Since the early part of the 1940s the discussion on the Indian constitutional problem unfolded against the backdrop of the campaign for the separate Muslim state of Pakistan, or the ‘Indian problem’, to use the words of some of the leading British constitutional experts of the time. Reconciling ‘freedom with unity’ became one of the principal concerns
that ran through the history of political negotiations between the Cripps Mission in July 1942 and the Cabinet Mission in March 1946. Their efforts to bring the conflicting Indian political groups together to arrive at a mutually acceptable settlement did not succeed largely because of the legacy of political sectarianism that British imperial policies had encouraged to grow by allowing communal politics a space within the Indian constitutional structure. During the time when Cripps visited India, the Second World War also acted as an important factor in influencing the British Imperial government to contemplate appropriate constitutional measures through which the Indian opinion could be somewhat conciliated to strengthen the war effort. The experience of the Congress ministries during the brief tenure of their rule in the so called Congress provinces between the end of 1937 and 1939 demonstrated very clearly how, despite the creation of responsible government in the provinces, the British Governors had retained enormous discretionary authority. This was a source of irritation for the elected ministers. They frequently complained about limited funds and limited power that apparently disabled them to carry through some of their
plans. The resignation of the Congress ministries in September 1939 too was a consequence of the Congress’ unhappiness about the unilateral declaration by the Indian government to join the war without consulting Indian opinion. Many Congressmen believed that much of what the British paraded as a commitment to the eventual transfer of power to Indians by introducing Dominion status was largely an eyewash. As a result of this distrust that the Congress leadership felt about the intentions of the Imperial state, reaching an agreement on the Indian problem remained a difficult task.

**Conflicting opinions on the Indian Constitutional Problem**

The Congress mistrust about British intentions however had some basis. Even as the war time concern among British officials about using India as an additional source of strength in the network of imperial defence against the Fascist powers, warranted the cooperation of the Indians, not all sections of the British political elites were unanimous about the nature of the concessions to be accorded for achieving that objective. The leadership of the British
Labour Party was usually favourable towards devolution of power by according India Dominion Status. Men like Stafford Cripps, to cite one example, actively campaigned in its favour. Pitted against them were the ‘Diehards’ in the Conservative Party like Winston Churchill who never took such proposals seriously and preferred to defer this issue by offering empty promises. In other words, the Conservatives were anxious to buy time so that the British would be able to reorganize the imperial order after the war. Churchill had his supporters among Indian officials, who even in the early 1940s were not in a mood to abdicate power.

**The War and the Congress**

The War also created problems for the Congress. There was a stage when liberal Congressmen felt inclined to support the British war effort due to their natural aversion for totalitarian ideas. If men like Nehru did not wish to embarrass the British in this difficult hour, there were radical nationalists like Subhash Chandra Bose and the Congress socialists who wished to take advantage of such difficult times to renew the agitation, for the purpose of striking the last blow on the Imperial edifice in India. The
movement in this form came in 1942 but before the Congress took such a decision, there were disagreements among Congressmen about the policy that the party was to adopt towards the British during the war. A man like Gandhi, for example, felt that the Indians could contain fascism by organizing non-violent resistance in case of an aggression, without depending on British armed forces. Others were more realistic and were willing to offer Indian support to the British, if the British were willing to reciprocate by charting out very clearly the future of India as an independent state, emphasizing at the same time the need to associate the Congress in the war effort.

It seems therefore that before the Congress ministries resigned, an agreement between the Congress and the British was not entirely impossible. A positive declaration on the part of the British was likely to ensure the cooperation that they were expecting in India. In addition the British had to come to terms with the view of the American President F. D. Roosevelt regarding granting of independence to the colonies held by the European powers. Despite their reservations about the Dominion Status, diehards like
Winston Churchill had to concede to the idea of devising some kind of mechanism for consultation of Indian opinion in the form of a War Advisory Board. Almost in a similar language Linlithgow, the Viceroy, suggested the creation of a consultative body without however making any statement about future constitutional developments. The liberal Secretary of the State for India, Zetland, however, was keen to make an announcement about India’s Dominion Status after the end of the War. Anxious to avoid a confrontation with the Congress Zetland also wished to assure the American government about their honest intentions. He was even prepared to induct Indians, representatives of the Congress and the Muslim League in the Viceroy’s Executive Council. The Congress however demanded some control over the defence system in India on which there was no agreement. In this context the Congress ministries resigned, accusing the British of not being sincere about the legitimate demands of the Indian people.

