

24. IMPORTANT LEGISLATIONS

GOVERNMENT OF INDIA ACT, 1858

- After the revolt of 1857, the administration of the British East India Company was over, the British India territories were taken over by the British Crown, and an Act called, 'The Act for the better Government of India, 1858' was passed.
- With the enactment of the Government of India Act, 1958, India was to be governed by the Secretary of the State for India assisted by a council of 15 members. The Secretary of State would directly be responsible to the British Parliament.
- The Governor-General received the title of Viceroy. Lord Canning was the first Viceroy of India.
- The Government of India Act, 1858, made the provision for the appointment to the covenanted civil services through the open competitive examination.

THE INDIAN COUNCILS ACT, 1861

- The Viceroy's legislative council was enlarged and from now onwards it was known as Imperial Legislative Council.
- A fifth member was added to the Viceroy's executive council.
- The portfolio system (based on Lord Canning's Rules of Business) was introduced, in which each member of the Viceroy's executive council was put in charge of a department.
- In Bombay, Bengal and Madras provinces, the legislative councils were established.
- The Indian Councils Act, 1861, empowered the Governor-General to issue ordinances which were not to remain in force for more than six months.

Morley - Minto Reforms

- To placate the moderate nationalists, British government announced constitutional concessions through the Indian Councils Act of 1909 which are known as the Morley-Minto Reform of 1909.
- Popularly known as the Minto-Morley Reforms, they took their name after their official sponsors, Minto the Governor-General and John Morley, Secretary of State for India.

- In 1908, the British Parliament appointed a Royal Commission on Decentralisation to inquire into relations between the Government of India and the provinces and suggest ways and means to simplify and improve them.
- More specifically, it was asked to suggest 'how the system of government could be better adapted both to meet the requirements and promote the welfare of the different provinces'.
- Later in the year, on the basis of its recommendations a Bill was introduced in Parliament which, in May 1909 emerged as the new scheme of constitutional reform.

INDIAN COUNCILS ACT, 1909

- Its authors claimed that the chief merit of the Act lay in its provision to further enlarge the legislative councils and at the same time, to make them more representative and effective. This was sought to be done under two main heads - Constitutional and Functional.
- Constitutionally, the councils were now bigger, their numbers doubled in some cases and more than doubled in others.
- Thus, whereas the Indian Council Act of 1892 had authorised only a maximum of 16 additional members, that figure was now raised to 60.
- In much the same manner, the number of additional members for the Presidencies of Madras, Bombay and Bengal were raised, from 20 to 50.
- The proportion of official to non-official members in the Governor-General's Council was substantially reduced. The new figures were 36 to 32. Of the latter, 27 were to be elected and 5 nominated. In this way, the Council continued to have the official majority.
- This was a deliberate policy. In provinces, there was to be a non-official majority for the first time.
- In Bengal there was even an elected majority, outnumbering both the official as well as nominated non-official blocs - 28 to 20 and 4 respectively.



- The Morley-Minto Reforms increased the number of elected members in the Imperial Legislative Council and the provincial councils.
- But most of the elected members were elected indirectly by the provincial councils in the case of the Imperial council and by municipal committees and district boards in the case of provincial councils.
- Some of the elected seats were reserved for landlords and British capitalists in India. For instance, of the 68 members of the Imperial Legislative Council, 36 were officials and 5 were nominated non-officials.
- Of the 27 elected members, 6 were to represent the big landlords and 2 British capitalists.
- Moreover, the reformed councils still enjoyed no real power, being merely advisory bodies.

Critical Appraisal of the Act:

The real purpose of the Reforms of 1909 was to confuse the moderate nationalists, to divide the nationalist ranks, and to check the growth of unity among Indians.

The Reforms also introduced the system of separate electorates under which all Muslims were grouped in separate constituency from which Muslims alone could be elected. This was done in the name of protecting the Muslims minority. But in reality this was a part of the policy of dividing Hindus and Muslims and thus maintaining British supremacy in India.

