THE FORGOTTEN YEARS

Memoirs of

Sir Muhammad Zafrullah Khan

Edited by
A.H. Batalvi

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EDITOR'S NOTE

This is an edited version of Sir Muhammad Zafrulla Khan's Memoirs. It records a remarkable success story without any recourse to dramatics or even over-statement. The period covered is almost an epoch; an epoch, moreover, which has brought great, almost apocalyptic changes in the world, embracing as it does two world wars, two major revolutions, fall of mighty empires, to say nothing of the advent of the bomb under whose fearful ministry mankind now seems doomed to life. His own career began in the quiet backwaters of the Punjab at Sialkot where he briefly practiced as a lawyer; it ended at the Hague where he served as a distinguished President of the International Court of Justice. In between he has occupied positions of great eminence and prestige - he has been a member of the Executive Council of the Viceroy in the days of the Raj, judge of the Federal Court of India, the Indian Government's representative in China under Chiang Kai-Shek, Foreign Minister of Pakistan, and President of the United Nations General Assembly. Thus he has been close to even if he may not have commanded the ultimate levers of decision-making.

The Memoirs, therefore, throw a great deal of light on men and events that have shaped the history of our times. The fact that he is, by temperament and self-imposed discipline, a man of considerable reticence does not in any way detract from the interest of his narrative. Rather it enhances it. Because he never raises his voice and resists all temptations to imaginative embroideries, he induces in the reader a willing suspension of disbelief. We may not wholly agree with his presentation of facts; we may even question his interpretations of them and feel that he has evaded certain basic questions; but at no point do we sense any willful insincerity or even disingenuousness. This is a rare virtue in an autobiography.

The personality that emerges from the pages of these Memoirs is an engaging one, of a man gentle, unassertive, perhaps even somewhat introverted, or at least reserved, who has tried to do good according to his lights and without any ostentations. Indeed, we are even a little puzzled that in a world where virtue has to be its own reward any success was vouchsafed him as it undoubtedly has been, almost unsolicited.

A. H. Batalvi

1

EARLY LIFE

I was born at Sialkot, a town in Pakistan which in those days formed part of India, my date of birth being February 6, 1893. My father was a practicing lawyer at Sialkot and my family hails from a place called Daska, some sixteen miles south of Sialkot. We are known as an agriculturist family. My grandfather and my father never worked on the land but other members of the family as my grandfather's younger brother and my father's younger brother were very much the cultivators. Anyway, the interest of the whole family lay in land. So I can say that I have the background of a peasant. Perhaps that is why whenever in big cities like London or New York, particularly towards evening, when shadows begin to lengthen, I long to be out in the open.

I was sent to school at Sialkot and I matriculated in 1907 from the American United Presbyterian Mission High School there. I graduated from the Government College, Lahore in 1911, reading English, History, Economics and Arabic. Then I proceeded to England for my law studies. I read at the King's College, London, for my Bachelor of Laws degree from the University of London and I was also entered at the Lincoln's Inn. I was called to the Bar in 1914 but I had to stay in England till October in order to get my degree from the London University. So when the First World War broke out I was in England.

The three years of my stay in England brought a remarkable richness to my mind. I have witnessed the placid pre-1914 England with its characteristic social and political stability. In those days, London was almost the centre of the world and I consider it fortunate to have spent the three formative years of my life there. It was a wonderful opportunity to observe things and register impressions.

While in England, outside my studies, travelling was my main interest. During the vacations I always went to the continent. When 1 left for home in October 1914, I had travelled practically all over Europe with the exception of the Iberian Peninsula and the Balkans. I had been as far afield as St. Petersburg which I visited in the summer of 1913, a year before the War. As it happened the Russians were celebrating the tricentenary of the Romanov Dynasty and I was lucky to have witnessed this unique event. In Finland, I went all through the lakes upto the North and was rash enough to shoot the rapids in the Luiro River. From England, I had travelled from Harwich across the North Sea to Goteborg, Sweden. From Goteborg, I went by steamer through the lakes and the Gota Canal on to Stockholm. These were all very delightful experiences which I often recall. Nothing seems to have been the same after the First World War.

I left for India in October 1914 by S.S. Arahia, one of the mail steamers of the Peninsular and Oriental Company. We made the voyage all right. In those days the German destroyer *Emden* was operating in the Arabian Sea.

I arrived home sometime in November and in the beginning of 1915 started practicing law with my father at Sialkot. He was then at the top of civil practice in the town. Occasionally, he took up criminal cases but he was more inclined towards civil work. Above all, he enjoyed doing cases relating to land. He told me I could make the best use of my time by making myself familiar with the system of land records and the method of tracing the history of every plot of land to 1855, that is, almost to the advent of the British administration in that part of India. That was one great benefit 1 derived from my association with my father in the early phase of my career as a lawyer. My father also exercised considerable influence in molding my outlook on life and giving me my religious views.

In August 1916, in response to an offer from a law journal, I moved to Lahore, the capital of the province and the seat of the provincial High Court. *The Indian Cases* was in those days the most comprehensive law journal and law reporter in India. It had the largest circulation in India and reported judgments of all the provincial High Courts as well as those of the Judicial Committee of the Privy Council on cases from India. Sir Shahahuddin, who subsequently became the Speaker of the Punjab Legislative Assembly set up under the Montagu-Chelmsford Reforms and remained in that office for a number of years, owned and edited the journal. He also belonged to Sialkot, was a friend of my father's and knew me since my childhood days. He suggested that I migrate to Lahore, work in collaboration with him and make use of the various opportunities which a town like Lahore offered. I moved there and started working as an assistant editor of *The Indian Cases*. Within three months he put me in charge of the editorial side of the journal and so I virtually became the editor, thus relieving him of a great part of the editorial responsibilities. He advised me not to turn down such briefs as might come my way and told me to be discriminating enough not to accept *prima facie* frivolous cases. He was helpful to me in many ways. He was a lawyer himself and though he did not command a large practice, his experience of handling important cases was considerable. His advice to a young man like me was extremely valuable.

In 1919 I was appointed a part-time lecturer at the University Law College in Lahore. This was because of the good offices of the late Sir Fazle Husain, who was in those days, a fellow of the University and a member of the Law College Committee. The appointment proved to be of considerable help, not so much financially - the emoluments were not substantial - as in bringing me in closer contact with the legal circles of the metropolis. It also gave me a lot of confidence at that stage of my career.

It was interesting to teach though it actually did not amount to much. In the beginning of the term when the staff sat down with the Principal to decide who would teach what,

I did not put forward any claim to specialty in any subject, with the result that the two subjects left over by others were entrusted to me. I call them 'left overs' because no one else felt interested in them. The two subjects, the Roman Law and the Criminal Procedure, were not related in any way and no one was prepared to do either when the Principal turned to me and asked whether I would take them up; I signified my assent.
In a way, teaching these subjects proved to be less arduous than teaching others because there was little change by way of amendment in the Criminal Procedure and of course, none could take place in the Roman Law. So the preparation I made in the first year proved to be adequate for the five years of my lectureship. The hours were convenient, i.e. 8.30 a.m. to 10.00 a.m., and as the courts started work at 10.00 a.m., I could without any strain attended to my cases in the court or go back to my editorial responsibilities.

As time passed I found the practice more and more interesting and enjoyed devoting more time to it. Gradually my practice grew. However, for some years to come, my income was to remain steady as I gave up the Law College lectureship first and then editorship of *The Indian Cases*.

In the meantime I had begun to take an interest in public affairs. I think I have not been, at any time, much of a politician in the strict sense of the word and my career is enough to hear testimony to it. However, I made my debut in public life by leading a delegation in the autumn of 1917.

On the 20th of August 1917, Mr. Montagu, the Secretary of State for India, made a declaration in London about the British Government's policy to bring about reforms in the constitutional structure of India. Following this, in the autumn of 1917 he visited India in order to hear the Indian views. So he and the Viceroy, Lord Chelmsford, received deputations from various Indian associations, societies and communities with a view to determining the scope of the proposed constitutional reforms. I led the delegation of the Ahmadiyya community and read out the address expressing the views of the community. The consultation that Mr. Montagu and Lord Chelmsford held with the leading public men in India resulted in the Montagu-Chelmsford Scheme of Reforms, subsequently enacted as the Government of India Act of 1919.

2

THE PUNJAB POLITICS AND THE UNIONIST PARTY

The most significant feature of the Act was Dyarchy. Briefly, it amounted to the introduction of a system of partially responsible government in provinces. The system was, in fact, a cross between Parliamentary and Presidential forms of government. Each province had a Legislative Council consisting of elected, nominated and official members. The elected members, however, constituted the majority. The provincial government was divided into two halves; 'reserved' and 'transferred'. The term 'reserved' implied that the responsibility with regard to the administration of 'reserved subjects' exclusively vested in the Governor and through him in the Governor-General of India and through the latter, in the Secretary of State for India - in other words in the British Parliament sitting at Westminster. Some of the reserved subjects were Law and Order, Finance and Land Revenue. The term 'transferred' implied that the responsibility for the administration of transferred subjects had been transferred to the representatives of the people - the elected members of the

Legislative Council - subject, of course, to the pleasure of the Governor. Education, Health, forests, Public Works, etc., known as nation-building departments, comprised the list of transferred subjects. Two different sets of functionaries styled as 'Executive Councillors' and 'Ministers' were appointed by the Governor to run the provincial administration. The Executive Councillors being pure and simple nominees of the Governor were responsible only to him and appointed for a term of five years. The Legislative Council, however, could discuss the conduct of their departments but they could not be asked to resign on an adverse vote of the legislature. On the other hand, the Ministers were appointed by the Governor from amongst the elected members of the Provincial Legislative Council and were responsible to the Legislative Council as also to the Governor-in-Council. The two halves of the Government had to work under the Governor and had to find a way to make the system run.

The truth is that Dyarchy proved to be very successful in the Punjab. It worked smoothly; there were no deadlocks and no showdowns. The Punjab which was formerly considered to be a backward province rose steadily under the system of Dyarchy to a position that could compare favorably with some of the larger and more advanced provinces, particularly in the field of education. A great part of the credit for making Dyarchy work in the Punjab goes to the late Sir Fazle Husain who was sworn in as Minister of Education in the first Government under Dyarchy, in January 1921. At that time the transferred half of the Government consisted of two eminent men who were selected on their individual merits: Sir Fazle Husain and Lala Harkishan Lal. Later, through Sir Fazle Husain's efforts a political party was organized in the Punjab.

Known as the Unionist Party. it held office for the greater part of the period till 1947 when, on independence, the greater portion of the Punjab became part of West Pakistan.

The Unionist Party, essentially a political organization was constituted on the basis of economic interests. It represented mainly the rural and the agricultural interests and it cut across communal divisions as it consisted of Muslims, Hindus and Sikhs. It concentrated on the economic development of the province with due regard to the interests of the rural and agricultural classes. It promoted taxation which was mainly borne by the section of the public it represented. For instance, it raised the land revenue and the water rates in the canal irrigated areas as it knew that the additional income would be utilized for the development of education, communications, hospitals and dispensaries in the rural areas. This does not mean that the urban areas were neglected but the sharp contrast between the two was made less galling. One might say that the Unionist Party set up a record of constructive cooperation among the three communities on the one hand and between the transferred and reserved halves of the Government on the other.

While discussing the Punjab politics I must also mention the late Sir Muhammad Shafi. He was also a lawyer like Sir Fazle Husain, senior to him by many years at the bar and a very successful advocate, Until the advent of Sir Fazle Husain in politics and public life he had been the acknowledged leader of the Muslims of the Punjab. He was also the leader of the All India Muslim League which had been founded at Dacca in 1906 by men like His Highness the Agha Khan, Syed Amir Ali, Mirza Abbas Ali Beg and Nawab SalimIlah Khan of Dacca. It had branches all over the sub-continent. I doubt whether Sir Muhammad Shafi possessed the finesse and acumen of a great political leader. However, he had a charming personality, was extremely hospitable. courteous and popular and held an enviable position at the bar. In my view he was a much better advocate than Sir Fazle Husain but not so dynamic and penetrating a politician.

Soon after moving to Lahore as a lawyer, Sir Fazle Husain entered politics and Sir Muhammad Shari's leadership became more and more confined to legal circles and to the bar. The political direction of the community and later, of the Unionist Party was taken over by Sir Fazle Husain. Sir Muhammad Shafi, as a matter of fact, never entered the provincial legislature, though on account of his experience and eminence he was later appointed a member of the Viceroy's Executive Council. the highest office open to any Indian right upto independence. He held that office with distinction for five years. I believe it was in 1930 that Sir Fazle Husain withdrew from direct participation in the Punjab politics and accepted the membership of the Governor-General's Executive Council at the Centre. He took over the portfolio of Education, Health and Lands and for five years (1930-35) he served first with Lord Irwin (later, Lord Halifax) and then with Lord Willingdon, who succeeded Lord Irwin as the Viceroy.

With Sir Fazle Husain going to New Delhi, the question of the leadership of the Unionist Party was bound to arise. During Sir Fazle Husain's leadership Chaudhri Chhotu Ram from the Rohtak District of the Punjab had been one of his principal coadjutors. He was held in high esteem by all sections of the Unionist Party, including Sikhs, Hindus and Muslims. But as the majority consisted of Muslim members it was politic and perhaps necessary for the party to have a Muslim leader. Nevertheless, Chaudhri Chhotu Ram enjoyed a tremendous prestige and was actually treated as a joint leader of the party during the days of Sir Sikander Hayat Khan who succeeded Sir Fazle Husain.

Sir Sikander Hayat Khan was a scion of an aristocratic family from the district of Campbellpur situated in the north-western part of the province. His father, a well-known personality in the early days of the British Rule, started his career as orderly-officer to General John Nicholson at the time when the latter stormed Delhi during the so-called Mutiny of 1857. As is well known, Nicholson was shot down outside the Kashmiri Gate just at the moment of his victory and fell into the arms of his orderly-officer, Sardar Muhammad Hayat Khan and expired in that position. Later, Nawab Muhammad Hayat Khan was given a judicial appointment and 1 believe, rose to be a District and Sessions Judge. He had a large family. His eldest son also became a District and Sessions Judge and of the younger sons, two attained positions of great eminence; Nawab Liaquat Hayat Khan became Prime Minister of Patiala and held that position for several years and Sir Sikander Hayat Khan became the leader of the Unionist Party and later Revenue Member in the Punjab Government. Sir Sikander Hayat had been, earlier, the Chief Minister of Bahawalpur State but only for a short period. Ostensibly such appointments were made at the discretion of the Rulers, but, in fact, the Ruler always cleared them with the Resident or the Agent - as he was sometimes called - representing the suzerain power. Only a person acceptable to the Resident or Agent could be appointed. But as I have already said, the Hayat Family was eminent and well-liked in high circles; they were completely loyal to the British. Later, in 1937, when elections were held under the Government of India Act 1935 and Dyarchy was replaced by provincial autonomy, Sir Sikander Hayat Khan became the Chief Minister of the Punjab. He led the party very skillfully, and was devoted to the principle of working in partnership with representatives of other communities. To start with, he did have some difficulty with Mr. Jinnah but, I believe, the two came to an understanding that Sir Sikander Hayat Khan could continue in the Punjab as leader of the Unionist Party but that he would lend his full support to the concept of Pakistan in All-India affairs and as far as Muslim League organization and leadership was concerned he supported Mr. Jinnah. After that understanding there was no more trouble between them.

Sir Khizar Hayat Khan succeeded Sir Sikander when the latter died. I think he proved to be a much shrewder politician than his predecessor, but opinions differ. He showed great courage when he found his party in crisis. The Muslim League had been growing in power and influence and Sir Khizar Hayat Khan had to face a very difficult situation.

Nevertheless, he was able to form and run a government on the Unionist principles, though the communal proportions in the party membership in the Legislative Assembly had undergone a big change. Later, it became a coalition rather than a Unionist government so that during the year before Independence he could carry on the government only with the support of such groups as were predominantly composed of non-Muslims. In this respect his position was much weaker than that of Sir Sikander Hayat Khan but it also lent him a certain element of strength. He could safely rely on the majority of his predominantly non-Muslim coalition to give him full support so as to resist Mr. Jinnah's efforts at controlling the provincial ministry. In the end Mr. Jinnah and Sir Khizar Hayat Khan had a battle royal on the question of the allegiance due to Mr. Jinnah from the provincial party in power. There was a direct conflict between the Muslim League and Sir Khizar Hayat's Government. The Muslim League embarked upon a course of non-violent non-cooperation which touched off a great emotional wave in its support. Though the movement did not succeed in displacing the government it certainly strengthened the position of the Muslim League in the province.

What is usually described as the Muslim League school of politics was perhaps the training ground in the theory and doctrine of politics and political ideologies. It is also defined the objectives of the Muslim community in various fields such as political, cultural and educational. Sir Muhammad Shafi and some others initiated the training of Punjabi young men on the lines indicated above and they were fairly successful in it. In this connection Sir Muhammad Shafi's contribution is remarkable. However, when, through the Legislature. a certain amount of authority was transferred into the hands of the people and practical activity entered the political field, Sir Fazle Husain took the lead and translated into practice the principles and ambitions that had been already defined by the Muslim League. He felt that the most effective way of achieving results in practical politics was through a political party devoted to the interests of the underdog. The Muslims with a majority in the provincial population were a minority party in the legislature. As the Muslim interests continued to be identified with agriculture, the agriculturists among Hindus and Sikhs could join hands with Muslims and work for the uplift of the rural and backward sections of the population. So, broadly speaking, the Unionist Party was constituted on economic lines with a rural bias as against the main Hindu party which had an urban bias. Gradually, practical considerations overrode both theory and doctrine. Sir Muhammad Shafi reconciled himself at a fairly early state. to Sir Fazle Husain's leadership in practical politics.

However, he continued to occupy a very respectable position as a senior leader, politician and statesman, but he took care to confine himself to the overall leadership of the Muslim League in an advisory capacity rather than in an active one. There was actually no conflict between the two. The principle workers behind them were largely the same.

Let me refute here the theory that there was some sort of alliance between the British bureaucracy and the Unionist Party. As a matter of fact, it was contrary to the British policy to enter into an alliance with any political party. But, as a matter of policy, the British were anxious to foster the welfare of the backward classes, mainly the rural class; and I believe it was the correct policy. Secondly, the rural element, as everywhere else, was more backward and badly needed modernization. The Punjab had always been known as the province of peasant-proprietors; there was no dominant land-holding class and quite a large proportion of cultivable land was owned by the actual cultivators. There were very few large estates, not more than two or three in a district. So the official policy inclined to be more favorable towards the rural classes and the government officials found it easier to work in cooperation with the peasantry, moreover, the greater part of which was known as the "nation-building work" was connected mostly with the agricultural classes,. e.g., rural schools, rural communications, extension of medical aid and facilities in rural areas. etc. It became the sheet-anchor of Sir Fazle Husain's policy, constituted his real strength and earned him the title of the "builder of the Punjab". In this respect, Sir Fazle Husain never made any distinction between Hindus and Muslims. Both, in the province and later in the Government of India, his first concern was to Indianize the services as far as possible; his second concern was to see that the Muslims were not left behind and that they were getting their due share in the services. The provision of better facilities for training and education helped them greatly in that respect.

So long as he was in the government he was able to work in cooperation with the official block in the legislature as well as with the Governor and the services. They were happy to work with him as he was a go-ahead man, was working for the betterment of the country and was able to keep a united party in the legislature. strengthening the position of the `reserved half of the government also. Though the Executive Councillors could not be made to give up office on an adverse vote of the legislature, it was, however, unpleasant to be voted down and there Sir Fazle Husain helped to save them from the humiliation.

3

THE KHILAFAT MOVEMENT

The Khilafat Movement, during the years it captured the imagination of the Muslims of India and even engaged the interests of Mr. Gandhi, was most active in the United Province of India, now called Utter Pradesh. Its leading spirits were the two famous Ali Brothers: Maulana Shaukat Ali and Maulana Muhammad Ali. It never caught on in the Punjab to any remarkable degree, though it must be said that Muslims all over India felt greatly agitated over the issue and fully supported the Movement. The central idea behind the Khilafat Movement was to give whatever support was possible and to make whatever effort one could, through the British Government or by embarrassing the British Government or by sending direct contributions to Turkey, in order to procure for Turkey better terms than had been imposed upon her in consequence of her being an ally of the Central Powers in the First World War.

The name '*Khilafat*' was given to the movement in order to stimulate the religious sentiments of the Muslims. For centuries the Sultan of Turkey had traditionally occupied the office of the *Khalifa*, that is to say, the spiritual as also the temporal head of Islam. The whole of the Muslim world did not accept him as such but the hulk of the Sunni Muslims looked upon him as the *Khalifa* and accorded him all the honor and respect due to a *Khalifa*. Practically, this had no honor and respect due to a *Khalifa*. Practically, this had no effect upon anybody's life but it invested the Sultan with a certain degree of prestige. Even such Muslims as Shias, who could not form their religious point of view accept anybody outside their own Imams as *Khalifa* and the Ahmadies who could not accept anybody outside their own Movement as their religious leader, did lend support to the Khilafat Movement because, undoubtedly, Turkey represented to a very large extent the secular strength and prestige of Islam. Delegates from all sections of the Muslims of India attended the Khilafat Conference and the Khilafat Movement continued to grow in strength until it merged itself into the Congress or to say the least, became a parallel organization. Fully in alliance with the Congress, it began to support the political objectives of the Congress. It was a singularly adroit move on the part of Mr. Gandhi to win over the two Ali Brothers to the Congress side by expressing his sympathy with the Khilafat Movement.

4

IQBAL

Sir Muhammad Iqbal was a poet and a philosopher. He started his career as a lecturer in Philosophy at the Government College, Lahore. Later, he went to England and Germany, studied Philosophy and Law there and came back as a Doctor of Philosophy and a barrister-at-law and continued to practice law at the Lahore High Court till his demise in 1938.

He furnished the Indian Muslims with an essentially Islamic ideology which, incidentally, also embraced the concept of Pakistan. He was not too keenly interested in day-to-day practical politics. He was elected to the Punjab Legislative Council but never took much interest in the legislative work as he did not quite appreciate the various procedural stages through which measures had to pass. He felt irritated with long and often wearisome debates that went on and on in the House. I wonder if he was able to take part in one-quarter to one-third of the divisions. By the time the matter under debate was to be voted on, Sir Muhammad Iqbal, disgusted with the whole business, had gone home to his contemplation. Even if he had paid more attention to legislation, I doubt whether he would have made a mark in that field. That was not his *milieu*: his *milieu* was philosophy and poetry and he did a tremendous job in defining the ideology for the younger generation and that generation is still very much devoted to him. His memory will live much longer than that of the other political leaders of his day, though on the practical side they accomplished a great deal more than Sir Muhammad Iqbal, for he did not attempt much on that side; he left the day-to-day drudgery completely to them. He confined himself to putting forth his ideas through philosophical discourses and even more through his poetry which caught on very quickly, not only in India but to some extent in Afghanistan and to a much larger extent in Iran. The more significant part of his poetical works was written in Persian and so he is read and appreciated wherever Persian is spoken.

I had the honor to being his fellow townsman as both of us originally belonged to Sialkot. I was also his student at the Government College, Lahore from 1909 to 1911. He taught English and Philosophy. I was not a student of Philosophy but he gave us lectures on English poetry and I still remember them as remarkably good lectures. When I joined the Lahore Bar, I became his colleague and so I had many opportunities of working in close association with him. As such I came to appreciate some of his great qualities more deeply. His great poetry and ideology apart, he possessed some wonderful qualities. He was content with very little, was very simple in nature and was almost childlike in certain ways. He had no trace of jealousy in his disposition and had

little personal ambition. He possessed an endearing and ennobling personality and I am very proud of the fact that for several years I was vouchsafed the privilege of being associated with him in various capacities.

His lectures on the Reconstruction of Religious Thought in Islam certainly had considerable effect but I believe the book had more effect in Islamic circles outside the sub-continent and even among Western thinkers than inside the sub-continent. The lectures made little impression in those days and even later, as Iqbal was too much ahead of his time so far as the concept of Pakistan was concerned. The younger generation found it easier to get to the inner reality of his thought through his poetry. *The Reconstruction of Islamic Thought* was written in English and was purely a philosophical dissertation; it failed to catch their imagination and it did not inspire them to the same degree as his poetical works.

I believe Sir Muhammad Iqbal's endeavor was to illuminate the thought and imagination of Muslims rather than define Islamic values pertaining to religion and culture. He would concentrate upon a theme or idea and express it in a turn of phrase which would illuminate in a flash something for which people had been groping; hence their enthusiasm. It explains why his poetry has left a much deeper impression on people's minds than his philosophical dissertations like the *Reconstruction of Islamic Thought.*

No doubt he learnt and gathered a lot from divines and thinkers like the much revered Shah Waliullah and the great Jalaluddin Roomi and he held his own teacher, the late Shamsul Ulema Maulvi Mir Hasan in great reverence, but his thought had a quality of its own. For example, his thinking exhibited a great deal of German influence. It was not derived altogether from Muslim sources, but wherever it was derived from, he gave it Muslim color and clothed it in Muslim values. He was influenced by German thinkers but not perhaps always in the direction of their own philosophy. He was often critical of their tendencies but his appreciation was also outspoken. He seemed to admire Neitzche's thought and philosophy, particularly in connection with the endurance of pain and challenging and welcoming danger.

Iqbal's thought and the rise of Muslim nationalism was a part of the Muslim renaissance for there was already a ferment in all spheres of Muslim life and thought at that time. Iqbal certainly influenced the Muslim thought in Pakistan and in the two neighboring countries, Iran and Afghanistan, to an appreciable degree. Though the art of a Muslim is bound to be influenced by his being a Muslim that is part of his being - the process has not manifested itself noticeably in the reverse. The art of any particular artist has not in turn influenced Muslim values or Muslim outlook on life. Of all the great faiths Islam has managed to keep its values intact, uninfluenced by what, after all, are only adventitious and uncertain elements in a faith rather than its essence.

Perhaps it can be illustrated best with reference to Muslim services and Muslim places of worship. Now mosques in different countries have very different features and some of them, for instance, in Egypt, represent a certain type of architecture. What is necessary, on the other hand, is that the architecture or motif should not be such as to divert the worshipper's attention. The mosque should be as simple as possible. In Muslim worship there is nothing external, that is, outside the prayer and exhortation - no music, incense, vestments or other elements to appeal to the emotions. Emotion is not excluded from life in Islam: Islam permits and seeks to make use of it in its proper place, but it does not permit people to be carried away by emotion nor does it permit emotion to distort the essence. It seeks to arrive at the reality more through the exercise of reason and contemplation than through emotion.

In Islam mysticism has expressed itself emotionally; but then, those who have concentrated on the study of. Islam have not been inclined to attach much importance to it. Mysticism has had a tendency to degenerate into what has been described as pseudo-mysticism roundly castigated by lqbal. Only pseudo-mysticism is carried away by emotion while the basis of true mysticism is contemplation. But perhaps we are going rather far from our subject.

5

SIMON COMMISSION

During the period that I have already dealt with I was a minor figure on the scene, an apprentice, a pupil gradually taking up, as it were, the position of Sir Fazle Husain's lieutenant, especially from the time I was elected to the Punjab Council.

The Montagu-Chelmsford scheme of Reforms under which the legislatures had been set up had provided that at the end of ten years the position would be reviewed by a Royal Commission which would report on the working of course. As political thought in India was getting impatient for the next stage of constitutional advance, the appointment of the Royal Commission was expected to be in the autumn of 1927.

During the 1927 Summer Session of the Punjab Legislative Council held at Simla, the Muslim members of the Unionist Party decided to send someone to England, who could get into touch with at least some of the leading British politicians and members of the Parliament and explain to them the Muslim position with regard to the next stage of constitutional advance. On Sir Fazle Husain's suggestion, their choice fell on me and I was asked to proceed to England. I arrived there towards the end of September. The Assembly of the League of Nations being in session at Geneva, Sir Fazle Husain himself had proceeded there as the leader of the Indian Delegation before I set out on my voyage to England. On my way to London I stopped at Geneva and spent a day with him and with the Maharaja of Kapurthala, who was also a member of the delegation; I still remember it as a very pleasant day. Then I went to London where I began to make contacts with British statesmen and prominent members of Parliament.

Since I had spent a couple of months in London in 1924, the London circles were not new to me. I felt quite at home. Besides, I had my friends and it was a simple affair to get into touch with them and through them with others. I was still in England when the appointment of the Royal Commission, later known as Simon Commission, was announced.

It would be pertinent to mention here that at that time the Muslims insisted only on retaining two features as safeguards in the proposed constitution: first, weightage in the legislatures of the provinces where they were in a minority so that they could play an effective role; and secondly, continuation of the system of separate electorates, that is, the system under which seats in the legislature were filled by members elected by the voters of that particular community.

I do not know whether I was able to achieve much but meeting all these prominent people in the British public life and putting the Muslim case to them proved to be an extremely good training for me. All of them listened to me; some were very interested, asked questions and criticized and some, I have no doubt, were bored. The Royal Commission paid two visits to India in 1927 and 1928. The 1927 visit was an exploratory one in order to have a bird's eye view of conditions and problems. The composition of the Commission aroused a great wave of indignation in India. All sections of the public opinion were expecting the Commission to have both British and Indian members but it turned out to be an entirely British affair and, indeed, the membership was very very conservative. The Chairman, Sir John (later Lord) Simon, a liberal in politics, who subsequently became a conservative, was by temperament a very conservative man. He was, indeed, one of the ablest Englishmen of his time, a sharp intellect with a very cold personality, no hint of warmth for any cause or individual. Major Attlee, as he was called then (subsequently Prime Minister) was a member and so was Mr. Harthshorn of the Labour Party. There were three or four other completely colorless members. So the Commission, in fact, was a one-man show, as Sir John Simon was intellectually head and shoulders above the rest of them. The Indians suspected it to be a deliberate machination to reduce the report to a one-man affair.

At one time it appeared as though the Commission would be completely boycotted in India and to a large extent it was. The absence of Indian representation on the Commission was a fatal omission but an attempt was made to soften the blow by arranging that on its second visit to India the Commission would have a committee elected by the Central Assembly to work in association with it. It was further given out that during the Commission's visit to each province a provincial committee elected by the provincial legislature would be associated with it. This did not, however, meet the wishes of the people.

