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BERAR WILL REVERT TO NIZAM ON AUGUST 15

Dr. Ambedkar's Interpretation Of New India Bill

The treaty by which Berar was ceded to the British would lapse and the territory revert to the Nizam on August 15, when His Majesty's suzerainty over India would cease, said Dr. B. R. Ambedkar, referring to the replies given by Mr. V. P. Menon, Reforms Commissioner, at a press conference last week at Delhi.

"The view expressed by Mr. Menon, if it is correct, "Dr. Ambedkar added," would no doubt serve as a great solace to the people of Berar who have been anxiously waiting to know what their fate is going to be under the new dispensation.

"The question is : Is the view expressed by him correct? In my judgment, having regard to the provisions contained in section 7 of clause 2 of the Bill, the view expressed by Mr. Menon is quite untenable.

"Sub-section 1 (B) of section 7 says that as from the appointed date, that is, August 15, not only the suzerainty over India by His Majesty will lapse but all powers, rights, authority of jurisdiction exercisable by His Majesty in or in relation to Indian States by treaties, grants, usage, sufferance or otherwise will also lapse. What does this mean when applied to the treaty with regard to Berar ? Obviously, it means that the treaty by which Berar was ceded to the British will also lapse.

Clause 2 Applies to Berar

"If this construction of the clause is correct, then the effect of this sub-section is that on August 15 Berar will revert to the Nizam. To argue that this clause does not apply to Berar because Berar has not been specially mentioned is to read into the sub-section A limitation which is not there. The sub-section is so general that specific mention of Berar is unnecessary. Specific mention of Berar would be necessary only if the intention was to save it from the effect of the general clause and not otherwise. As there is no such saving clause, the sub-section as it stands must have full operation in Berar, as well as other territories belonging to Indian States and which

forms part of the British India by reason of treaty or agreement. One is, therefore, bound to say that Mr. V. P. Menon has missed the import of sub-section 1 (B) of section 7 and hereby created a wrong impression by his answers at the press conference.

Transfer of Territories

"It is equally incorrect to suggest as was done at the said conference by Sardar Patel that the position of Berar will stand as it is until a new agreement is made with the Nizam. The reason is that the standstill clause which is sub-clause (c) of sub-section (1) of section 7 makes a distinction between treaties and agreements which refer to transfer of territories and those which relate to arrangements regarding customs, transport, communications, posts and telegraphs or other like matters. It saves treaties of the latter class only. It does not save any agreement which relates to transfer of territory. The agreement relating to Berar is an agreement which relates to transfer of territory and as such is not saved from the general effect of sub-clause 1 (b) of section 7.

"Nobody would be more happy than myself if it was shown that the construction I put upon section 7 was wrong. All I want to say is that the people of India and the people of Berar should take note of section 7 as it stands and should have the matter cleared up by a direct question to the Prime Minister, Mr. Atlee, when the Bill comes up for discussion in the House of Commons."—A.P" [1]

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1. : The Times of India, dated 8th July 1947.