This nation was unscientific because religions cannot be the basis of political and economic interests or of political groupings.

What is even more important, this system proved extremely harmful in practice. It checked the progress of India's unification which had been a continuous historical process. It became a potent factor in the growth of communalism - both Muslim and Hindu - in the country.

The separate electorates thus introduced for Muslims were later viewed by the Simon Commission as a cardinal problem and ground of controversy at every revision of the Indian electoral system.

Instead of removing the educational and economic backwardness of the middle class Muslims and thus integrating them into the mainstream of Indian nationalism, the system of separated electorates tended to perpetuate their isolation from the developing

nationalist movement. It encouraged separatist tendencies.

It prevented people from concentrating on economic and political problems which were common to all Indians, Hindu or Muslim.

Apart from their constitution, the functions of the councils also underwent a change. They could now, for instance, discuss the budget before it was finally settled, propose resolutions on it and divide upon those resolutions. The budget apart, members could discuss matters of public importance through resolutions and divisions. Additionally, the right to ask questions was enlarged and supplementaries allowed.

It may be noted that the resolutions were in the nature of recommendations and were not binding on the government.

A much trumpeted change was the appointment of an Indian to the Executive Council of the Governor-General; Indians were also appointed to the councils in Madras and Bombay. Satyendra Prasanna Sinha, later Lord Sinha, was the first Law Member. Two Indians were appointed to the Council of the Secretary of State in London.

In Madras and Bombay, the Executive Councils were enlarged from 2 to 4. Such Councils were also to be formed in provinces ruled by Lieutenant Governors. An executive council was thus constituted in Bengal (1909), Bihar, Orissa (1912) and the United Provinces (1915).

The moderate nationalists did not fully support the Morley-Minto Reforms. They soon realized that the Reforms had not really granted much. But they decided to cooperate with the government in working the reforms. This cooperation with the government and their opposition to the programme of the militant nationalism proved very costly to them. They gradually lost the respect and support of the public and were reduced to a small political group.

In 1911, the Government also announced the annulment of the Partition of Bengal. Western and Eastern Bengals were to be reunited while a new province consisting of Bihar and Orissa was to be created. At the same time the seat of the Central Government was shifted from Calcutta to Delhi.

MONTAGUE'S DECLARATION

- In August 1917, the new Liberal Secretary of State for India, Edwin Montagu, announced the British aim of "increasing association of Indians in every



branch of the administration, and the gradual development of self-governing institutions, with a view to the progressive realization of responsible government in India as an integral part of the British Empire”.

- Although the plan envisioned limited self-government at first only in the provinces - with India emphatically within the British Empire - it represented the first British proposal for any form of representative government in a non-white colony.
- Earlier, at the onset of World War I, the reassignment of most of the British army in India to Europe and Mesopotamia, had led the previous Viceroy, Lord Harding, to worry about the “risks involved in denuding India of troops.” Revolutionary violence had already been a concern in British India; consequently, in 1915, to strengthen its powers during what it saw was a time of increased vulnerability, the Government of India passed the Defence of India Act.
- This Act allowed British Govt, to intern politically dangerous dissidents without due process, and added to the power it already had - under the 1910 Press Act - both to imprison journalists without trial and to censor the press.
- Now, as constitutional reform began to be discussed in earnest, the British began to consider how new moderate Indians could be brought into the fold of constitutional politics and, simultaneously, how the hand of established constitutionalists could be strengthened.
- However, since the Government of India wanted to ensure against any sabotage of the reform process by extremists, and since its reform plan was devised during a time when extremist violence had ebbed as a result of increased governmental control, it also began to consider how some of its war-time powers could be extended into peace time.

