

The Cabinet Mission Plan: Implications for Governance

Ilhan Niaz*

Introduction

A maritime power with a decentralized, liberal, political system, a relatively small population, and few natural resources, Britain had expended too great a portion of its substance in the waging of two world wars and a decade of economic depression to retain its colonial empire. Churchill's characteristically defiant pronouncements on the fate of the British Empire aside, many Englishmen and Indians realized that the sun had begun to set on this most remarkable institution.

Elections were held in Britain in the summer of 1945. The Labour Party, led by Clement Attlee, won power and pledged to review the Indian situation from a new perspective.¹ That winter, elections were held in India. Political polarization along communal lines was confirmed. The Muslim League won all the Muslim seats at the centre and 446/495 of the Muslim seats in the provinces.²

The Indian National Congress and the Muslim League continued to fail in their efforts to find a way out of the deadlock. The former refused to recognize that there was a communal problem and dismissed the election results as "complex".³ The latter insisted that the communal problem was the issue in need of

* Lecturer, Department of History, Quaid-i-Azam University, Islamabad.

1 Abul Kalam Azad, *India Wins Freedom* (Delhi: Orient Longman, 1988), p.126.

2 Ch. Mohammed Ali, *The Emergence of Pakistan* (Islamabad: Services Book Club, 1988), p.48.

3 Azad, *op.cit.*, p.132.

serious dialogue and resolution. Third party intervention was thus necessitated by circumstances. The chances of the political process moving forward in the absence of intervention were bleak. A compromise had to be reached which “Jinnah can regard as conceding Pakistan and Congress can regard as not conceding it.”⁴ The result of this Byzantine exercise in inter-communal diplomacy was the Cabinet Mission Plan, which would have probably been implemented had it not been for Nehru’s singular indiscretion.

The Plan was at one point agreed upon by all three major parties as an acceptable, though by no means easy, compromise solution. As the compromise was never put to the test, the issue of its practical utility never arose. This paper addresses this fundamental issue and discusses the implications of the Cabinet Mission Plan for governance keeping in view the conditions of the Subcontinent.

Men on a Mission

Prime Minister Attlee made it clear in the course of parliamentary debate on March 15, 1946 that the Muslim minority could not be allowed to exercise a veto on “the advance of the majority”.⁵ A delegation that comprised Lord Pethic-Lawrence (Secretary of State for India), Sir Stafford Cripps (President Board of Trade), and A.V. Alexander (First Lord of the Admiralty) was dispatched to find a way out of the communal impasse.⁶ The Cabinet Mission set foot on Indian soil on March 23, 1946 and began the consultation process.

The Cabinet Mission interviewed leaders from across the political spectrum inclusive of the Hindu Mahasabha and liberals.⁷ The two parties that mattered, i.e., the Congress and the Muslim League, took completely opposite positions. Congress refused to contemplate partition while the Muslim League, in a legislators’

4 Ayesha Jalal, *The Sole Spokesman: Jinnah, the Muslim League, and the Demand for Pakistan* (Lahore: Sang-e-Meel Publications, 1999), p.192.

5 Jamil-ud-din Ahmed, *Creation of Pakistan* (Lahore: Publishers United, 1986), p.244.

6 Ahmed Shuja Pasha, *Britain and the Making of Pakistan* (Lahore: Sang-e-Meel Publications, 1997), p.129.

7 Khalid Bin Sayeed, *Pakistan, the Formative Phase: 1857-1948* (Karachi, Oxford University Press, 1998), p.136.

convention held in April, demanded nothing less than Pakistan.⁸ In these discussions, the Cabinet Mission had proposed a three-tiered all-India federation only to have this idea shot down by both the Congress and the Muslim League.⁹

By May 1946, the discussions were going nowhere. The Congress dominated the Hindu majority provinces, formed the government in the N.W.F.P., and wanted a single central authority to succeed the British Raj. The Muslim League secured an overwhelming mandate from the Muslims in the 1945-46 elections, wanted two central authorities to succeed the Raj but, due to the 1932 Communal Award, was only able to form governments in Sindh and Bengal. The compromise solution of a three-tiered federation that preserved the union but guaranteed considerable provincial autonomy was rejected by both the Congress and the Muslim League.

