

CHAPTER XV

WHO CAN DECIDE ?

There are two sides to the question of Pakistan, the Hindu side and the Muslim side. This cannot be avoided. Unfortunately however the attitude of both is far from rational. Both are deeply embedded in sentiment. The layers of this sentiment are so thick that reason at present finds it extremely difficult to penetrate. Whether these opposing sentiments will wither away or they will thicken, time and circumstances alone can tell. How long Indians will have to wait for the melting of the snow no one can prophesy. But one thing is certain that until this snow melts freedom will have to be put in cold storage. I am sure there must be many millions of thinking Indians who are dead opposed to this indefinite postponement of Indian freedom till an ideal and a permanent solution of Pakistan is found. I am one of them. I am one of those who hold that if Pakistan is a problem and not a pose there is no escape and a solution must be found for it. I am one of those who believe that what is inevitable must be faced. There is no use burying one's head in the sand and refusing to take notice of what is happening round about because the sound of it hurts one's sentiments. I am also one of those who believe that one must, if one can, be ready with a solution long before the hour of decision arrives. It is wise to build a bridge if one knows that one will be forced to cross the river.

The principal problem of Pakistan is : who can decide whether there shall or shall not be Pakistan ? I have thought over the subject for the last three years, and I have come to some conclusions as to the proper answer to this question. These conclusions I would like to share with others interested in the solution of the problem so that they may be further explored. To give clarity to my conclusions, I have thought that it would serve the purpose better if I were to put them in the form of an Act of Parliament. The following is the draft of the Act which embodies my conclusions :—

Government of India (Preliminary Provisions) Act

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 :—

I.—(1) If within six months from the date appointed in this behalf a majority of the Muslim members of the Legislatures of the Provinces of the North-West Frontier, the Punjab, Sind and Bengal pass a resolution that the predominantly Muslim areas be separated from British India, His Majesty shall cause a poll to be taken on that question of the Muslim and the non-Muslim electors of these Provinces and of Baluchistan in accordance with the provisions of this Act.

(2) The question shall be submitted to the electors in these Provinces in the following form :—

(i) Are you in favour of separation from British India ?

(ii) Are you against separation ?

(3) The poll of Muslim and non-Muslim electors shall be taken separately.

II.—(1) If on a result of the poll, a majority of Muslim electors are found to be in favour of separation and a majority of non-Muslim electors against separation, His Majesty shall by proclamation appoint a Boundary Commission for the purpose of preparing a list of such districts and areas in these Provinces in which a majority of inhabitants are Muslims. Such districts and areas shall be called Scheduled Districts.

(2) The Scheduled Districts shall be collectively designated as Pakistan and the rest of British India as Hindustan. The Scheduled Districts lying in the North-west shall be called the State of Western Pakistan and those lying in the North-east shall be called Eastern Pakistan.

III.—(1) *After the findings of the Boundary Commission have become final either by agreement or the award of an Arbitrator, His Majesty shall cause another poll to be taken of the electors of the Scheduled Districts.*

(2) *The following shall be the form of the questions submitted to the electors :—*

(i) Are you in favour of separation forthwith ?

(ii) Are you against separation forthwith ?

IV.—(1) *If the majority is in favour of separation forthwith it shall be lawful for His Majesty to make arrangements for the framing of two separate constitutions, one for Pakistan and the other for Hindustan.*

(2) *The New States of Pakistan and Hindustan shall commence to function as separate States on the day appointed by His Majesty by proclamation issued in that behalf.*

(3) *If the majority are against separation forthwith it shall be lawful for His Majesty to make arrangements for the framing of a single constitution for British India as a whole.*

V.—*No motion for the separation of Pakistan if the poll under the last preceding section has been against separation forthwith and no motion for incorporation of Pakistan into Hindustan if the poll under the last preceding section has been in favour of separation forthwith shall be entertained until ten years have elapsed from the date appointed by His Majesty for putting into effect the new constitution for British India or the two separate constitutions for Pakistan and Hindustan.*

VI.—(1) *In the event of two separate constitutions coming into existence under Section Four it shall be lawful for His Majesty to establish as soon as may be after the appointed day, a Council of India with a view to the eventual establishment of a constitution for the whole of British India, and to bringing about har-*

monious action between the Legislatures and Governments of Pakistan and Hindustan, and to the promotion of mutual intercourse and uniformity in relation to matters affecting the whole of British India, and to providing for the administration of services which the two parliaments mutually agree should be administered uniformly throughout the whole of British India, or which by virtue of this Act, are to be so administered.