The Central Legislative Assembly set up a committee and so did each provincial legislature. The Punjab Committee was composed of seven members including Sir Sikander Hayat Khan and myself. We chose Sir Sikander as our Chairman, sat with the Commission when it visited the Punjab, took part in the proceedings, that is, the examination of witnesses, etc., but we wrote our own report like the Central and other provincial committees. In any case, association with such eminent men as members of the Commission and of the Central Committee provided an excellent piece of training for me.

I might mention here that behind the scene there was a move (attributed to Sir Fazle Husain, then an Executive Councillor, but I never checked up on it) that the provincial committee should include the Provincial Ministers only but this met with little support and the Ministers were not elected to the committee.

The Unionist Party believed that while the objective was the same - to march forward to complete responsibility and independence as quickly as possible - there were two distinct ways to achieve it: one to attack and fight from outside and the other, to push forward through criticism, persuasion and cooperation. The Unionist Party had chosen the latter while it recognized that both were necessary and, indeed, complementary to each other.

In due course the Commission made the report which became a "best seller": this is especially true about the first volume which dealt with the evolution of political institutions and constitutional reforms. It was an excellent piece of work but the recommendations were very disappointing and could not find support from any quarter. So, in a sense; the Commission's report was still-born. It is still a valuable document for the constitutional historian but nothing beyond that. The feeling of disappointment and frustration was so deep and widespread in India that the British Government soon announced a Round Table Conference to be held in London in order to tackle the constitutional problem. The announcement made no mention of the Commission's report. It was completely by-passed and virtually became a dead letter.

6

THE FIRST ROUND TABLE CONFERENCE

The First Round Table Conference was convened in the autumn of 1930. It met in St. James' Palace and opened with great pageantry. There was the British section consisting of the representatives of all the Political Parties, there was a whole galaxy of Princes representing the Princely Order of India, then there were representatives of various communities and interests of India and Burma.

Among the Muslim representatives we had some very eminent members. There was, of course, His Highness the late Sir Agha Khan, who led the Muslim delegation. Everybody treated him with great respect. He did not make many speeches but his advice was valuable for us and he provided the opportunity of contacts which were extremely useful, indeed, essential. Then there were Sir Muhammad Shafi, Mr. Jinnah, Sir Syed Sultan Ahmad from Bihar, the Nawab of Chhattari from the United Provinces and Maulana Muhammad Ali and Maulana Shaukat Ali; I was one of the junior members.

At the very beginning one question was settled. Burmese representatives put forward a demand that they wished Burma to be separated from India, with its own constitutional framework, carving its own way towards independence. That was conceded. Hence, from then onwards, the Burmese section did not sit with us; they had their own separate discussions.

The concept of an All-India federation including the British Indian Provinces and the Princely States was put forward and was generally accepted, but, of course, many problems had to be cleared up.

Between the First and Second Round Table Conference an economic blizzard struck Britain and the pound sterling had to go off the gold. Mr. Ramsey McDonald, the Labour Prime Minister, was obliged to form a coalition government and thus the Conservatives came to share power. During the First Round Table Conference Mr. Wedgewood Benn (subsequently Lord Stansgate) had been the Secretary of State for India. By the time the Second Round Table Conference was convened that office had passed to Sir Samuel Hoare, subsequently Lord Templewood. From then onwards Sir Samuel Hoare became the principal architect of the scheme that emerged from the three Round Table Conferences in the shape of the Government White Paper and then in the Report of the Joint Select Committee of both Houses of the Parliament.

7

THE DELHI CONSPIRACY CASE

Shortly after my return from the First Round Table Conference, I happened to go to Delhi and the late Sir Fazle Husain mentioned the Conspiracy Case to me, saying there was likely to be a prosecution of this kind, and that his colleague in the Home Department Sir James Crerar had asked him to suggest a couple. of names of members of the bar who might be prepared to take up the case on behalf of the Crown. Sir Fazle Husain told me that he had mentioned my name and I might receive a request to that effect, in which case it would be for me to consider whether it suited me to take it or not.

Sometime later I was attending a meeting of the Punjab Legislative Council at Lahore when Sir Donald Boyd, who was a member of the Provincial Government, asked me to see him and when I did so he conveyed the Central Government's request to me.

I agreed to take up the case as Senior Crown Counsel. In those days another case of the same nature known as the Meerut Conspiracy Case was also in progress. There was some connection between the two but they were not identical enough to be tried together. In the Delhi Conspiracy Case about a dozen or so young men were charged with having conspired together in manufacturing large quantities of explosives in order to blow up cantonments and government establishments and institutions with a view to creating terror in the country and thereby pushing forward the movement for independence. Thus, in addition to the main conspiracy, this group of terrorists were being tried for various specific offences, which they had committed during the course of the main conspiracy, for instance, one of them, on a bright afternoon, had tried to murder a police officer in the Chandni Chowk, a very busy street of Delhi. Having spotted him as a wanted offender the police officer was chasing him when the young man suddenly turned round and discharged his pistol in the poor police official's abdomen; but the man miraculously escaped death. Other offences that the members of the group had committed included dacoities and robberies to procure funds for their activities.

The case came up for a trial in Delhi, before a special tribunal set up under an ordinance. It consisted of three judges, a European and two Indians: namely Mr. White, a Sessions Judge from the United Province: Mr. Amir Ali, a retired Sessions Judge and Mr. Kanwar Sain who had been the Principal of the University Law College, Lahore, when I taught there: later, he had retired as Chief Justice of Jammu and Kashmir State.

The principal evidence joining the otherwise scattered bits of the case was that of the principal approver: there were two or three approvers, i.e., Crown witnesses in the case. I was very much impressed by the principal approver. That young man had a terrific memory; when I questioned him before the trial in order to test out various portions of his story I was surprised to find that he remembered the details so well, and he remained perfectly unshaken under cross-examination in respect of the main incidents of the story. I was quite convinced that no part of his story was fabricated by him or tutored by the Police. As a matter of fact, he was far too intelligent a man to have lent himself to any such attempt.

The trial proceeded very leisurely indeed. My examination of the principal approver took seventeen days, and the cross-examination took as long as nine months. That, I think must be a record in trials, even of that kind.

Part of the explanation is that the accused were up to every kind of trick. Some of them were graduates and others, under-graduates of universities. So they were all educated people, who knew the criminal procedure at least in outline. Besides they were helped by their counsel chosen by themselves and engaged at government expense. Their principal counsel was Dr S.D. Kitchlew from Amritsar. He was a barrister-at-law and being a very prominent worker of the Indian Congress, he enjoyed the confidence of his clients: he was assisted by some juniors. Part of the delay was caused by the fact that at times when the accused did not want the trial to proceed they would refuse to come to court: and even if one of them refused to come to court on some paltry excuse - he wasn't feeling very well or he was suffering from headache or something like that - under the normal procedure, which applied, the trial could not proceed: it could only proceed in the presence of all the accused and their counsel.

The Central Government, on finding that their tactics were essentially dilatory promulgated an amendment permitting the trial to proceed if the tribunal found that the absence of a particular accused was not due to a reasonable cause. Nevertheless the trial dragged on so slowly that it became a mockery of justice. All that the tribunal could do was to see that the trial was fair and that no prejudice was occasioned to the accused. In this it received every assistance from me.

I studied part of the evidence and of the documentation before the case was to begin and I advised the Government not to proceed with the trial as planned, that is, as a conspiracy trial before a special tribunal, but I asked them to proceed against the accused in the ordinary courts of the country for the specific offences they had been charged with, dropping altogether the conspiracy charges.

For example, Dhanvantri, who was charged with having attempted to murder a police officer, could have been tried in an ordinary court. The case against him was absolutely

clear. The Crown could have produced a couple of substantive witnesses: there being practically no defence, a conviction and an appropriate sentence were sure to follow.

It might not have been possible that way to prove charges against two or three of them but there was no guarantee that it should be possible under a conspiracy case. It was my considered opinion that at least two or three of the accused should have been dropped when the charges were framed.

One of the accused, a young man, a Maratha from Maharashtra - his name was Gajanand Sada Shiv Pordar was found suffering from mastoid: so his attendance at the trial was dispensed with and he was released on bail for three months. When he came back to jail, his health having improved, he looked much Netter. After a couple of weeks I began to notice that he did not look so well. He was listless and took little interest in the proceedings: he would sit on the floor and read a book or lie down and go to sleep in the dock. It appeared as if he was not interested in anything. He had dissociated himself from the others at an early stage of the conspiracy and there was not enough evidence to show his active interest in it. So he was one of those against whom I was not going to press the charges. Then there was the problem of his health and I felt the youngster was in a difficult position. I suggested to Dr Kitchlew, the senior defence counsel, that he should put in a bail application on behalf of the young man. He was slightly reluctant but yielded to my persuasion. The tribunal, of course, asked me whether I had anything to say. I submitted that the tribunal should ask for a report from the jail doctor. The doctor's report was full of technicalities and was not easy to follow. Each paragraph seemed to contradict the previous one, the only clear thing being that since his return to custody the young man had been losing weight. So the tribunal again asked me what I had to say: I submitted that all that could he gathered with certainty from the medical report was that the accused had been losing weight while under custody, there having been one operation, there was no evidence that he had been cured of the mastoid and I on behalf of the Crown, was not prepared to take the responsibility of keeping him further in custody. That left the tribunal with no choice except admitting him to hail.

That, incidentally, happened to be my last day in the case. Sir Fazle Husain who was a member of the Governor-General's Executive Council, holding charge of Education, Health and Lands, had asked for four months' leave and, no doubt, on his advice, the Viceroy had written to me asking whether I would care to officiate for him during the period. I was only 39 years old, and feeling that it was a great opportunity for service as well as a challenge and a compliment, I accepted the offer. I was leaving that evening and was deeply moved when I received a message from this young fellow from jail saying that if by the evening he was released on bail he would come to the railway station to see me off.

Something unusual happened at the end of the proceedings that day. The President of the tribunal made the usual complimentary reference to my inability to work any further in the case, Dr Kitchiew also made a complimentary reference and then two of the accused stood up in the dock as if they wanted to say something. I thought that knowing whatever they said would get the widest publicity, they wanted to seize this opportunity to pitch into me now that I was going to be in the Government of India. But to my surprise they joined the President of the tribunal and their Counsel and said that they were no judges of the legal ability of the Crown Counsel but wanted to put on record that on behalf of the Crown, I had conducted the case like a gentleman. In the annals of criminal jurisprudence it must be rather unusual that the prosecutor who aimed at sending the accused behind bars receives such compliments from them.

During the case, in the autumn of 1931, I had managed to go to the Second Round Table Conference. I had a competent junior to work in my absence, but he had very little to do. When I came back and resumed my duties I found that the first approver whom I had left in the dock under cross-examination was still there.

Eventually, the tribunal was dissolved and the accused were sent to the ordinary courts so that they could be tried there on charges of specific offences which they had committed. Sometime later, the Viceroy, Lord Willingdon, told me at a lunch, that the Government had taken my advice, dissolved the tribunal, and sent the accused to be tried by the ordinary courts of the country. I ventured to say that the government could have saved enough money and time by acting on my advice a little earlier.

One of the accused, H.S. Vatsayana who held a Master's degree in Science and a gold medal in Industrial Chemistry, had been the scientist of the party. Many years later, when I was a Judge of the Federal Court, he came to see me. When he sent in his card I did recall the name but thought it must be a different Vatsayana. I was surprised to find the same man of the conspiracy. He was applying for a job in the All India Radio and came with a request whether he could give my name for a reference. In due time a reference was made to me and I wrote that his thinking having become more positive now he was a very suitable man for the job. I hope he got it.

8

THE SECOND ROUND TABLE CONFERENCE

The Second Round Table Conference was convened in London during the autumn of 1931. Before the Conference, the Viceroy, Lord Irwin had managed to persuade the Congress to send representatives to it. His negotiations with Mr. Gandhi had resulted in, what is known as, the Gandhi-Irwin Pact. In pursuance of this agreement Mr. Gandhi procured from the Congress the mandate for being its sole representative in the Second Round Table Conference. Mr. Gandhi, though a single delegate was, indeed, a host in himself, universally respected not only in India but also in England and other parts of the world. However, it was realized during the actual working of the Conference that however respected and able an individual might be, it is a mistake on the part of a strong and powerful party to be represented only by a single individual in a conference. True, no decision was taken by counting of heads and therefore it did not matter very much that a single individual who was backed by all the prestige and weight of his party, represented it, but there was a psychological factor involved. When a decision was under discussion, one person whatever contribution he had to make, could do so by one or two interventions and if the representatives of other parties and interests did not see eye to eye with him, his views were in danger of being smothered under an avalanche of opposition.

Mr Gandhi's presence gave great hopes and expectations to every-one both concerning the settlement between the two major communities of India, i.e., Muslims and Hindus, and also about a settlement between India and Britain regarding independence or responsible government. Mrs. Sarojini Naidu was a close friend of Mr. Gandhi. She was equally respected among Hindus and Muslims and she was very anxious to bring the two communities to some kind of an understanding. It was mainly because of her efforts that a meeting between Mr. Gandhi and the Muslim delegation was arranged in Sir Agha Khan's suite in Ritz Hotel.

When Mr. Gandhi arrived, as a mark of respect we all rose and received him standing: we had been sitting informally. The Agha Khan hastened to offer his seat to Mr. Gandhi, which he declined saying that he would prefer to sit on the floor: he persisted in that because he considered it to be much more comfortable.

So he squatted on the floor and some of us, out of deference to him, did the same. He was carrying an attractive mahogany case which looked like a radio-set. When he was settled comfortably he opened the case in a rather deliberate manner and brought out an ingeniously constructed spinning wheel - much smaller than those used in India -

and set it up with great care while the whole performance drew everybody's attention. We began to hope for a settlement which might, somehow, emerge from the spinning wheel. After spinning out a couple of strings he indicated that he was ready to talk. He said that he was eager, indeed anxious, to come to a settlement with his brethren, the Muslims and so he was prepared to accede to their demands so as to provide safeguards to them in the future constitution of an independent India. He added, however, that he could not accept anything conclusively at the moment: before leaving India he had made a promise to Dr Ansari - the most important Muslim member of the Congress - that he would not come to any settlement on any question in his absence and therefore it was necessary for him to have Dr Ansari's advice. Finally, he suggested to the Muslim delegation to request the Secretary of State for India to invite Dr Ansari to the Conference as a delegate.

This raised a very important question. After the Gandhi-Irwin Pact the Congress had announced that it had given a mandate to Mr. Gandhi to act as their sole representative. There had been efforts, presumably on the part of the Congress, to the effect that Dr Ansari should also be invited as a representative of the Muslims and some of the leading Muslim delegation had fiercely opposed it. They had no objection to Dr Ansari or any other Muslim member of the Congress being invited to the conference so long as the representation was on behalf of the Congress and not of the Muslim community at large. They feared that inclusion of men like Dr Ansari among the Muslim delegates would blur the Muslim stand on certain important issues. So Dr Ansari was not invited and the Muslim delegates had made it clear that the Congress could send as many Muslims as it liked as its own representatives but not as representatives of the Muslim community. What appeared to be a very reasonable request made so politely by Mr. Gandhi could actually shake the very basis of the Muslim position.

The discussion with Mr. Gandhi lasted about half an hour. He made it plain that he could not discuss these matters in the absence of Dr Ansari. At this stage I thought, I might venture to participate in the discussion. I was one of the junior members of the Muslim delegation and I did not want to transgress the limits which my position imposed on me, but an idea struck me and 1 asked Mr. Gandhi's permission to put it forward. He graciously agreed to my proposal to continue with the discussion and invite Dr Ansari only if we thought that we were likely to arrive at an agreement so that he could come and join us at a stage where it would be more fruitful. I further submitted respectfully that a joint invitation from Mr. Gandhi and the Muslim delegation would be a matter of far greater satisfaction to Dr Ansari than being invited by the representatives of an authority that Mr. Gandhi had so often described as the "Satanic government".

Mr. Gandhi smiled and indicated his willingness to proceed with the conversation. The discussion extended over two or three meetings. The upshot was this: Mr. Gandhi was prepared to accept, what in those days were known as, the Fourteen Points of Mr.

Jinnah. But he felt he could not persuade himself to accept just one point: namely, the continuation of the system of separate electorate in the legislative bodies of India. It meant that a certain number of seats reserved community-wise were to be filled by representatives elected only by the voters of that community. He considered it a harmful system as it tended to keep the two communities apart and could lead to undesirable consequences. The Muslim League point of view was that they badly needed it as a safeguard. However, he refused to come to any terms on the question without consulting Dr Ansari.

So we were again left in a quandary. Once again it was after a good deal of discussion that I asked Mr. Gandhi's permission to put him a couple of questions in order to get a clearer picture of the situation. He nodded a gracious consent and I said: "Sir supposing we send for Dr Ansari and he agrees to come and you, in spite of your own clear-cut views, urge upon Dr Ansari to agree and supposing he says, `Sir, you know very well I am devoted to you and if occasion demands I'd readily lay down my life for your sake, but this is not a question for my personal sacrifice. I honestly and sincerely believe that this system is harmful to India and is also harmful to the Muslim interests and I cannot betray the trust by agreeing to something which I honestly consider to be harmful': what would be your attitude"? He said: "My attitude would be that I would then support his position". I continued: "Supposing in the meantime, the Congress Muslims hold a meeting and cable you to accept this point: would that affect your position even if Dr Ansari still continued his opposition"? He said: "No, I would still be with Dr Ansari". Finally I said: "Sir, if the position were reversed and Dr Ansari as a result of our joint pleading reluctantly agrees while the other Congress Muslims send you a message urging upon you not to accept this condition, what would be your position"? He smiled and said: "I would still be with Dr Ansari". So it was clear that the final decision did not rest so much with Mr. Gandhi as with Dr Ansari but Mr. Gandhi was prepared to use his influence and power of persuasion on Dr Ansari.

So, for the moment we put aside the question of separate electorate and proceeded to discuss the remaining safeguards. Mr. Gandhi seemed to have no objection against any of them, he doubted the feasibility of some of them but was quite willing to go ahead. This is how matters stood at the end of the second or third meeting when we asked Mr. Gandhi what he would require of the Muslim delegation in support of the common cause. He said that he would send his proposals later.

After three or four days we received from him a sheet of paper written out in pencil on both sides, with no beginning or end and indicating nothing what the document was about. It merely stated the Congress demand for complete independence, including control of the Armed Forces and finances and elaborated some aspects of independence in order to make sure that there would be no reservations in respect of a complete independence. We had no objection to supporting the demand as elaborated provided the Muslim position could be reasonably safeguarded.

However, the concluding proposal left us quite worried. It required the Muslim delegation to oppose any special arrangements and safeguards for those who were being generally described those days as the Scheduled Castes. After a good deal of discussion we found that it would be completely inconsistent with our stand to accept it fully. Compared with Hindus the Muslims were in a weak position in everything such as trade, industry, commerce, education, etc., but we were far better off than the Scheduled Castes: we enjoyed a better standard of living, we had some share in commerce, education, etc., and yet we were insisting upon a set of safeguards for ourselves. How could we justifiably take up a stand along with Mr. Gandhi as Congress representative, that no safeguards were necessary for a community in a much weaker position than ourselves?

So after a good deal of discussion, backwards and forwards, we decided to inform Mr. Gandhi that if our demands were accepted we would be very glad to take up the position that any arrangement with regard to the Scheduled Castes was an internal affair of the Hindu community, since Mr. Gandhi had insisted that any special arrangements made for the Scheduled Castes would disrupt Hindu society. We were prepared to accept whatever the Scheduled Castes and the Hindus agreed upon between themselves but we could not take up the view that safeguards were not needed for the depressed classes. After all, they considered themselves as a distinct and separate entity for the purposes of political representations and allied matters.

It was on this point that the negotiations broke down. Mr. Gandhi was firmly opposed to any special arrangements for the Scheduled Castes. In the summer of 1932 when the Communal Award was published, he started, what was called, a fast unto death. The leaders of the Scheduled Castes as also of the Hindus felt extremely mortified and distressed that Mr. Gandhi would carry on his fast right through to the hitter end. They gathered at Poona where he was fasting and reached a settlement and this is how the problem was solved.

9

PRESIDENCY OF THE ALL INDIA MUSLIM LEAGUE

I was elected as President of the All India Muslim League in December 1931, but it was not much. The All India Muslim League was not a very active or effective organization in those days. There used to be an annual session and the election of a President who continued as such for a year. The session was held at Delhi and a number of resolutions were passed.

I cannot recall in detail the topics of my Presidential address at the annual session held at Delhi but, I am sure, I touched upon the set of safeguards that we were working out for the Round Table Conferences. As I joined the Government of India in June 1932, I had to resign the Presidentship since I could not continue my association with any political party. During the six months of my presidentship I continued my efforts to bring together the two Muslim organizations - the All India Muslim League and the All Parties Muslim Conference. There was no justification for the two organizations to work separately as they had the same objectives and were pursuing the same ends. I was confident that I would be able to put an end to this duality in our political representation but my appointment to the Governor-General's Executive Council put an end to my efforts. Finally the League was given a new life by Mr. Jinnah and it became a very powerful political body under his leadership while the Muslim Conference lost itself in the sands.

10

THE VICEROY'S EXECUTIVE COUNCIL JUNE 1932 - OCT 1932

At that time the Council was composed of eight members: three Indians, three Britishers, the Commander-in-Chief as ex-officio member and the Viceroy himself. One of the three Indians was a Muslim. The Council was instituted in 1772 and the first Indian member, Lord Sinha, was appointed in 1909. Later, in 1915, the first Muslim to be appointed to it was Sir Ali Imam from Bihar. He was succeeded by Sir Muhammad Shafi from the Punjab, who in his own turn was succeeded by Sir Muhammad Hahihullah from Madras. In April 1930 Sir Fazle Husain from the Punjab was appointed to the Council and he continued in that office till April 1935. He had been in poor health even when he was working as Minister and later, Revenue Member in the Punjab. He had developed some affliction of the throat. It was not cancer, and he did not die of it, but it was some sort of growth which made breathing difficult for him and sometimes gave him a fever, but in spite of this serious handicap he managed to carry on.

In the summer of 1932, however, he felt that a respite had become necessary if he was to carry on at all. So he decided to take leave for four months. The Vice-viceroy, Lord Willingdon, had known me as we had worked together on the Consultative Committee set up at Delhi between the Second and Third Round Table Conferences. The committee came to an end after two or three sittings because the Communal Award was yet to be announced and the Muslims did not know about their position in the new Constitution. They found that they could not come to any final decision.

It was not the Viceroy's choice that I should officiate for Sir Fazle Husain, but, I am sure, it was on Sir Fazle Husain's insistence that the Viceroy was persuaded to nominate me. Sir Fazle Husain wanted his portfolio with someone who enjoyed his complete confidence while he was away.

The news of my appointment was as much a surprise to me as to a large number of those who were interested in such matters. Though I had been a member of the Punjab Legislative Council since 1926, had been to England in order to present the Muslim viewpoint to British statesmen and politicians and had taken part in the two Round Table Conferences, I was still so young that the appointment was looked upon as a departure from the normal practice.

I was extremely grateful that I had been considered worthy to shoulder such a heavy responsibility. I took it up in a state of fear and trembling but prayerfully determined that, with God's grace, I should not be found wanting.

The headquarters of the Government of India had moved upto Shimla. I left Delhi by train and went to Lahore to meet Sir Fazle Husain who was on his way to Abbotahad where he proposed to spend his leave. When I asked him for instructions on general policy or any particular issues he told me that it was all upto me and that I would have to sink or swim on my own. However, he said that he had not been able to persuade the Viceroy to agree with him in a certain matter and he thought that I might make an effort there. Sir Frank Noyce, the Secretary of the Department had just been appointed member of the Viceroy's Council in charge of Industry and Labour. Sir Fazle Husain had prevailed upon a somewhat reluctant Viceroy to agree to the appointment of Sir Girja Shankar Bajpai in place of Sir Frank Noyce. But Sir Girja Shankar suffered from high blood pressure, and the Viceroy, as a sort of rearguard action, had made it a condition that Sir Girja Shankar should produce a clear bill of health. So he had proceeded on leave to Vienna for treatment and also for the necessary testimonial on his health. In the meantime Mr. Reed, the next senior officer in the Ministry had been appointed as officiating Secretary. The officer next to him in seniority was Mr. Ram Chandra from the Punjab. Sir Fazle Husain wanted Ram Chandra to become the Joint-Secretary when Bajpai became the Secretary but that meant either sending Reed back to his province (he belonged to the U.P. Cadre of the Indian Civil Service) or superseding him. The Viceroy had not agreed.

It was part of Sir Fazle Husain's policy that wherever possible he would promote Indianization of the superior posts so that Indians could have more and more experience to discharge the greater responsibilities that they would have to shoulder later. So he wanted Ram Chandra rather than Reed to work as the Joint Secretary. Incidentally, I was able to arrange that. The Viceroy was not too unhappy over the arrangement that I proposed and so he agreed.

After meeting Sir Fazle Husain I left for Kalka by the evening train; from there I drove to Shimla with Khan Bahadur Nadir Shah, Sir Fazle Husain's personal assistant. He was highly experienced in his job, was a Parsi and had always been a good friend of mine. During the drive I asked Nadir Shah to tell me how official business was transacted. He explained to me the mechanics of it - how files came in and how they were disposed of - down even to the detail that any order I wrote or dictated needed only to be initialled by me with the date and the month. I still remember his saying, "Your full signature is required only on very formal documents like despatches or your salary bill. So long as you can sign those, everything will be all right". Afterwards whenever anybody asked me about the necessary qualifications for a member of the Council I would say that the only necessary qualification appeared to be that one must always remember the date and the month and able to sign his salary bill in full name.

In Shimla I occupied the official residence of Sir Fazle Husain. It was called the Retreat and was situated on the Mall, almost opposite to Cecil Hotel. It was a comfortable house. As soon as I arrived there I asked Nadir Shah to ring up Ram Chandra and ask him to see me. I knew him very well. He had passed his M.A. from the Government College, Lahore, and had worked in a temporary vacancy, as Assistant Professor of Mathematics when I was studying there in the Intermediate class. Mathematics being one of my subjects I had the honor of sitting at his feet for a few weeks. Mr. Ram Chandra had then proceeded abroad on a state scholarship, for higher studies. While in England he had been selected for the Indian Civil Service and was now officiating as the Joint Secretary of the Department. The offices of the Ministry were hardly at a five-minute walk from my house.

He came along and we greeted each other and I said, "Mr. Ram Chandra, you taught me a little mathematics and now you have to teach me the arithmetic of this place". So he told me more about the mechanics of the Department.

Mr. Reed rang up Nadir Shah asking him when he should call on me and when the other officers of the Department should. I might mention here that a member of the Viceroy's Executive Council was, so to speak, one of the galaxy of stars around the Viceroy who was the luminary of the political heaven of India. He and the six Members of the Council and the Commander-in-Chief exercised, subject only to the control of the Secretary of State for India at Westminster, absolute authority over the whole of the vast domain which included not only, what are today, India and Pakistan but also Burma. Everybody looked up to the Honorable Members as they were called and the old tradition still applied in full force though there were now three Indian Members. They were meticulously shown the same deference and given the same respect as their British colleagues. Having been suddenly placed in that position I felt I had to safeguard myself against any tendency towards the inflation of my ego.

I asked Nadir Shah to tell Mr. Reed that he was not required to call on me, nor were the other officers of the Department; I would be in my room in Gorton Castle next morning at ten and that I would be grateful if Mr. Reed met me in my room and took me round the Department, introducing me to every member down to the assistant secretaries, superintendents, assistants and clerks. This meant greeting quite a few hundred people and shaking hands with them, but I was determined to carry it through. Nadir Shah seemed to protest as it was a radical departure from the normal practice in the Central Secretariat where only officers were privileged to call on the Members: they could ask leave to come up but only on official business. This was my first break with tradition.

I would like to narrate another little incident to give you an idea how insulated and rigid the whole system was. Shimla is a hill-station with winding narrow roads, precipitous at certain points. Only the Viceroy, the Commander-in-Chief and the

Governor of the Punjab (Shimla was also the summer headquarters of the Punjab Government) were permitted to use cars which had to move very slowly as the roads were very narrow and always full of pedestrians. The only other means of transport were pony or rickshaw. The permanent residents for the season generally had their own private rickshaws with teams of four or six men to operate them. It was a fairly comfortable means of transport and trained rickshaw coolies, as they were called, could take you fairly fast from one place to another. These coolies pulling private rickshaws, wore liveries, puttees upto the knees, breeches and long tunics down to the knees with a broad belt around the waist and across the breastpiece the initials of the owner. Mine, I remember, wore wine colored tunics with a bright yellow Z across the breastpiece. I was told it looked like a streak of lightning against the background, especially when the rickshaw was proceeding at a fast speed and the bodies of the coolies swung up and down.

I always preferred to walk short distances when I was not in a hurry. There, again I was told that I was breaking the tradition as no Member of Council was supposed to walk. However, if once in a blue moon, he chose to walk the rickshaw had to follow immediately behind him as a sort of insignia. I did not conform to this practice either. One day as I was walking down to the office, Sir Launcelot Graham, the Law Secretary (later, Governor of Sind) passed by me on a pony. Greeting me he said that I was breaking the tradition. I asked, "Which one, Sir Launcelot"? "Why", he replied, "You are walking and your rickshaw is not following you". I said, "What do you think God has provided me with a pair of legs for"? He moved on wearing a significant smile.

Looking back over more than thirty years of public life I may say that I wielded a firmer pen during those months than ever at a later stage. It might have been due to an inner determination to make my views clear to others and put them forth as cogently and firmly as the occasion demanded.

My portfolio included a bewildering variety of subjects; the principal ones being Health, Education, Lands, Archaeology, Indians Overseas (e.g. Indians in South Africa) and Surveys of India. All miscellaneous subjects seemed to be shelved into what was called HEL which occasionally raised a laugh at the expense of the Member. Later, the designation was renamed and it was described as Education, Health and Lands making the abbreviation EHL.

