

## INSTITUTE OF CURRENT WORLD AFFAIRS

GSA-2  
India: Notes Not Quite at Random

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Dear Dick,

The recent earthquake in Delhi, which rumbled menacingly and went away, barely ruffled the academic calm, denying me a heroic lead about ceiling plaster in the Olivetti keys and research bravely carried on under all. So to some (not quite) random notes.

I had lunch with Penderel Moon one Wednesday and he turned out to be as good as I thought he might be. Moon is a former member of the Indian Civil Service and has been in India off and on since the 1920's, and is now working with the Planning Commission here. He was once a Fellow of All Souls, Oxford. He ranged over the turbulent August of 1942, when the British locked up the higher echelons of the Congress; the transfer of power and the period of Partition; the background of the recent disturbances in Assam; the British role in modern India, generally disgraceful, he said; and the strength of the divisive forces in India. All of it was good. We had a fine time discussing the post-1945 period and the transfer of power. I'd read most of the published documents last winter about the negotiations between the Cabinet Mission, the Indian Government, the Muslim League and the Congress. He agreed that the Cabinet Mission failed as an arbitrator because it could neither enforce its decisions nor did it have the prior agreement of the contestors to abide by its decisions. The Congress and the League wouldn't agree and the British Government was withdrawing and so could not enforce a diktat. He believed that militarily the British could have held India--I'm still not sure--but that the attitude of voters in England and the climate of world opinion made this impossible. Cripps cited the former to the Commons in 1947 as a principal reason for British withdrawal.

He thought that the most opportune time for the British to have made a major change in India's status was 1929. The British, after the Simon Commission Report, should have met the demand of the Liberals for Dominion status, which was a mild thing in those pre-Statute-of-Westminster days. As this didn't happen, the next best time was when the transfer actually took place, the summer of 1947. For the British to have stayed on longer would have achieved nothing, we agreed. For the British to have left India by the end of 1945 (assuming that this was logistically possible, which it wasn't, or that the electorate in England would have supported such a policy, which is doubtful), would have been catastrophic, Moon believed. India would have sunk into 'a kind of China situation' from which she would only be beginning to emerge. I take his word on this (is it important anyway?), but I'm not convinced because I differ with him on two points. I tend to agree with Gandhi that the Congress and the League would never get together as long as the British were here and each side could run to them in an attempt to outflank the other, and I think that the shock of a brutally sudden British withdrawal would have prevented civil war. Moon would answer this by saying that

war would have resulted because by that time Jinnah was too far committed by his public statements to back down from his position even if faced with hostilities. This is a strong argument, but Jinnah's bargaining over Pakistan as late as the fall of 1946 makes one wonder. Anybody got a coin?

I've talked to a variety of people besides Moon. I've had two interviews with Minoo Masani, who has brains, a sense of humor that includes self-irony and who talks too fast for successful note-taking. He has been most kind and helpful and has offered me the use of any papers he has when I go to Bombay. I had a second interview with Dr. Kunzru which produced some helpful general ideas but few specifics. The same afternoon that I saw Kunzru, Krishna Menon received me. For the twenty minutes that I saw him he didn't live up to his peppery reputation. He received me cordially and seemed interested in what I was doing. He talks softly and makes remarks in an offhand way so that, unless both ears are cocked, one misses his points. He asked me to call again and said he would try to find a draft constitution he wrote in the summer of 1946 and which had some influence on the present constitution, particularly on the Preamble, I'm told. Menon sent me to K.R. Kripalani, who in the summer of 1946 was Organizing Secretary of the AICC and convener of the Congress Expert Committee on the Constitution. Kripalani told me a few things before he had to rush off to find a new house, his present one having been damaged by the earthquake. I also called on Tajamul Husain, one of the two readily available Muslims from the Constituent Assembly. He's a Shia. I hope our next visit will be more productive.

More visits: to N.C. Chatterjee, a powerful lawyer, former Calcutta High Court judge, and Hindu Mahasabha president, who talked about Assam but who is supposed to put me in touch with a helpful man from the Mahasabha; to M.N. Kaul, secretary of the Lok Sabha, whose forbidding manner made all look hopeless but who became genial, garrulous and inclined to be helpful; to V.K.N. Menon, director of the Indian Institute of Public Administration, who offered me the use of some papers in the Institute's library; to K. Santhanam, a former editor of the Hindustan Times, Constituent Assembly Member, and active Congressman, who was pleasantly reminiscent but generally factless; and to K.M. Munshi.