- (2) *Subject as hereinafter provided, the Council of India shall consist of a President nominated in accordance with instructions from His Majesty and forty other persons, of whom twenty shall be members representing Pakistan and twenty shall be members representing Hindustan.*
- (3) *The members of the Council of India shall be elected in each case by the members of the Lower Houses of the Parliament of Pakistan or Hindustan.*
- (4) *The election of members of the Council of India shall be the first business of the Legislatures of Pakistan and Hindustan.*
- (5) *A member of the Council shall, on ceasing to be a member of that House of the Legislature of Pakistan or Hindustan by which he was elected a member of the Council, cease to be a member of the Council: Provided that, on the dissolution of the Legislature of Pakistan or Hindustan, the persons who are members of the Council shall continue to hold office as members of the Council until a new election has taken place and shall then retire unless re-elected.*
- (6) *The President of the Council shall preside at each meeting of the Council at which he is present and shall be entitled to vote in case of an equality of votes, but not otherwise.*
- (7) *The first meeting of the Council shall be held at such time and place as may be appointed by the President.*

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- (8) *The Council may act notwithstanding a deficiency in their number, and the quorum of the Council shall be fifteen.*
- (9) *Subject as aforesaid, the Council may regulate their own procedure, including the delegation of powers to committees.*
- (10) *The constitution of the Council of India may from time to time be varied by identical Acts passed by the Legislature of Pakistan and the Legislature of Hindustan, and the Acts may provide for all or any of the members of the Council of India being elected by parliamentary electors, and determine the constituencies by which the several elective members are to be returned and the number of the members to be returned by the several constituencies and the method of election.*
- VII.—(1) *The Legislatures of Pakistan and Hindustan may, by identical Acts, delegate to the Council of India any of the powers of the Legislatures and Government of Pakistan and Hindustan, and such Acts may determine the manner in which the powers so delegated are to be exercisable by the Council.*
- (2) *The powers of making laws with respect to railways and waterways shall, as from the day appointed for the operation of the new constitution, become the powers of the Council of India and not of Pakistan or Hindustan : Provided that nothing in this sub-section shall prevent the Legislature of Pakistan or Hindustan making laws authorising the construction, extension, or improvement of railways and waterways where the works to be constructed are situate wholly in Pakistan or Hindustan as the case may be.*
- (3) *The Council may consider any questions which may appear in any way to bear on the welfare of both Pakistan and Hindustan, and may, by resolution, make suggestions in relation thereto as they may think proper, but suggestions so made shall have no legislative effect.*

- (4) *It shall be lawful for the Council of India to make recommendations to the Legislatures of Pakistan and Hindustan as to the advisability of passing identical Acts delegating to the Council of India the administration of any all-India subject, with a view to avoiding the necessity of administering them separately in Pakistan or Hindustan.*
- (5) *It shall be lawful for either Legislature at any time by Act to deprive the delegation to the Council of India of any powers which are in pursuance of such identical Acts as aforesaid for the time being delegated to the Council and thereupon the powers in question shall cease to be exercisable by the Council of India and shall become exercisable in parts of British India within their respective jurisdictions by the Legislatures and Governments of Pakistan and Hindustan and the Council shall take such steps as may be necessary to carry out the transfer, including adjustments of any funds in their hands or at their disposal.*

VIII.—(1) *If at the end of ten years after coming into operation of a constitution for British India as prescribed by Section IV—(3) a petition is presented to His Majesty by a majority of the Muslim members representing the Scheduled Districts in the Provincial and Central Legislatures demanding a poll to be taken with regard to the separation of Pakistan from Hindustan, His Majesty shall cause a poll to be taken.*

- (2) *The following shall be the form of the questions submitted to the electors :—*
- (i) *Are you in favour of separation of Pakistan from Hindustan ?*
 - (ii) *Are you against the separation of Pakistan from Hindustan ?*

IX.—*If the result of the poll is in favour of separation it shall be lawful for His Majesty to declare by an*

Order-in-Council that from a day appointed in that behalf Pakistan shall cease to be a part of British India, and dissolve the Council of India.