**The War as a Dynamic Factor**

Around the middle of 1940 the fall of almost the entire Europe before the advancing army of Adolph Hitler radically
altered the complexion of the situation. The British found India to be an important strategic base from where they might carry on their resistance against the Axis powers, if the German forces came to occupy Europe including Britain. Around this time British policy in India was influenced to a large extent by this kind of strategic options. At one stage Linlithgow felt that this strategic option warranted draconian measures in order to rule out the possibility of dangerous dissent in India. He even asked from the British Cabinet for additional legal power to suppress disturbances. In spite of his otherwise stiff attitude towards self-government for India, Linlithgow wished to avoid a conflict with the Congress by making what is known as the ‘August Offer’. In August 1940, the Viceroy promised Dominion Status within a year after the end of the War, talking at the same time of a constitution to be adopted by an Indian representative assembly. He wished to retain certain special arrangements to protect British interest in India. The entire intention however became ambiguous when the Viceroy attached several conditions to his August offer largely under the pressure of the British Prime Minister Winston Churchill who had taken over the leadership of the war cabinet from
Neville Chamberlain in May. The Congress in the meanwhile responded to the August offer by reiterating its demands for a national government exercising control also over the army and defence. The net result of the August offer fell far short of the Congress expectations of a national government. The Viceroy agreed to expand the War Advisory Council, to induct a few more Indians into the Viceroy’s executive Council and to consider the possibility of Dominion Status once all the Indian parties arrived at an agreement about the nature of the constitution. Since such an agreement of all the parties including the Princes was likely to be difficult, Linlithgow’s position revealed before the Congress, the usual British double-speak about Indian independence.

**Cripps Mission**

In 1941 with Japan joining the war as an ally of Germany and Italy, what had begun as a European war turned into a World War. Japanese military success in South East Asia over countries like Indo-China, Java, Malaya and Burma brought the Japanese forces close to the door steps of the British Empire in India. Military resistance against the advancing Japanese army required Indian collaboration.
With British allies like Chiang Kai Sheik, the President of the Chinese Republic and President Roosevelt of the United States, persuading the British government to consider the possibility of Indian independence for strengthening the allied war effort in South East Asia, the Japanese occupation of the Burmese capital Rangoon in early March created an urgency for resolving the Indian problem. It was against this backdrop that the British Prime Minister Winston Churchill decided to send Stafford Cripps, now a Labour party member of the British War Cabinet, to India on a good will mission to resolve the constitutional tangle through an elaborate consultation with Indian leaders.

The Cripps Mission stayed in India for three weeks during March and April 1942. Cripps was acceptable to the Congress leadership for his liberal views about India’s self-government. Already on a number of occasions in the British Parliament, Cripps had spoken in favour of complete independence for India. A constituent assembly in India, in his opinion was entitled to take the decision of whether India should retain its link with the empire as a British dominion. Dominion status, as Cripps saw it, was only a
prelude to a free and independent India, to be governed according to its own constitution. Yet the proposal that he brought with him created enough disappointment among the Congress leaders. The Cripps proposals suggested that India would receive colonial self-government or Dominion status after the war with the right to secede from the British Commonwealth. Secondly, after the war, a Constituent Assembly would be formed with representatives from British India and the princely states. The representatives from British India would be elected on the basis of elective proportionate representation while the princely states would be represented by their rulers. The most disturbing idea was the right of option that a province or a princely state was to be endowed with, in order to remain outside the Indian dominion. The Congress leaders naturally perceived this as a thinly disguised threat to Indian unity. There were therefore enough reasons for the Congress to reject the Cripps proposal. In the first place it was silent about Indian independence. Secondly it also allowed the freedom to the provinces and the native states to opt out of the Constituent Assembly. Although the option clause entitled the Muslim provinces to stay out of the dominion, the Muslim League
also found it unacceptable for the absence of any British recognition of the demand for Pakistan that had already been raised in the Lahore session of the League in December 1940. The reason for the League’s rejection was that in most of the Muslim majority provinces the League was still not in power. The Pakistan proposal for Jinnah was the only way to mobilize popular support for the League among the Muslim community.