The major dispatches from the Government of India on the proposed constitutional reforms under the consideration of the British Government at Westminster went through the Council during the four months of my membership. The recommendation of the Government of India on the communal representation had already been made but still awaited the approval of His Majesty's Government. After a few days of my taking over comments of the Secretary of State for India on the issue arrived and were circulated to the members. I was extremely disturbed to study them and thought that I

might have to leave the office much before the four months of my term ended, as I was determined not to continue in office if the amendments that the Secretary of State had proposed were ratified by the British Government. The original proposals had been framed by the Council when Sir Fazle Husain was the Muslim Member and now that they were going to be modified much to the prejudice of the Muslims, I was not prepared to have any share in the responsibility for the suggested modifications.

I asked for an interview with the Viceroy and told him that the proposed modifications from the Secretary of State had created a very difficult situation for me and that I would have to resign if the original proposals of the Government of India were not approved by the British Government. I also sent an immediate verbal message to Sir Fazle Husain explaining the situation and adding that I would fight to the last and that if I did not succeed I would resign.

The Viceroy was very sympathetic and kind. Lord Willingdon was a very understanding man and it was India's good fortune to have him at the helm of affairs at a critical juncture in its history. He told me that he would speak to the Home Member, Sir Harry Haig, and to Sir Philip Chetwood, the Commander-in-Chief and he was sure they would take the view that we could not afford to disturb the proposals the Council had framed after exhaustive discussions. The Viceroy encouragingly remarked that we would refuse the modifications and stand for the original proposals as they were the only comprehensive proposals that could work. He added that, myself included, four of us shared the same view, which meant an even division even if all the other members were unwilling to support the original proposals. In that case the Viceroy proposed to use his casting vote and so we could go back to the Secretary of State who would certainly give way. He concluded by telling me not to take too dark a view of the situation. That was comforting.

That very evening the Viceroy called a meeting and conducted it with consummate skill. It was his habit not to take up the agenda immediately. He would walk into the room and taking his seat would welcome each of us conversing in a tone that put us at our ease. He would chat with you asking personal questions if you had been away or address an observation to someone round the table. He was on a first-name-basis with every member, calling him by his personal name or addressing him as "My dear", so that everybody felt completely at home with him.

After the initial greetings, he turned to his private secretary, Sir Eric Mieville (subsequently assistant private secretary to the King at Buckingham Palace) and inquired what the business for the day was. Mieville explained that it was about the Secretary of State's telegram on the Communal Award. "Oh", he said, "yes, yes. Well, now, my dears, as you know this is a very troublesome business, and I think we would better start with an understanding, if we are to get through this evening's business within a reasonable time, and that is, that we should agree that unless the Secretary of

State gives some good reason for any change that he has proposed, we shall adhere to our original recommendations". It was all right and we proceeded.

I might add here that later, when I went to the Third Round Table Conference in England I learnt that it was Prime Minister Ramsay MacDonald who had insisted on the modifications and the Secretary of State had very little to do with them. That cleared my mind because Sir Samuel Hoare, the Secretary of State, understood the Muslim case very well and could not have proposed the modifications on his own.

These modifications implied that in the Muslim minority provinces, the Muslim representation might be increased by a seat here, a seat there, which means practically no benefit to the Muslims because they were to still remain in minority. It was further proposed that the Muslim representation should be reduced by two or three seats in the Punjab and Bengal, the two major provinces where the Muslims were in a majority. This would have deprived us of our majority of one or two seats that the Government of India had recommended and in Bengal we would have gone even lower than the recommended 48 percent.

So, to continue with the meeting, after getting a general agreement on the principle, the Viceroy asked, "Well, what does he propose with regard to Madras?" The Secretary of State had proposed two extra seats for the Muslims in Madras but no reason had been given for the change. The Viceroy asked me, "Do you want these two extra seats for the Muslims in Madras?" I replied that I did not want the extra seats provided no reduction was made in the number of our seats elsewhere. All of us agreed on that. Of the four women's seats in Madras, one was proposed to be earmarked for Muslim women. All of us agreed on that too. The Viceroy then took up the case of each Muslim minority province where extra seat or seats were proposed for the Muslims and obtained from me an intimation that I did not want the extra seat or seats. Thus, by the time we got to Bengal and the Punjab the Council was committed to the position that the Muslims would not have any extra seats in the Hindu majority provinces with the corollary that their representation in the Muslim majority provinces would not be disturbed.

So far as the Punjab was concerned, the Council readily agreed that the original recommendations would stand, but Bengal provoked a good deal of discussion. There had been only 28 percent Muslim seats in the old Legislative Council of Bengal because quite a large proportion of the seats had been reserved for special interests, the 10 percent European representation had to be allocated out of both the Hindu and Muslim seats, then there was representation of such sectors as the University, Industry, Commerce, etc. The Muslim share in all of these was nil. Thus the Muslims who had been given 40 percent of the general seats by the Lucknow Pact, failing to get more than a couple of seats from special sectors, ended up with 28 percent of the total House in a province where they formed the majority of the population. This position had to be rectified.

Now that the principle, that as far as possible communities strength with some weightage to the minorities, was accepted, Muslim representation had to be substantially increased and the change appeared very big. Sir B.L.Mitter, Member for Law, was from Bengal. He was a good personal friend of mine and we continued to be good friends to the end of our association. Naturally, he put forward the Hindu case for Bengal and I put forward the Muslim case. The upshot was that the original recommendation which had been passed by the Council with the dissent of Sir Fazle Husain and Sir B.L. Mitter was adhered to, subject to Sir B.L. Mitter's dissent on behalf of the Hindus and my dissent on behalf of the Muslims. So the Muslims, in spite of their majority in Bengal, were to get 40 percent representation. Thus the original proposals were sent back and the British Government ultimately accepted them. The apportionment of seats in provincial legislatures came to be known as the Communal Award.

This was to illustrate how the dispatches passed from the Government of India to the Secretary of State. Of course all of them were not controversial. I remember attending a meeting on the very first day I arrived in Shimla. The item on the agenda was "the Military Dispatch" which had been prepared by the Commander-in-Chief's staff. I knew little of the subject matter of the dispatch and since I did not have enough time at my disposal I read it hurriedly through carefully, marking a point where I thought improvement was possible. In the Council meeting the dispatch was taken paragraph by paragraph and barring an explanatory observation by Sir Phillip Chetwood, the Commander-in-Chief, or General Wigram, his Chief of Staff, there was scarcely a comment. The dispatch dealt with a highly specialized subject. Having joined the Council the same day I was the junior most Member and was not sure how my comments would be received. So when we reached the point that I had marked I ventured to give my comments somewhat diffidently but I felt encouraged when I saw Sir Phillip looking at me very attentively and General Wigram smiling and nodding his assent from the back seat. He was rated very high in military circles. Then I saw him whisper something in Sir Phillip's ears and the Commander-in-Chief said that my suggestion was quite acceptable to them and they considered it as an improvement.

During the course of discussion other members gave occasional comments but I was the one who gave more comments than anybody else round the table. I began to think that my senior colleagues might think that I was overdoing it or being officious, but every time the same thing happened. The Commander-in-Chief and General Wigram would readily accept my suggestions. From that day onwards, even after his retirement Sir Phillip (later Lord) Chetwood remained a very good friend. From my viewpoint all this was very educative, it widened my horizon. This was my first practical experience in public affairs. I found myself among people who had been steeped in these matters for years and I learned a great deal from them. In my own department all of my officers

seemed to be very happy with me and very cooperative too. I cannot recall any serious difference with any one of them.

On the 8th of August, Mr. (later Sir) Girja Shankar Bajpai arrived from Vienna; he had already submitted a clean bill of health. I mentioned about his arrival to the Viceroy and recorded an order appointing him as the Secretary of my department. I was also able to adjust matters between Reed and Ram Chandra. Reed was appointed as Joint Secretary till Sir Fazle Husain's return from leave. He was then to go on leave and on return was to revert to his province. Ram Chandra was to go on leave till such time as Reed left on leave and was to become the Joint Secretary on Reed's departure. The Viceroy approved.

There was a slight difference between General McGaw, the Director-General of the Indian Medical Service, and myself. A Colonel Russell from Madras was recommended for appointment as Deputy Health Commissioner of India. Papers were put to me and I noticed that Sir Fazle Husain had written a note on the desirability of having an Indian representative at the headquarters of the Indian Medical Department in the Government of India. Here was a chance for me to carry the matter a little further, so I asked General McGaw to come over.

He came in and I asked him whether something could be done in that direction. He was of the opinion that nothing could be done for the time being as there was only one vacancy and Colonel Russell was the best qualified man for it. I was ready to support his recommendation if he was prepared to consider a duly qualified, senior Indian officer for appointment whenever there was a vacancy in future. His answer was that he could not bind the hands of his successor. So I wished him a very fine good morning telling him that I would do the binding.

I then sent for the Deputy Secretary, Mr. Hydari, who dealt with matters coming from the IMS Branch. He and his father Sir Akhar Hydari, the Prime Minister of Hyderabad, both were good friends of mine. We joined our heads together and selected three Indian officers of the IMS, possessing the necessary qualifications and on the verge of attaining the requisite seniority. Eventually, one of them, Major Ganapati succeeded Colonel Russell. He was a son-in-law of Sir Hari Singh Gour, a well-known lawyer of the Central Province and a member of the Round Table Conference.

So, to continue the story, having fortified myself with these names, the next time I went to the Viceroy. I broached the matter with him. When I mentioned Colonel Russell's name, he said: "o, my dear, I hope you approve of him. I knew him when I was the Governor of Madras and I think he's an excellent officer." I told him I was prepared to recommend Colonel Russell but that I wanted to mention, in my recommendation, the names of two or three Indian officers of the Indian Medical Services, who were soon to obtain the required seniority with the note that one of them be considered for the

appointment at the headquarters of the IMS, whenever there was a vacancy in future. He agreed and I recorded an order, adding "H.E. approved" and that was the end of the matter.

I was told later by Hydari that when the file went back to General McGaw he was very upset and he went to Mr. Hydari to request an interview with the Viceroy as, he said, he wanted to protest against the order of the Member. The Deputy Secretary told him that he was sure I would not stop him from seeing the Viceroy but the Viceroy, having given his approval, was not likely to change his mind.

I guess General McGaw was chagrined, but he did not show his resentment to me. He was, later, appointed as Medical Adviser to the Secretary of State in the India Office. He wrote a hook on his experiences in the I.M.S. in India and presented a copy to me during one of my visits to England.

Mr. Hydari continued to climb the official ladder, became Joint Secretary and then Secretary and after Independence, was appointed as Governor of Assam and died of heart-failure when he was the Governor. He was a very competent officer.

So much for the Department; then there were, what may he called, inter-departmental disputes and differences. I remember once I came into conflict with Sir Allan Parsons who was officiating for Sir George Schuster as the Finance Member. Parsons was so autocratic that his department people called him the Sultan. One day Reed came to me almost with tears in his eyes and showed me the noting on a file that had been returned by the Finance Department. On his asking whether I could do anything I told him to leave the file with me, took it home and dictated a rather strong note making out a case in the defence of poor Reed. The next morning I sent the note to Parsons, with a covering letter suggesting to him to write a fresh note omitting the offending paragraph in which case my. enclosed note was not to go on the file but telling him that my note would go on record if he could not see his way to accept my suggestion. Within an hour I received a letter from him stating that he had taken his note off the file and substituted a new one after omitting the offending paragraph.

Such matters were a part of bureaucratic routine and illustrated the lack of joint responsibility which is so essential for the working of a cabinet. The legislature could discuss, criticize, obstruct, amend or reject official measures but it could not vote out Members of the Viceroy's Council. The whole system had become unrealistic and anachronistic. In the Council, Lord Willingdon very often obtained unanimous decisions. His method was to let the Member of the concerned department put forward the item giving a brief account of it. This was followed by a friendly discussion and mostly the Members unanimously agreed to a certain understanding. In very rare cases the matter was put to vote.

His successor, Lord Linlithgow, on the other hand, was more formal and rigid in his approach. He was a very capable man. The Archbishop of Canterbury, Lord Lang, once remarked to me, "You know, Linlithgow with twice the ability of Willingdon is not half as successful a Viceroy". He lacked the human touch. He wanted everything regulated along prescribed lines. As soon as he had taken over we were asked to attend the Council meetings in cut-away suits. We conformed, but soon we were overtaken by the War and then we rebelled.

Sir James Grigg who had succeeded Sir George Schuster as Finance Member and who loathed all ceremonial had a word with me and we let Sir Gilbert Laithwaite know that we were too busy to spend time over changing clothes before the Council meetings and after. We heard no more about it.

As soon as we were seated he would announce the first item on the agenda and ask for comments in strict order of seniority. Each member formulated his view and became committed to it, differences arose, the discussion was prolonged and the Viceroy's desire to obtain unanimity was frustrated. Counting of votes became the rule. If only he had been somewhat informal and let people talk across the table, it might have been very different. Lord Willingdon had the knack of putting everybody at ease. I remember my first interview with him. It was in the early 30's: I was not yet a member of the Council and I had gone to see him over something in connection with the trouble in Kashmir. As I entered the room he got up from his chair, shook hands with me saying, "How are you, my dear? Come let's sit down here", and we sat down on the fender seat, which was rather broad and afforded plenty of room. He made you feel that you were welcome and the Viceroy was prepared to talk to you and listen to you. I could not imagine Lord Linlithgow doing it ever.

Early in the war, he nominated me to represent India in the Dominion Ministers' Conference which was called in London by Prime Minister Chamberlain. On my return I was invited to dinner by the Viceroy and Lady Linlithgow. It was the most intimate meal we ever had together; there was nobody else, not even the ADC. I told him all that had passed in England and I deliberately mentioned that we had been honoured by the King as we had been invited to the Palace for dinner in black-tie suits and not in white-tie dress, the Viceroy used to insist not only on white-tie but hill-dress uniforms at his official formal dinners even when the war was on. He raised his eyebrows and mumbled, "Mmm", meaning thereby that the King had been lacking in due ceremonial. In England they knew they might he bombed out of existence any night so they couldn't be bothered with ceremonial.

11

THE THIRD ROUND TABLE CONFERENCE, 1933

The Third Round Table Conference was a much more business-like affair than the two conferences held earlier. During the two earlier conferences the discussion had been mostly on general principles but in the Third Round Table Conference we got down to asking concrete proposals on various aspects of the future constitution. Also the membership was much more limited: there were only five or six Muslim delegates from British India. Consequently, I was called upon to take a leading part on behalf of the Muslim delegation.

His Highness the Agha Khan was, of course, our leader and a pillar of strength he was. He had told us at the First Round Table Conference that he would make no speeches and take no part in debates. However, his standing and prestige were of very great help. Whenever an occasion arose for behind-the-scene conversations or negotiations with the Prime Minister or the Secretary of State, his help was invaluable. But on the cut and thrust of debate others had to come forward and in retrospect, it seems that I took a leading part in that.

In the Third Round Table Conference the main committee which sat throughout was known as the Federal Structure Committee. As its name indicated, it concentrated on preparing a blueprint of the proposed federal structure. The discussions in the conference served as the basis of the proposals that were later put forward by the British Government as a White Paper.

One of the difficult questions that we had to deal with was a move on behalf of the Punjab Hindus urging that the distinction be made between the Punjab and other provinces so far as the transfer of responsibility for law and order was concerned.

This was part of a bigger issue. In the federal set-up the Muslims were for committing minimum powers to the Centre and transferring all residuary powers to the autonomous provinces. The reason for such a stand was obvious. Complete provincial autonomy in connection with matters declared as provincial subjects provided safeguards for Muslims in their majority provinces, i.e., the Punjab, Bengal, the North West Frontier Province, and Sind. Taking away law and order from the Muslim key province of the Punjab would have meant stultifying the provincial autonomy there.

The main attack came from a Hindu representative from the Punjab, Pundit Nanak Chand, a well-known lawyer of Lahore. Our personal relations were friendly_ His

stand for law and order to be a central subject so far as the Punjab was concerned had no substance and he entertained no hope that his view would he accepted, but he wanted to be able to say, when he went back, that he had valiantly upheld the non-Muslim cause in the Punjab.

He delivered a long, passionate denunciation of the Unionist Party in the Punjab legislature. The Party, composed of Hindus, Muslims and Sikhs, had never functioned on communal lines. Pundit Nanak Chand, in the course of his declamation against the irresponsible Muslim element in the Punjab Legislature appealed to the Chairman, Lord Sankay, "My Lord, you are a judge. You will be surprised to know that one of their members was tried seven times for murder, seven murders to his credit, My Lord!" I was amused rather than irritated for I knew the facts. So, when he paused for breath, I gently interjected a question. "Was this gentleman who is being referred to, a Hindu or a Muslim?" "Never mind who he was; he sat on your side of the House". The fact was that the man was a Hindu member from Rohtak.

Lord Sankay was irritated by this harangue on a question which had been settled in principle and was not likely to be reopened. What he was afraid of was a counterblast from the Muslims the next day. The committee sat late that day to let Mr. M. Nanak Chand finish. When we got down to the cloak-room and were getting our coats and hats, Nanak Chand said, "Zafrulla, will you answer me tomorrow"? I said "I'm afraid I shall not be able to gratify you". He enquired the reason and I said with a laugh. "My dear Nanak Chand, if I were to answer you then what would be the difference between you and me?"

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Next day when my turn came I made my comments on the merits of whatever was under discussion and wound up with, "My Lord, yesterday we heard a long speech urging that an exception he made in the case of the Punjab with respect to the transfer of law and order to popular control. All I wish to say is that if any such distinction is made, it will wreck the whole scheme altogether. Thank you, Lord Chairman". Lord Sankay must have felt greatly relieved: he said at once, "I entirely agree". So that was the end of the matter.

The Congress was not represented in the Third Round Table Conference. Mr. Gandhi, who had been present at the Second Round Table Conference, had gone back and started his non-cooperation or passive resistance movement.

The British Government issued a White Paper summarizing the results reached through the three Round Table Conferences, and dealing with Indian constitutional proposals. It was presented to the Parliament, the Government invited both the Houses to set up a Joint Select Committee to study the proposals, take evidence and submit its report. On the basis of this report, a bill was drafted and passed as the Government of India Act of 1935.

12

THE JOINT SELECT COMMITTEE, 1933-34

The Joint Select Committee was composed only of the members of both the Houses of Parliament. It was a fully representative body and included all the available ex-Viceroys: Lord Hardinge of Penehurst, Lord Reading and Lord Halifax. They brought to the deliberations of the committee a fund of experience and knowledge of Indian affairs and conditions that could not be surpassed by any other three men. Then there were men like the late Marquis of Salisbury, father of the present Marquis; Austen Chamberlain, the elder brother of Neville Chamberlain who subsequently became Prime Minister: the Archbishop of Canterbury, Dr Coomo Lang and many outstanding and eminent members of both the Houses. Sir Samuel Hoare, later Lord Templewood, was still Secretary of State for India and defended the proposals made in the White Paper.

An Indian delegation was also invited to sit with the committee and take part in the examination of witnesses while the committee was recording evidence. The participation of the Indian delegates finished at the end of the public sittings. They took no part in the discussions that ensued. The Indian delegation included Sir Tej Bahadur Sapru, Mr. Jaykar, Sir Hari Singh Gour, etc. The Muslim side was represented by four or five of us. Sitting with eminent statesmen from Britain, observing their methods and working of their minds occupied with grave and important projects was a privilege and a very valuable experience.

Of the witnesses, some came as groups and some as individuals, but the most outstanding one who came to give evidence was Mr. Winston Churchill. He came as an individual, in his own right, but he was a host in himself. He was then out in the cold, as it were; he was not in office, and every inch of the way, he fought India's advance towards Dominion Status. He was examined by the committee for four days and though, of course, the Indian side differed with him on every point, yet everybody admired the way he stuck to his point of view and the great skill, dexterity and ability with which he tried to uphold it. When he finished his evidence, everybody around the table, Indians as well as the British, gave him a long ovation.

Amusing incidents also occurred. One of the members reminded Mr. Churchill that in his original presentation he had urged for a good deal of weight to be attached to the views and opinions of the men on the spot, with experience of running the administration in India. The member pointed out to him that Sir George Thompson, who had been a distinguished civil servant in India and had been the Chief

Commissioner of Delhi, had expressed his strong support for the White Paper proposals. Mr. Churchill affected ignorance of the man and observed: "if you mean somebody of that name who had become Vice-Chairman of some organization set up for the express purpose of boosting these proposals on which the committee is engaged; surely, surely, I cannot be expected to attach much importance to the views of a person who is openly advocating one particular point of view."

On this the Archbishop of Canterbury interposed: "Surely, My Lord Chairman, Mr. Churchill does not mean that the committee should not attach any weight to the views of anybody who advocates one particular line of approach on these questions, implying that by that token Mr. Churchill's own views should not receive any consideration from the committee". But Churchill wriggled out of it. He said: "My Lord Chairman, I must explain what I mean. Of course, the committee must pay attention to everything that is submitted to it. What I said was that I could not be expected to attach much importance to such views."

One morning Sir Samuel Hoare asked me whether I intended to put any questions to Mr. Churchill. I said I daren't. He smiled and said: "Well, I don't know whether you dare not, but let me tell you that most of the questions addressed to Mr. Churchill have been on general principles whether India should be accorded Dominion Status or not. Now Churchill is the cleverest debater in the House of Commons and it is very difficult to pin him down. You would have noticed that he has been reminded of some of his own speeches where he has advocated Dominion Status for India, and he has just waived that aside maintaining that status is one thing and function is another. India, he says, already has got Dominion Status: India was signatory to the Treaty of Versailles, India is a member of the League of Nations, that is Dominion Status, but function is quite a different matter and India, he says, is not yet ready for it."

So, Sir Samuel suggested that if I decided to ask any questions from Mr. Churchill, they should not be on generalities but I should try to draw his attention to specific aspects of the Indian problem, for example, what progress had already been made in the exercise of responsibility, a criterion which he himself had put forward to determine whether a substantial advance should now be made towards self-Government.

That was a very helpful suggestion and I tried to make use of it. When Mr. Churchill was confronted with something on which he had to make an admission, he showed no hesitation in doing so, but as the questions proceeded and he became conscious of their trend he began, like a parliamentarian, to be less definite in his answers so that nothing could be built on them. On one occasion like this I put the question to him for a second time, but the answer was still not precise enough. So I said to him, "Mr. Churchill, I am under a disadvantage. English is not my mother tongue and I have twice failed to make my meaning clear. Will you permit me to make another attempt"? He assented politely and I put to him the question hedged around with "ifs" and "provideds", so that he

could be brought to face the point that I was trying to make. He answered my question and we carried on like that till the end. I examined him for about an hour on the first day, the committee then adjourned and I continued my examination for another hour the next morning. I took care to show him all the respect and deference to which he was undoubtedly entitled as an eminent statesman. I am sure Mr. Churchill appreciated that. When I finished he addressed the Chairman and said: "My Lord Chairman, may I be permitted to say that I have not noticed that Mr. Zafrulla Khan suffers from any disadvantage from any lack of knowledge of the English language". This was extremely gracious of him.

When his evidence was concluded on the fourth day, he got up and came over to me, shook me by the hand and with a twinkle and a smile, said "You have given me the two most difficult hours before this committee". That made us friends. Later, during the war when he was the Prime Minister I called on him whenever I visited England. He was extremely kind to me and on every occasion he gave me the latest volume of his speeches and inscribed it for me.

This association of ours with the Joint Select Committee continued during the spring and the early summer of 1933. It was interrupted by the usual English summer recess during August and September, and we got together again in the autumn. When the committee had finished its examination of witnesses our delegation returned to India.

13

COMMONWEALTH INTERNATIONAL RELATIONS CONFERENCE, 1933

During the interval, instead of going back to India, I accepted the invitation of the Royal Institute of International Affairs to be a member of the Indian delegation to the Commonwealth Relations Conference which was being held at Hart House, University of Toronto, Canada. That again was a valuable experience. These Commonwealth Relations conferences were initiated by Chatham House, the home of the Royal Institute of International Affairs, situated at St. James's Square, London; a whole series of them have been held in various parts of the Commonwealth. This was my first experience of them. It was also my first visit to America. We crossed the Atlantic from Liverpool to Montreal in one of the Duchesses. They were such unsteady boats that they used to be called "the drunken duchesses". Our voyage was uneventful, and I particularly enjoyed the run between Quebec and Montreal, the greater part of which was very lovely and impressive and something quite new for me; the air felt different. I found the Canadians kindly, hospitable and gracious.

The Indian delegation was composed of Mr. (later Sir) Ramaswami Mudaliar, the late Mir Maqbool Mahmood, and myself. We had a young secretary, Mr. Yudishtar Raj Wadhava. He was studying for the bar in London: I knew his father and I thought it would be a good experience for him to come along with us as secretary of the Indian delegation. He did very well in this capacity.

I made use of the few days available before the conference and paid brief visits to New York and Chicago, where I had an extremely good impression of the people. My feeling was that they were much more forthcoming than the British; there seemed to be no limit to their hospitality or kindness. My reception in Chicago was overwhelming. A group of young people who had come along with my friend to receive me at the railway station accompanied me to my hotel room and sprawled all over, on the bed, on the chairs, on the table. The Century Exposition was on in Chicago; they wanted to take me immediately to it, and succeeded in doing so. I have, I believe, a somewhat shy and retiring disposition and it was a hit of a strain to jump at once to the level of intimacy that they seemed to expect and took for granted.

Out of that first hatch, I made friends with two or three, and I have been able to keep up my friendship with them over a period of several years. One of them, and indeed, his whole family - and now that the second generation has grown up, also their children - are still very good friends. Whenever I go to Chicago they insist my staying with them.

So I have often stayed with the parents, and the junior members of the family come over and we have a reunion. Their name is Powells. I keep on telling Michael Powells Jr. that I saw him first when he was only three years old; he's now 22, so he has grown up in the consciousness that I am a family friend.

Back to Toronto, the discussions were very educative; one of the topics in one of the panels was: Is the Crown divisible? For instance, could the crown be at war as the Crown of one Dominion and be neutral as the Crown of another Dominion? We did not come to any definite conclusion as we thought it was a difficult problem to be pushed to a precise conclusion. Then the Second World War decided it. Eire was still a Dominion and remained neutral during the war. There was a German Minister at Dublin while the rest of the Commonwealth was at war with Germany.

We were put up in various colleges of the University as it was vacation time and ample accommodation was available. We found ourselves comfortably lodged; the rooms were spacious and were fitted with every modern convenience. Each suite for two undergraduates comprised a bedroom and study, neat, clean, airy, well-lit, and centrally heated. The only embarrassment we encountered was that the showers had no door or curtains in front. This was soon remedied.

One evening one of the young undergraduates who was in charge of our section came up and told me that I was wanted on the telephone. So I walked down and picked up the receiver. The voice at the other end said, "This is Howard speaking." I asked, "which of the three"? The gentleman at the other end said, "It is surprising that you should remember. As a matter of fact, this is Walter Howard speaking". I said, "I remember your father and mother visiting England in 1912 as they stayed in London at the house where I was staying. Your mother often talked about the children as you were of the same age as I was. I remember that you and I started correspondence but when I went back to India somehow our correspondence petered out. The moment you said 'Howard', I guessed it could only be one of you. But how did you get to know I was here." He told me that Mrs. Howard Sr. had given him a ring from Brentford. She had read my name in the list of the delegates and wanted to know whether it was the same young man who had met her twenty years earlier.

I asked him to come up immediately and we had a talk. I've since met him practically every time I have been to Canada. Unfortunately I could not meet Mrs. Howard during two of my subsequent visits to Toronto. Somehow a meeting could not be arranged.

At the conference we had with us Lord Robert Cecil, a younger brother of the Marquis of Salisbury. He was a great advocate of the League of Nations, of the idea of international cooperation, and of the settlement of international disputes through peaceful means. We had a very representative delegation from Canada and there were

delegations from all over the Commonwealth countries. We were entertained very hospitably at different homes in Toronto.

I particularly remember a visit to Donalda Farms, outside Toronto. Mrs. Dunlap owned the farms and she took great pride in her excellent breed of cattle. She entertained us at an afternoon party on the farm grounds which were kept in spick-and-span condition, the lawns were as smooth as velvet, a very rich green, and a police hand was in attendance. After tea we were asked if we would like to visit the barns. We went down, and when we approached the building I thought this must be the manager's residence: there were wire-gauze windows with flower pots on the window-sills. We went in and found it was the cow house. The cows were provided with every comfort. There was an arrangement even for music and we were told that the cows were so accustomed to music that one of them had resented being moved from her stall near a loud-speaker to a more distant stall, so much so that it had affected even the quantity of her milk. So she had to be brought back to her original position.

A valuable calf of a particular breed, which had been purchased somewhere in the Middlewest was brought to the farm by airplane and was lowered down and landed safely by a parachute arrangement.

Mrs Dunlap was a very gracious woman. She had set up this luxury farm in memory of her husband. He had been a qualified lawyer but had not been able to make much headway at law and had taken up a job of teaching. Some people who had formed a corporation for the purpose of prospecting for silver, approached him and asked him to draw up the legal documents. They told him that they did not have much money and could not pay him his fee, but they would allot him some paid up shares. If they struck silver, he would be well off, and if not, he would lose nothing. He agreed to draw up the documents and see them through registration, etc.

In the end, they did not strike silver but instead they struck gold. The shares rose in value and he found himself rich but unfortunately he developed tuberculosis and died of it at an early age. He had wished to set up a farm and live the life of a farmer in the open air, so his widow bought and established this farm in memory of her husband. They had a son, Moffat, who later succeeded to the farm.

The log cabin in which Mr. and Mrs. Dunlap had started life had been dismantled and reconstructed inside one of the principal rooms of the farm house which was a veritable mansion.

When I went back to Toronto in 1942 I met Mrs. Dunlap and Mrs. Starr. I had met Mr. Starr during my first visit; he was an eminent surgeon. By the time I went back in 1942 Mr. Starr had died but Mrs. Starr was still very active. Every time I have been to Toronto I have met her as also her sister, Mrs. Ross, whose husband was at one time the

Governor of Ontario. When I mentioned to Mrs. Dunlap all that we had seen on the farm her face beamed with delight and she was surprised that I should have remembered all that after nine years.

In the conference we did not need to canvass for the Dominion Status of India. Nobody questioned that position. It was taken for granted that as a result of the discussions that were being held in London, India would be set up as a responsible Dominion and we were treated as if India were already a Dominion.