X.—(1) *Where two constitutions have come into existence under circumstances mentioned in Section IV it shall be lawful for His Majesty to declare by an Order-in-Council that Pakistan shall cease to be a separate State and shall form part of Hindustan. Provided that no such order shall be made until ten years have elapsed from the commencement of the separate constitution for Pakistan. Provided also that no such declaration shall be made unless the Popular Legislatures of Pakistan and Hindustan have passed Constituent Acts as are provided for in Section X—(2).*

(2) *The popular Legislatures of Pakistan and Hindustan may, by identical Acts agreed to by an absolute majority of members at the third reading (hereinafter referred to as Constituent Acts), establish, in lieu of the Council of India, a Legislature for United India, and may determine the number of members thereof and the manner in which the members are to be appointed or elected and the constituencies for which the several elective members are to be returned, and the number of members to be returned by the several constituencies, and the method of appointment or election, and the relations of the two Houses if provided for to one another.*

XI.—(1) *On the date of the union of Pakistan and Hindustan the Council of India shall cease to exist and there shall be transferred to the Legislature and Government of India all powers then exercisable by the Council of India. (2) There shall also be transferred to the Legislature and Government of British India all the powers and duties of the Legislatures and Government of Pakistan and Hindustan, including all powers as to taxation, and those Legislatures and Government shall cease to exist.*

XII.—(1) A poll under this Act shall be taken by ballot in the same manner so far as possible as a poll of electors for the election of a member to serve in a Legislature and His Majesty may make rules adopting the election laws for the purpose of the taking of the poll.

(2) An elector shall not vote more than once at the poll, although registered in more than one place.

(3) Elector means every adult male and female residing in the Provinces of North-West Frontier, the Punjab, Sind, and Bengal and in Baluchistan.

XIII.—This Act may be called the Indian Constitution (Preliminary Provisions) Act, 194.

I do not think that any detailed explanation is necessary for the reader to follow and grasp the conclusions I have endeavoured to embody in this skeleton Act. Perhaps it might be advantageous if I bring out some of the salient features of the proposals to which the projected statute of Parliament is intended to give effect by comparing them with the Cripps proposals.

In my opinion it is no use for Indians to ask and the British Parliament to agree to proceed forthwith to pass an Act conferring Dominion Status or Independence without first disposing of the issue of Pakistan. The Pakistan issue must be treated as a preliminary issue and must be disposed of one way or the other. This is why I have called the proposed Act "The Government of India (Preliminary Provisions) Act." The issue of Pakistan being one of self-determination must be decided by the wishes of the people. It is for this that I propose to take a poll of the Muslims and non-Muslims in the predominantly Muslim Provinces. If the Majority of the Muslims are in favour of separation and a majority of non-Muslims are against separation, steps must be taken to delimit the areas wherever it is possible by redrawing provincial boundaries on ethnic and cultural lines by separating the Muslim majority districts from the districts in which the majority consists of non-Muslims. A Boundary Commission is necessary for this purpose. So a Boundary Commission is provided for in the Act. It would be better if the Boundary Commission could be international in its composition.

The scheme of separate referenda of Muslims and non-Muslims is based on two principles which I regard as fundamental. The first is that a minority can demand safeguards for its protection against the tyranny of the majority. It can demand them as a condition precedent. But a minority has no right to put a veto on the right of the majority to decide on questions of ultimate destiny. This is the reason why I have confined the referendum on the establishment of Pakistan to Muslims only. The second is that a communal majority cannot claim a communal minority to submit itself to its dictates. Only a political majority may be permitted to rule a political minority. This principle has been modified in India where a communal minority is placed under a communal majority subject to certain safeguards. But this is as regards the ordinary question of social, economic and political importance. It has never been conceded and can never be conceded that a communal majority has a right to dictate to a communal minority on an issue which is of a constitutional character. That is the reason why I have provided a separate referendum of non-Muslims only, to decide whether they prefer to go in Pakistan or come into Hindustan.

After the Boundary Commission has done its work of delimiting the areas, various possibilities can arise. The Musalmans may stop with the delimitation of the boundaries of Pakistan. They may be satisfied that after all the principle of Pakistan has been accepted—which is what delimitation means. Assuming that the Musalmans are not satisfied with mere delimitation but want to move in the direction of establishing Pakistan there are two courses open to them. They may want to establish Pakistan forthwith or they may agree to live under a common Central Government for a period of say ten years and put the Hindus on their trial. Hindus will have an opportunity to show that the minorities can trust them. The Muslims will learn from experience how far their fears of Hindu Raj are justified. There is another possibility also. The Musalmans of Pakistan having decided to separate forthwith may after a period become so disgusted with Pakistan that they might desire to come back and be incorporated in Hindustan and be one people subject to one single constitution.