Gandhi described the Cripps proposal as a 'Post Dated Cheque' of a bank which was certain to fail. The Cripps Mission failed since the man on a goodwill mission to India had failed to earn the confidence of Indian politicians regardless of party differences. The British Indian bureaucracy also remained largely indifferent to the manner in which Cripps was handing out lofty promises. Even if Cripps wished to maintain India’s geographical unity, the option clause prepared the ground for a mighty pursuit of the Pakistan option by Muslim League. Once the Congress rejected the Cripps offer he left for England on 12\textsuperscript{th} April, setting the stage for the Congress to embark on the last major mass agitation in August 1942. Almost around the
same time Bose (from exile) was contemplating military action to deal a death-blow to the British empire. Neither the August revolution nor the movement of the Indian National Army from Burma towards the North Eastern frontier of British India succeeded in achieving their objectives. With superior military strength, the British suppressed the Quit India movement and also threw back Bose’s National Army. But the temporary absence of the imprisoned Congress leaders during 1942-44 from the political arena, made it possible for the League to mobilize support by using the Pakistan card. It became clear by 1945-46 that the non-League Muslim political parties like the Unionists in the Punjab and the Krishak Praja Party in Bengal were no longer in a position to resist the League’s campaign for Pakistan.

**The Wavell Plan**

It was again this backdrop that Lord Wavell who had served as the Commander in Chief in India during the war, became the Viceroy of India replacing Linlithgow in 1944. As a soldier he was often unable to understand the complexities of political negotiations. He had however the sense to
realize that the task of post-war reconstruction in India would require greater involvement of Indian political groups in the business of the government. His main concern therefore in 1944-45 was to bring the Congress and the League into the Central government in order to prepare the ground for colonial self-government. By then many British statesmen had come to realize that militarily and financially holding India would be nearly impossible in view of the enormous financial burden that the war had caused to Britain. Wavell shared in this perception, unlike Churchill, who even in 1945 wished to cling to the empire in India.

In the meanwhile, an initiative on the part of the government to bring the Congress and the League closer became necessary in view of the failure of the negotiations between Gandhi and Jinnah. After the release of the Congress leaders around the middle of the 1944 a series of meetings took place between Gandhi and Jinnah during September 1944 failing to yield any positive results. Consequently, Wavell with the approval of the British Cabinet proceeded to hold a political conference at Simla to resolve the deadlock. The Simla Conference was held for
about three weeks between 25\textsuperscript{th} June and 14\textsuperscript{th} July 1945. Wavell proposed during the discussion that the Viceroy’s Executive Council would include an equal number of Muslims and Hindus and barring the war portfolio all other departments would be managed by Indian members. The difference between the Congress and the League arose over the issue of Muslim representation in the Council. The League insisted that the Muslim members in the Viceroy’s Council would be nominated entirely by the League. In the process the League under Jinnah was asserting its right to be the sole spokesmen of the Muslim community. Since this was utterly unacceptable to the Congress, presided at that time by Maulana Azad, the Simla Conference broke down. Morally, of course, the League had no business to claim this right since both in the Punjab and Bengal the provincial governments were managed by the Muslim opponents of the League. For Jinnah however, this was the easiest way to achieve a certain hegemony in Muslim politics making it difficult for Wavell to achieve the consensus between the League and the Congress, in a situation when British conservatives preferred to prop up the League for their
hostility to the Congress since the latter had embarrassed the British during the war.