During this conference, I also met Phillip Noel Baker, who subsequently became a Cabinet Minister and won the Nobel Price for Peace. He was truly a man of peace, remained loyal to his principles and was altogether an admirable personality. I have always considered it a privilege that I met him then and I have always prided myself on his friendship. Another British delegate was Mr. Donald Sommerwell, who became later, Solicitor-General, and the Attorney-General and Lord Justice of Appeal.

14

VISIT TO ENGLAND, 1934

In the later spring of 1934, I began to think of visiting England during the summer months as it could be useful. The Joint Select Committee was still sitting and it had yet to prepare its report. I felt that if I could keep in touch with the principal members I would come to know what aspects of the constitutional problem were under discussion and, by behind-the-scene conversations, I might be able to influence their thinking on matters that interested us.

During the First, Second and Third Round Table Conferences and the sittings of the Joint Select Committee delegates had been anxious to proceed to England. I felt that if anything in which we were interested as Muslims now went wrong, there might be a feeling that while everyone had rushed to England as an invited member with expenses paid, we had been guilty of neglect during the crucial stage.

So I asked Sir Fazle Husain whether he thought a visit might be useful. He liked the idea but he said he hesitated to suggest it to me as I had been to England four times and my visit might further affect my practice. I assured him that my previous visits had not affected my practice adversely, only I had to concentrate on my professional work in the remaining months of the year, as the number of cases coming to me had not increased, but my fee had risen and I had suffered no financial loss, and so I had nothing to worry about on that score. He said, "Well, in that case, if you were to go, I would be glad. Do keep me in touch with things."

That journey became memorable for another reason also: it was my first air journey to England. We started from Delhi on a plane of the Indian Trans-continental Airways. I was one of the directors representing the interests of the Imperial Airways on the hoard of Trans-continental Airways. The Imperial Airways was the predecessor of the BOAC and their interests in the Indian Trans-continental Airways entitled them to nominate two directors: one of them had to be an Indian. They nominated one of their own men, a Mr. Pinhorn, and I think it was at Sir Eric Mieville's suggestion that I was nominated as their second director. Sir Eric was Private Secretary to Lord Willingdon and he had known me fairly intimately, when I was a member of the Viceroy's Executive Council in 1932.

Starting from Delhi we made a stop at Jodhpur, but while landing at Jodhpur, the pilot made a slight miscalculation. So the bottom of the aircraft was damaged, just a

noticeable hump. The landing was safe but the aircraft was in no condition to resume the flight. Instead of proceeding to Karachi we had to stop for the night at Jodhpur.

Next morning, one of the lumbering Helena-type air-craft, which we were to board from Karachi, arrived at Jodhpur to pick us up. Things were so primitive in those days that there was no arrangement for refueling at Jodhpur. Ladders were put to the top and porters had to carry and pour gasoline into the aircraft which seemed to be insatiable; it took hours to refuel it. We could not leave until the afternoon. By the time we arrived at the Karachi airport it was evening, and we were taken to Killarney Hotel, it has since been renamed as Palace Hotel. We dined there, had a couple of hours' rest and were taken again to the airport. We left at 2 a.m. to make up for the lost time. The cruising speed of the aircraft was about 75 miles an hour. We stopped at Jiwani, Gwadar, Sharjah and Bahrain. After leaving Bahrain we were expected to stop at Basra, but the pilot, Travers Humphreys, came and told us that we could not make Basra because of the strong headwinds. We were just above Kuwait and he proposed to land there.

We made the landing and spent the night inside the walled village - that is what Kuwait was in those days. The Jam of Nawanagar's nephew was travelling with us as he was going to Switzerland for the treatment of incipient tuberculosis. He and I, being the two Indian passengers, were put up for the night in the home of the family who had the petrol agency for Kuwait. They were very good to us: their name was Ghanim.

After a long and fatiguing day we were very tired and were anxious to get as much sleep as possible. The poor nephew of the Jam Sahib was altogether spent. I suggested to him that he retire to bed but he was anxious not to do anything which our hosts might consider as improper. They were expecting us to receive visitors who started calling on us while dinner was being prepared. The calls went on till midnight and then the dinner was served and we were able to snatch a few hours' sleep.

The next morning we started quite early and reached Basra by 8.O'clock, where we stopped for a wash and breakfast. Our next stop was Baghdad, which proved to be the hottest place 1 have ever visited. I consumed six large glasses of orange squash with plenty of ice but it had no effect on my raging thirst.

The next stop was Rutha Wells, where we had our lunch, right in the middle of the desert. I had never seen such a cluster of flies anywhere in my life as here. I was surprised that right in the centre of the desert, with nothing but sand all round, there should have been so many flies that the veranda of the place had turned literally black as if it were paved with them. Luckily, the rooms had wire-gauze doors to keep them off. We took off after lunch and we had to land for refueling again at one of the pipeline stations; there was no name to the place, but only a letter and a number.

For dinner we stopped at Gaza, where we experienced the first cool breeze on that searing day and by midnight we got to Cairo. The next morning we took a flying-boat and crossed the Mediterranean. We stopped in Crete alongside a small British Naval boat which was moored there: here we were served tea and biscuits. In the evening we got to Brindisi. From Brindisi we had to travel to Paris by train because Mussolini would not allow the Imperial Airways to fly over Italy. On the day the aircraft was expected to land at Brindisi, a sleeping coach was kept ready by Imperial Airways for their passengers. We were taken to a hotel in Brindisi and after dinner we boarded the train and spent on it two nights and a day. It proceeded along the Asiatic Coast and crossing Switzerland arrived at Paris on the third morning. We were taken to a hotel for breakfast and on to Le Bourget, which was then the only airport. There we got into a comfortable aircraft of the Imperial Airways. Lord and Lady Willingdon, on leave from India, had been vacationing for a fortnight in South of France and boarded the same aircraft. We landed at the Croydon airport.

To receive the Viceroy and the Vicerine, Sir Samuel Hoare, the Secretary of State for India, along with the members of his council and other high officials was at the airport. He had been the Secretary of State for Air and was interested in the development of air communications and so he asked me about my impressions of the flight. I gave him my views and I also mentioned the purpose of my visit to England. He was glad to hear about it and asked me to come to the India Office the next day. During my visit to India Office he told me that he would keep me briefed on what was happening in the Joint Select Committee adding that he felt sure that I could be of great assistance. I kept in touch with him and from time to time he told me how I could be of any help. For instance, he told me to talk to Lord Hardinge who was skeptical about the viability of Sind as a separate province; and to Lord Derby, who, he thought, was not quite firm on the transfer of Law and Order to the provinces; and to Lord Zetland, who was upset on the apportionment of seats in Bengal under the Communal Award.

While my meetings with Lord Hardinge and Lord Derby were satisfactory, I could not make much progress with Lord Zetland. Under what was known as the Lucknow Pact, Muslims had secured a representation in the Bengal legislature, which, in fact, gave them only 28 percent of the total House and the Communal Award gave them 48.4 or 48.8 percent and therefore, the difference appeared to be very great.

Lord Zetland went on pressing the point and I went to urging that the injustice from which the Muslims had already suffered - being a majority with only 28 percent. representation - was so great that any fair rectification of the existing position was bound to appear drastic. In the end he said: "You cannot convince me that this is a fair apportionment and it appears that I cannot convince you that it is not. Let me tell you, I have said all I had to say in the committee and the committee are determined to uphold the decision that had been reached: so that should be comfort enough for you."

15

APPOINTMENT AS MEMBER OF VICEROY'S EXECUTIVE COUNCIL 1934

Towards the end of July Sir Samuel Hoare suggested that I should take Sir Fazie Husain's place on the Viceroy's Council in April of the following year, when Sir Fazle Husain completed his term of office. I thanked him for his kind offer and submitted for his consideration two or three points relating to the matter. He made some comments on them and added that he had discussed the question with the Viceroy, who was still in London, and that both of them would be glad if I agreed to accept the offer. I assured him that I would be happy to do so. We agreed to meet again in the beginning of October, when the Joint Select Committee was to resume its sittings.

Having obtained the Viceroy's concurrence, early in October, the Secretary of State proposed that I should take over the portfolio of Education, Health and Lands from Sir Fazle Husain when he vacated office the following April, but that a month or so later I should switch over to Commerce and Railways, the portfolio held by Sir Joseph Bhore who was due to complete his term of office sometime in May. I thought it would be a complicated arrangement and said that I would be willing to wait till the expiry of Sir Joseph Bhore's term and take over from him. The Secretary of State did not agree as there would be no Muslim member if I did not join earlier. I was not, of course, then aware of the developments that were to take place, but faced with them later, I felt that the suggestion I had made to the Secretary of State had stood me in good stead.

Since I was going to stay in England till the middle of November the Secretary of State gave directions that the documents and dispatches about the working of Ottawa Trade Agreement and other important matters within the portfolio be placed at my disposal for study. He also told me that he would let the Viceroy know that on my return to India, papers having a bearing upon all those subjects were to be sent to me at Lahore, so that I should he, to some degree, familiar with the problems when I took over the portfolio the following May.

Shortly after my return to Lahore I received a message from Sir Eric Mieville, the Viceroy's private secretary, that Lord Willingdon wished to see me and would I come down to Delhi at some convenient time. When I met the Viceroy he told me that some of his colleagues were a little worried over the distribution of portfolios and would I be prepared to discuss the matter with them. It seemed that they were planning to join Railways, Telegraphs and Post Offices under a portfolio which was to be held by one of the European members, Sir Frank Noyce, while I was to keep Commerce.

I told the Viceroy that my initial reaction was not favorable to any change of this type but that I would be happy to discuss the matter with anyone who wished to do so. He asked me to see Sir James Grigg, the Finance Member, and later Sir Joseph Bhore and Sir Frank Noyce and perhaps also Sir N.N. Sarkar, the Law Member, who was anxious to have something more besides Law as he said Law did not occupy him all the time.

I had never met Sir James Grigg earlier. The Viceroy, while suggesting that I see him said, "My dear, I am sure you'll get along all right with him, but never mind his language. His language is not always that of a gentleman, but he doesn't mean any harm by that". Sir Eric Mieville rang up Sir James who was at his home and I went to see him there. I decided that the best way was to make a direct and frank approach and I asked him what was it that he disliked in me as we had never met earlier. His response was quite frank. He said something like this: "I am told you are Sir Fazle Husain's protégé. Fazle Husain is a communalist. Railways are our most valuable asset and frankly I don't want to see the Railways committed to the care of a person who is a communalist and whose main preoccupation will be to appoint as many Muslims as he can and perhaps in the end, ruin our best financial asset.

I said, "I'm very glad to hear your objections. In the first place, it is true that Sir Fazle Husain has been very kind, generous and considerate to me; so in a sense, you may say that I am both his political pupil and his protégé. I absolutely repudiate the charge that he is a communalist; that he fights for ensuring better representation for the Muslims in the services does not mean that he is a communalist. As a matter of fact, one of the ticklish problems of the country is that the majority community is over represented in the services and an important community is being denied its due rights. This lop-sidedness in communal representation is not a happy augury for the country. But we will not enter into a discussion over this problem just now."

"Now let me tell you something about Sir Fazle Husain. As you probably know, I officiated for him in 1932 and when I took over I asked him whether he wished to give me any directions. He said to me, 'I can't be standing over your shoulder all the time. Your sink or swim on your own'. How can such a man interfere with my work now when I shall be holding an independent charge? And then, I am not the type of man who lets others do things for him.

"Now, let's discuss your worst fear that I might ruin what is the government's largest asset. Can you pinpoint where your worry lies?" He said: 'Appointments'. I said, "Good! All initial appointments to the officers grade are made on the basis of a competitive examination held by the Public Service Commission. The Member incharge has nothing to do with that. The Government has recently - mainly as a result of Sir Fazle Husain's efforts - adopted a resolution to the effect that in all senior services under the Government of India the ratio of Muslim representation must not be allowed to fall

below 25 percent. It will be my duty to see that the decision is carried out in the Railways as elsewhere. Anything wrong with that"? Naturally he had no objection to that and I continued, "So far as recruitment to the gazetted services is concerned, appointments are made on a certain communal ratio in different Railways by their heads called Agents. The Member incharge cannot interfere in that. So I don't come in. As to the clerical staff, I don't even know how appointments are made. In any case, there is no question there of ruining your 'best financial asset', because the only qualification needed of the clerical staff is that they should be able to speak and write some kind of English.. I can assure you that the Muslims can speak and write as good or as bad English as the non-Muslims."

He laughed at that and said, "No, no. Look, the real danger is that in transfers and promotions hanky-panky might come in". I said, "Do you really think that I would have been selected by the Secretary of State and the Viceroy to be a Member of the Council if they thought I was the kind of man who would insist upon the Railway Board transferring an assistant engineer from NWR to Assam-Bengal Railways as Chief Engineer? Do you think anybody lacking a sense of proportion to that extent would have been selected by Sir Samuel Hoare? He selected me on his personal knowledge, and you can disagree, but he has known me fairly well for some years and you have seen me only today."

We parted on a friendly note. The Viceroy enjoyed hearing from me what had happened at the meeting and said that he wished he had been somewhere behind a screen, listening to us.

Meeting other colleagues was a different affair: I call them colleagues because of my association with them during the period when I had officiated for Sir Fazle Husain. I went at the appointed time to see Sir Joseph Bhore in his office in the Secretariat and found Sir Frank Noyce also present there. He did not take much part in the discussion, it was Sir Joseph Bhore who talked mostly. They greeted me cordially and I told them that I was there on the Viceroy's suggestion and I would be glad to hear whatever they wanted to tell me. The gist of what they told me was that during the debates in the Assembly, the Government had given an assurance to the European group, who for sometime had been pressing for a separate portfolio of Communications, comprising Railways, Telegraphs, Postal Services, etc., that such a portfolio would be set up at an early date. As they had been committed, the Viceroy thought that this was a convenient time to split the portfolio of Commerce and Railways, join Railways with Communications and make Commerce into a separate portfolio. The explanation being over, Sir Joseph Shore and Sir Frank Noyce looked at me; I held my peace. Sir Joseph Bhore, a little embarrassed, mumbled; 'That's what the Viceroy wanted us to explain to you," and again fell to explaining the situation but this time more briefly. I looked steadily at him and said nothing. He repeated, "Well, the Viceroy told me himself that you would explain the situation to me and I am very grateful to you that you have done

so. Did the Viceroy tell you what to do after you had explained it to me"? He said, "Ugh, well, ugh, no. What do you mean"? I said, "You've explained it. Thank you very much". He was expecting me to say something and I was intensely annoyed at the trick they had tried to play on me behind my back, but I did not wish to give expression to my feelings. Finally he said, "Well, he didn't say any more, but I'm sure Sir Frank and I would be glad to know your reaction to it". Sir Frank Noyce, who was much more intimate with me than Sir Joseph Bhore said, "Zafrulla, I want to make it quite clear that all I'm anxious to know is whether there is going to be a change. You see, I propose to proceed on leave next year and before I go I would like to know what portfolio I am going to hold when I come back. Both of us would be glad to know your reaction to the proposed changes."

I said to Sir Joseph, "What is the date of this commitment which you say, has been made to the European group"? He tried to look into the volumes in front of him and said, "I can soon find out the exact date. Is that of particular importance to you?" I said, "Yes, it is. It was on the 3rd of October that the Secretary of State proposed - I had not asked for it - that I should take over the portfolio of Commerce and Railways and he said that it was his desire as well as that of the Viceroy's that I should do so. You made this commitment either before this was said to me or after. If you had made it before, then so far as I am concerned, it was annulled by the offer of the Viceroy and the Secretary of State, made to me in London on the 3rd of October. I don't say it is for all times to come but you can't make these changes just now because I have been offered this portfolio and have accepted it. If the commitment was made after that date, you had no business to do so without making any reference to me."

I left them after reminding Sir Joseph Bhore that the Secretary of State had told me and the Viceroy had confirmed it that until I took over the charge, important matters concerning trade agreements and other questions pending the portfolio would be sent to me for my information. Sir Joseph gave me an assurance that I would be kept well posted but I failed to receive a single line from him till I took over the charge.

After reporting to the Viceroy about the meeting I came back to Lahore and wrote a letter to Sir Samuel Hoare telling him what had transpired in Delhi and adding that I did not wish to cause any embarrassment to him or to the Viceroy or to the gentlemen who would have been my colleagues had I taken over the charge. So the simplest way for me was to withdraw my acceptance of the offer and the Secretary of State and the Viceroy were free to choose anybody they liked. I received from him a brief reply saying that he appreciated the position, had written to the Viceroy and was quite sure that everything would be all right. So there was another invitation from the Viceroy. He received me with his usual kindness and said, "Oh, my dear, Sammy Hoare has sent me a stinker. But, of course, if you are not agreeable to the change, there is no reason why the change should be made and you will take over the portfolio as it is."

I told him that it was not the change that had upset me. Since my return to India there had been a regular campaign in the papers, particularly the Hindu Press, against the most important portfolio carrying so much patronage, being given to me, "a mere youngster". All sorts of charges, communalism and this and that had been preferred against me. I had been a Member of Government for four months. Had I shown any tendency towards communalism? I had carried on Sir Fazle Husain's policy of the Indianization of services as far as possible and the only people to have benefited from that had been non-Muslim officers: not a single Muslim had gained anything out of it. Nobody could charge me with communalism for my work during the four months and yet the Hindu Press was dead set against me in a determined move to keep me away from the most important portfolio. If I had agreed to the change, it would have been given out that I was running after office and all that I wanted was the salary and the status of a Member. Since I was not prepared to accept that position, I had written to the Secretary of State to make a fresh choice.

The Viceroy assured me that there was nothing in it. Those people had to sit in the Assembly and had to face criticism and that was why he had given his assent on their asking.

In May the question was brought up again in the Council where I could now argue on equal terms. After a thorough discussion Sir Phillip Chetwood, the Commander-in-Chief, who had been a friend of mine since 1932, said to the Viceroy: "Sir, you have heard the views of your colleagues and I propose that you take the whole matter in advisement, reflect over it and come to your decision. Let us here and now agree that all of us will accept whatever you decide." I knew what the Viceroy's decision was going to be, so I expressed my agreement and so did the others. The next morning, a paper was circulated that there would be no change in the portfolio till after his successor had time to look round and it would be for him to make proposals to his colleagues.

16

RAILWAYS, 1935-36

Ihave already said that two very important departments, Railways and Commerce, had been committed to my care from 1935-38. In those days Railways was an extremely important portfolio. The Railway budget which was presented by the Railway Member to the Assembly, exceeded the entire budget of India, including the defence estimates. That would suggest how important the portfolio was.

I found that although my immediate predecessor, Sir Joseph Bhore, had been an Indian yet the spirit of railway administration was altogether too official, as if the Railways were a government department to be run on the lines of any other government department. There was too much of red tape, and too little consideration, if any, for the human element. The passengers were treated as incidental to the running of the system. To some degree, I could have understood that attitude while the portfolio had been in the charge of successive British members. But during the five years of Sir Joseph's administration little attention had been paid to improving the department. I believe, he had been occupied most of the time with more important problems of the Commerce side. Perhaps the welfare of an average Indian passenger did not interest him much. I had to devote considerable attention to it. As an ordinary citizen, I had a good deal of personal experience of Railway travel. Within a month or two of my taking over the half-yearly session of the Railway Association was held at Shimla. The Association held sessions alternately at Shimla and Delhi, and the Railway Member was always the principal guest at the inaugural banquet of the session.

I attended the banquet, but it was only a social occasion. So I told Sir Guthrie Russell, the Chief Commissioner of Railways and head of the Railway Board, which supervised the administration of the whole organization, that I would like to address the conference but in the absence of stenographers and secretarial staff so that I could talk to the officers more intimately.

That was arranged and I addressed the conference for about an hour. I told them that I would like to speak to them of the spirit I wished the administration to have. If they found that they were already doing what I was going to suggest, it was all well and good. If, however, they found that their policy needed some change, I had no doubt they would change it. I said, "I want to say one thing which might appear rather strange to you, but it is true. I claim that I have more experience of the passengers' trials and tribulations than any one of you so far as railway travel in India is concerned. I know many of you are Indians, but from the very first day when you joined the Railways you

were entitled to First Class passes and many of you could arrange to travel in saloons. You have no idea of what the ordinary passenger, particularly, the Third Class passenger, suffers on the railways.

"Of course you realize that railways are a common carrier, but they are not being administered as a common carrier for the benefit or convenience of the passenger or the safety of the freight they carry."

I could see that some of them did not like the introduction: they did not know what was coming next. I told them some of my own experiences which highlighted the lack of courtesy, the lack of attention, the lack of sympathy, the lack of helpfulness that an average passenger experienced on our railways and I emphasized the misery of the Third Class passenger who being illiterate could not read signboards and did not know the platform his train would be leaving from, while the ordinary railway employees such as booking clerks and ticket collectors behaved like officials showing off their authority rather than helping the poor passenger.

Afterwards, I noticed that on some systems immediate attention was being paid to what I had said and improvements were being made. Curiously enough, the Great Indian Peninsula Railway, which had a reputation for efficiency but suffered from an imputation of an anti-Indian bias was the foremost in carrying out the suggestions that I had made. The Agent, Mr. Wilson, came to see me and proved to be an extremely considerate person.

I made use of the question hour in the Assembly in stimulating railway effort to conform to what was desirable. Consequently I never tried to ward off a question. My staff would look into every question and would put up a draft answer to it. If we discovered a defect or a shortcoming (which was often the case) we confessed it and said that we would pay attention to it.

During the debate on my first Railway budget a good many of the complaints which had been voiced since long were repeated. Some of them had already been remedied, at least partially, some were in the course of being remedied and some, I promised, would be looked into and remedied. I remember when I wound up the debate, the opposition joined in the cheers that followed. I may say that I succeeded in infusing a new spirit in the administration of the Railways.

We were able to introduce a couple of significant innovations also. It was in my time that we inaugurated a service of air-conditioned coaches on some of the long-distance trains. There was a vociferous opposition from the Congress Party when I mentioned the plan in the Assembly. "Pandering to the rich", "They will run empty", were some of the remarks shouted at me. But wherever they were introduced every berth was booked weeks ahead. To find room in these coaches became difficult. Even some of the

Congress members of the Assembly were attracted by the comfort and cleanliness which they offered.

It was interesting to note the contrast between official and unofficial outlooks on such matters. Questions were put in the Assembly that on a certain train in South India, towards the later part of the night, toilets in the Third and Intermediate Class carriages were in an unspeakably filthy condition. The official report that I received said that they were always very clean and there was nothing wrong there. This was not a case of difference of view, but of difference on a question of fact.

So the next time I was on tour in South India, I had my saloon attached to this train during the later part of the night, and at every stop I went to look at some of these toilets and found that the truth, as so often in such cases, lay between the two statements and that there certainly was room for improvement. On my return to headquarters, I discussed with the Railway Board as to what could be done about it. I was told that it was an express train and stopped only for a few minutes at each scheduled stop and so the staff employed for the purpose could clean out only two or three of the toilets and therefore, nothing more could be done. I said that there was an obvious way of doing what was needed and the experts raised their eyebrows wondering how I could know about an obvious way that they did not know.

I told them to stagger the cleaning of these toilets; for instance, the toilets of the first three coaches next to the locomotive could be cleaned at the first stop, the next three at the next stop and so on. In this way the toilets on the whole train could be cleaned two or three times during the later part of the night. They admitted that the proposal was quite feasible and everyone looked surprised to think it had not occurred to him earlier. This illustrates the bureaucratic attitude.

I particularly enjoyed the question hour in the Assembly. I still remember I was under fire for a whole day answering questions about Railways and Commerce. It was almost like being on drill all the time, standing up, sitting down and standing up again. Mr. Satyamurthi, the Deputy Leader of the Congress Party, a very diligent worker, was particularly active during the question hour. He was a good friend of mine in spite of the fact that we were on opposite sides of the House. I appreciated the serious manner in which he carried out his duties; his supplementary questions came like pistol shots. Before I had sat down I was up on my legs again answering his supplementaries. There were also members who put their question only to have a joke or pull someone's leg. I particularly remember Mr. Sri Prakash in this context. He was subsequently the first Indian High Commissioner to Pakistan and later, Governor of Madras - a nice man, quite friendly to me on the personal level. His father, Dr Bhagwan Das, a very revered gentleMan was also member of the Assembly. That was the only time I remember when a father and a son were members of the Assembly at the same time.

Another abuse prevalent in the Railways was that the enormous number of Railway staff, officers and others, were entitled to free passes while on tour or holiday. Sometimes all the available sleeping berths in the Second Class coaches were occupied by the Railway pass-holders and the paying passengers had to manage as best as they could, though the rule said that a Railway employee could use his pass for occupying a sleeping berth only if it was not required by a paying-passenger. Once someone narrated an incident which illustrated that my pecking at these things at the top level was beginning to have some effect. Some Railway employees, Indians, had occupied practically all the sleeping accommodation in one of the coaches. At a stop a couple of passengers came in and finding the sleeping berths fully occupied, they sat down at the farther ends of the berths and one of them shouted to the other that he knew most of these gentlemen were Railway employees and would write to Zafrulla about it. Immediately two or three of them got up, vacating the berths with entreaties not to contact me. The Railways had always been considered as a government establishment being run for the benefit of the government and its employees. I believe, I made some contribution towards changing this attitude.

17

COMMERCE, 1932-38

The Commerce portfolio was much more important. It raised perplexing problems with far reaching effects. The most difficult and significant matter that I was required to deal with at a fairly early stage was the Ottawa Trade Agreement. The Ottawa Conference, representing the whole Commonwealth and Empire, had instituted the system of inter-Commonwealth preference in customs duties. It is still operative to a certain extent and incidentally, created serious problems for Britain over its entry into the Common Market.

The system was meant to stimulate inter-Commonwealth trade. It did strengthen the commercial bonds between different sections of the Commonwealth and also made it easier for the Commonwealth members to get together and make adjustments and corrections which were needed, particularly with regard to the price levels of primary commodities, as they formed a very important factor in the economy of most of the then Commonwealth countries. In those days Britain was the only outstanding industrial partner while the rest of the Commonwealth comprised mostly producers of primary commodities.

The Ottawa system worked on the basis of reciprocal preferences. For instance, certain British products, particularly Lancashire textiles, were accorded preferential treatment in India. Compared to the textiles from other parts of the world, such as Japan, import duty on Lancashire products was charged at lower rates. On the other hand, Indian primary products like cotton, spices, etc., enjoyed a lower rate of duty in the United Kingdom than, for instance, cotton from Egypt and spices from Indonesia.

The actual working of the Agreement over a period had shown that in certain respects it needed adjustments. In the Assembly it had been a target of criticism based on political reason rather than its defects. That kind of opposition was a part of the constitutional pattern. The Assembly could put questions, pass resolutions, criticize and refuse to grant supplies but ultimately the Governor-General could override all its resolutions. However, it could make a lot of noise. It was a system under which the legislature had merely the privilege of criticism without power or responsibility. But the criticism was often a help to the government in formulating its politics.

In due course, the Ottawa Trade Agreement came under review in the Assembly and it passed a resolution saying that the Trade Agreement needed revision in consultation

with the Board of Trade and urged the Government to explore possibilities of expanding India's trade with countries outside the Commonwealth and the Empire.

As Commerce Minister, I was entrusted with the task and I had to go over to England in 1937 and then again in 1938 to hammer out a new trade agreement. The Coronation of King George VI was going to be in May 1938 to be followed by, what in those days was called, the Imperial Conference meeting. It was decided that I should represent British India at the Coronation while the Maharaja Gaekwar of Baroda would represent the Princes. After the Coronation I was to stay on, first to take part in the Imperial Conference and then to enter into negotiations with the Board of Trade for modifying the Ottawa Agreement. I had with me a panel of non-official advisers on the Trade Agreement negotiations. It was decided at my instance, that the panel should be composed of persons who could give me useful advice after examining everything from an independent point of view.

This panel of six members had three prominent Congress industrialists: Mr. G.D. Birla, Mr. Kusturhhai Lalbhai and Sir Parshotam Das Thakar Das. The late Nawabzada Liaqat Ali Khan, who subsequently became the first Prime Minister of Pakistan, and. Sir Datar Singh from the Punjab represented agricultural interests while the British commercial and industrial interests in India were represented by Sir Edward Benthal, who, later on, became Railway Member.

Sir Parshotam Das Thakar Das came up to Shimla and told that he had been deputed by G.D. Birla and Kusturhhai Lalbhai to represent them as well. Before any of them signified his acceptance of the invitation to serve on the panel, he wanted to have a frank talk with me in order to be sure that the panel was not merely an eye-wash. I believe that I was able to assure him completely that the Government meant business. The non-official advisers were a great help. They gave me realistic advice which proved to be very valuable, and we worked together in London in complete harmony and happiness.

Towards the end of 1938 while I was on tour in Bombay, Sir Parshotam Das Thakar Das gave a lunch in my honor, at Taj Mahal Hotel, which was attended by prominent men from industrial and commercial sections of Bombay. When the lunch was over he stood up and related how they had been invited to serve on the panel, how his two colleagues had asked him to go and talk to me and what assurance I had given them. He concluded his speech by saying that he wanted to state publicly that l had fulfilled those assurances, one hundred percent.

The Board of Trade also set up a delegation to have discussion with us. The delegation was led by Sir Frederick White, who had been the first President of the Indian Legislative Assembly. He was an extremely formal gentleman and - I hope I'm not being unfair to him - slightly pompous. On an occasion when we were discussing spices

we got to the item of cardamoms. He inquired in a rather lofty tone, "What are cardamoms"? I put my hand in my pocket, brought out a couple of cardamoms, and placing them on my palm said, "These". The effect on those around the table was exactly as if somebody had asked about an elephant and I had produced one out of thin air. In fact, I was carrying them in my vest pocket by sheer coincidence. Kusturbhai Lalhhai was in the habit of chewing betel nuts and cardamoms and a day before he had offered some to me.

We soon found that we were not getting far in the negotiations; the method was too slow, too ponderous, too formal. So after a few days the Permanent Under-Secretary of State of the Board of Trade, Mr. Brown, and I arranged that we two would carry on the real discussions. Then he could consult his colleagues and his Minister, the President of the Board of Trade, Colonel Oliver Stanley, the Earl of Derby's son, and I would consult my panel and report to the Government. We made good progress in that way.