MONTAGUE-CHELMSFORD REFORMS

- The Montague-Chelmsford Reforms were reforms introduced by the British Government in India to introduce self-governing institutions gradually to India. The reforms take their name from Edwin Samuel Montague, the Secretary of State for India during the latter parts of World War I and Lord

Chelmsford, Viceroy of India between 1916 and 1921.

- The reforms were outlined in the Montagu-Chelmsford Report prepared in 1918 and formed the basis of the Government of India Act 1919. Indian nationalists considered that the reforms did not go far enough while British conservatives were critical of them.

GOVERNMENT OF INDIA ACT, 1919

- The Government of India Act 1919 was passed by the Parliament of the United Kingdom to expand participation of the natives in the government of India. The Act embodied the reforms recommended in the report of the Secretary of State for India, Sir Edwin Montague, and the Viceroy, Lord Chelmsford. The Act covered ten years, from 1919 to 1929.
- The Act provided a dual form of government (a “dyarchy”) for the major provinces. In each such province, control of some areas of government (the ‘transferred list’) were given to a Government of ministers answerable to the Provincial Council. The ‘transferred list’ included Health and Education. The Provincial Councils were enlarged.
- At the same time, all other areas of government (the ‘reserved list’) remained under the control of the Viceroy. The ‘reserved list’ included Defence (the military), Foreign Affairs, and Communications.
- The Imperial Council was enlarged and reformed. It became a bicameral legislature for all India. The lower house was the Legislative Assembly of 144 members, of which 93 were elected and 41 were nominated. The upper house was the Council of States consisting of 34 elected and 26 nominated members.
- This structure allowed Britain to use the Princely States (who were directly represented in the Council of States) to offset the growing power of the native political parties.
- The Act also provided for a High Commissioner who resided in London, representing India in Great Britain.
- The Indian National Congress was unhappy at these reforms and termed them as ‘disappointing.’ A special session was held in Mumbai under Hasan Imam and the reforms were condemned.



However, leaders such as Surendranath Banerjee were inclined to accept the reforms, so they left the Congress and formed the Indian Liberal Federation, which played a minor role in subsequent affairs.

The Government of India Act, 1935

The Constitution introduced by the Act of 1935 was federal in structure embracing the Indian States as well as the British Provinces, each autonomous within its own sphere with a Federal Court to decide matters between the Federal Government and federating units. The Federation was to consist of the Provinces called Governor's Provinces, Indian States and Chief Commissionerships of whom the Provinces and the Chief Commissionership had no choice in the matter of joining the Federation, only the States had. Each State joining the Federation had to sign an Instrument of Accession detailing the powers it would be ready to delegate to the Central Government, beyond which the Central Government would have no power in that state, not so with regard to the Provinces, in relation to which the powers of the Federal Government were precise and laid down in the Act.

Federation was to be established when Rules of States representing not less than half of the aggregate population of India and entitled to not less than half the seats to be allotted to the States in the Federal Upper Chamber have acceded to the Federation and an address has been presented to the King by both the Houses of Parliament calling upon him to proclaim the establishment of Federation. The Federal Government was to consist of the Federal Executive and the Federal Legislature.

The Federal Executive : The Executive head of the Federation was to be His Majesty, whose authority was to be exercised on his behalf by the Governor General and was to extend to all matters in which the Federal Legislature had power to make laws, to the raising of forces and to the exercise of such rights as are exercisable by His Majesty by treaty, grant and usage and to exercise all powers in relation to the tribal areas.

The Federal Legislature was to consist of two houses known as the Council of State and the Federal Assembly. The former was to consist of 156 members from British India and 104 members from the acceding States. While the latter was to consist of a total of 375 members of whom 125 were to be representatives of

the states. The Council of State was to be a permanent body, one-third of its members retiring every third year, while the Federal Assembly was to continue for five years unless sooner dissolved. The allocation of seats between the communities was to be in accordance with the Communal Award. Members from Provinces were to be elected with this difference that election to the Council of State was to be direct, while that to the Federal Assembly indirect. Members from States were to be nominated by the ruler himself. The Federal Legislature would have the power to legislate on all matters included in the Legislative list subject to the powers and special responsibilities of the Governor-General.

