopalacharri to Sir S. Cripps
Public Record Office, CAB 127/146

INDUSTRIES AND SUPPLIES DEPT, GOVERNMENT OF INDIA,
NEW DELHI, 2 July 1947

My dear Sir Stafford,
I thank you for your kind letter dated the 23rd June which reached me yesterday.

You will not, I am sure, misunderstand if I frankly express what I feel. The case demands this. You say—

"It is a case for co-operation and goodwill on the administrative level in the first instance—like so much of the business now before you all in India—and cannot be settled on a legalistic basis; I feel sure that in practice means will be found to avoid undue administrative confusion."

I think the position taken up by H.M.G. in this matter is on an ultra-legalistic plane and has resulted in tremendous complications threatening almost to nullify all the good done by the present changes in India. To take the first step on a legalistic plane and then to ask us not to be legalistic is unfair. I can understand the cessation of obligations on the part of His Majesty and his government as a result of the present changes but why should the treaties and engagements cease to have operation altogether? The obligations arising out of these may terminate as far as H.M.G. or the Crown is concerned, but if there are any obligations that have arisen as between any Indian State and the Gcovt of India as such, they should and must continue. Why should these lapse? And why should this theory of lapse of all obligations be incorporated in the present Bill for the Constitution of the Dominion of India? If the treaties disappear, they disappear as between the Crown and the States. Why should this enter into the Dominions Bill? Why should Parliament now enact that they lapse not only as relating to H.M.G. but also as relating to the new Dominions? Why should we be statutorily prevented from claiming whatever obligations have arisen out of past transactions which should enure to the benefit of the successor government?

I am sorry to have to write at this length and in this manner. I feel verbal changes in the formula to be adopted are necessary to limit the doctrine of lapse to the obligations of H.M.G. that arose under the treaties and so as not to cover the consequences that affect the successor governments in India. We can have no objection to the express termination of the functions and obligations of the Crown or H.M.G. but we do have very serious objection to the statutory termination of all legal consequences in re, so to say. This is not legalism.
I am dreadfully earnest about the political and economic consequences of this theory of complete independence of all yellow India.\(^4\) We may and must tackle it all at this end but how can we hope successfully to do it, and peacefully, if we start with an uncalled for parliamentary enactment of this kind on the subject? I feel you must somehow find a way to change the language of this declaration of consequences as resulting from lapse of British Sovereignty or at least remove it from this Bill in which it is really irrelevant.

With kind regards,
Yours sincerely,
C. RAJAGOPALACHARIAR

\(^1\) No. 303.
\(^2\) See No. 428, Clause 7 (1)(b).
\(^3\) In the matter.
\(^4\) The colour often given in maps to the territory of the Indian States.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/154: f 12

IMMEDIATE 

NEW DELHI, 2 July 1947, 7.30 pm

SECRET 

Received: 2 July, 6 pm

1695-S. Following is note of points on which objection was raised informally by Muslim League at meeting this morning. Both parties will present comments to me tomorrow morning.

Begins. (1) Clause 3(3).—It was alleged that the Partition Council had agreed that boundaries should be conclusively determined by Boundary Commissions who would present not a report but an award. Consequently they asked for replacement of words from “before the appointed day” to “in the light of any such reports” by some such words as “by relevant awards, whether presented before or after the appointed day, of any Boundary Commissions appointed or to be appointed by the Governor General in that behalf”.

(2) Clause 9(1).—They desire insertion of words making express the fact that the Governor General’s powers under this sub-clause when exercised after the appointed day will not be exercised on advice.

(3) Clause 9(1)(f).—They desire insertion of a sanction for the enforcement of orders of Governor General or arbitral awards dividing property between the two Dominions. They put the case of an order or award involving handing over to Pakistan after the appointed day of movable property situate in the Dominion of India and a refusal by that Dominion to hand over the property. They suggested insertion of provision whereby H.M.G. in the U.K. would assume responsibility for enforcing orders of Governor General or awards of arbitral tribunals regarding the division of property between the two Dominions. (One
mode of enforcement suggested was the payment to the aggrieved Dominion of a compensatory sum from the sterling balances and the debit of that sum to the share in the sterling balances of the offending Dominion.

(4) Clause 20[19](3), proviso.—On the authority of the reference to the appropriate successor authority in para. 17 of the Announcement of June 4th [3rd],¹ they ask for amendment of the reference in the proviso to “either of the said Assemblies” so as to confine the participation of representatives of tribal areas on the Assam frontier to the Constituent Assembly for India and to confine the participation of representatives of the Baluchistan (and assuming the inclusion of the N.W.F.P. in Pakistan) the N.W.F.P. tribal areas to the Constituent Assembly for Pakistan.

(5) Clause 2(1).—They strongly resent the inclusion of the Andaman and Nicobar Islands in the Dominion of India and claim that for geographical and strategical reasons they should be included in Pakistan. They point out that the Islands were given no representation in the existing Constituent Assembly and that their constitutional future had not been discussed at all. It was not, they say, till they saw the Bill that they realised that the Islands would be included in the Dominion of India. Arising out of this point they urge incidentally the recasting of clause 2(1) so as to define “India” on the lines of the definition of “Pakistan”² by express mention of territories. Ends.

¹ No. 45.
² “Pakistan” was received corrupt.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, L/P & J/10/141: f 157

IMPORANT

NEW DELHI, 2 July 1947, 7.55 pm
Received: 2 July, 7.45 pm

1701—S. My next succeeding telegram gives text of letter from Nehru about the Governors. I am delighted that Nye and Colville have been invited and I need not point out to you how valuable it is likely to be to be able to tell the opposition about these invitations.

2. I have telegraphed to Nye and Colville urging them to stay on and emphasising the importance of the invitations from the point of view of India-British relations and of world publicity.

3. I have also informed the other Governors concerned.¹

¹ In tel. 1748—S of 4 July, Lord Mountbatten informed Lord Listowel that Lieutenant-General Nye and Sir J. Colville had both accepted Pandit Nehru’s offer though Colville would probably ask for an understanding about a short term. L/P & J/10/141: f 154.
462
Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel
Telegram, L/P&J/10/141: f 156

NEW DELHI, 2 July 1947, 7.55 pm
Received: 2 July, 6.10 pm


Thank you for your letter of 29th June¹ about Governors for the Provinces. We shall be glad if Sir John Colville and General Nye stay on as Governors after August 15th. Sir Chandulal Trivedi and Sir Akbar Hydari will, of course, stay on though it might be considered desirable to transfer them or one of them to another Province.

The question will then arise of finding Governors for the remaining Provinces. These will include West Bengal and East Punjab. Ends.

¹ In this letter Lord Mountbatten indicated that he felt he should let Governors know whether or not they would be relieved on 15 August since more than one had enquired about this. He therefore asked whether Congress intended that new Governors should be appointed as from 15 August in the U.P., Bihar, the C.P., Orissa, Assam, Bombay and Madras. A letter in similar terms was sent to Mr Jinnah in regard to Sind. Mountbatten Papers, Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of, Part (2).

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel
Telegram, R/3/1/154: f 13

NEW DELHI, 2 July 1947, 8 pm
Received: 2 July, 11.35 pm

No. 1703–S. Further to my 1695–S of 2 July,¹ following are points raised informally by the Muslim League Leaders at the afternoon session today.

(i) Clause 9(5). The Leaders would accept an extension of the post-appointed day period to eight months.²

(ii) Clause 10(2). Mr Mohd Ali expressed the view that the guarantee conferred by this sub-clause as respects remuneration was wider than that

¹ No 460.
² See No. 429, part II.
embodied in a letter issued by the Home Department. The Leaders desired the terms of the clause to be checked against the relevant decision of the Interim Government that statutory effect would be given to the guarantees which the Government of India had agreed to give to those officers of the Secretary of State’s services who would continue in service after the transfer of power.

(iii) Clause 10(2). Reference your 8184 of 25 June\(^4\) and 8295 of 27 June,\(^5\) they agreed to an extension of the guarantee to High Court Judges appointed before the appointed day, who after the appointed day serve in a High Court in Pakistan. They pointed out that in Pakistan there would be no judges of the Federal Court appointed before the appointed day and that no question would therefore arise of enacting a guarantee in respect of Federal Court Judges in relation to Pakistan.

(iv) Clause 14. The Leaders gave the assurance desired. (See your 7897 of 19th June.)\(^6\)

(v) Reference your 7893 of 19 June,\(^7\) the Muslim League Leaders did not accept the view that the Dominion of India would inherit the international personality of the existing India and as at present advised they were not prepared to give an assurance to the effect that the Dominion Governments when set up would consider themselves as the successors to all treaty rights and obligations as indicated in your telegram under reference. They would strongly resent the insertion in the Bill of provision (understood to have been suggested at today’s meeting of the Congress Leaders) affirming in terms that the Dominion of India is the successor of the present India. In fact if any such insertion were made the Muslim League Leaders would wholly withdraw their acceptance of the Plan.

(vi) Reverting to paragraph 5 or my 1695–S (Andamans and Nicobars) the Leaders pointed out that it would be open [to] India to refuse to allow, e.g. the passage through India of Pakistan troops proceeding from Western Pakistan to Eastern Pakistan or vice versa; that in that event the sea route would be the only available route and that the Andaman and Nicobar Islands constituted an essential coaling station for a voyage from Chittagong to Karachi.

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\(^3\) See No. 249, note 10; also No. 429, part III.
\(^4\) No. 351.
\(^5\) See No. 373, note 2.
\(^6\) No. 271; see also No. 429, part IV.
\(^7\) No. 270; see also No. 429, part I.
Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/82: f 35

SECRET

NEW DELHI, 2 July 1947, 10 pm

Received: 2 July, 11.40 pm

No. 1714-S. Following a fortnight's hard work separately with all the Leaders in which Trivedi's help was invaluable I had a most satisfactory meeting of Partition Council on 31st [30th], at which they agreed to my proposals for the partition of the Indian Armed Forces, including the necessity for a single central administrative control thereof until both Armed Forces were ready to administer themselves. I had to release this to the Press yesterday as otherwise there would have been garbled leakages. Regret not having informed you earlier, but we have been going hammer and tongs at draft Bill and the delicate problem of the interim Government. Full text was wired by Campbell-Johnson to Joyce (see my telegrams Nos. 454-GT and 453-GT dated 1st July).

2. I was pressed by Partition Council as to what was to happen to British troops and I said that they would start withdrawing on 16th August, and that the withdrawal would continue as shipping permitted. The process would be slow owing to shortage of shipping and to movements necessitated by partition of Indian Armed Forces, but it would be completed by end of February, 1948. This also is bound to leak here soon and I therefore feel strongly that time has come for simultaneous announcement in Parliament and in Delhi. If H.M.G. agree, please let me know what date and hour would suit you.

3. Terms of announcement would be as set out in para. 7 of my 1570-S, with addition suggested in your 8284, namely: Begins: "and is expected to be completed about end of February 1948". Ends.

4. Reference para. 3 of your 8284, will forward my views and those of Commander-in-Chief within two days.

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1. No. 416.
2. 'central' deciphered as 'neutral'.
3. R/3/1/82: ff 26-34.
4. No. 335.
5. No. 381.
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Cabinet

India and Burma Committee. I.B.(47)39th Meeting

L/P & J/10/81: ff 116–18

Those present at this Meeting held in The Prime Minister's Room, House of Commons, S.W.1, on 2 July 1947 at 10 pm were: Mr Attlee (in the Chair), Sir S. Cripps, Mr A. V. Alexander, Viscount Addison, the Earl of Listowel, Mr Arthur Henderson

Also present were: Mr W. Whitely, Sir A. Carter, Sir K. Kemp, Mr J. Rowlatt; Mr S. E. V. Luke (Secretariat)

Minute 1

The future of the present Interim Government

(Previous Reference: I.B.(47)37th Meeting, Minute 2)¹

The Committee had before them telegrams Nos. 1690–S and² 1691–S³ of 2nd July from the Viceroy to the Secretary of State for India reporting that the Congress Leaders were pressing strongly for the immediate dismissal of the present Interim Government and for the formation of a new Interim Government on the lines proposed in paragraph 5 of the Viceroy's telegram No. 1616–S.⁴ The Congress Party was strongly opposed to the alternative proposal put forward by Mr Jinnah (Viceroy's telegram No. 1656–S)⁵ that portfolios in the new Interim Government should be held in equal numbers by Members of each party, Members of the other party having watching briefs in respect of each Department. The Viceroy proposed that the legal objections to the reconstruction of the Interim Government on the lines supported by Congress should be explained to them and that he should take the line that he could not legally comply with their wishes until the United Kingdom legislation had been passed. He proposed to call for the resignations of the Cabinet on 4th July, and to ask the Members to continue on a caretaker basis for a brief period. The Viceroy thought that he could hold the position on this basis, provided that an assurance could be given that the United Kingdom legislation would, as far as could be seen, be enacted by 20th July. In his telegram No. 1691–S, the Viceroy suggested the terms of a telegram which the Prime Minister might send to him, confirming the legal position and giving an assurance regarding the urgent enactment of the United Kingdom legislation.

The Secretary of State for India said that the Viceroy's proposal appeared to be open to two objections. In the absence of agreement, the reconstruction of the present Interim Government in a manner acceptable to the Congress leaders would have to be validated by a special provision in the Indian Independence Bill. This would call attention to the fact that such action could only be taken contrary to the provisions of the Government of India
Act, 1935, and might well make an unhappy impression on the Opposition. In that event, the progress of the Bill in Parliament might be delayed. Secondly, the legal basis on which the Interim Government would function would be known to be unsatisfactory and this might invite widespread refusal to comply with its directions.

The Committee considered, however, that His Majesty’s Government ought to give full support to the Viceroy in his handling of a most difficult situation. If he felt that the best hope of meeting the immediate difficulties lay along the lines he had suggested, it was incumbent on the Government to make every effort to secure the enactment of the Indian Independence Bill with as little delay as possible. Ministers thought that it should not be difficult to arrange for the Bill to pass through both Houses of Parliament by 20th July; it was not expected that any amendments to the Bill would be put down in either House. It was thought, however, that it would be advisable for the Prime Minister to see the Opposition leaders in order to explain the grounds on which it was now desired to secure the enactment of the Bill rather earlier than had originally been proposed. It was proposed that the Bill should be published on 4th July and that the Second Reading should be taken in the House of Commons on Thursday, 10th July; it was hoped that the remaining stages in the House of Commons could be taken on Friday, 11th July. The Secretary of State for Dominion Affairs said that there would be no difficulty in adhering to the proposed timetable if the House of Lords could receive the Bill by 15th July. Ministers pointed out, however, that it was essential that the comments of the Indian leaders on the draft Bill should be sent immediately so that the final terms of the draft Bill could be determined in time for its publication on 4th July.

The Committee—
Invited the Prime Minister to send a telegram to the Viceroy on the lines suggested in the latter’s telegram No. 1691–S of 2nd July, modified to emphasise the necessity for reaching immediate finality on the terms of the Indian Independence Bill.

Minute 2
Indian Independence Bill
(Previous Reference: I.B.(47)37th Meeting, Minute 3)

The Secretary of State for Dominion Affairs said that the Opposition were likely to be critical of the title of the Indian Independence Bill.

The Committee agreed, however, that there were no grounds for modifica-

1 No. 421.
2 No. 458.
3 See No. 458, note 5.
4 No. 379.
5 No. 413.
6 No. 421.
tion of the title which, in their view, would be most acceptable to both Dominion and Indian opinion. They thought that it would be very helpful if some expression of support for the title could be obtained from the Dominion Prime Ministers. It could be explained to them that it had been thought advantageous to entitle the Bill in such a manner as to indicate that the units of the British Commonwealth were in fact independent, and to stress thereby the complete equality and freedom shared by all members of the Commonwealth. It might be explained that His Majesty's Government were confident that the title proposed would not cause embarrassment; on the contrary they felt that it was in line with the accepted policy. An assurance from Dominion Prime Ministers of agreement with the title would, however, dispel any uneasiness that might exist. It was thought that this approach might best be made through the United Kingdom High Commissioners in the Dominions, but the Secretary of State for Dominion Affairs said that he would like to have an opportunity for giving further consideration to the procedure to be followed.

The Committee—
Invited the Prime Minister to consult with the Secretary of State for Dominion Affairs regarding an approach to Dominion Prime Ministers on the lines suggested by the Committee in their discussion.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P & J/10/124: ff 205–6

IMMEDIATE INDIA OFFICE, 2 July 1947, 11.50 pm
SECRET Received: 3 July, 6 am

8499. Your telegram of 1st July, 1684–S. I note that Jinnah was not associated with points raised by Congress. As regards these three points views of H.M.G. are as follows.

2. Your paragraph 2. I note your decision on clause 6(2).

3. Your paragraph 3. If possible a drafting alteration will be made to remove any such doubt. This is being examined.

4. Your paragraph 4. H.M.G. have of course fully appreciated consequences in administrative field of failure to reach an understanding with States regarding matters of common concern on lines indicated in para. 4 of Cabinet Mission's Memorandum of 12th May and urgency of entering on necessary negotiations.
created by advancing date of transfer of power. Their considered views on this issue were communicated in my telegram of 25th June, 8162.3 Congress request amounts to continuing for some period by Parliamentary legislation effect of agreements negotiated under paramountcy by substituting successor authorities for Crown Representative. To this proposal we see following insuperable objections, namely:

1. Indian States not being British territory are not subject to Parliamentary legislation placing obligations on them without their consent.

2. Consent could not be presumed since enforcement of such legislation would pass from H.M.G. to successor authorities with effect from appointed day, in other words paramountcy would be transferred to them.

3. We cannot contemplate one date for transfer of power in British India and another date for termination of paramountcy in Indian States.

4. Acceptance in Bhopal’s letter of 19th June 19464 on behalf of States of general principles of attainment of Indian independence and agreement to set up Negotiating Committee were obtained on basis of Cabinet Mission’s declaration regarding termination of paramountcy to which H.M.G.’s adherence was announced in Statement of 3rd June.5 Congress proposal would in our view be tantamount to repudiation of that undertaking.

5. For above reasons we cannot accept proposal in your paragraph 4, though opportunity will be found in course of debate to express H.M.G.’s sincere hope in interests of all parties that early progress will be made in negotiation of standstill agreement, provisional draft of which we are glad to note has already been sent to Residents for communication to States.

6. Provision referred to in your para. 5 will be restored.6

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1. No. 452.
3. No. 349.
5. No. 45, para. 18.
6. Mr Attlee was shown and approved the draft of this telegram. Public Record Office, PREM 8/341, Part 11.
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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P & J/10/81: f 125

MOST IMMEDIATE

INDIA OFFICE, 3 July 1947, 12.10 am

SECRET

Received: 3 July, 6 am

No. 8509. Your telegram 1690–S of 2nd July,¹ to Prime Minister. My immediately following telegram is message from Prime Minister in the form you desire with one small change substituting “authority” for “indemnity” and an addition stressing the point that terms of Bill must be settled at once if target date of 20th July is to be adhered to.

¹ No. 458.

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Mr Attlee to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, L/P & J/10/81: f 124

MOST IMMEDIATE

3 July 1947, 12.30 am

SECRET

Received: 3 July, 6 am

PERSONAL

No. 8510. Following for Viceroy from Prime Minister. I have myself been most carefully into the legal objections to your proposed reconstruction of Interim Government and consider this method could be challenged. You know that I would do anything in my power to help you in your grave difficulty but in the circumstances His Majesty's Government are unable to sanction your reconstructing Government in this way until legal position has been assured by passing of Bill, in which Clause 9, which we are prepared to amend for this purpose, will give you necessary authority. I appreciate the extreme need for speed in order that this reconstruction may take place at the earliest possible moment to enable you to keep faith with Congress leaders and I am therefore taking every possible step to ensure speeding up of passage of this Bill in Parliament and am aiming at target date of July 20th though I cannot of course at this stage promise an exact date. But, for that purpose, it is essential that we should have by most immediate return any comments which Indian leaders may wish to make on draft Bill. This will enable us to approve draft Bill tomorrow and to introduce forthwith.
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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&J/10/81: f 123

MOS T IMMEDIATE

INDIA OFFICE, 3 July 1947, 12.20 am

SECRET

Received: 3 July, 6 am

No. 8511. Telegram No. 8510 containing personal message from Prime Minister.

The amendment to Clause 9(1) which is in mind is to add after paragraph (d) following paragraph: (Begins) (e) for the carrying on of the business of Governor-General in Council between the passing of this Act and the appointed day otherwise than in accordance with the provisions in that behalf of the Ninth Schedule to the Government of India Act, 1935. (Ends.)¹

¹ cf. No. 428, Clause 9(1)(c) in italics.

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Note by Lieutenant-Colonel Erskine Crum

Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of, Part (2)

TOP SECRET

3 July 1947

1. A Viceroy's Meeting was held at Lord Ismay's House at 9.45 p.m. on Wednesday, 2nd July, to consider the situation arising from Mr Jinnah's declared wish¹ to be Governor-General of Pakistan from 15th August, 1947. Note: As yet Mr Jinnah has only in fact asked the Viceroy's advice about this, and has not nominated himself firmly.

COURSES OPEN

2. It was felt that the possible courses were as follows:
   A. To accede to Mr Jinnah's request, and for H.E. to stay on as Governor-General of India alone,
   B. To accede to Mr Jinnah's request and to ask Congress to nominate someone other than H.E. as Governor-General of India, or

¹ For an account of Lord Mountbatten's interview with Mr Jinnah see No. 506, paras. 23–25.
C. To devise a formula whereby H.E. would be enabled to remain as Governor-General of both Dominions, and at the same time to satisfy Mr Jinnah’s vanity.

ADVANTAGES AND DISADVANTAGES

3. COURSE A

Advantages
(i) The benefit of H.E.’s help and advice would remain for anyhow the greater part of the present India.
(ii) British officers and officials at least in that part would stay on.

Disadvantages
(i) Although Mr Jinnah evidently hopes to get many senior British officers, including Lord Kilmarn as a Governor, it is doubtful whether they would come, and indeed whether any British officers or officials would agree to remain in Pakistan.
(ii) Pakistan would be likely to get less than their fair share of all-India assets.
(iii) It is probable that there would be Conservative opposition to the Bill, and there might be difficulty in getting it through before the end of the present Session.
(iv) H.E. would probably go on leave until 15th August and would have to stop being Chairman of the Partition Committee, the work of which would be seriously compromised. Even then, he, and the British as a whole, might get a reputation for partiality.

4. COURSE B

Advantages
(i) H.E. could remain as Chairman of the Partition Committee.
(ii) The British, and particularly H.E. and his Staff, would go “on the crest of the wave”—particularly if suitable publicity was given to Mr Jinnah’s action. All accusation of partiality would be avoided.

Disadvantages
(i) It is very doubtful that Congress would choose another Englishman. As a result, very few British officers or officials, including senior officers and probably Governors, would remain in either Dominion.
(ii) Pakistan would get nothing like their fair share of all-India assets except in such matters as were fully settled before 15th August.
(iii) The Conservatives would probably bitterly oppose the Bill and there would be no chance of getting it through during the present Session.
5. COURSE C

Advantages The advantages of H.E. staying on for a period as Governor-General of both Dominions are too obvious to enumerate. They include, of course, a strictly fair partition; a flying start for both Dominions; the Bill would go through without any difficulty; and a large number of British officers and officials would stay on.

Disadvantages The main disadvantage is that Mr Jinnah might try to be a "Hitler" and take no notice of what H.E. said. This would lead to an exceedingly difficult situation.

6. Possible Variations of COURSE C

(a) The following suggestions were made for the name of the post which H.E. would hold:
   Governor-General for Partition
   Supreme Governor-General
   Overall Governor-General
   Viceroy

(b) The following suggestions were made for the name of the post which Mr Jinnah (and probably an equivalent in India) would hold:
   Governor-General Designate
   Acting Governor-General
   Lieutenant Governor-General
   Deputy Governor-General
   Head of State
   President
   Officer Administering the Government

Note: The suggestions in (a) and (b) are in the order in which they were most favoured.

(c) It was felt that any formula conferring such titles should be based on the necessity for a Governor-General not to leave his Dominion except on special occasions with the permission of the King; and on the impossibility of his being in two places at the same time.

(d) It was felt that the appointment of a Governor-General Designate might be made optional.

(e) It was emphasised that any formula devised in this behalf must be one which Congress would accept.

(f) It was felt that it would have to be made clear in such a formula that H.E. would stay only until 31st March.

9. [7] A possible proviso to Clause 5 of the bill might read: "Provided that, until 31st March 1948, or for such shorter period as may be determined by provision made by law of the Legislature of either of the new Dominions, the same person shall be Governor-General of both new Dominions and there may
be appointed by His Majesty for either Dominion a Governor-General Designate."

Consequent amendments to the Bill would of course be necessitated. For example, the powers of the Governor-General Designate in the absence from either Dominion of the Governor-General would have to be made clear.

V. F. ERKINE CRUM

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Draft Note by Mr Campbell-Johnson

Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of, Part (2) undated

With regard to the Conference Secretary’s note, the following are my views on the publicity implications of the three courses proposed.

1. I consider that while Course C is the most desirable from every point of view, Course A would be favourably received in the British and World Press, while Course B would not avoid serious criticism.

2. Left Wing expectation has always been that Pakistan would be the last outpost of British imperialism and that the anti-British bias of Congress would quickly prevail. Congress invitation to H.E., Colville and Nye knocks that criticism on the head. From the viewpoint of British prestige it is a tremendous thing that Congress at the moment of victory in its 70 years’ struggle with the British should go out of its way to invite Englishmen to stay on in this way.

3. Such an invitation can hardly be criticised by the Right Wing either, for it gets our relations with the new India off to a start good beyond all expectations. At the same time the suggestion that H.E. has sold out to the Congress is met by obvious evidence that Pakistan and Jinnah have got exactly what they asked for. In fact H.E.’s presence at the head of the new Indian State would naturally be interpreted as the best guarantee that its relations with Pakistan would be carried on in a friendly and constructive manner and as a buffer against excessive Congress claims.

4. The argument that with Jinnah in his present mood and enjoying full powers and with H.E. simply as a constitutional Governor-General, H.E. would not be able to exercise any substantial influence on Pakistan-Indian relations is a major issue but not directly a publicity problem. While no doubt it would be a limiting factor to H.E.’s usefulness, I think it would be widely
realised that no-one else would be able to do more, and in view of H.E.'s close association with Jinnah at this critical time no other Governor-General would be likely to be in a position to do as much.

5. If the choice is between Jinnah as Governor-General or President, Governor-General is surely preferable. He gives his prestige inside Pakistan to a title which is peculiarly associated with Commonwealth status and in the last analysis—however dictatorial or Fascist inclined he may be—with constitutional government. At least it gives his successors good grounds for becoming constitutional.

6. The argument that a climb down is involved from Viceroy of all India to Governor-General of India less Pakistan cannot I submit be sustained nor would it be strongly stressed. Climb down from what? The whole emphasis of H.E.'s mission here has been on the future—on the beginning of a new chapter in our relations with Indians and not on "the last Viceroy".

7. When one considers Course B, it is obvious that H.E. would be leaving on the crest of the wave but once it is known that H.E. had been invited by Congress and had turned down their invitation I believe there would be a considerable volume of criticism, both immediate and long term, that he was leaving the job half done and making "a quick getaway". Congress publicity would certainly interpret it as capitulation to Jinnah.

8. I therefore submit that Course C offers the best solution but there are positive advantages in Course A which outweigh those of Course B while on the negative side criticisms arising from Course B are likely to be more serious and widespread.

1 Mr Campbell-Johnson recounts in his book Mission with Mountbatten, (London, 1951), pp 128–30, that he read out this note at a discussion at the Viceroy's Staff Meeting on 3 July, 1947. This discussion was not recorded in the minutes of the meeting; see No. 504, first sentence.

2 No. 470.

3 See No. 462.

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472

Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

Express letter, R/3/1/91: ff 58–61

NO. 689

GOVERNMENT HOUSE, LAHORE, 3 July 1947

Mamdot resigned last night from Security Committee formed in compliance with paragraph 5 of your telegram of 25th June. Earlier in day he had sent me

1 R/3/1/176: f 230.

2 No. 343.
long letter\(^3\) claiming credit for improvement in Lahore situation, asserting that Muslims had from first been victims of Hindu and Sikh aggression and had merely defended themselves, and complaining bitterly of Misri Shah search (already reported\(^4\)) and conduct of interrogations by Special Police Control Staff. He ended with four demands. First. Inclusion of second Muslim in Security Committee. Second. Immediate abandonment of “all repressive and oppressive administrative measures”. Third. If any measures as in Second inevitable, they must be undertaken only after consultation with Committee. Fourth. Communal composition of Special Police Control Staff to be adjusted to give Muslims parity with non-Muslims. I had replied\(^5\) that remedy for general grievances was rapid completion of Partition. On First demand I said I was personally ready to agree, but felt that concurrence of Sachar and Swaran Singh was needed. Demand had already been discussed with Sachar absent. Second and Third demands could certainly be considered by Committee. Actually to be effective searches and special interrogations have to be on Top Secret basis, and participation of Committee would mean their virtual abandonment, but I did not say this. I would enquire about Fourth demand. I hoped Mammadot would attend meeting of Committee at 0930 hours today. This letter evidently failed to satisfy Mammadot.

2. Mammadot’s attitude is primarily due to growing fear of Hindus and Sikhs. He contends (a) that administration is strongly anti-Muslim; (b) that searches and arrests are practically confined to Muslims; and (c) that the Special Police Control Staff has been organised to extort confessions and information from Muslims and has done nothing to bring Hindus and Sikhs to book.

3. Under (a) it is worth remembering that in 1941 Great Lahore had a population of roughly 671,000 including 433,000 Muslims and 238,000 non-Muslims. The Muslim League contention that the Muslims are entirely blameless is not in my judgment tenable, and assuming that all communities are equally responsible, it is clear that over any given period more Muslims than non-Muslims are likely to receive attention from the Police.

4. Under (b) the Misri Shah search was the first of several elaborate operations planned by the Police and the Army. Misri Shah is a largely Muslim quarter, and I am informed that its inhabitants have been responsible for a good many outrages. The method of search is to seal an area with troops and barbed wire and to put the Police in to make thorough search of every house. A long curfew is necessary. An operation of this kind must cause inconvenience and hardship, but I can see no alternative if searches are to be made at all. Misri Shah search in fact yielded most disappointing results. As for arrests, total for Greater Lahore from 25th June to 1400 hours 2nd July was 419 including 285 Muslims, 88 Hindus and 46 Sikhs.
5. Under (c) Special Police Control Staff was organised owing to delay and confusion caused by attempt to co-ordinate information received from accused and suspected persons by large number of overworked and frequently inexpert Police Officers. It was essential to link results of important interrogations with intelligence reports and to isolate and deal with gangs responsible for murder and arson. Staff consists of 20 officers, including three British, nine Muslim, six Sikhs and two Hindus. Ranks are—British: One D.I.G. and two Superintendents of Police; Muslims: One Superintendent, one Deputy Superintendent, four Inspectors and three Sub-Inspectors; Sikhs: One Superintendent, three Inspectors and two Sub-Inspectors; Hindus: One Inspector and one Sub-Inspector. The persons so far interrogated number 37 including 20 Muslims, 12 Hindus and 5 Sikhs. The Control has already proved most valuable, and has enabled us not only to arrest some dangerous men, but to clear several men who had been falsely accused. Improper methods are not used, nor with a staff so composed is it likely that they could be used.

6. Mamdot's non-cooperation is not easy to understand in view of Jinnah's demand for "utter ruthlessness" (Abell's telephone message of 24th June). But he must be acting under instructions and since Security Committee was formed by Your Excellency's direction in the light of a Cabinet discussion, I require guidance. The broad possibilities are:—

(1) To accept Mamdot's demands (the fourth demand is in fact based on a misapprehension). If this is done, Sachar and Swaran Singh may resign; but if they do not, actual responsibility for law and order passes to the Committee. Nothing will be kept secret, and searches and other operations must for practical purposes be abandoned.

(2) To acquiesce in the dissolution of the Security Committee and either:—
   (a) to carry on as before; or
   (b) to go very slow on any measures likely to stimulate party resentment.

Personally I recommend 2(a), but I have suspended the search programme pending instructions. The next search was to have been in another area which happens to be predominantly Muslim.

7. The Muslim League may intend a further series of outrages. Since Mamdot claims that he stopped the last series, it is legitimate to suppose that he can (if he chooses) prevent any recrudescence.

8. In view of the length of this message, I am sending it by air, with a copy of my correspondence with Mamdot.

E. M. JENKINS
GOVERNOR, PUNJAB

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3 No. 455.  
4 See No. 426, para. 10.  
5 R/3/1/176: f. 229.  
6 No. 320.
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Lord Ismay to Sardar Baldev Singh

Mountbatten Papers. Official Correspondence Files: Punjab, Part II(b)

SECRET

3 July 1947

Dear Sardar Baldev Singh,

The Viceroy received through the Reforms Commissioner your letter to Pandit Nehru dated 2nd July, on the subject of the disputed territory in the Western Punjab, and His Excellency has asked me to write to you on his behalf.

In your letter you refer to an instruction given by the Viceroy to the C.-in-C. at the meeting of the Partition Council held on 30th June, to the effect that he should prepare a scheme for the joint administration of Armed Forces stationed in the disputed area.

According to my recollection, the point that was raised was the possibility of a clash of operational control over the forces of India and Pakistan stationed in that area, and the instruction given to the C.-in-C. by the Partition Council was that he should place before them his considered proposals on the best means of dealing with such a contingency. I have now looked up the minutes\(^2\) of the meeting in question, and find that they support my memory.

The possibility of exercising joint administration over disputed areas until such time as the Boundary Commissions have reported has often been examined in the past, but invariably ruled out as impracticable.\(^3\)

Yours sincerely,

ISMAY

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1 No. 456.
2 See No. 456, note 2.
3 On 3 July Lord Ismay sent Pandit Nehru a copy of this letter saying that Lord Mountbatten had asked him to reply to No. 456 on his behalf. Mountbatten Papers, Official Correspondence Files: Punjab, Part II(b).

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Lord Ismay to Mr Moon

Mountbatten Papers. Official Correspondence Files: Sikh Problem, Part II(a)

PRIVATE AND PERSONAL

3 July 1947

Many thanks for your letter of 27th June.\(^1\)

The Viceroy had an interview with Baldev Singh and Giani Kartar Singh on 30th June.\(^2\) Sardar Baldev Singh said that there was no sign at all of either of the major parties making any concessions to the Sikhs and I doubt very much
whether there will be any settlement between them and the Muslims. Indeed, all the emphasis at the interview was on concessions to be obtained from the Union of India and not from Pakistan.

The idea of eliminating the Hindi speaking parts of the Eastern Punjab and thus dividing the poor Punjab into three bits, instead of two, was put to His Excellency, but both leaders agreed that it was not possible for H.E. himself to meet their claims now. They seemed fairly content with his promise to write and draw the attention of the leaders to their requests and H.E. has done this.

From the point of view of avoiding a row in the Central Punjab, I expect that you are right about the best course to adopt. But things have now gone much too far for H.M.G. to be able to take a hand: and if the provincial boundaries are again to be re-drawn, it would have to be done by the successor authorities.

ISMAY

1 No. 371.
2 No. 417.

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**475**

Major-General Sir R. Lockhart (North-West Frontier Province) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/151: ff 197–200

D.O. NO. GH–106

GOVERNMENT HOUSE, PESHAWAR, 3 July 1947

Dear Lord Mountbatten,

I forward herewith a Statement of the Provincial Ministry, dated 26th June 1947, in the matter of the proposed Referendum.

This Statement was sent to me by Dr Khan Sahib on the 26th—the day I assumed office—under a forwarding letter in which he requested me to send the statement to your Excellency.

2. I had before receiving this letter arranged for Dr Khan Sahib to come and discuss matters with me on 27th. He came and I took the opportunity to discuss the statement. Although Dr Khan Sahib seemed to admit that the reasons given in paragraph 1 of the statement against holding a referendum were not valid because of the changes inherent in the plan of June 3rd, he held out no hope of his Ministry or party agreeing that Pakistan was inevitable, or even of agreeing to modify their statement. He agreed however to our bringing up the statement for discussion at a meeting of Council which I fixed for Monday 30th June.

My discussion with Dr Khan Sahib was entirely amicable.
30. The Council meeting was duly held on 30th June and the statement of the Ministry discussed at length.

Discussion centered chiefly on paragraph 1. I attempted to persuade my ministers that the statement that the last General Election of 1946 gave an unambiguous verdict against Pakistan was not relevant to the present situation. I argued that the issue then was between Pakistan and an undivided India. Now a decision had been made that India would be divided. It was therefore now no argument to say that because people had voted in favour of a united India instead of Pakistan in 1946 they would not in the new situation prefer to join the Pakistan rather than Hindustan Constituent Assembly.

Although the Ministers admitted that there was no question of the North-West Frontier Province wishing to join the Hindustan Constituent Assembly, and appeared to agree that there was no way of putting any other alternative before the people except Pakistan or Hindustan without changing the Plan of 3rd June 1947, they would not agree to modify their statement.

The only modification they would admit was in paragraph 3, where they agreed that it was incorrect to use the words “long before” in line 1 of that paragraph.

4. They finally said that the Statement was written in continuation of Dr Khan Sahib’s interview with Your Excellency and in accordance with an undertaking he then gave you to send to you in writing the views of his Ministry as held at the time of his visit.