These are some of the possibilities I see. These possibilities should in my judgment be kept open for time and circumstances to have their effect. It seems to me to be wrong to say to the Musalmans if you want to remain as part of India then you can never go out or if you want to go then you can never come back. I have in my scheme kept the door open and have provided for both the possibilities in the Act (1) for union after a separation of ten years, (2) for separation for ten years and union there after. I personally prefer the second alternative although I have no strong views either way. It would be much better that the Musalmans should have the experience of Pakistan. A union after an experience of Pakistan is bound to be stable and lasting. In case Pakistan comes into existence forthwith, it seems to me necessary that the separation should not altogether be a severance, sharp and complete. It is necessary to maintain live contact between Pakistan and Hindustan so as to prevent any estrangement growing up and preventing the chances of reunion. A Council of India is accordingly provided for in the Act. It cannot be mistaken for a federation. It is not even a confederation. Its purpose is to do nothing more than to serve as a coupling to link Pakistan to Hindustan until they are united under a single constitution.

Such is my scheme. It is based on a community-wise plebiscite. The scheme is flexible. It takes account of the fact that the Hindu sentiment is against it. It also recognizes the fact that the Muslim demand for Pakistan may only be a passing mood. The scheme is not a divorce. It is only a judicial separation. It gives to the Hindus a term. They can use it to show that they can be trusted with authority to rule justly. It gives the Musalmans a term to try out Pakistan.

It might be desirable to compare my proposals with those of Sir Stafford Cripps. The proposals were given out as a serial story in parts. The draft Declaration issued on 29th March 1943 contained only the following:—

“His Majesty’s Government therefore make the following terms:—

- (a) Immediately upon cessation of hostilities steps shall be taken to set up in India in manner described hereafter an elected body charged with the task of framing a new constitution for India.

- (b) Provision shall be made, as set out below, for participation of Indian States in the constitution-making body.
- (c) His Majesty's Government undertake to accept and implement forthwith the constitution so framed subject only to:
 - (i) The right of any province of British India that is not prepared to accept the new constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding provinces should they so desire, His Majesty's Government will be prepared to agree upon a new constitution giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down."

Particulars of accession and secession were given in his broadcast. They were in the following terms :—

"That constitution-making body will have as its object the framing of a single constitution for the whole of India—that is, of British India, together with such of the Indian States as may decide to join in.

"But we realize this very simple fact. If you want to persuade a number of people who are inclined to be antagonistic to enter the same room, it is unwise to tell them that once they go in there is no way out, they are to be forever locked in together.

"It is much wiser to tell them they can go in and if they find they can't come to a common decision, then there is nothing to prevent those who wish, from leaving again by another door. They are much more likely all to go in if they have knowledge that they can by their free will go out again if they cannot agree.

"Well, that is what we say to the provinces of India. Come together to frame a common constitution—if you find after all your discussion and all the give and take of a constitution-making assembly that you cannot overcome your differences and that some provinces are still not satisfied with the constitution, then such provinces can go out and remain out if they wish and just the same degree of self-government and freedom will be available for them as for the Union itself, that is to say complete self-government."

To complete the picture further details were added at the Press Conference. Explaining the plan for accession or secession of provinces Sir Stafford Cripps said :—

"If at the end of the Constituent Assembly proceedings, any province or provinces did not wish to accept the new constitution and join the Union, it was free to keep out—provided the Provincial Assembly of that province, by a substantial vote say not less than 60 per cent., decided against accession. If it was less than 60 per cent., the minority could

claim a plebiscite of the whole province for ascertaining the will of the people. In the case of the plebiscite, a bare majority would be enough. Sir Stafford explained that for completing accession there would have to be a positive vote from the Provincial Assembly concerned. The non-acceding province could, if they wanted, combine into a separate union through a separate Constituent Assembly, but in order to make such a Union practicable they should be geographically contiguous.”