Our main anxiety was not preferences on articles like spices and the like: it was to get a commitment from the United Kingdom to take much larger quantities of Indian cotton than they were taking at that time. They, on their side, were anxious to obtain more favorable preferences for Lancashire cotton textiles, because Lancashire was beginning to feel the competition from Japan and India itself. That, ultimately, became the crux of the matter.

Once Mr. Brown and I had agreed on the intake of Indian cotton by Lancashire and my panel and government had approved of the arrangement, I thought we had transacted that part of the business satisfactorily. Colonel Oliver Stanley refused to sponsor the arrangement before the Cabinet. I remember I had to go to Lord Derby, whom I had known fairly well during the Round Table Conference. In the early part of the First World War, Lord Derby had been Secretary of State for War and had started a vigorous campaign for recruiting. While waiting for him in the room I noticed a cartoon on the mantelpiece, in which an enormous cockney woman was trying to put the fear of God into her child and was saying, "I'll put Derby onto yer, if yer don't be'ave".

Lord Derby came in and when the usual greetings were over he said, "Zafrulla, what can I do for you"? I said, "Sir, I've come to put Derby onto Oliver". He laughed and said, "Poor Oliver! what has he done? He's very ill just now, not at all well". I said, "It isn't what he has done. It's what he refused to do". So I told him all about the problem and he promised to speak to his son. Ultimately it was the Prime Minister, Neville Chamberlain, who really helped us. Stanley would not sponsor the proposals but they were put up to the Cabinet with the help of Wilson, who was the personal adviser to Neville Chamberlain and had his office in 10 Downing Street. Sir Findlater Stewart, the Permanent Under-Secretary of State for India, an extremely helpful man, had earlier suggested me to see Wilson and had arranged a meeting also.

I was told what had transpired at the Cabinet meeting. After Stanley had put forward his objections, the Prime Minister had intervened, saying, "I know Zafrulla, and if he says that this is the utmost they can do, you may be sure we cannot get anything more out of them. We have enough trouble outside the Commonwealth: I do not want to have more trouble inside, if I can help it. In this matter we are the bigger partner and we should be generous". I think I had better finish with the Trade Agreement before we come back to the Coronation, and the Imperial Conference.

The next question was: What is it that Lancashire wants from us? In this connection we had to go back to England in 1938. We discussed things with the Lancashire delegation and we could not come to an agreement, We asked them to send a delegation to India where we had a series of talks and even then we were unable to come to terms. So I had to go back to England for a second time in 1938. In the end we were able to fix things up.

I remember an amusing incident, not worth mentioning, perhaps, for its own sake, but significant in revealing a certain type of attitude which has tremendously affected the political future of India. On a particular aspect we had pushed the matter as far as it could go and, having arrived at a point which I considered satisfactory, I put it to the panel that we might agree. But Mr. Birla stood out and said No. So I asked Parshotam Das Thakar Das and Kusturhhai Lalhhai to try to convince him and bring him into line. We could have gone on without him but this was the first time that the non-official advisers were not unanimous in supporting me and I was anxious to maintain the unanimity. So they talked to him and in the end Birla came out with, "All right, I shall go along with this, provided you leave me the right to interpret this when the time comes for its implementation"." I pointed out that we were engaged in working out an agreement and no outsider would have anything to do with its interpretation and implementation, and then the agreement would provide how any differences in interpretation would be settled. Mr. Birla observed, "But that's what Bapuji always says". Bapuji means revered father and was a term of reverence for Mr. Gandhi. I said, "What do you mean by that?" He said, "Inside the Congress when there are differences over this or that formula, in the end he says, 'All right, I shall accept your formula, provided you leave me to interpret it when the time comes". I was compelled to retort "You will forgive my saying so, but it does not seem to me to be the right thing that if one does not agree one should reserve to oneself the right to get what one is aiming at through a specious interpretation. It almost amounts to deception". Mr. Birla repeated, "But this is what he always says". I said, "In the Congress you cannot help it. You have, in the end, got to accept whatever Mr. Gandhi says, either by accepting his phraseology or by leaving the interpretation to him. But that does not apply here."

Later on, I have always noticed this to be one of the favorite devices of the Congress leaders. They will, if driven to it, accept a certain formula reserving to themselves the

right to interpret it quite a different way when the time comes. This is what ultimately wrecked the Cabinet Mission Plan and made the partition inevitable.

My association with Mr. Brown, the Under-Secretary of State for the Board of Trade, was rewarding. In one afternoon we could settle things which a delegation would take almost a fortnight to do. Once we had appreciated each other's point of view, he would say, "Now Zafrulla, perhaps I could persuade my Minister to go as far as this or the Lancashire interests to accept this or that. Let me try, and we'll meet tomorrow or the day after tomorrow". So, knowing how far each of us could go, we were soon able to reach agreement. We needed more than two meetings on very few matters.

Colonel Oliver Stanley had been a member of the Round Table Conference and so we knew each other quite well. When I visited England for the second time in 1938 I made a courtesy call on him. He started with telling me that he had not yet made up his mind whether he would not resign over what had happened the last time when I had been there. I said that it didn't frighten me: it didn't make any difference to me or to my efforts at getting an agreement whether he resigned or not and I added that if he resigned I would be sorry to lose a personal friend on the Board of Trade. I further told him that I had to carry out my government's instructions and I had to do the best for my people. While equally, he had to do the best for his people and I wound up by telling him that we should be carrying on in a businesslike manner.

Any how we carried on, and again, unfortunately he fell ill and this time he was not even present when the matter went up to the Cabinet. The then Minister for Health, Mr. Kingsley Wood, was asked to take charge of the case. After the Cabinet meeting Mr. Brown, told me that the proposition which we had jointly put up was accepted and added that I was required to call on Mr. Kingsley Wood since only a minister could communicate a Cabinet decision to a minister.

We had been working on alternative proposals one of which was acceptable to me. Both the proposals had been set up to the Cabinet and the Prime Minister had supported the one I could accept. When Mr. Brown and I met the Minister, he said to me, "Mr. Minister, I have been commissioned to tell you that the Cabinet has decided ..." and he began to read out the Cabinet decision. This was what I had not been willing to accept. I looked at Brown, who got up and said, "You'll forgive me, Mr. Minister, this is not the paper that was approved". "Oh", he said, "I beg your pardon". Brown drew his attention to the relevant paper which he then read out to me. The matter was complicated and his mistake was understandable.

The main feature of the agreement was the principal concession given to the United Kingdom on the part of the cotton textile mill owners in India, in the shape of reduced preferential custom duties on Lancashire goods and the major benefit resulting from the agreement was that Lancashire bound itself to take larger quantities of short staple

Indian cotton. This was a fairly good arrangement. Sir Homi Mody, President of the Bombay Mill Owners Association, happened to be in England and was more than satisfied with the agreement. But when it came up for approval to the Assembly it was all politics again. The Congress opposed because they were in opposition, though Sir Homi Mody abstained on the vote. The Muslim League also abstained.

The Congress opposition was political. The three advisers cooperated with me in London because, after my assurance to Parshotam Das Thakar Das, they took it as an opportunity to be associated with the whole business. Parshotam Das Thakar Das knew me since the days of the Round Table Conference and he must have told them that I meant what I said. So they knew that by cooperating with me they could put me in a good position to fight for India which also meant safeguarding their interests against any harm. Once they were satisfied on the commercial aspects of the new agreement it would not matter to them whether the Congress opposed it for political purposes as it was in opposition. However, I knew that even the Congress leaders considered it to be a good agreement on merits.

So the trade agreement did not obtain the approval of the Assembly, though Mr. Jinnah in his speech in the Assembly did say that the new agreement was immeasurably better than the previous one and paid me a personal compliment. The Government disregarded the verdict of the House and everybody was happy. The Congress knew it was a good agreement and that it would work in the interest of India. The Viceroy, Lord Linlithgow, who was not given to paying compliments, shook me by the hand and said, "A good job, well done!".

18

THE CORONATION, 1938

The Coronation wasn't politics in any sense at all. It was an extremely delightful experience. The graciousness and the hospitality of the royal family was at its best. The representatives of various countries were treated as royal guests for three days - the Coronation day and the two following days. We were not the guests of the British Government but of the King, though, of course, we had to be put up in hotels, as Buckingham Palace could not have accommodated all of us. We were entertained to lunch and dinner at the Palace each day so that we had opportunities of meeting members of the royal family in an intimate atmosphere. The two princesses were still quite small. The Queen (now the Queen Mother) was all graciousness and she put everybody at ease. It was a privilege to meet her. Of course, the King was equally gracious and kind. He still suffered from his handicap - a speech impediment. I recall the occasion in St. Stephen's Hall, where the Empire Parliamentary Association gave a lunch in his honor. Normally, when the King's health is drunk, he does not respond to the toast, but this was a very special occasion. His health was proposed by the Lord Chancellor and the Speaker of the House of Commons and the King replied to the toast. He stood up to make a speech, and for a couple of minutes he could not articulate his words. There he stood, a lonely figure carrying the heavy burden of the Empire on his shoulders, with his distinguished audience drawn from the four corners of the globe, waiting for his words. Suddenly tremendous cheers broke out. He hadn't said a word and we all went on clapping, I should think for full five minutes, until our hands were almost sore. That expressed a much deeper appreciation for his position. He must have felt greatly encouraged by the spontaneity of the demonstration. Then he made his speech: it was a very moving occasion.

The Coronation ceremony was a lengthy affair. At 8 O'clock in the morning we were scheduled to be at the Palace from where the Prime Ministers' procession had to start. We were in horse-drawn carriages. The procession was led by the British Prime Minister's coach, followed by the coaches of the Prime Ministers of the Dominions of Canada, Australia, New Zealand and South Africa. Then came India. I was not accompanied by my wife and so Dr Baw Maw, who represented Burma, shared the coach with me. I was in the full uniform of a member of the Viceroy's Council: a white turban with gold cap inside, full gold laced coat, white kerseymere breeches and a sword stuck on my side. I had to sit absolutely stiff, because otherwise the sword would get entangled somewhere or the stiff gold front of the uniform would be rumpled.

Dr Baw Maw had a very fair complexion and a smooth clean shaven face. He was in his Burmese national dress, a silk handkerchief tied over his head and a silk blouse and a silk skirt. He lounged in the seat next to me. I was told that a place where the coaches had to stop because of the traffic, somebody from the sidelines shouted to me, "Hey, Gov'nor, do sit back and let's have a look at y'er lady."

On certain occasions the rigid British adherence to tradition had to be relaxed to a certain degree. For example, those who attended as guests were to go to a somewhat late lunch at the House of Lords. But those of us who were in the procession, including the King and the Queen, were to go without lunch. For them a buffet was laid out in a temporary annexe to the Abbey, enclosed by canvas marquees: there we had sandwiches and coffee before we started back to the Palace.

Inside the Abbey I was seated in the line of the Prime Ministers, sixth or seventh from Mr. Baldwin. His Highness the Gaekwar of Baroda, representing the princely order of India, was just above me in the line. He was quite elderly and had some difficulty in positioning his *pince-nez* over his nose and felt equally uneasy keeping his hold over the beautiful book in which the programme and the service were given. The seats were narrow as a large number of people had to be accommodated and all through the service either his *pince-nez* was making him uncomfortable or his brochure kept falling, and I had to perform the most impossible feat of bending down to retrieve his *pince-nez* or his brochure.

The service, the anointing of the King, the sacred ceremonial, the glittering company, the solemnity of the occasion, the procession and the joyous crowds were a very memorable experience. I remember Dr Baw Maw saying to me during the return journey of the Palace, "If they were to stage a coronation, say, every ten or fifteen years, the people would be kept happy: they'd never put the Government out of office. The British people love these pageants and shows."

The Coronation was followed by the Imperial Conference, which in a different way was also a great experience. Technically, India was represented by the Secretary of State, the Marquis of Zetland, and me. The Marquis of Zetland attended the inaugural meeting and then asked me to take care of it. He said that I could represent India as well but if I wanted him to attend a meeting, he would come along. This was kind of him for it put me on the same level as the Prime Ministers.

In the midst of the Imperial Conference, Baldwin resigned and Neville Chamberlain became the Prime Minister. We all welcomed Chamberlain the day he took the chair. He used to be present, of course, as Chancellor of the Exchequer when Baldwin was presiding. I added a few words to what the others had said. He may have felt perhaps, that there was a greater ring of sincerity in what I had said. At the end of the meeting, while we were going out he said to me, "I am particularly grateful for what you said

about me". It was not merely a formal expression on his part, because, as I have already said, later, he helped me a lot over the Trade Agreement. We continued to meet at social functions during my visits in 1937 and 1938. I remember a slightly amusing incident that occurred on a day in 1938. I was staying with Sir Firoz Khan Noon who was our High Commissioner in London. He lived at the top of Putney Hill. He used to drive in his car to St. James's Park and weather permitting, we would take a walk in the Part before starting the day's work. One day, while walking along the lake, we saw the Prime Minister and Mrs. Chamberlain coming along. The High Commissioner, thinking I did not know Mr. Chamberlain, whispered to me, "The Prime Minister is coming". On coming closer to them we raised our hats to them and I heard Mrs. Chamberlain say to the Prime Minister, "That was Sir Zafrulla". He said, "O yes. I know. I know him very well."

The Chamberlain family was well known to be Unitarian and once during my conversation with the Prime Minister, I told him that his being a Unitarian brought us nearer to each other because Islam was very strong on the unity of man, and the unity of God. An observation like that sometimes helps people to understand each other better.

It is difficult even now to pronounce whether he was right or wrong in dealing with Hitler, but I have always felt that he was misjudged. When he announced in the House of Commons that he had received a message from Hitler asking him to meet him at Munich, the very people who jumped over their desks, shouting, "For Heaven's sake, go, Sir! For God's sake, go", later turned against him. England at that time was not in a position to face the might of the German war machine and everybody wanted to avert what appeared to be an imminent outbreak of war. Where I think, the matter went wrong, was the interval between the Munich Agreement and the outbreak of war, as the time gained was not put to the best use. By then everybody should have been convinced that a war with Hitler was inevitable and adequate preparation should have been made to meet the crisis.

It is a curious quirk of fate that Austen Chamberlain, the elder brother, who had been brought up, educated and trained for a public career could, at the apex of his career, become only Foreign Secretary and never attained the coveted office of Prime Minister, which must have been his ambition. Neville Chamberlain, who had been given training in business and municipal affairs so that he could become the boss of Birmingham, ultimately became Prime Minister. It is, however, unfortunate that towards the end of his brilliant career he had to suffer a sharp decline in reputation.

19

THE ELECTIONS, 1937

The 1937 elections were held in the provinces under the Government of India Act of 1935 and resulted in Congress majorities in seven out of the eleven provinces. Before consenting to take office of the provinces the Congress raised the question of the special powers vested in the Governors under the Government of India Act of 1935, which empowered the Governor to intervene and, if necessary, to overrule their Cabinets on grounds of preserving law and order, protecting the interests of the minorities and safeguarding the rights and privileges of the services. The Congress leadership wanted a clarification from the authorities as to how these powers would be used. They were anxious to get an assurance that these powers would not be exercised in order to interfere in the day-to-day provincial administration. After some hesitation on the part of the Government, the Congress was given the assurance that it had insisted upon and accordingly the Congress leaders agreed to accept offices in the provinces where they were in majority.

The result of this assurance was that the special powers of the Governors were virtually suspended. A Governor, in view of the assurance given, felt that if he attempted to intervene, his ministers might complain that he had misused his powers by interfering in the routine administration of the province. It would be very difficult, in any specific case, to say whether a Governor's action was a legitimate exercise of his special powers or whether he was trying to project his authority in the ministerial sphere. Thus, the Congress secured for itself a position in which it could go ahead disregarding altogether the safeguards that the Act provided as a brake upon the powers of the majority so as to check the majority from riding roughshod over the interests of the minorities and the services.

However, serious trouble brewed up in connection with the formation of ministries. The Congress refused to include Muslim ministers in the cabinet of Hindu majority provinces unless they signed the Congress pledge and became its members. They pointed out that parliamentary and practical consideration demanded the majority party rule and that they could not, therefore, include discordant elements from other parties. They said they would be willing to give representation to Muslims in each of these provinces provided the persons selected to be appointed as ministers were either already members of the Congress Party or were prepared to sign its pledge. The Muslim League took it as a direct assault on their claim that the League alone represented the Indian Muslims. That generated tension and the situation grew more and more serious. The rift kept widening until finally the Congress Party withdrew

itself from the war effort and all Congress ministries resigned on the same day. The Muslim League celebrated it as the Day of Deliverance.

In the remaining four provinces, where the Congress was not in majority, normal governments had been formed: they continued to function smoothly and no crisis arose. The system worked fairly well during the war till the question of the constitutional advance, especially with reference to the war effort, began to occupy the front of the stage.

20

MINISTRY OF WAR SUPPLY AND THE DOMINION MINISTERS' CONFERENCE, 1939

We set up the Ministry of War Supply just before the outbreak of the war. It was one of the precautionary measures. We worked out an organization of supply in which all the British territories, Dominions, Colonies, South and East of the Suez and India took part. A representative conference was called and split into various committees. It worked very well and we were able to make a substantial contribution. The Viceroy was the President and as Member incharge of supply, I was its Chairman.

India's contribution was, of course, outstanding. It was the largest area and certainly had vast resources awaiting development. This development was carried so far that India was able to build up an immense credit of more than 1200 million sterling before the war ended. It was quite a substantial figure at that time and gave India a strong position *vis-a-vis* England in the sterling area.

Early during the war, the British Government called, what was later known as, the Dominion Ministers' Conference. They asked each Dominion as also India - not yet technically a Dominion but in practice, treated as one - to send a representative to London for the conference on such problems as the war had given rise to. This was in November, 1939, during, what is popularly known as the phony phase of the war, that is, before Hitler marched into Holland, Belgium and France.

Being the Senior Indian Member, I was asked by the Viceroy to represent India at the conference. In those days the best way to travel to the United Kingdom from Delhi was to go by train to Gwaliar and from there to catch a flying boat to London. My young secretary and I travelled down to Gwaliar and when we got into the flying boat we found there Dick Casey, the Finance Minister of Australia. He was also going to London for the conference and was accompanied by a General and one other delegate. We had known each other during the Coronation of King George VI. We travelled together upto Marseillaise. Beyond Alexandria we could only make short hops because the days were short, and under war restrictions, civilian aircraft could only fly during daylight hours, below the clouds, so that they should remain visible from the ground.

We flew from Gwaliar to Karachi, from Karachi to Basra, from Basra to Alexandria, staying for the night at each stop. From Alexandria, we were not able to go beyond Corfu, the first day, because we were not sure whether we could be able to reach Brindisi before sunset. The next day we flew from Corfu to Marseillaise. At Marseillaise

we were taken to a hotel and we were at dinner - my secretary and I at one table and Dick Casey and his people at another when Dick came to me and said, "Zafrulla, I have received a message that I must not travel to London by the flying boat. The British Consul, who brought me this message says he has sleeping berth reservations for me and my companions on the night train to Paris and if you wish to accompany us he can secure reservations for you also." I said, "Is the boat not fling to England tomorrow"? He said, "Yes, the boat is actually flying to England". I said, "Well, then, why don't we all go by the flying boat"? He said, "It is something that I can't understand. Apparently my government wanted from the Admiralty a guarantee of 100 percent security for me and my companions and the Admiralty said that in time of war they could not guarantee even one percent security. Everybody had to travel at his own risk. They would. give reasonable directions and take reasonable precautions, but they would not guarantee anything. The Australian Government then said that in that case, we must travel overland. So we are going overland to Paris and then from Paris we shall go on to London". I told him that as my government had sent me no such instructions we would continue our journey according to the plan.

The next day we left by the flying boat and were flying parallel to the Franco-Spanish border, towards the Bay of Biscay when one of the engines developed trouble and we had to go back to Marseillaise. The defect was removed within an hour and we left again and after a stop at Arcachon near Bordeaux for re-fueling, we made Southampton before dark. We were driven to the railway station where we waited for the train while it became dark and there was a complete blackout, which can be a very bewildering experience. Trains crept in like ghosts, with no lights inside: somebody had to help you with a torch and if no torch was available, you had to stumble over people's knees and tread over their toes. My secretary was lucky to find a seat in a different compartment but I could get only room enough to stand.

We arrived at Waterloo Station and were received by Colonel Crankshaw on behalf of the Hospitality Department. He drove us to Governor House, where accommodation had been arranged for us. Outside, as I have said, there was absolute darkness. The moment we got through the revolving doors of the hotel we found the inside brilliantly lit. The contrast was very striking. We were very comfortably lodged and though we had arrived late we were served a sumptuous meal. At that time there appeared to be no shortage. The following evening I attempted to walk a very short distance in the blackout and found that I could not manage it at all; I had to beat a hasty retreat.

Next morning we discovered that Casey and his party had not yet arrived. They had reached Paris ahead of us: before we had left Marseillaise they were already in Paris. But they had been obliged to stay there for a day because the ferries were allowed to operate only during night time. They arrived in London two days after us but just in time for the Prime Minister's luncheon to the delegates. Mr. Chamberlain was still the Prime Minister and Mr. Churchill was the First Lord of Admiralty. Among other things,

one evening, after dinner, we were invited to the admiralty where Mr. Churchill briefed us, took us down to the map-room and the security room and explained all the arrangements.

Someone from us said to him: "Mr. Churchill does it not strike you that at the moment you are doing almost the same job as you did twenty-five years ago"? He said: "Well, in a way, the similarity is striking: the same enemy, the same problems, the same preparations and the same arrangements". I was told he was always at his best at about midnight. In the map-room he explained to us the whole organization whereby they knew the exact position of every vessel, Naval and mercantile, and how it was being escorted and protected. At one stage he turned to me and enquired, "What do you think of all this"? I said, "It is reassuring". "That's the word, that's the word: it's reassuring", he repeated with some gusto. Colonel Reitz, the South African Minister, said to Mr. Churchill: "I have been thinking how fortunate it was that our people did not shoot you when you were trying to escape from Ladysmith"! Churchill's eye twinkled.

We attended meetings and we met people. Then we made discreet inquiries: Would we be able to go to the front at all? We were told there was no possibility of that. Colonel Reitz was very upset. I might mention that he had fought against the British in the Boer War and later he had written about his experiences in the war and called the book Commando: it became a best seller and was followed by another book called Out Span, a sequel to Commando. He was kind enough to send me copies of both the books. Subsequently he was appointed High Commissioner for South Africa in London. He said: "I dare not go back home without going to the front. My boys will say to me, 'Daddy, you funked it'! I would not be able to show my face to them". He maneuvered and finally it was decided that we would be taken to the front. Mr. Eden, who was the Dominions' Secretary at the time, was to look after us.

We crossed over to Paris and during the night in Crillon Hotel we had our first experience of an alert. My reaction was that it was too much of a bother to go down to the cellars, so I just turned over in bed and went to sleep again. The next morning we were told that Mr. Eden had gone down among the ladies in the cellar, in his silk *pyjamas*. Obviously the occasion left no time to bother about sartorial details.

At Vincennes, the military headquarters of the French, we were treated to lunch which was presided over by Field Marshall Gamelyn, their first Commander-in-Chief during the war. They were fastidious enough to provide a menu card with a hand-painted map of each guest's country. We passed our cards round and had them autographed by others. I had my card autographed by Lord Gort also, at the British headquarters.

We were taken to the Maginot Line, where we lunched with the Commander of one of the forts, deep down in the bowels of the earth. The equipment of these forts was truly wonderful. The artillery pieces were so heavy and powerful that ammunition was fed

into each gun by an electrically operated automatic apparatus. In addition to the forts there was a broad strip of other types of defenses and obstructions, which ran all the way. At the end of the lunch, the commander of the Maginot Fort decorated each of us with the Maginot Badge. King George VI, later, went over to the front and was also decorated with the badge. On it was inscribed, "On ne passe pas", "They shall not pass". But they did pass: they passed around the Maginot Line and flew over it.

Sir Findlater Stewart, who had been Permanent Under-Secretary of State for India for a number of years, was at that time working in connection with war planning. He reminded me afterwards that when I had come back from the visit he had asked me about my impressions. According to him, among other things, I had told him that two factors had struck me as remarkable with regard to the Maginot Line: One, starting from the Swiss-German border the line came right up to the French-Belgian border and stopped short there. What had been there to prevent the Germans from coming around it, by advancing, as they had done in the First World War, through Belgium? The second thing was: What was there to stop them from flying over it?

21

THE LEAGUE OF NATIONS, 1939

While I was still in England and at the Dominion Ministers' Conference, at Finland's request, a session of the Assembly of the League of Nations was called to deal with the Russian aggression against her. I received instructions from the Viceroy that I was to represent India there. I took along with me one of the officials from India Office as my secretary: the secretary who had accompanied me was made a delegate and I became the head of the delegation to the Assembly. We flew to Paris and from there took a train to Geneva. I found that in Paris they had a much more sensible system of blackout. It was complete in the sense that you could not notice anything from above but the streets were dimly lit by lights which provided just enough glow to enable, people to find their way. I wondered why the British had not adopted that system. On reaching Geneva we found that the complete blackout in London provided a shattering contrast to the brilliantly lit lake from here.

During the session we solemnly expelled Russia from the League. The Assembly and the Council unanimously passed a resolution to that effect. But it was all hush-hush: nobody wished to speak out. I was the only one who did so. R.A. Butler was leader of the British delegation and the Duke of Devonshire, Under-Secretary of State for Dominions, was one of the delegates. I had known R.A. Butler for a long time. I told him I would have to speak. "For heaven's sake, do! We. dare not, but you are free: go ahead". They did not know what Hitler was going to do next and they did not want to offend him. They were ready to expel Russia from the League on account of its aggression against Finland but they did not wish to be too outspoken in their condemnation of aggression lest Hitler should be offended. That was something I could not understand at all. So I spoke out.

Mr. Hambro of Norway was the President of the session, and he was intensely annoyed at my speech, so much so that when I finished, he leaned over and reminded the interpreter - it used to be consecutive interpretation in those days, not simultaneous as it is now - that the rules did not require that the whole speech should be interpreted. It would be enough to give the gist.

I reminded the assembled delegates that if they did not stand together they would be broken one by one. Of course, it was not the kind of thing they could relish hearing from somebody representing a country which was not even independent. How dare someone like me tell them what to do! I, on the other hand, thought that the occasion demanded that one must speak one's mind.

From Geneva I took a train to Marseillaise. It was a very crowded train. By that time mobilization was in full swing and I could not even get enough room to sit. From Marseillaise I caught a flying boat back to India.

22

SWITCH-OVER TO THE FEDERAL COURT OF INDIA, 1941

In March 1941, Sir Shah Sulaiman, a judge of the Federal Court of India, died. The Chief Justice, Sir Maurice Gwyer, a very distinguished personality, was a member of .the All Souls Sect at Oxford and was one of those very rare Britishers to whom a man's complexion mattered no more than the color of his jacket. He was indeed, a man of deep humanitarian sympathies. I had known him very intimately as he was the principal draftsman of the legislative measures which finally became the Government of India Act of 1935. I saw a great deal of him in England during the Round Table Conference and the sittings of the Joint Select Committee. It was a great privilege to have worked with him.

I learnt afterwards that he had told the Viceroy that if he had to recommend a Muslim to replace Sir Shah Sulaiman on the Court, he would not recommend anyone except me. The Viceroy had expressed his inability to spare me. We were in the midst of the war and I was Member for Law and War Supply. The Viceroy had also asked me to advise him on the advances that we could make without undertaking a revision of the Constitution, that is to say, how the spirit could be liberalized within the letter of the old Constitution. So from time to time I made suggestions to him. For instance, as a result of my suggestion, the Viceroy's Council was enlarged and subsequently, almost entirely Indianized. As the senior Indian Member I also acted as the leader of the House. So the Viceroy told the Chief Justice that I was almost indispensable and that he could not spare me at that stage. I did not have the least idea of what was going on between the two. For the moment they agreed to appoint Sir John Beaumont, Chief Justice of Bombay, as officiating Judge on the Supreme Court so that the Court could finish its work for the summer sittings. But the matter could not be postponed for long. The Court was entering upon its vacation in June and the Chief Justice was anxious to have the appointment settled so that he knew who would take the place of the late Judge when the Court reconvened after the judicial vacation.

One morning, when I went to see the Viceroy, he mentioned that there was a vacancy on the Supreme Court and the Chief Justice and he had been discussing the matter for some time but they had not been able to agree on Shah Sulaiman's successor as the Chief Justice wanted me and the Viceroy could not spare me. He added that at the end they had agreed that they would leave it to me: and told me to think it over and let him know my mind when I visited him next. I had still four years left of my second term of office as Member of the Viceroy's Council. I thanked the Viceroy and said, "Sir, I can let you know now. I do not need time to consider the matter further". He smiled and said, "I'm so glad you don't want to go". I said, "No, Sir, I think I would like to go to the

Court". He was surprised, "At your age, considering what you have already done, having still four years more of your tenure, with all sorts of possibilities open, I am surprised you should wish to go and bury yourself in the Court where you will not be in touch with things". I gave him some of the reasons why I preferred the Court, and he stood by his promise to the Chief Justice. It was agreed that the change would be made some time towards the end of September when the Court sat after the vacation.

The Viceroy's arguments were very powerful indeed. My main reason was that though the greater part of my public career upto then had been what people would call political, I had never taken very kindly to politics. At that time for someone in the Government there was no question of belonging to any party. It was a reserved government and anyone who joined it cut himself as under from party affiliations. Even later, after the independence, when it became a matter of party and politics, I was not much of a party man. I have always carried out my duties and obligations to the party with extreme loyalty but it has always been a somewhat restricting and irksome position. Some people take pleasure in party politics but I do not. I have been perfectly happy to work with a chief who could look after the party business, so that I could carry on with my duties, departmental as well as politics. On the other hand, the practice of law and judicial work have always held a much greater attraction for me than the executive work.

23

MISSION TO CHINA, 1942

I took up my duties on the Court early in the October of 1941. In February, 1942, Generalissimo Chiang Kai-shek and Madame Chiang Kai-shek came to Delhi on an official visit. I had the opportunity of meeting them at a banquet that the Viceroy gave in their honor. I was deeply impressed by the Generalissimo's personality but attached little importance to the whole event. Little did I know than the Generalissimo's visit would result in my stay at Chungking for four months.