K.M. Munshi was Mr. Activity of the Constituent Assembly. He was a member of the Congress's Expert Committee on the Constitution and he was on at least six of the Assembly's 10 committees, including the Drafting Committee. If we accept Nehru and Patel as the most influential men in the constitution making and place B.N. Rau and Dr. Ambedkar second, we can safely call Munshi third man. He has, next to the President, the most complete set of papers on the Constituent Assembly. This is not counting Dr. Ambedkar's papers, which I'm still tracing, and Sardar Patel's, which are kept secret by his sister, Maniben. My happy news is that Munshi has offered me the use of his papers. I hope this extends to microfilming them. I've looked over the collection; it contains the minutes, more or less complete, of the Drafting Committee and four other committees, a few minutes from the Congress Expert Committee and some personal correspondence.

My little adventures in dustiness for this newsletter took place in the AICC publications warehouse and office. A request for all the publications Congress had ever issued and of which they still had copies, produced a stack about a foot high. I took those gratefully and had a look around the shelves of the office while they totalled the cost. Result: two more inches. Several days later I went to the warehouse, in three hours I added two feet more of publications, many of them from the framing period and grist for my mill. While the office was determining the cost, I looked in an unexplored corner and added six inches to the two feet. Total: three feet eight inches, as good a way to measure political propoganda as any I can think of. And I hope the Congress is not yet squeezed dry.

For three days, ending yesterday, the Lok Sabha discussed the Assam disturbances of July. Thanks to Masani, I received tickets and heard two days of the debate. Before the debate each day, there was the usual question hour and statements by the government in response to requests. I heard half a dozen ministers speak and watched several snappy exchanges. The most entertaining spat was between Nehru and a Communist member, Hiren Mukerjee. Nehru became quite angry for a few moments and had Mukerjee on the ropes over Communist propoganda in the border districts and Communist behavior generally. He left no doubt that India was friendly with Russia but that no one would be allowed to endanger India's national security. Two things especially interested me. Nehru said at one point that he hoped he'd always have the courage not to be for India right or wrong, that India must be right. One can say that this is full of loopholes, but I wonder if an American President would dare say that he was not for the United States 100%. At another time, Nehru said he had been accused of having a 'Communist phobia'--a foolish remark if I ever heard one--and that this was not true because India had very good relations with 'the largest Communist country in the world, Russia'. China lost 400 million people rather quickly.

Back to Assam. The first week in July, the Assamese in about six districts of Assam ran amuck, killing at least 40 Bengalis, destroying about 10,000 houses and making refugees out of nearly 42,000 Bengalis who had settled in Assam. The reasons were economic, linguistic, and that Assamese haven't liked Bengalis for a long time. The affair seems to have shaken the press and the Government, if not the public. Nehru called it 'totally unpardonable' and one of the worst things ever to happen in India. All parties have deplored the events, condemning 'linguistic chauvinism' and the dangers to national unity. On Independence Day, August 15, most of the speeches around India were devoted to the need for, and the danger threatening, national unity. But the disaster doesn't seem to have wised up many in Bengal and Assam. In much of Bengal, Independence Day celebrations were boycotted and government buildings flew black flags. In the Lok Sabha the other day, an Assamese Praja Socialist Party member accused his own party leader of trying to sacrifice the Assamese branch of the party in the interests of national unity. When Nehru went to Assam in July and lectured the Assam Congress about its behavior, the meeting reportedly broke up in disorder with fists shaken and shouts of 'Go home, Nehru'.

Nehru has come out for, and Parliament will almost certainly agree to, a judicial inquiry in the near future to determine who the culprits were. He also favors a further full scale inquiry into the reasons for the disaster, but at a much later date as he believes that such an inquiry now would open wounds rather than heal them. Both the Assam and Bengal governments are crying 'foul', the Nagas still make threatening noises, the Akalis still call for Punjabi Subha; India hasn't yet learned its lesson.

For many years prior to the 1945 - 50 era, the Indian National Congress had been the most powerful movement in India. The elections of 1945 to the Central Assembly and the Provincial Assemblies showed that the Congress, as a movement turning political party, was nearing the height of its power. It was unchallenged except by the Muslim League and, after Partition, the Congress was again unchallenged in India. This was the era of constitution making and one could reasonably deduce that the Indian Constitution is a one party, a Congress, document, because it was written by a Constituent Assembly elected by the members of the Provincial Assemblies wherein the Congress had huge majorities. This isn't necessarily so, however, and the degree of its truth or inaccuracy is vital if one is to understand how the Constitution got the way it is.