The main difference between my plan and that of Sir Stafford Cripps is quite obvious. For deciding the issue of accession or secession which is only another way of saying, will there be or will there not be Pakistan, Sir Stafford Cripps took the Province as a deciding unit. I have taken community as the deciding unit. I have no doubt that Sir Stafford adopted a wrong basis. The Province can be a proper unit if the points of dispute were inter-provincial. For instance, if the points of dispute related to questions such as distribution of taxation, of water, etc., one could understand the Province as a whole or a particular majority in that Province having the right to decide. But the dispute regarding Pakistan is an inter-communal problem which has involved two communities in the same Province. Further the issue in the dispute is not on what terms the two communities will agree to associate in a common political life. The dispute goes deeper and raises the question whether the communities are prepared at all to associate in a common political life. It is a communal difference in its essence and can only be decided by a community-wise plebiscite.

IV

I do not claim any originality for the solution I have proposed. The ideas which underlie it are drawn from three sources, from the Irish Unity Conference at which Horace Plunket presided, from the Home Rule Amending Bill of Mr. Asquith and from the Government of Ireland Act of 1920. It will be seen that my solution of the Pakistan problem is the result of pooled wisdom. Will it be accepted? There are four ways of resolving the conflict which is raging round the question of Pakistan. First is that the British Government should act as the deciding authority. Second is that

the Hindus and the Muslims should agree. Third is to submit the issue to an International Board of Arbitration and the fourth is to fight it out by a Civil War.

Although India today is a political mad-house there are I hope enough sane people in the country who would not allow matters to reach the stage of Civil War. There is no prospect of an agreement between political leaders in the near future. The A.I.C.C. of the Indian National Congress at a meeting in Allahabad held in April 1942 on the motion of Mr. Jagat Narayan Lal resolved* not to entertain the proposal for Pakistan. Two other ways are left to have the problem solved. One is by the people concerned ; the other is by international arbitration. This is the way I have suggested. I prefer the former. For various reasons this seems to me the only right course. The leaders having failed to resolve the dispute it is time it was taken to the people for decision. Indeed, it is inconceivable how an issue like that of partition of territory and transference of peoples' allegiance from one government to another can be decided by political leaders. Such things are no doubt done by conquerors to whom victory in war is sufficient authority to do what they like with the conquered people. But we are not working under such a lawless condition. In normal times when constitutional procedure is not in abeyance the views of political leaders cannot have the effect which the *fiats* of dictators have. That would be contrary to the rule of democracy. The highest value that can be put upon the views of leaders is to regard them as worthy to be placed on the agenda. They cannot replace or obviate the necessity of having the matter decided by the people. This is the position which was taken by Sir Stafford Cripps. The stand taken by the Muslim League was, let there be Pakistan because the Muslim League has decided to have it. That position has been negatived by the Cripps proposals and quite rightly. The Muslim League is recognized by the Cripps proposals only to the extent of having a right to propose

* The text of the resolution is as follows :—

“The A.I.C.C. is of opinion that any proposal to disintegrate India by giving liberty to any component State or territorial unit to secede from the Indian Union or Federation will be highly detrimental to the best interests of the people of the States and Provinces and the country as a whole and the Congress, therefore, cannot agree to any such proposal.”

that Pakistan as a proposition be considered. It has not been given the right to decide. Again it does not seem to have been realized that the decision of an All-India body like the Congress which does not carry with it the active consent of the majority of the people, immediately affected by the issue of Pakistan, cannot carry the matter to solution. What good can it do if Mr. Gandhi or Mr. Rajagopalachariar agreeing or the All-India Congress Committee resolving to concede Pakistan, if it was opposed by the Hindus of the Punjab, or Bengal. Really speaking it is not the business of the people of Bombay or Madras to say, 'let there be Pakistan'. It must be left to be decided by the people who are living in those areas and who will have to bear the consequences of so violent, so revolutionary and so fundamental a change in the political and economic system with which their lives and fortunes have been closely bound up for so many years. A referendum by people in the Pakistan Provinces seems to me the safest and the most constitutional method of solving the problem of Pakistan.

But I fear that solving the question of Pakistan by a referendum of the people howsoever attractive may not find much favour with those who count. Even the Muslim League may not be very enthusiastic about it. This is not because the proposal is unsound. Quite the contrary. The fact is that there is another solution which has its own attractions. It calls upon the British Government to establish Pakistan by the exercise of its sovereign authority. The reason why this solution may be preferred to that which rests on the consent of the people is that it is simple and involves no such elaborate procedure as that of a referendum to the people and has none of the uncertainties involved in a referendum. But there is another ground why it is preferred, namely, that there is a precedent for it. The precedent is the Irish precedent and the argument is that if the British Government by virtue of its sovereign authority divided Ireland and created Ulster why cannot the British Government divide India and create Pakistan ?