Towards the end of April or the beginning of May, the Viceroy wrote me a letter stating that one of the matters settled between the Viceroy and the Generalissimo during the February visit was that China and India would establish direct diplomatic relations with each other. He expressed the hope that I might agree to go to Chungking for six months on deputation from the Court and open the first Indian diplomatic mission there and set things going. Later, a diplomat could take over. He explained that the assignment involved considerable danger as the Japanese Air Force had been able to carry out extensive bombing of Chungking, the Chinese capital. Besides, few amenities were available there and I would not be able to take my wife and daughter with me: and that, on the financial side, as my salary as Judge of the Federal Court was more than the salary and allowances of the British Ambassador in Chungking, I would be considerably worse off by taking up the assignment. He added, "There is, however, nobody else I can think of who can carry out the assignment with as much ability and dignity as you can". He was anxious to impress the Chinese administration with the fact that a man from the topmost ranks had been chosen as India's first representative and closed his letter with some personal compliments to me. I had been on the Governor-General's Council for a number of years and I had worked with Lord Linlithgow since 1936, so I felt that it would be ungracious on my part to refuse when he needed me.

But it was a hard wrench. We had hired a house at a lovely spot at Gulmarg, in Kashmir, for our summer residence and after a lot of trouble and expense we had furnished it exactly as our official residence at Delhi. We had got the same furniture-maker to make us a duplicate set of the furniture, down to the details, so that my wife should feel it was the same home except that instead of being at Delhi it was at Gulmarg. I had been looking forward very keenly to my first vacation after a number of years, as my war years in government had been strenuous.

I discussed the matter with my wife. She was very disappointed but agreed that I could not help accepting the assignment. Luckily the period was cut down to four months.

Just when the Viceroy had asked me and I had agreed to go, the Japanese occupied upper Burma and so the Burma Road, the route from Burma to China was cut off and the air service between Calcutta and Chungking via Burma was suspended. I had to wait for some alternative arrangement to reach Chungking and that gave me a few more days in Gulmarg but made my departure more difficult as I had to part with all that. Gulmarg was simply lovely and my first vacation with my wife and daughter was exceedingly enjoyable.

Eventually I reached Chungking by what was known as the service over-the-Hump. This was a blind-flying service of DC-3s from Calcutta to Dinjan, in Assam, and then from Dinjan over the Hump, that is, peaks 18,000 ft. high, and so it necessitated flying at 21,000 to 24,000 ft. to Kunming and on to Chungking. At that time there was no question of any oxygen or pressurization and they had to fly blind as there were no arrangements for obtaining intimation on weather, etc. At Chungking the plane landed on an island in the middle of the river as the Yangtze was not in flood. It was a weekly service that generally left Calcutta at about 10 a.m. and reached Chungking at about four in the afternoon. There were only bucket seats in the plane. In fact, it was a freight service but some passengers were permitted to use it. I was accompanied by a small staff; a military secretary, a superintendent and an assistant.

The Imperial Chemical Industries had a bungalow on the south bank of the Yangtze River and it was lying vacant at that time. They offered to let me and my military secretary use it. That was a great boon. Chungking is situated at the junction of the Yangtze and Kailing Rivers and has hill ranges on both sides, so that it lies in a sort of trough and is very humid. Being shut in by the hill ranges, it scarcely gets any breeze and is very oppressive in summer. In winter it is enveloped most of the time in a thick mist and clouds. It was a common saying in Chungking that if there was anything worse than the Chungking summer it was the Chungking winter.

When the Japanese forces occupied Eastern China, Chungking was chosen as the capital, partly for the reason that during the winter it could not be effectively bombed as it was not visible from the air. In summer it was vulnerable from the air and had been very badly battered during the two previous summers.

As good luck would have it - nobody knows for what reason - the Japanese did not attempt any bombing of Chungking during the summer of 1942, when I was there. I know my presence in Chungking was not the reason, but, whatever the reason, I certainly got the benefit of their restraint. Otherwise everything was almost unbearable - not only the climate, but also the filth, in isolation and the complete lack of amenities. Except for the weekly air service from Calcutta, all communication with the outside world was cut off. Not a drop of milk was available. The Chinese are not fond of milk, so it wasn't that milk was rationed: it was lust not obtainable. We had taken some Lipton's tea with us from Calcutta, but we had to take it without sugar and milk. The

lack of sugar was no privation in my case as I had given it up because of my diabetes. Tea of any kind was scarce in China. The Third Secretary in the Australian Embassy, Keith Waller, later the Australian Ambassador in Moscow, used to walk a couple of miles along the ridge of the southern range of hills, and bring me as many books as I could read, mostly Australian fiction. His visits were a great delight and were most welcome. We insisted on his company and he was kind enough to spare an hour or so and all we could offer him by way of hospitality was tea without milk and sugar, and he drank quantities of it as if it were heavenly nectar. There were still some half a dozen tins of Lipton's tea when we left. We gave them to Keith and he felt as if we had bestowed a fortune upon him. You can judge from that what conditions were like in Chungking.

The political and other conditions merit a comment or two. I submitted my reports to the Viceroy from Chungking and on my return I discussed them at length with him. Generally speaking, I made three points. First: that the Communists would be on top in China. He almost jumped out of his chair and exclaimed, "Why do you say that"? I replied, "It is perfectly obvious. They are the only organized party in China, and they are the only people who are putting up any resistance to Japan; they are getting trained and they are undergoing all the hardships. They are already very well trained."

Secondly, on the Kuomintang side, with the exception of Chiang Kai-shek, K.C. Wu, a former Mayor of Shanghai, and possibly half a dozen others, everybody else on top was steeped in corruption. For instance, the Finance Minister, Kung, who was Chiang Kai-shek's brother-in-law, was known as the biggest crook in Asia. The man went about loaded with gold watches, chains and knick-knacks. Even his mouth was full of gold, most of his teeth whether natural or artificial were encased in gold. It was common knowledge that the greater part of the goods that used to be carried over the Burma Road, while it was open, was treated by Kung as his personal property and was sold by him on the black market. A loan that he had negotiated with Britain could not go through because he had insisted that the money should be handed over to him and the Britishers had insisted on supervising its utilization.

On the other hand, the upper middle class - and there were many estimable people among them - suffered great hardships because there was perpetual inflation; the value of the currency dropped almost every day and therefore everyday prices went up. These people had, by that time, disposed of all that they had which could be dispensed with, and their condition was pitiable.

As a result of all this corruption the peasant was having a very raw deal. I related all this to the Viceroy in support of my strong feeling that once Japan was out of the way, the Communists would spread all over China.

Number Two: I told him that I had heard a lot of talk about the Chinese peasant being an individualist, that he would never tolerate Communism. That was all fiction. He was so oppressed that all he bothered about was some relief from peculation, oppression and corruption. If anybody could give him some stability in the economic sphere and some relief from oppression, he would welcome him. The Viceroy found my observation unpleasant and disagreeable.

Number Three: I told him that it was nothing but nonsense to say that the Communism of Mao Tse-tung and Chou En-Lai was pink and not red. They had all been trained in Moscow and they were 100 percent communist, dark red, if it was preferred, but certainly not pink.

These were the main impressions that I brought with me. My earlier impression about Chiang Kai-shek's strong personality was greatly reinforced. He was trying to do the impossible. Later on, he got rid of Kung, his brother-in-law. Like all Chinese he had a strong family feeling, but Madame had it in much greater strength. She was a Soong. My impression is supported by Gunther in a chapter of Inside Asia "Let us Sing a Song of Soongs". I must say that madame had a very attractive personality. On every, occasion, both at Delhi and Chungking, whenever I came in contact with her, I admired her greatly. She was a gracious hostess, had a brilliant mind and was in every way, an estimable lady. I have no idea whether she had anything to do with the things I have mentioned, but certainly, Kung, her sister's husband was the centre of corruption. Curiously enough, the third sister was Sun Yat-sen's widow. She is now one of the Vice Presidents of the People's Republic. At that time she was at Chungking and not with the Communists. Sun Yat-sen's son by his first wife, Sun Fo, was one of the two Deputy Foreign Ministers. Chiang Kai-shek, who was himself the Foreign Minister, was not easily accessible but Sun Fo was always available. I had a standing arrangement with the Senior Deputy Foreign Minister that I would call on him and spend about three quarters of an hour with him every Wednesday and he would post me with up-to-date information. As I have already said the greatest privation there was the isolation, one simply did not get any news.

I noticed that although India was not yet independent and technically was not a sovereign state I was treated strictly in accordance with the protocol applicable to an ambassador of a sovereign state. So far as contacts with high personalities were concerned I found that compared to the European diplomats I could approach them more easily.

The American Ambassador at that time led a very secluded life. He had weak eyes and could not face the glare of the sun; so he had to spend most of the time in a dark room. He did not go out much but I have no doubt that his colleagues in the embassy made up for him.

Sir Horace Seymour was the British ambassador. I recall once he received from his Government some important message which had to be communicated urgently to Chiang Kai-shek. Now, urgency in the China of those days and particularly in Chungking, had not the same impact as elsewhere. He had asked for an interview but he knew from experience that it would be days before he was permitted to call. He thought he had better have the information conveyed to me. I had been allowed the use of a room as my official headquarters in the British Embassy. It was kind of the British Embassy to let us have a room because accommodation was extremely scarce in Chungking. The Ambassador said to me one day, "Sir Zafrulla, I understand you have a standing engagement with the Senior Deputy Foreign Minister", and he entrusted me with that message so that I could deliver it. This did not mean that I was taken into confidence by the Chinese but there was no doubt, that being an Asian I was treated on a better level than the Europeans.

As I have already said, I spent four months in Chungking and in early October I returned to Delhi. While in Chungking I received a communication from Sir Olaf Caroe, that the Viceroy thought that it might be useful if I could stay a little longer at Chungking. I wrote back to say that I would be glad to stay on if the Chief Justice thought there was nothing which needed my presence in Delhi but in order to preserve my sanity, I must have at least two weeks' holiday at home.

He wrote back saying the Viceroy thought that perhaps it was not worthwhile subjecting me to the hazards of a journey home and back. So I went back to Delhi.

24

PACIFIC RELATIONS CONFERENCE MONT TREMBLANT, 1942

After my return from Chungking, I sat on a case on the Court and then there was a fairly clear run; there was nothing ready for hearing and since the Chief Justice had no objection I agreed to lead a small delegation to the Pacific Relations Conference at Mont Tremblant.

Being in the thick of the war, the journey had some interesting features. On arriving at Cairo, we found that the next leap would be to Lagos, in Nigeria via Khartoum, Juba, Stanleyville and Leopoldville. In those days the route was being controlled by the Middle East Command, and we had to wait in Cairo for a couple of days before we were allotted seats in a flying boat proceeding to Lagos.

Dick Casey, whom I have already mentioned in connection with the Dominion Ministers' Conference, was in those days the British Resident Minister in the Middle East. When we landed at the Cairo airport he had very kindly sent his secretary there with a message that he would be happy to put me up but I preferred to stay at the hotel, where accommodation had already been arranged for us. However, I was glad to go to lunch with him the next day. He was very worried over the Indian situation and we discussed whether it would be possible to liberalize the spirit of the then Constitution. I told him that I had already submitted to the Viceroy a memorandum making certain suggestions which, I was glad to find, Dick Casey thought could be helpful and practicable. He suggested that I go to London for discussions after the Conference at Mont Tremblant. I told him that since it was war time I could not just go wherever I wished and claim the time and attention of busy people but that I would be glad to go if I were asked. He said that he would write to Mr. Amery, who was then the Secretary of State for India.

So we flew from Cairo to Lagos, making night stops at Khartoum, Stanleyville and Leopoldville. We stopped two or three days at Lagos and were put up at Government House. Sir Henry Bourdillon was the Governor-General of Nigeria. One afternoon, we made a short hop by land plane from Lagos to Accra, the Capital of Gold Coast (now Ghana) where Sir Allan Burns was the Governor. He was good enough to put us up at his very interesting residence, Christainborg Castle, built on top of a rock which rises sheer from the Atlantic for two hundred feet. The same night we heard the news over the radio that all flights of aircraft, civilian as well as military had been grounded till further notice. No reason had been assigned and we did not know whether we would be able to go forward or for that matter even backward.

The next morning the mystery was solved. It came over the radio that the American North-African landings had begun. We had to wait until something could be arranged to put us across the Atlantic. The third evening, after dinner, there was a telephonic call from the airport, which was under American control, that if the Governor would send his guests within half an hour, they would be flown immediately.

When we were leaving, Lady Burns, very thoughtfully, pushed three sofa cushions through the car window, because, as she said, the aircraft was a freighter. It was carrying American ferry pilots back to America. These pilots had brought from America military aircraft which were flown to Russia through Iran. We were told that as there were only three chairs in the aircraft, their commander would take one and the two would be left for us. The pilots themselves and the baggage would be on the floor and one of us would have to accommodate himself there. I had in my party a lady, Begum Shah Nawaz, and our secretary, Syed Bashir Ahmad. On the principle of women and children first, I allotted the two chairs to Begum Shah Nawaz and Mr. Ahmad and for myself, I decided to lie down on the floor with my overcoat on, thinking that with the help of cushions so kindly provided by Lady Burns, I would be reasonably comfortable. But that turned out to be nothing more than an illusion. I lay down on the metal floor with one cushion under my head, the second under my elbows and the third under my shanks but the higher the plane climbed, the colder the floor became and the metal felt like getting much harder. I could not get a wink of sleep throughout the night. By sunrise, the next morning, we made Natal in Brazil, across the South Atlantic and landed at an American military camp which was being set up there. They gave us a sumptuous breakfast and we were transferred to another American military plane with wide, comfortable seats and a kitty full of sandwiches and soft drinks. There was no steward on board and everyone was free to help himself to whatever he liked.

The ferry pilots who had been with us during the night in the absence of light we had not been able to see each other - were now seated comfortably in the wide seats and were enjoying themselves. One of them, Murray White, sitting next to us, fell into conversation with us and after sometime he said in great surprise, "Why! You are like us". It amused me greatly. I said to him, "Did you imagine that you were locked up in that aircraft last night with three wild beasts from the jungle and were you terrified lest the plane should be blown up anytime?"

It might be of interest to add, by way of parenthesis, that in February 1962, I was in Denver, Colorado to carry out a couple of speaking assignments at the University. The very first morning I was rung up by a Colonel White and the moment he mentioned that we had travelled together from Accra to Miami during the war I knew it was Murray White. He was rather surprised to find that I remembered his full name. He was married and retired from flying as he had a crash but it wasn't serious and so he was working in the meteorological department of the Airforce. I invited the Whites to tea and we spent a delightful evening together.

From Natal we flew on to Georgetown in British Guiana and spent the night there, again in an American military camp. The next day we flew from Georgetown to Miami where we were met by the British Vice Consul, who told us he had reservations for us the following day, both by train and air, whichever we preferred. I was inclined to stop the next day at Miami which none of us had visited before and then fly to New York the next day but my companions thought that an afternoon and evening would be enough in Miami as they preferred to go to New York by train the next morning. I fell in with their wishes.

At New York, where we stopped for a few days, we were put up at the Waldorf Hotel. Then we went by train to Montreal, changed trains there and proceeded to Mont Tremblant, which was an ideal place for a conference in winter as you could do nothing else but talk together. It was a skiing resort and the lodge and the cottages had been placed at the disposal of the Pacific Relations Institute for the Conference.

Among the people I met there was Phillip Jessup, who led the U.S. delegation. He is now on the International Court of Justice. So our friendship has extended over twenty years.

The Conference, as its titled implied, studied generally the relations between the U.S. and the countries of the Pacific region, with particular reference to the impact of American troops and civilians upon the countries, for example, what problems this impact had given rise to, how it had affected the attitude of those countries to America and what could be done to solve any problems that might arise.

From Mont Tremblant I went to Ottawa where I stayed at Government House with the Earl and Countess of Athlone. The Earl was a brother of Queen Mary. The Countess, Princess Alice, was a very gracious hostess. The Chief Justice of Canada Sir Lyman Duff, was kind enough to invite me for a morning to sit with the Supreme Court of the Dominion while they were in session, a courtesy judges extend towards each other. Incidentally, I had already sat at Lagos with the Supreme Court of Nigeria and at Accra with the West African Court of Appeal. From Ottawa I went to Toronto, and from Toronto to Washington. Lord Halifax was the Ambassador of the United Kingdom to the United States. He told me that he had received a message from the Viceroy that I was to go to England for consultation, which must have been Dick Casey's doing through the Secretary of State. I was told that arrangements would be made for my travel to London. Begum Shah Nawaz would not be able to travel with me as I would have to fly in a bomber and women were not permitted to travel on that route either. Later, arrangements were made to send her back to India, the way we had come. However, my secretary and I proceeded to London.

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VISIT TO ENGLAND, 1943

Accordingly we had to go to Montreal where we were held up for a week because of a blizzard. The bomber had arrived at Montreal a day after our arrival there and we had been taken to the airport and briefed. We had to put on silk and leather suits, gauntlets and fur caps, etc. Then we were fully accoutered for the journey. We looked like polar bears on their hind legs. The bomber flying at 20,000 ft. was not heated: there were no seats, but mattresses were spread on the floor and plenty of pelisses and covers were provided to keep us warm.

We travelled from Montreal to Prestwick, making a stop at Gander in Newfoundland. We were told that there was an arrangement for the supply of oxygen - there was no pressurization in those days - but on that particular fight the supply of oxygen failed. Our instructions were to keep the gas masks on, so that we had the worst of both worlds detestable smell of the rubber and no oxygen. Towards the latter part of the flight, as the night was ending, I noticed that some of the passengers were feeling very uneasy. They would sit up, lean over and lie back but I could not understand it as I was lucky enough not to feel any discomfort. On our landing at Prestwick we were told about the failure of oxygen supply.

From Prestwick we were driven through the snow to Glasgow Railway Station, where we were told to have breakfast and also provide ourselves with whatever we might need during the day as the train to London was going to be without any arrangements for heating, lighting and restaurant car. It took us eleven hours to do the journey which was not at all comfortable, but it was war time and we could not expect anything better. We arrived in London on 5 January 1943 and I stayed there for exactly two months, although it had been expected that my stay in England would not extend beyond two weeks.

In London life was almost normal and in spite of the continued bombing there was no panic or disturbance.

I had been sent for by the Secretary of State for India in order to take part in consultations meant to determine how best India's war effort could be stimulated. I have already mentioned that while on the court and later from Chungking I had been sending notes and memoranda to the Viceroy urging upon him for greater association of Indians as partners in the Government.

Before I left the Viceroy's Executive Council in September 1941, the Viceroy had, in accordance with my advice, affected the Indianization of the council. Now in early 1943 we discussed what further steps could be taken in that direction. My discussions were held mainly with Sir James Grigg, my former colleague in the Viceroy's Council and now the Secretary of State for War, Sir Findlater Stewart, who had been head of the India Office and was working on a special assignment at Norfolk House, where all the war planning was done; and Sir John Anderson, later Lord Waverly, who had been Governor of Bengal and was then a member of the Cabinet; he was held in very high esteem and his views on questions relating to India carried great weight.

We worked on a scheme, a sort of ad hoc arrangement under which, without any change in constitution, the Viceroy was to set up a wholly Indian cabinet and let it work, in effect, as a responsible cabinet, advising and guiding its members but not overruling them so that they could take full responsibility for their decisions and for the conduct of the Government. Sir Findlater kept Mr. Amery well posted about the trend of our discussions. Sir James Grigg, who, years ago, had worked as Mr. Churchill's secretary when Mr. Churchill had been the Chancellor of the Exchequer, undertook to reassure him on the feasibility of the proposals.

Finally, it was agreed that allotment of some of the portfolios in the proposed cabinet be as follows: Sir Rama Swami Mudaliar was to act as Prime Minister without assuming the title, Sir V.T. Krishnamachari was to take up Finance and Sir Aziz-ul-Haq (the High Commissioner in London), Commerce, etc. Just at this juncture Mr. Gandhi decided to go on a fast. Thereupon three Members of the Viceroy's Council resigned; namely, Mr. N.R. Sarkar from Bengal, Mr. B.S. Aney from the Central Province, and Sir Homi Modi from Bombay. The Viceroy took up the position that it demonstrated the impracticability of transferring any substantial power to Indians during the war. He had nothing to say against Mr. Gandhi for going on the fast but he was critical of the Ministers for resigning on an issue that did not directly concern their offices.

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INDIA DURING THE WAR

There was not much political activity during the first phase of the war, that is, from September 1939 to the time when Hitler began to move in force through Holland, Belgium and France. As I have already mentioned, India had organized a very big effort in the shape of the War Supply Organization, in which all the British territories to the east and south of Suez were represented. It went forward very vigorously; the political parties did not give much trouble.

In June 1940, on the collapse of France, everybody was disturbed, including the political leaders of India. There were apprehensions that Germany might win the war, which meant a major disaster. All political controversies were laid aside, so much so that the Congress leadership, including Mr. Gandhi, not only expressed genuine sympathy with Britain, which was now carrying on heroically in a very desperate struggle, but also contributed towards creating a spirit of helpfulness in the situation.

I recall Mr. Gandhi saying that Hitler was entirely responsible for the war and that Mr. Gandhi not only wished for but prayed for Britain's victory. That was a clear indication of their fear that if Britain collapsed, all hope of independence, liberty and freedom and of the triumph of humanitarian values would disappear. Everybody knew what Hitler was like and what his attitude towards dependent peoples was; he had put it forth very clearly in Mein Kampf. But, when through the summer it became apparent that Britain would not only stand firm but with the help that was pouring in from all directions, especially from America, she might even be able to prolong the struggle long enough to emerge victorious at the end, the Congress began to develop more and more opposition, not to the war effort but to the then constituted authority in India so as to push forward more rapidly towards independence.

During the autumn of 1940, Sir Jeremy Raisman, the Finance Member, was obliged to present a supplementary budget. In the general debate that ensued, the Congress attitude was that of extreme opposition to the then form of government. As Senior Member, I was Leader of the House and to my mind that was a clear indication that the political leadership in India was beginning to hope that Britain would emerge victorious from the struggle and, in consequence, it had resumed the political struggle.

But, by and large, nothing was done by any political party or group to obstruct the war effort. No doubt there was some underground terrorism and later, there were disturbances in Bihar, but looking back over the whole period of the war one can say

that the attitude of the main political parties - the Congress and the Muslim League - was on the whole, cooperative. Political activity was kept within legitimate bounds, on the other hand there was the consideration that if all political activity was laid aside, the political objective might receive a setback. They wanted to keep in the forefront the idea that India was doing all it could to help win the war and that India's emergence as a free independent country in association with Britain Dominion Status being everybody's objective - was not to be subjected to any delay once victory was won.

From then onwards, the main hurdle in the way was not the attitude of the British Government but the deadlock between the two parties. How was the communal problem to be solved? Everybody realised that unless there was some agreement on that it would be difficult for the British to put into effect a constitution setting up India as a Dominion. Speaking as Leader of the House as early as the autumn of 1940, in the debate on the supplementary budget, I announced quite clearly that all of us were agreed so far as the independence of India at its earliest was concerned but that the only obstacle was to find a basis of settlement between the parties.

On 15 August 1945, when the general elections in Britain brought the Labour Party into power, Prime Minister Attlee, in the speech from the throne, made an announcement that steps would be taken as soon as possible to set up India as a Dominion, a promise which was fulfilled exactly two years later.

It is not true to say that the British ever attempted to divide Hindu and Muslim interests. It was not the deliberate policy of the British Government in England or for that matter a major objective in the policy of any Viceroy. It was during the Viceroyalty of Lord Mint° in 1906, that the Muslim League came into being under the guidance of such Muslim Leaders as the late Agha Khan, Syed Amir Ali, Nawab Salimullah of Dacca, Mirza Abbas Ali Beg and others. It owed its birth to the growing apprehension in the mind of the Muslim leadership in India that with the progress of representative principle, which found expression in popular elections, Muslim interests would be progressively neglected, unless safeguards were devised and put into effect. Experience had already shown that the electoral system of responsibility could be manipulated to the serious prejudice of the minorities; and the Muslims being the largest minority had grave apprehensions on that score. The country was still at a stage when the whole struggle for independence lay ahead, but the experience already gained in the political field made the Muslims feel that some safeguards had become necessary otherwise independence might bring nothing but more problems for them.

Later, the Muslim public opinion split on the question whether the best way of safeguarding the Muslim position was through cooperation with the Indian National Congress or through strengthening their own organization.

I do not think that the birth of the Muslim League in 1906 can be interpreted as evidence of the British policy to divide the Hindus and Muslims although it is true that we were still at a stage where any colonial administration would look for support wherever it could find it.

After independence, allegations have frequently been made to the effect that in the later stages of the struggle it was the British Government which was putting up the Muslim League, especially after a claim for Pakistan had been put forward. All such allegations that the British Government in any sense was backing the Muslim League are utterly unfounded. The best refutation of that charge is the fact that from the middle of August 1945 to August 1947, the Labour Party was in power and it had never been sympathetic towards the Muslim League while it had always felt some sort of affinity with the Congress. Mr. Attlee did all he could and went as far as he could to preserve the unity of India. It was under that desire and hope that he sent the Cabinet Mission to India so that acceptance of a federal plan for an independent India could be secured. They did bring about a settlement between the two political parties, but the plan was sabotaged by Pandit Jawaharlal Nehru, who, within a few weeks of its acceptance, put an interpretation upon certain paragraphs of the plan while the paragraphs were utterly incapable of bearing such an interpretation.

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COMMONWEALTH RELATIONS CONFERENCE, 1945

The British Commonwealth Relations Conference was held during February-March 1945 at Chatham House, London, the headquarters of the Royal Institute of International Affairs. I had the honour of leading the Indian delegation. I had been the first President of the Indian Institute of International Affairs. In fact, I was its first and last President as the Institute was transferred to Pakistan on the partition and India set up its Council on World Affairs. After its transference to Pakistan, I became President of Pakistan Institute of International Affairs and continued in the position until 1954 when I went to the International Court of Justice. So, it was in the capacity of the President of the Institute that I led the Indian delegation to the Commonwealth Relations Conference.

Except for the Secretary of the Institute, Khawaja Sarwar Hussain, I believe all the other delegates were non-Muslims. We were a good delegation. One of the members was Sir Maharaj Singh, who had been for a short time, the Agent-General of India in South Africa. He had been in the Civil Service of the United Provinces and had later risen to a great eminence. The other delegates were equally keen and active members of the Institute.

I think we made a significant contribution to the deliberations of the conference. In the opening session the leader of each delegation made a brief speech, reviewing the war effort of his country and making general observations on the objectives and ideals of the Commonwealth. I took advantage of the opportunity and after summarizing India's war effort I drew attention to the fact that while India had two and a half million people in the field to defend the freedom of the Commonwealth, it was a great irony that India should still be a suppliant for its own freedom. I made a strong appeal to the assembled statesmen of the Empire for India's independence at the earliest.

The juxtaposition presented by me struck the imagination of those present and also that of the press. About a couple of hours later, when we came out of Chatham House, we found that the part of my speech dealing with India's independence had been printed verbatim in bold letters in the evening papers. That created a great stir. Finding that my plea had struck such a chord of sympathy, both in the Conference and outside, I took advantage of my position when I was nominated as one of the two guests to respond to the toast at the banquet given the same evening at Claridge's Hotel, in honor of the delegates, by the Royal Institute. So, in my speech I developed the theme at greater length, appealing to the British Government to do something positive and concrete in

that direction. I made a suggestion that as there was agreement on all sides for India to be a Dominion as Canada, Australia and New Zealand even pending a settlement between the Muslim League and the Congress, the British could give effect to the aspiration by promulgating a constitution which they considered just and fair to all interests, subject to assurance that as soon as the two parties could arrive at a settlement between themselves, whatever they proposed would be substituted for the interim constitution.

The entire British Cabinet, with the exception of Mr. Churchill only was present at the banquet. Mr. Ivision Macadam, Director-General of Chatham House, had himself urged me to take advantage of the great impression which a few words of mine had made during the afternoon and then to push the matter further at the banquet. He had pointed out that it would be an excellent opportunity as everybody who mattered was to be present with the only exception of Mr. Churchill whose duties as Prime Minister would prevent him from attending the function.

Within a day or two, I was told that as a result of the two speeches, Lord Wavell, the Viceroy of India, had been summoned to London for consultations. So, apart from the contribution made by the Indian delegation through discussions on each topic as it came up at the Round Tables into which the conference was divided, we were, at the very beginning, able to give the principal topic in which India was interested, that is to say, a march as quickly as possible towards independence, a vigorous push forward.

Mr Asaf Ali, who was one of the leading members of the Congress, told me later, that Pandit Jawaharlal Nehru, he, and some of the other Congress leaders, who were then in internment in the Fort at Ahmad Nagar, in the Deccan, South India, had heard my speech over the radio. He described the whole scene to me how, clustered round the radio-set, they had listened with hated breaths, especially the part beginning with, "Statesmen of the Empire! does it not strike you as an irony that while India maintains two and a half million people in the field in defence of the liberties and freedom of the Commonwealth, it should itself be a suppliant for its own freedom". Mr. Asaf Ali told me that at the end of the speech, Pandit Nehru had observed that I said things even more plainly than they.

The difference between those who fought for independence and those like me, who were working in the same direction by cooperating with the British, lay not in the ultimate aim at which we all agreed but in our respective methods and techniques. Both methods were essential because they were complementary and so they yielded rich dividends. I doubt even if the extreme leadership of the Congress ever thought that it was not worthwhile to try the cooperative method along with the conventional methods associated with struggle for independence. Of the two methods, the latter was more spectacular and involved sacrifices. Those in the thick of the struggle, went to jail, and they had to suffer privations. I do not mean at all that our part was in any sense as hard

as or as much beset with difficulties as theirs, but I do maintain that those of us who worked in cooperation with the British, did help in many ways to push the matter forward. The Commonwealth Relations Conference was one of those occasions on which we were able to move a step further.