The powers of the Governor General were two-fold. Firstly those that he exercised in his discretion and secondly those that he exercised in his individual judgement. In respect of the former, his Minister had no right to advise him and he was not bound to consult them. In respect of the latter the Ministers had a right to advise him, but the Governor General was not bound by that advice. In both cases he was supreme, irresponsible and irremovable.

The Governor-General and the Reserved subjects. The Act of 1935 while it abolished diarchy in the Provinces introduced in the Centre. Certain subjects as defence, ecclesiastical affairs, external affairs and tribal areas were classed as reserved subjects in relation to which the Governor General was supreme exercising all powers in his discretion. To assist him in the administration of the reserved subject he may appoint councillors not exceeding three in number who will be responsible to him alone.

Special responsibilities of the Governor-General -

The Act enumerated a list of subjects and classed them as the special responsibilities of the Governor-General in relation to which he was to act in his discretion. The list included such matters as:

1. the prevention of any grave menace to the peace of tranquility of India or any part thereof;
2. the safeguarding of the financial stability and credit of the Federal Government;
3. the safeguarding of the legitimate interests of the Federal Government.
4. the safeguarding of the legitimate interests of the minorities;
5. the protection of the rights of any caste and the rights and dignities of the rulers thereof;



6. prevention of action which would subject goods of the United Kingdom or of Burmese origin imported into India to discriminatory or penal treatment etc. In addition, the Governor-General was to have certain legislative and emergency powers;

Legislative Powers : The Governor-General had power to make ordinances immediately he was satisfied that circumstances exist which render it necessary for him to take immediate action. The ordinance were of two kinds:- first, those which he promulgated when the Legislature was not in session and which lapsed immediately on its meeting unless extended by it; second, those which he made irrespective of the session of the Legislature or its wishes. In addition he had powers to enact such bills as he deemed necessary as Governor-General's Acts. No bill passed by the Legislature could become law without the Governor-General's consent, which he is in his discretion could give or refuse to give or send down the bill for reconsideration or reserve it for his Majesty's pleasure. He could stop the discussions of any bill or any part thereof on the ground that it interfered with the proper discharge of his special responsibilities. In case of emergency the Governor-General had power to suspend the Constitution by proclamation and assume all the powers of the Federation himself.

Council Of Ministers: There was to be a Council of Ministers chosen by the Governor-General, not exceeding ten in number to aid and advise him in his functions. The Governor-General was not bound to accept their advice. They were to hold office during his pleasure. This was the provision for the inclusion of the popular element in the executive.

The Provincial Government: The Act made the province entirely independent of the center and in no way subordinate to it, each drawing its powers from the constitution. In its structure the Provincial Governments were very similar to the Central Government with this difference that the provincial Legislatures had no representatives from the states and some were unicameral, the Governor had no reserved subjects to look after there were slight changes in the list of special responsibilities.

The Provincial Executive: The executive authority of the Province was to be exercised by the Governor on behalf of his Majesty and limited to

matters in respect of which the provincial legislatures had power to make laws.

Council Of Ministers: To aid and advise him the Governor was empowered to appoint a Council of Ministers chosen by himself and holding office during his pleasure. While the selection of his Ministers was entirely left to the discretion of the Governor the Instrument of Instructions enjoined him to select Ministers in consultation with a person most likely to command a stable majority in the Legislature and to appoint those persons including so far as practicable members of important Minority communities who will best be in a position to command the confidence of the Legislature. But in so doing he shall bear constantly in mind the need for fostering a sense of joint responsibility among the Ministers. The Governor was not, however, bound by the advice of his Ministers and none of his actions could ever be called in question.