5. I accordingly forward the Statement for Your Excellency’s information.

6. Meanwhile arrangements for the Referendum are going ahead. The Ministers assure me of their desire that it should be conducted peacefully. They have agreed to the promulgation of the Ordinances, and to the poster of which Your Excellency gave me a draft the day I left Delhi.

7. I am writing separately about the general situation and my actions since I took over.

Yours sincerely,

R. M. M. LOCKHART

Enclosure to No. 475

26 June 1947

1. The Ministry have given careful thought to H.M.G.’s Announcement of 3rd June, 1947, regarding the transfer of power in so far as it affects the N.W.F.P. They are of the opinion that the proposal to hold a Referendum in the N.W.F.P. on the issues mentioned in para. 4 of the Announcement is unjustified. The last General Elections of 1946 were contested by our organization on the clear issue of Pakistan and the electorate gave an unambiguous verdict against it. Therefore, it is unnecessary to hold a Referendum now.
2. It is a fact that a violent communal agitation was launched by the Muslim League in this Province about 7 or 8 months ago. The Nazi methods used by them, which resulted in the murder of hundreds of innocent men, women and children, and considerable loss of property amounting to crores of rupees, struck terror into the minds of all those who were unable to defend themselves. This lead to the exodus of a large section of the population from the Province. The agitation was still going on when H.M.G. announced the partition of India on communal lines i.e. Hindu India & Muslim India. Similarly due to the widespread riots in the Punjab, the partition of that Province on communal lines became inevitable. The partition of Punjab naturally created a physical barrier between Hindustan and N.W.F.P. Under the terms of the Announcement, Referendum in the N.W.F.P. was to be held only after the partition of the Punjab had become an accomplished fact. In these circumstances, to call upon the 94 per cent Muslim population of N.W.F.P. to vote whether they wished to join Hindustan or Pakistan is highly unfair and unjustified.

3. Long before the Announcement, it was made abundantly clear by the leaders of our organization, both in Press and on the platform, that they did not wish to join either Hindustan or Pakistan but that they desired to have a free Pathan State of their own in N.W.F.P. The Ministry, therefore, feel that with a view to ascertain the will of the Pathans of N.W.F.P., a Referendum should have been held on the issue of Pathanistan and Pakistan.

4. It may be explained that the two Members of our Organization attended the meetings of the existing Constituent Assembly because under the Cabinet Mission Plan of 16th May, 1946, only one Constituent Assembly had been set up and they had rightly hoped that the Muslim League will also ultimately join it, in view of their earlier acceptance of the said Plan.

5. The Ministry also feel that whereas in the case of other Provinces which are affected by the partition, it was Members of the Legislative Assemblies concerned that were given the right to express their opinions, in this Province alone a departure was made.

6. The campaign of violent crime, arson, loot and forcible conversions in which the Muslim League Party indulged for the last 7 or 8 months, has created an atmosphere in which the holding of a free Referendum is not possible. The responsible leaders of the Muslim League still hold out open threats of violence both against the minorities and the weaker section of the

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1 No. 81.
2 Not printed.
3 On 9 July Lord Mountbatten acknowledged receipt of this letter. He asked Sir R. Lockhart to thank Dr Khan Sahib for the statement, and stated that he entirely agreed with the line Lockhart had taken. R/3/1/151: f 271.
4 No. 45.
general populace that if they cast their votes against Pakistan they will do so only at their peril. The Ministry feel that the holding of Referendum under such conditions will lead to violence and bloodshed. They, therefore, protest against H.M.G.'s proposal to hold a Referendum in the N.W.F.P. on the issues mentioned in para. 4. They also wish to state for the information of H.E. the Viceroy that the Khudai Khidmatgars will not associate themselves with the proposed Referendum.

K. SAHIB

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Minutes by Field Marshal Sir C. Auchinleck and Sir G. Abell

R/3/1/144: f 16

3–6 July 1947

Field Marshal Auchinleck to Rear-Admiral Viscount Mountbatten of Burma

URGENT
SECRET

3 July 1947

C. in C.'s Paper 47/8

1. It is possible that there may be disorder in Travancore State in the near future.

   Application may be made to the Central Government through the local Political Officer and the Crown Representative for military assistance, in accordance with existing instructions.

2. Before 15 August, it is clear that such a request should be acted on, and military assistance sent. In this event however a situation might arise whereby after 15 Aug troops found themselves committed to internal security duties, and this would be objectionable in a State which does not elect to join the Union of India or Pakistan.

3. In the case of Travancore, British units might be available. In view of the political situation it is, I think, particularly undesirable that they should be used.

4. An extract of the current orders is attached.1

5. A decision is required as to whether troops (British and Indian) should be sent into such States before 15 August, should a request for military help be made.

C. J. AUCHINLECK
Sir G. Abell to Field Marshal Auchinleck

6 July 1947

H.E. has considered this matter. He is having enquiries made from the Resident about the likelihood of trouble in Travancore State. He does not think that Travancore or any other State will ask for such assistance in present circumstances without realising the implications. If, as Crown Representative, H.E. decided that assistance must be sent then clearly at any time up to the 15th August action would have to be taken accordingly, though the assistance would be offered on the specific condition that it must be withdrawn on the 15th August.

2. In any case the assistance of the Crown Representative’s Police will be available until the 15th August and should be adequate for ordinary purposes.

G. E. B. ABELL

1 The extract was from para. 9 of the ‘Internal Security Instructions, India, 1937’ and was headed ‘Principles in regard to the Indian States Forces’. R/3/1/144: f 17.

2 In Political Dept tel. 1811–P of 7 July 1947 the Resident, Madras States, was asked whether he thought disorder was likely in Travancore in the near future, and if so whether the Travancore Govt was likely to ask for assistance from the Indian Armed Forces. In such a case ‘there could be no guarantee that military or any British units would be sent’. The Resident replied in tel. 55/P of 8 July that he saw no reason to anticipate disorder unless introduced on a large scale from outside. He did not think Travancore would ask for assistance to deal with internal disorder, but ‘would justifiably ask that neighbouring Provinces and administrations’ should take steps to prevent infiltration of disorderly elements from outside. R/3/1/144: ff 26–7.

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General Sir A. Smith to Lord Ismay

R/3/1/144: ff 18–19

NEW DELHI, 3 July 1947

My dear Ismay,

In forwarding to H.M. Defence the enclosed copy of a note to the Viceroy,¹ the Commander-in-Chief sent the attached note marked ‘A’² to H.M. Defence. He might also have added that in no circumstances can British officers on the borders of Pakistan be employed with troops operating against those under British officers in Hindustan and vice versa.

Yours ever,

ARTHUR SMITH

¹ No. 476.
² See Enclosure.
Enclosure to No. 477
Field Marshal Sir C. Auchinleck to Sardar Baldev Singh (through Secretary, Defence Department)

URGENT
SECRET
3 July 1947
C. in C.'s Note No. (47)42
I enclose a copy of a note I have just sent to the Viceroy. In view of the political situation and the urgency of the matter I have felt it wise to send this direct to the Viceroy, and, no doubt, should you have any remarks to offer you will approach the Viceroy direct in the matter.

2. There is a further matter which will require urgent consideration during the next few weeks. If, after the 15th August, a Dominion Government wishes to use the armed forces under its operational control to coerce States within its orbit, the question of the employment of British officers in command of such forces will have to be decided.

I propose to take this matter up with the Viceroy as H.M.G. in the U.K. are intimately concerned in it.

C. J. AUCHINLECK

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Minutes of Viceroy’s Fifty First Staff Meeting, Items 2, 3 and 5
Mountbatten Papers

TOP SECRET

Those present during discussion of Items 2, 3 and 5 of this Meeting held at The Viceroy’s House, New Delhi, on 3 July 1947 at 4.30 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir G. Abell, Captain Brockman, Mr I. D. Scott, Mr Campbell-Johnson, Mr Sundaram, Lieutenant-Colonel Erskine Crum

Item 2

THE INTERIM GOVERNMENT

HIS EXCELLENCY THE VICEROY said that Mr Krishna Menon, who had come to see him that evening, had informed him that there was now a chance that the Congress Leaders would accept the continuation of the present Interim Government for a further period. Mr Krishna Menon had suggested that, each evening, all Honourable Members should send over to Viceroy’s House, for approval, a list of orders to be given and appointments to be made.

HIS EXCELLENCY said that he would probably exclude from this procedure the Honourable Member for External Affairs.
HIS EXCELLENCY THE VICE ROY:

(i) directed P.S.V. to arrange for the lists, to be sent in each evening by Honourable Members, to be checked; to give approval, in his name, to any uncontroversial points; and to refer controversial points to himself;

(ii) directed Pers. Sec. to draft for his approval a telegram in answer to the one from Sir Stafford Cripps;

(iii) directed P.S.V. to draft, for his approval, a telegram to the Prime Minister informing him of the latest situation in respect of the continuation of the present Interim Government, after the Cabinet meeting the following day.

Item 3
THE ARBITRAL TRIBUNAL

HIS EXCELLENCY THE VICE ROY said that he considered that the Arbitral Tribunal would best be composed of Sir Patrick Spens as Chairman, and of one Muslim and one Hindu.

HIS EXCELLENCY THE VICE ROY:

directed Pers. Sec. to draft for his approval a letter to the Congress and Muslim League Leaders suggesting that the Arbitral Tribunal should be composed of Sir Patrick Spens as Chairman, and one Muslim and one Hindu.

Item 5
GOVERNORS

HIS EXCELLENCY THE VICE ROY said that Pandit Nehru had asked² that Sir John Colville and Sir Archibald Nye should stay on, after the transfer of power, as Governors of Bombay and Madras respectively. Pandit Nehru had also nominated Sir Akbar Hydari and Sir Chandulal Trivedi to remain as Governors—but they might be transferred to other Provinces.

HIS EXCELLENCY said that Mr Jinnah had declared that he wanted Sir Francis Mudie to be Governor of West Punjab after the transfer of power; Sir George Cunningham to be Governor of the N.W.F.P., if he and the Provincial Government of the N.W.F.P. agreed; The Hon’ble Lt. Col. H. M. Poulton for British Baluchistan; and (in order of preference) either Lord Killearn,³ Sir Arthur Lothian or Sir William Slim for East Bengal.

¹ See No. 449 and its note 1.
² See No. 462.
³ Lord Killearn visited India in late July to discuss the possibility of his becoming Governor of East Bengal with Mr Jinnah, but the proposal was dropped in view of the fact that Lord Killearn, because of his family commitments, did not feel able to make the financial sacrifice involved in leaving his present position. Letters exchanged between Mr Mohamad Ali, Lord Killearn and Mr Jinnah, 26 July 1947. Mountbatten Papers, Demi-Official Correspondence.
HIS EXCELLENCY THE VICE ROY:
directed Pers. Sec. to draft for his approval a letter to Mr Jinnah, asking
him whether he wished these recommendations for the posts of Governor
in Pakistan to be forwarded to His Majesty the King.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/154: ff 22–30

MOST IMMEDIATE

NEW DELHI, 3 July 1947, 5 pm

CONFIDENTIAL

Received: 3 July, 5.20 pm

No. 1719–S. Reference my immediately preceding telegram. Following is
text of Congress comments on Draft Bill.² Begins:

Congress Comments on the Draft Bill

We have considered the Draft Bill and have the following comments to offer:

1. Form of Bill—

(a) We understand that in the opinion of H.M.G. the form of the present Bill
makes it sufficiently clear that the new Dominion of India will continue the
international personality of the existing India. But the point is so vital that all
avoidable doubt should be removed.

(b) For international purposes, the whole of India, including British India
and the Indian States, is at present a single State. Under the Bill, two indepen-
dent Dominions are set up in British India and the Indian States are detached
from both. This simultaneous fragmentation may create doubts as to whether
even the Dominion of India is anything more than one of the new fragments
and whether as such it can continue to represent the old entity, since even the
two Dominions are described in the Bill as “new Dominions”. To avoid all
possible doubt in this respect, and to preserve the continuity of the parent State
for other essential purposes, there should be two separate Bills: the first,
creating the Dominion of India to consist of the whole of the existing India
excluding the Pakistan Provinces and such of the contiguous Indian States as
may accede to Pakistan; and the second, creating the Dominion of Pakistan to
consist of the excluded territories.

(c) If, owing to the time factor, it is not possible to have two Bills at once, we
would suggest that the single Act now being passed should be divided as soon as
possible into two separate Acts, in much the same way as the Government of
Burma Act was separated from the Government of India Act in December 1935
although the two were originally passed as a single measure in August 1935.
(d) We would in any case suggest the insertion of a provision in the Bill explicitly stating that the rights and obligations of India under any treaty or agreement with foreign States shall as from the appointed day become the rights and obligations of the Dominion of India, saving only those obligations which by their nature, can only be performed in territories outside the Dominion. Such a provision will, incidentally, contain the assurance which H.M.G. apparently desire in this behalf. 3

2. We now proceed to the details of the Bill in its present form.

Preamble—For the reasons mentioned above, the preamble should read—
“A Bill to make provision for the establishment of the Dominion of India and the creation of a separate Dominion of Pakistan and for other matters consequential etc., etc.,”

Clause 1(i)—For the same reasons, this sub-clause should provide that as from August 15, 1947, India shall be a Dominion and Pakistan a separate Dominion.

Clause 2(i)—India should be defined to be the whole of India as under the Act of 1935 excluding Pakistan; Pakistan should be defined to be the British Indian areas mentioned in the Bill plus such of the contiguous Indian States as may accede thereto.

Clause 2(3)—It should be made clear that “any area” in this sub-clause includes acceding Indian States. There is no specific provision in the Bill in its present form for the accession of Indian States.

Clause 3(2)(a)—We see no reason why merely because of the transfer of Sylhet to East Bengal, the present Province of Assam should cease to exist. This would merely furnish an additional argument to those who might wish to contend that the State now recognised as India ceases to exist with the separation of Pakistan. Sylhet is only one district out of about a dozen in Assam, although it has a large population. Bombay did not cease to exist as Bombay owing to the separation of Sind.

Clause 6(i)—Now that we have suggested a new definition of India so as to make it consist of existing India excluding Pakistan, a proviso will have to be inserted under this sub-clause on the following lines:

“provided that save as otherwise provided by or under this Act, the Legislature of the Dominion shall exercise jurisdiction only over the Governors’ Provinces and Chief Commissioners’ Provinces or parts thereof included in India”.

Clause 6(2)—The words “any existing or future Act of Parliament” may not

1 Tel. 1718—S of 3 July merely announced the despatch of tel. 1719—S and promised Lord Mountbatten’s comments later. R/3/1/154: f 21.
2 No. 428.
3 See No. 429, part I.
cover the Act that is being now passed. The words should be “this Act or any existing or future Act of Parliament”.

Clause 6(4)—Owing to the ambiguity of the words “as part of the law of the Dominion”, a written assurance was given to the Dominion delegates at the Imperial Conference of 1930 in connection with a similar phrase then proposed to be inserted in the Statute of Westminster that it was not Parliament’s intention, under the provision in question, to enact any law in relation to the Dominions which, if enacted in relation to a foreign State, would be inconsistent with international comity. The same object can be better achieved by substituting for the words “unless it is declared in the Act that the Dominion has requested and consented to the passing thereof”, which occur in the Bill, the words “unless extended thereto by an Act of the Legislature of the Dominion” which occur in section 2 of the Status of the Union Act, 1934, in South Africa.

Clause 7(1)(b)—The complete wiping out of all treaties and agreements in force at the date of passing of the Act will create administrative chaos of the gravest kind. Railway agreements, customs agreements, harbour agreements, agreements ceding criminal and civil jurisdiction, extradition agreements, agreements connected with the administration of Posts and Telegraphs, Irrigation agreements, agreements for the protection of Indian States from external aggression, and more generally, agreements relating to defence and external affairs and a host of other agreements will all lapse and even the existence of States like Benares and Mysore which rest on Instruments of Transfer from the Crown might be deprived of all legal basis. Even the Cabinet Mission’s Memorandum of May 12, 1946, contemplated in paragraph 4 that pending the conclusion of new agreements, existing arrangements in all matters of common concern should continue. Paragraph 5 of the same memorandum, after referring to the lapse of paramountcy and the consequent cessation of all rights and obligations flowing therefrom, goes on to state that the void so created must be filled by the States entering either into a federal relationship or into new political arrangements with the successor government. To negotiate new agreements—some of them multipartite—with a large number of Indian States will be a long and laborious task. Therefore, both to save time and trouble, instead of individual standstill agreements, a standstill proviso of general application to all the States should be inserted in the Bill itself.

It may be pointed out that under the clause as drafted, treaties and agreements in force at the date of the passing of the Act lapse as from “the appointed day”. This seems to imply that agreements which may be negotiated between the passing of the Act and the appointed day do not lapse. It may be that the intention of the provision is that standstill agreements should be negotiated during this intervening period, while the paramountcy of the Crown continues. This is borne out by the statement in the Memorandum of May 12, 1946, that the British Government and the Crown Representative—i.e., the Paramount
Power—will lend such assistance as they can in negotiating such agreements. There is, however, no intrinsic difference between such agreements and the agreements which the Bill seeks to terminate. Moreover, owing to the time factor, it will not be possible to arrive at new agreements before the appointed day and the easiest way of achieving what was the intention of the Memorandum of May 12, 1946, would be to insert in the Bill itself a proviso on the following lines:

"Until new agreements are completed the existing relations and arrangements between His Majesty and any Indian Ruler in all matters of common concern shall continue as between the new Dominion Government and the State concerned."

The proviso should be added to clause 7(1)(b) and we would suggest that the three alternatives mentioned below (in order of preference) be considered in this connection:

Clause 7(1)(b) should read:

"The suzerainty of His Majesty over the Indian States lapses, provided that,—(here insert the proviso mentioned above). Under this alternative, all the words occurring in the sub-clause except those relating to the lapse of suzerainty go out.

(2) The sub-clause should read:

"The suzerainty of His Majesty over the Indian States lapses and with it all functions exercised by His Majesty . . . sufferance or otherwise, provided that—(here insert the proviso mentioned above). Under this alternative, the words “all treaties and agreements in force between His Majesty and the Rulers of Indian States” occurring in the Bill go out.

(3) The sub-clause may be retained in its present form, but with the proviso mentioned above.

Clause 7(1)(c)—There should be a proviso similar to that suggested in connection with Clause 7(1)(b); otherwise there is the danger of agreements relating to the Khyber Pass, the Bolan Pass etc. lapsing, with prejudicial consequences to the security of the country.

Clause 9(5)—We agree to the substitution of “31 March 1948” for “six months from the appointed day”.

Clause 10⁶—We have no objection, on the merits, to any suitable amendment, but we consider that the security of tenure provided for the Judges of the Federal Court and of the High Courts in the Government of India Act 1935, is adequate.

Clause 14—⁷ We see no reason why the Secretary of State should continue to make these payments but if he does make them the Dominion will of course

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⁴ Vol. VII, No. 262. ⁵ See No. 429, part II. ⁶ Ibid., part III. ⁷ Ibid., part IV.
provide the necessary funds. The High Commissioner should in future do this work. The Clause is unnecessary and should be deleted.

Clause 19(3)(a)(iii)—We have already pointed out that the Province of Assam should not cease to exist merely because of the transfer of Sylhet. Therefore this sub-clause will need modification.

Proviso: The proviso to Clause 19(3)(a) is at present vaguely worded. We consider it essential that the powers and functioning of the Constituent Assemblies in respect of the making of the new constitutions should be placed beyond doubt. The Constituent Assemblies should have full power on their own to provide for the filling of casual vacancies and the participation in their work of representatives from Indian States and Tribal Areas. We would therefore suggest that the proviso, as drafted, be dropped and in its place the following be inserted as a new sub-clause 3A:

"Nothing in this Act shall be construed as detracting from the full power of either Constituent Assembly
(a) to frame a Constitution for India or Pakistan, as the case may be,
(b) to give full effect to such Constitution in supersession of the Constitution previously in force,
(c) to make provision for the filling of casual vacancies, and
(d) to regulate the participation of representatives of the Indian States and of the Tribal Areas in the Assembly in accordance with such arrangements as it may make in this behalf." Ends.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/154: ff 31-5

MOST IMMEDIATE

CONFIDENTIAL

NEW DELHI, 3 July 1947, 5 pm

Received: 3 July, 6.50 pm

No. 1723-S. Reference my immediately preceding telegram. Following is text of Muslim League comments on Draft Bill. Begins:

Muslim League Comments on the Draft Bill

SECRET

Clause 2:
The territories of the Dominion of India should also be defined in the same way as those of Pakistan have been defined as otherwise the impression will be created that the new Dominion of India succeeds to whatever is not specifically transferred to Pakistan which in fact is not the case.
One result of the manner in which the Dominions of Pakistan and India have been defined is that the Andaman and Nicobar Islands have been allotted to India although they have never formed the subject of discussion or agreement between the two parties at any time and this sudden inclusion in and allotment to India raises a very grave issue. Neither historically nor geographically they are part of India. They were British possessions which were administered by the Central Government, but were to be excepted from the competence of the Federal Ministers, being reserved to the Governor-General under the Constitution Act of 1935. Therefore they are not in the same category as the other Chief Commissioner’s Provinces. The majority of the population of these Islands consists of tribes who are not connected with the peoples of India by ethnical, religious or cultural ties. Pakistan’s claims to these Islands are very strong, inasmuch as the only channel of communication between the eastern and western parts of Pakistan will be by sea and these Islands occupy an important strategic position on the sea route involved. They could also serve to provide convenient refuelling bases for vessels plying between the two parts of Pakistan.

On the other hand, no such pressing considerations could be urged in favour of allotting them to the Dominion of India. These Islands should consequently form part of Pakistan. If no decision is feasible on this point immediately, these Islands should be specifically excluded from the scope of the present bill to be dealt with later on separately.

Clauses 3 and 4:

It has been agreed between the parties that they would be bound by the awards of the Boundary Commissions. These clauses fail to embody the agreement that the Governor-General is bound to accept and give effect to the awards inasmuch as it is stated in Clauses 3 and 4 that the Governor-General will determine the boundaries in the light of (and not in accordance with) the awards of the Commissions, before the 15th August 1947 and further the determination of boundaries is made to depend upon agreement between the Dominions after that date which again is wrong as the Dominions would be bound by the awards of the Boundary Commissions. It is therefore imperative that provision should be made in the Bill for making the awards of the Boundary Commissions final and binding on the two Dominions so that the boundaries are determined strictly in accordance with the terms of the awards of the Commissions concerned.

Clause 6(2):

It is presumed that the legislatures of either Dominion would be competent inter alia to pass any Act which may be repugnant to the provisions of the India

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1 Tel. 1722-S of 3 July merely announced the despatch of tel. 1723-S and promised Lord Mountbatten’s comments later that day. L/P &F/10/124: f 155.
2 No. 428.
Independence Act, 1947 or to amend or repeal this Act. This may be clarified by a suitable amendment of the clause.

**Clauses 9 and 11:**

It may be made clear by a suitable amendment that where the Order or other act concerns both Dominions the Governor-General would exercise the powers vested in him by these clauses, in his individual judgment, i.e., he would not be bound by the advice of ministers in this regard. The period after the appointed day, mentioned in sub-clause (5) of clause (9) may be extended up to the 31st of March 1948 since six months may not provide a sufficient period of time for giving effect to the provisions of these clauses. In sub-clause (4) of clause 9, it should be made clear that until the 31st of March, 1948, the powers of repeal and amendment possessed by the legislatures of the two Dominions would not extend to orders of the Governor-General which concern both of the Dominions.

**Clause 19(3) Proviso:**

This Proviso allows representatives of tribal areas generally to participate in either of the two Constituent Assemblies. According to H.M.G.'s Statement of the Plan of 3rd June 1947, agreements with tribes of the N.W. Frontier of India will have to be negotiated by the appropriate successor authority. It should therefore be specifically provided in the Bill that the appropriate authority to negotiate with the tribal areas on the N.W. Frontier shall be the Dominion in which the N.W.F.P. is included. The same principle applies to the tribal areas in Baluchistan and on the N.E. Frontier of India.

**General:**

As observed above, it has already been agreed by the parties that the awards of the Boundary Commissions shall be binding on both the parties. With regard to matters covered by clauses 9 and 11, which concern both Dominions, the principle has been accepted by the parties that if a difference of opinion arises between the two Dominions, the dispute will be referred to an arbitration tribunal whose award shall be final, though the personnel of such a tribunal is still under consideration. Provision should be made in the bill so as to make it clear that the awards shall be binding on both the Dominions.

Moreover, it is absolutely necessary that provision should be made in the Bill for setting up an authority with sanction behind it, which could enforce the awards that may be made by the Boundary Commissions and the Arbitration Tribunal. If such provision is not made, the result would be that any Dominion dissatisfied with an award may refuse to carry it out. This would create a very serious situation and lead to very grave consequences as there would be no means left to enforce the execution of the terms of the award. We consider that H.M.G. is the only appropriate authority that should undertake and guarantee that the awards that may be made, will be given effect to and carried out in all respects. This guarantee will only remain in force till such time as the partition
is finally and completely effected. This would necessitate consequential amendments in certain clauses of the Bill.

The view has been put forward in the Points for Discussion furnished to us that the new Dominion of India will continue the international personality of the existing India. In other words, it is being contended that the Dominion of India alone will be the successor to the present Indian Government in the international sphere. We strongly contest the correctness of this view and would be entirely opposed to any amendment of the Bill intended to give effect to this view, directly or by implication. The correct position is that there are going to be set up two Independent Dominions as successors to the existing Government of India which disappears altogether as an entity.

3 See No. 429, part II
4 No. 45, para. 17.
5 No. 429, part I.

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Commonwealth Relations Office to British High Commissioners in Canada, Australia, New Zealand and South Africa
Telegram, L/PO/6/122: f 66

IMMEDIATE
TOP SECRET AND PERSONAL

3 July 1947, 2 pm
Z. No. 37. Developments of last few days in India have given rise to acute differences between Congress and Moslem League regarding carrying on of interim government. In order to get over these difficulties it is thought essential that legislation here providing for Dominion status should be passed as soon as possible this month.

As will have been seen from my telegram D. No. 566, we have given the Bill the title India Independence Bill since we think that this is the best term to make entirely clear to opinion in India and elsewhere the realities of the position. Anxiety however has been expressed in certain quarters here whether use of this term might lead to embarrassment in relation to other Commonwealth countries.

In view of this will you please make immediate personal approach to Prime Minister and ask him whether he agrees that the title proposed will create no difficulties so far as his country is concerned and is acceptable. If so and if the other Prime Ministers are of the same opinion, we should like to be able to say publicly if necessary that as a result of enquiries, we are satisfied that the other members of the Commonwealth take the above view.

Grateful for reply by Monday if possible.

1 Not printed.
Prime Minister.
In pursuance of my statement at the meeting of the Cabinet on the 24th of June (C.M.(47)56th Conclusions) I authorised the United Kingdom Representative to Eire to approach the Eire authorities, on the same lines as the approach made to the Prime Ministers of the other Dominions, about the omission of the words “Emperor of India” from the King’s Title.

The United Kingdom Representative was instructed that, although it appeared unlikely that the Eire Government would regard it as necessary to bring the matter before the Eire Parliament, (where debate might ensue which would be embarrassing to them and to the United Kingdom Government) it was nevertheless important that we should be able to state in Parliament here, in general terms, that the other Commonwealth Governments (i.e. other than the United Kingdom Government) had agreed to the proposed change and were prepared to take such steps as they might consider necessary to obtain the assent of their respective Parliaments; further, that we should wish to have an agreed formula to use if we were, in the course of debate on the India Independence Bill, asked in Parliament whether an approach had been made to Eire.

Lord Rugby has now reported that, on this latter point, the following formula has been agreed by Mr de Valera, for use if such a question is asked:

“Mr de Valera has been informed of the proposed alteration and has indicated that it presents no difficulty so far as Eire is concerned.”

It is important that this wording should be followed textually. It is satisfactory that we have obtained Mr de Valera’s agreement without special qualifications as might have been feared in view of his recent utterance about Eire’s relation to the Crown (with which you are acquainted as a result of Mr Delargy’s recent Question addressed to you).

The whole Dominion position in this respect now seems to be satisfactorily covered and I am having a note prepared for use in Parliament on this particular aspect of clause 7(2) of the Indian Independence Bill.

I am sending a copy of this minute to the Lord Chancellor, and the Secretary of State for India.

ADDISON
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Rear-Admiral Viscount Mountbatten of Burma to Mr Attlee (via India Office)

Telegram, R/3/1/162: f 17

MOST IMMEDIATE

NEW DELHI, 3 July 1947, 8 pm

Received: 3 July, 6.15 pm

TOP SECRET

No. 1725-S. Following personal and private for Prime Minister from Viceroy.

1. Mr Jinnah came to see me last night¹ and told me that he wanted to be Governor-General of Pakistan from the date of the transfer of power.

2. I have spent four hours since then trying to make him realise the advantages that Pakistan would gain from having the same Governor-General as India for the initial period, until partition is complete. He is so adamant that he openly says that he would prefer to lose the crores’ worth of assets which he would get in a fair partition, under my supervision, than share a Governor-General.

3. I now am faced with the appalling problem of whether to accept Nehru’s offer to stay as Governor-General of India or whether to pull out on August 15th.

4. I will telegraph Jinnah’s full points of view and arguments and my recommendations later. This is intended to give you a preliminary indication of this unexpected course of events, as I realise that it may result in amendments to the Bill. But I would suggest that you take no action until I inform you further.

¹ For an account of this interview see No. 506, paras. 23-25.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/154: ff 37-9

MOST IMMEDIATE

NEW DELHI, 3 July 1947

Received: 3 July, 8.10 pm

SECRET

No. 1728-S. Following are my comments on the points raised by Congress.¹

Form of Bill. I presume time will hardly permit the Bill to be redrafted into two Bills at this stage. For the same reason the alternative suggested in paragraph (c) appears equally impracticable. As regards suggestion in paragraph (d) you will have noticed the strong reaction of Muslim League² to the view that

¹ No. 479.
² See No. 463, para. (v), and No. 480, General.
Dominion of India will continue international personality of existing India. On the other hand the advice received both by me and Foreign Office supports Congress contention even on Bill as at present drafted. Whilst I am in sympathy with the Congress suggestion for further clarification as regards treaty rights and obligations, I realise that this may make difficulties with the Opposition.

Preamble and clause 1(1). I cannot support proposals and personally persuaded Mr. Jinnah to retract a proposal of his own to alter preamble in the contrary sense.

Clause 2(1) and (3). Though I do not like the form of amendment suggested by Congress there is a substantial point that clause 2 as drafted leaves the position of acceding Indian States vis-à-vis the new Dominions entirely in the air. The definitions of both Dominions should be modified so as to cover Indian States and other areas which may hereafter become part of the particular Dominion by accession on federal basis or in any other circumstances. This is not sufficiently covered by the negative formula adopted in clause 2(3).

Clause 3(2)(a). I entirely agree with the Congress point and strongly suggest that it should be met by saying that quote As from the appointed day a part of the territories of Assam shall in accordance with the provisions of sub-clause (3) be separated from that Province and comprised in the new Province of East Bengal unquote. Consequential amendments will be necessary in sub-clause (3) and subsequent clauses, such as 9(1)(b) and 9(1)(e).

Clause 6(1). Suggested proviso will not be necessary if the definition of the Dominions is amended only to the extent suggested in comment on Clause 2(1) and (3) above.

Clause 6(2). I have informed both Congress and the League that this has been accepted.

Clause 6(4). I support the proposal.

Clause 7(1). As anticipated by me, Congress took very serious exception to paragraph (b) of this clause. This is a very crucial issue with them. Mr Panikkar (Dewan of Bikaner) also represented to me* that unconditional lapse of treaties and agreements will hit States equally hard. I am inclined to support the third alternative suggested. I recommend for the earnest consideration of H.M.G. that something should be done on those lines though of course omitting the word "relations" and making it clear that arrangements to be preserved include arrangements as between a State and a Province. If necessary a time limit may be fixed, say, 31st March 1948, for the operation of the proviso. Same provision may be made in respect of paragraph (c) of clause.

Clause 9(5): This was inserted at my suggestion* and both Congress and League have accepted it because partition of armed forces cannot be completed before this date.

Clause 10(2):* Both Congress and League have agreed to extending the scope of this clause to judges of the Federal Court and the High Courts. Terms
of this clause as well as definitions of remuneration and pension have been accepted by them.

Clause 14. On further discussion with me, Congress leaders are prepared to accept this clause if the provisions are absolutely necessary from a purely British point of view. Otherwise their preference is to omit the clause and rest the matter on their assurance that payments will continue to be made by their High Commissioner.

Clause 19(3): I support proposal regarding proviso. In view, however, of Muslim League point to which I refer later, proviso on following lines should be added to new sub-clause proposed by Congress. Begins. Provided that representatives of tribal areas shall participate in that Assembly only in which representatives of the province adjoining the tribal areas concerned participate.

Ends.

3 No. 446.
4 See No. 429, part II.
5 Ibid., part III.
6 Ibid., part IV.
7 See No. 485.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/154: f 40

MOST IMMEDIATE
NEW DELHI, 3 July 1947, 8.45 pm
CONFIDENTIAL
Received: 3 July, 7.55 pm

No. 1729-S. Following are my comments on points raised by Muslim League.1

Clause 2. I am unable to recommend any change in respect of the Andaman and Nicobar Islands.

Clauses 3 and 4. This point was originally raised by Congress, but was not specifically included in their comments. However, they definitely support it and I consider it of the utmost importance.

Clause 6(2). Covered in my comments on Congress points.

Clauses 9 and 11. On careful consideration I can recommend this.

Clause 19(3) Proviso. See my telegram on Congress points.

General. I told Mr Jinnah that no sanction would be accepted by Congress or be enforceable by H.M.G. I entirely disagree with views expressed in the last paragraph, though I understand that League would be violently opposed to any amendment of the Bill itself on this point.

1 No. 480.
Cabinet

India and Burma Committee. I.B.(47)40th Meeting

L/P&EJ/10/124: ff 143–8

Those present at this Meeting held at 10 Downing Street, S.W.1, on 3 July 1947 at 3.45 pm and 9.30 pm were: Mr Attlee (in the Chair), Sir S. Cripps, Viscount Addison, the Earl of Listowel, Mr C. P. Mayhew, Mr Arthur Henderson
Also present were: Sir A. Carter, Mr J. Rowlatt; Mr S. E. V. Luke, Mr G. M. Wilson, Mr F. F. Turnbull (Secretariat)

Minute 1

Defence Arrangements in India

The Committee had before them a Note by the Minister of Defence (I.B.(47) 135) covering the draft of a telegram to the Viceroy of India, seeking advice on the method of approach to the respective Indian authorities regarding the initiation of discussions on certain defence issues.

The Minister of Defence said that there were three outstanding defence issues:

(i) What arrangements were to be made for external defence from 15th August onwards.
(ii) The continued provision of certain military or transit facilities.
(iii) Our long-term British strategic requirements.

In addition, there was the important question of the provision of the safety of British subjects in India after 15th August, 1947, in view of the recent decision to stop [start] the withdrawal of British Forces as from that date. The first stage was to agree with the Indian leaders about the initiation of talks, and he suggested that it was desirable to obtain the views of the Viceroy on this point without delay.

The Committee:
Invited the Secretary of State for India to telegraph to the Viceroy in the terms of the draft telegram annexed to I. B. (47) 135, amended to indicate that His Majesty's Government would be expected, on the Second Reading of the Indian Independence Bill, to make some reference to the future arrangements for the external defence of India and Pakistan.

Minute 2

The British Army in India

(Previous Reference: I.B.(47)45th Meeting, Minute 2)

The Secretary of State for India said that the Viceroy had again raised the question whether an immediate announcement might be made about the arrangements contemplated for the withdrawal of the British Army from
India. Lord Mountbatten was afraid that, unless such an announcement was made without delay, there would be serious risk of leakage in India.

The Committee thought, however, that there were strong reasons against making any announcement on this subject in advance of the Second Reading of the Indian Independence Bill in the House of Commons; if the statement to be made by His Majesty’s Government on that occasion were anticipated in this respect, there was a risk of misunderstanding. In any event, it did not seem that serious harm would be done even if a leakage should occur in India.

The Committee:

Invited the Secretary of State for India to inform the Viceroy that His Majesty’s Government considered it inadvisable to make any public announcement on the subject of the withdrawal of the British Army in India in advance of the Second Reading of the Indian Independence Bill in the House of Commons.5

Minute 3

Indian Independence Bill

(Previous Reference: I.B.(47)39th Meeting, Minute 2)6

The question was raised whether it was necessary to attach an Explanatory Memorandum7 to the Indian Independence Bill. The Committee were informed that, while it was the normal practice for such a Memorandum to be attached to a Bill on its introduction in the House of Commons, this was done merely as a matter of convenience for Members and was not a constitutional requirement. The Committee felt that, in the present case, there were strong arguments against the attachment of an Explanatory Memorandum to the Bill; it would merely invite scrutiny in India with the object of ascertaining whether there were any inconsistencies between the Bill and the Memorandum, and this might lead to serious practical difficulties.

The Committee:

(1) Agreed that an Explanatory Memorandum should not be attached to the Indian Independence Bill.

The Committee had before them the following telegrams from the Viceroy to the Secretary of State for India in connection with the discussions in New Delhi with the Indian political leaders on the text of the Indian Independence Bill—

1 L/P & J/10/121: ff 30-1.
2 See No. 487 for the telegram as sent.
3 35th Meeting evidently intended: see No. 347, Minute 2.
4 No. 464.
5 Lord Listowel did this in tel. 8961 of 4 July. L/WS/1/1091: f 23.
6 No. 465.
7 A draft of an Explanatory Memorandum, sent by Lord Listowel to Mr Attlee under cover of Minute 112/47 of 3 July 1947, is on P.R.O. PREM 8/541, part 11.
No. 1695-S. Summary of points raised informally by the Muslim League on the 2nd July.