**The Labour Party in Power and the Change in British Policy**

After the British general election of 1945 brought the Labour Party to power, it was no longer possible for the British diehards like Churchill to dominate government policy. The newly elected Labour government of Clement Atlee, with a clear majority in the House of Commons pursued seriously the plan to withdraw from India. Speaking in general terms the Labour Party leaders were usually sympathetic to the Congress, even if the Congress leadership could not always rely on their goodwill.

With the objective of granting India freedom while keeping the geographical unity of the subcontinent intact the labour government sent a team of Cabinet ministers to India late in March 1946, in the backdrop of a general election in which the Muslim League despite their Pakistan campaign managed to form government only in Sindh and Bengal. It was natural therefore for Jinnah to insist on a federal India
with autonomous provincial units in order to get around the problem of living under a Hindu majority in the guise of the Congress at the centre. Early in 1946 when an all-party British parliamentary delegation was visiting India the political situation in the country became tense due to the INA trial agitation followed by the Naval Mutiny. The British Parliamentary delegation impressed upon the British government that nothing short of self rule would satisfy the Indian leadership. This was followed by the Cabinet Mission which comprised Lord Pethick Lawrence, Secretary of State for India, Sir Stafford Cripps, now President of the Board of Trade and A. V. Alexander, First Lord of the Admiralty. They tried to address the complications arising from the almost chronic disagreement between the League and the Congress. In an attempt to arrive at an agreement on the constitution of independent India, the Cabinet mission since its arrival in New Delhi on 24th March 1946 carried on a series of discussions with the League and the Congress representatives. Jinnah started the negotiations with the emphatic demand for Pakistan,- a separate state for the Indian Muslims. The Cabinet Mission expressed its disagreement by suggesting that the Hindu majority
districts in the Muslim majority provinces would not be included in Pakistan. Pakistan would then be a much smaller state than what Jinnah had visualized. This compelled Jinnah to modify his demand by expressing his willingness to accept autonomous Muslim provinces within an Indian union. The Congress was also willing to concede this demand enabling the Cabinet Mission to suggest its plan for the constitution of independent India.

The Plan envisaged a union of India which would include both British India and Indian princely states. The Union government would be responsible for foreign affairs, defence and communications managed by a federal executive and legislature. The provinces of British India were grouped into three blocks—comprising six Hindu majority provinces as one block, the Punjab, the North West Frontier provinces and the Sindh as the second block, and Bengal and Assam constituting the third block. The representatives of the provinces in each of these blocks were to meet separately to frame their constitution, after which, representatives of all the provinces would assemble together with the representatives of the Indian princely
states to draw up a constitution for the Indian union. The Cabinet Mission plan provided for a three tier governmental system, the individual provinces, the blocks to which they belonged and the Indian union at the apex of the structure. In other words it chalked out a scheme for an Indian federation with legislatures and executive functioning at each of the three tiers of the government. In deference to the federal principle, a province had the right to opt out of a block in which it was placed after the adoption of the constitution by the Indian constitutional assembly. In the meanwhile the administration of India was to be carried out by an interim government consisting of the representatives of the Indian political parties.

The Cabinet Mission Plan was possibly the last attempt to reconcile freedom with unity. The Congress had its own hesitation about the creation of the different groups of states. Nehru felt that such provisions in the constitution were likely to create break-away tendencies in different regions. Regarding the interim government the difference between the Congress and the Muslim League became increasingly clear. The Congress wanted to nominate a
Muslim in the interim government to remain true to its secular credentials. Jinnah resisted this and announced the Direct Action programme for achieving Pakistan. The resultant violence was the last straw on the camel’s back. Even as (early in September 1946) Nehru agreed to join the Interim government as its Prime Minister, its functioning was vitiated by the growing distrust between the League and the Congress. There was a growing conviction even among Congressmen that the partition of the country was perhaps the only option for avoiding a bloody civil war. The failure of the Cabinet Mission cleared the road to the Partition.