Special Responsibilities And Powers Of The Governor : The Act enumerated certain special responsibilities of the Governor in the discharge of which he was empowered to act in his discretion, i.e. not bound to consult his Ministers. Some of the special responsibilities were:

1. the prevention of any grave menace to the peace of any part thereof;
2. the safeguarding of the legitimate interest of minorities;
3. the safeguarding of the interest of the services;
4. the securing of the peace and good government of partially excluded areas.
5. the protection of Indian States and the rights and dignities of the rulers thereof;
6. the securing of the execution of orders and directions of the Governor-General made in his discretion..
7. the Governor in his discretion was empowered to make rules for securing that no information relating to the Intelligence service dealing with terrorism is to be disclosed beyond persons indicated by the Governor-

Powers Of Governor : The Act empowered the Governor in his discretion to promulgate ordinances and to assume the entire administration of the Province by a proclamation when satisfied that the Constitution of the Province could not be carried on. To such a proclamation of the concurrence of the Governor-



General was essential. Further the Act empowered the Governor for the satisfactory discharge of his functions to make Acts which shall have the same force as any other Act. No bill passed by the Provincial Legislature was to become law unless assented to by the Governor. He may in his discretion refuse to give assent or send down the bill with recommendations for consideration or with suitable amendments.

Provincial Legislature : The Provincial Legislatures were to be entirely elected bodies, except for some seats in the Upper House. They were to consist of two chambers in the Provinces of “Madras (Tamil Nadu), Bombay (Maharashtra), Bengal, Uttar Pradesh, Bihar, and Assam known as the Legislative Assembly. In other Province the Legislature was to consist of one house known as the Assembly. The provincial Legislatures had powers to make laws pertaining to all matters enumerated in the Provincial Legislative list. The Legislative Assembly was to continue for five years unless sooner dissolved while the Council was to be a permanent body, one-third of its members retiring every third year. The members of both Houses were to be elected in accordance with the Communal Award. Powers of both the Houses were to be coordinated except in money bills which were to originate in the Lower Houses.

Finance Under The Act Of 1935 : The heads — of revenue were divided between the center and the provinces except a few, such as income-tax etc. The budget both in the Central and Provincial Governments was divided into two parts which may be described as votable and non-votable. Members of the Legislature had power to vote, cut and refuse grants, but the Governor-General or the Governor had power to restore the cut or refuse grant, and in this final shape the budget was to be passed without voting.

Division Of Subjects: Every federation implies a division of subjects between the Federation and the federating units. The Act of 1935 effected this division by enumerating three list of subjects the Federal list, the Provincial list, and the concurrent list.

The Federal List: This list contained all subjects on which the Federal Legislature had power to make laws. This included subjects of all India interest in which it was admissible that the administrative authority should be one. Matters such as the armed forces, currency, post and telegraph, control services,

railways etc., were included in the Federal list. In all, the list included some 50 subject.

The Provincial Legislative List : The provincial included matters of provincial and local interest such as education, land revenue, law and order, public health, local” self- government, press, provincial services, excise etc. In all the list included some 54 subjects.

The Concurrent List : The concurrent list enumerated subjects on which both the Federal . as well as the Provincial Legislatures had power to make laws. In case of conflict between the two, the law of the Federal Government was to continue. The list included such subjects as Criminal law and procedure. Civil Procedure, Marriage and Divorce bills tenancy and succession etc. In all the list enumerated 36 subjects.

Residuary Powers: The Act provided that in case of subjects not enumerated in the three lists the Federal Government had power to make laws and in case of conflict as to which subject fell in what list and which authority had power to make laws pertaining to it, the Federal Court “was to decide.

The Federal Court: The Act provided for the institution of a Federal Court sitting at Delhi consisting of the Chief Justice of India and six Puisne Judges. The Court was to have original, appellate and advisory jurisdiction. The original jurisdiction related to matters concerning the interpretation of the Constitution as for instance whether a particular subject falls within the Central or Provincial List. Its appellate jurisdiction extended to the hearing of appeals from the judgement or decrees of High Courts in India in matters in which the High Court certified that the case involved a substantial question of law as to the interpretation of the Act of 1935. The advisory jurisdiction of the court extended to matters, referred to it by the Governor-General involving questions of law for its advice.