No. 1703-S. Further points raised informally by the Muslim League on 2nd July.

No. 1719-S. Summary of Congress Comments on the Draft Bill.

No. 1723-S. Text of formal Muslim League comments on Draft Bill.

No. 1728-S. The Viceroy’s comments on the points raised by Congress, set out in No. 1719-S.

No. 1729-S. Viceroy’s comments on points raised by Muslim League.

The Committee noted that the main criticism of the draft made by the Congress Leaders was that it failed to indicate sufficiently clearly that the new Dominion of India would continue the international personality of the existing India. They had urged that this position should be precisely stated in the proposed legislation, and that for this purpose the Dominion of India and the Dominion of Pakistan should be established by two separate Bills. The Committee considered, however, that there was no possibility of meeting these representations. It was not, in any event, a matter for His Majesty’s Government to legislate regarding the future international personality of the new Indian Dominions; their status would have to be determined by international recognition. There was, indeed, every reason to suppose that the Union of India would in fact, under the proposed legislation, be accepted as the international successor of the existing India. But to frame the Bill in terms which suggested that Pakistan was no more than a seceding fragment of India would provoke serious criticism in Parliament and would endanger the prospects of a speedy enactment of the Bill. Moreover, there was no reason to doubt that the Muslim League leaders felt sufficiently strongly on this subject to implement their threat to withdraw acceptance of the plan (Tel. No. 1703-S), if the Congress representations on this point should be met.

The Committee noted that the most important criticism of the Draft Bill put forward by the Muslim League related to the exclusion of any reference to the Andaman and Nicobar Islands. This was a matter to which they had given very careful consideration, and they did not feel that it was practicable to modify the decision already reached.

In discussion, it was agreed that the following amendments should be made to the Draft Bill in the light of the criticisms put forward by the Congress and Muslim League Leaders and of the Viceroy’s comments thereon—

(a) It was agreed that Clauses 3 and 4 should be amended to meet the proposal of the Muslim League (Tel. No. 1723-S) that the parties should be bound by awards of Boundary Commissions.

(b) It was agreed that a new sub-clause should be inserted after Clause 2(ii) which would have the effect of bringing out more clearly the possibility of the
accession of the Indian States. This would meet the Congress proposal in paragraph 2 of Tel. No. 1719-S.

(c) The Committee noted that the Congress Leaders had pointed out that there was no reason why, on the transfer of Sylhet to East Bengal, the present Province of Assam should cease to exist. It was agreed that the Bill should be amended to meet this criticism.

(d) It was agreed that the Bill should be amended to meet the Congress proposal that for the words “unless it is declared in the Act that the Dominion has requested and consented to the passing thereof” there should be substituted the words “unless extended thereto by an Act of Legislature of the Dominion”.

(e) The Committee were impressed by the criticisms made by the Congress Leaders of the terms of Clause 7(1)(b) and (c). They felt that there was justification for the view that the complete wiping out of all treaties and agreements in force at the date of the passing of the Act would create administrative chaos, and they considered that a proviso should be added to Clause 7(1)(b) to the effect that all agreements relating to customs, communications, posts and telegraphs administration, irrigation and other similar matters should be deemed to continue in force until such time as they were either denounced by one of the parties concerned or superseded by fresh agreements. There was some discussion whether it would be appropriate for a similar proviso to be added to Clause 7(1)(c). The Viceroy had given an assurance to the Frontier Tribes that suzerainty would not be transferred, and it would be undesirable to give any impression that this was being done in the Bill. On the other hand, the automatic lapse of the existing arrangements for such matters as the maintenance of communications through the Khyber and Bolan passes would cause great inconvenience, and it was thought that the best course would be to extend the proposed proviso to cover Clause 7(1)(c), making it clear that the intention was to continue only those provisions of the agreements relating to matters such as communications, transit and commerce, and not those relating to suzerainty.

(f) It was agreed that, in Clause 9(5) the words “31st March, 1948” should be substituted for the words “six months from the appointed date”.

(g) Parliamentary Counsel handed to the Committee the text of a revised Clause 10(2) which was agreed.

(h) It was agreed that, as suggested by the Congress Leaders, provision should be made in Clause 19(3)(a), making it clear that the Constituent Assem-
blies would have full power to prescribe the methods of filling casual vacancies and of the participation in the work of the Assemblies of representatives of the Indian States and of tribal areas. They did not, however, feel that it would be appropriate to insert in this Clause any formal definition of the Constituent Assembly's powers. A re-draft of Clause 8(1) and 8(2), handed in by Parliamentary Counsel, to meet the Congress views on that subject was agreed.

(i) The Committee were informed that no reply had been received from the Viceroy regarding the suggestion that Clause 9(1)(c) should be amended to enable him to set up between the enactment of the Bill and 15th August, to conduct the business of the Governor General in Council otherwise than in accordance with the provisions of the Government of India Act, 1935. It was agreed that this amendment should be made in the Bill.

The Committee:

(2) Agreed that the draft Bill, as amended in discussion, should be printed for presentation to Parliament on 4th July.

The Prime Minister raised the question whether, under the Bill, it would be possible for different persons to be appointed Governors-General of the two new Indian Dominions.

The Committee were informed that the Bill made legal provision for this situation. They felt, however, that, if it should prove necessary to appoint two Governors-General, the task of partition and of effective establishment of the new Dominions would be greatly complicated and prejudiced. It seemed that, in that event, the appointment of an Arbitral Tribunal and agreement to accept its awards would be essential.

Minute 4

Relations with Afghanistan

The Parliamentary Under-Secretary of State for Foreign Affairs informed the Committee that the Afghan Government had put forward a proposal that the terms of the referendum to be held in the North-West Frontier Province should be extended to allow the additional choice of becoming independent or of joining Afghanistan. It was proposed to inform the Afghan Minister in London that these representations related to an area which formed an integral part of India and was recognised as such by the Afghan Government in the Anglo-Afghan Treaty of 1921, and that His Majesty's Government could not admit the right of a foreign government to intervene in the internal affairs of these areas. The Afghan Government also contended that, with the change in status in India, the obligations created by the Anglo-Afghan Treaty will no longer be binding. As regards international obligations, the Muslim League in telegram No. 1703-S had said that as at present advised they were not prepared to accept the present international obligations of His Majesty's Government in relation to Afghanistan. If this attitude was persisted in it would destroy the case we were making to the
Afghan Government. He thought that the Viceroy ought to be asked to point out to the Muslim League leaders the embarrassment and difficulties to themselves which the maintenance of such an attitude would cause; and that meanwhile the Foreign Office should be authorised to continue to resist the Afghan representations on the ground that there could be no question of the Treaty of 1921 lapsing.

15 No. 469.
16 The words 'set up' appear to be superfluous.
17 The text of this Minute is taken from that given in a corrigendum issued by the Cabinet Office on 11 July 1947. L/P & J/10/81: f 34.
18 See Nos. 212, 272, 377, 395, 431 and 453.
19 No. 463.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P & J/10/121: f 35

IMMEDIATE

India Office, 3 July 1947, 10.20 pm

SECRET

Received: 4 July, 9.30 am

8560. H.M.G. are deeply concerned about several defence questions in India, particularly about initiating discussions with the Indians on our long term strategic requirements in that country.

2. Before you took up office in India, the Chiefs of Staff considered British strategic requirements in India under the alternatives of remaining within the Commonwealth or choosing an independent Republic. It was contemplated that these requirements would be incorporated as military clauses in a future Treaty. As events have turned out, however, there will be no formal Treaty with the Dominions of Hindustan and Pakistan, and no provision has been made for future British strategic requirements in the Indian Independence Bill.

3. There are three outstanding defence issues:—

(i) What arrangements are to be made for external defence from August 15th onwards.

(ii) The continued provision of certain military air transit facilities.

(iii) Our long term British strategic requirements.

4. There is also the important question of the provision for the safety of British subjects in India after 15th August, 1947, in view of the recent decision to start withdrawing British forces as from that date.

1 See Vol. IX, Nos. 544 and 545.
5. The importance of coming to some arrangement with Hindustan and Pakistan about their external defence needs no emphasising. There may well be a considerable period of time, from August onwards, when little or no provision can be made for external defence unless some understandings are reached in the near future.

6. The most urgent and immediate problem is to obtain agreements allowing us to continue to maintain facilities for the transit of military aircraft through India. The present military routes carry mail, troops and Government passengers to destinations in the Far East, including Japan, Hong Kong, Malaya, Singapore and Ceylon. It is essential that there should be no gap in the continuity of the provision of these facilities and arrangements to this end should be concluded with the minimum of delay, otherwise we stand to face withdrawal of facilities, involving a complete cessation of service on some routes, and in others a temporary stop until alternatives can be arranged. This problem also has wider ramifications which need not now be expanded, affecting our air reinforcement routes to other Far East countries.

7. It is of the greatest importance to ensure that, in the struggle to resolve the political difficulties of the future of India, the question of some form of military agreement runs no risk of being allowed to go by default. The fact that we do not arrange formal Treaties with Dominions must not blind us to the necessity for taking early and concrete steps to obtain our defence requirements should, at a later date, either Pakistan or Hindustan decide to leave the Commonwealth. It may, in fact, be most desirable to have written agreements with these temporary Dominions.

8. There are two stages to these problems. First, the method of approach to the Indians to initiate talks must be decided upon and secondly, we must be quite clear what our detailed requirements are.

9. Your views on the first stage are requested. Meanwhile, the Chiefs of Staff are reviewing defence requirements to bring them up to date.

10. Your views are also requested on what should be said in Parliament on this subject on second reading of bill.
Sir A. Clutterbuck to Commonwealth Relations Office

Telegram, L/PO/6/122: f 67

TOP SECRET AND PERSONAL

3 July 1947, 5.19 pm
Received: 4 July, 3.15 am

No. 572. Your telegram Z. No. 37.²

Prime Minister is grateful to you for consulting him and sympathises with objective. But he feels that use of word "independence" in title of Bill would be liable to cause misunderstanding, since it would he thinks denote to the ordinary person independence of the Commonwealth.

2. He developed this view to me in long talk this afternoon, in course of which he said that same point had arisen in connection with the famous Balfour formula at the 1926 Imperial Conference. General Hertzog had then insisted that the word "independent" should be included in the formula. A long struggle had ensued over this in which he (Mackenzie King) had taken a leading part and finally, after much coming and going behind the scenes, he and Hankey between them had succeeded in coaxing Hertzog out of it.

3. Prime Minister said that he had explained at the time that it would be impossible for him to justify word "independent" to Canadian public opinion, since Canadians would certainly take it to mean a cutting of the painter and complete separation from Britain and the Commonwealth, c.f. the American War of Independence. He had argued that, since there was no intention on anyone's part of breaking the Commonwealth Association, what was really meant was not "independence" but "self-dependence", i.e. the right to govern oneself without interference and Hertzog had finally accepted this view.

4. He continued that, if he were asked for a personal opinion now in relation to India, he could only say again today what he said then. He did not think that Canadian public opinion would be unduly excited whatever title was adopted for the Bill, but seeing that whole object was to set up two Dominions in India, and to encourage them to remain within the Commonwealth, he could not help feeling himself that the word "independence" did not fit the facts, and might convey the wrong notion. He thought that some such title as "India (transfer of Powers) Bill" would be a safer and more appropriate alternative.

¹ British High Commissioner in Canada.
² No. 481.
Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/160: f 81

NEW DELHI, 4 July 1947, 2 am
Received: 4 July, 2.10 am

No. 1732-S. It was stated in Prime Minister's telegram No. 8402 of 1st July 1947\(^1\) that my Plan for the reconstitution of the Central Government was not considered by H.M.G. to be altogether fair to the League. Though I propose not to implement it until after the Bill has been passed I do not agree that the Plan was unfair to the League.

2. It may not have been appreciated that we have a standstill agreement here under which nothing that is likely to cause offence to the opposite Party is decided by any member of the Cabinet without reference to the Cabinet as a whole. Consequently almost all ordinary administrative work is at a standstill. Secondly, the important work that is being done goes to the Partition Council, where the League have parity.

3. There are two main issues involved in the Congress campaign, which is pressed mainly by Nehru. One is the prestige point, the other is the Congress desire to make sure that the standstill agreement is likely to be implemented in the Finance Department. The second is a reasonable request, and I cannot see that my Plan, as a whole, is unfair on the Muslim League.

4. I repeat in my immediately succeeding telegram\(^2\) the text of the instructions given to the Governor of Bengal, and accepted by both parties, about the reconstitution of the Bengal Government. This puts the matter rather more precisely than the draft Press statement which I forwarded with my telegram No. 1616-S dated 27th June\(^3\) and indicates how the Plan will work, though at the Centre the League will probably insist that a reference to the Viceroy should be provided as in the original draft Press statement.

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\(^1\) No. 447.
\(^2\) Tel. 1733-S repeated the text of the Instructions in No. 410. R/3/1/160: f 82.
\(^3\) No. 379, para. 5.
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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/WS/1/1033: f 162

IMPORTANT

INDIA OFFICE, 4 July 1947, 2 am

8578. Your telegram No. 1617-S dated 27th June.¹ I realise that combined needs of printing plant for two new Dominions will exceed those of existing Central Government and my Office have already been in touch with departments concerned here to press for expediting of orders for such plant. Everything possible will be done here by continued pressure and persuasion to accelerate manufacture and shipment. But there is no longer any system whereby H.M.G. can ensure priority by issue of directions to manufacturers. This obviously precludes my giving assurance upon which reliance can be placed. More detailed explanation of the position will be sent in reply to promised official telegram.

2. I suppose the same question may arise in regard to other requirements and it would only lead to misunderstanding and disappointment if Pakistan interests thought that Government priority here can be used to secure adequate provision for their needs. It is rather upon proper operation of partition machinery in India, purpose of which is to secure equitable division, that they must rely. But as I have said we shall do what we can to help within limited possibilities of situation.

¹ See No. 369, note 13.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P & J/10/124: ff 141-2

MOST IMMEDIATE

SECRET

INDIA OFFICE, 4 July 1947, 2.15 am

Received: 4 July, 9.30 am

No. 8587. My following telegram¹ indicates text of bill which will be published here about 16.00 hours D.B.S.T. Friday 4th July. You will no doubt arrange for simultaneous release in India. Exact hour of release will be confirmed later with specific authority to you to release in India at same time.

¹ Not printed. For the principal amendments made to the draft Bill see No. 428 and its note 1.
2. Any later time for publication would have made impossible a target date of 20th July for passing of the bill. Second Reading will be on 10th July.

3. We have considered comments of Congress and Muslim leaders on draft bill and have accepted (subject to some redrafting) most of the suggestions on which there was not marked disagreement. We have in fact largely accepted your own recommendations.³

4. Brief account of our reasons for being unable to accept certain suggestions will so far as they have not already been communicated to you be telegraphed shortly.⁴

5. In the view of H.M.G. bill faithfully carries out plan in announcement of 3rd June⁵ which both Congress and League accepted. If time had permitted we should have been happy to discuss further the points they have raised on the bill which we have not accepted but this would have imperilled passage of the bill this Session and would certainly have made passage by about 20th July out of the question.

6. We will consider whether we can move at Committee stage any amendment which you consider vital on which both Parties are agreed.

³ See No. 486, Minute 3.
⁴ See Nos. 484 and 485.
⁵ No. 45.

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Mr Costar¹ to Commonwealth Relations Office

Telegram, L/PO/6/122: f 68

TOP SECRET AND PERSONAL

4 July 1947, 4.10 pm

Received: 4 July, 11.15 am

No. 193. Your telegram Z. No. 37 of 3rd July.² India Independence Bill.

1. Prime Minister says that it will be necessary for him to consult Cabinet and Leader of Opposition before replying. Prime Minister will, however, do his best to let us have reply as soon as possible.

2. Prime Minister himself appears to consider proposed employment of term “independence” as unfortunate. However, greater difficulty is that he much doubts whether Opposition will willingly agree. Reason for this view is that only this morning he learned that Opposition were preparing to attack him in
House of Representatives for agreeing to change in title of Secretary of State and Dominions Office in a direction which Opposition regard as step towards "cutting the painter" without consulting them. He was, however, able to anticipate trouble by hurriedly making statement immediately House met this morning, in which after repeating statement made in London (your Z. No. 35 of 1st July) he emphasised that New Zealand made no request for the change, which arises primarily out of changing situation in India, that she was of course consulted, and raised no objection, though her preference was for Commonwealth Affairs rather than Commonwealth Relations. He added that the change had no particular significance so far as New Zealand was concerned. Full text of statement by despatch.

3. Will telegraph again as soon as further information is available re India Independence Bill.

1 Acting British High Commissioner in New Zealand.
2 No. 481.
3 See No. 451 and its note 1.

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Meeting of the Indian Cabinet. Case Nos. 162, 170 and 171/33/47

Mountbatten Papers. Minutes of Indian Cabinet Meetings

SECRET

Those present at this Meeting held on 4 July 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Pandit Nehru, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad, Mr Rajagopalachari, Dr Matthai, Sardar Baldev Singh, Mr Bhabha, Sir R. Pillai, Sir H. Shrobert; Sir G. Abell, Mr H. M. Patel, Mr Osman Ali (Secretariat)

Case No. 162/33/47 Financial liability arising out of the payment of compensation to the officers of the Secretary of State’s Services

MINUTES

His Excellency said that his note
 which had been circulated explained H.M.G.’s view on this subject, namely while they had not yet finally decided whether the question of responsibility for the payment of compensation should be linked with the negotiations in regard to sterling balances, they did not regard themselves as debarred from raising the question of financial liability regarding

1 See No. 103, note 4; also No. 359.
compensation to Secretary of State’s officers during any negotiations about the sterling balances.

The Hon’ble the Home Member said that the Cabinet had already expressed its opinion in clear and unambiguous terms that the Government of India did not admit any liability to pay compensation to officers of the Secretary of State’s services beyond that which had been expressly admitted in the announcement made by His Excellency the Viceroy on the 30th April.² In order to avoid any misunderstanding on this score, it was necessary to reiterate the stand already taken by the Cabinet.

DECISION

The Cabinet took note of H.M.G.’s view, and reiterated its view that the Government of India did not admit any liability to pay compensation to the officers of the Secretary of State’s services save in the circumstances explained in the announcement made by His Excellency the Viceroy on the 30th April, 1947. His Excellency the Viceroy undertook to convey this view to H.M.G.³

Case No. 170/33/47 Afghan claims on the North West Frontier
The Hon’ble Member for External Affairs and Commonwealth Relations said that about a month ago the Press and the Radio in Afghanistan had started a campaign giving prominence to Afghanistan’s interests in the North West Frontier and the claim was made that Pathans were Afghans rather than Indians and they should have the utmost freedom to decide their own future and should not be debarred, as the proposed referendum would appear to do, from deciding either to form a separate free State or to rejoin their mother-land, viz. Afghanistan. These claims had later been taken up on an official level with H.M.G. and the Government of India. The Government of India had refuted this irredentist claim of Afghanistan to the area lying between the Durand line and the Indus river, and had pointed out that the issue regarding an independent Pathan State was a matter entirely for the Government of India and the Afghan Government had no locus standi. H.M.G.’s Minister at Kabul had mentioned the possibility that the Afghan Government’s object might be to divert public attention in Afghanistan from the internal economic situation which was precarious.

Case No. 171/33/47 Reconstitution of the Central Government
His Excellency said his colleagues would recall that on his return from London he had informed them that as soon as the question of partition was legally decided on the votes of the Punjab, Bengal and Sind, he would request his colleagues for their resignations. Voting had since taken place in the Legislatures of those provinces in favour of partition. He now invited his colleagues to tender their resignations. It was his intention, however, to request them to carry on with their present portfolios until the Indian Independence Bill was passed when he would reconstitute the Government. During the intervening
period, he thought that the 'standstill' agreement might be modified so as to make it more effective. At present, Departmental decisions came up to the Cabinet for scrutiny too late, at times, to prevent action being taken on them, if they were considered to be objectionable from any standpoint. His Excellency proposed accordingly that in future all departments should send to his Private Secretary's Office every night the gist of all decisions of some importance taken during the preceding 24 hours and not implement them until they were informed by that Office that it would be in order to do so. This would give him an opportunity of holding up further action on any decision, which appeared prima facie likely to affect adversely or to embarrass one or the other of the future Governments. This would not, of course, do away with the necessity of the departments continuing to submit weekly lists of decisions in accordance with the 'standstill' agreement.

In regard to appointments, it was pointed out that unlike policy matters, which might conceivably affect both the future Governments, the future Pakistan Government clearly would not be concerned at all. It might, therefore, reduce inconvenience and delay; if the appointments of only those who had elected to or were likely to go to Pakistan were submitted to the Cabinet for its approval.

After a brief discussion it was agreed that the 'standstill' agreement should be revised as follows:

(1) No appointments in Class II and above should be made in respect of any person who had elected to go to Pakistan without the approval of the Cabinet. Appointments of those who had elected to stay on in India might be made in the ordinary way.

(2) As in the ordinary course, decisions on important matters should be taken with the approval of the Cabinet.

(3) In regard to other matters of some importance on which decisions would have ordinarily been taken by an Hon'ble Member whether on his own responsibility or in consultation with one or more of his colleagues, but without reference to the Cabinet or on his behalf by his departmental officers, each department should send to the Office of the Private Secretary to His Excellency the Viceroy at the end of each day a list of decisions taken during the day in the department. The description of each decision should be brief, but sufficient to indicate whether it is likely to be controversial. (The Private Secretary to His Excellency the Viceroy will ring up the Secretary of the Department the following morning and inform him whether there are any cases in his list on

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3 In tel. 1893–S of 10 July Lord Mountbatten referred to No. 103 and continued as follows: 'I informed Cabinet on 4th July of H.M.G.'s attitude. Unanimous opinion of Cabinet was that Govt of India must re-assert their own position. Recorded decision was: [there follows the text of the decision as given in the final paragraph above]. R/3/1/188: f 19.
which His Excellency wishes to see the papers before the decision is implemented.)

All these decisions should in any case be included in the weekly report to the Cabinet.

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Mr Hankinson¹ to Commonwealth Relations Office

Telegram, L/PO/6/122: 70

IMPORTANT

TOP SECRET AND PERSONAL

4 July 1947, 5:45 pm

Received: 4 July, 1:30 pm

No. 451. Your telegram Z. No. 37.² Title of India Bill.

Following from Hankinson. Begins.

As High Commissioner was away from Canberra I made appointment to see Prime Minister this afternoon 4th July and left with him letter containing substance of your telegram. Dr. Evatt was present. After some talk, Prime Minister said that he would like to consider matter further with Dr. Evatt and undertook to let me have their considered answer as soon as possible. I explained that you were anxious to receive reply by Monday if possible and Prime Minister made note of this.

2. I gathered from our preliminary talk that, while Prime Minister and Dr. Evatt were not at first sight disposed to think that proposed title would be likely to create any real difficulty so far as Australia was concerned, they were not at all happy about use of word “independence” in the title of the Bill (which is to provide for Dominion status) and might be hesitant to say title is acceptable to them if that acceptance might be quoted publicly. On the other hand they realised that the title “India Bill” by itself would be somewhat colourless and might not be regarded as sufficient vis-à-vis Indian opinion, while on the spur of the moment they could not think of any appropriate substitute for “independence”. (Dr. Evatt remarked on the coincidence that they should be approached on this matter on American Independence Day).

3. I will telegraph considered answer immediately this is received from Prime Minister, but I thought it desirable to pass on the above at once though it represents merely my impression of the Commonwealth Ministers’ first

¹ British Deputy High Commissioner in Australia.
² No. 481.
thoughts on the matter and may not in any way coincide with their final views when they have had time to give further consideration to it. *Ends.*

In tel. 350 of 4 July the Commonwealth Relations Office thanked Mr Hankinson for the action he had taken and sent him a personal message similar to that given to Mr Costar in No. 512. In tel. 454 of 7 July Mr Hankinson reported that Mr Chifley had told him in conversation that he had heard on the wireless that the Bill had been introduced under the title 'India Independence Bill'. Mr Chifley was therefore sending him a letter which contained the passage: 'in these circumstances it would appear that any comment by me one way or the other on the subject is unnecessary'. L/PO/6/122: ff 71, 75.

495

Viceroy's Conference Paper V.C.P. 107

Mountbatten Papers. Official Correspondence Files: Governors-General and Governors of Provinces, Appointment of, Part 2

TOP SECRET

THE VICEROY'S HOUSE, NEW DELHI, 4 July 1947

GOVERNORS-GENERAL

The attached paper will be considered at The Viceroy's Meeting at 4 p.m. on Friday, 4th July, 1947.

V. F. ERSKINE CRUM
Conference Secretary

PART I

[This section is not printed; it was substantially the same as Enclosure 2 to No. 522.]

PART II

1. H.E. indicated that, before making his final decision on whether to remain as Governor-General of the Dominion of India, he would require from Mr Jinnah reaffirmation of the fact that the latter welcomed H.E.'s acceptance of the appointment.

2. In view of the difficulty of ever getting Mr Jinnah's signature to a letter, it is for consideration whether a verbal statement, in the presence of witnesses, would not suffice. This would then be quoted in Parliament, and be given world-wide publicity. However, a draft letter is attached as Annex 'A' (to follow). 3

PART III

1. The question arises as to what amendments should be made to the Indian Independence Bill. The proviso to Clause 5, as approved by the King, at present reads:

3 See Annex.
Provided that, unless and until provision to the contrary is made by law of the Legislature of either of the new Dominions, the same person may be Governor-General of both new Dominions.

2. It is understood that Mr Nehru would prefer the Governments, as opposed to the Legislatures, to be empowered to make the necessary provision to the contrary. However, he has not put this suggestion up officially.

3. Any amendment that is now made would have to be introduced during the second reading.

4. There are three possible courses:
   A. To leave the proviso as it stands. This will entail Mr Jinnah having to summon his Legislature after 15th August, and for that Legislature to pass the necessary amending legislation. Thus, for a period, if only a day, after 15th August, H.E. will in fact be Governor-General of both Dominions.
   B. To amend the proviso (and subsequent clauses as necessary) to arrange for there to be one "Common Governor-General" and two "Officiating Governors-General" (or whatever terms are chosen). Such an amendment might be made if the Nawab of Bhopal's efforts with Mr Jinnah are successful, and if Congress agrees.²
   C. If Mr Jinnah remains adamant, to delete the proviso (and make subsequent amendments) at the second reading. This would surely give an admirable opportunity for explanation, in Parliament, of the course of events which have led up to this step.

Annex to No. 495
Draft of letter (not sent)

From H.E.
To Mr Jinnah
You will remember that on the 17th May² when you and Liaquat met Mieville and myself you invited me to stay on after the transfer of power, in order to complete all the details of partition in some capacity superior to the two Governors-General envisaged; and I reported your statement to H.M.G.

2. On the same date I received an invitation from Congress inviting me to be Governor-General of the Indian Union after transfer of power, and, in accepting this honour, I pointed out how difficult it would be for me to remain on as Governor-General of one Dominion only: I, therefore, qualified my acceptance by adding that it would be subject to a similar invitation being received from the League by which I could act as Governor-General for both Dominions for the short period until partition was completed.

3. While I am anxious to return to England and resume my career in the Royal Navy, I am, on the other hand, most reluctant to leave a job half done and no one can contend that with the setting up of the two new Dominions on the 15th August that partition will have been completed. I should therefore like
to remain for a few months representing both Dominions to see the job through properly.

4. On the other hand you have now informed me that it is your wish that you personally should be nominated as Governor-General of Pakistan. I shall be glad if you will confirm that it is your desire that I should submit your name to The King, and, at the same time, I should be glad if you would confirm that you would have no objection to my remaining as Governor-General of the Indian Union, and that you are satisfied that your interests will not, therefore, be prejudiced, as the decision, which I have not yet taken, whether to remain or not with the Indian Union is one in which I shall be guided largely by the attitude you may take up.

\* Words in italics underlined in original.
\* See ibid., No. 471.

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496

**Rear-Admiral Viscount Mountbatten of Burma to Mr Gandhi\*\**

*R/3/1/151: f 250*

**NO. 1446/3**

4 July 1947

Dear Mr Gandhi,

In your letter of 28/29 June\* to me you said that the Referendum on the Frontier would go on without any interference by the followers of Khan Abdul Ghaffar Khan.

It is reported to me from the Frontier that Red Shirts are now "persuading" people not to vote.

I think you will agree that any action of this sort is likely to lead to the very violence you and I are so anxious to avoid. I trust that if the reports are true, in view of the policy stated in your letter you will be able to persuade Khan Abdul Ghaffar Khan to implement that policy.

Yours sincerely,

**MOUNTBATTEN OF BURMA**

\* This letter was sent in response to a suggestion made by Sir R. Lockhart and contained in tel. CA-138 of 2 July. R/3/1/151: f 242.
\* No. 396.
497

Rear-Admiral Viscount Mountbatten of Burma to Pandit Nehru

Mountbatten Papers. Official Correspondence Files: Sikh Problem, Part II(a)

NO. 592/63

4 July 1947

Dear Mr Nehru,

As a result of discussions I have had from time to time with the Sikh leaders¹ I should like to put to you their point of view.

2. They are naturally worried about the position in the Punjab, where, unless major alterations are made by the Boundary Commission, the Sikh community will be so divided that almost half will remain in the Muslim Province of Western Punjab.

3. They hope that the Boundary Commission will make such major alterations, but that is not a point which immediately concerns the political parties. Apart from this, they ask for assurances that they will receive weightage in the Legislature of Eastern Punjab. They hope also that they will have weightage in the Central Houses of the Union of India and a seat in the Union Government.

4. They have suggested that they should have special representation in the existing Constituent Assembly. Clearly I cannot help them on this point or, indeed, on any of the others except by approaching you, but you may wish to consider the matter.

5. Finally, they have suggested that the transfer of population should be seriously considered in the Punjab.

6. I expect all these points have been put to you but I should like to tell you how much I sympathise with the Sikhs and how much I hope you will be able to help them.

Yours sincerely,

M OF B

¹ cf. No. 417, para. 8.

498

Rear-Admiral Viscount Mountbatten of Burma to Mr Jinnah

Mountbatten Papers. Official Correspondence Files: Sikh Problem, Part II(a)

NO. 592/63

4 July 1947

Dear Mr Jinnah,

As a result of discussions I have had from time to time with the Sikh Leaders¹ I should like to put to you their point of view.
2. They are naturally worried about the position in the Punjab where, unless major alterations are made by the Boundary Commission, the Sikh community will be divided into two almost equal parts.

3. They have asked for certain special consideration in the Union of India and in the Eastern Punjab but they also urge that the transfer of population should be seriously considered in the Punjab and I hope that at the proper time this will be considered by you, whether as the result of the Boundary Commission or otherwise. They also hope they will have weightage in the Central Houses of Pakistan and a seat in the Pakistan Government.

4. I sympathise with the Sikhs, as I am sure you do, and I hope everything possible will be done to allay their fears.²

Yours sincerely,

M O F B

¹ cf. No. 417, para. 8.
² No reply to this letter has been traced.

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Minutes of Viceroy’s Fifty Second Staff Meeting, Item 2
Mountbatten Papers

TOP SECRET

Those present during discussion of Item 2 of this Meeting held at The Viceroy’s House, New Delhi on 4 July 1947 at 4 pm were: Rear-Admiral Viscount Mountbatten of Burma, Lord Ismay, Sir E. Mieville, Sir G. Abell, Rao Bahadur V. P. Menon, Captain Brockman, Mr I. D. Scott, Mr Campbell-Johnson, Lieutenant-Colonel Erskine Crum

GOVERNORS-GENERAL
(V.C.P. 107)¹

The Meeting considered a paper prepared by the Conference Secretary, putting forward the reasons, as brought out in an unrecorded discussion the previous day, why His Excellency should accept the appointment of Governor-General of the new Dominion of India alone. This question had arisen because of Mr Jinnah’s intention, first declared two days previously,² to put forward his own name for the post of Governor-General of Pakistan.

¹ No. 495.
² For an account of Lord Mountbatten’s interview with Mr Jinnah see No. 506, paras. 23–5.
HIS EXCELLENCY THE VICEROY said that his conscience was clear that he had taken every possible step of which he knew, in order to put clearly before Mr Jinnah the advantages of Pakistan having the same Governor-General as India during at least the initial period after the transfer of power. The final step which he had taken had been to send for the Nawab of Bhopal and ask him again to point out the advantages to Mr Jinnah. This step had been unsuccessful. HIS EXCELLENCY said that to him the most painful part of all this was that he had, though unintentionally, deceived Congress. They had made their offer that he should remain as Governor-General of the Dominion of India on the understanding that he would be Governor-General of Pakistan also. HIS EXCELLENCY emphasised that Mr Jinnah's decision had come as a complete surprise to him. For example, Mr Jinnah had not told the Nawab of Bhopal, when he had seen him four days previously, what was in his mind.

THE VICEROY stated that the Nawab of Bhopal had given his opinion that the only hope for Pakistan now was for him (His Excellency) to stay on as Governor-General of India. The Nawab of Bhopal had said that he considered that this was the only hope for the States too. He had added that from the personal viewpoint he thought that the decision was much more difficult and had suggested that three days would be required in order to make it.

RAO BAHADUR MENON stated that Mr Mohd. Ali had told him that informed Muslim League opinion shared the Nawab of Bhopal's view that it would be in the interests of Pakistan for His Excellency to remain as Governor-General of India.

A separate part of the paper before the Meeting dealt with the question as to whether, in the light of Mr Jinnah's decision, it would be desirable to amend the proviso to the Indian Independence Bill which allowed the same person to be Governor-General of both Dominions. HIS EXCELLENCY decided that it would be best to leave this proviso as it stood.

HIS EXCELLENCY THE VICEROY:

(i) took note of V.C.P. 107;
(ii) approved a draft telegram4 to the Prime Minister, handed round at the Meeting, informing him of the latest situation;
(iii) directed Prin. Sec. to draft a telegram5 to His Majesty the King to inform him of the course of events;
(iv) decided to ask Mr Jinnah, when next he saw him, whether he would accept a G.C.M.G. or similar decoration.6

4 Presumably the draft of No. 508.
5 This telegram has not been traced.
6 See No. 533, para. 3.
500

Rear-Admiral Viscount Mountbatten of Burma to Mr Jinnah

R/3/1/162: f 27

NO. 1446/16

4 July 1947

Dear Mr Jinnah,

I would be grateful if, on behalf of the successor authority, you would let me have in writing the name recommended for Governor General of Pakistan, in order that I may make a formal submission to The King.

As I told you, I ought to have submitted the name today at latest. I would therefore be most grateful if you could let me have an immediate reply.

Yours sincerely,

MOUNTBATTEN OF BURMA

501

Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/154: ff 56–8

SECRET

EXTERNAL AFFAIRS DEPARTMENT, NEW DELHI, 4 July 1947

Dear Lord Mountbatten,

I enclose a note containing our comments on the comments of the Muslim League\(^1\) on the draft Bill\(^2\).

Yours sincerely,

JAWAHARLAL NEHRU

Enclosure to No. 501

The following are our comments on the League comments on the draft Bill:\(^3\)

Clause 2.—The Dominion of India does continue the international personality of the existing India, retaining whatever is not specifically transferred to Pakistan. We cannot possibly agree to any amendment which will throw doubt on this position. On the contrary, we have proposed amendments designed to confirm it beyond any possibility of doubt.

As regards the Andaman and Nicobar Islands, their total population, according to the census of 1941, was about 34,000, of whom about 12,000 were Hindus, Sikhs and Buddhists; about 11,000 aboriginal tribes; about 8,000

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\(^1\) See No. 480.

\(^2\) Lord Mountbatten sent Pandit Nehru an acknowledgement on 5 July. R/3/1/154: f 78. The note was circulated as V.C.P. 111 of 5 July.
Muslims; and about 3,000 others. It will thus be seen that they are very pre-
dominantly a non-Muslim area; it is not even correct to say that the majority of
the population consists of tribes. In the judicial sphere, their administration is
for certain purposes linked with the High Court at Calcutta. In other respects
they are administered as a Chief Commissioner’s Province.

The islands do not lie on the direct route between the two parts of Pakistan.
If they are of strategic importance to Pakistan, much more so are they to the
Dominion of India. The claim that these islands should be allotted to Pakistan is
therefore wholly untenable. There can be no question of their being allotted
to or forming part of Pakistan; only such areas can be included in Pakistan as
have expressed a wish to that effect; the rest remains with India.

Clauses 3 & 4.—We have no objection to the decisions of the Boundary
Commission being treated as awards binding on all concerned.

Clause 6(2).—We have made a similar recommendation.

Clauses 9 & 11.—There is no reason why the Governor General should not
act on the advice of Ministers. If the Ministers of the two Dominions differ in
respect of some order which concerns both, the matter may go to arbitration.

We have already agreed that the period mentioned in sub-clause (5) of clause
9 may be extended to March 31, 1948.

The powers of repeal and amendment of the Legislatures of the Dominions
extend only to their respective territories. It is unnecessary to restrict them in
any way.

Clause 19(3), proviso.—It is unnecessary specifically to provide in the Bill
who the appropriate authority to negotiate with the tribal areas on the N.W.F.
or elsewhere should be; no such provision has been made in respect of the
Indian States.