Having ascertained the mood of the Congress and Muslim League, the Cabinet Mission had a number of options. It could continue with discussions on the same pattern, summon another conference, or propose an independent, authoritative solution that would serve as the basis for subsequent negotiations. On May 12, 1946, the Cabinet Mission issued a memorandum on the expected lapse of British Paramountcy that was directed at the princely states.¹⁰ Four days later, the Cabinet Mission unveiled its proposals for a political settlement.¹¹ The avowed objective was:

to recommend as a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political, and economic field.¹²

The Plan

The Cabinet Mission Plan started by examining the most radically revisionist solution to the communal problem – Pakistan.

8 *Ibid.*

9 *Ibid.*, p.137.

10 S.V. Desika Char, ed., *Readings in the Constitutional History of India: 1757-1947* (Delhi: Oxford University Press, 1983), pp.683-4.

11 *Ibid.*, p.684.

12 G. Allana, ed., *Pakistan Movement: Historic Documents* (Lahore: Islamic Book Service, 1988), p.423.

The criticism of the Muslim League's maximum demand was both logical and empirically sound. The most obvious contradiction stemmed from demographic realities. If Punjab and Bengal were to be included without partition, then the total per centage of Muslims in Pakistan would have been about sixty per cent.¹³ Twenty million Muslims would be left behind in British India to fend for themselves out of a total population of nearly nineteen crores.¹⁴

The Cabinet Mission noted that the arguments employed by the Muslim League in favour of Pakistan can "be used in favour of the exclusion of the non-Muslims areas from Pakistan."¹⁵ The alternative of a smaller, sovereign Pakistan was also rejected as the partition of Bengal and Punjab "would be contrary to the wishes and interests of a large proportion of the inhabitants of these Provinces."¹⁶

Administrative concerns also played a significant role in the Cabinet Mission's rejection of Pakistan. The division of the armed forces, communications system, and the separation of the "two most vulnerable frontiers"¹⁷ would seriously undermine the defence of the Subcontinent. That the two wings of Pakistan "are separated by some seven hundred miles and the communications between them in war and peace would be dependent on the goodwill of Hindustan"¹⁸ was a matter of deep concern.

The Cabinet Mission also rejected the Congress alternative proposal of an all-India Federation with a direct relationship between the centre and provinces based on mutually exclusive subject lists that could, however, be altered at the behest of individual provinces.¹⁹ The trouble with this plan was that individual provinces could alter their subject lists and cede more powers to the centre. Thus the centre could end up with four subjects for one province, eight for another, and the basic three for yet another. The confusion that this could potentially generate was

13 Char, ed., *op.cit.*, p.685.

14 *Ibid.*

15 *Ibid.*, p.686.

16 G. Allana, ed., *op.cit.*, p.426.

17 *Ibid.*

18 *Ibid.*, p.427.

19 *Ibid.*, pp.428-29.

enormous. The preferred solution from the Congress point of view was a unitary structure with limited provincial autonomy. This, of course, was totally rejected by the Muslim League. In order to move things forwards the Cabinet Mission laid down six basic guidelines. These are reproduced below:

- There should be a Union of India, embracing both British India and the States which should deal with the following subjects: Foreign Affairs, Defence, and Communications; and should have the powers necessary to raise the finances required for the above subjects.
- The Union should have an Executive and a Legislature constituted from British India and States' representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and the voting of each of the two major communities as well as a majority of all the members present and voting.
- All subjects other than the Union subjects and all residuary powers should vest in the Provinces.
- The States will retain all subjects other than those ceded to the Union.
- Provinces should be free to form Groups with executives and legislatures, and each Group could determine the Provincial subjects to be taken in common.
- The constitutions of the Union and of the Groups should contain a provision whereby any Province could by a majority vote of its Legislative Assembly call for a reconsideration of the terms of the Constitution after an initial period of 10 years and at 10-yearly intervals thereafter.²⁰

In order to establish a political system based on these six major guidelines the Cabinet Mission proposed the formation of a Constituent Assembly elected by the provincial assemblies on the ratio of one nominee per one million inhabitants.²¹ The allotment of seats amongst communities by the provincial assemblies would be determined by their per centage share of the total population of the province.²²

20 Char., ed., *op.cit.*, p.687.

21 G. Allana, ed., *op.cit.*, p.430.

22 *Ibid.*, p.431.