Party representation in the Constituent Assembly was based on party strength in the Provincial Assemblies. Congress was allotted, therefore, nearly 90% of the seats in the Assembly. When the elections to the Constituent Assembly were held in July 1946, the Congress members of each Provincial Assembly voted into the Constituent Assembly as their representatives the people whom the All-India Congress Party had previously chosen to fill the seats--each Provincial Congress Committee, which controlled the Congress Assembly members in its province, had received from the Central body a list of whom were to be elected. Generally they were those thought to be able or deserving in that particular Assembly, but, as there were no residence requirements for legislators--as in England--any man could be elected to the Constituent Assembly by any provincial assembly. It was the perfect opportunity to create a packed House to steamroller through the pet ideas of the Congress High Command. But the High Command, and more particularly, Nehru, was too sensible and too fair to do this, and instructed the provincial legislatures to elect a number of outstanding non-Congressmen such as H.N. Kunzru, B. Shiva Rao, N.C. Ayyangar, A.K. Ayyar. (Mr. Shiva Rao told me that before the July elections he had gone to Gandhi with a list of about 15 prominent non-Congressmen and told him that they should be in the Assembly.) Nor were Congressmen who had been stronger in dissent from, than in support of, Congress policies, left off the lists. Nehru's aim was to have all shades of opinion within the Assembly in order to frame the most acceptable, if not the best possible, constitution. Once the Congress had these constitutional stars in the Assembly, it did not shelve them. The composition of the Drafting Committee is the perfect example. Of its seven original members, only two were Congressmen, although four members were elected on the Congress ticket. The remaining members were one from the Muslim League, one from a former Indian State, two independents, and one

Untouchable, Dr. Ambedkar, who had been elected by the Scheduled Castes Federation, and had long been a foe of the Congress.

This is not to say that Congress twiddled its thumbs while someone else ran the Assembly. The Congress had experience with government by Parliamentary majority and believed it to be the most effective way of getting things done. The device it used for efficiency and discipline, and as a forum, was the Congress Parliamentary Party. Every member of the Assembly elected on the Congress ticket was a member of the Parliamentary Party and free to attend the afternoon sessions it held when the Constituent Assembly was sitting. From 100 to 200 members attended these daily sessions where they discussed or fought over the items on the next day's agenda. Everyone who wanted to, it seems, spoke his piece. Generally they arrived at decisions by long discussion, persuasion, concession, retreat, and compromise, believing, in the Indian manner, that to mollify one's opponent and to win him over by persuasion is more effective, less divisive, and less embittering than crushing him with a negative vote. On several occasions, though, the different stands couldn't be reconciled and the long fight was settled by a vote. (Is such an issue ever 'settled'?)

Certain issues on Fundamental Rights were solved this way, whether or not to include the 'due process' clause, for example, also the question of how much compensation should be paid to a landowner or zamindar (tax-farmer) when his land was taken by forced sale--the Finance Minister, Matthai, reportedly walked out of this session because he thought the amount of compensation unfair. Votes ended a long battle at least twice on the language issue. Reportedly the majority was only of one when the Parliamentary Party voted in favor of a 15 year period of grace for English as the de facto national language.

Once the Party session had taken its decision, party discipline came into force. Usually it was complete, but one or two people frequently took their losing point of view to the floor of the House the next day--perhaps in genuine protest but uselessly, as the majority of the Assembly had already turned them down. The Party allowed free voting and open debate on the floor of the Assembly on some issues, however. It is very evident to the reader of the Debates when this happened as there is a public free-for-all instead of preordained smoothness.

The inner circle of the Parliamentary Party was the Executive Committee. This was the caucus. The members were those who had once been members of the inner group of Congressmen in the Central Assembly under British rule (they were able but second rank Congressmen, as the High Command had stayed out of the Central Assembly) and the High Command which was newly come into the Constituent Assembly. Men like Maulana Azad, Nehru, Patel, Asaf Ali, Sarat Chandra Bose, N.V. Gadgil, K.C. Neogy, T.D. Bhargava, Minoo Masani, and Sri Prakasa were members. This committee took most of the routine decisions and the Parliamentary Party as a whole ratified them. If Nehru and Patel had agreed on an issue, it was nearly impossible to stand against them. If, as sometimes happened

Nehru and Patel couldn't agree, each of them solicited supporters in the Party. As one man told me, it is somewhat like Khrushchev going to the Central Committee to get support against the Politburo. Despite their power, it appears that Nehru and Patel didn't ride roughshod over the dissenters and the unconvinced, but swung them around by the force of their arguments. I doubt if back-benchers in most assemblies can affect party policy much more than the ordinary Congressmen did in the Constituent Assembly. What the Assembly lacked was a powerful Opposition, but while I can imagine such a body existing administratively, I wonder if it could have brought forward any ideas not already held and expressed by Congress members.

Sincerely yours,

*Red Austin*

Granville Austin

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