General.—We strongly object to H.M.G. or any other external authority
undertaking to enforce the awards made by the Boundary Commissions or
any arbitration tribunals that may be set up in future. The implementing of the
awards should be left to the good sense of the two States concerned, as in the
case of any two independent States.

502

Pandit Nehru to Mr Vellodi
Telegram, R/3/1/138: ff 45–6

IMMEDIATE

FOREIGN, NEW DELHI, 4 July 1947

SECRET

No. 5211. Personal for Vellodi from Nehru.

Your telegram first July.¹ Sorry to learn of your distress at activities of agents
of Indian States in London. We fully realise this, though we do not think it can
produce much effect in present context. Time for making decisions in London is passing. However, every effort should be made to keep in touch with situation and inform us of it. Please meet Katju reaching London Sunday. Krishna Menon starting Friday next.

2. Our position regarding States as follows:
Quite apart from question of lapse of paramountcy of British Crown, geography and questions of security make it impossible for us to recognise independence of any State; nor can we recognise any State joining Pakistan, unless it is contiguous to it and its people wish it to join. Most States have already joined Constituent Assembly of India. We expect others to do so soon. Those remaining over may do so, subject inevitably to their defence, foreign policy and some other matters being controlled by Indian Union. I have stated formally that any recognition by a foreign State of independence of an Indian State will be considered by us an unfriendly act. Foreign trade relations of Indian States, leading to creation of foreign vested interests, also considered objectionable by us.

4. Sudhir Ghosh’s telegram to me, dated 3rd July regarding Frontier referendum: no breach of pledge involved in abstention from referendum by Frontier Congress.

Referendum nevertheless takes place. Method of asking people to choose was objected to as it became a communal question. Ideal of free Pakistan does not mean complete independence or isolation from India. It means full autonomy for province and liberty of choice as to which Dominion to join. Frontier Congress entirely opposed to any intrusion of Afghanistan in a matter which appertains to India only.

4. On Muslim League side propaganda to build up pan-Islamic State from Frontier to West Asia. Frontier congressmen entirely opposed to this as well as to joining Pakistan. However in order to avoid contest on purely communal issue and possibility of conflict on such issue they decided to abstain from taking part in referendum. Quite clear that there is no demand for separate sovereign state as everyone realises Frontier province too small and weak for such existence.

5. Sudhir Ghosh’s statement regarding continuity of India completely correct position that certain areas have seceded from India and have been formed into a separate State of Pakistan. The rest of India continues as before and all treaties and engagements with it continue as when Burma was separated.

1 No. 450.
2 cf. No. 206, note 5.
3 Not traced.
Sir E. Jenkins (Punjab) to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/157: f 118

SECRET

GOVERNMENT HOUSE, LAHORE, 4 July 1947

NO. 690

Dear Lord Mountbatten,

After this morning’s meeting of the Partition Committee, Dr. Gopi Chand Bhargava and Sardar Swaran Singh asked to see me privately. Dr. Gopi Chand raised some points about the future of the University, with which I need not trouble Your Excellency. Sardar Swaran Singh then raised two points, which may later be of some importance:

(1) He said that Partition proceedings could not go very far until the boundary was finally settled. The Panthic Party would certainly not agree to the installation of two new Governments on the basis of the “notional” boundary. I replied that the Boundary Commission might take a considerable time over its report, and that since it was the policy of His Majesty’s Government and of Your Excellency to bring the new Dominions into being as soon as possible, I had assumed that the new Dominion and Provincial Governments would be set up on the basis of the “notional” boundary, subject to adjustments to be made later. It was clearly impossible to allow present conditions to continue in the Punjab indefinitely, and now that every one had agreed on partition, the sooner we could get the two new Governments going the better. Sardar Swaran Singh did not seem satisfied and repeated that the boundary must be determined finally before effect could be given to partition.

(2) He said that quite apart from the question of the boundary, the time allowed for the partition proceedings was much too short. It would in his opinion be impossible to get the work done in an orderly way before 15th August. I replied that I had been given to understand that the two new Governments were to be established on or about 15th August and that my own services would not be required after that date. I was sure that neither His Majesty’s Government nor Your Excellency wished to protract the proceedings. Every one intimately concerned with the problem was satisfied that the present arrangements would not do, and must be changed as soon as possible. I referred again to conditions in the Punjab. Sardar Swaran Singh asked whether a representation to Your Excellency would have any effect. I said that if a joint representation were made by all three parties asking for more
time, I would certainly forward it to Your Excellency; but the matter was one on which I did not think all three parties would agree.¹

Yours sincerely,

E. M. JENKINS

¹ Lord Mountbatten replied on 10 July stating (i) that since Sir E. Jenkins wrote, the party leaders, the Partition Council and Sir Cyril Radcliffe had all agreed that the Boundary Commissions should finish their work by 15 August 1947; and (ii) that as far as the Centre was concerned it had also been decided that partition should be completed by 15 August except for tying up of loose ends. R/3/1/157: f 152.

504

Mr Attlee to Mr Churchill²

Public Record Office. PREM 8/541 Part 11

4 July 1947

My dear Churchill,
I have delayed replying to your letter² while awaiting any further communication from the Viceroy on the point raised by your colleagues as to the title of the Bill. Owing to the time factor, it was impossible to make a change even if it was desirable.

I do not agree with the point which you make. Dominion Prime Ministers constantly stress the point that they are independent States within the British Commonwealth. They bear allegiance to The King who is The King of all the Dominions. The insistence on independence does not touch the point of allegiance, but emphasizes the complete freedom of every member of the Commonwealth from control by any other member.

I think this is a most valuable counter to the demand for independence outside the Commonwealth as it shows that this demand can be satisfied within it. This is, in fact, the meaning of Dominion Status.

Yours sincerely,

C. R. ATTLEE

¹ The draft of this letter is in Mr Attlee’s own hand.
² No. 445.
Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Mountbatten Papers. Letters to and from the Secretary of State

4 July 1947

My dear Listowel,

Thank you for your letter of the 27th June. I quite see the point of view expressed in the first few paragraphs of your letter. I, of course, entered into no commitment with Gandhi beyond promising to refer the matter to you. The line the Prime Minister intends to take, as described in paragraph 6 of your letter, may not satisfy Gandhi, but I feel it will have a reasonably good effect out here.2

2. I am sorry to hear that it appears likely that Burma will leave the Commonwealth. I am sure, from their point of view, it will be a retrograde step; there is much we could have done to help them and their departure can only result in the end in their being a more backward country than they would have been with our assistance.

3. Can you not go ahead on the basis of an interim Dominion period as in India and Pakistan until Burma have completed their new constitution and completed the legal drafting? If you were to rush legislation through now this session and made it last until such time as the new constitution were accepted, I feel sure Rance could convince them of the advantages in the meanwhile.

4. You will remember in my letter of the 5th June I referred to the question of outstanding appeals with the Privy Council. I am glad to see that Clause 9(c) of the draft Bill allows for the continued use of the Privy Council. The question of outstanding appeals to the Privy Council and also whether the Privy Council is to be used in future for appeals is at present being considered by the expert Sub-Committee of the Partition Council dealing with legislative matters.

5. Nehru has shown to me a copy of his letter to you dated 20th June,4 in which he asked that arrangements might be made for the acting High Commissioner for India to meet the Colonial Secretary in regard to proposals concerning Indians resident in East Africa, West Indies, Fiji and Mauritius. I do not, of course, know the background of the case, but anything that you can do at the present time to meet Nehru’s request will be a great help to me in view of his peculiar frame of mind and the difficult negotiations I have on hand.

6. This letter and attached Report are rather shorter than usual, but I have had a very full week and a particularly difficult one dealing with the Indian leaders in regard to the draft Bill and the Reconstitution of the Interim Govern-
ment. The latter, as you will have realised from the exchange of telegrams, has been, I think, the most difficult matter I have had to handle since I came out here.

Yours sincerely,
MOUNTBATTEN OF BURMA

506
Viceroy’s Personal Report No. 11

TOP SECRET

4 July 1947

1. This report is being taken home by Ismay. The three main matters, which have been dealt with at a series of meetings throughout this week have been the Partition of the Armed Forces; the draft Bill; and the proposed Reconstitution of the Interim Government. Another vital matter has been the question of whether to have a common Governor-General for the two Dominions. These matters are dealt with below.

2. All of us had feared that the partition of the Armed Forces (the details of which were issued in a long communiqué on 1st July)\(^2\) was going to be a major stumbling block. The attitude of both parties in demanding to have their own armies of their own nationals, under their own control by 15th August, and the objections raised by both sides to any form of supreme administrative control made us all apprehensive. I then had the brain wave of sending for Trivedi, the Governor of Orissa, who had been Secretary of the Defence Department during the war, and who is the only Indian who has any idea of high level defence organisation. Not only is he trusted by Nehru and Patel, but fortunately he has been a life long friend of Liaquat Ali Khan. In eight days’ hard work he was able to obtain concessions from the leaders and lobby the final paper so successfully that the Partition Council meeting itself\(^2\) went off more smoothly than any meeting I have ever seen. This is one of the most important successes we have had to date, and Auchinleck is delighted beyond measure.

\(^{1}\) No. 376.
\(^{2}\) Lord Listowel sent Mr Attlee a copy of this paragraph in his minute 117/47 of 9 July 1947. L/PO/6/122: ff 82.
\(^{3}\) No. 90, paras. 3–4.
\(^{4}\) Not traced.

\(^{1}\) See No. 464 and its note 3.
\(^{2}\) No. 416.
3. Nehru has written asking me if Nye and Colville will stay on as Governors of Madras and Bombay, and wishes me to help him select three British officers as Heads of the three India Defence Services. There is no question that Congress is falling over at this moment to make friendly gestures to the British.

4. The Draft Bill gave me endless trouble. The leaders of both sides were not only insistent that they must see the Bill, but Congress worked themselves up into a great state about not being adequately consulted and it was with the greatest of difficulty that I calmed them down. I had to give way on their bringing in Gandhi, and all Congress members of Government and four constitutional lawyers. I felt that we should never reach the end if Congress and League parties sat together, so I had them sitting in two adjoining rooms in Viceroy's House for nearly three days (and nights!).

5. The rate at which the voluminous comments of both sides and my own comments on their comments were dealt with in London, within less than 24 hours of despatch, has left us all breathless with admiration for a marvellous piece of work. All of us here are most grateful and appreciative.

6. In regard to the country in general, the situation remains quiet except that conditions in the Punjab are still very unsettled. There has been some improvement in Lahore and Amritsar, but it may be that there has not yet been enough time for the Security Committee, to which I referred in my last Report, to start functioning properly.

7. Since drafting the above paragraph Jenkins has just sent me a report that Mamdot, the useless Muslim League leader in the Punjab (aptly nicknamed the "dumb wrestler") has resigned from the Security Council mainly on the grounds that Jenkins is anti-Muslim League. One thing Mamdot wanted was that instead of having one leader of each community—Muslim, Sikh, Hindu—there should be two Muslims on the Security Council; and he also wished to institute steps which would nullify the value of searching Muslim areas. In fact, the League appear to be doing their best to wreck the peace of Lahore, and I am sending Mieville round right away to see Jinnah about this.

8. I have been trying for some time to obtain the winding-up of the enquiry into the Calcutta riots of last August and I mentioned the matter at my meeting with the leaders on 13th June. The Chief Justice, Sir Patrick Spens, had told me that witnesses were far too frightened to give evidence. He subsequently went into the matter and he has now informed me that all the parties appearing before the Commission are agreed that the proceedings of the Commission should be put an end to. Now that the resolution for partition of Bengal has been carried a formal petition, signed by all the parties, will be presented in the
next day or two, that the work of the Commission be dissolved. I think this is a
most satisfactory conclusion, to all except Gandhi who quite particularly wants
the enquiry to continue.

9. In paragraph 15 of last week’s Report I referred briefly to the arrange-
ments which were proposed for the Government of Bengal during the interim
period until 13th August. As a result of discussions during the week the
following is the text of the instructions which I sent to Burrows, and which are
being implemented:—

[There follows the text in No. 410.]

10. Jinnah’s absolute refusal to allow Suhrawardy to accept either a coalition
of [or] regional ministries for East and West Bengal till after the partition of the
Province had been decided upon, had made the above inevitable. I need hardly
say that it annoyed Congress a great deal and they only accepted it on the
understanding that I was going to impose an identical set of conditions upon the
League in the Interim Government at Delhi. When, therefore, Jinnah categorically
refused to accept this arrangement on the grounds that it was deliberately
insulting to the League and illegal, I was placed in a quandary. One of the
objects of Nehru and Patel, of course, is to humiliate the League, for they are
sick and tired of Jinnah apparently always winning his point. They were,
therefore, quite uncompromising in their attitude that unless I reconstituted the
Interim Government on the same lines as Bengal but this time of course in
favour of Congress, they would all resign and refuse to take any further part in
the Government of the country until the 15th August.

11. In the meanwhile Jinnah had put forward the legal objections which I
telegraphed to London, and which fortunately proved to hold enough water
for me to be able to refuse to carry this out. For Jinnah and Liaquat Ali Khan
saw Ismay privately and informed him that if it were found to be legal and I
attempted to enforce this, the League would leave the Interim Government. In
either case, I realised that the passage of the Bill in Parliament unopposed would
be almost impossible.

12. I am extremely grateful to the Prime Minister for his great help in
sending me the telegram which finally convinced Nehru and Patel of the
impossibility of reconstructing the Government forthwith, and they resigned
themselves to its reconstruction as soon after the 20th July as the Bill was
passed. Even this took V. P. Menon and Krishna Menon several hours of hard
lobbying.

3 See No. 462.
4 No. 472.
5 No. 175, Item 4.
6 No. 413.
7 No. 399.
8 No. 468.
13. The Cabinet Meeting this morning passed off very peacefully. I called for the resignation of all the members and told them I would ask them to carry on until the Bill was passed when I would reconstitute the Government on the same lines as Bengal. At the request of Nehru, I also arranged that all appointments and action taken at ministerial level were to be reported to me every night by every department, and were not to be implemented until I had approved them or referred the matter to the opposite party if I felt that their future territories' interests were at stake. This great amount of extra work for myself and my staff is a small price to pay to have been spared the major catastrophe of the resignation of one side or the other within six weeks of the transfer of power.

14. The Referendum in Sylhet, which is due to be held on the 6th and 7th July, has been causing a little trouble. Jinnah handed to me a number of complaints about the referendum, some of which might have had some substance, but others of which were, to my mind, very trivial. For instance, he complained that Mr. Stork of the I.C.S., who had been appointed Referendum Commissioner, was a prisoner in Turkey during World War I and was therefore known to be anti-Muslim. He also stated that the symbol on the ballot box for joining East Bengal, i.e. an axe, according to local superstition symbolises the causing of an injury to oneself. I have, however, been in touch with Hydari and agreed with him that Stork should be relieved of his post of Legal Remembrancer to avoid any suspicion of ministerial direction, and have also instructed the Commander in Chief to send down some military officers to act as observers on my behalf. I expect things to go quietly and I do not think there will be any grounds for the League to make any complaints.

15. As expected the voting in Baluchistan was completely in favour of joining Pakistan. Three members of the Shahi Jirga and five out of the ten members of Quetta municipality were not present, but the remaining fifty-four voted unanimously without a debate for joining Pakistan.

16. The attitude of Gandhi continues to be quite unpredictable and as an example of what I have to contend with I attach as Appendices ‘A’ and ‘B’ a copy of a letter I received from him dated 27th June, together with the reply I sent him on the next day. Needless to say everything he wrote in his letter was a complete misinterpretation, either deliberate or otherwise, of what I had said to him. He is an inveterate and dangerous Trotskyist. I also attach as Appendix ‘C’ a letter I have written to him about the N.W.F.P. Referendum.10

17. The refugee problem has now assumed great proportions, and is particularly acute in Delhi where it is estimated there are no less than 70,000 refugees; the United Provinces and some neighbouring States have also had to cope with large numbers of refugees. At last week's Cabinet Meeting it was
agreed that the task of coping with this problem called for the appointment of a special officer with appropriate staff to organise suitable measures, such as the provision of food and clothing, proper sanitation in the refugee camps, medical facilities and so on. The Home Department is examining the problem and I have asked that my wife, who has had much experience in these matters, should be associated with the steps which are being taken.

18. I have, without much difficulty, succeeded in convincing the Congress Members of Cabinet that unless they have at least one cruiser in the future Indian Navy, it will never be worth anything; but they did not think they could afford more than one cruiser at present; and Pakistan have said they cannot afford any. Thus, I am afraid that two of the three original cruisers will not be required anyway for the present, but the sooner the third cruiser can be got ready for sending out to India the better. I understand from Miles (Commander in Chief, Royal Indian Navy) that were partition of the Royal Indian Navy not carried out, only the Captain, the Commander, the Commander (E) and eight Warrant Officers (five of whom would be Warrant Engineers) would be required on loan from the Royal Navy for the cruiser. Obviously some officers and ratings will now be required on loan from the Royal Navy and details will be given in an official telegram which will issue from the Defence Department shortly.\(^9\)

19. This loan of R.N. personnel is, I suggest, excellent, since it will enable us to extend a helping hand to their Navy and make them realise more than ever the value of having remained within the Commonwealth. I realise how difficult it will be for the R.N. to spare these key officers and ratings, but I feel it would be worth while laying up one of our own cruisers if necessary to start the Indians off with one, particularly as it will take two or three years before they can have trained up Indian personnel to take the place of ours. I hope therefore that this will be treated as a matter of great political importance.

20. The officers and men would presumably serve under the terms now being negotiated with the Partition Council. I fear that these terms may be difficult to get through, but I will do my best at the next meeting of the Partition Council.

21. The main object of Ismay's visit is to lay before the Prime Minister and

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9 No. 493, Case No. 171/33/47.
10 See Nos. 382, 390 and 406.
11 Case No. 150/32/47 of 25 June 1947, not printed. Mountbatten Papers, Minutes of Indian Cabinet Meetings.
12 In tel. 1749-S of 4 July Lord Mountbatten reported that he had spoken to Pandit Nehru and discussed the subject of cruisers in the Cabinet that day. The Union of India definitely wanted one cruiser with the least possible delay but Pakistan did not require one at present. The number of officers and artificers required from the Royal Navy was to be stated in an official telegram which was to be sent shortly L/WS/1/1006.
Cabinet Committee the very difficult position in which I now find myself in connection with the question of a common Governor General. It will be remembered that I reported to the Cabinet Committee\textsuperscript{13} that Nehru had put in writing a request to me to remain on as the Governor General of India. As Jinnah had consistently impressed on me the absolute need for me to remain until the process of partition was completed I managed (not without difficulty) to persuade Congress to agree that I must also be allowed to accept a similar offer from Pakistan so that I could impartially look after the interests of both dominions during the period of partition.

22. Before I went to London Jinnah said that although he thought two Governors-General would be better than one, he asked me specifically to stay on as a Super Governor General over the other two.\textsuperscript{14} From that day to this he has repeatedly impressed on myself and my staff the need for us all to stay and see the partition through fairly; and we have all consistently told him that this can only be satisfactorily done by myself as a common Governor General and that fortunately for him Congress had already agreed to this system.

23. For the last three weeks we have been trying to get an answer out of Jinnah and he has always put off an answer, and finally said he could not let me know until he had seen the Bill. After he had seen the Bill, he still did not wish to answer until he had consulted two of his leaders who were away at the two Referendums. However, he finally came “to seek my advice as to what he should do”. He began by saying that he wished to have British Governors in every province of Pakistan except Sind which, since it would be under his personal observation in Karachi, could have a Muslim Governor. He pointed out that he had already agreed to the three heads of the Pakistan Defence Services being British; but remarked that the only way in which he could sell the idea of all these British high officials to the inhabitants of Pakistan would be if he himself became the Governor General.

24. He said he had been unwilling to take this step but had been urged to do so by three or four intimate friends and colleagues whom he had consulted. As the Nawab of Bhopal is his principal friend and adviser and had told me three days previously that Jinnah had specifically consulted him on this point, and that Bhopal had told him that he thought that he would be mad to reject the chance of having a common Governor General with a British team to see partition through till the 31st March 1948 (which has been taken as the end of the partition period), and as it is quite clear that Liaquat Ali Khan strongly shares this view, I am afraid that the only adviser that Jinnah listens to is Jinnah.

25. He is suffering from megalomania in its worst form for when I pointed out to him that if he went as a Constitutional Governor General his powers would be restricted but as Prime Minister he really could run Pakistan, he
made no bones about the fact that his Prime Minister would do what he said. “In my position it is I who will give the advice and others will act on it”.

26. I then conceived the idea of putting a clause in the bill to have an officiating Governor General in Pakistan whenever the Governor General was not in the territories of that dominion. I got this passed by Congress at their meeting about the Bill and then went in to see the Muslim League representatives at their corresponding meeting.

27. By a fortunate coincidence Mr Jinnah immediately on my appearing attacked me on the question of sanctions against the Union of India if they failed to comply with awards of the Arbitral Tribunal and hand over to Pakistan their fair share of assets. For, as he pointed out, nearly all the common assets happened to be situated in the Union of India’s territory. This gave me a good opportunity of saying in the presence of Jinnah’s henchmen that the provision which had been devised to safeguard Pakistan’s interests in partition had been the system of a common Governor General with a high class British staff whom both sides would trust to see fair play.

28. I pointed out that Congress had agreed to this system, had nominated me, and that I and my British staff were willing to serve until the end of the partition period on 31st March. I said I quite appreciated that most of the partition work would go on in Delhi, and that I should have very little time to spare for Karachi. I had therefore got Congress to agree that an officiating Governor General should be appointed during those 7½ months and that I would only visit Pakistan territory by mutual arrangement with its officiating Governor General.

29. Jinnah categorically refused to accept this. I told him I could hardly believe it was his intention to reject the only practicable means of safeguarding the division of the assets—and a means to which Congress had agreed—for the sake of having a substantive Governor General instead of an officiating Governor General until the 31st March in Karachi; for after that I pointed out that they would of course have their own Governor General.

30. Jinnah solemnly assured me that he realised all the disadvantages of giving up the common Governor General, that his one ambition was that I should stay as Viceroy or overall Governor General to see the partition through, but he was unable to accept any position other than that of Governor General of Pakistan on the 15th August.

31. I asked him “do you realise what this will cost you?”. He said sadly “It may cost me several crores of rupees in assets”, to which I replied somewhat

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acidly "It may well cost you the whole of your assets and the future of Pakistan". I then got up and left the room.

32. Mohammad Ali, the Secretary of the meeting, lunched with my PSV (George Abell) afterwards, and said the meeting had spent the next hour discussing my bombshell, but they had been quite unable to shake Jinnah. Liaquat Ali Khan came to see me after lunch, and begged me to stay on as an overall Governor General which he said Jinnah would accept, but that I could not expect Jinnah, having achieved his supreme desire of Pakistan, to give up being its first Governor General. "Not even if it means that he will be its last!" I asked Liaquat. He shrugged his shoulders and said sadly, "We must do our best, but whatever happens I hope that you will stay on with India for otherwise there will be terrible trouble and Pakistan will suffer severely". Jinnah also curiously enough begged me to remain as the Governor General of India since he said that unless there were a steadying influence he was afraid of what the Congress Government might do to Pakistan.

33. I am now in a complete quandary. I have always held the view that I should stay on with both sides or with neither of them. I never dreamt that both sides would ask me to stay with one side.

34. My own inclination is to go, for I have always felt and said that I considered it morally wrong to stay on with only one of the two sides. But unfortunately I fear that I have unintentionally led Nehru and all the Congress leaders up the garden path and that they will never forgive me for allowing Jinnah once more to have his way. I therefore feel that this is a matter on which I require higher guidance, and have considered it essential to send Ismay home to seek it.

M. OF B.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Attlee (via India Office)

Telegram, R/3/1/160: f 85

IMMEDIATE

SECRET

NEW DELHI, 4 July 1947, 5.10 pm

Received: 4 July, 5.15 pm

1736-S. Many thanks for your telegram No. 8510 dated 3.7.47 which for the moment saved the situation. Nehru has been persuaded not to press for reconstruction of the Cabinet until the Bill has been passed subject to certain acceptable safeguards. I mentioned the matter in Cabinet this morning2 and said that
it had been decided that there should be no reconstruction until the Bill had been passed, by which time the Muslim League members would in a few days be making preparations to move to Karachi. This was taken quite peacefully.

2. Situation is however so full of difficulties and so liable to produce a fresh crisis each day that I propose to send Ismay home at once to be available for a few days to you and your colleagues to give the very latest explanation of the very tangled situation at this end.\(^3\)

\(^1\) No. 468.
\(^2\) No. 493, Case No. 171/33/47.
\(^3\) In tel. 1747–S of 4 July, Lord Mountbatten asked for the following sentence to be added to the present telegram: 'I called for resignations of members of Cabinet but told him [that] I should ask them to carry on until the reconstitution of Government'. R/3/1/160: f 86.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Attlee (via India Office)

Telegram, R/3/1/162: f 28

MOST IMMEDIATE

SECRET

NEW DELHI, 4th July 1947, 6 pm

No. 1743–S. Personal and Private for Prime Minister from Viceroy.

Reference my 1725–S of 3rd July.\(^1\)

I have today\(^2\) asked Jinnah to let me have in writing the name of the individual whom he would wish me to recommend for formal submission to The King. This is going to be Jinnah.\(^3\)

2. Ismay arrives Monday night and will explain whole position as regards Governor-Generalship of India. I should be grateful if Opposition leaders might be brought into this since I told them, when I was in London, that Indian leaders had led me to expect that they both wanted me as Governor-General.

3. Before I make up my mind as to my own course of action, I would be deeply grateful for guidance from HMG, in which I hope Opposition would concur, as to what I should do.

4. Since decision ought to be made by Wednesday at latest, in view of Debate on Thursday, could I possibly have your reply by Tuesday night, 8th July?

\(^1\) No. 483.
\(^2\) No. 500.
\(^3\) In tel. 1769–S of 5 July Lord Mountbatten informed Mr Attlee that he had received No. 509 and said that Lord Ismay would bring this letter with him. R/3/1/162: f 43.
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Mr Liaquat Ali Khan to Rear-Admiral Viscount Mountbatten of Burma
R/3/1/162: f 18
SECRET
GUL-I-RAANA, HARDINGE AVENUE, NEW DELHI,
4 July 1947

Dear Lord Mountbatten,
Mr. Jinnah has received your letter of the 4th.1 late in the evening at 6.30 and I am authorised to inform you that the All India Muslim League, the successor authority, tender advice to His Majesty the King to accept the name of Mr. M. A. Jinnah as the Governor-General of Pakistan.

We understand that the Congress desire that you should be the Governor-General of India Dominion, and if you decide to accept it, we shall be glad and feel that the two Governors-General will work in harmony and co-operation to effect equitably final and complete partition.

Yours sincerely,
LIAQUAT ALI KHAN

1 No. 500.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma
Mountbatten Papers. Letters to and from the Secretary of State
PRIVATE AND SECRET
INDIA OFFICE, 4 July 1947

Dear Mountbatten,
I am writing this letter whilst we are still in the throes of launching the Bill. Copies of the Congress and Muslim League comments on the Bill and of your views on those comments1 only became available shortly before a meeting of the Cabinet Committee was due to be held at 9.30 p.m. last night.2 The Committee sat until midnight by which time the final terms of the Bill had been decided upon and it was just possible to get a copy to the Clerk at the Table by 1 a.m. this morning, which was the latest possible time if the programme was to be adhered to. The Bill was printed off during the course of the night and was formally presented by the Prime Minister at 11 a.m. this morning. Copies were made available in the Vote Office at 2 p.m. and the Prime Minister and I immediately held a Conference with the Lobby Correspondents. I have also this afternoon had Press Conferences with the Indian correspondents and the Empire and Foreign Correspondents.

2. The Congress insistence on a change in the Interim Government, which has made it necessary for us to telescope still further an already foreshortened
programme, appears at this end as most unreasonable but the risks of not making any attempt to meet them were undoubtedly too great to be run. We must now do our utmost to achieve our target date of 20th July although it is not going to be easy.

[Para. 3, on a minor procedural problem relating to payments from Indian Revenues, omitted.]

4. I was glad to get your letter of 27th June covering Personal Report No. 10. It is certainly excellent that you have succeeded in getting Radcliffe as Chairman of the Boundary Commissions. He is approaching the whole matter in a most public-spirited manner and will, I have little doubt, fill the rôle admirably. As you have already been informed by telegram, he is hoping to leave for Delhi on Sunday and Lady Radcliffe hopes to join him about 10 days later.

5. I thought you would like to have advance telegraphic warning of the change in the title of the Dominions Office. The change has, of course, been prompted by developments in India but it was considered desirable from the point of view of the existing Dominions to make the change as far in advance of August 15th as possible in order to make it less obvious that the change had been dictated by events in India.

[Paras. 6 and 7, on employment for four British members of the Indian Services; and para. 8, mainly on Mr Amery’s address to the Royal Empire Society on the Indian States, omitted.]

9. It is clear from your latest report that nerves are getting on edge in Delhi—an inevitable consequence, I suppose, of a combination of over-work and excessive heat. I have no doubt that, if any opportunity presents itself of inviting the key people to the cooler atmosphere of Simla for a few days, you will take advantage of it.

10. It was good news to hear of the invitations to Colville and Nye to stay on and I hope that they will be willing to do so.

11. I have just heard that Ismay is arriving next week. We shall, of course, be delighted to see him again.

Yours sincerely,

LISTOWEL

Since writing this letter I heard, with much relief, that you have succeeded in getting the change in the Government postponed until July 20th.

L.

1 No. 479, 480, 484 and 485.
2 See No. 486, Minute 3.
3 Nos. 368 and 369.
4 See No. 378.
5 No. 431.
6 See No. 461.
Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/82: ff 38–9

NEW DELHI, 4 July 1947, 7 pm

Received: 5 July, 6.20 am

SECRET

No. 1744–S. Withdrawal of British Forces from India.

1. Reference your 8284 of 27th June,¹ paragraph 3. I have consulted C-in-C and his views,² with which I agree, are set out in paragraphs 2–5 below.

2. I consider that British Forces in India should, after 15th August, have no operational function whatsoever; that they should not be available to be called upon for internal security purposes; or for use on the North West Frontier; or, of course, for use in the States. They would be regarded as remaining in India and continuing their training here until transport arrives to take them away. In emergency, they might in fact be used to save British, or even European lives. But this would not be mentioned in any charter giving their duties, because, as I have already pointed out, the responsibility for the protection of all foreign nationals will lie with the two new Governments.

3. I do not consider that it would be possible to ask the new Dominions to pay for British Forces after 15th August. I strongly recommend that HMG should pay.

4. As regards system of command I recommend that General Officer Commanding British Troops in India should be responsible to Auchinleck as Supereme Commander; and that the latter should report direct to the Chiefs of Staff, keeping the U.K. High Commissioner(s) informed in any matter with political implications. Auchinleck will send to Chiefs of Staff a draft charter to GOC, BTI. A similar system will apply to RAF units who cannot be directly under the Air Ministry, because they must continue to be commanded and administered by the AOC-in-C, India, under Auchinleck’s general direction.

5. Equipment. I recommend that, when British troops leave India, they take their personal arms and equipment only and such G.1098 stores as they will need during their journey and on arrival at their destination.

6. Date of Withdrawal. February 1948 has been mentioned as date for completion of withdrawal, both in CIGS’s telegrams, Pepper 73 and Pepper 74 (sent under references 1547–S and 1560–S respectively)³ and in my telegram 1570–S.⁴ On further reflection I strongly recommend that this date should be brought forward to at least December 1947, for the following reasons:—

(a) Although Mr Jinnah wants to keep British Forces until February 1948,
this is only because he hopes to be able to use them. I am convinced that Pandit Nehru (despite what he said to the CIGS) wants them to go as soon as possible. It is at present planned that five out of the six Brigade Groups should be stationed in the new Dominion of India after 15th August;
(b) Whatever rules may be laid down about British Troops not being used for internal security, it would in fact be impossible for them to stand idly by if women and children were being murdered a few streets away;
(c) If there is a flare-up on the North West Frontier, Mr Jinnah will almost certainly request that British forces should be sent there;
(d) Retention with no operational role and no real purpose cannot be good for morale;
(e) Owing to their anomalous position, all sorts of delicate situations may arise. The longer we keep them the greater the risk. Is there in fact any precedent for the retention of British Forces in a Dominion in time of Peace?

7. On all these counts the sooner all British troops are out of the country the better. Remember Cairo.

1 No. 381.
2 For Field Marshal Auchinleck's letter to Lord Ismay, dated 1 July 1947, see Mountbatten Papers, Official Correspondence Files: Withdrawal of British Forces (2).
3 Nos. 315 and 329.
4 No. 335.

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Commonwealth Relations Office to Mr Costar

Telegram, L/PO/6/122: f 69

IMMEDIATE

TOP SECRET AND PERSONAL

4 July 1947, 5.10 pm

No. 188. Your telegram No. 193.1 India Independence Bill.

We quite appreciate Mr Fraser's position and feel that unless he has already done so it would be better in the circumstances that he should not, repeat not, consult the Opposition as this might lead to the issue being raised in New Zealand which would make the position worse from our point of view.

For your information we have now heard from Clutterbuck that Mr Mackenzie King, for his part, is not prepared to say that the inclusion of the word "independence" is acceptable to him.2 In the circumstances therefore there could be no question of saying in public here that all the Dominion Prime Ministers favour it.

1 No. 492.
2 See No. 488.
Position now is that text of Bill including title has been communicated to Indian leaders and in these circumstances no change is possible.  

3 In tel. 195 of 5 July Mr Costar informed the Commonwealth Relations Office that he understood the New Zealand Cabinet had decided to send telegrams to other Dominions saying it did not much like the term 'independence' but would probably be prepared to accept it. They wished, however, to avoid being the only Dominion to do so. The request in para. 1 of the present telegram was being put to Mr Fraser immediately. Mr Costar felt Mr Fraser would be much relieved at not having to answer the C.R.O.'s original query. In tel. 196 sent later on 5 July Mr Costar reported that Mr Fraser had agreed not to consult the Leader of the Opposition or to express any view on the original enquiry. L/PO/6/122: ff 72, 74. Further papers on this subject are on the file.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P &J/10/102: ff 57–8

MOST IMMEDIATE

SECRET

INDIA OFFICE, 4 July 1947, 11.30 pm

Received: 5 July, 6 am

8652. You will see that despite the objections set out in my telegram 8162 of 25th June\(^2\) and paragraph 4 of my telegram 8499 of 2nd July\(^3\) we have inserted a standstill proviso to (b) and (c) of clause 7(1) of bill.\(^4\)

The position was admittedly one of great difficulty calling for very special steps in view of fact that apparently little or no progress had been made in negotiating standstill agreements which would have been proper course.

The precise legal result of the new proviso may well be disputable; especially since legislating for the States has not been the practice but we felt that the proviso cannot be deemed inequitable since it makes it clear that there may be denunciation by either party at any time. It purports anyhow to give cover to a standstill in practices\(^5\) when neither party has done anything. We should of course have liked to consult you about its terms but time did not permit.\(^6\)

I suggest that you as Crown Representative have an urgent message sent to the States explaining the position.\(^7\)

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1 On Lord Listowel's instructions this telegram was sent to Mr Attlee for approval before issue. P.R.O. PREM 8/541, part 11.
2 No 349.
3 No. 466.
4 See No 428, Clause 7(1), Proviso in italics. \(^3\) in practice’ deciphered as ‘proposal’.
5 In the course of a letter of 5 July 1947 to Sir G. Abell, Mr Turnbull wrote:

"I hope that the Proviso about the States agreements is not too bad. It isn't a very easy thing to draft but in any case it must, I suppose, be pretty well meaningless and nothing more than a declaratory utterance by H.M.G. Whether or not the States keep the agreement will depend on what they consider their own interests and on how frightened they are of British India."

R/3/1/154: f 88.
6 Lord Mountbatten replied to the telegram in his 1776-S of 5 July as follows:—

"On the whole I think it would be best to await reactions of States and especially of Hyderabad delegation which Nizam has agreed to send to Delhi for meeting with Sardar Patel and new States Department under my Chairmanship on 11th July. If we attempt to explain position in general message we shall raise controversial issues which might otherwise be solved by practical negotiation."

R/3/1/138: f 72.
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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma
Telegram, L/P&J/10/124: ff 119–21
IMMEDIATE                INDIA OFFICE, 5 July 1947, 12.30 am
SECRET                     Received: 5 July, 8.30 am
No. 8653. My telegram 8587, paragraph 4. Following is brief explanation of
reasons why Cabinet Committee did not feel able to accept some of suggestions
made by Congress and Muslim League.

Congress Comments

(1) Form of Bill. Apart from the merits, it was quite impracticable to under-
take major redrafting in the time available.

(2) Preamble and Clause 1. Amendment in this sense is equally strongly
opposed by Muslim League. Question of international position of India and
Pakistan as new Dominions cannot be determined by form of provision in the
Bill since it turns on treatment which will in fact be accorded by other Nations
and International Organisations. So far as terms of Bill may be taken by others
as affording some sort of pointer to view taken by H.M.G. and Parliament on
this subject we consider that provisions as drafted preserve a proper balance
between conflicting claims of Congress and League. The hint these provisions
afford (and it can be no more) does in our view give the best indication possible
of the position as it will in practice be immediately after 15th August.

(3) Clause 7(1). We have gone as far as we can to meet this point by our
proviso to Clause 7(1) (see my telegram No. 8652).