The Council Of The Secretary Of State : Criticism against the Council of State had been long and sustained. The Act abolished the Council and in its place empowered the Secretary of State to appoint not more than six and not less than three persons to advise him on matters referred to them by the Secretary of State. The Secretary of State was not bound to accept their advice in matters so referred. The change made the Secretary of State more powerful than he was before. **Criticism Of The Act:** Such in brief was the structural outline of Act 1935. Criticism against its



provisions, especially its combination of the autocracy of the States with the democracy of the Province and the wide powers of the Governor-General and Governors was vehement. Its model though based on the Federal structure was based on the same principle of checks and balances, special powers and responsibilities which underlay the previous constitutional acts. And yet the Act did mark an appreciable advance from the position of 1919. The Federal part of the new constitution was never put in operation and was finally suspended with the outbreak of the war in 1939. The provincial part, however, was set in motion in 1937.

Election And The Formation Of Ministries :

Elections under the new Act to the Provincial Legislature were held in 1936-37. The Congress and the League both contested the elections, with this difference that while the League fought the elections having determined to utilize the provincial legislatures for all that they were worth, the Congress fought the elections with no clear thought of accepting office. The elections manifested the extreme popularity of the Congress and at the same time the growing bitterness of communal feelings. While the Congress swamped the polls in the general constituencies the Muslim League was equally successful in the communal electorates. The attempt of the Congress to nominate Congress Muslims for Muslim seats invariably failed. Invariably the Muslim League candidate won; the attempt, however, further embittered Congress-League relations. In the five Provinces of Madras (Modern Tamil Nadu), Bihar, Orissa, C.P. (a part of Modern Madhya Pradesh and Maharashtra), N.W.F. Province, Bengal (Modern Bengal & Bangladesh) and Assam it was the largest single party, without the cooperation or neutrality, of which no ministry could be formed. The Muslim League was in no position to form a Ministry anywhere, no even in the Muslim majority provinces. Muslim politics were being distracted by personal rivalries and jealousies. The question of office acceptance became the burning topic of the day. The Congress which alone could form the ministries and work the provincial scheme refused to accept office unless it was assured that the extraordinary and special powers of the Governor would not be used. Neither Lord Linlithgow the Viceroy, nor Lord Zetland, the Secretary of State were ready to give the assurance, with the result that the majority party kept out of office. Lord Zetland, in an attempt "to further embitter the

already bitter relations between the Congress and the League, coupled his refusal to meet the Congress demand for assurances vis-a-vis the Governor's special powers with a reference to the interests of minority and the situation which would arise if the Congress in office acted against it. A reduction in the number of schools he said for a minority community by a ministry would be clearly within the Congress formula for it would be legal and could not be described as other than a constitutional activity. So the Governor would no longer be free to protect the minority. It was precisely because it was realized that such an action would be possible within the constitution that Parliament had inserted the safeguards. The statement had its desired effect; the Muslims became suspicious as to the intention of the Congress behind the demand for assurances. While the Congress without the assurance stood aloof, attempts to form ministries were made but they proved futile. A compromise between the Congress and the Government was arrived at. The Viceroy in a statement of June, 1937 assured the Congress that the Governors would not interfere in the day to day administration of the provinces. The Congress agreed and formed Ministries in seven Provinces of N.W.F. Province, U.P., C.P., Bihar, Orissa, Madras and Bombay. A little later it formed coalition ministries in Sind and Assam. The refusal of the Congress to enter into coalitions with the League or any party in the provinces in which it was in the majority, considerably influenced Muslim League politics. The Muslims were annoyed, and from the opposition benches began to propagate a series of imaginary grievances and to paint the Ministers as despots out to exterminate the minorities. This stream of falsehood intensified the communal virus leading to riots and disturbances, which were "used to great advantage" by the League propagandists. Jinnah who was gradually developing the idea that the League alone represented the Muslims and he alone represented the League could not tolerate the inclusion of Muslim nationalists in the Congress Ministries. He characterized them as traitors and show-boys. He was annoyed at their inclusion as it meant to him an attempt to alienate the Muslim masses from the League. For the same reason he was antagonistic to the Muslim mass contact of the Congress. To keep the Muslim masses attached to him and the League, he kept them intoxicated with hatred for the Hindus and the Congress which he described as a party filled them with vague fears about the impending threat to their religion and