The 1932 Communal Award, which had reduced the Muslim majorities in Punjab and Bengal, was thus nullified for the purposes of the Constituent Assembly. The princely states would nominate ninety-three members and the provinces would nominate two hundred and ninety-two members out of which ninety-two would be Muslims.²³ The provinces were grouped in Sections A: (Madras, Bombay, United Provinces, Bihar, Central Provinces, and Orissa), B: (Punjab, N.W.F.P., Sindh), and C: (Bengal and Assam).²⁴

At a preliminary meeting the three groups and states' representatives would meet together to determine the order of business and constitute an Advisory Committee on basic civil rights, minorities, and tribal and excluded areas.²⁵ Once these issues had been settled, the representatives would break up into their respective sections to settle provincial constitutions and decide what powers, if any, the Group centre would exercise.²⁶ Provinces would have the right to opt out of their Groups after the first general election.²⁷ No legislation on a communal issue could be passed without the consent of the majority of the affected community's representatives (valid for Muslims, Hindus, and Sikhs).²⁸

Once the provincial and Group constitutions had been settled the representatives of the Sections and princely states would reassemble and decide the Union constitution.²⁹ The princely states would be represented by a negotiating committee and one of the main tasks of the Union assembly was to negotiate a treaty with Britain for the transfer of power.³⁰ Administration (while the constitution was under discussion) would be carried on by an

23 *Ibid.*, pp.431-32.

24 *Ibid.*

25 *Ibid.*, p.433.

26 *Ibid.*

27 *Ibid.*

28 Char, ed., *op.cit.*, p.688.

29 G. Allana, ed., *op.cit.*, p.433.

30 *Ibid.*, p.435.

interim government comprising the major political parties.³¹ In its conclusion, the Cabinet Mission observed prophetically that:

These proposals may not, of course, completely satisfy all parties, but you will recognize with us that at this supreme moment in Indian history statesmanship demands mutual accommodation.... The alternative would, therefore, be a grave danger of violence, chaos, and civil war. The result and duration of such a disturbance cannot be foreseen; but it is certain that it would be a terrible disaster for many millions of men, women, and children. This is a possibility that must be regarded with equal abhorrence by the Indian people, our own countrymen, and the world as a whole.³²

The Reaction

The Muslim League accepted the Cabinet Mission Plan on June 6, 1946.³³ The League Council's approval was anything but wholehearted. The Cabinet Mission Plan was acceptable "inasmuch as the basis and the foundations of Pakistan are inherent...by virtue of the compulsory grouping."³⁴ Whatever cooperation the League extended was attributed to "the hope that it would ultimately result in the establishment of a completely sovereign Pakistan."³⁵

What made the Cabinet Mission Plan palatable was not the broad provincial autonomy and safeguards for the Muslims within the Union but "the right of secession of Provinces or groups from the Union, which have been provided in the Mission's Plan by implication."³⁶ It is clear from the resolution that the Muslim League had acquiesced and did not wish the Cabinet Mission Plan well. The tone and content of the resolution make it abundantly clear that the Muslim League expected the Plan to fall apart before becoming operational or that even if it was implemented the Union could be broken from within through quasi-legal means.

Congress also had its reservations. Some of these were aired in the resolution of the Working Committee of the Indian National

31 *Ibid.*

32 *Ibid.*, p.436.

33 Sharif al Mujahid, *Quaid-i-Azam Jinnah: Studies in Interpretation* (Karachi: Quaid-i-Azam Academy, 1981), p.500.

34 *Ibid.*, p.501.

35 *Ibid.*

36 *Ibid.*

Congress of May 24, 1946.³⁷ The principal objection was that the Constituent Assembly, as a sovereign entity, should be free to make changes to the Cabinet Mission Plan as it deemed fit.³⁸ The compulsory grouping of provinces was rejected as a contravention of “the basic principle of provincial autonomy.”³⁹ Maulana Azad, then Congress President, argued in favour of the Cabinet Mission Plan and pointed out that it was very similar in structure to his own proposal of April 15, 1946.⁴⁰ Indeed, Gandhi had approved of Azad’s schemes and praised him “by saying that I had found a solution of a problem which had till then baffled everybody.”⁴¹ After much deliberation, the Congress Working Committee accepted the Plan on June 26, 1946.⁴²

The position of the Sikhs was expressed by Master Tara Singh on May 25, 1946.⁴³ He accused the Cabinet Mission of a policy of appeasement towards the Muslim League and asserted that grouping “has not only put under Muslim domination the non-Muslim areas of the Punjab and Bengal, but the whole province of Assam where the non-Muslims are in overwhelming majority.”⁴⁴ With only four seats⁴⁵ of the total in Group B, the Sikhs had cause to be disappointed.