(4) Clause 19(3). Proviso has been amended in sense desired by you. It was
however strongly felt that this was not the appropriate place to deal with the
matters which Congress propose should be dealt with in a new sub-Clause 3(a).
Clause 19 is a definition clause. Amendments have, however, been made
elsewhere, in particular in lines 2–5 of page 6 of Bill to meet points (a) and (b)
of Congress draft Clause 19(3)(a).

(5) Clause 14. We are glad of assurance given. Clause which is on the face of
it transitory is needed to remove doubt which would otherwise exist whether
any British Minister could after 15th August legally disburse these sums on
behalf of Indian Governments. Whatever arrangements may be made later on
regarding machinery for these payments it would be quite impracticable
suddenly to uproot existing machinery.

Muslim League Comments

(1) Andaman and Nicobars. Geographical position of these Islands makes it
impossible to assign them to Pakistan, nor did any form of joint control by
both Indian and Pakistan Governments seem to us practicable. We felt that to
exclude Islands altogether from either India or Pakistan would not be acceptable.

(2) Clauses 9 and 11. We are unable to meet Muslim League point of view. This would make Governor-General an arbitrator apart from unsuitability of defining in Bill questions of “advice”.

General

We have made the Boundary Commissions' Reports binding but it is impossible for H.M.G. to guarantee the carrying out of the awards or findings of Arbitration Tribunal.

1 On Lord Listowel's instructions this telegram was sent to Mr Attlee for approval before issue. L/P 8/S/10/124: f 118.
2 No. 491; for amendments to draft Bill see No. 428 and its note 1.
3 See No. 479.
4 No. 513.
5 i.e. the amendment to Clause 8(1) of No. 428; see also ibid., Clause 8(2)(c).
6 See No. 480.

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Mr Gandhi to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/151: f 255

BHANGI COLONY, NEW DELHI, 5 July 1947

Dear Friend,

I thank you for your letter which came into my hands after the evening prayer.

Agitation is undoubtedly being carried on today by Badshah Khan and his lieutenants to tell the voters that it is wrong for them to take part in the voting. There should be no demonstration during the voting days and there should be no approach to the voters during the voting time. If this is what you mean I shall be glad to refer to the matter in those terms at the evening prayer. I am quite prepared to adopt quicker means of reaching Badshah Khan, if you suggest any.

If you have any other thing in view, you will please let me know.

Yours sincerely,

M. K. GANDHI

1 No. 496.
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Meeting of the Partition Council Case No. P.C. 25/3/47
Mountbatten Papers. Partition Council Minutes
SECRET
Those present during discussion of this item at this Meeting held on 5 July 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Mr Jinnah, Mr Liaquat Ali Khan, Sardar Patel, Dr Rajendra Prasad; Sir E. Mieville, Mr H. M. Patel, Mr Mohamad Ali, Mr Osman Ali (Secretariat)

Case No. P.C. 25/3/47 Composition of Arbitral Tribunal
His Excellency said he had discussed with Sir Patrick Spens the question of appointing the Federal Court as Arbitral Tribunal. Sir Patrick’s view was that it would be most improper to appoint the Federal Court as such for this purpose. There was no objection, however, to one or more judges of the Federal Court being appointed to the Tribunal. His Excellency suggested that if both parties agreed Sir Patrick should be appointed Chairman of the Arbitral Tribunal. He would do his best to persuade Sir Patrick to accept the Chairmanship but it was certain that on completion of the work, he would ask to be relieved of his post of Chief Justice of the Federal Court. As regards the other members of the Tribunal, he suggested that the two parties should separately nominate, in consultation with Sir Patrick, one judge each to serve on the Tribunal. The leaders of the two parties would doubtless appreciate the desirability of nominating men who were of the highest integrity and free from any party bias. As had already been agreed upon between the parties, the Arbitral Tribunal constituted as above would deal with questions arising out of the partition of the Punjab and Bengal as well as at the Centre.

The Council approved His Excellency’s proposals.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma
Telegram, L/P&S/12/1811: f 61
IMPORTANT
SECRET
INDIA OFFICE, 5 July 1947, 7.15 am
Received: 5 July, 2 pm
8631. Your 1703-S' paragraph 5 of July 2nd—Treaty obligations of Pakistan.
2. Foreign Office today handed Afghan Chargé d’Affaires aide-mémoire in
reply to Afghan representations that North West Frontier Province should be allowed to opt not only whether to join Pakistan or Hindustan but also to become an independent state or part of Afghanistan (see Govt of India E.A. & C.R.D. telegram No. 5139 of 2nd July). As you are aware, H.M. Minister at Kabul has also received instructions to communicate with the Afghan Govt in a similar sense. The basis of these replies is that the Afghan representations relate to an area which forms an integral part of India and is recognised as such by the Afghan Govt in the Anglo-Afghan Treaty of 1921.

3. Were Muslim League leaders to adhere to the view indicated in paragraph 5 of your telegram 1703, the whole basis of our reply would fall to the ground, which would be even more harmful for Pakistan than it would be for us. It is very much to be hoped therefore that you will be able to persuade Muslim League to adopt view that when set up Pakistan will consider itself as successor to all applicable treaty rights and obligations, as suggested in my tel. 8122 of 24th June, or at any rate refrain in their own interests from committing themselves to a view which would strengthen the Afghan pretensions with which their Redshirt opponents appear to be associating themselves.¹

¹ No. 463.
² See No. 433, note 5.
³ No. 333.
⁴ In tel. 1849-S of 8 July Lord Mountbatten informed Lord Listowel that he had discussed the present telegram 'personally with Mr Jinnah who authorises me to say that the future Pakistan Government will consider itself as successor of all applicable treaty rights and obligations and concurs in view that Afghan representations relate to an area which forms an integral part of India and will in future form part of Pakistan ...'. Mountbatten Papers, Official Correspondence Files: International Status of the new India.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Gandhi

R/3/1/151: f 210

5 July 1947

NO. 1446/3

Dear Mr Gandhi,

I am most grateful to you for your letter of the 5th July,¹ and for promising to deprecate demonstrations and approaches to the voters during the voting days in the N.W.F.P.

If you could go a little further and deprecate any agitation before the polling days which might lead directly or indirectly to disturbances, I should naturally be grateful.

¹ No. 515.
It is important, I think, that Khan Abdul Ghaffar Khan should have your advice as soon as possible, and if you would care to send him a letter, I could arrange to get it delivered to Peshawar by hand of pilot, and ask the Governor to send it on.

I am most grateful for your help.

I received a telegram yesterday, Friday,\textsuperscript{2} from the Resident in Kashmir saying that my letters to him and the Maharajah had only just been received and that he was going to see the Maharajah as soon as he could obtain an interview.

Yours sincerely,

MOUNTBATTEN OF BURMA

\textsuperscript{2} Presumably tel. 57 of 3 July from the Resident, Kashmir, to PSV stating that the Maharaja of Kashmir had received No. 386 and would reply as soon as possible. R/3/1/94: f 23.

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\textit{Pandit Nehru to Rear-Admiral Viscount Mountbatten of Burma}

\textit{Mountbatten Papers. Official Correspondence Files: Armed Forces, Reconstruction of, Volume I, Part I}

5 July 1947

Dear Lord Mountbatten,

You mentioned to me some names for the post of Commander-in-Chief of the Army of the Indian Union. At that time I expressed my preference for General Slim. I have now consulted some of my colleagues also and they would very much like General Slim to assume this charge. I am writing this to you in some haste as perhaps you might like to mention this to General Ismay before his departure for London.

Yours sincerely,

JAWAHARLAL NEHRU
SECRET

THE VICEROY'S HOUSE, NEW DELHI, 5 July 1947

MUSLIM LEAGUE COMMENTS ON THE CONGRESS
COMMENTS ON THE INDIAN INDEPENDENCE BILL

Attached is a paper giving the Muslim League comments on the Congress comments on the Indian Independence Bill.

V. F. ERSKINE CRUM
Conference Secretary

Muslim League Comments on Congress Comments¹ on the Indian Independence Bill

Paragraph 1 of Congress comments

(a) The point raised is covered by the last paragraph of our original comments.² The view advanced by the Congress is in our opinion absolutely untenable. The Dominion of India not being the sole successor authority cannot continue the international personality of the existing India because both the Dominions of India and Pakistan have identical positions as regards international personality. We therefore repeat that no change should be made in the Bill. The assumption that the Bill as it stands makes it sufficiently clear that the new Dominion of India will continue the international personality of the existing India is absolutely unwarranted.

(b) The assumptions made and the arguments advanced are entirely fallacious. The old entity will not exist after being split up into two Dominions. The States stand on a different footing as laid down in H.M.G.'s memorandum of the 12th May 1946 and this Bill is only concerned with two new Dominions which are to be set up out of territories now comprising British India. There is no possible doubt in this respect and no question arises of preserving the continuity of the present State which will no longer exist for any purpose whatsoever.

Moreover, the definition of the Dominion of India proposed by the Congress will mean that even those States which have decided not to join any Constituent Assembly will be forced to become part of the Dominion of India against their declared intention. We also do not agree that contiguity is a necessary condition for the accession of a State to Pakistan.

We therefore urge upon H.M.G. to make no change in the Bill nor is there any reason whatsoever for any separate bill as suggested in (b).

(c) For the reasons given above we are strongly opposed to the suggestion made.

¹ No. 479.
² No. 480.
(d) We are strongly opposed to the suggestion made for reasons given above as well as those in our original comments.

**Paragraph 2**

Preamble and clause 1(4). The point is covered by our comments given above and we are opposed to the proposed amendments.

Clause 2(1). The point is sufficiently dealt with in our comments above. We reiterate the suggestion made by us in our original comments that the territories of the Dominion of India should also be defined in the same way as those of Pakistan have been defined.

Clause 2(3). It is not within the competence of Parliament to enact any legislative measure concerning Indian States. In regard to the point raised by the Congress it is solely the concern of the two Dominions and the State or States concerned to enter into such agreements or arrangements as they may think proper.

Clause 3(2)(a). The existing provision in the Bill merely states the correct legal and constitutional position regarding the Province of Assam and no change should be made. If the referendum results in favour of Sylhet amalgamating with East Bengal, not merely Sylhet but other contiguous areas in the adjoining Districts of Assam will also be involved in the partition. In any case, the number of Districts involved is quite irrelevant in this connection.

Clause 6(1). Since we are opposed to the definition of "India" proposed by the Congress, the proviso suggested should not be considered.

Clause 7(1)(b). The proposed amendment seems to rest on the fallacious assumption that the new Dominion of India will be the sole successor to the existing Indian Government in respect of all existing agreements, relations and arrangements with the Indian States. In actual fact, all such agreements etc are between His Majesty and the Rulers of the Indian States. It will be for the two new Dominions to negotiate and enter into such agreements with the Indian States as they deem fit. We are therefore opposed to any amendment of this sub-clause.

Clause 7(1)(c). The position is similar to that outlined under clause 7(1)(b) and we are opposed to the proposed amendment even though the matter is one which would solely concern the Dominion of Pakistan in the event of the N.W.F.P. forming part of Pakistan.

Clause 10. We indicated verbally that we shall have no objection to a statutory guarantee being extended to Judges of the High Court as defined in Section 219 of the present Constitution Act. We are not concerned with Judges of the Federal Court since a new Federal Court will be set up for Pakistan.

Clause 14. The clause should be retained as it stands because it will take some time before the High Commissioner for Pakistan can take over such functions.

Clause 19(3)(a)(iii). Please see our comments on this point under Clause
3(2)(a). No amendment should be made as no valid ground is put forward to support such an amendment.

Proviso to Clause 10(3)(a). We have in our original comments indicated the lines on which this Proviso should be amended. No other amendment is in our view called for. The Proviso as it stands is quite clear and the amendment suggested by the Congress will create confusion specially the use of the word 'regulate' in sub-clause (d). The Constituent Assemblies are free and the Proviso does not fetter their hands in any way.

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Viceroy's Conference Paper. V.C.P. 115
Mountbatten Papers

TOP SECRET

THE VICEROY'S HOUSE, NEW DELHI, 5 July 1947

Attached is a note prepared as a brief for C.V.S. on his visit to London.

V. F. ERSKINE CRUM
Conference Secretary

THE HISTORY OF THE VIEWS EXPRESSED AND DECISIONS REACHED BY THE INDIAN LEADERS ON THE APPOINTMENT OF GOVERNOR-GENERAL

1. On 17th May, 1947, (the day before the Viceroy left for his visit to London) Pandit Nehru wrote to H.E. giving his comments on the Draft Announcement. Included in this letter1 was the paragraph: "We agree to the proposal that during this interim period the Governor-General should be common to both the States, if there are to be two States. For our part we shall be happy if you could continue in this office and help us with your advice and experience".

2. His Excellency verbally indicated, to Pandit Nehru and Sardar Patel, acceptance of this offer. He pointed out, however, how difficult it would be for him to remain on as Governor-General of one Dominion only. He therefore qualified his acceptance by adding that it would be subject to a similar invitation being received from the Muslim League, whereby he could act as Governor-General of both Dominions for a short interim period until partition was completed.

3. Also on 17th May H.E. had an interview2 with Mr Jinnah and Mr Liaquat Ali Khan. The following is an extract from that interview:

1 Vol. X, No. 471.
"His Excellency the Viceroy said that he intended to recommend to H.M.G. that the transfer of power in India should take place as soon as possible—preferably by 1st October. He had informed the Prime Minister of Mr Jinnah’s expressed desire that Pakistan should remain within the British Commonwealth. Congress had now put forward a similar request. He intended to go ahead and pass both requests to H.M.G. The question which now required clarification was whether Mr Jinnah would prefer Pakistan to have its own Governor-General or to share a common Governor-General with Hindustan. He asked for Mr Jinnah’s personal views.

Mr Jinnah said that he could not commit himself on this subject straight away; but he had been giving some thought to it and he felt that it would be better to have two Governors-General. Also there should, in his opinion, be a Representative of the Crown to be responsible for the division of assets as between the two States. Mr Jinnah said that he was extremely keen that His Excellency should fill this post. He said that he had complete faith in His Excellency, all of whose awards would be binding on him. He vehemently and repeatedly declared his desire that His Excellency should stay on in India.

His Excellency the Viceroy said that he was very honoured by Mr Jinnah’s remarks. However, he could not consider taking on a post such as Mr Jinnah had suggested nor could he think of anybody else who would wish to do so. It would be an impossible position if the so-called ‘Arbitrator’ was junior in rank to the Governors-General who would be the King’s representatives.

Mr Liaquat Ali Khan asked how, if the two States wanted separate Governors-General, it was proposed that all assets would be divided by 1st October. His Excellency the Viceroy replied that in this case the two Governors-General themselves would form an arbitration board. He went on to say that he was under extreme pressure from Congress who had stated that they would not continue in the Interim Government unless they were granted Dominion status immediately after the announcement. He felt that he might be able to hold the situation for a time but certainly not until the end of the year.

After further discussion, His Excellency the Viceroy suggested that Mr Jinnah should send him a letter the following Monday (19th May) giving a full description of his suggestion of a supreme arbitrator and two Governors-General. However, he wished it to be quite clear that he would reserve his personal position unless it was clearly stated by Mr Jinnah in this letter that, if his scheme was found by H.M.G. to be impracticable, he would accept, as a less desirable alternative and as an interim measure, the appointment of a common Governor-General between the two States.

Mr Jinnah at first expressed himself violently opposed to this suggestion but eventually, after prolonged discussion, he said that he would think it over. He pointed out that, if H.M.G. decided, contrary to his own opinion that his
suggestion was unworkable, there would be no reason for him not to accept an alternative.

Mr Liaquat Ali Khan said that he quite clearly realised the point which His Excellency the Viceroy wished Mr Jinnah to include in his letter.

It was agreed that Mr Jinnah should give this letter to Sir Eric Mieville on Monday morning, the 19th May; and that a copy of it would be sent to Congress. His Excellency the Viceroy pointed out that, besides requiring the approval of H.M.G., Mr Jinnah's suggestion would also require agreement by Congress."

4. The letter from Mr Jinnah referred to in the above extract was never written, despite repeated efforts by Sir Eric Mieville who, it was intended, was to telegraph it to His Excellency in London. Accordingly Mr Jinnah's idea of an "arbitrator" or "stake holder" was put up verbally to representatives of the India Office for their opinion. They were unanimous that such a system would be unconstitutional and unworkable.

5. On the Viceroy's return to Delhi this was explained to Mr Jinnah.

6. Soon after that return, repeated efforts were made to obtain Mr Jinnah's decision as to whether he wanted there to be one Governor-General or two. Lord Ismay and Sir Eric Mieville went to see both him and Mr Liaquat Ali Khan to press for a decision. The following extracts are examples of the interviews which took place:

(a) Extract from Lord Ismay's description of his interview with Mr Liaquat Ali Khan on 20th June—

[There follows the text of No. 275, para. 6, first two sub-paras.]

and (b) Extract from the Viceroy's interview with Mr Jinnah on 23rd June—

[There follows the text of No. 311, para. 1.]

Despite all these efforts, no reply was forthcoming from Mr Jinnah until the evening of 2nd July. He then told the Viceroy that he himself wanted to be Governor-General of Pakistan.3 During the next 24 hours, the Viceroy spent much time in pointing out to both Mr Jinnah and Mr Liaquat Ali Khan, and on one occasion to a meeting consisting of Mr Jinnah, Mr Liaquat Ali Khan, Mr Rahman and Mr Mohamed Ali, the enormous advantages that Pakistan would gain from sharing, for a short initial period, the same Governor-General as Hindustan. The Viceroy has subsequently declared that his conscience is clear that he has taken every possible step that he knows of to put the matter clearly before Mr Jinnah. The last effort made was by the Nawab of Bhopal, who came specially to Delhi for the purpose.

On the morning of 5th July,4 Mr Liaquat Ali Khan confirmed in writing that H.E. should recommend Mr Jinnah's name to His Majesty for the post of

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3 For an account of this interview see No. 506, paras. 23-25.
4 No. 509 (dated 4 July).
Governor-General of Pakistan. In this letter the hope was also expressed that H.E. would stay on as Governor-General of the Dominion of India only.

Also on the morning of 5th July, H.E. saw Pandit Nehru and Sardar Patel, both of whom expressed their wish that he would remain as Governor-General of the Dominion of India.

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Viceroy’s Conference Paper. V.C.P. 116

Mountbatten Papers

TOP SECRET

THE VICEROY’S HOUSE, NEW DELHI, 5 July 1947

REASONS FOR AND AGAINST LORD MOUNTBATTEN STAYING ON AS GOVERNOR-GENERAL OF THE DOMINION OF INDIA

1. Attached are—

(a) A paper setting out the reasons against Lord Mountbatten’s staying on as Governor-General of the Dominion of India. This was prepared by the Personal Secretary.

(b) A paper setting out the reasons in favour of Lord Mountbatten staying on as Governor-General of the Dominion of India. This was prepared by the Conference Secretary.

2. These papers were taken as a brief by Lord Ismay on his visit to London.

V. F. ERSKINE CRUM
Conference Secretary

Enclosure 1 to No. 522

REASONS AGAINST LORD MOUNTBATTEN STAYING ON AS GOVERNOR-GENERAL OF THE DOMINION OF INDIA

1. If H.E. accepts the appointment of Governor-General of the new Dominion of India alone it will have a mixed reception in the Indian Union. It must be remembered that the invitation has been extended by the Nehru/Patel clique; in other words the conservative element of the Party who are now old enough and wise enough to know that they need some help during the coming months.

2. But there is a large body of opinion in the Indian Union, including the Socialists and the Communists, who want all the British to leave on the transfer of power and Gandhi in particular has often said that the British should quit and leave India to work out their own salvation. It will thus undoubtedly be
said in many circles in the Indian Union that the British are attempting to retain a hold on the country.

3. The effect of H.E. staying on with the Indian Union alone is bound to have a depressing effect in Pakistan in spite of the unassailable position which Jinnah holds in the minds of the Muslims. Certain organs of the Congress press will undoubtedly write up H.E.'s decision in big headlines and the impression on the Muslims will inevitably be that H.E. has deserted them and joined the stronger side.

4. As regards world opinion, there will be considerable criticism by thinking men of H.E.'s acceptance of the post. There is a big volume of opinion all over the world that ways and means should have been found to keep India united and grave doubts have been expressed about the necessity for partition. As far as the world is concerned partition will have been effected on the 15th August 1947 and two new Dominions set up. The question is bound to be asked why H.E. should stay on at all, and in particular why he should stay on with the bigger and stronger side. There will also undoubtedly be criticism that the smaller Muslim Dominion is being abandoned.

5. At the time when the possibility of H.E. staying on as Governor-General of both Dominions was being considered a very strong point was made of how advantageous this would be from the point of view of completing partition in the months after 15th August, 1947, and it has been suggested that he could equally well carry out this function as Governor-General of the Indian Union alone. But as Governor-General of one Dominion only it is illogical to suggest that he can be expected to act impartially when partition matters are being discussed. Nor would it be reasonable to ask the Indian Union to allow him to be impartial at any meeting he might attend on Partition matters. In fact it would be impossible for him to take any part in partition were he to remain as Governor-General of the Indian Union alone, apart from the advice which he might give to Ministers in the ordinary way as Constitutional Governor-General.

6. It is, therefore, quite illogical to suggest he could be of any real help to partition by staying on as Governor-General of one side only.

7. It will be recollected that when Jenkins and Burrows decided not to stay on in any capacity with either part of their partition provinces,1 their decision was applauded as correct and honourable and there is nothing different in the present case which is being considered. H.E. has accomplished all that he was sent out here to do in that he has effected a settlement of the Indian problem and has retained the new Dominions within the Commonwealth after the transfer of power. It would be undignified and morally wrong for him to stay on with one side only after the 15th August 1947 and he should accordingly quit India on that date.

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1 See No. 162, para. 32.
Enclosure 2 to No. 522
REASONS IN FAVOUR OF LORD MOUNTBATTEN STAYING ON AS GOVERNOR-GENERAL OF THE DOMINION OF INDIA

1. Mr Jinnah has now confirmed his wish to have his name submitted to His Majesty for the post of Governor-General of Pakistan. There are many reasons why the present Viceroy should accept the appointment of Governor-General of the new Dominion of India alone. It is emphasised that it would, primarily, be H.E.’s personality rather than his appointment—his personal relationship with the leaders rather than his position—which would act as a general stabilising influence.

2. Field Marshal Auchinleck has clearly stated that, if Lord Mountbatten left, he himself would resign. The Commanders-in-Chief of the other Services and Army Commanders have expressed similar intentions. The vast majority of British officers as a whole would, in such circumstances, indubitably fail to volunteer to remain. This would lead to the nationalisation of the Indian Armed Forces taking place at the same time as partition. Opinion is unanimous among all, including the Indian political leaders, who have any knowledge of the problem, that this would lead to disastrous results. The one stable element in India, namely the Indian Army, might well disintegrate; and riot and bloodshed on an appalling scale would result.

If, on the other hand, H.E. remained, British officers and officials as a whole, in both new Dominions, would be more likely to volunteer to remain themselves. They would feel, after their experience in S.E.A.C. and latterly in India, that there was someone to look after their interests. The result would be that partition of the Armed Forces would go through smoothly; and chaos would be avoided.

3. If H.E. were to stay as Governor-General of India, the Partition Council and Arbitral Tribunal decisions would stand a far better chance of being implemented, whether or not H.E. personally remained as Chairman of the Partition Council or whatever body takes its place.

4. Smooth partition and H.E.’s general personal influence on other matters, would mean that the relations between India and Pakistan would stand a good chance of being friendly. The first object of India’s foreign policy must of necessity be the maintenance of good relations with Pakistan—and vice versa.

If H.E. were to go, one of the main reasons which would lead to deterioration of relations between the two Dominions would be that the Congress Leaders would feel that it was because of Mr Jinnah’s attitude that H.E. had not stayed on, and that he had again sabotaged their plans. The patience of the Congress Leaders with Mr Jinnah’s interference in their plans is well-nigh exhausted.

5. In the Dominion of India itself there would be a greater chance of stability if H.E. remained. Although there is still some communal tension, the situation has been improved out of all measure over the last three months because of
H.E.'s presence. The advantages to the new Dominion herself are surely most apparent in the fact that Pandit Nehru and Sardar Patel, who are the best judges, have themselves asked H.E. to remain.

6. The situation in India after the transfer of power and the state of relationship between the two Dominions is going to have the greatest effect on the situation in S.E. Asia and indeed on the world as a whole.

7. There will be very real need, after 15th August, for some independent agency capable of resolving the difficulties which are bound to arise between India and the States. H.E.'s advice to the Indian Government on how to deal with the States, and to the rulers themselves on how to deal with the Indian Government, would be invaluable. The Nawab of Bhopal has said that the continued presence of H.E. is "the only hope" for the States.

8. Although the reactions of the "Westminster Front" are unpredictable from this distance, it is felt that the Opposition would be unlikely to oppose the passage of the Indian Independence Bill if they knew that H.E. was going to stay on. It must always be borne in mind that the Opposition, if they turned sour at the prospect of two Indian Governors-General in the new Dominions, could still so delay the passage of the Legislation that it would not be possible to transfer power on 15th August.

9. Mr Jinnah has stated that he would welcome H.E.'s appointment as Governor-General of India. This has been confirmed in writing by Mr Liaquat Ali Khan. All informed Muslim League opinion, which it has been possible to obtain, agrees. The Nawab of Bhopal has given his opinion that Pakistan itself would benefit enormously.

10. It is self-evident that all the advantages quoted above would be to the benefit of the Indian people themselves. It is also apparent that there would be considerable advantages from the purely British point of view, although these also, in the long run, will doubtless favourably affect the welfare of India.

11. From the British point of view, it would be of the greatest prestige value that Congress, after so long a fight for independence, should ask that their first Governor-General and two of their Governors should be British. It is doubtful whether these two Governors, Sir John Colville and Sir Archibald Nye, would stay on if H.E. did not. If H.E. remained, India would be much more likely to remain within the Commonwealth for a long period or even permanently. The change of heart (so evident during the last three months) of Indians towards the British would not be reversed. And the prestige of the Commonwealth, and all that it stands for, would be increased.

If H.E. were to go, and if the Indian Government were thus turned down in their application for a British Governor-General, they would be as a lover scorned. The relations between India and Britain, which had improved so

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2 See Nos. 506, para. 32, and 509.
miraculously in the last three months, would again deteriorate at an unforeseeable rate.

12. Finally, surely world opinion will be in no mood to criticise H.E.’s acceptance of the post. Indeed, if he went, it is likely that there would be a considerable volume of criticism, both immediate and long term, that he was leaving the job half done and making a “quick get-away”.

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Rear-Admiral Viscount Mountbatten of Burma to Mr Attlee

Public Record Office. PREM 8/549

PERSONAL AND CONFIDENTIAL THE VICE ROY’S HOUSE, NEW DELHI,
5 July 1947

My dear Prime Minister,

I hope you will not mind my sending Pug Ismay home. But I have reached a dangerous impasse. As you know, it was Jinnah who always begged me to stay as Viceroy or overall Governor-General, or in some capacity over the two Dominions until partition was complete; and it was Congress who were unwilling that I should have anything to do with the League. It took me quite a bit of persuasion, when Nehru asked me to become the first Governor-General of the Dominion of India, to get him and Patel to agree that I should also be allowed to act in the same capacity for Pakistan in order to retain my impartiality.

Ever since my return no efforts on the part of Ismay, Mieville and myself, have ever elicited from Jinnah the smallest hint of what was in his mind; even his closest advisers like the Nawab of Bhopal and Liaquat Ali Khan appeared to be seriously under the impression that he would accept me as common Governor-General. Indeed at a meeting of the Partition Council this week he referred to there being only one Governor-General for the two Dominions.¹ You can imagine therefore what a bombshell it was when he suddenly announced his intention of being the Governor-General of Pakistan himself.

I have always held, and frequently stated my view, that it would be morally indefensible for me to stay with one side alone after having dealt impartially and justly with both sides for so long. I still adhere to that view.

There is, however, another moral consideration, which is that, through Jinnah having misled us, we have quite unintentionally misled Congress. There is no doubt that from mid-May up to this moment it has never entered their minds that I would not stay with them. Further, if I now refuse, they will say that Jinnah has secured his last triumph over Congress and through me.
I do not want to conceal from you that I consider the whole of this situation to be my fault. I should have foreseen it, and have cleared the position with both Jinnah and the Congress one way or the other three or four weeks ago. As it is I am painfully aware of having put the British in an impasse; for whichever way the decision goes it can rightly be held that I shall have let down one side or the other.

I feel that I must seek a decision from the King based, of course, on your advice. I hope also that you may feel it right to consult the Opposition. If it is your wish that I should be Governor-General of the Dominion of India, at all events till partition is over in April, then I trust that you will be able to make that clear in the debate. If on the other hand it is your wish that I should refuse, I am of course prepared to take full responsibility on my own shoulders, since it would embarrass H.M. Government with the Government of the future Dominion of India if they were to refuse to allow an Englishman to accept the position of first Governor-General.

I have put some of this background into my Personal Report, so that the Cabinet Committee may know the situation, but only Pug Ismay can give you the full background since fortunately he was present when Jinnah begged me to stay with the Dominion of India in the interests of Pakistan!

I can only say how sorry I am to have produced this situation.

Yours very sincerely,

DICKIE MOUNTBATTEN

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1 No reference in these terms by Mr Jinnah has been recorded in the Partition Council Minutes; see however No. 416, p. 759, line 2, where the Council’s agreement is recorded that the Joint Defence Council should consist of, among others, ‘the Governor General or Governors General’.

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Viscountess Mountbatten of Burma to Rear-Admiral Viscount Mountbatten of Burma¹
Mountbatten Papers. Political Situation in India and Constitutional Position of Viceroy, Part 4

SECRET

5 July 1947

1. The first essential will be to discuss freely and openly with Pandit Nehru, Sardar Patel and the Congress Leaders the new situation which has arisen, and this must be done before Lord Ismay’s departure for London. In this discussion presumably it will be necessary to tell them frankly of Mr Jinnah’s attitude and decision and to ascertain whether their offer to you to become Governor-

¹ Copies of this note were sent to Lord Ismay and Captain Brockman.
General of the Union of India be once again confirmed in the light of more recent developments.

2. It is also essential I feel that Congress should be in complete agreement with the time limit which is being proposed for your appointment, i.e. approximately mid-April 1948. This factor seems important as it may well be that the situation in India and in Pakistan may still be very serious at that period, and Congress may well feel that they could not accept a Governor-General who would be pulling out at a time when the position in India was still a very grave one and when it would be extremely difficult to appoint a high powered successor to deal with Mr Jinnah. Partition may not even have been effected by mid-April and I think that if any question of accepting the Congress offer is considered one will have to face up to the fact that, even if now they agree to the provisional date, they may come and ask for an extension and it may be equally difficult to pull out then as it would be now.

3. There is another factor which worries me and that is that if Mr Jinnah adopts the complete Hitler attitude, even if that attitude were to be for the destruction of Pakistan and remove the chance of getting the assets he so badly needs, you will find yourself placed in a very difficult position and might, as a constitutional Governor-General to Congress, possibly prove a liability more than an asset. I think this is most unlikely but it should be borne in mind.

4. Finally there is the factor that if the Congress offer is accepted one will have both mentally and practically to be prepared to serve their interests completely, excepting in those cases where approval will have been received for your services to be used for the best interests of both communities in connection with taking the Chair at Meetings, etc. If Congress felt that you were accepting the offer with the intention of seeing that Pakistan got a square deal from Congress, I sincerely think they would decide they would sooner be served by someone else.

Two personal views I would add are these:

A. I have read carefully the papers prepared by and discussed with your staff on all the various schemes formulated, and particularly the advantages and disadvantages existing if, as now, you are placed in the position where the offer of the Governor-Generalship comes only from Congress. I am afraid that I find the arguments they put forward in most cases contradictory in themselves such as the point in one paper that if you accept office you and the British would certainly be open to the criticism of partiality, while at a later stage the views expressed indicate that the feeling is there would be no criticism of this kind.

I feel however that they are right in trying to make the course as fair and as easy as possible in what is an almost impossible situation, and in the decision on which we must all sympathise with you, stand by you, and advise in the best practical manner.
B. One thing that weighs heavily with me on this whole question and makes me consider that you have a real duty to Congress is the fact that you are in some ways I think in honour bound to them by having let them understand that you would remain here to give your support after the 15th August, and although this was only a verbal assurance and had important qualifications they would, I am certain, feel you had broken faith with them. This however will be cleared up presumably by your talk with them.

E. M. OF B.

2 See Nos. 470 and 522, Enclosure 1, para. 4.
3 See Nos. 471 and 522, Enclosure 2, para. 12.

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Cabinet

India and Burma Committee. Paper I.B.(47)136

L/P&J/10/101: ff 29–32

BERAR

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, 5 July 1947

(Reference: I.B.(47)38th Meeting, Minute 3)\(^1\)

I circulate, for the information of my colleagues, a note on Berar.

2. It will be seen that the effect of the Indian Independence Bill will be to terminate our military guarantees to the Nizam and to bring about the reversion of Berar de jure to Hyderabad subject to any arrangement which may be reached between the Government of India and the Nizam for its continued administration as part of the Union of India. The prospects at present of such an arrangement being reached are not good and I fear that trouble between the Union of India and Hyderabad on this score after the transfer of power is likely.

3. Lord Pethick-Lawrence suggested to the Viceroy in March\(^2\) that he might encourage Pandit Nehru to initiate negotiations for an arrangement under which the Nizam might agree to leave Berar to be administered as at present, in return for facilities for the importation from overseas of goods

\(^1\) At the conclusion of an India and Burma Committee Meeting on 1 July on Burma policy, Mr Attlee had drawn attention to the question of Berar and the Committee had invited Lord Listowel to circulate 'a note on the exact nature of His Majesty's Government's obligations to the Nizam of Hyderabad in connection with Berar'. R/30/1/11: f 44.
required by Hyderabad. Pandit Nehru was sounded on this and his reaction was unfavourable. Apart from holding the Congress view that the new Dominion of India should inherit the Treaties of the Paramount Power he has said that the States should come into the Constituent Assembly before discussions about their future relations with British India could be opened. The Viceroy also advised us that nothing short of an outlet to the sea would be likely to satisfy the Nizam.

4. It would now fall to Sardar Patel, as Member in Charge of a new Department of the Government of India constituted to deal with the States, to negotiate a temporary arrangement with Hyderabad until its attitude towards accession to one or other Dominion or entering into other political arrangements with the Dominions has been determined. There is, however, reason to anticipate that the Nizam will be unwilling to negotiate. He may dispute with us our right to terminate our Treaties with him unilaterally and may point to the fact that the 1936 Agreement provides that it shall not be amended save with the consent of both parties, or determined by either party so long as it is faithfully observed by the other.

L.

Annex to No. 525

POSITION OF BERAR

The position of Berar is governed by an Agreement of 1936 between His Majesty and the Nizam under which:—

(i) the sovereignty of the Nizam over Berar was recognised and the Nizam agreed to the administration of Berar as a part of the Central Provinces in accordance with the provisions of the Government of India Act 1935, the Governor of the Central Provinces and Berar being appointed after consultation with the Nizam.

(ii) An annual sum of Rs. 25 lakhs was to be paid annually to the Nizam in respect of Berar.

(iii) It was also provided that nothing in the Agreement in any way affected or diminished the military guarantees enjoyed by the Nizam under any existing Treaty or Agreement.

2. These military guarantees are as follows:—

(a) Treaty of 1800 provided for a general defensive alliance between the East India Company and the Nizam.

(b) Under Treaties of 1766, 1800 and 1853, read together, the Nizam is entitled to the assistance, when required to protect the Nizam and his heirs or to reduce to obedience all rebels and exciters of disturbance in the Nizam’s Dominions, of eight battalions of sepoys and two regiments of cavalry with their requisite complement of guns and European artillerymen, fully equipped with warlike stores and ammunition. Except with the consent of the Nizam, not less than five regiments of infantry and one
of cavalry (with a due proportion of artillery) of this force must be stationed in the Nizam’s territories. In consideration of this the Nizam ceded to the Company the Circars, which now form the northern part of Madras.

(c) Under the Treaty of 1853, the Nizam is also entitled, in return for the assignment to the East India Company of Berar, to the assistance in his Dominions, whenever required to deal with rebellion, disturbance, or resistance to the just claims and authority of the Nizam, after the reality of the offence has been ascertained, of a further force of 5000 infantry and 2000 cavalry with four field batteries of artillery, commanded by British officers, fully equipped and disciplined, and controlled by the British Government. By an Agreement of 1902, which was replaced by that of 1936, the assignment of Berar was turned into a perpetual lease, in consideration for a rent of Rs. 25 lakhs per annum.

(d) The Treaty of 1853 also provided that in the event of war, both the forces referred to in (b) and (c) above shall be employed in such manner as the British Government consider best calculated to oppose the enemy, provided that two battalions of sepoys remain near the capital of Hyderabad.

3. It will be seen that there is no obligation upon us to maintain any troops in Berar as distinct from the other parts of the Nizam’s Dominions. Nor is there any obligation on us to maintain either in Berar or Hyderabad, as Lord Templewood has suggested to the Prime Minister, British troops as such, other than the British officers commanding the force referred to in paragraph 2(c) and the European artillerymen which form part of the force referred to in paragraph 2(b).

4. With the transfer of power in India and the withdrawal of British troops, we are no longer in a position to implement our military guarantees to the Nizam and Clause 7(1)(b) of the Indian Independence Bill provides for the lapse of all political engagements with the States. The effect of this is the abrogation of our military guarantees and the reversion of Berar de jure to the Nizam, subject to any arrangement which may be reached between him and the Government of India for its continued administration as part of that Dominion.