The British Parliament is the most sovereign legislative body in the world. De L'home, a French writer on English Constitution, observed that there is nothing the British Parliament cannot do

except make man a woman and woman a man. And although the sovereignty of the British Parliament over the affairs of the Dominions is limited by the Statute of Westminster it is still unlimited so far as India is concerned. There is nothing in law to prevent the British Parliament from proceeding to divide India as it did in the case of Ireland. It can do it, but will it do it? The question is not one of power but of will.

Those who urge the British Government to follow the precedent in Ireland should ask what led the British Government to partition Ireland. Was it the conscience of the British Government which led them to sanction the course they took or was it forced upon them by circumstances to which they had to yield? A student of the history of Irish Home Rule will have to admit that the partition of Ireland was not sanctioned by conscience but by the force of circumstances. It is not often clearly realized that no party to the Irish dispute wanted partition of Ireland. Not even Carson, the Leader of Ulster. Carson was opposed to Home Rule but he was not in favour of partition. His primary position was to oppose Home Rule and maintain the integrity of Ireland. It was only as a second line of defence against the imposition of Home Rule that he insisted on partition. This will be quite clear from his speeches both inside and outside the House of Commons. Asquith's Government on the other side was equally opposed to partition. This may be seen from the proceedings in the House of Commons over the Irish Home Rule Bill of 1912. Twice amendments were moved for the exclusion of Ulster from the provisions of the Bill, once in the Committee stage by Mr. Agar-Roberts and again on the third reading by Carson himself. Both the times the Government opposed and the amendments were lost.

Permanent partition of Ireland was effected in 1920 by Mr. Lloyd George in his Government of Ireland Act. Many people think that this was the first time that partition of Ireland was thought of and that it was due to the dictation of the Conservative—Unionists in the Coalition Government of which Mr. Lloyd George was the nominal head. It may be true that Mr. Lloyd George succumbed to the influence of the predominant party in his coalition. But it is not true that partition was thought of in 1920 for the first time. Nor is it true that the Liberal Party had not undergone a

change and shown its readiness to favour partition as a possible solution. As a matter of fact partition as a solution came in 1914 six years before Mr. Lloyd George's Act when the Asquith Government, a purely Liberal Government, was in office. The real cause which led to the partition of Ireland can be understood only by examining the factors which made the Liberal Government of Mr. Asquith change its mind. I feel certain that the factor which brought about this change in the viewpoint of the Liberal Government was the Military crisis which took place in March 1914 and which is generally referred to as the "Curragh Incident". A few facts will be sufficient to explain what the "Curragh Incident" was and how decisive it was in bringing about a change in the policy of the Asquith Government.

To begin at a convenient point the Irish Home Rule Bill had gone through all its stages by the end of 1913. Mr. Asquith who had been challenged that he was proceeding without a mandate from the electorate had however given an undertaking that the Act would not be given effect to until another general election had been held. In the ordinary course there would have been a general election in 1915 if the War had not supervened. But the Ulstermen were not prepared to take their chance in a general election and started taking active steps to oppose Home Rule. They were not always very scrupulous in choosing their means and their methods and under the seductive pose that they were fighting against the Government which was preventing them from remaining loyal subjects of the King they resorted to means which nobody would hesitate to call shameless and nefarious. There was one Maginot Line on which the Ulstermen always depended for defeating Home Rule. That was the House of Lords. But by the Parliament Act of 1911 the House of Lords had become a Wailing Wall neither strong nor high. It had ceased to be a line of defence to rely upon. Knowing that the Bill might pass notwithstanding its rejection by the House of Lords, feeling that in the next election Asquith might win, the Ulstermen had become desperate and were searching for another line of defence. They found it in the Army. The plan was twofold. It included the project of getting the House of Lords to hold up the Annual Army Act so as to ensure that there would be no Army in existence to be used