The All-India Hindu Mahasabha announced its opposition to the Cabinet Mission Plan on June 16, 1946.⁴⁶ The Mahasabha argued, not without reason, that the Union government envisioned by the Plan would be too weak to “put its full weight in the international world.”⁴⁷ Without a strong central government to fight centrifugal tendencies and mobilize resources for economic development, India would be condemned to “disintegration”.⁴⁸

37 Char, ed., *op.cit.*, p.691.

38 *Ibid.*

39 *Ibid.*

40 Azad, *op.cit.*, p.156.

41 *Ibid.*, p.149.

42 *Ibid.*, p.158.

43 Char, ed., *op.cit.*, p.694.

44 *Ibid.*

45 *Ibid.*

46 *Ibid.*, p.695.

47 *Ibid.*

48 *Ibid.*

Like the Sikhs, the Mahasabha also believed that “The dominant idea behind the Cabinet Mission’s scheme is to appease the Muslim League to the detriment of all other minorities.”⁴⁹

The Muslim League’s acceptance of the Cabinet Mission Plan was, at best a tactical manoeuvre. The Sikhs opposed it because of the group system. The Hindu Mahasabha rejected it as impracticable in Indian conditions. Thus, the success or failure of the implementation of the Cabinet Mission’s guidelines for a political settlement was contingent on the Congress’s commitment to steer the course.

Unfortunately, for the prospects of a peaceful settlement, Jawaharlal Nehru, days after taking over as Congress President from Maulana Azad, on July 10, 1946, declared that the Congress would enter the Constituent Assembly “completely unfettered by agreements and free to make all situations as they arise.”⁵⁰ Azad tried to retrieve the situation by insisting to the Working Committee that

to save the situation, we must make it clear that the statement of the Congress President at the Bombay Press Conference was his personal opinion and did not conform to the decision of the Congress.⁵¹

The Working Committee, so as not to undermine the prestige of the Congress President, reiterated its acceptance without, however, declaring Nehru’s remarks null and void.⁵² On July 29, 1946, the League Council withdrew its acceptance of the Cabinet Mission Plan⁵³ for two basic reasons. One was that the British government had been unable to deliver on its promise of a ratio of 5:5:2 in the Interim Government.⁵⁴ The other was that Nehru’s statement of July 10 left no doubt that the Congress did not accept the Plan as binding.⁵⁵

Had the Muslim League been genuinely committed to the Cabinet Mission Plan it would have accepted the resolution of the

49 *Ibid.*, pp.695-6.

50 *Azad, op.cit.*, p.164.

51 *Ibid.*, p.166.

52 *Ibid.*, pp.166-7.

53 *Mujahid, op.cit.*, p.502.

54 *Ibid.*, p.503.

55 *Ibid.*, pp.504-5.

Working Committee and continued with the task of government formation at the centre and constitution-making or taken advantage of Nehru's indiscretion and pressed for more concessions within the framework of the three-tier system.

Post-mortem: Why the Cabinet Mission Plan could have Worked?

Federalism is based upon the clear division of authority between the different levels of government, each of which has the power to raise finances to discharge its constitutional obligations. Ideally, the centre, provinces, and local governments should derive their income from different sources or, if that is not possible, negotiate a formula. As the centre is invested with supreme judicial authority, and possesses a near monopoly on professionally organized military power, it is in a position to settle disputes between the federating units.

The Cabinet Mission Plan envisioned a three-tiered federation of provinces, groups, and the centre. The centre would control defence, foreign affairs, and communications and wield "the powers necessary to raise finances for the above subjects."⁵⁶ This implied that the centre would also retain control of customs and have the power to raise taxes. It is difficult to imagine how or why the Congress-ruled provinces of Section A, which contained the bulk of India's population and wealth, would impede the financial administration of a centre in which the Congress was the majority party.

The constitution-making process laid down by the Cabinet Mission Plan does seem cumbersome on paper. First, everyone would meet together, then the assembly would split into groups and provinces, and finally the representatives would reassemble to decide the Union constitution, which, in ten years, would be subject to review.⁵⁷

The argument that the process would cause endless delay and confusion seems to ignore the centralized structure of the Congress and the Muslim League. The Congress leadership would have been

⁵⁶ Char, ed., *op.cit.*, p.687.