The journey to England and back, in contrast with the journey to Mont Tremblant and then onto England, was a perfectly straightforward affair. By that time the Germans had been pushed back far enough to make the regular air route operable. So, we had gone directly from Karachi, via Cairo, over the Mediterranean, on to England and we came back by the same route. There was no trouble at all.

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CHAUDHURY REHMAT ALI

I knew Chaudhry Rehmat Ali very well when he was a student at the Islamia College and later, at the Law College, Lahore. In those days, I was a part-time lecturer at the Law College. After that I met him during the early thirties, when the Round Table Conferences were being held. At that time he was studying at Cambridge. He used to come up to London and discuss things with some of the delegates and was usually accompanied by Khawaja Abdur Rahim, his contemporary at Cambridge. The Khawaja, who was an Indian Civil Service probationer in those days, later rose to be the Commissioner of Rawalpindi Division and then he resigned. He used to practice law at Lahore and was also interested in industry. I might take this opportunity to mention here that when it came to the partitioning of the country Khawaja Abdur Rahim was the only one who had done any useful work by way of collecting and collating data on various important factors.

On one of their visits to London we spent some time together discussing Chaudhry Rehmat Ali's *Scheme of Pakistan*. Chaudhry Rehmat Ali has the credit of having coined the name "Pakistan". To my surprise I found that at that time, he was looking only at the north-west of the subcontinent and was ignoring Bengal altogether. I pointed this out to him and he, later, modified his scheme in order to include Bengal.

He was more of a visionary than a man of affairs and was not inclined to attach much significance to the practical aspects of a problem. His scheme involved separation and partition, but it was based on an exchange of population, necessitating the migration of the sub-continent's total Muslim population to Pakistan. He was very enthusiastic about it and was very devoted to his cause. He was so enamored of his idea that he could brook no criticism of it. I did not oppose it, but at that time the whole thing was so academic and so we treated it as something with which these young undergraduates amused themselves during their leisure hours. None of us who sat at the Round Table Conferences was at that time disposed to attach much importance to it or treat it as a practical proposition. So much was Chaudhry Rehmat Ali devoted to the idea of exchange of populations so that Pakistan could accommodate the total Muslim population of the whole of India that he was greatly disappointed at its birth. He used to apply all sorts of opprobrious epithets to the Quaid-e-Azam, lamenting that the latter had destroyed the whole concept with which Chaudhry Rehmat Ali had started.

He had settled down at Cambridge, but when he visited Pakistan he was not taken much notice of. Besides furnishing the name he did not play any active part in the

promotion or the setting up of Pakistan. He died soon after the independence, a very disappointed man.

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SIR KHIZAR HAYAT'S RESIGNATION, 1947

I had known Sir Khizar Hayat Khan for a number of years and had admired him for his great qualities. He came into particular prominence in connection with the events we are now approaching in the spring of 1947. In December 1946, after the final failure of the Cabinet Mission Plan, the Labour Government in England and the Prime Minister, Mr. Attlee were faced with the problem of India's progress towards independence. Here, perhaps, I should say a word about the Cabinet Mission Plan which had been evolved during the summer of 1946 and on which, eventually, an agreement had been reached between the Indian National Congress and the Muslim League. But it had to be abandoned because of the irreconcilable differences that arose later.

In the early summer of 1946, Prime Minister Attlee sent three of his cabinet colleagues to India; namely Lord Pethick Lawrence, the Secretary of State for India, Mr. Alexander, the First Lord of the Admiralty and Sir Stafford Cripps, who, I believe, was then either Lord President of the Council or Lord Privy Seal. Their objective was to make an effort to bring about a settlement between the Congress and the League so that Indian independence could be worked out. After a good deal of hard work they eventually produced a plan that was acceptable to all the parties concerned. Briefly, the plan envisaged the division of India into three autonomous zones: Zone A was to consist of the north-west part of India including what is now West Pakistan plus the rest of the Punjab; Zone B was to have the whole of north-east including what was East Pakistan (now Bangladesh) plus the whole of Assam and the rest of Bengal. These areas had a majority of Muslims. The remaining part, the bulk of the sub-continent was to form Zone C. The plan further said that Zones, A, B and C would start functioning with the Central Government in charge of Defence, Foreign Affairs, Communications (i.e., Railways, telegraph, post-office, telephones, etc.) and finances for these purposes, Currency and connected subjects. The residuary subjects were to be controlled by the zonal governments that were to be autonomous, subject to a certain degree of control by the Centre only in a state of emergency such as the breakdown of administration. Initially, the plan was to be worked for ten years, purely on an experimental basis. At the end of the ten years Zones A or B could, if they were dissatisfied with the arrangement, legislate themselves out of the Federation and be independent.

The province of Assam by its inclusion in Zone B was made to join the Muslim majority zone though it did not have a Muslim majority. Hence, the plan provided that at the end of ten years if Assam found that Zone B had chosen to go out of the Federation, it could legislate itself out of Zone B and join Zone C.

The plan was announced and welcomed by everybody. At long last there was an agreement which would preserve the political unity of India while safeguarding the Muslim interests. In the meantime, Mr. Nehru was elected President of the Congress and he made a public announcement in which he put his own interpretation on certain paragraphs of the plan including those relating to Assam and giving it a choice to legislate itself out of Zone B if Zone B was to legislate itself out of the Federation. He contended that not only at the end of ten years but here and now at a very start, Assam had the choice to legislate itself out of Zone B and could exercise it. That tore up the whole plan. Lord Wavell, the Viceroy, intervened and tried to persuade Messrs Gandhi and Nehru to restore the plan but failed to make any headway. Later, I believe, towards the end of 1946, Mr. Attlee called both Mr. Jinnah and Mr. Nehru to London in a final attempt to bring them together but the differences could not be resolved.

Mr. Attlee came to the conclusion that after the failure of this last effort directed towards the maintenance of the sub-continent's political unity, there was no choice left but to agree to partition and to carry it out. In February 1947, he announced his decision on partition in principle. The central point of the announcement was that the British Government would transfer power to the provincial governments that were in power, and through them a scheme of partition would be worked out.

On hearing the announcement I felt extremely uncomfortable because though Sir Khizar Hayat Khan was the Chief Minister of the Punjab, the majority of his followers consisted of Hindus and Sikhs while the Muslims formed a very small part of his party; most of the Muslim representatives in the Punjab Legislative Assembly were members of the Muslim League and they were in opposition. So, after Mr. Attlee's speech I was worried over the Punjab in which I was most interested as I belonged there and also because, as everyone knew, the Punjab was the heart of the scheme of Pakistan. I knew that the Quaid-i-Azam had tried to persuade Sir Khizar Hayat Khan, to come to some understanding with the Muslim League but he failed.

Sir Khizar Hayat's stand had been that he supported the idea of Pakistan and the demand for it, but that was a matter relating to the centre. So far as the provinces were concerned, he stood by the policy and the principles of the Unionist Party, as indeed Sir Sikandar Hayat Khan had done before him. Sir Khizar wanted to carry on the understanding which had been reached between Mr. Jinnah and Sir Sikander Hayat Khan. Now, through Mr. Attlee's announcement,' the distinction between provincial sphere and the centre was wiped out and provincial governments had become the centre of interest.

I was Judge of the Federal Court of India at Delhi and was not directly concerned with politics but I could not, at this last moment dissociate myself from what was going on. I certainly could not keep myself away from the pivotal question on which the future of

my people rested. So after a restless night I decided to write to Sir Khizar Hayat Khan. I was by no means certain in my mind that he would accept my advice but we were good friends and I had great confidence in his judgment and good sense. So I put before him the position as it had emerged from the Prime Minister's announcement, emphasizing upon his responsibility in the situation and finally I urged upon him that he must resign paving the way for a Muslim League Government in the Punjab, as the distinction between the provincial and central spheres had disappeared with the Prime Minister's announcement.

On receiving my letter he called me over the telephone saying that he could not speak to me about what I had written to him as he was not quite sure that his telephone calls were not being tapped but he indicated to me that he agreed in principle to what I had written to him and wanted me to come up to Lahore immediately so that he could discuss the whole matter with me. The same night, I left for Lahore.

We discussed not so much what needed to be done - on that he agreed on principle - but how it was to be done. Then he brought into consultation the late Nawab Sir Allah Bakhsh Khan Tiwana, a very close friend of his and a man of very strong common sense, whom Sir Khizar often consulted on important matters. Nawab Allah Bakhsh also agreed that Sir Khizar's resignation had become necessary so that the Muslim League could take over. Then Sir Khizar said that he wanted to consult another man who had stood by him and, therefore, at least, must know what he was contemplating: it was Nawab Muzaffar Ali Khan Qizilbash. So he sent for him. Muzaffar Ali Khan suggested Sir Khizar to resign but only after the Budget Session, which was due to start within a few days. He was not in favor of Sir Khizar's resignation before the Government got the Budget through. Nawab Allah Bakhsh came down very strongly against the suggestion for two reasons: first, it was not sure that they would be able to get their budget through as nobody knew how the situation was going to develop after the Prime Minister's announcement; secondly, it would be disloyal on their part to get the budget through with the help of non-Muslims and then to do something of which they might not approve.

Nawab Muzaffar Ali Khan left and Sir Khizar decided to put the matter before the Party. So, in the afternoon, he called a meeting of the Party at his house. I was not present in the meeting, though I was there in the house. The discussion went on for a long time and after the meeting had broken up I came to know that the Party had advised him not to resign but he had told them about his decision, which was to the contrary.

Before the Party meeting he had gone over to see the Governor, Sir Evan Jenkins, and had warned him that he might decide to resign, in which case he would come back to him after dinner and let him know about his decision. The Party meeting broke up just before dinner. So we dined together - the party members had left - and immediately

after the dinner, Sir Khizar went over to see the Governor, told him that he had decided to resign and advised him to invite the Nawab of Mamdot, Leader of the Muslim League Party, to form a Government. The Governor, I believe, was somewhat disappointed but he did not attempt to dissuade Khizar Flayat Khan from doing what he thought was right, though, personally, he would perhaps have wished him to continue.

I came back to Delhi on the next day. As soon as Khizar's decision was announced disturbances inspired mainly by Master Tara Singh, the Sikh leader, broke out in the Punjab. He stood at the steps of the Legislative Assembly Chamber in Lahore, rattled his *kirpan* (a dagger) and raved, "This will decide'. Unfortunately that was the opening of a horrible chapter which most of us do not wish to recall. It happened in the last week of February, 1947.

Sir Khizar Hayat Khan rendered a singular service to the cause for Pakistan by acting in a manner which showed his concern for the Muslim interests in the Punjab. It is a great pity that the part he played at that critical juncture has not been properly appreciated. His differences with the Muslim League arose at the time of his resignation, they urged him to join the League but he would not do so as that might be interpreted that he was still hankering after office. He explained that he was in full sympathy with the ideal of Pakistan and would continue to support it but he would rather not do anything that might suggest that he was wanting to play a prominent part in the province, no matter what shape things might take. I have always admired him for what he did at that time. He did not consider his own position, he had no though of any personal benefit and he did what he considered to be right under all circumstances.

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WHY PARTITION?

I appreciated all that the Muslim leaders wanted to safeguard and I was most keen to have Muslim interests protected in future. However, till the summer of 1946 I had not made up my mind whether Pakistan was the only or the most feasible solution of that problem. I breathed a sigh of relief in the skimmer of 1946. when the Cabinet Mission succeeded in obtaining the agreement of the Muslim League and the Indian National Congress on their plan. I was conscious of the advantages accruing to the whole of the country, and of course, also to the Muslims as a section of the population, from the political and economic unity of India. Here was a plan that might give Muslims a fair chance of cooperating in building up the country and might safeguard their faith, culture and special interests as a community. The Muslim leaders had accepted it and were willing to try it for ten years before making their final decision. I considered it to be a good way out of the difficulty. As a matter of fact, I greatly admired Mr. Jinnah's strategy that having pushed the demand for Pakistan as far as it was possible, he was willing to try an alternative which seemed to him feasible and practicable.

Then, the plan was wrecked - I am afraid, quite deliberately - by Mr. Nehru, who became President of the Congress shortly after the plan had been accepted. In his capacity as President of the Congress, he made public statements utterly inconsistent with the clear working of the plan. This convinced every Muslim that no agreement which might be entered into would be honored by the Congress or the leaders of the majority community and brought how the bitter truth that it was too great a risk to accept anything which could not be enforced if leaders of the majority community were not willing to carry it through. Finally, in December of that year when even Mr. Attlee's attempt to put the pieces of the plan together failed no doubt was left in my mind that the only way out was the partition.

So, the final change in my mind took place after the failure of the Cabinet Mission Plan I thought we had a fair enough substitute, at least for trial for ten years. and when that was torn up the rebound was that nothing else could be feasible except the partition.

In fact, though that does not strengthen the argument, even a person like Mr. Attlee, who was dead opposed to the partition, was finally convinced that it was the only solution. All my subsequent experience has confirmed that nothing else could have worked,

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PRINCELY STATES AND THE INDIAN INDEPENDENCE BILL, 1947

The situation continued to drift through the spring and early summer. Then Lord Mountbatten was appointed Governor-General; he came and took stock of the situation, went back to England and urged upon His Majesty's Government that the situation demanded early action. According to the original idea the partition was to be completed within the course of a year and the whole process was to be concluded by June, 1948. Lord Mountbatten felt that the situation had become precarious enough to need an immediate solution otherwise everything might get out of hand and nothing might be achieved. Thus he got the date advanced to the middle of August 1947 and the process of partition was speeded up accordingly.

Prime Minister Attlee's announcement of 3 June 1947 defined the method and mechanics of the partition. So I decided to resign and sent in my resignation to be effective from 10 June.

I knew His Highness the Nawab of Bhopal more closely than any other Prince. I was never very intimate with them as a group, but enjoyed good personal relations with some of them. He asked me whether I would be willing to act as his constitutional adviser for a few months or even longer, in case of need. The Maharaja of Indore also joined the Nawab in his request. The Chief Minister of Bahawalpur, Mr. Gurmani, a friend of long standing, also approached me for advice. So, as soon as I was free from the Court I moved down from Delhi to Bhopal where I made my headquarters. By that time widespread disorders had started and the situation, even in New Delhi, was becoming pretty desperate for Muslims. I acted as constitutional adviser to His Highness the Nawab of Bhopal for about six months, but except for the first two months I was never able to spend much of my time at Bhopal. In the meantime I was asked by Mr. Jinnah to present the League case before the Boundary Commission for the Punjab and later, to lead the first delegation from Pakistan to the United Nations.

Earlier, His Highness the Nawab of Bhopal had suggested to me to visit England for a fortnight. The Indian Independence Bill was under discussion in Parliament and he wanted me to see whether anything could be done to get a clearer assurance from His Majesty's Government about the position of the Princes under the new constitution. I was present in the gallery of the House of Commons when Prime Minister Attlee introduced the Bill. I was struck by the very clear exposition he gave of the provisions of the Bill, and I complimented him, later, on his speech. He did not indulge in oratory,

he was not much of an orator; but he explained the provisions so very clearly that everybody was able to appreciate what was intended.

But I was surprised at the grievance he made in his speech of the fact that Mr. Jinnah had not agreed to Lord Mountbatten's appointment as Governor-General of both India and Pakistan. I failed to see how that arrangement could have worked even for a week. There were bound to be differences between Pakistan and India over a host of matters, indeed, some of them were already looming ahead. Under the new constitutions the Governor-General was going to be nothing more than a constitutional head of government. A joint Governor-General as the constitutional head of India and Pakistan would be bound in each capacity to act on the advice of his cabinet. As the Governor-General of Pakistan he would act on the advice of his Pakistan cabinet and as the Governor-General of India he would act on the advice tendered by his Indian cabinet. What was going to be his position in case of serious differences which, as I have already said, were bound to arise? In Karachi, he would be the spokesman of the Pakistan Cabinet *vis-a-vis* India and would presumably address a communication to himself at Delhi urging the Pakistan point of view and then would go back to Delhi to reply to Karachi, refuting what he had written from Karachi. This was bound to happen and I am sure he would not have been able to continue with this farce for more than a week, or at the most, a month. That so experienced a parliamentarian as Mr. Attlee should have thought this arrangement could have worked and should have made a grievance of the fact that it had not been accepted by Mr. Jinnah was indeed surprising.

I was able to do a little bit in connection with the task assigned to me by His Highness the Nawab of Bhopal. In the Bill which subsequently became the Indian Independence Act, the clause relating to the Princes provided that on the due date all treaties, engagements, etc., between His Majesty and the Indian Princes would lapse and suzerainty would disappear, which meant in fact, that the Princes would be free to establish such relationship as they preferred with either or both Dominions. His Highness the Nawab of Bhopal was, in those days, the Chancellor of the Chamber of Princes. He and the other Princes were anxious to have it clarified that if they wanted to remain independent they could do so or they could, at their discretion, accede to one Dominion or the other.

I got in touch with many leading statesmen in Britain, including Lord Templewood, who, as Sir Samuel Hoare, had been the Secretary of State for India and now, as Viscount Templewood, was a member of the House of Lords. We discussed this matter and he said he would try to do what he could to get a clearer assurance from the Under-Secretary of State for India. Lord Listowel, who would be in charge of the Bill in the House of Lott's. So, when the particular clause came under discussion in the House of Lords, Lord

Templewood addressed the question to Lord Listowel whether it would be correct to assume that the meaning of the clause was that the Princes could remain independent if they chose so, or could accede at their discretion, to one Dominion or the other.

I imagine the Labour Government, being afraid that the Congress might not like it, was reluctant to make it clear. Lord Listowel said nothing in reply but merely nodded his head. Lord Templewood, an astute parliamentarian, knew that a nod of the head could not go on record and said, "From the nod of the noble Lord I understand that he agrees with the explanation that I have given". In this way, Lord Listowel's nod was transcribed on record.

Later events showed that whatever the letter or the spirit of the Act, the Indian minister in charge of princely states, the late Mr. Vallabhbhai Patel, was determined to ride roughshod over the states in order to have them integrated with India.

Towards the end of the year, when Mr. Jinnah asked me to join his Cabinet as Foreign Minister, I put the matter to His Highness and he very graciously agreed to let me go. He had begun to realize that it was no longer a question of constitutional advice or treaties and agreements for the Princes but a direct conflict with Mr. Patel who was determined to abolish what he and his colleagues in the Government of India considered to be an anachronistic system. So, when I put the matter to His Highness he was kind enough to say that he did not wish to deprive Pakistan of my services if they were needed and asked me how I proposed to travel. I told him I proposed to go down to Bombay and fly from there to Karachi, as it was unsafe to travel through the troubled areas of the East and West Punjab. His Highness thought that even getting down to Bombay by train was not altogether safe. So he put his larger aircraft at my disposal and advised me to take my wife and child and a couple of my servants with me and also as much of personal effects as could he carried by air. He obtained a through clearance from the Government of India so that the plane could fly straight to Karachi without landing at the border for clearance. He was also kind enough to give directions that the rest of my effects be sent to Karachi via Bombay, by sea. He was very helpful, indeed, in every way.

I was not much in touch with His Highness the Maharaja of Indore. I visited him at Indore for a couple of times. Mr. Patel and Lord Mountbatten proved too much for His Highness and he trumped up at a very start, accepting without demur whatever they proposed. His Highness of Bhopal had also in the end to accept the arrangements they proposed but, perhaps, he was able to get a better deal.

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THE PARTITION, 1947

While at Delhi, I was sent for by Mr. Jinnah, who asked me to argue the Muslim League case when the Boundary Commission to delimit the boundary between West Punjab and India - at that time, between West Punjab and East Punjab - was set up. Without any hesitation I took on that duty.

So, back from London, I went straight to Lahore, where the Boundary Commission had in the meantime been constituted. During my stay in England it had been announced that Sir Cyril Radcliffe would be the umpire of the Punjab and Bengal Boundary Commissions. This meant that the boundary would be determined on a unanimous or a majority report of the commission concerned, but in case of tie the umpire's decision would prevail. In each case there was bound to be a tie as each of the commissions was composed of two Muslim and two non-Muslim members. The two Muslim members of the Punjab Boundary Commission were Mr. Justice Din Mohammad and Mr. Justice Mohammad Munir, while Mr. Justice Mehr Chand Mahajan and Mr. Justice Teja Singh represented the non-Muslim side. There was bound to be deadlock in a commission composed on such a basis. So, in effect, it was Sir Cyril Radcliffe who would have to determine the boundary in each case.

I believe it was Monday evening when I reached Lahore. I was told that Sir Cyril Radcliffe was already in town and had summoned the parties to meet him at 11 O'clock, the next morning. So we appeared before him; he gave us directions and fixed noon of the following Friday as the time-limit for the parties to put in their written cases before the Commission. The following Monday arguments were going to start before the Commission. He said he himself would not sit with the Commission in order to hear arguments because he was not sure whether at all his function as umpire would come into play. It was only after the Commission had made its report that he would come to know whether he would be called upon to function at all. But he would follow with great interest whatever was being argued before the Commission, as a transcript of the proceedings would be sent to him daily.

The next evening Mr. Justice Din Mohammad came to see me. He was very agitated and said, "I have a strong suspicion that the boundary line has already been decided upon and all of us are going to be engaged in a farce". I asked him why he thought so. He said that after we had left the previous day Sir Cyril had mentioned that he would be going up the next morning for a flight to survey the area in dispute and to see how the land lay. Mr. Din Mohammad had asked him how the Commission would know what he

had looked at and what impressions he had formed. They would be sitting in Lahore while he would have made a survey of which they would have no knowledge. This might prove awkward later on. Sir Cyril explained that the aircraft placed at his disposal was a small one but that two of them, one from each side, could go up with him. It was decided that Mr. Justice Munir and Mr. Justice Teja Singh would accompany him the next morning. So, the next morning all of them assembled at an early hour at Walton Airport but the flight was abandoned because of a dust storm. Just before leaving the airfield, Mr. Justice Munir asked the pilot where they were to go. He put his hand in his pocket and brought out a slip of paper which he gave to Mr. Justice Munir saying those were the orders. Mr. Justice Munir brought that slip and gave it to Mr. Justice Din Mohammad. It carried directions to the pilot. He was to fly east as far as Pathankot where the Ravi emerges from the mountains and dehouches into the plains of the Punjab and then he was to veer left towards Ferozepur.

Justice Din Mohammad was very sure that this was going to be the boundary. He could not see any other reason in going to a particular point and then following a definite course. It was not a flight over an area, it followed a definite line. Therefore, he decided to go to Delhi the same night and put the matter before Mr. Jinnah, suggesting that Munir and he should resign from the Commission on the ground that apparently the whole thing had been determined in advance. He thought that would result either in the appointment of a new commission or in the application of some other method to determine the boundary.

I told him I feared Mr. Jinnah might pooh-pooh the whole thing as he would not he easily persuaded unless the whole matter was put to him on some legal basis. He said, "What do you mean by legal basis"? I answered, "I don't know whether you'll succeed with him even then but I suggest you to put to him this aspect of the case: We have accepted Sir Cyril Radcliffe as umpire in the case and we are bound to accept his decision as umpire. But, as umpire, it is his duty to base his decision on such material as is submitted to him by the Commission. As umpire, he is not entitled to receive material from other sources or give any consideration to such a material. Decision can only he made on the basis of the material which the parties place before the Commission: that material along with the views of the Commission will be submitted to Sir Cyril Radcliffe and on that, together with the Prime Minister's announcement as providing the basis of the partition, he must make up his mind. Now, who suggested this trip to him? He knows nothing at all of the conditions here, he does not even know the parties' case. What is the meaning of this particular line that the flight was to follow? Mr. Jinnah should try to find out what lay behind this proposed trip which had to be abandoned and what the significance of the line is. If he is satisfied that it had no significance at all, though it's difficult to believe that a definite line like that should have no significance, then matters may proceed. But if he is not satisfied, he should ask for an explanation: From which direction did this suggestion proceed? He can then make his point that the umpire is being influenced in a particular direction by people who are not directly

concerned with this question and we have lost confidence in this procedure. That might perhaps go some distance with Mr. Jinnah, otherwise you may not entertain much hope merely because of this slip of paper."

He went to Delhi that night, was there the next day, saw Mr. Jinnah, left Delhi in the evening, arrived back in Lahore on Friday morning and came straight from the railway station to see me. Ile was very crestfallen: Mr. Jinnah had told him to go ahead and to do his best and not to worry. Sir Cyril was a responsible man and would not let his mind he influenced by any outsider.

Curiously enough, when the award was announced the boundary followed the line described in the slip of paper except for one change, again, adverse to Pakistan. I shall come to that later.

On my return from England when I arrived at Lahore on Monday evening, I was received at the railway station by a large number of people including the Nawab of Mamdot. He told me that 11 O'clock the next morning we were going to see Sir Cyril Radcliffe and that later the same day I would be meeting some lawyers at 2.30 p.m. at his residence. I presumed that I would be meeting the lawyers who had been engaged in the preparation of the case, for I had been assured by Mr. Jinnah that by the time I arrived at Lahore I would find the whole case ready and I would only have to take on its presentation on the basis of the brief prepared by the lawyers.

So, under that impression, at 2.30 I presented myself at Mamdot Villa, the residence of the Nawab of Mamdot. I found there a large number of lawyers most of whom I knew very well as personal friends and colleagues. Earlier, during our meeting with Sir Cyril in the morning he had fixed Friday noon as the deadline for filing written cases. So after the usual hand-shakes and greetings we sat down and I enquired which of them were working with me on the case. Khalifa Shuja-ud-Din, a senior lawyer, smiled and said, "Which case"? "The boundary case, of course. I was asked to meet the lawyers working on the boundary case this afternoon here". Khalifa Shuja-ud-Din replied that they knew nothing at all about the boundary case. He was at a loss to understand what I was talking about, the lawyers were there only to welcome me back to Lahore and to wish me success in the case.

To say the least, I was stunned not only to learn that nobody had been paying any attention to the case, much less preparing it, but at the alarm that within less than three days - it was already the afternoon of Tuesday - I would have to present a case in writing, on the partition of this part of the country. I did not know which way to turn for statistics or any other relevant materials to ascertain the principles on which the line should be drawn or on what ground to prepare the case.

Within a few minutes I said good bye to the assembled lawyers and asked the Nawab of Mamdot, whether the Muslim League Organization had prepared any plan or collected any material or done anything in this direction. He uttered a laconic No.

Khawaja Abdur Rahim, who was then the Commissioner of Rawalpindi, was staying at Lahore on a special duty in connection with the large influx of refugees that had already started pouring in from the other side. He had certain statistics on population prepared on his own. He came to see me the same afternoon and handed over the material to me. This was a piece of sheer good luck. I also found that four lawyers had come to Lahore from other towns, hoping that they might be of some use to me in the preparation of the case. Mr. Nisar Ahmed and Sahihzada Nusrat Ali came from Montgomery; Syed Muhammad Shah from Pakpattan and Chaudhry Ali Akbar Khan(later Pakistan's Ambassador at Jiddah) from Hoshiarpur. There were also a couple of junior lawyers from Lahore; they would occasionally look in and were able to assist, not so much with the preparation of the case but on other odd matters requiring assistance. I am very grateful to all of them for their devoted help.

My anxiety now was to work day and night and get the case ready by Friday noon. Even now, looking back I cannot explain how it was possible for us to produce a case which we did by the Friday noon.

At that time, conditions in Lahore were topsy-turvy; the paramount anxiety was how to handle the refugee problem. Were it not for the people who rose to the occasion as a body, I am sure, the principal government would have proved absolutely unequal to the task and the administration would have foundered. It was the spirit of the people that carried us through. We also owe much to a few devoted officers and workers like Khawaja Abdur Rahim and his colleagues who were dealing with this influx of refugees. Train-loads came in, the dead and the wounded children with their eyes gouged out and hands cut off, women with their breasts chopped off - such savagery and inhumanity.

I imagine the same things happened on the other side too. The Punjab seemed to have become a howling wilderness of beasts rather than a land of human beings. All humanity had disappeared, all mercy and pity and human love and affection seemed to have evaporated. Altogether a dreadful business; I hate to recall it. Under such conditions, it was not surprising that everybody was at his wit's end and nothing could be arranged for certain.

Before leaving Mamdot Villa I had requested the Nawab to arrange that by 8 O'clock the next morning I should have two stenographers to work in relays at my lodging which was opposite to the Villa. I had also asked for the usual office equipment: pencils, paper, typewriters, etc. He had assured me that everything would be there by 7.30.

So I came back and started working on the available material and worked late into the night. I started again early in the morning, then I got ready, had my breakfast and at 7.30 I inquired whether the stenographer had arrived. There was nobody; eight O'clock, nobody. Not a pencil, not a sheet of paper, not a typewriter or a stenographer! Again, I had recourse to Khawaja Ahdur Rahim, whose tent-office was just across the road. He was kind enough to send his two stenographers.

On Thursday night, when I had got the draft ready, I insisted that at least two of the Muslim League leaders, Mian Mumtaz Daultana and Sirdar Shaukat Hayat Khan should come and read through it. I was submitting a case on behalf of the Muslim League and somebody on behalf of the League had to give me instructions. I dare not submit a case which might afterwards be repudiated. Sir Shaukat Hayat Khan could not come; he had high fever. Mian Mumtaz Daultana very kindly came along. Ile said it was not necessary for him to read the draft as they had full confidence in me; however, I told him that it was not a matter of confidence but a matter of instructions and I had to have them from somebody. I insisted upon his reading through the draft and putting his imprimatur on it. He was kind enough to do it saying that he agreed entirely with it. The next morning, after putting some final touches to it, I was able to deliver the document to the Commission.

Immediately afterwards I went to the Friday Service at a mosque where I was asked to take the service. I earnestly urged the congregation to be diligent in prayers as I feared that in certain parts of the Punjab Muslims would have to face the days in Spain under Isabella and Ferdinand. Unfortunately, that apprehension proved to be too well-founded.

The next Monday arguments started before the Commission. The case was argued very well on all sides. The Hindu case was put by Mr. M.C. Setalvad, who was the Attorney-General of India. He had been asked to come from Bombay and was assisted by very competent lawyers including Bakhshi Tek Chand, who was a retired Judge of the Lahore High Court and had been for many years the ablest lawyer at the Lahore Bar. The Sikh case was put by a gentleman who became later the Advocate-General of East Punjab. It is not necessary to go into details about what was said, but the main contest centred round Gurdaspur District, Ferozepur District and parts of Jullundur District. The crux of the matter was how to interpret and apply the expression `contiguous Muslim majority areas'.