culture, exhorted them to unite and rise under the League for the defence of Islam. A list of imaginary atrocities of the Congress against the Muslim, he diligently drew up and spread throughout the country. The sentiments of the Muslims were roused and the power of Jinnah rose to immeasurable heights. In pursuance of the resolution of the League dated 20th March, 1938, a committee under the Raj of Pirpur in U.P. was appointed to investigate the injustice suffered by the Muslims in general and the workers of the League in particular, reports concerning which were alleged to have been received by the Central office of the League. Within eight months the Raj of Pirpur submitted his report. It fulfilled the purpose for which the Committee had been designed. It was an astute move to give a sort of ratification to the virulent propaganda of the League. With its publication the communal barometer registered another rise. The repeated refutation of the Congress Ministries regarding the harrowing tales of oppression and misery could not wipe out the impressions made. Dr. Rajendra Prasad, the Congress President, then offered to have the matter investigated by an impartial tribunal and suggested the name of Sir K. C. Gwyer, but Jinnah had no interest in or desire for impartial investigation. His only purpose was to make the charges for the purpose of exciting communal fury and in this he was completely successful. In fact the Congress in an attempt to vindicate its position as a national, non-communal body often sacrificed the interests of the majority community and exposed itself to attacks from the Hindu Mahasabha. With every increase in the virulence of the League and the seemingly pacifist policy of the Congress towards it, the power of the Mahasabha and other Hindu organizations increased. Attacks upon Gandhi and the Congress as Pro-Muslim were repeatedly made and the popularity of the Congress among the Hindus considerably diminished.

The attempts at Hindu-Muslim settlement which were incessantly made failed, for each attempt saw Jinnah's Demands rise higher by a degree. Finally Jinnah took up a position in which any settlement became impossible. In his letter to Gandhi in March, 1938 he wrote. We have reached a stage when no doubt should be left. You recognize the All India Muslim League as the one authoritative and representative organization of Muslims in India and on the other hand you represent the Congress and other Hindus throughout the country. It is on that basis we can proceed further and devise the machinery of approach. For the Congress to agree to such a position was to sacrifice its own existence and to abandon the character which it had claimed for more than half a century, it was ready to recognize the League as the "largest Muslim organization but not the only one. It could not sacrifice the nationalist Muslims or the Khatris of the Frontier Province. But Jinnah would not budge an inch from the position he had taken up, and it was on this vital point that all the attempts failed. Each failure increased communal bitterness, for invariably the correspondence was published and while the Congress blamed Jinnah for his intransigence, Jinnah blamed the Congress for its refusal to recognize the League as the sole representative of the Muslims, and attributed its refusal to a desire to divide the Muslims. With the outbreak of the war in September, 1939 a sincere effort was made by the Congress to come to a settlement with the League but in vain and with pathetic desperation Jawahar Lal Nehru wrote in December, 1939. Unfortunately we never seem to search even the proper discussion of these problems as various hurdles and obstructions in the shape of conditions precedent come in our way. As these hurdles continue and others are added to them I am compelled to think that the real difficulty is the difference in the political outlook and objectives. This really was the case as we shall presently see.