against Ulster. The second project was to spread their propaganda—That Home Rule will be Home Rule—in the Army with a view to preparing the Army to disobey the Government in case Government decided to use the Army for forcing Home Rule on Ireland. The first became unnecessary as they succeeded easily in bringing about the second. This became clear in March 1914 when there occurred the Curragh Incident. The Government had reasons to suspect that certain Army depots in Ireland were likely to be raided by the Unionist Volunteers. On March 20th, orders were sent to Sir Arthur Paget, Commander-in-Chief of the Forces in Ireland, to take steps to safeguard these depots. His reply was a telegram to the effect that officers were not prepared to obey and were resigning their commissions and it was feared that men would refuse to move. General Sir Hubert Gough had refused to serve against the Ulster Unionists and his example had been followed by others. The Government realized that the Army had become political,* nay, partisan. It took fright and decided in favour of partition acting on the well-known maxim that wisdom is the better part of valour. What made Asquith change his position was not conscience but the fright of the Army rebelling. The fright was so great that no one thereafter felt bold enough to challenge the Army and enforce Home Rule without partition.

Can His Majesty's Government be depended upon to repeat in India what it did in Ireland? I am unable to answer the question. But two things I will say. The first thing is that His Majesty's Government knows full well what have been the consequences of this partition of Ireland. The Irish Free State has become the most irreconcilable enemy of Great Britain. The enmity knows no limits. The wound caused by partition will never be healed so long as partition remains a settled fact. The Partition of Ireland cannot but be said to be morally indefensible inasmuch as it was the result not of the consent of the people but of

* On this point see *Life of Field-Marshal Sir Henry Wilson* by Major General Sir C. E. Callwell, Vol. I., Chapter IX; also Parliamentary Debates (House of Lords), 1914, Vol. 15, pp. 998-1017, on Ulster and the Army. This shows that the Army had been won over by the Ulsterites long before the Curragh Incident. It is possible that Mr. Asquith decided in 1913 to bring in an Amending Bill to exclude Ulster from Home Rule for six years because he had become aware that the Army had gone over to Ulster and that it could not be used for enforcing Home Rule.

superior force. It was as bad as the murder of Duncan by Macbeth. The blood stains left on His Majesty's Government are as deep as those on Lady Macbeth and of which Lady Macbeth said that "All the perfumes of Arabia" had failed to remove the stink. That His Majesty's Government does not like to be responsible for the execution of another deed of partition is quite clear from its policy with the Jew-Arab problem in Palestine. It appointed the Peel Commission to investigate. The Commission recommended partition of Palestine. The Government accepted* it in principle as the most hopeful line of solving the deadlock. Suddenly the Government realized the gravity of forcing such a solution on the Arabs and appointed another Royal Commission called the Woodhead Commission which condemned partition and opened an easy way to a Government which was anxious to extricate itself from a terrible position. The partition of Ireland is not a precedent worthy to be followed. It is an ugly incident which requires to be avoided. It is a warning and not an example. I doubt very much if His Majesty's Government will partition India on its own authority at the behest of the Muslim League.

And why should His Majesty's Government oblige the Muslim League? In the case of Ulster there was the tie of blood which made a powerful section of the British politicians take the side of Ulster. It was this tie of blood which made Lord Curzon say "You are compelling Ulster to divorce her present husband, to whom she is not unfaithful and you are compelling her to marry someone else who she cordially dislikes, with whom she does not want to live." There is no such kinship between His Majesty's Government and the Muslim League and it would be a vain hope for the League to expect His Majesty's Government to take her side.

The other thing I would like to say is that it would not be in the interests of the Muslim League to achieve its object by invoking the authority of His Majesty's Government to bring about the partition of India. In my judgment more important than getting Pakistan is

*See Parliamentary Debates (Commons), 1938-39, Vol. 341, pp. 1987-2107; also (Lords) 1936-37, Vol. 106, pp. 599-674.

the procedure to be adopted in bringing about Pakistan if the object is that after partition Pakistan and Hindustan should continue as two friendly States with goodwill and no malice towards each other.

What is the procedure which is best suited for the realization of this end ? Everyone will agree that the procedure must be such that it must not involve victory to one community and humiliation to the other. The method must be of peace with honour to both sides. I do not know if there is another solution better calculated to achieve this end than the decision by a referendum of the people. I have made my suggestion as to which is the best course. Others also will come forth with theirs. I cannot say that mine is the best. But whatever the suggestion be unless good sense as well as a sense of responsibility is brought to bear upon the solution of this question it will remain a festering sore.

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