Dear Abell,

With reference to the Secretary of State's telegram No. 8413 of 1st July,¹ I think you should have for His Excellency's personal information the following short account of what is intended as regards the Secretary of State and the India Office after 15th August.

As from that date the office of the Secretary of State for India will pass out of existence. The Secretary of State for Commonwealth Relations, besides being responsible for relations with the existing Dominions, will take over the ultimate responsibility for the two new Indian Dominions and the India Office will also, in form at least, become a part of the Commonwealth Relations Office. The Secretary of State for Commonwealth Relations will, however, be given a Minister of State to assist him and in practice he will for the most part deal with Indian business on behalf of the Secretary of State. The office of Secretary of State for Burma will go on until there is legislation later in the year. In all probability it will be thought unsuitable that the same person should hold the office of Secretary of State for Burma and Minister of State in the Commonwealth Relations Office dealing with Indian affairs.

It follows that the U.K. High Commissioner in India must come under the control of the Commonwealth Relations Secretary of State (in practice under the Minister of State), instead of that of the Prime Minister and the curious present Special Committee, though there has not yet been a formal decision on the point so that Terence Shone had better not be told this at present.

Part of the above has already been made public in the Press here as a result of Prime Minister's talk to the Lobby correspondents just after the bill was published yesterday. He will presumably say rather more on Thursday on second reading.

Yours sincerely,

R. H. A. CARTER

¹ No. 451.
Sir G. Abell to Rear-Admiral Viscount Mountbatten of Burma
R/3/1/91: f 72
5 July 1947

I have had a talk on the Secraphone with Governor’s Secretary, Lahore, about the situation there.

2. The Security Committee has ceased to sit because of Mamdot’s absence,\(^1\) and nothing more has been heard from Mamdot. The Governor’s Secretary said that the Governor would be relieved to hear that the resignation was not ordered by the High Command. He agreed that the cause might be local politics.

2. Meanwhile, the League are participating in a most friendly way on the Partition Council, and that side of the work is going well.

3. The Governor’s Secretary said that the Governor would like to carry on for the moment as he is, and await developments. He thought it would be useful to know what was going on in Bengal about the twin Cabinets, and agreed that something of that sort might have to be considered in the end in the Punjab. I told him that I might go to Calcutta if time permitted, and he suggested that in that case, I ought to go straight on to Lahore as soon as possible, and report there.

4. If Y.E. agrees, I will arrange to fly to Calcutta on Monday, and return here on Wednesday. Then if I have collected anything useful, I could go up to Lahore on Thursday and back the same day, after first reporting to Y.E.\(^2\)

G. E. B. ABELL

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Text of Statement by Sardar Patel\(^1\)
L/P&J/10/81: f 37
FUTURE OF THE STATES
Sardar Vallabhbhai Patel’s Assurance

Following is the full text of Sardar Vallabhbhai Patel’s statement on the Indian States, made on 5th July:

“It was announced some days back that the Government of India had decided to set up a department to conduct their relations with the States in

\(^1\) The text of this Statement was sent to the Information Department of the India Office by the Press Information Bureau of the Government of India in tels. B 483 and 483A and B of 7 July.
matters of common concern. This Department has come into being today and the States have been informed to this effect.

"On this important occasion, I have a few words to say to the Rulers of the Indian States, among whom I am happy to count many as my personal friends. It is the lesson of history that it was owing to her politically fragmented condition and our inability to make a united stand that India succumbed to successive waves of invaders. Our mutual conflicts and internecine quarrels and jealousies have in the past been the cause of our downfall and our falling victims to foreign domination a number of times. We cannot afford to fall into those errors or traps again. We are on the threshold of independence.

"It is true we have not been able to preserve the unity of the country entirely unimpaired in the final stage. To the bitter disappointment and sorrow of many of us, some parts have chosen to go out of India and set up their own governments. But there can be no question that despite this separation, the fundamental homogeneity of culture and sentiment, reinforced by the compulsive logic of mutual interest, would continue to govern us. Much more would this be the case with that vast majority of States which, owing to their geographical contiguity and indissoluble ties—economic, cultural and political—must continue to maintain relations of mutual friendship and co-operation with the rest of India. The safety and preservation of these States, as well as of India, demand unity and mutual co-operation between its different parts.

"When the British established their rule in India, they evolved the doctrine of Paramountcy, which established the supremacy of British interests. That doctrine has remained undefined to this day but in its exercise there has undoubtedly been more subordination than co-operation. Outside the field of Paramountcy there has been very wide scope in which relations between British India and the States have been regulated by enlightened mutual interests. Now that British rule is ending, the demand has been made that the States should regain their independence.

"I do not think it can be their desire to utilise this freedom from domination in a manner which is injurious to the common interests of India or which militates against the ultimate paramountcy of popular interest and welfare, or which might result in abandonment of that mutually useful relationship that has developed between British India and the Indian States during the last century. This has been amply demonstrated by the fact that the great majority of Indian States have already come into the Constituent Assembly. To those who have not done so, I appeal that they should join now. The States have already accepted the basic principle that for defence, foreign affairs and communications they would come into an Indian Union. We ask no more of them than accession on these three subjects, in which the common interests of the country are involved. In other matters, we would scrupulously respect their autonomous existence.
"This country, with its institutions, is the proud heritage of the people who inhabit it. It is an accident that some live in States and some in British India, but all alike partake of its culture and character. We are all knit together by bonds of blood and feeling, no less than of self-interest. None can segregate us into segments; no impassable barriers can be set up between us. I suggest it is, therefore, better for us to make laws sitting together as friends than to make treaties as aliens.

"I invite my friends, the Rulers of the States, and their States and their people to the Councils of the Constituent Assembly in this spirit of friendliness and co-operation in a joint endeavour inspired by a common allegiance to our Motherland, for the common good of us all.

"There appears to be a great deal of misunderstanding about the attitude of the Congress towards the States. I should like to make it clear that it is not the desire of the Congress to interfere in any manner whatever with the domestic affairs of the States. They are no enemies of the Princely Order but, on the other hand, wish them and their people, under this aegis, all prosperity, contentment and happiness. Nor would it be my policy to conduct the relations of the new Department with the States in any manner which savours of domination of one over the other; if there would be any domination, it would be that of our mutual interests and welfare. We have no ulterior motive or selfish interests to serve. The common objective should be to understand each other's point of view and come to decisions acceptable to all and in the best interests of the country.

"With this object, I propose to explore the possibility of associating with the administration of the new Department a standing committee representative of both the States and British India.

"We are at a momentous stage in the history of India. By common endeavour, we can raise this country to new greatness, while a lack of unity will expose us to fresh calamities. I hope the Indian States will bear in mind that the alternative to co-operation in the general interest is anarchy and chaos which will overwhelm great and small in common ruin if we are unable to act together in the minimum of common tasks.

"Let not future generations curse us for having had the opportunity but failed to turn it to our mutual advantage. Instead, let it be our proud privilege to leave a legacy of mutually beneficial relationship which would raise this sacred land to its proper place amongst the nations of the world and turn it into an abode of peace and prosperity."2

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2 In tel. 1788-S of 6 July to Lord Listowel, Lord Mountbatten commented as follows on extracts from the fifth and eighth paras. of Sardar Patel's Statement: 'Though I doubt whether Nehru would go as far as Patel, this may be taken as an official statement on behalf of the Congress and it is likely to have a valuable effect. It also may be useful to you in Parliament.' R/3/1/154: f 89.
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Mr Abbott to Mr I. D. Scott
Telegram, R/3/1/157: f 124

5 July 1947

No. 161-G. I have shown your telegram No. 1753-S of 5th July to the Governor. He says that much as he would like Sir Cyril Radcliffe to stay at Government House, he must advise strongly against it. Communal feeling is so high and party suspicions are so strong that any close personal contacts between the Governor and the Chairman or Members of the Boundary Commission would be misinterpreted. The more innocent of the Governor's visitors are already suggesting that it is his business to "advise" the Commission or to bring pressure to bear upon it to secure an award of a particular kind, and it is important that the Chairman should not only be, but appear to be, free from official influence. I am enquiring about accommodation at Faletti's Hotel. Will the Stenographers need local accommodation?

2. There will be no difficulty about the office staff.

1 Indicating Sir C. Radcliffe's preliminary programme, asking whether he could be accommodated at Government House, and requesting office staff to be made available. R/3/1/157: f 119.

2 In a letter dated 7 July Mr Scott informed Mr Abbott that he would give his telegram to Sir C. Radcliffe on arrival the next day. Mr Scott asked Mr Abbott to confirm that accommodation would be reserved at Faletti's Hotel or other suitable arrangements made. R/3/1/157: f 132.

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Mr Gandhi to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/151: f 258

NEW DELHI, 5 July 1947

Dear Friend,

I received your kind letter of even date just after I had finished my prayer speech and was going out for my walk. Fortunately about noon I had a visit from a Pathan whom I had known to be a Khudai Khidmatgar. He was going to Peshawar and so I gave him the message which I have reproduced in the letter I enclose herewith. You may read the letter and if you think that it covers the new point you have raised, you may send the letter by special messenger as suggested by you. I am hoping that there will be no disturbance on the part of Badshah Khan and his followers. In the message that I sent
through the Pathan Khudai Khidmatgar I covered much more ground than mentioned in my letter to Badshah Khan.

I thank you for giving me the purport of the telegram\(^1\) received by you from the Resident in Kashmir.

I hope Her Excellency was none the worse for her visit to the Bhangi Bastie. It is open to you not to send the enclosed if it does not merit your approval.\(^4\)

Yours sincerely,

M. K. GANDHI

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\(^1\) No. 518.

\(^2\) See No. 541.

\(^3\) See No. 518, note 2.

\(^4\) On 7 July Mountbatten thanked Mr Gandhi for his letter and informed him of the action taken on his letter to Khan Abdul Ghaffar Khan (see No. 541 and its note 2). R/3/1/151: f 267.

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Sir E. Baring\(^1\) to Commonwealth Relations Office

Telegram, L|1PO|6|122: f 73

IMPORTANT

5 July 1947, 1.37 pm

TOP SECRET AND PERSONAL

Received: 5 July, 8.15 pm

No. 202. Your telegram Z. No. 37 of 3rd July.\(^2\)

Following from Prime Minister. Begins.

I notice that India Independence Bill under that name already introduced into Parliament. Name is regrettable and embarrassing in South Africa where word “independence” is an apple of discord and may open dangerous controversy. Statute of Westminster, which defines Dominion status, explicitly confers sovereignty and leaves independence as inferential right to be exercised by Dominion if it so chooses. Is it still possible to substitute “sovereignty” for “independence”, and so avoid controversy and appearance of going beyond terms of Statute? I would myself prefer “India Bill”, or “India Status Bill”, but would much regret explicit reference to independence, which may suit India, but raise Dominion difficulties and controversies. In any case I would regret announcement that Dominions agree, and would equally regret standing alone in not agreeing, and would therefore suggest that announcement of agreement should be avoided if possible. India is pulling Dominions into a position which may lead to crisis for one or more of them.

\(^1\) British High Commissioner in South Africa.

\(^2\) No. 481.
I may further point out that use of term "independence" in India Bill may also be a pointer to Burmese Constituent Assembly to go for independence rather than Dominion status at their meeting on 24th July. Burma is a conscious rival with India in the race for sovereign independence. Ends.

2. Prime Minister of New Zealand has telegraphed to General Smuts, seeking his reaction to enquiry contained in your telegram, and text of above reply is being repeated by Union Government to Mr. Fraser, and also to the Prime Ministers of Canada and Australia.

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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&S/12/4638: ff 136–7

IMMEDIATE

INDIA OFFICE, 5 July 1947, 2.40 pm

Received: 5 July, 9.45 pm

No. 8677. Debate (B). International status of new Dominions and succession to Treaty rights and obligations.

2. I propose that Government spokesman should if the question is raised make following statement:—

3. The question of international status of the two new Dominions is not one which will be finally determined by terms of this Bill. It is a matter for members of U.N.O. and other foreign States as much as for H.M.G. in the U.K. Our own view is that new Dominion of India continues the international personality of existing India and that she will succeed as a matter of international law to the membership of U.N.O., which the existing India enjoys as an original signatory of the San Francisco Charter. Similarly, representatives of the Dominion of India will, in our view, be entitled to membership of existing international organisations and specialised agencies in which India has hitherto participated. Our hope is that, on the establishment of the new Dominion of Pakistan, she will be accepted as a new member of the family of nations, and that she will before long be able to make her proper contribution to international goodwill and collaboration. H.M.G. will do all in their power to bring this result about.

4. The view which H.M.G. hold and will support as regards international rights and obligations is that the new Dominion of India will prima facie inherit all the present India's international obligations and will be entitled to claim the rights and advantages associated therewith. This was the view of the international law on State succession which was tacitly, if not expressly, applied when
the Dominions became international persons, and we believe that it is generally accepted.

5. In the present case, however, the position is complicated by the fact that the present India is not continuing in a unitary form. It is clear that the new Dominion of India cannot be bound in international law by obligations which can only be carried out in territory which is not under her effective control nor can she claim the reciprocal benefits associated with those obligations. Certain of those obligations (for example, those relating to frontiers) run with the land and consequently pass by automatic operation of law to whatever successor authority becomes the sovereign authority in the territory to which the obligations attach. Other treaty provisions, which equally cannot be performed in the new India but which have local and territorial application to the territory of Pakistan will not automatically pass, but it will be open to Pakistan, when set up, to establish herself in a position corresponding to that of the new India by accepting the obligations and claiming the benefits of Treaties which have local and territorial application to her territory. Statement ends.

6. I should hope that it might be possible to add to the above some indication that the Indian leaders accept H.M.G.'s view of this matter, but this will depend upon any assurances which you may receive as a result of the approach contemplated in your telegram of 26th June, No. 1559–S. I should be glad to know in this connexion whether the Muslim League leaders have reconsidered preliminary view to the contrary stated in paragraph (5) of your telegram dated 2nd July, No. 1703–S.

1 In tel. 8505 of 3 July 1947 Mr. Turnbull explained to Sir G. Abell that the India Office were arranging in two categories the material being prepared for the Parliamentary debate on the second reading of the Indian Independence Bill. These categories related to matters '(A) . . . on which we desire to make a statement' and '(B) . . . on which we must be ready to make a reply'. Telegrams dealing with the two categories were to begin 'Debate (A)' or 'Debate (B)'. L/P & J/10/132: f 124.

2 In order to cover commercial and multilateral treaties the concluding passage of the statement, from 'Other treaty provisions . . .', was subsequently amended to read:

"Other treaty provisions, which equally cannot be performed in the new India but which have application to the territory and inhabitants of Pakistan, will not automatically pass. It will, however, be open to Pakistan, when set up, to secure the continued application to her of those Treaty provisions, by accepting the obligations and claiming the benefits of them, and thus establishing herself in a position corresponding to that of the new India. There are also other Treaties, multilateral and bilateral, having no localised application, which India will inherit but which will not pass to Pakistan, in regard to which it is most desirable that arrangements should be made so that Pakistan can in future assume the position of an independent party in regard to them. H.M.G. for their part will be very ready to extend their good offices, if Pakistan so desires, in endeavouring to secure the acceptance by the foreign Governments concerned of this position."

L/P & S/12/4638: f 135, 56, 54, 53.

3 This should read 1599–S: see No. 333, note 6.

No. 463; see also No. 517 and its note 4.
Mr Jinnah came to see me at 6.30 p.m.

I told him that I had had a letter from Dr Ingram asking whether he (Mr Jinnah) would be prepared to denounce the Poona Pact as far as Pakistan was concerned.

2. Mr Jinnah said that he intended to see that the Scheduled Castes in Pakistan received really fair treatment and that the Poona Pact as such would certainly not operate in Pakistan. However, he could not give me any details as to what the future position of the Scheduled Castes would exactly be until the Constituent Assembly had discussed the matter.

3. I asked him whether he would like me to submit his name to the King to receive the customary GCMG bestowed on Governors-General on appointment in the Dominions. I also pointed out to him the desirability of reopening to citizens of Pakistan eligibility for decorations. I added that the Orders of the Star of India and of the Indian Empire would, in their very names, be unsuitable; but that the Order of St Michael and St George, which was the customary Order for the Dominions, appeared to me to be eminently suitable. I promised to convey his views on this subject to H.M. Government. He thanked me and said he would like to consider the matter carefully before letting me have an answer.

4. I asked him whether he still wished me to be the Chairman of the Joint Defence Committee if I remained as Governor-General of the Dominion of India; and he confirmed that this was what he wanted. I asked him to let me have a letter to this effect. He promised to send me such a letter.

5. I next asked him whether he had made up his mind about the Dominions flag and whether he liked the design I had sent him. I pointed out that the Union Jack in the upper canton was only one-ninth of the whole area instead of one quarter as in the case of the other Dominions. I also told him that I thought the Congress were likely to agree to a similar flag though it was not yet settled. He promised to let me know in good time to have a flag made before the 15th August.

6. I asked him whether he would like me to come down on the 14th August for a farewell ceremony at Karachi, since the Pakistan areas would pass out of my control on the 15th. He said this would give him great pleasure. I promised to go into the details and discuss them with him later.
7. I asked him when and where he was going to call the Constituent Assembly for Pakistan, and he said probably in Karachi at the end of July or beginning of August. We agreed that it was my responsibility to call the Constituent Assembly and he said he would let me know when he wished me to do so.

8. I discussed with him the names of suitable candidates to be Heads of the Defence Services in Pakistan. He said he wanted all three to be British and would like me to provide him with some more particulars of the alternative candidates and possibly to give him an opportunity of seeing the candidates. I promised to do this.

9. He handed me a telegram addressed to the Prime Minister and the Leader of the Opposition, protesting against the exclusion of the Andamans from the Bill. I promised to transmit this. He said he would have a further protest to make on there having been no provision of machinery to ensure that the assets were fairly divided and that their transfer was correctly implemented.

10. I told him that I had been informed that he had recently sent a letter to the Maharaja of Kashmir urging him to join the Pakistan Constituent Assembly and promising him every sort of favourable treatment if he would do so including the continuation of autocratic government within the State. He absolutely denied having written and said that what was more he had no intention of writing, though he would have liked an opportunity to discuss matters with the Prime Minister, Mr Kak, next time he came to Delhi. I told him I would ask the Political Department to put him in touch with him when he arrived about the 25th July.

11. We discussed the reconstitution of the Interim Government. I reminded him that the only way I could get Congress to accept partition was to undertake to reconstitute the Government along the lines that Mr Jinnah had himself accepted for Bengal, at the earliest possible moment. I pointed out that the earliest possible moment had been June 4, but that I had persuaded Congress to wait one month. Now on the 4th July I had again succeeded in making them wait until the passage of the Bill; but I warned him that after July 20 I should be compelled to carry out the reconstitution, and that so far as I could see—as there would be less than four weeks left before partition was complete and power transferred—this could be explained in a communiqué in such a manner that it would in no sense be derogatory to Pakistan. He still expressed his regret but did not seem to be completely against it.3

1 This letter, apparently dated 14 June 1947, has not been traced. In a further letter of 24 July Dr Ingram thanked Lord Mountbatten for saying he would mention the denunciation of the Poona Pact to Mr Jinnah. 'You will be doing him a great service if you can help him to realise that by doing so, he will not only earn the gratitude of the leaders of the Depressed Classes ... but will surely ensure their co-operation in the plans he wants to carry out, in the Dominion of Pakistan.' Mountbatten Papers, Demi-Official Correspondence. For the Poona Pact, see Vol. VII, No. 45, note 3.

2 See Nos. 534 and 536.

3 See also No. 545, Item 3.
Dear Lord Mountbatten,

I am enclosing herewith the draft telegram¹ and request you to communicate it to the Prime Minister and also to the Leader of the Opposition. I did not like to send the telegram direct without informing you about it, but if you find any difficulty in doing so, I hope you will not mind letting me know so that I can then send it on directly today to the Prime Minister and the Leader of Opposition.²

There is one more matter which I am examining and that is the authority or sanction behind who would be able to execute and enforce the partition award in terms of the decision of the contemplated Arbitral Tribunal. I shall send that on to you on Monday. But if you are unable to send the enclosed telegram today, it follows that I shall have similarly to communicate the other matter directly on Monday.

Yours sincerely,

M. A. JINNAH

¹ No. 536.
² Later on 5 July Lord Mountbatten informed Mr Jinnah that he had sent the telegram to the Secretary of State and had asked him to communicate it to the Prime Minister and the Leader of the Opposition. R/3/1/154: f 80.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/154: f 84

IMMEDIATE

NEW DELHI, 5 July 1947, 8 pm

CONFIDENTIAL

Received: 5 July, 9.20 pm

No. 1767–S. Following is text of note received from Nehru about Indian Independence Bill.¹ Nehru says Congress recognise that nothing should be done to delay passage of bill but are strongly of opinion that changes suggested should be incorporated.

2. Note Begins. While some of the suggestions have been accepted, the more important amendments required have not been given effect to. We think that
the non-inclusion of these amendments is very unfortunate and likely to lead to grave difficulties.

2. Even if there were no two Bills, as suggested by us, it should have been made perfectly clear that the international personality of the existing India continues and that India continues to be the parent state exercising all its rights and performing all its obligations under international treaties, etc.

3. In the Bill the argument might be advanced that the Dominion of India is only one of 564 major and minor fragments into which the Bill has divided India. This argument may be met by adducing various considerations, but the definition should have been so clear as to prevent the possibility of doubt or argument.

4. In clause 7(i)(b) and (c) a proviso has now been inserted. But this does not go far enough and even this is subject to unilateral denunciation by any party. The effects of this are very difficult to foresee. We think it essential that the proviso should be in the form suggested by us previously.

5. The proviso to clause 19(3) has been retained almost in its original form. The change made does not go far enough and the difficulties pointed out in our previous note remain. We think it necessary that the proviso should be as suggested by us in our previous note. It must be made perfectly clear that the powers of the existing Constituent Assembly are in no way reduced by this Bill. Ends.

1 Pandit Nehru sent copies of his note to Lord Mountbatten and Lord Ismay. In a covering letter to Lord Ismay, Pandit Nehru wrote: 'I have purposely only referred to three matters which we consider very important ... I should like to emphasise that we attach great importance to these proposed changes.' R/3/1/154: ff 83, 117.
2 See No. 428, Clause 7(i) Proviso in italics.
3 Ibid., Clause 19(3); see also No. 514, para. (4).
4 See No. 479.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/154: f 82

IMMEDIATE CONFIDENTIAL

NEW DELHI, 5 July 1947, 8 pm

No. 1771-S. See my immediately preceding telegram. Following is text of message from Jinnah. Begins.

Clause 2 of Indian Independence Bill allots Andaman and Nicobar Islands to

1 In this telegram Lord Mountbatten conveyed Mr Jinnah's request that his message should be sent to Mr Attlee and Mr Churchill. He added that Jinnah was examining the sanction behind the enforcement of the awards of the Arbitral Tribunal. R/3/1/154: f 81.
Dominion of India. These islands have never formed subject of discussion or agreement between parties at any time. Their sudden inclusion in India raises very grave issue. They are not part of India historically or geographically. They were British possessions administered by Government of India and are not in same category as other Chief Commissioners' Provinces being reserved to Governor General under Constitution Act 1935. Majority of population consists of tribes who are not connected with peoples of India by ethical, religious or cultural ties. Pakistan's claim to these islands very strong since only channel of communication between eastern and western Pakistan is by sea and these islands occupy important strategic position on sea route and provide refuelling bases. Dominion of India have no such claim. They should form part of Pakistan.

I pointed out above facts on seeing Bill and suggested that if no immediate decision was feasible islands should be excluded from scope of Bill and dealt with separately. Surprised to find no alteration in Bill as published this morning. Urge most strongly this grave injustice to Pakistan be rectified in Parliament. Ends.

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Extract from a letter of Mr Tyson

MSS. EUR. E. 341/41

NO. 410

GOVERNMENT HOUSE, CALCUTTA, 5 July 1947

Dear Folk,

The news of the week is that contained in today's papers—the publication of the "India Independence Bill"—as I see it is now to be called. I have not had time to examine the cabled version of the Bill in its present form (i.e. in its final form as a Bill for introduction in Parliament) but I saw an earlier draft and I gather the changes are not numerous. From our own point of view the important thing is that Dominion Status, in the Bill, is to be conferred on the 15th Aug.—whether or not they have partitioned Bengal, the Punjab and India by that date. Hitherto we had always understood that the date would be "by Oct. 1st at the latest, and earlier if the Governor General so decided". We knew that the G.G. himself was aiming at August 15th, but whether that was an early date selected to bring a sense of urgency to the Indian leaders and in the hope of ensuring that we really did hand over by August 31st (say) or September 15th or, in the last resort, by 1st Oct. was for some time in doubt. There has been no doubt at all, of late, that the Viceroy, by sheer persistence and by talking of
no other date, had induced what I may call a “15th Aug.” complex and people were definitely working to that date: but so far we have always had the feeling that if we were not ready (or if the Punjab was not ready, or some other part of India was not ready) to be left on its own on the 15th Aug., there might be a short postponement, say to the 31st. This has made all planning of a private character difficult. From this point of view the great thing about today’s announcement is that it settles the date of Dominion Status (and of the British handing over of power) as August 15th irrespective of the success of Bengal, the Punjab and the Central Government in “partitioning” themselves by that date. Assuming that Parliament passes the Bill in its present form—as no doubt it will—British power in India will cease on the night of the 14th/15th August. It is satisfactory to know where we are. I must say, Mountbatten is a hustler: ever since he came out he has pursued shock tactics—well, at all events after his initial month of reconnaissance (seeing Gandhi, Jinnah, Nehru and Co. interminably, which some Indians seemed to think was a waste of time!! Curious people: they would have been furious if he had gone ahead without doing so). After this rather prolonged and very intensive reconnaissance, he made his plan. He put this in embryo form before the Governors’ Conference that I attended. Even then there was no talk of our being out before June 1948: but it was from that date or soon after that the blitz began. And since the time when he launched his blitz he has given no one any rest—the Indian leaders least of all. He has kept them so busy—so much on the run—that they have not had time to draw breath and criticise. Before they know where they are we shall be out—and I believe, now, we shall withdraw in fairly peaceful conditions—whatever may happen after we have gone. If we can withdraw in peaceful conditions, it will make things better for the Europeans who remain and it will make for better feelings between Great Britain and India in the future—the two Indias, that is. I think there will be very unsettled conditions in India for some time to come, especially in places like Calcutta where the two communities meet: but the trouble will be primarily between Hindus and Muslims—not anti-European. The Europeans will suffer discomfort and, at times, the danger inseparable from disturbed conditions, but they will probably not be the main target as they would undoubtedly have been if we had been pushed out by force even partially successful.

Things here are getting more and more difficult in every way and we shall be glad to go. I would not have said this two years ago, but I say it wholeheartedly now. We have had about enough and the India of “after-August 15th” will not be the kind of country I should want to serve or live in.

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1 Evidently Mr Tyson’s relatives and friends in England.
2 See Vol. X, Nos. 147 and 158.
No. 1777-P. Chamber of Princes was constituted by Crown with main object of enabling its President the Viceroy (now Crown Representative) to take its counsel. Obviously with lapse of paramountcy Chamber ceases to exist as constituted by Crown.

2. There has been no move by Princes to perpetuate the organisation as a common body of their own with suitable adjustments in constitution and functions. A resolution passed recently at an informal meeting of the Standing Committee presided over by Maharaja of Patiala, who has become officiating Chancellor as a result of Nawab of Bhopal’s resignation of Chancellorship, states that “the Standing Committee understand the correct constitutional position to be that, with the lapse of paramountcy, the Chamber of Princes will cease to exist”. Standing Committee have accordingly initiated steps for winding up Chancellor’s organisation which is within their sole control.

3. I have been considering whether to suggest formal dissolution of Chamber involving presumably Royal Proclamation or message from His Majesty. I have come to the conclusion that this would not be appropriate since—

(1) it would be very difficult to devise wording of Proclamation or Message which would give satisfaction to Princes and would not at the same time give offence in, or provoke criticism or derision from, other quarters;

(2) there has been no suggestion from Princes that they would like this formal dissolution; and

(3) there can be no question of holding meeting of Chamber and Royal proclamation or message could thus only be published and circulated.

4. Subject therefore to further consideration if I receive any request from Princes for formal dissolution, my conclusion is that there should be no formal dissolution and that the Chamber should be allowed to die natural and unobtrusive death. I should be grateful for your views.¹

¹ Lord Listowel replied in tel. 9466 of 22 July: ‘I agree and have submitted the matter to the King who approves your proposals’. L/WS/1/1034: f 41.
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The Earl of Listowel to Rear-Admiral Viscount Mountbatten of Burma

Telegram, L/P&S/12/4638: f 27

IMMEDIATE

SECRET

INDIA OFFICE, 5 July 1947, 8.10 pm

No. 8685

Received: 6 July, 4 am

Debate (B) 1 Position of tribal areas after appointed day.

2. Clause 7(1)(c) of the Bill is related to paragraph 17 of the statement of 3rd June 2 which said that “agreements with tribes of the North West Frontier of India will have to be negotiated by the appropriate successor authority”. The effect of that Clause is to place the Jirgas, or tribal assemblies, (who are the Treaty-making bodies empowered to enter into agreements on behalf of the tribes) in the same position in relation to the Constituent Assemblies of the new Dominions as the Indian States will be after the appointed day.

3. As the House will be aware, these tribal areas are not part of British India, and are not administered by officers of the Government of India. Relations with them are governed by a series of Treaties and agreements which confer jurisdiction in certain matters on the Crown: in practice this jurisdiction is exercised by the local political authorities.

4. The termination of those agreements will place the tribes and the appropriate successor Government in a position freely to negotiate fresh agreements.

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540

Sir E. Jenkins (Punjab) to Sir G. Abell

Telegram, Mountbatten Papers. Official Correspondence Files: Punjab, Part II(b)

IMMEDIATE

LAHORE, 6 July 1947

No. 163–G. Your telephone conversation of 5th July 1 with Abbott about possibility of establishing Ministry in Punjab. I understand Bengal model would be followed with one team of Ministers (presumably Muslim League) in charge of whole Province and second team (presumably Hindu and Sikh) holding watching brief for Eastern Punjab.

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1 See No. 532, note 1.
2 No. 45.
2. Conditions here are not the same as in Bengal because whereas in Bengal stable Ministry existed before new arrangement was made, here we are still in section 93. Appointment of shadow team in Bengal can be made to appear concession to non-Muslims, but appointment of regular League Ministry plus shadow team in Punjab would be regarded as surrender to League. When after 3rd June Statement I suggested Coalition no party was keen and Sachar and Swaran Singh said there could be no cooperation on law and order on which League and other parties held irreconcilable views. I would welcome transfer of responsibility for law and order to Ministers, but I do not see how transfer could be effective with Muslim Ministers advising in one sense and Hindu or Sikh applying veto.

3. Apart from general difficulty mentioned above following points are relevant:
   (a) With 40 days to go to transfer of power partition work is practically untouched. Partition Committee is still bogged down in trivialities.
   (b) First act of new Ministry on termination of section 93 is normally to meet Assembly and pass budget. Formation of Ministry would divert attention from Partition, and routine processes of preparing budget, meeting Assembly and getting settled in would occupy more than the time available.
   (c) Situation here is generally explosive. Hatred and suspicion are universal and undisguised. It seems to me that this is inevitable under plan which in Punjab converts our principal cities into Frontier Towns and drives boundary through area homogeneous in everything except religion. Explosion may be touched off at any time and I expect trouble when Boundary Commission reports. Attempt to form Ministry giving League jurisdiction throughout Punjab would be a very powerful irritant.

4. I think you should visit Lahore and discuss in some detail before Viceroy takes final decision.

541

Sir G. Abell to Mr Latimer

Telegram, R/3/1/151: ff 261–2

IMMEDIATE 6 July 1947, 2 pm

CONFIDENTIAL

No. 1784–S. Following is text of letter dated July 5th.

Dear Badshah,

Khudai Khidmatgar Alam Khan saw me before 12 o’clock and he said that he was leaving for Peshawar tonight. I did not send you any letter through him.
But I told him that there should be no demonstration against League Muslims, that it should be enough that in the present state of tension and misrepresentation Khudai Khidmatgars should not vote at all one way or the other, that they were entitled so far as internal affairs were concerned to claim and to have complete autonomy without any interference from Pakistan or the Union and that they could come to a decision as to the choice between the Union or Pakistan when the Constitutions of the two were promulgated and when the Frontier Province had fashioned its own autonomous constitution. Above all every occasion for clash with the Muslim League members was to be avoided. Real Pathan bravery was now on its trial. It was to be shown by cheerfully taking blows or even meeting death at the hands of the opponents without the slightest sort of retaliation. Boycott would certainly result in a legal victory for Pakistanis but it would be a moral defeat, if without the slightest fear of violence from your side, the bulk of the Pathans refrained in a dignified manner from participating in the referendum. There should be no fuss, no procession, no disobedience of any orders from authority.

I had acted promptly on receipt of your letter. I wrote a long letter\textsuperscript{3} to His Excellency on which he took action.\textsuperscript{4} You must have seen also how I had dealt with the question of the Frontier Province in one of my post prayer speeches.\textsuperscript{5} I send you herewith a copy of my letter to the Viceroy and of my post prayer speech. This letter is also in answer to a complaint\textsuperscript{6} received by the Viceroy that it was reported that there was fear of disturbance to be caused by the Khudai Khidmatgars.

I hope the strain in which you are working is not telling upon your health.

Love,

BAPU

\textsuperscript{1} Secretary to the Governor of the N.W.F.P.
\textsuperscript{2} In tel. 1783-S of 6 July Sir G. Abell informed Mr Latimer that the present tel. contained the text of an open letter which Mr Gandhi had sent Khan Abdul Ghaffar Khan (see No. 330). Mr Latimer was asked to pass on the message as soon as possible. Mr Gandhi’s original letter was being sent by special messenger by the Frontier Mail that evening. R/3/1/151 : f 260.
\textsuperscript{3} Presumably No. 396.
\textsuperscript{4} See No. 422.
\textsuperscript{5} Presumably No. 442.
\textsuperscript{6} See Nos. 496, 515, 518 and 530.
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Commander Nicholls to Mr Joyce

Telegram, R/3/1/154: f 90

IMPORTANT

NEW DELHI, 6 July 1947, 7.45 pm

CONFIDENTIAL

Received: 6 July, 7.30 pm

1789–S. Indian Press reactions to India Independence Bill.

First reactions are extremely favourable. Naturally while newspaper Leaders are critical of certain details of the Bill, the British have on the whole come out well. Some highlights, extracts from newspaper Leaders, follow in my telegram 478–GT.

2. The Reforms Commissioner V. P. Menon, held a Press Conference on 5th July at Viceroy's request to answer questions on Independence Bill. Member for Information and Broadcasting, Sardar Patel, took the chair. Conference went off well and it is felt served a useful purpose. The main attack was on the position of the States and in particular Berar.

3. Selection of Sunday newspapers being forwarded to Campbell-Johnson. Please inform him accordingly and show him this telegram.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/154: f 91

IMPORTANT

NEW DELHI, 6 July 1947, 7.15 pm

EN CLAIR

No. 478–GT. My telegram No. 1789–S of 6th July.¹

Indian News Chronicle. This is the first occasion when England and her fellow Dominions will have admitted into the fold of a free Commonwealth people belonging to a different race, brought up in different traditions, and cherishing an altogether different culture. It will be the first occasion in history when a subject nation will have obtained its freedom without the firing of a hostile bullet, and through a voluntary abnegation on the part of the ruling power. Despite several faults of omissions and equivocation, the Bill makes a sincere endeavour to implement the Declaration of 3rd June.

Hindustan Times. When it is placed on the Statute Book, the Indian Independence Act 1947 will rank as the noblest and the greatest law ever enacted by the British Parliament.
Statesman. Above all, there is that master stroke, the title: the Indian Independence Act, 1947.

Dawn. On the eve of independence of the peoples of India, on which this last enactment of the British Parliament sets its final seal, Great Britain is entitled to the highest praise from all the freedom loving peoples of the world.

1 No. 542.

Rear-Admiral Viscount Mountbatten of Burma to Mr Liaquat Ali Khan

R/3/1/162: f 51

SECRET

NO. 1446/16

7 July 1947

Dear Mr Liaquat Ali Khan,

Thank you for your letter of the 4th July informing me that the All India Muslim League recommend to His Majesty The King the appointment of Mr Jinnah as Governor General of Pakistan.

I am grateful to you for what you say in the second paragraph of your letter, but I must make it clear that I have not yet made up my mind on the matter.

Yours sincerely,

MOUNTBATTEN OF BURMA

1 No. 509.

Minutes of Viceroy's Fifty Third Staff Meeting, Items 2–4

Mountbatten Papers

SECRET

Those present during discussion of Items 2–4 of this Meeting held at The Viceroy’s House, New Delhi on 7 July 1947 at 10 am were: Rear-Admiral Viscount Mountbatten of Burma, Field Marshal Sir C. Auchinleck (Item 4), Sir E. Mieville, Rao Bahadur V. P. Menon, Colonel Currie, Mr I. D. Scott, Commander Nicholls, Lieutenant-Colonel Erskine Crum
Item 2

GOVERNORS-GENERAL

The Viceroy stated that one of the main reasons why Her Excellency had expressed an opinion opposed to the suggestion that he should remain as Governor-General of the Dominion of India was that his whole staff had, three or four weeks previously, agreed that it would be unthinkable for him to stay on with one Dominion only. He said that it had been a great surprise to him when his staff, with the exception of Captain Brocket, had unanimously advised him that he should stay on. He still felt that, if he did so, there was a very real chance that he would be accused of acting dishonourably.

