

Simla Conference of 1945

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Cabinet Mission's Plan

60. The assumption of power by Labour in England, the increasing international complications, the aftermath of the war and the growing realisation of the fact that it was impossible to keep under subjection four hundred millions of exasperated people, brought about a change in the British policy towards India. A Parliamentary Delegation visited India in 1945-46 to gain first hand knowledge of the political situation in this country. On 19th February 1946, the Secretary of State for India, Lord Pethick-Lawrence, announced his Government's decision to send a delegation of three Cabinet Ministers to India.

61. The Cabinet Mission, which consisted of Lord Pethick-Lawrence, Sir Stafford Cripps and Mr. A. V. Alexander, arrived in India on 23rd March, 1946. In earlier announcements the States had been assured that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown without their consent. It was, however, expected that the consent of the Princes to any changes which might emerge as a result of negotiations would not be unreasonably withheld. In his letter to the Chancellor of the Chamber of Princes, dated 12th May, 1946, Lord Wavell repeated the assurance, that there was no intention of making proposals for the entry of States into the Indian set-up, on any basis other than that of negotiation.

62. On 22nd May, 1946, the Cabinet Mission issued the Memorandum dated May 12, 1946, in regard to States' Treaties and Paramountcy (Appendix II); it affirmed that the rights of the States which flowed from their relationship with the Crown would no longer exist and that the rights surrendered by the States to the Paramount Power would revert to the States. The void caused by the lapse of Paramountcy was to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or by entering into particular political arrangements with it or them. The memorandum also referred

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to the desirability of the States, in suitable cases, forming or joining administrative units large enough to enable them to be fitted into the constitutional structure, as also of conducting negotiations with British India in regard to the future regulation of matters of common concern, specially in the economic and financial field.

63. The Cabinet Mission's Plan announced on 16th May, 1946 (Appendix III), provided for the entry of the States into the proposed Union of India in the following manner:—

- (a) Paramountcy could neither be retained by the British Crown nor transferred to the new Government. But according to the assurance given by the Rulers that they were ready and willing to do so, the States were expected to co-operate in the new development of India.
- (b) The precise form which the co-operation of the States would take must be a matter for negotiation during the building up of the new constitutional structure, and it by no means followed that it would be identical for all the States.
- (c) The States were to retain all subjects and powers other than those ceded to the Union, namely, Foreign Affairs, Defence and Communications.
- (d) In the preliminary stage the States were to be represented on the Constituent Assembly by a Negotiating Committee.
- (e) In the final Constituent Assembly they were to have appropriate representation, not exceeding 93 seats; the method of selection was to be determined by consultation.
- (f) After the Provincial and Group Constitutions had been drawn up by the three Sections of the Constituent Assembly, the representatives of the Sections and the Indian States would reassemble for the purpose of settling the Union constitution.

The plan did not deal with the States in detail and its vague provisions regarding the association of the States with the Constituent Assembly caused some difficulty as regards the stage at which they could come in as regular members of the Constituent Assembly.

64. In its Resolution, dated 24th May 1946, the Congress Working Committee expressed the view that the Constituent Assembly could not be formed by entirely disparate elements and the manner of selecting States'

representatives to the Constituent Assembly must approximate in so far as was possible to the method adopted in the Provinces. However, in the Press Statement issued by the Cabinet Mission on 25th May, 1946, it was reaffirmed that the question of how the States' representatives should be appointed to the Constituent Assembly was not a matter for decision by the Cabinet Mission and was clearly one which must be discussed with the States.

65. In his Statement before the House of Lords on 18th July, 1946, Lord Pethick-Lawrence repeated the assurance that it was for the States freely to come in or not as they chose. In a statement made before the House of Commons on 18th July, 1946, Sir Stafford Cripps stated that there would have to be close negotiations between the Negotiating Committee which the States had set up and the major British Indian parties, both as to the representation of the States in the Constituent Assembly and as to their ultimate position in the Union.

66. The Standing Committee of the Chamber of Princes in its statement, dated 10th June, 1946, expressed the view that the Plan provided a fair basis for negotiation and subsequently set up a representative committee to negotiate the States' entry into the Constituent Assembly.

67. By a resolution passed on 21st December, 1946, the Constituent Assembly appointed a Committee to confer with the Negotiating Committee set up by the Chamber of Provinces for the purpose of

(a) fixing the distribution of the seats in the Assembly not exceeding 93 in number which in the Cabinet Mission's Statement of 16th May, 1946, were reserved for Indian States; and

(b) fixing the method by which the representatives of the States should be returned to the Assembly.

The settlement arrived at between the two Committees is embodied in the report, dated 17th April, 1947, of the Committee appointed by the Constituent Assembly.

68. During the course of the negotiations between the two Committees, it was suggested that the British Government's Statement of 20th February, 1947, had introduced an additional element of urgency and that it would be helpful if the States' representatives joined the Assembly during the April, 1947, session. Although the States' Negotiating Committee expressed its inability to adopt such a course in the absence of a mandate

from the General Conference of Rulers, the representatives of the States of Baroda, Cochin, Jaipur, Jodhpur, Bikaner, Patiala and Rewa took their seats in the Assembly on 28th April 1947. Subsequently with the exception of one State, i.e., Hyderabad, all the remaining States entitled to individual representation also sent their representatives to the Constituent Assembly of India. Representatives were also returned in due course by groups consisting of States which did not have individual representation.