⁵⁷ *Ibid.*, p.688.

able to formulate a constitution within a few years for Section A. Indeed, the actual process of constitution-making in India, which took just three years, was remarkably fast for a country of its size and diversity.

The experience of constitution-making in the smaller sovereign Pakistan that emerged from partition does raise serious questions about the viability of the Cabinet Mission Plan. There are, however, several compelling reasons why constitution-making in Sections B and C would have proceeded much faster than it did in Pakistan.

First, the Muslim League leadership from the minority provinces lost its political base of support after partition. The conflict between the *émigrés* and the entrenched local notables that developed after partition could not have occurred if the Cabinet Mission Plan had been implemented. Second, since the groups would first determine their constitutions separately, the problem of balancing the Bengali majority that plagued West Pakistan politicians and caused so much acrimony could not have arisen. Third, the relation between Islam and the state, which exacerbated communal tensions and led to endless controversy in Pakistan, would never have figured prominently as Groups B and C had an overall Muslim majority of sixty per cent.⁵⁸ Last, but certainly not the least, is the fact that if there had been a single centre Quaid-i-Azam Muhammad Ali Jinnah would have probably remained President of the Muslim League and participated actively in the constitutional debates.

It is manifestly evident that the implementation of the Cabinet Mission Plan would have significantly altered the course of history. In a united India, the Muslims would not have succumbed to military rule and autonomous institutions would have continued to develop. The prospect of religious parties coming to power in the centres or at the group levels could have been ruled out by the presence of large, vocal, and politically organized minorities at an all-India and provincial level.

The possibility of provinces seceding/opting out of groups or the union itself drew considerable criticism in 1946. Nehru, in his

58 *Ibid.*, p.685.

infamous July 10 press conference at Bombay pointed out that Assam and the N.W.F.P. would reject the compulsory grouping at the earliest opportunity.⁵⁹ That Section A was dominated by Congress and opposed to compulsory grouping indicates that after the first general elections the groups would have been modified and a two-tiered all-India federation established. If events had developed along these lines, the Muslim League would have raised the possibility of secession as its assent to the Cabinet Mission Plan was based on compulsory grouping.⁶⁰ Thus, it is reasonable to maintain, that the Cabinet Mission Plan would have merely postponed partition until the first general elections.

A possible answer to this important point can be gleaned from the early political history of Pakistan. The Muslim League's performance as a political party was dismal — an assessment confirmed by the 1954 elections and its rapid loss of popularity in East Bengal. If the rate of deterioration was so fast in a country with a Muslim majority of eighty-five per cent besieged by its Hindu neighbour, then it could only have been faster under the Cabinet Mission's scheme. Most probably, after the first general elections the Muslim League would not have been in a position to secede even if it had wanted to. On the other hand, the princely states could only have acceded to a single centre, thus there was no chance of a war of imperial succession.

Furthermore, it is a mistake to consider the Cabinet Mission Plan a complete manual for the future constitution of India. It merely set the guidelines and outlined the procedure most likely to secure maximum autonomy for the provinces without compromising India's administrative, economic, and military unity. A loose constructionist⁶¹ interpretation of the Cabinet Mission Plan leaves little doubt that the centre would have also retained control of foreign trade, currency, external loans, defence production, and the judicial system. Nehru's criticism of the Plan

59 *Ibid.*, p.692.

60 Mujahid, *op.cit.*, p.501.

61 **Loose Constructionist** means that whatever the constitutional framework does not forbid it allows. **Opposite of Strict Constructionist** – i.e., whatever the constitutional framework does not allow it forbids.

on July 10, 1946, is principally based upon what the Plan did not say or allow.

Conclusion

Ultimately, the success of a complex solution to a complex set of problems rests on the political will, creativity, and commitment of the major parties concerned. Political will, however, is all too often a function of short-term perceived interests and often operates according to an internal logic divorced from a sense of history. Because the Plan was never implemented, the arguments for and against its workability are speculative and belong in the realm of alternative history. Any criticism of the Cabinet Mission Plan must be placed in the context of what *has* happened in the decades since it was rejected for the present condition of the Subcontinent has evolved out of the failure of the main parties to implement the Cabinet Mission Plan.