Colonel Currie said that he held the same opinion in this matter as the majority of the rest of the staff. He considered that the implications of His Excellency leaving had not been fully realised before—and that these implications were likely to be very serious. Practically, in effect, they might be disastrous.

Sir Eric Mieville suggested that the main reason why the staff had, three or four weeks previously, advised against His Excellency remaining as Governor-General of one Dominion only was because they felt it likely that, in such circumstances, his usefulness would in the main disappear after the transfer of power, and that he would not be able to take the Chair at the Partition Committee and at the Joint Defence Council. All that, however, was now completely changed because of Mr Jinnah’s attitude. His Excellency confirmed that Mr Jinnah, at his interview two days previously, had been at great pains to emphasise what a great help to Pakistan it would be if he (His Excellency) stayed on in any capacity. Mr Jinnah had also at that interview agreed to His Excellency acting as Chairman of the Joint Defence Council. Mr Jinnah had stated that nobody would question His Excellency’s impartiality—such a thought would not enter the minds of members of the Muslim League.

Rao Bahadur Menon said that Congress opinion was unanimous that His Excellency was the only person who could possibly help them to tide over the difficulties which were bound to arise during the next six months or year: this applied particularly to difficulties in connection with the States.

Later in the meeting, Field Marshal Auchinleck gave his opinion that there might be adverse Muslim comment to His Excellency staying on as Governor-General of India only. This might be circumvented by a public statement by Mr Jinnah. Field Marshal Auchinleck gave his view that His Excellency must stay on in one capacity or another. He said that he did not think that he and other senior officers would be able to carry on without His Excellency’s guidance and support.

Item 3

THE RECONSTITUTION OF THE INTERIM GOVERNMENT

His Excellency the Viceroy said that, at the last Cabinet Meeting, he
had asked all members of the Interim Government to send to him their resignations; he had at the same time asked them to carry on in the meanwhile. All present at the meeting, including Mr Liaquat Ali Khan (the only Muslim League Member present), had appeared to agree to send in their resignations; but Mr Liaquat Ali Khan and the other Muslim League Members had not done so. It was now for consideration what was to be done if they failed altogether to do so.

RAO BAHADUR MENON stated that, as soon as the Indian Independence Bill was passed, His Excellency would be empowered, under Clause 9, to order the existing members of the Interim Government to demit their offices.

HIS EXCELLENCY stated that Mr Jinnah, at his last interview, had asked him to explain why Congress were making such an issue of “throwing out” the Muslim League Members of the Interim Government, and taking away their portfolios before the beginning of August. He (His Excellency) had explained the situation in full to Mr Jinnah; but the latter had replied that this was deliberate humiliation. HIS EXCELLENCY said that he had pointed out to Mr Jinnah that there would only be an interim period of a fortnight between the passage of the Indian Independence Bill and the time when the Muslim League Members of the Interim Government would have to leave for Karachi. He had further pointed out that Mr Jinnah himself had demanded a similar arrangement for Bengal.

RAO BAHADUR MENON said that he had fully explained to the Congress Leaders why the reconstitution of the Interim Government was closely connected with the passage of the Bill; he had also reaffirmed to them His Excellency’s intentions to take the necessary steps as soon as the Bill became law.

HIS EXCELLENCY said that the most important point was to avoid any impression that the Muslim League members would be humiliated. There were, broadly, two alternative ways of dealing with the matter—either he could dismiss the Government after a majority vote on the subject in the Cabinet; or Mr Jinnah could be persuaded graciously to accept the situation, which could be presented in a perfectly natural way. He would do his best to persuade Mr Jinnah to agree to the second alternative.

HIS EXCELLENCY THE VICE ROY: decided to speak further to Mr Jinnah on this subject at his next interview.

Item 4

THE STATES

RAO BAHADUR MENON said that he personally had drafted the statement on the
States, issued two days previously in the name of Sardar Patel. It was only with the greatest difficulty that he had persuaded the Congress Leaders to agree to the statement. His Excellency congratulated Rao Bahadur Menon on the terms of the statement, which he considered quite excellent.

No. 528.

546

Record of Meeting of Special Committee of the Indian Cabinet appointed to consider the question of extending to members of non-Secretary of State's Services, both Central and Provincial, the assurances already given on behalf of the Secretary of State's Services

Mountbatten Papers. Partition Council Minutes

Those present at this Meeting held on 7 July 1947 at 11 am were: Sardar Patel, Mr Liaquat Ali Khan, Dr J. Matthaï; Mr H. M. Patel, Mr C. F. V. Williams, Mr P. V. R. Rao (Secretariat)

MINUTES

The following points were made during the discussion:

(a) The suggestion was that European officers not belonging to the Secretary of State's Services should be given the same guarantees as those given to officers of Secretary of State's Services. The effect of such a guarantee would be that the right of Government to alter the terms and conditions of service where such right exists at present would disappear. One view was that while a National Government could dictate to Indians the terms on which they would be employed, the position of European officers was different. On the other hand, it was realised that such a discrimination would be difficult to justify.

(b) The question of guarantees was not raised in regard to this class of officers at the time of the enactment of the Govt of India Act 1935. Also, European officers appointed by the Governor-General-in-Council do not enjoy the right to retire on proportionate pension. There is no justification for giving these officers any rights they are not already enjoying.

(c) Government cannot divest itself of its inherent right to alter existing terms and conditions of service; moreover, where such a right vests expressly in Government today, there is no reason why Government should forgo it. Government servants can only expect that their existing terms and conditions of service, whatever they are, should be guaranteed. A demand for further guarantees is unreasonable and cannot be accepted.

(d) The Government of India have already given a guarantee to all their Government servants that they will continue on their existing terms and
conditions of service. (And one of these terms is the right of the Government to modify those terms.)

(e) In view of the guarantee to maintain existing terms and conditions of service the question whether European officers will be retained in service does not arise.

(f) As regards the question of a capital sum being set aside for payment of pensions, Secretary, Governor General (Public) explained that H.M.G. had stated in their letter [t telegram] that it was their intention to negotiate on this point with the two Governments. The question would thus arise only when negotiations began. It was agreed, therefore, that no comments should be offered on this point.

DECISION

It was decided that H.M.G. should be authorised to make the following statement:

"I am happy to be able to announce, now, that leaders of the Indian parties in the Government of India have guaranteed existing terms and conditions of service of all their employees including Europeans. This guarantee covers pension and provident fund liabilities and excludes any question of discrimination between Indians and non-Indians."

1 The Special Committee had before them tel. 8547 of 3 July 1947 in which Lord Listowel pointed out to Lord Mountbatten that questions were likely to be asked during the parliamentary debate on the Bill regarding the position of European members of the non-Secretary of State’s Services, and asked whether there was anything that the Indian leaders would agree to being said in answer to such questions. Also before the Committee were tels. 8474 and 8475 of 2 July (sent by Lord Listowel to Lord Mountbatten following a discussion in the India and Burma Committee on 26 June) about the assurances to be given in the debate to members of the Secretary of State’s Services and of the non-Secretary of State’s services regarding the payment of pension and proportionate pension, including a suggestion that the right of retirement on proportionate pension might be extended to members of the non-Secretary of State’s Services. L/F/7/2432: ff 56, 59-62.

2 Lord Mountbatten reported this discussion to Lord Listowel in tel. 1825-S of 8 July 1947. L/F/7/2432: f 46. Mr Attlee’s statement in the House of Commons at the Second Reading of the Bill on the position of the services included the statement quoted above. He also recognised that H.M.G. had a ‘special responsibility’ towards European members of the Secretary of State’s Services, announced an intention ‘to negotiate, in due course, an agreement whereby a capital sum in sterling will be set aside to cover this liability’, and stated that, meanwhile, those concerned had the assurance of H.M.G. that they would receive the pensions to which they were entitled. Parl. Deb., 5th ser., H. of C. vol. 439, 10 July 1947, cols. 2457-8. See also relevant files in India Office Services and General Dept Collection 42 (L/S &G/7), and Mountbatten Papers, Official Correspondence Files: Compensation for Members of the Services, Part II(b).
Dear Lord Mountbatten,

Thank you for your letter of the 4th July regarding your discussions with the Sikh leaders.

2. We appreciate thoroughly the anxiety of the Sikhs. They have been hard hit by this division. They might be helped somewhat by the decisions of the Boundary Commission. As for assurances in regard to weightage etc., I fear this raises complicated issues. All our troubles, or nearly all, have been due to separate electorates and the system of weightage, originally introduced for the Muslims. It became clear that this did little good to the minority concerned and only created separatist tendencies. The addition of a seat or two makes no essential difference. But it means the acceptance of a fundamentally wrong principle. Once admitted, this principle leads to far-reaching consequences and ill-will. It is possible, of course, that without weightage and separate electorates some kind of reservation might be given with freedom to contest the general seats also. We should like to help any minorities getting additional seats from general constituencies.

3. The question of transfer of population does not arise immediately. If the people concerned desire it, it must be seriously considered.

Yours sincerely,

JAWAHARLAL NEHRU

1 Lord Mountbatten noted on this letter 'I entirely agree'.
2 No. 497.

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Mr Jinnah to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/154: ff 94-7

MOST URGENT AND IMMEDIATE

10 AURANGZEB ROAD, NEW DELHI, 7 July 1947

Dear Lord Mountbatten,

Thank you for your letter of 5th July informing me that you have sent my telegram dated the 5th July, which I requested you to send to the Prime Minister and the Leader of Opposition, to the Secretary of State asking him to communicate it to the Prime Minister and also the Leader of Opposition.
I shall feel grateful if you will now similarly send the second telegram, copy of which I am enclosing herewith, with regard to another matter which was under my consideration and which I promised to let you have today at the latest and was indicated in my letter of 5th July.³

Thanking you,
Yours sincerely,
M. A. JINNAH

Enclosure to No. 548

TELEGRAM

There is one most serious omission in Indian Independence Bill which might vitiate whole scheme of partition. This is lack of provision for setting up an authority with sanction behind it which could enforce arbitral awards that may be made by Boundary Commissions and the Arbitration Tribunal. I impressed its vital importance upon Viceroy before he went to the U.K. in May and have repeatedly urged its necessity on him ever since I have seen the Bill.

A complete division and transfer and delivery of property equitably between two Dominions by 15th August 1947 is a physical impossibility. It will take many months for Arbitration Tribunal to give its awards. The act of partition is not complete until the award has been executed and physical possession of property taken over by rightful party. Until then assets in question cannot rightfully become property of either Dominion but must remain vested in Crown. A fallacious proposition is advanced that in whichever Dominion property is situated [it] belongs to that Dominion and if that Dominion refuses to carry out terms of award there is no way of forcing defaulting Dominion to give delivery of property to the Dominion to whom it should be transferred in terms of the award. This, I submit, is opposed to every principle and canon of jurisprudence of every country and particularly of Britain and India. The mere _situ_ of property in one or other Dominion cannot make it belong to that Dominion but must be delivered to one or other Dominion in terms of award. Almost all assets are located in Dominion of India which could thus not only deny their use to Pakistan until award is given but could refuse to carry out the award if dissatisfied with it. Adjustment of financial liability between two Dominions would provide a poor solution indeed since grave injury to Pakistan from lack of assets which cannot be had in the market for love or money owing to extraordinary conditions created by war would be of most dangerous character affecting and obstructing stability and whole economic structure and progress of this Dominion. An exceedingly serious situation would thus be

³ See No. 534, note 2.
² No. 536.
³ On 7 July Lord Mountbatten informed Mr Jinnah that he had sent his second telegram to the Secretary of State and had asked him to communicate it to the Prime Minister and the Leader of the Opposition. R/3/1/154: f 107.
created and very grave consequences would follow if there would be no means left to enforce execution of terms of award. Same situation would arise if the awards of Boundary Commissions are not given till after 15th August and the dissatisfied Dominion refuses to comply.

Muslim League consider that H.M.G. alone is appropriate authority that should undertake and guarantee that awards are given effect to and carried out in all respects. This guarantee will only remain in force till such time as partition is finally and completely effected.

Provision to this effect should be made in the Bill by amending proviso (b) to clause 8(2) and other relevant clauses. It would also be necessary to provide that these provisions cannot be amended or deleted by either Constituent Assembly.

If H.M.G. find it absolutely impossible to amend the Bill in the above sense, an authoritative declaration should be made by them in the course of the debate in Parliament that they are responsible for execution and carrying out terms of arbitral awards in all respects. This is the least that should be done in the name of fairplay and justice and in fulfilment of their clear responsibility.

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Mr Liaquat Ali Khan to Rear-Admiral Viscount Mountbatten of Burma

R/3/1/160: f 93
FINANCIAL MEMBER OF COUNCIL, NEW DELHI,
7 July 1947

Dear Lord Mountbatten,

At the last meeting of the Cabinet¹ you invited the Members of the Government to tender their resignations and stated that you intended to ask the Members to carry on with their present portfolios until the Indian Independence Bill was passed by the British Parliament when you would reconstitute the Government. I mentioned at the meeting that I would convey to my Muslim League colleagues what you had stated at the Cabinet meeting and would let you know our reactions. Since then I have discussed the matter with Mr Abdur Rab Nishtar who has returned to Delhi and have not been able to discuss with other Muslim League Members who are still away on tour.

2. I shall be grateful if you will kindly let me know the basis and details of your plan for the reconstitution of the Government because a decision can be taken only when the full implications of your proposal are made known to us.

Yours sincerely,

LIAQUAT ALI KHAN

¹ See No. 493, Case No. 171/33/47; also No. 545, Item 3.
I am in some doubt where we should now find ourselves as regards the executive of the new Dominions. Mr. Rowlatt's notes on clause 8 bring out the fact that the effect of this clause is, broadly speaking, to apply the 1935 Act. But the 1935 Act provides two forms of central executive, (1) the 1919 Act form for what was meant to be a transitional period, and (2) the form set out in Part II Chapter 2 of the Act, which was meant for the federation and has never come into force.

I had certainly supposed that in addition to partition and the abolition of Whitehall control, as noted in Mr. Rowlatt's fourth paragraph on clause 8, we were now introducing responsible government. And, therefore, I supposed that when we said we were applying the 1935 Act as far as may be to the existing situation, we were applying the responsible government system rather than the Governor-General in Council system.

But Mr. Turnbull, to whom I have spoken, seems to think that is not so, and that what we are doing is to continue the Governor-General in Council system until and unless this is altered by the new Indian authorities. Mr. Turnbull said he would consult Mr. Rowlatt further upon this, and it seems to be a matter upon which no obscurity ought to exist, as it is surely a fundamental point and one which ought to be elucidated in the Debate.

Sir W. Croft.
I have spoken to Mr. Rowlatt about the position under the Bill in regard to the Centre in each of the two Dominions.

The position is governed by 8(2) of the Bill which says that until the Constituent Assembly of the Dominion provides otherwise, each Dominion shall be governed as nearly as may be in accordance with the 1935 Act with such omissions, adaptations and modifications as may be specified in Orders of the Governor-General. The position is therefore, in a sense, fluid. The Governor-General can adapt the 1935 Act to fit. He may adapt and bring into operation part 2 or he may adapt the 9th Schedule.

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1 Earlier on 7 July Mr Turnbull had sent Sir W. Croft and Sir A. Carter notes prepared by Mr Rowlatt on certain clauses of the Bill for use during the Committee Stage. (Mr Rowlatt's notes have not been traced.) Mr Turnbull asked for early approval of, or observations on, the notes. L/P &J/10/81: f 66.
2 [Note by Sir W. Croft in original:] In that case I suppose the Constituent Assemblies have, in addition to their constituent powers, only the powers of the present Central Legislature not those of the Federal Legislature under 8(a)(e).
It seems to me quite possible that Mr. Jinnah has it in mind to get himself made Governor-General of Pakistan, to furnish himself with a compliant Executive Council, to retain all the powers wielded by Sir Reginald Maxwell and Lord Linlithgow under the 1935 Act and to sway the Constituent Assembly of Pakistan into giving authority for a virtual dictatorship. It may be possible for Mr. Jinnah to arrange the composition of the Constituent Assembly in such a way as to facilitate this development. The Governor-General of Pakistan will have the overriding power possessed by the present Governor-General and he will have non-votability of charges at present not votable. He will also have power of certification under 67(b) and I suppose power of refusing assent under 68 of the 9th Schedule. He has also ordinance making power under Section 72 in time of emergency.

You were away at the time but we were induced to put in the provisions of the Bill which we are now discussing, by a strong plea started by V. P. Menon and backed I suspect by Patel, that we must provide a Government in India which could go on and not put the whole of the central structure into the hands of the Constituent Assembly to be re-fashioned forthwith. It was argued that if we did so, a lot of wild men would start impromptu constitution making and that the whole thing might get out of hand and end in chaos.

I don't know that there is much to prevent the kind of thing envisaged for Pakistan in this note above happening in Hindustan also but if this is raised as a criticism in the Bill, I should have thought that the answer was that we have provided for a sovereign legislature. In Hindustan at any rate the Constituent Assembly is established and is democratically based. It can do anything including abolishing the Governor-General's Orders and refusing supply. It can alter the existing Act to destroy non-votability where it exists. If this does not stop dictatorship arising it is difficult to see what can stop it. The weakness of the situation in Pakistan is that we have not got a Constituent Assembly or made any provision for one to be established. It might be that no Constituent Assembly would ever meet and that Orders could be made by a Governor-General adapting the 1935 Act to finance the Centre by contributions from the Provinces. In this way you would get a sort of central dictatorship presiding over three democracies with Muslim League majorities. (I assume that the Governor-General of Pakistan will pretty quickly adapt revisions of the Act relating to the N.W.F.P. Legislature to ensure the Muslim League majority there.)

As regards what we say in the House, I think it is (a) that the Governor-General can adapt the 1935 Act to fit the two separate Dominions and can use either the 9th Schedule or Part 2 of the Act as the basis for doing so, (b) that the Constituent Assemblies have been made sovereign legislatures for all purposes
and that in the circumstances that is the best and only safeguard we can provide against the growth of autocratic rule.  

F. F. T.

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3 See Nos. 255, 286, 290 and 293.
4 Sir W. Croft minuted to Sir A. Carter:
   "This is Mr Turnbull's reply to my query on Mr Rowlatt's notes.
   The fact is that we simply don't know whether the constitutions we purport to be providing for the immediate post transfer phase will provide for control by the legislature over the executive or not."

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Mr Attlee to Rear-Admiral Viscount Mountbatten of Burma (via India Office)

Telegram, R/3/1/162: f 45

IMMEDIATE

SECRET

7 July 1947, 1.24 pm

Received: 7 July, 7.30 pm

No. 79. Private and personal from Prime Minister.

Your 1725–S and later personal and private telegram. This news is indeed a surprise and I am glad that you sent Ismay home. I will talk the whole matter over with him and then telegraph to you further. I am very sorry that this should have been added to all your other cares and worries. Whatever the outcome no-one could have done more or better than you.

All good wishes.  

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/154: f 104

IMMEDIATE

SECRET

NEW DELHI, 7 July 1947, 4.55 pm

Received: 7 July, 7.55 pm

No. 1798–S. Your telegram 8685 of 5th July. Position of tribal areas after appointed day.

2. Proposed reply is satisfactory except for second sentence of para. 2. I suggest that this be re-worded as follows.

1 No. 539.
"The effect of this clause will be to leave open to the Constituent Assemblies of the new Dominions to initiate negotiations for fresh agreements with the Jirgas or tribal Assemblies (who are the treaty making bodies empowered to enter into agreements on behalf of tribes)."

3. I think that no reference should be made to the States as their position is not analogous to the tribal areas; and it is of course not possible for Jirgas to take their place in Constituent Assemblies, but merely to negotiate with representatives sent from Constituent Assemblies.²

² The India Office decided that this amendment might be accepted. L/P &S/12/4638: f 24.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, Mountbatten Papers. Official Correspondence Files: Indian Independence Bill, Draft Bill, Debate Telegrams

NEW DELHI, 7 July 1947, 5 pm

1799-S. Your tel. No. 8677.¹ Debate (b). I agree with terms of proposed statement on international status of new Dominions and succession to treaty rights and obligations. From para. 1(d) of Congress comments on draft Bill already telegraphed² to you it is clear that they accept H.M.G.'s view on both points. Muslim League do not accept view on first point but have said nothing specific about second point although it has been expressly put to them. I think it unlikely that they will reconsider or add to their preliminary view. I therefore suggest that H.M.G.'s statement may be confined to an expression of their own view of the position.

¹ No. 532.
² No. 479.

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Draft Memorandum from the Chiefs of Staff to the Minister of Defence¹

L/WS/1/1046: ff 236–9

INDIA—STRATEGIC REQUIREMENTS

In your note² to the India and Burma Committee you informed the Committee that we would review our strategic requirements in India in order to bring them up to date.
We had previously set out our requirements in a paper\(^1\) which was forwarded in September, 1946, to the India Office under cover of a letter\(^4\) in which we made certain suggestions on the method of obtaining them. At that time we were working on the assumption that there would be a unified India. We have, therefore, reviewed our requirements in order to see whether they require adjustment in the light of the latest political developments.

2. Our requirements are based principally upon factors of Commonwealth Strategy such as geography, manpower and resources, which do not change. The new situation in general, therefore, only affects the method of obtaining our requirements and not the requirements themselves. The fact that there will now be two authorities with whom to negotiate, and that these will have in the first instance the status of Dominion Governments, does not affect the facilities for and assistance in Commonwealth defence which we wish to obtain from the Indian continent.

What the method of obtaining our requirements should be in the altered circumstances it is not our province to advise. We would only observe that in our opinion it is essential, in view of the possibly temporary nature of the Dominion status of the Successor States, that there should be some form of written agreement, though this need not necessarily cover all our requirements in detail.

3. In order that there shall be no doubt what we consider our basic requirements to be, we set them out below so that they may be brought before the India and Burma Committee. We have rephrased them where necessary to allow for the fact that they must now be obtained from two separate states and have made certain adjustments to bring them into line with the latest developments.

Basic Requirements

4. The main and overriding consideration should be to retain both India and Pakistan within the British Commonwealth or at any rate ensure that they will cooperate with us in order that:

(a) The continent of India will continue to be a main support area in war, i.e. we shall continue to have the active cooperation of the armed forces of both States and the use of the reserves of manpower and of the industrial potential which they can provide.

(b) We have the use of strategic airfields, primarily in Pakistan, in the event of a major war.

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1 This draft was prepared by the Joint Planning Staff and was annexed to their Report circulated as J.P.(47)90(Final) of 7 July 1947. L/WS/1/1046: ff 232–5.
2 See No. 486, Minute 1, and its note 1.
3 See Vol. VIII, Enclosure to No. 408 where the Conclusions of this paper are reprinted.
4 Vol. VIII, No. 408 dated 4 October 1946.
(c) We have the use of the naval and air bases which are important to the security of the Indian Ocean and to the maintenance of our world-wide sea and air communications.

5. As regards the conditions under which the new Dominions might cooperate with us in the event of war, at best we would like India and Pakistan to play their full part in the defence of the Commonwealth and to be prepared to participate actively in any war in which the Commonwealth became involved.

The least that would make a substantial contribution to Commonwealth defence is that the two states should:

(a) Undertake primary responsibility for their defence on land, and of their ports and coastal communications by naval forces.

(b) Accept the obligation to participate actively in the defence of India in the event of a threat developing in any of the neighbouring territories, including the possibility that this might entail deployment of some of their forces outside their own territory.

If our maximum requirement cannot be obtained, we should make every effort to extend our immediate requirements to provide for them to assist us in the event of war in the Middle East or South East Asia.

Detailed Requirements

6. If the basic requirements given in paragraph 4 above are to be met satisfactorily a number of detailed requirements will have to be fulfilled. These are as follows:

(a) The maintenance by India and Pakistan of land forces on a scale adequate to ensure the defence of the Indian continent.

(b) The maintenance of the efficiency and modernisation of their armed forces, which must be capable of expansion in war, and the acceptance of only British advice and assistance therein.

(c) The acceptance by India and Pakistan of the assistance of additional naval, land and air forces from Commonwealth resources together with the technical and other assistance necessary to ensure the defence of the continent of India and that of the Indian Ocean in the event of war, and the admission on threat of war of R.A.F. units and of any other assistance which may be necessary.

(d) The maintenance of the necessary bases and communications for offence and defence at the required standard of efficiency and degree of readiness, the acceptance of the assistance of British supervisory personnel and the making available of these bases in war or on the threat of war. The retention of certain armament stores in the new Dominions is also most desirable by mutual arrangement.

(e) Air transit rights and facilities both in peace and war, irrespective of whether the new Dominions themselves are involved in the war. Air
staging facilities for military aircraft will be required at the following airfields in peace:
Mauripur
Palam
Dum Dum
Jodhpur
Allahabad
Ranchi
Ahmadabad
Poona
Hakempet
Bangalore
Car Nicobar

(f) The right to take what defensive measures we consider necessary and to establish such facilities as we require in the Andaman, Nicobar and Laccadive Islands.

(g) Availability of Gurkhas for the Imperial Army and transit rights for Gurkha personnel through India (Hindustan) and possibly Pakistan.

(h) The acceptance of British Military Representatives to act as a link between the U.K. and the new Dominions on all military matters.

Although the question of how to obtain our air transit rights has already been put to the Viceroy's we have restated the requirement since we consider that it is now a matter of such urgency that a satisfactory solution must be found.

Requirements with Pakistan

7. We have considered whether the requirements given above would be modified if, as seems a possible contingency, we can only obtain an agreement with Pakistan and not with India.

An effective defence of India requires that the area be treated as a whole and unless the bases, man-power and resources of both states are available to us the contribution to Commonwealth defence which we can expect from them will be seriously reduced. Moreover, the fulfilment of many of our strategic requirements, e.g. that Indians should undertake the main burden of their defence on land, does in fact demand that India (Hindustan) and Pakistan should cooperate in matters of defence. We do not think that this is an impossible requirement since it is so obviously in the interests of both states to cooperate in the face of external aggression.

On the other hand the area of Pakistan is strategically the most important in the continent of India and the majority of our strategic requirements could be met, though with considerably greater difficulty, by an agreement with Pakistan alone.

* See No. 487, para. 6.
We conclude therefore that our requirements are substantially the same in the event of an agreement with Pakistan alone.

Precise definition of detailed requirements

7. We have also considered whether it would be possible to translate our requirements into more precise terms, such as location, numbers of personnel etc. Except in the case of air transit rights which have been stated above, we do not, however, consider this to be practicable since it will depend so much upon what cooperation the new Dominions are prepared to give us. Such details will therefore have to be worked out in the course of the negotiations once these have been started.

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Commonwealth Relations Office to Sir E. Baring

Telegram, L[PO]/6/122: f 76

IMMEDIATE

7 July 1947, 2.30 pm

TOP SECRET AND PERSONAL

Z. No. 39. Please give following message to Prime Minister in reply to his message in your No. 202.¹

I am sorry if use of term independence in title of India Bill should cause you any embarrassment. Other Prime Ministers have also indicated that they would have difficulty in allowing themselves to be quoted as favouring use of the term and there is no longer any question of our proposing to say here that term is acceptable to Prime Ministers of other Commonwealth countries. Position is that text of Bill including title was communicated to Indian leaders before it was published on 5th July, and after that no change was clearly possible.

Moreover we have throughout used term independence within or without the Commonwealth in our discussions with both India and Burma, and while I fully realise that term may be regarded as having different implications in other parts of Commonwealth it remains fact that word “autonomous” used in Balfour declaration of 1926 as defining members of Commonwealth has really same meaning as independent. I hope that in view of this you may be able to avoid or allay the public controversy which you fear. I need hardly say how much I should regret it if such controversy should arise.

¹ No. 531.
I am repeating this telegram to the other three Prime Ministers. *Ends.* Addressed Pretoria repeated Ottawa, Canberra and Wellington.

3 In a supplementary message for Mr Mackenzie King (tel. 549 of 7 July) Mr Attlee referred to No. 488, said that he appreciated Mr Mackenzie King’s position and added that he was sure the latter would appreciate the difficult position in which the U.K. Government was placed. However, in tel. 585 of 8 July the British High Commissioner in Canada reported that he had not given Mr Mackenzie King the actual text of the message to General Smuts because certain points in it might lead to fresh argument. ‘In particular I am sure that, having regard to history which he was at pains to give me of drafting of Balfour formula, he would never accept contention that “autonomous” has same heading [meaning] as “independent”.’ The High Commissioner had therefore sent Mr Mackenzie King a letter explaining the position on the general lines of the telegrams. L/PO/6/122: ff 77, 81.

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R[3/1/161: ff 14–15

IMMEDIATE

SECRET

NEW DELHI, 7 July 1947, 6.30 pm

Received: 7 July, 8.15 pm

No. 1800–S. Your 8560 of 3rd July. 2

1. I agree that the continued provision of military aircraft transit facilities is an issue which must be dealt with immediately. I suggest that the High Commissioner should be instructed by HMG to negotiate forthwith with the party leaders, as representing the future successor authorities, with the object of obtaining their consent to the continuation, after 15 August, of the present facilities, in the form of a standstill agreement. 3 Before negotiations begin he would consult A.O.C.-in-C.

2. There are difficulties about immediate negotiations on arrangements to be made for external defence after 15 August and on long-term British strategic requirements. These are:

(a) until the two new Dominion Governments have been set up, the only persons with whom it is possible to negotiate are the Indian party leaders, representing the successor authorities. Although in paragraph 1 above I have suggested that they should discuss military aircraft transit facilities, I do not consider that it would be a correct or desirable procedure to discuss these wider matters.

1 This telegram follows the general line taken in a note recorded by Lord Ismay on 4 July 1947 giving his ‘provisional views’ on No. 487. R[3/1/161: f 6.

2 No. 487.

3 In tel. 9378 of 21 July Lord Listowel reported that H.M.G. had instructed the High Commissioner to negotiate with party leaders to obtain a standstill agreement. L/WS/1/1046: f 194.
(b) to attempt to obtain agreements and guarantees, whether written or otherwise, at this stage would inevitably give the impression that we did not trust the future governments of the new Dominions to negotiate to our satisfaction when they are set up.

(c) I had not visualised that we would take the various matters on which agreements are required piece-meal—i.e. military at one time, economic at another, commercial at yet another. I consider indeed that it would be better to take them all together.

3. I suggest, in regard to negotiations on arrangements for external defence and British strategic requirements,

(a) that, after the transfer of power, the Chiefs of Staff should send a delegation to India and Pakistan to conduct these negotiations;

(b) that these negotiations should be conducted with the two new Dominion Governments; (there is a possibility that these Governments might accept the Joint Defence Council as the negotiating body, but it would be dangerous to mention this publicly at the present stage);

(c) that these negotiations should if possible take place concurrently with economic and other negotiations.

4. Reference your para. 7. I agree that it would be most desirable to have written agreements; but cannot agree that Pakistan and "Hindustan" should be referred to by the term "temporary Dominions".

5. Reference your para. 4. As I have already stated in my telegrams 1570–S\(^4\) and 1744–S,\(^5\) I am of the opinion that responsibility for the safety of British subjects, after the transfer of power, will rest on precisely the same shoulders as it does in every other Dominion and foreign country, i.e. with the Government of the Dominion concerned. I must reiterate that I adhere to this opinion.

6. Reference your para. 10. I urge that no statement should be made in Parliament on this subject. However, if it is necessary to prepare answers to questions, Ismay, who will be with you today, knows my views and will be able to supply the necessary material.

\(^4\) No. 335.
\(^5\) No. 511.
No. 1802–S. I have now had time over the weekend to read Conference papers 115 and 116 of which I understand you took copies to London. I have the following comments to make.

2. V.C.P. 115.¹

In the penultimate paragraph is the following sentence “In this letter² the hope was also expressed that H.E. would stay on as Governor-General of the Dominion of India only”. You have the original of this letter with you and you will see that this statement is not quite correct. The actual wording of Liaquat’s letter is as follows:

“We understand that the Congress desire that you should be the Governor-General of India Dominion, and if you decide to accept it, we shall be glad and feel that the two Governors-General will work in harmony and cooperation to effect equitably final and complete partition.”

3. V.C.P. 116.³

First Paper—I have no comments.

Second Paper—I do not entirely agree with paragraph 2. Mieville and I saw Auchinleck this morning and put the whole position to him. Although he has clearly stated on several occasions that if left to himself he would resign, he now says that he would think this over and might be prepared to stay, though he made it very clear that he considered his own position and that of other senior officers would be so difficult that he did not know if it would be advisable to stay. He said that he was afraid there would be a feeling among all the Muslims that I had deserted Pakistan, but that he would be able to get a better opinion from his late D.P.R. Brigadier Desmond Young, who has resigned from the army to take charge of Muslim publicity. He has sent for Young to come from Karachi for a discussion.

Finally he said that from his point of view the matter largely turned on whether both sides would appoint me as Chairman of the Joint Defence Committee. He thought the whole position quite deplorable and that whatever I did there would be criticism. After some thought he said that he considered I should stay, and face the criticism, as he did not think they would be able to carry on without my guidance and support.

¹ No. 521.
² No. 509.
³ No. 522.
But in general paragraph 2 is exaggerated, particularly the sentence "The one stable thing in India, namely the Indian Army, might well disintegrate; and riot and bloodshed on an appalling scale would result". I also do not entirely agree with the sentence "They would feel after their experience in SEAC, and latterly in India, that there was someone to look after their interests". This responsibility is Auchinleck's and other senior officers, and I could only help if both sides voluntarily agreed to appoint me as the impartial Chairman of the Joint Defence Committee.

Para. 7. The first sentence is incorrect. As Governor-General of the Indian Union I should not be an independent agency nor should I be capable of "resolving" the difficulties which may arise, but the second sentence of this paragraph is correct.

The whole of paragraph 8 is most dangerous, the implication being that the passage of the Indian Independence Bill through Parliament is dependent on my remaining Governor-General of the Indian Union; the conclusion being that I am being used for political ends; so be careful how you refer to this.

Para. 9. The first sentence is incorrect, as I have stated in my remarks above on V.C.P. 115, though I admit Jinnah made a verbal statement* in both our presence. But I do feel that you and Mievile might be able to act as go-betweens by visiting Karachi from time to time since you are both trusted by both sides.

Para. 11. The second sentence about the possibility of Colville and Nye not staying on is not substantiated, and both might stay on. I have not asked them.

The last sentence of paragraph 11 about the improvement of relations between India and Britain is, I feel, not wholly to my credit as suggested, but largely to HMG whose statement of the 20th February* giving a terminal date for British power in India transformed the whole scene out here.

Para. 12. Is a matter of opinion and I do not altogether subscribe to it.

4. I am not sure what use you wish to make of these papers but I must ask you not to circulate them at all in their present form, although there is of course no objection to your making use of them as talking points subject to the comments I have made above.

* cf. No. 506, para. 32.
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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/154: f 101

IMMEDIATE

NEW DELHI, 7 July 1947, 8.45 pm

CONFIDENTIAL

Received: 8 July, 12.15 am

1807-S. Jinnah has asked that the message in the next succeeding telegram1 should be communicated to the Prime Minister and also to the Leader of the Opposition. Would you be good enough to pass it on?

2. May I suggest that Ismay should take round the statement to the leader of the Opposition as he will be in a position to explain that from the very beginning Jinnah was told that the only practicable solution to which Congress would agree would be to have a common Governor-General who would be allowed to retain his present British staff who would be able to follow up the division of assets and use his impartial position to secure fair play and implementation. When he rejected this at the meeting I held with Muslim league representatives considering the Bill he stated that he realised the consequences of this decision.2

1 Tel. 1808-S of 7 July transmitted the text of the Enclosure to No. 548. R/3/1/154: f 102.
2 See No. 506, paras. 27–31

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Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel

Telegram, R/3/1/154: f 98

IMMEDIATE

NEW DELHI, 7 July 1947, 10 pm

CONFIDENTIAL

Received: 8 July, 6.30 am

No. 1805-S. Sir B. N. Rau came to see me in great distress today since he considers that the present amendments to clause 71 are still not nearly strong enough and will lead to a serious situation.

2. I invited him to give me a note which I could telegraph to you and this is transmitted in my immediately following telegram. I am sending the note to Political Adviser and his comments will be telegraphed as soon as received.

3. I must confess that I did not myself realise that 327 owners of such small properties were going to be given powers of life and death where previously their powers were limited to three months imprisonment or 200 rupees fines.

1 See No. 428, Clause 7, Proviso in italics.
4. It has also been suggested by some Congress lawyers that in clause 7(1)(b) the addition of the single word "as" would ease the situation. It is suggested that the middle part of this paragraph should read "all functions exercisable as repeat as by His Majesty at that date with respect to Indian States". Personally I cannot see that this makes any difference, and if it proves to be a legal quibble I cannot recommend it.

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**Rear-Admiral Viscount Mountbatten of Burma to the Earl of Listowel**

*Telegram, R/3/1/154: ff 99-100*

**IMMEDIATE**

**NEW DELHI, 7 July 1947, 10 pm**

**SECRET**

Received: 8 July, 4.25 pm

No. 1806-S. My immediately preceding telegram. Note Begins.

Proviso to section 7(1)(b) and (c) as drafted does not seem to cover control now exercised by His Majesty over foreign relations of Indian States; for example, of Chitral, which is only about 15 miles from the Russian border. To say flatly that existing control lapses without substituting anything in its place seems risky.

Proviso is also defective in regard to the petty Indian States mentioned in para. 11 of Butler Committee’s Report.¹ There are 327 of these States whose average area is about 20 square miles, average population about 3,000, average annual revenue about Rs. 22,000. Their Rulers exercise petty judicial powers such as trying criminal cases punishable with not more than three months imprisonment or Rs. 200 fine and disposing of civil suits not exceeding Rs. 500 in value. Residuary jurisdiction is now exercised by the Crown Representative or persons acting under his authority. It could hardly be the intention that when paramountcy lapses on [315] August next, these Rulers are to attain a position which they never had in the past and to acquire almost over-night powers of life and death. Para. 17 of Butler Committee’s Report indicates that Committee’s recommendation in para. 58 against transfer of paramountcy did not apply to these petty States. In their case, there is clear necessity for some kind of stand-still clause providing for continued exercise of residuary jurisdiction until otherwise provided by mutual agreement.

In a large number of cases, the Crown Representative has under various attachment schemes transferred his jurisdiction to the "Attaching State". All these schemes will fall through upon the lapse of paramountcy unless saved in some way. Some modification of the proviso as drafted would seem to be
necessary to remove the above defects. If provision for unilateral denunciation is regarded as unavoidable in the case of major States, I would suggest that existing proviso be replaced by two provisos somewhat as follows:

"Provided that, notwithstanding anything in para. (b) or para. (c) of this subsection, effect shall, as nearly as may be, continue to be given to all existing relations and arrangements between the parties referred to therein until they are denounced by the Ruler of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or Province or other part thereof concerned on the other hand, or are superseded by subsequent agreements.

Provided further that until otherwise mutually agreed upon, the criminal, revenue, and civil jurisdiction heretofore exercisable in any Indian State of Class III as defined in para. 11 of the Indian States Committee's Report 1928–29, by, or by persons acting under the authority of, the Crown Representative shall hereafter be exercisable by, or by persons acting under the authority of, the Government of the Dominion concerned." End.


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The Nawab of Bhopal to Rear-Admiral Viscount Mountbatten of Burma

Mountbatten Papers. Demi-Official Correspondence Files: Bhopal

TOP SECRET AND PERSONAL QASR-I-SULTANI, BHOPAL, 7 July 1947

My dear Dicky,
Since my return to Bhopal I have been thinking of our conversations¹ and have been turning over in my mind the question which you put to me . . . 'to stay or not to stay'. I realise that this is a very difficult problem for you and that from the point of view of anyone trying to offer advice it is even more difficult, because it is virtually impossible to exclude considerations affecting you in your position as Viceroy and Crown Representative, from decisions which you may wish to make in your personal capacity. I hope therefore that you will realise that the advice which I am about to offer is not only based on very incomplete data but is offered by me as Hamidullah, your personal friend, to you as Dicky Mountbatten and not as Viceroy!

I may be talking through my hat, but as a privileged spectator with a good position in the grandstand my advice, after carefully weighing all the factors known to me, is don't carry on after August 15th. In offering this rather

¹ No record of these conversations has been traced, but see No. 499.
negative piece of advice I am doing so purely from the point of view of your personal considerations. There may be other aspects of the question of which I know nothing, which may compel you to remain on for a further eight months. I do not know what they are but I cannot help being left with the impression that some pretty large crisis is expected in March or April next. I think it inadvisable to say more at this stage and would prefer not to put my reasons in writing but would welcome the opportunity of a further talk some time if you feel that this would be useful. I have ventured to advise you not to stay in spite of the knowledge and conviction that your presence in our midst may be most valuable to me personally, and may help me in my effort to protect my State and safeguard its interests. It might also be helpful to Pakistan.

To return however to your immediate problem and speaking as a close observer of the great events which have unfolded themselves since the date upon which you took over the Viceroyalty of this country, it seems to me that the psychological moment for your departure will be the date upon which the two new Dominions of Pakistan and Hindustan are officially created. They are your creation and you have succeeded where all others have failed. You are the architect of the new edifice, and though the project contemplates raising the edifice of the States to the ground, it nevertheless is a great achievement. This was perhaps inevitable as those who were your strongest bulwark, and true and loyal friends, had also inevitably to go with you. Once the plans have been completed and approved, your job is done. If you attempt at putting bricks and mortar together, you may fail. Why risk it! If you leave now you will be going out on the flood tide, and on the crest of the wave, for your personal prestige can never be higher both in British India (which alone seems to count) and at home. If you try and hang on, public opinion may inflict upon you the same fate as was meted out to Churchill. Again I may be talking nonsense but I know my country and though I am not in possession of even half the facts, I foresee a very difficult period in this country when the two Dominions, flushed with the first feeling of real power but probably lacking the essential qualities of experience and restraint, will begin bickering, and hack politicians (men with vision and realistic outlook like Patel notwithstanding) will come like a swarm of house breakers and will start messing about with your original edifice. If you stay you will be in a difficult position for you will probably neither be in agreement with the alterations and modifications nor will you be in a position to prevent them.

I know you hate leaving a task half done. It would have been different if you were Governor-General of both Dominions. You may perhaps be able, in a much lesser degree, of course, to help the States and Pakistan, even if you stayed on as Governor-General of Hindustan. But if you wish to assist the States and Pakistan as I have reason to believe you do, you can do so, perhaps to a greater extent by giving your support to them from England. You can also help
Hindustan from there. As a Constitutional Governor-General of Hindustan alone you are bound to come in conflict in some matters, at any rate, with the interests of Pakistan and the States, which in view of coming international situation, should, if at all possible, be avoided. The strategic position, vis-à-vis Russia, of Pakistan and the Middle East which is totally Moslem would demand the closest understanding between Great Britain, U.S.A. and the Moslem World. You know better than I can ever pretend to do, the value of the Indus Valley and its military importance to America and Great Britain. A friendly Hindustan is also essential, I admit, provided we can save it from Communism. But can this be achieved by the present leaders of the Congress? I very much doubt it. I may be a pessimist, but in a matter of this nature optimism must not be allowed to ignore realities and naked facts. The States may have been a big check, but they have been forced to merge with Congress, and will in future be represented in the Councils of Hindustan by rabid, half educated, ignorant men owing allegiance to Congressmen with ultra communistic tendencies. The value of all those States who are joining Hindustan through the Constituent Assembly to the cause you and I uphold will, to my mind, be negligible. You may feel that you being with Hindustan may help this cause. But after the 15th of August there is very little hope in this direction whatever the Congressmen may at present say. Here again, I may be talking humbug. Let it be so. You wished me to be blunt and outspoken, and I am giving you my views frankly and without reserve.

So my advice is that, unless there are Imperial considerations which I for one feel do exist in a broader field, making it imperative that you should carry on, go while the going is good. If later there is a mess up it is quite possible that both Dominions may ask you to return for a second term. Then you can again come on the crest of the wave and if they ask you—do come. If you are Governor-General of one Dominion only, your position will be very difficult as you will be in control of only half the house,—may be the larger half but the other half has a better position—and you may have unpleasant neighbours living in the other half.

So there you are Dicky; this is my advice. Please take it in the spirit in which it is given. I am only speaking from the boards on the side of the field and I am only speaking to you as an unencumbered individual which I know is just what you are not! If ever I can be of any help to you, you know you can count on me, and if you want me for further discussions on any point such as the strategic defence of Pakistan, just let me know and I will be at your door-step without wasting any time.

You can throw this letter in the waste paper basket. I will quite understand,
and please don't misunderstand what I have said. I have given you candid advice, only as a friend, and on the basis of things as I see them, but I fully realise that I may be totally wrong.

Yours very sincerely,

HAMIDULLAH

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The Earl of Listowel to Mr Attlee

L/P&J/10/81: ff 96–102

TOP SECRET

INDIA OFFICE, 7 July 1947

Secretary of State’s Minute: Serial No. 115/47

1. I attach a note by my Office prepared for you, for perusal before tonight’s meeting of the India and Burma Committee, on various aspects of the problems that arise if there are to be two Governors-General from 15th August. The points raised all need attention, though possibly some of the suggestions made may, after discussion with Lord Ismay, not prove to be the best line of action to take.

2. Assuming that there are two Governors-General after the 15th August, the question arises of the date when such a decision is to be made public. The Viceroy assumes that it should be next Thursday, on the Second Reading of the Bill. This seems doubtful. No doubt it would be essential to let the leaders of the Opposition here know, before discussion on the Bill starts, what is likely to happen, otherwise they could well say that they had been led up the garden path. Nevertheless presumably the right time to make any announcement would be after the Bill becomes law and when the Viceroy is reconstructing the Interim Government. Incidentally, it would be hardly fair to Congress to make some pronouncement on Thursday giving them only 24 hours to define their own attitude. There is of course the risk of leakage during the next fortnight, and it might become necessary to make known this development earlier. If the actual position is not to be made abundantly clear in your statement on the Second Reading, no doubt this would be so phrased as to minimise the risk of Parliament, other than Opposition Leaders, being able to say that it had been grossly deceived. From that point of view the form of the proviso to Clause 5 of the Bill is less awkward than would have been its original version.

3. Perhaps the best course would be to take the bull by the horns and make a statement, on the opening of the debate, on some such lines as the following: “As soon as the bill receives the Royal Assent, the Viceroy will reconstitute
his Executive Council (or Cabinet as it is already being termed in India) so as to transform it into two separate halves ready to divide finally on 15th August. It is for this purpose that Clause 9(1)(e) has been inserted in the Bill. As soon as this has been done the Viceroy will ask the two sides what advice they wish transmitted to His Majesty as regards the appointment of Governor-General for India and Governor-General for Pakistan from 15th August. It would of course be perfectly proper for them to decide that it would be preferable to have two separate Governors-General from the start.

If, however, they are in agreement that they would like His Majesty to appoint the present Viceroy to serve as joint Governor-General for both India and Pakistan for a strictly limited period in order to facilitate partitioning generally, and in particular to make more readily possible a wide use of the powers in Clause 9, then His Majesty's Government would regard it as entirely appropriate that Lord Mountbatten's services should be made available for this purpose.

The choice between these two courses must of course be entirely for the Indian Leaders. Their decision would naturally have to be made as speedily as possible after the Bill becomes law."

LISTOWEL

Enclosure to No. 562

TOP SECRET

SITUATION IF THERE ARE TWO GOVERNORS-GENERAL
FROM 15TH AUGUST
MEMORANDUM BY INDIA OFFICE

7 July 1947

1. Although there are no provisions in the Bill which are formally inconsistent with there being two Governors-General from the appointed day onwards, the Bill was of course drafted on the assumption that there would be one Governor-General during a transitional period possibly lasting up to the end of the period mentioned in Clause 9(5), viz. originally 15th February altered at the last moment to the 31st March.

If the Bill had been drafted from the start on the assumption that there would be two Governors-General as from the appointed day, its form would no doubt have been rather different and possibly slightly better fitted to such circumstances; but no devices and no form of drafting could ever have surmounted the obstacle that, if the timing of the establishment of the two new Dominions had to be before the job of partitioning was complete or well on the way of completion, potential chaos over partitioning is inevitable in the absence

1 See No. 508, para. 4; also No. 523.
2 For redrafted version of proviso, see No. 440; for original version, see No. 191.
3 See No. 469.
of some one person (or body) clothed with constitutional authority to issue, for partition purposes, orders affecting both the new Dominions.

2. If there are two Governors-General, Orders under Clause 9(1), if made after the 15th August, are, by virtue of Clause 19(1)(c) Orders of the Governors-General, "acting jointly", except where the Order only "concerns" one Dominion (see Clause 19(1)(a)). Accordingly if the Governors-General do not agree and act jointly, it becomes impossible theoretically to operate Clause 9(1) at all, as respects matters which concern both Dominions. Actually what will probably happen is that both Governments will issue what orders they like, contending, often plausibly enough, that only their own Dominion is "concerned". Their own servants will obey them and in any event they can get any necessary legal cover from their respective Constituent Assemblies afterwards. If this position develops, "India" has of course almost all the cards in its hand.

3. Orders under Clause 9(1) can be made by the existing single Governor-General between 3rd June and 15th August; and, if there was any disposition on both sides to get as much partitioning settled as possible before 15th August, it might be possible to get constitutionally valid orders made covering some of the ground at all events, e.g. about the Courts.

Conceivably the order making power might be used before 15th August in a way that was certainly never originally intended, namely to give some sort of cover, for what it was worth, to general schemes for partition of which the general principles have already been agreed, or for delegating power to some arbitral body. This tentative suggestion needs further examination before it can be said definitely whether it is likely to prove practicable or useful. Possible examples are the following. There is an indication, not so far quite certain, that Congress and the League have at last agreed to set up an Arbitration Tribunal with Spens, the Chief Justice, as Chairman. If this is correct, conceivably it might be possible, for what it is worth, for the Governor-General to appoint the Arbitration Tribunal by order under Section 9(1) with terms of reference defining the scope of its work and include in the order a provision that, over that field partition is to be carried out in accordance with the award of the Tribunal.

Or again, just conceivably, an order might be made setting out the principles for dividing the Indian Army which have already been agreed. This would be an order under Clause 11(1).

4. The appointment of two separate Governors-General has unfortunate reactions on Clause 9(1) from another point of view. The powers the Clause gives to the Governor-General in matters which concern his own Dominion only are exceedingly wide; he has indeed virtually a free hand with the institutions (including the judiciary) of his Dominion unless and until the Constituent Assembly succeeds in controlling him, and the Bill is (necessarily) silent as to his tenure of office and as to the extent to which he acts on advice. This position is innocuous and convenient if the Governor-General is a disinterested and tran-
sitory Englishman such as Lord Mountbatten. Quite different considerations plainly arise if the holder of the office is an ambitious Indian. Firstly, a very embarrassing position might arise for the King, if the Governor-General—His Majesty’s Representative—sought to use his position as Governor-General to secure for himself a position of greater importance or permanence than his countrymen were willing to give him. Secondly there may well be criticism in Parliament of the policy of giving to any Indian powers as wide as those conferred by Clause 9(1). It is understood that their wideness has in fact already been commented on unfavourably by Lord Simon.

5. Even if there are two Governors-General from the 15th August the position of the British Forces after the 15th August seems constitutionally to be satisfactory under the Bill. There can be a Commander of those Forces fully under the operational orders of the War Office. The role of Auchinleck needs, however, further consideration.

The Indian Governments would have power to do things which would very much hamper the British Forces, but it does not seem likely that they would wish to do anything to stop their withdrawal.

6. The chances of disturbances during the transitional period are possibly rather greater if the present Viceroy is no longer there, even for a short period, after the 15th August. This makes it more important than ever to make sure that there is a complete marrying up of plans for the withdrawal of British troops and the getting out of India civilians who do not wish to stop. No doubt, from the British point of view, the worst danger point, if there is much further communal rioting, is Calcutta, and it seems desirable to give special attention to this problem.

7. If the present Viceroy vanishes as from 15th August more importance than ever will attach to the post of British High Commissioner in India (and indeed to some extent to the High Commissioner in Pakistan). On the assumption that Lord Mountbatten would still be there for a period, it has always been assumed that, whatever the formal channels of communication, he would in fact play a very considerable part in making agreements with the two New Indian Governments, particularly in relation to our strategical requirements in India of the kind described in the memorandum by the Minister of Defence I.B.(47) 135. If Lord Mountbatten is not there, all representations which are not written Government to Government communications will presumably have to be carried on by the High Commissioner, though of course aided by technical military experts. It therefore becomes desirable to review the question of the filling of this post and the strength of his organisation.

* Words in italics underlined in original.
* See No. 486, Minute 1 and its note 1.
Prime Minister,
You should see the attached note¹ about Governors General of India before you see Ismay.

2. I agree that the Opposition should be told of the changed position as it is likely to develop.

3. But I am not very happy about the draft statement submitted by the India Office. As you know appointments of Governors General are dealt with direct between the Dominion Prime Minister and the King. It would be improper for the Government here to come in. Any announcement is issued by the Palace. In the present circumstances there are no Ministers of the new Indian Dominions to make recommendations to the King and it has therefore been agreed by the King, after consultation with the Indian authorities concerned. The appointments will be made on the advice of Ministers here, but after full consultation with and in accordance with the wishes of Indian leaders.

It would be clearly undesirable, if not improper, for any announcement about names to be made by the Government. This must be made by the Palace. All that need be said I think in the Debate is to explain that two Governors General can be appointed or one as the Indian leaders decide; and that in the special circumstances which I have set out above the recommendations will be made by Ministers here in accordance with the wishes of Indian leaders. Announcements about the appointments will be made in due course by the Palace.

(I particularly dislike the passage which I have sidelined on page 3,² which does not take into account the special circumstances of this submission for this time only.)

T. L. R.

¹ No. 562.
² The passage sidelined was the last two sentences of the first paragraph of the statement in No. 562, para. 3.
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Cabinet

India and Burma Committee. I.B.(47)41st Meeting

L/P&EJ/10/81: ff 57-65

Those present at this Meeting held at 10 Downing Street, S.W.1, on 7 July 1947 at 9.45 pm were: Mr Attlee (in the Chair), Sir S. Cripps, Mr A. V. Alexander, Viscount Addison, the Earl of Listowel, Mr C. P. Mayhew, Mr Arthur Henderson, Lord Chorley

Also present were: Sir A. Carter, Lord Ismay, Mr W. H. J. Christie; Mr S. E. V. Luke, Mr G. M. Wilson, Mr F. F. Turnbull (Secretariat)

Minute 1

The Governors-General of the Indian Dominions
A Record of the Committee’s discussion and of the Conclusions reached is contained in the Secretary’s Standard File.1

Minute 2

The British Army in India
(Previous Reference: I.B.(47)40th Meeting, Minute 2)2

The Committee had before them telegram No. 1744-S of the 4th July3 from the Viceroy to the Secretary of State for India about the withdrawal of British forces from India.

Lord Ismay explained that this telegram was despatched before receipt of the Secretary of State’s telegram No. 8560 of 3rd July4 which had been sent in accordance with the Committee’s conclusion at its meeting on 3rd July (I.B. (47)40th Meeting, Minute 1).5 The Viceroy’s telegram was intended to deal with general policy only; a separate reply would be given on the points raised in telegram No. 8560.

The Prime Minister enquired whether, if British troops were withdrawn, there would be adequate forces available to deal, for instance, with trouble from Afghanistan and to ensure the defence of the Frontier during the process of dividing the Indian Army. Lord Ismay said that there were at present six brigades of British troops in India. With the exception of one battalion of the Black Watch at Peshawar, none of these troops were stationed near the Frontier and none were trained for frontier fighting. The Indian Army would be able to deal with any trouble at the moment, but it might be somewhat disorganised as the partition of the army proceeded. The first stage of the partition would be

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1 See Confidential Annex.
2 No. 486.
3 No. 511.
4 No. 487.
5 No. 486.
very rough and ready. Troops would be allocated between Pakistan and India
by squadrons, and thereafter each of the 300,000 men involved would be asked
individually whether he wished to serve in Pakistan or India. That would be a
lengthy process, but the Army would be centrally controlled from Delhi during
the process. The Pakistan Government would have as many troops available
for the defence of the Frontier as were at present. It was doubtful whether the
Pakistan Government could for long continue to bear the cost; the time would
probably come when India also would have to share in the defence of the
Frontier.

The Prime Minister said that he would like to be able to say on the Second
Reading of the Indian Independence Bill that His Majesty’s Government were
satisfied that the North West Frontier could be secured during the interim
period.

The Committee agreed that the Commander-in-Chief in India should be
asked specifically about this point.

The Committee then considered the Viceroy’s telegram No. 1744–S para-
graph by paragraph, and the following points were raised:

(i) Paragraph 2

The Minister of Defence said that the Chiefs of Staff were agreed that the
new Dominion Governments would not be able to use British troops for opera-
tional purposes; they thought, however, if the British Government was asked to
assist in the defence of the Frontier, they would have to accede to the request.
They also felt that British forces could not stand aside if British lives were
threatened.

The Committee was informed that the feeling of the British business com-

community in India was one of confidence, and that British subjects generally were
calm. At the end of June the number of British subjects waiting for passages to
the United Kingdom was negligible. The additional shipping provided has
cleared a large backlog and there was no sign of any rush to get away before
15th August. Non-essential British subjects in isolated places were being advised to
leave.

(ii) Paragraph 3

The Minister of Defence estimated that, if His Majesty’s Government were
to pay for British forces in India after 15th August, the cost would be about
£10,000,000 for the Army alone.

Sir Archibald Carter said that the India Office had roughly estimated the
cost at about £5,000,000.

Lord Ismay thought that, unless we raised the point ourselves, the Indian
Governments might themselves meet the cost of British forces in India after
15th August.
(iii) **Paragraph 5**

THE MINISTER OF DEFENCE said that some of the stores involved might belong to the War Office and should come out when British forces left.

The Committee felt that this was a matter for negotiation with the Indian Governments.

(iv) **Paragraph 6**

THE MINISTER OF DEFENCE was anxious lest a further speeding up in the withdrawal of British forces might reduce our chances of reaching satisfactory defence arrangements with the Indian Governments, and he was doubtful whether it would be possible, within the shortened period, to evacuate the families of British service personnel.

LORD ISMAY said that the reason for speeding up the evacuation was the danger that, owing to the anomalous position, serious difficulties might arise; the longer British troops stayed, the greater the risk of unpleasant incidents. This applied to all three services, but Royal Air Force maintenance and control personnel could remain to operate the air routes across India, and a stand-still agreement should be made until negotiations could take place. Similar arrangements should be made for the technical naval personnel at the ports, and at the moment we should have no difficulty in securing our requirements. He thought these matters should be dealt with in detail through the Commander-in-Chief in India.

THE PRIME MINISTER said that Pandit Nehru wished General Sir William Slim to become Commander-in-Chief of the Army of the New Dominion of India and that the Chief of the Imperial General Staff considered that he should at once be released from the Imperial Defence College for this purpose.

THE MINISTER OF DEFENCE said that this could be done, although it would cause some dislocation at the Imperial Defence College.

The Committee:

1. Took note of the views expressed in the Viceroy’s telegram No. 1744-S;
2. Invited the Secretary of State for India to ask the Commander-in-Chief India if he was satisfied that, under existing arrangements, the North West Frontier could be secured during the transitional period after 15th August;
3. Invited the Secretary of State for India to inform the Viceroy that he should not himself raise the question of who was to pay for British forces in India after 15th August;
4. Invited the Secretary of State for India to inform the Viceroy that War Office stores in India which were not required by the War Office should be sold;
5. Invited the Secretary of State for India to negotiate through the
Commander-in-Chief in India the continued provision of military air transit facilities;

(6) Invited the Minister of Defence to approach General Sir William Slim with a view to his becoming Commander-in-Chief of the Indian Army.

Confidential Annex

The Governors-General of the two Indian Dominions

The Prime Minister invited Lord Ismay to make a general statement.

Lord Ismay said that the Viceroy, before his recent visit to London, had taken the initiative in suggesting to both the Congress and the Muslim League leaders that, in the event of power being transferred in India on the basis of the creation of two Dominions, there would be obvious advantages in the appointment of a common Governor-General. This idea had been acceptable to Pandit Nehru, but not to Mr Jinnah, who had put forward the alternative suggestion that there should be two Governors-General and a Supreme Arbitrator to adjudicate on such matters as the division of assets. Nevertheless, Mr Jinnah had not definitely rejected the idea of one Governor-General, and the Viceroy had certainly been under the impression until quite recently that this arrangement would ultimately be accepted by the Muslim League. In spite of repeated pressure, the Muslim League had avoided making any definite statement of their views on the subject, until the recommendation that Mr Jinnah should be appointed was made formally on behalf of the Muslim League in the previous week. The present position was, therefore, that the Muslim League had definitely nominated Mr Jinnah to be Governor-General of Pakistan. Pandit Nehru and Sardar Patel had been informed by the Viceroy of this development; they had been greatly surprised but had renewed their invitation to Lord Mountbatten to serve as Governor-General of India. Furthermore, the Muslim League had definitely stated in their letter recommending Mr Jinnah as Governor-General that they would welcome Lord Mountbatten’s acceptance of the Governor-Generalship of India.

Lord Ismay said that there were certain hopeful features in the situation. A scheme for the division of the Armed Forces had been worked out which offered a reasonable prospect that this operation could be effected smoothly and without dislocation. It was proposed to establish a central Defence Council, and there was some hope that Mr Jinnah would accept Lord Mountbatten as Chairman of the Council. Both parties had shown anxiety to retain the services of British officers, both military and civilian. For instance, Congress had asked for a British Commander-in-Chief for the Army of the Dominion of India, and had invited both Sir John Colville and General Nye to remain in their posts. Mr Jinnah had said that he would wish to have British Governors for four of the Provinces of Pakistan and British officers and advisers in many other posts.

Lord Ismay said that the Viceroy was very uncertain what decision he should
take about his own future, and would welcome the advice of His Majesty’s Government. He had not so far given a definite reply to the Congress invitation to accept the post of Governor-General of India; on the other hand he had been made aware of a general assumption on their part that he would not refuse. Lord Mountbatten felt that, if he accepted the Congress invitation after being largely responsible for partition, he might be subsequently criticised for siding with Congress and for failing in impartiality during his period of office as Viceroy; he compared his position to that of the Governors of Bengal and the Punjab who had declined to consider taking office in one part of their existing Provinces, after partition. From his personal point of view, he would gladly return in August. As against these considerations the Viceroy felt that it would be wrong to leave his work only partly done out of consideration for his personal interests.

The Prime Minister said that it was no easy matter for His Majesty’s Government to decide what advice to give Lord Mountbatten in this matter. In his view, however, there were decisive arguments in favour of pressuring him to accept the invitation of the Congress leaders to become Governor-General of India. It was clear that both parties had in fact complete confidence in Lord Mountbatten; Mr Jinnah’s nomination of himself was no more than an indication of his own egotism. If Lord Mountbatten left India on 15th August, the alternative candidate would presumably be a Hindu; in that event there was serious risk that grave differences would arise between himself and Mr Jinnah. Moreover, Congress might say that, in advising Lord Mountbatten to leave India, we were yielding to Mr Jinnah at their expense; in view of the attitude which they had adopted on this question, we should take their interests fully into account.

The President of the Board of Trade said that Mr Jinnah’s action had created a most unfortunate and difficult situation. While it was admittedly important that the Muslim League should have said that they would welcome Lord Mountbatten’s appointment as Governor-General of India, there was a serious risk, as time passed, that his position and reputation would suffer by the continuance of his service in India as Governor-General of Union of India alone. He had achieved a great reputation and remarkable results by an impartiality which had gained him the confidence of all parties. If he became the Governor-General of one Dominion, he would have to take vigorous action, on advice, in the interests of that Dominion, in such delicate matters as the division of assets.

The Secretary of State for Commonwealth Relations said that the paramount consideration must be to secure the successful transfer of

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7 See No. 509.
8 See No. 416.
power in India on the lines decided upon. There was no one whose qualifications for achieving success in this matter were comparable with those of Lord Mountbatten; for this reason, he felt that His Majesty's Government should try to induce Lord Mountbatten to accept the Congress invitation to become Governor-General of India.

The Secretary of State for India also thought that Lord Mountbatten should be pressed to accept the Congress invitation. No other person could have an equal influence on Congress policy. This factor would be important for three reasons. First, it was still uncertain whether India would ultimately decide to remain in the Commonwealth. Secondly, complex and important negotiations would be necessary between His Majesty's Government and the new Dominion of India regarding future defence arrangements. Thirdly, the partition of assets between the two Dominions would in any event work out unfavourably for Pakistan; Lord Mountbatten would be in a better position than anyone else to exercise a moderating influence on Congress policy in this matter.

There was general agreement among the Ministers that the balance of arguments lay in favour of an attempt to persuade Lord Mountbatten to remain in India for a period as Governor-General of India. While it was recognised that there was some risk that this course might perhaps react unfavourably on Lord Mountbatten's personal position, it was generally thought that, in the interests of the new Dominions of India, he ought to complete the work he had started with such distinction: if his services were lost at this stage, the whole policy embodied in the Indian Independence Bill might be endangered.

The Committee were informed that the Princes were also hopeful that Lord Mountbatten would stay in India; if he went, there was the further probability that many of the British officers of the Indian Army would no longer wish to continue to serve under the new Dominion Governments.

Lord Ismay said that the Viceroy's hope had been that the Prime Minister would be able to explain the history of the matter fully in the House of Commons on the Second Reading of the Indian Independence Bill. Lord Mountbatten had thought that such a statement might be made in connection with Clause 5, which clearly contemplated the possibility there might be only one Governor-General for both Dominions. He was extremely anxious that the full story should be told in order that there should be no suggestion that his sympathies as Viceroy had been with the Congress Party and that he was now openly committed to their side. If the advice of His Majesty's Government could be telegraphed to the Viceroy on 8th July, he would be able to convey his decision on the following day in time for the House of Commons debate. If this
procedure was not possible, Lord Mountbatten would wish to tell Pandit Nehru the position in confidence.

In discussion on this proposal, it was pointed out that it would be necessary to avoid making any statement in terms which assumed that Parliament would enact the Bill under discussion; doubt was also felt about the propriety of mentioning at that stage, before the Bill had been enacted, the names of the persons recommended by the Indian parties for the two Governor-Generalships. In particular, the Secretary of State for Commonwealth Relations felt that the mention of names in the House of Commons might not be acceptable to the House of Lords. Against this, it was pointed out that an announcement that there would be two Governors-General which did not mention the names of the persons concerned might result in grave embarrassment; there would undoubtedly be much speculation in India which might result in strong pressure on the Congress leaders to recommend an Indian as Governor-General. Moreover, there was a serious risk of leakage in India during the period while the legislation was under consideration in Parliament.

The Prime Minister suggested that a statement should be made on the Second Reading of the Indian Independence Bill roughly on the following lines:

"The House will observe that the Bill leaves it open whether there shall be one or two Governors-General for the two Indian Dominions. It had been intimated to us that it would be most convenient to all concerned to have one Governor-General at least in the initial stages, and for some time we proceeded on this assumption. It has recently become clear, however, that the Muslim League wished a separate Governor-General to be appointed for Pakistan. It is obviously very desirable for this matter to be settled at the earliest opportunity in order that the position may be understood in India, and the new Governors-General prepare themselves to take over at the appropriate time. Both Congress and the Muslim League, who have been recognised as the successor authorities have made recommendations, which have been conveyed by His Majesty's Government to His Majesty. While formal announcement must wait the enactment of the Bill, His Majesty has intimated that he will be prepared to accept these recommendations as soon as the Bill is passed. The recommendations are (here the names would be given). I wish to add that the recommendation of Lord Mountbatten is also welcomed by the Muslim League. I am quite sure that the House will agree with me that this recommendation shows that Lord Mountbatten has carried out his duties in India with complete impartiality and has won the confidence of all the people of India."

Ministers were in agreement that a statement on the lines suggested by the Prime Minister might be made in the House of Commons on the Second Reading of the Indian Independence Bill.
LORD ISMAY said that he had asked the Viceroy to confirm whether the Muslim League wished him to be Chairman of the Defence Council. It was agreed that, if this was confirmed, it would be a very valuable addition to the statement. In that case it might be advisable to omit the reference to the Muslim League's welcome to the Congress recommendation on behalf of Lord Mountbatten, in view of the possibility that this might be unwelcome to Congress.

The Prime Minister said that before any communication was made to the Viceroy it would be necessary to consult the Opposition leaders on the following day; he would then put the matter to the King at his forthcoming Audience with His Majesty.

The Committee—

(1) Expressed the hope that Lord Mountbatten would be prepared to accept the Congress invitation for nomination as Governor-General of India.

(2) Agreed that a statement on the lines proposed by the Prime Minister might be made on the Second Reading of the Indian Independence Bill.

(3) Invited the Prime Minister to consult with the Opposition leaders on 8th July.
Glossary

ABADI  The part of the village lands on which buildings are erected.
AFRIDI  A Pathan tribe.
AHIRS  Caste of graziers and cowherds, sometimes cultivators, widely distributed in northern and central India.
AHMADZAI WAZIRS  A Pathan tribe.
AKALI Lit.: Worshipper of the eternal one. Particularly strict devotee of the Sikh faith. In modern usage, a member of the extreme Sikh nationalist party.
BANIA  Hindu trader or shopkeeper, usually also a moneylender.
BHANDI The name of a low caste, employed as sweepers. Bhandi basti means 'area inhabited by sweepers'.
BRAHMAN (BRAHMIN)  The highest caste of the Hindu world. Originally a priestly caste.
CRORE  100 lakhs or ten million.
DACOIT  Member of a gang of robbers.
DAL  Organisation, association.
DARBAR (DURBAR)  Court; ceremonial assembly; government of a Princely State.
DIWAN (DEWAN)  Minister; in Princely States Chief Minister; also Council of State.
DOGRA  Rajput inhabitant (Hindu) of the Duggar tract of the Himalayan foothills mostly comprised in the Jammu territory of Kashmir. Dogras were recruited in considerable numbers to the army.
FIRMAN-E-MUBARAK Lit.: Auspicious Decree. Royal proclamation of the Nizam of Hyderabad.
GIANI (GYANI)  Title of respect given to one learned in the Sikh religion and scriptures.
GOONDA  Hooligan.
GUJARS  Grazier caste of the Punjab and North-West India.
GUJERATIS  Inhabitants of Gujerat.
GURKHA  Ruling race of Nepal.
GURU  Spiritual adviser, religious preceptor; for Sikh Gurus see SIKH.
HUR Lit.: free man. Member of a group of guerillas or bandits with a quasi-religious background operating in Sind under the leadership of the Pir Pagaro.
ITTIHAD-UL-MUSLEMIN Lit.: Unity of Muslims; the name given to a political organisation in Hyderabad.
JAGIR  An assignment of land revenue; sometimes conditional on the maintenance of troops or other services.
JAI HIND  Victory to India.
JAMIAH-UL-ULEMA Lit.: association of learned men. Pro-Congress Muslim organisation.

JAT The great agricultural tribe of north-west India found in the Punjab, Western United Provinces and Rajputana and comprising people of the Muslim, Hindu and Sikh faiths.

JI Lit.: life, soul. As a suffix to a name denotes affectionate respect.

JIRGA A Council of Elders.

KACHCHIS Inhabitants of Kachch.

KHAKSARS or Servants of the Dust; Lit.: like the earth, humble; semimilitary organisation of Muslims armed with spades, under the leadership of Inayatullah Khan.

KHALISTAN The name given to a projected Sikh State; also referred to as Sikhistan.

KHALSA Lit.: pure; word used by Sikhs to denote their community.

KHASSADAR Member of a loose irregular body of police who operated in the Tribal Area of the N.W.F.P., choosing their own officers and finding their own rifles.

KHUDAI KHIDMATGARS Lit.: Servants of God; otherwise known as Red Shirts q.v.

LAKH 100,000.

MALIK A Muslim title inferior to Khan and Amir. Chief man of one of the kinship groups into which PATHAN tribes are divided.

MAULVI Judge or Doctor of Law. Title of respect often given to learned Muslims.

MEOS A Muslim tribe of cultivators in the south-east of the Punjab.

MOHALLA A quarter or area of a town.

MOPLAHS A fanatical Muslim sect of Malabar believed to be descended from Arab immigrants who settled on the west coast of India in the ninth century A.D.

MUTIBARS Trustworthy persons, dignitaries.

NAWAB Originally a Governor under the Moghul Empire; thence a title of rank conferred on Muslim nobles.

NAWABZADA Son of a Nawab.

PAHLWAN Wrestler.

PAKHTOONS Pushtu-speaking people.

PAKISTAN ZINDABAD Long live Pakistan.

PANCHAYAT Court of arbitration (properly of five persons) for determination of petty disputes.

PATHAN Generic name given to Pushtu-speaking peoples inhabiting North-West Frontier of India and Afghanistan.

PATHANISTAN The Land or State of the Pathans, the name given to a free Pathan State envisaged by some Muslims in the N.W.F.P.
**Purbia** Easterner. Term used by Punjabis to denote Hindus belonging to U.P. and Bihar.

**Qaid-i-Azam** The Supreme Ruler.

**Quran (Koran)** The sacred book of the Mohammedans, consisting of oral revelations by Mohammed, collected and committed to writing after his death.

**Rajputs** Generic term for land-owning and military caste in central and north India.

**Ramzan** The ninth month of the Mohammedan year during which all Mohammedans fast between sunrise and sunset.


**Red Shirts** Congress volunteer movement of N.W.F.P. started by Khan Abdul Ghaffar Khan.

**Sabzi Mandi** Vegetable market.

**Sanad** Grant, charter, certificate; deed of grant by a Sovereign of an office, privilege or right.

**Sardar (Sirdar)** Lit.: a chief, leader. Title borne by all Sikhs, also by some Hindus and Muslims.

**Scheduled Castes or Depressed Classes.** At the lower end of the scale of castes; considered to cause pollution by touch.

**Shahi Jirga** Royal Jirga; a principal Council of Elders.

**Shiromani Akali Dal** Central Akali Organisation.

**Shri (Sri)** Sanskrit term used by Hindus to denote ‘Mr’.

**Sikh** Lit.: disciple. Follower of Guru Nanak (1469-1538), the first of the line of ten Gurus (religious preceptors) who formulated the Sikh faith and welded the Sikhs into an independent community.

**Sudra** The designation of the fourth or servile caste of the Hindus, or of a member of it.

**Tahsil** A revenue sub-division of a district.

**Zalme Pakhtun** Pathan Youth, the name of an organisation started by Abdul Ghaffar’s son.
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