We based our case on adopting *tehsil* or sub-district as the unit for the purpose of determining contiguous majority areas. One could take a village as a unit but that would have resulted in a completely crazy boundary line. It was not possible to determine by villages where the majority on one side ended and began on the other. Then, one could take a police station as a unit, but even that was too small to give us a

workable boundary line. So, one could take a sub-district, as we did, or one could take a district as a unit. The choice was a difficult one.

If a district were taken as a unit the notional partition which had already been put into effect for the purpose of administration *ad interim*, would have to be confirmed and that would give the whole of the Gurdaspur District to Pakistan. But the risk was that if we confined our case to districts, it might be assumed that we were happy with the notional partition and our claim might be whittled down further to our serious prejudice. Adopting the *tehsil* as a unit would give us the Ferozepur and Zira *tehsils* of Ferozepur District; the Jullundur and Nakodar *tehsils* of Hoshiarpur District. The line so drawn would also give us the state of Kapurthala (which had a Muslim majority) and would enclose within Pakistan the whole of Amritsar District of which only one *tehsil*, Ajnala, had a Muslim majority. It would also give us Shakargarh, Batala and Gurdaspur *tehsils* of Gurdaspur District. One could also take as units what, in the Punjah, are known as doabs, that is to say, the areas between two rivers. If the boundary had gone by doabs, we could have got not only the sixteen districts which, under the notional partition, were later, given to us, but also Gurdaspur District and Kangra District in the mountains.

Had any of these units been adopted the boundary line would have been more favorable than what it is now.

Everybody knew it already that there was going to be no unanimous or majority report. The non-Muslim Commissioners took one view while the Muslim Commissioners had just the opposite view. Consequently, the umpire had to give his award. After studying the record he held discussions with the members of the Commission at Simla. We were told by the Muslim Commissioners that while Sir Cyril was not quite definite about Gurdaspur District, he was quite clear that the two sub-districts of Ferozepur District - the sub-district of Ferozepur itself and the sub-district of Zira - being Muslim majority areas and contiguous to the rest of the Muslim block would form part of Pakistan.

During the days when the award was expected Sir Evan Jenkins, the Governor of the West Punjab, received a communication on the phone from Mr. Abel, Lord Mountbatten's private secretary. This communication was based on two documents drawn up by Mr. Beaumont, a private Secretary of Sir Cyril; one of them showed the boundary line on a map while the other described it from village to village. The Governor was told that this was the award and that it would be announced within forty-eight hours. He was asked to get into touch with his chief of police and take necessary measures to give effect to the award when it was announced. There is no doubt that a similar communication must have been sent to Mr. Trivedi, the Governor of East Punjab. But no award was announced within forty-eight hours. As a matter of fact, the award was not announced for eight or ten days. By that time Sir Cyril Radcliffe had left the sub-continent.

The notes of the communication, taken down by Sir Evan Jenkins showed the two sub-districts of Ferozepur and Zira, as we had been expecting, formed part of the West Punjab and consequently of Pakistan. But eight or ten days later when the award came out these two sub-districts were put in India. No explanation for this change has ever been given. I have already hazarded one: I hazard it again for the purpose of this record. It appears to me that unless a clear and convincing explanation comes forth to displace this hypothesis, what I am going to say is the only thing that might have happened. We must remember that at that time there was no Pakistan and consequently, no Pakistan Government. There was only the Provisional Government of India headed by Pandit Jawahar Lal Nehru as its Prime Minister.

Mr Trevidi, the Governor of the Eat Punjab, as an ICS officer, was under the authority of the Provisional Government; so was Sir Evan Jenkins, the Governor of the West Punjab. It stands to reason that on receiving the communication from Mr. Abel he conveyed its gist, probably through a personal visit, to the Prime Minister. The inclusion of Ferozepur sub-district in Pakistan meant the inclusion of the headworks of the Sutlej Valley canal system, situated just outside the town of Ferozepur. The whole of the water from these headworks went to Pakistan and Bikaner, one of the Indian states; the division being on the proportion 83% and 17% respectively.

The states of Bikaner and Jaisalmer, both in Rajputana, being contiguous of both Pakistan and India, could accede to either of the countries. It was no secret that the Rulers of both the states were inclined to accede to Pakistan as they expected a better deal from Pakistan rather than India.

The canal from Ferozepur Headworks to Bikaner, being the only irrigation system of the state, was almost its lifeline. So, coupled with the Maharaja's personal desire to accede to Pakistan the inclusion in Pakistan of the headworks controlling the canal would have been the decisive factor in the state's accession to Pakistan. In view of this contingency the inference that Mr. Nehru must have approached Lord Mountbatten to procure a modification of the award is almost irresistible. There is no other reason why the award was modified when it had been communicated to the Viceroy, to Mr. Abel, to Sir Evan Jenkins and to Mr. Trivedi and consequently the umpire had become *functus officio*, having no longer any authority to modify it. The whole thing did not come to the knowledge of the Pakistan authorities until months later, whereas, presumably, from the very outset, it was within Mr. Nehru's knowledge, through Mr. Trivedi. The Governor of the West Punjab owed no duty to anyone, except the Central Government of India headed by Mr. Nehru. Mr. Trivedi also owed no duty to anyone except Mr. Nehru. So it was quite right on the part of Mr. Trivedi to let Mr. Nehru know what was happening while the Governor of the West Punjab was under no such obligation to anyone on the Muslim League side since Pakistan had not yet come into existence and nobody on that side had any right to know in advance what the award was going to be.

The inclusion of Gurdaspur District in the East Punjab was a great blow to us; it facilitated the Indian intervention in Kashmir, as from the plains only Gurdaspur District could give the Indians an access to Kashmir. It had four sub-districts: Shakargarh to the west of the Ravi was included in Pakistan while the three sub-districts, that is, Batala, Gurdaspur and Pathankot being to the east of the Ravi were included in India, giving India an access to Kashmir, through the plains. In Gurdaspur District as a whole, Muslims were in majority. In the sub-districts taken separately they enjoyed majority in the *tehsils* of Shakargarh, Batala and Gurdaspur but in Pathankot, they were in minority. With Batala and Gurdaspur going to Pakistan, the Pathankot *tehsil* would have been isolated and blocked. To get access to Pathankot would have been possible for India through the Hoshiarpur District but it would have taken long to construct roads, bridges, communications, so necessary for military movements.

The modification of the award relating to the Ferozepur and Zira *tehsils* led directly to the Indus waters dispute. India, having obtained control of the headworks at Ferozepur, could easily turn off the waters and so it did, giving rise to the dispute. Thus ultimately the two disputes between India and Pakistan resulted from the two portions of the award, that could not be justified on any basis whatsoever.

As part of the machinery for sorting out things in connection with the partition, a tribunal had been set up for the distribution of assets, under the chairmanship of the ex-Chief Justice of India, Sir Patrick Spens, now Lord Spens. The tribunal heard the parties, sorted out the assets, assessed what was due from one side to the other, and gave its award. In making its assessment, it took into account the Indian claim that the irrigation system in the old, undivided province of the Punjab had been much better developed in the portion which had gone to Pakistan. This development having taken place at the expense of the whole of the province and the benefit of its major portion having gone to Pakistan, it was claimed that Pakistan must pay compensation for the excess share of the developed system now enjoyed by it. The tribunal took that into account in making its award and compensated India for obtaining a smaller share of the joint development that had been made at joint expense. Lord Spens stated publicly that the award of compensation to India was based on the assurance given to the tribunal by the Attorney-Generals of India and Pakistan that existing uses of the water from these rivers would not be interfered with.

The day after the tribunal had made its award India diverted the waters at the Ferozepur headworks asserting that Pakistan was no longer entitled to the waters of the Bees and Sutlej Rivers. So, at its very birth, Pakistan was threatened with extinction; as without these waters the greater part of West Pakistan would be turned into a desert.

On 4 May 1948, a provisional agreement was concluded between the governments of India and Pakistan. It provided that, leaving the legal position aside, India would not

hinder the flow of waters into Pakistan for a period, but that it would have to be progressively reduced and Pakistan, in the meantime, should investigate alternative sources of substitution for these waters. This agreement was subject to the condition that Pakistan would pay into the State Bank of India or any other specified hank, a certain assessed amount in escrow and that India would take the amount as compensation for the use of the waters by Pakistan, if the final decision should be in favor of India. Later, India took up the position that Pakistan was not entitled to any part of these waters and India, as the upper riparian was entitled to divert the whole of the waters for its own benefit without any regard to the historical uses which had already been established.

Mr. David Lilienthal, who had been Chairman of the Tennessee Valley Authority was on a visit to the sub-continent and happened to fly over the Indus Valley. He wrote an article for the *Saturday Evening Post*, bringing about the possible consequences of the dispute. He drew particular attention to its impact on the economy of West Pakistan and suggested that the World Bank should offer its good offices to the parties in order to resolve this dispute on the basis of certain principles which should be accepted by both sides, namely that the established practice used should be respected, that if extra water was available from all these rivers, there should be an agreement on its use for the development of the whole of the Indus Basin (including both, the Indian and the Pakistani parts) and that was how the cost of such development should be apportioned.

Both the sides accepted the World Bank's good offices and there was a prolonged series of investigations and discussions. At long last an agreement was reached, was incorporated into a treaty and is now being worked out on the spot. One part of the agreement was that India should enjoy the waters of the eastern rivers and Pakistan should meet its needs from the western rivers' by means of replacement works and channels: India paying the cost of the replacement. But when the cost was assessed, India said it could not afford to pay that much. Through the good offices of the World Bank it was arranged that it should pay as much as it could afford and the rest should be made up by friendly powers like the United States, the United Kingdom, Australis, etc. So far as projects for the future use as distinguished from the established use were concerned, Pakistan was to bear the cost of its own works and India was to bear the cost of works on its own side.

I understand that some difficulty has since arisen. The basis on which the costs of replacement were calculated is completely changed because of the rising prices. I believe negotiations are going on with the hank in this direction

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MR. JINNAH AND MR. LIAQUAT ALI KHAN

I had many opportunities of working with Mr. Jinnah even when I was in the Government of the undivided India. Behind the scenes, there was a good deal of understanding between the two of us though at a time some people were under the impression that we did not see eye to eye with each other. This, of course, was entirely wrong. I was willing to help as much as I could and he occasionally gave me advice and often asked for my views. Except perhaps, for Liaquat Ali Khan, who, later, became his first lieutenant in the political field and enjoyed more of his confidence than any of his other colleagues, I was closer to Mr. Jinnah than most of the other people who worked with him.

But being close to Mr. Jinnah did not mean being on intimate terms with him. His personality did not encourage intimacy. Whatever Pakistan owed for its birth to human agency and effort came from Mr. Jinnah, at least 99 percent of it. But his was a personality which had more of the head than of the heart. I do not mean to say that his heart was not in what he was doing: he was completely devoted to the ideal of Pakistan. He appreciated loyalty and devotion, in fact he appreciated these qualities so much that when he suspected lack of the either he was unforgiving. On the other hand, if he was assured of someone's loyalty to him and to the principles for which he stood, he could forgive him a good deal.

He had all the devotion that he asked for. He never asked for any affection. Even those who were yearning to yield him affection found no opportunity to make that offer, nor were they encouraged to do so. Liaquat Ali Khan, at least in some respects, compensated for the deficiencies from which Mr. Jinnah suffered.

There was complete accord between Mr. Jinnah and Liaquat Ali Khan. They understood each other and appreciated each other's viewpoints even when they differed. I know of occasions when Liaquat Ali Khan loyally gave effect to Mr. Jinnah's view though he thought differently. On his side, Mr. Jinnah accepted from Liaquat Ali Khan what perhaps he would not have accepted from anyone else.

Liaquat Ali Khan did not possess such a cold, sharp, incisive intellect as Mr. Jinnah. He was slow and deliberate. He was prepared to ask for advice and would often accept it. He could modify his own view if he felt that somebody else's would achieve the objective in a better way. He was much more human than Mr. Jinnah. After the setting up of Pakistan, when he became the Prime Minister people had more to do with him

that with Mr. Jinnah, though during his brief term as Governor-General Mr. Jinnah did not act merely as a constitutional head of Government. He was the builder of Pakistan and the father of the nation. As such he enjoyed tremendous prestige, and his views and his wishes carried great weight with everyone.

There were occasions when differences arose between the two, but they never came to the surface as both of them managed to resolve them quickly. Mr. Jinnah's health began to deteriorate soon after Pakistan had come into existence and he had, indeed, a very difficult time, though he made a valiant struggle to recover.

In spite of the constitutional convention that incidentally lends a mystique of aloofness and non-approachability to the head of state in countries under Parliamentary form of Government my relations with Mr. Jinnah remained cordial and personal. I could meet him with the same untroubled directness with which 1 went to Liaquat Ali Khan., no fuss was ever made. Mr. Jinnah felt deeply interested in foreign affairs and he did, indeed, encourage me to see him as often as I liked. He discussed matters relating to foreign affairs and extended a great deal of help to me in that way.

On an occasion, he raised the question of responsibility of the Cabinet. He wanted to come to a clear understanding and was quite willing to be a purely constitutional head if the Cabinet desired so; but, in that case, he insisted, the people had to be told where the responsibility for decisions lay. If the Cabinet thought that on matters of outstanding importance where we had to put our heads together his verdict would be accepted even then, he believed, people had to be told who was making decisions. I believe he ended up by saying something like this, "I do not attach too much importance to constitutional theories and I am willing to fall in with whichever way of conducting business appeals to you." After this, he asked for our views. Liaquat Ali Khan tried to play safe. He would not go as far as Jinnah, perhaps had wished him to go. I suppose he was conscious of the fact that he, as the Prime Minister, carried the responsibility for decisions. Although he was quite willing to consult him and seek his blessing on every important question yet he did not seem to relish the impression that it was not he but Jinnah who was carrying the burden of the Government. Mr. Jinnah was anxious to know the views of each minister, and as I was next in order to seniority, he asked me for mine. I said, "The Prime Minister has spoken for the Cabinet. All I wish to add is that as far as my portfolio is concerned, it is not my fear that you might interfere too much with my conduct of foreign affairs, but on the other hand, I am afraid you may not be able to afford enough time to give me the guidance that I may need from you". I confess that was a somewhat diplomatic reply, but it seemed to have pleased him.

Fate intervened in a way, and matters did not come to a head. After the Cabinet meeting in which the position he wished to occupy was more or less accepted by the Cabinet, his health began to deteriorate. He went to Ziarat, a hill resort near Quetta.

This did not do him good and finally he returned to Karachi to breathe his last, a few hours after his arrival there.

Liaquat Ali Khan was a good chief to work with. He was pro-nothing and anti-nothing., but looked on everything from the point of view of Pakistan. I could never detect any kind of bias in his temperament, either for or against persons or causes or any other thing. He was a devoted public servant in the real sense of the term. During the four years we worked together I never had the slightest cause to doubt any Cabinet member's loyalty to him. Consequently, during my years at The Hague (1954-61), Begum Raana Liaquat Ali Khan, our ambassador at The Hague throughout the period, told me several times that her late husband had often said to her that I was the only member of his Cabinet on whom he could rely completely. This came to me as a surprise and I said to her, "It was very kind of him, Raana, but I do not take that as a special compliment. After all, one has got to be loyal to one's chief. What merit is there in it"? She said that he thought there was particular merit in my case because he suspected that some of the others had not been loyal to him. I said, "I can tell you quite honestly that never felt that any of my colleagues was not completely loyal to the Prime Minister". She thought that it was the proof of my loyalty as no one had been able to mention anything smacking of disloyalty to me.

We got along extremely well and I particularly appreciated that sometimes in his public speeches, sometimes in conversation with others in my presence, he would refer to me as 'my Foreign Minister'. I was deeply touched by the pronoun. Now, looking back, after his tragic end, I feel he identified himself more completely with Pakistan than I was conscious of at the time.

Our relationship was not only intimate, but it was affectionate on his part, and he rose steadily in my estimation so that the news of his assassination came to me as a personal shock. I was, in those days, in New York and it was a press correspondent who rang me up to tell the shattering news. That stark tragedy was the beginning of the deterioration in the political field and continued till the takeover by Ayub Khan in 1958.

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THE FOREIGN MINISTRY OF PAKISTAN

I had the honour of being Foreign Minister of Pakistan from 26 December 1947 to 7 October 1954.

To begin with, all the ministers were facing the administrative problems at setting up their ministries in working order as we had to start from scratch. I had the additional problem of setting up a foreign service, because, under the British, though some of us had received a training in almost everything else, the foreign and the political portfolios had been the Viceroy's own special preserve. The material available to us for organizing a foreign service was next to nothing and we had to search far and wide for suitable people.

However, that was not as difficult as some of the external problems that overtook us immediately. I had already been to the United Nations, leading the Pakistan delegation in the late September or early October of 1947, when we were admitted to the membership of the Organization. Before I took over as Foreign Minister the Kashmir problem which had been in ferment since August 1947, had taken a definite shape. I was conscious of the problem but in the first meeting of the Cabinet, at which I was sworn in, Mr. Jinnah directed me to go to Rangoon in order to represent Pakistan in the Burmese Independence Celebrations which were scheduled on 4 and 5 January. I suggested that he should agree to sending Sardar Abdur Rab Nishtar, a member of the Cabinet with a much more presentable personality, as that would leave me time to get to know something about the Kashmir problem, which would find me utterly unprepared if it were taken to the Security Council at an early date. But Mr. Jinnah in his usual forthright manner laid down the law; I was the Foreign Minister, it was my responsibility to represent the country and I had to go. There would be plenty of time for the Kashmir question. There was nothing more to he said and off I went to Rangoon a few days later. India took the matter to the United Nations on 1 January, 1948.

Conditions in Karachi, at that time, were very hard, I had taken my wife and daughter with me from Bhopal to Karachi where there was no accommodation available. I was staying with my friend, Syed Amjad Ali, while my wife and daughter were staying with my wife's younger sister, whose husband had already been posted at Karachi and so they had an apartment allotted to them. Our things lay scattered about. In the midst of all this I had to go to Rangoon, from where I returned on 7 January. The flying boat by which I was travelling was met at Kurangi Creek by Mr. Hilali, one of our officers in the foreign service, who told me that India had taken the Kashmir case to the Security

Council which was meeting on 12 January to hear the parties. My passage from Karachi to New York had been booked for the next afternoon and I had to get ready by that time.

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THE KASHMIR PROBLEM

With the Ministry not yet completely organized, my personal belongings scattered about, and no one knowing where the relevant documents could be available, it was not easy to get ready in such a short time. Chaudhry Muhammad Ali the Secretary General to the Cabinet, and Mr. Muhammad Ayub were to accompany me. I left it to them to collect whatever relevant material was available, there was no time to read anything. We literally stuffed all the material into a gunny bag as we had no decent case and taking a Pan American plane, we started our journey to New York. By the time we arrived in London, they discovered some mechanical defect and we were detained there for a day. That gave me an opportunity to study some of the documents and start preparing our reply to the Indian case. After the day's work I was able to dictate the first draft of our reply.

The next day we started from London and after a stop at Shannon carried on as far as Gander, Newfoundland, where we were detained by bad weather. There was a thick fall of snow, several feet deep, and we were accommodated in heated wooden cabins at the airport. The stenographer accompanying us started typing out what I had dictated in London. He was in the adjacent cabin and I could not get any sleep as his constant pounding of the keys kept me awake.

Our Ambassador Mr. Hassan Ispahani, and Mr. Shafi, the Consul-General were at the airport to receive us when we landed at New York. They told us that not being sure about the time of our arrival, the Ambassador had made a request to the Security Council to postpone the hearing of the case by a couple of days and the Council had fixed 15 January to open the hearings. During the time thus gained we were able to get our documents together and study the case. I mention details to give an idea of the background against which one had to work apart from the nature of the problems which were complicated and confusing enough.

It is not necessary to go into the details of the Kashmir Case here. Everybody knows that the Security Council took up the Kashmir problem very earnestly. The members were anxious to find a speedy solution along the lines on which both Pakistan and India seemed to agree, that is, that the question of the accession of the state of Jammu and Kashmir to Pakistan or India be settled through the freely-expressed wishes of the people of Kashmir, to be ascertained by means of a free and impartial plebiscite under the auspices of the United Nations. As a matter of fact, at that stage, members round the table were rather surprised at the agreement between the views of both the

governments and thought it would be easy to prescribe what was needed to ensure a fair and impartial plebiscite.

Mr Philip Noel-Baker, the then Secretary of State for Commonwealth Relations came over himself to represent the United Kingdom in the Security Council discussions on Kashmir and worked extremely hard to bring about an agreement before the Council terminated its session. He has, on several occasions since, told me quite plainly how distressed he felt that right in the middle of his efforts, when he had every hope that at his instance Sir Gopalaswami Ayyangar and Sir Girja Shankar Bajpai would succeed in persuading Prime Minister Nehru to go along with the proposals laid before the Security Council, Mr. Attlee intervened and upset the whole business. On two occasions separated from each other by an interval of years, he used the same expression, "and then the disastrous telegram arrived from the Prime Minister". Mr. Muhammad Ayub reported to me on very good authority that for a day or two Mr. Noel-Baker had contemplated resigning rather than readjusting himself to the new directions from London.

Thus the failure of the Security Council to secure an early settlement of the Kashmir dispute is attributed largely to the unfortunate intervention of Mr. Attlee from London. That took place probably at the instance of Lord Mountbatten, who must have been moved by Mr. Nehru to intercede with the Prime Minister. The argument used might have been that the Security Council's persistence in laying down the conditions given in the draft resolution in order to secure a fair and impartial plebiscite in Kashmir might push India into the arms of the USSR; this argument has been repeatedly used not only over this problem but over others also.

India's declared attitude was: We shall withdraw our armies as soon as law and order is restored and the raiders have gone out of Kashmir and the decision must be made by the people of Kashmir, freely, without any interference. But there was an undercurrent of persistent effort that the Security Council should not go beyond ordering Pakistan to do whatever it could to get raiders of the tribal area out of Kashmir while the task of ascertaining the wishes of the people on the question of accession should be left to India. The Security Council repeatedly rejected this idea. It wanted not only a cessation of fighting and restoration of law and order but also necessary conditions under which fair and impartial plebiscite could take place. That was the crux of the matter.

At Prime Minister Attlee's intervention the Security Council abandoned its resolution of 6 February, 1948. It had been sponsored by six members and the voting was going to take place when the Indian delegation withdrew from the Council in order to go back to Delhi for consultations. By the time they came back, all the strings had been pulled and a very much watered-down resolution was proposed and finally adopted on 21 April. It is the one big issue which, all through the years right uptil now, has kept apart these two neighboring countries who have, otherwise, many fields in which they can usefully

and fruitfully cooperate not only in the general international interest but also in interests of their own.

Later, under the resolution, which I said had been greatly watered-down, a commission was set up and the members went over to the sub-continent and after a good deal of travelling backward and forward between Karachi and New Delhi, they finally obtained the agreement of both the Governments to two resolutions which they had proposed, one dated 13 August, 1948; and the other, 5 January , 1949. These resolutions proposed a plebiscite for the purpose of ascertaining the wishes of the people of the State and laid down the conditions under which its fairness and impartiality could be ensured. During one of the debates in the U.N. Mr. Menon, Indias Representative in the U.N. General Assembly, went so far as to say that his Prime Minister had never used the expression plebiscite in connection with Kashmir. In reply to him I was able to cite a dozen public announcements by his Prime Minister using the expression plebiscite in connection with Kashmir.

Between the passing of the resolution and the Commission's arrival in the sub-continent another development took place. In the last week of April the Commander-in-Chief of Pakistan, General Gracey, made a report to the Prime Minister, who was also the Defence Minister, that India was preparing to mount a military offensive in Kashmir and submitted an assessment of the consequences that might ensue therefrom. When the Commander-in-Chiefs appreciation was considered by the Prime Minister and the Cabinet they decided that although the Indian Military offensive would be against the spirit of the Security Council Resolution of 17 January 1948, which both the sides had accepted and in which both the sides had been told not to do anything that might further exacerbate the situation, yet it would necessitate putting in regular Pakistani forces to hold the line.

This was precisely what happened; India started the offensive and Pakistani troops were engaged. Prime Minister Nehru protested. The United Nations Commission was expected to visit the sub-continent. It gathered together at Geneva sometime during June and arrived at Karachi on 7 July 1948. They came to make a formal call on me. I entertained them to tea while I had the relevant maps hung on the wall of my sitting room, to explain to them what had happened between the passing of the resolution of 21 April and the time when they visited the sub-continent. They were now confronted with a development which they had not considered while they had been studying the case at Geneva.

Prime Minister Nehru of India went on asserting, later, that Pakistan had put in its regular forces and had tried to conceal this fact from the Commission. This is not true. The Commission was informed by me about the situation at the earliest opportunity.

Later, India complained before the Security Council that we had not informed her in advance of what we had proposed to do. This was obviously absurd. India never informed us of what they had proposed to do. The situation being as it was, we had to take appropriate measures on our side. Secondly, if we did not inform the Security Council that we liad sent troops to Kashmir, India also had not told them that she intended to mount a military offensive. As I have already said we did inform the Commission on its arrival at Karachi, that our troops were engaged in Kashmir, and we never concealed it from anyone at any time that from 1 May, 1948 our troops were holding the line in Kashmir. Pandit Jawahar Lal Nehru repeatedly asserted that from the beginning of May they had proof to the effect that our regular forces had been engaged in the fighting in Kashmir. We never denied that, yet he often reiterated, "The Foreign Minister of Pakistan stated before the Security Council repeatedly that the regular Pakistani troops were not engaged on that front, and then, of course, it was discovered that they were". The statement he referred to again and again was made by me before the Security Council in the months of February and March 1948. Our regular forces were not engaged till early May. There was no contradiction. Whether the Prime Minister of India made these assertions and charges because he was confused over the dates, or he was deliberately trying to create some feeling against Pakistan, I do not know. I have stated the facts to clear up the situation as far as the dates are concerned.

The Commission found itself confronted with this new element in a problem that was already complicated. They discussed matters with us at Karachi and then they went to Delhi. They kept shuttling between the two capitals and finally produced what is known as the Commission's Resolution of 13 August 1948, which the Government of India accepted. The Government of Pakistan did not reject it but informed the Commission that the resolution stopped halfway as it sought to stop the fighting but it did not spell out the obligations of the parties with regard to the plebiscite.

The idea must have appealed to the Commission for it began to work on the second part and eventually towards the end of December, it produced its second resolution which is known as the Resolution of 5 January 1949. It was presented to the representatives of both the sides in Paris as the Assembly session was being held there and the Commission was also working there. In the last week of December 1948, both the Governments accepted the resolution.

In pursuance of the resolution the cease-fire was agreed upon on 31 December and was put into effect on 1 January 1949, though the resolution is dated 5 January 1949. The Commission met at Delhi in the early part of the year and asked both sides to send their representatives to meet it at Delhi so that the truce agreement could be settled.

At the meeting in Delhi the Commission asked our representatives whether they had a plan for implementation of the first part of the resolution with regard to the withdrawal of Pakistani Armed Forces from the Azad Kashmir side and the withdrawal of the hulk

of the Indian forces from the Indian-occupied side of the cease-fire line. They had their plan ready and they submitted it to the Commission. They asked the Indian side whether they had their plan ready, and they said that they had but it had not yet been submitted to the Commander-in-Chief who was out of Delhi and so there would be a delay of a day or two. When the Commander-in-Chief came back to Delhi the Prime Minister was not there and there was further delay.

Finally, when they submitted their plan to the Commission they stipulated that the Commission was not to disclose it to the representatives of Pakistan and not even to transmit it to the Security Council, till an agreement was reached and could be published.

The Commission found itself in a difficult position. I imagine discussions went on between the Commission and the representatives of India. Eventually, the Commission in its report to the Security Council recorded its view that neither qualitatively nor quantitatively did the plan constitute compliance with the two resolutions. I think, I must give here the main features of the two resolutions. They had stipulated that the tribesmen and other elements who had entered Azad Kashmir for the purpose of fighting should go out. This had been achieved shortly after the cease-fire and the Commission had certified it. Then the truce agreement was to be settled between the two Governments providing for the complete withdrawal of the bulk of the India forces. The Pakistani forces were to initiate the withdrawal and then the withdrawal of the Indian forces was to begin. The two withdrawals were to proceed simultaneously until the whole of the Pakistani forces and the bulk of the Indian forces had been withdrawn. At that stage, the plebiscite Administrator was to take over and dispose of the remaining forces on both sides in order to ensure the freedom of the plebiscite, the security of the state and the maintenance of law and order. That is where the thing got stuck. No truce agreement was drawn up and the Commission reported that it could not carry on. It was dissolved and a United Nations representative with all the powers of the Commission was appointed to try to get a truce agreement and carry on with whit began to be known as demilitarization, and then to arrange for the plebiscite.

Sir Owen Dixon, the UN representative, who was a Judge of the High Court of Australia and later became the Chief Justice of that country, came over to the sub-continent and carried on discussions with both sides. He recorded his conclusion that he was convinced he could not get any plan accepted by Pandit Jawahar Lal Nehru, which would ensure the freedom and impartiality of the plebiscite. But he could not just stop there. His directive from the Security Council was to find some other method of bringing about a settlement if he failed to get the Security Council Resolution of 21 April 1948 and those of the Commission duly implemented.

He proposed that the two Prime Ministers should agree to go into conference with him on a plan which he would develop in detail and the central feature of which would be

to provide for the accession to India of those areas of the State, which were contiguous to India and which had a clear non-Muslim majority. Similarly the Azad Kashmir territory with its solid Muslim population would accede to Pakistan, leaving the future of the rest of the state, including the Valley, to be determined by a plebiscite.

With this suggestion, he came to Karachi from Delhi and assured us that the Prime Minister of India had told him that he was prepared to go into the proposed conference in order to discuss such a plan. He asked us whether our Prime Minister would be willing to do so.

The Prime Minister was very skeptical whether anything would result from such an effort but finally he agreed and Chaudhry Mohammad Ali, the Secretary-General to the Cabinet and I communicated to Sir Owen Dixon the Prime Minister's acceptance of the proposal. Sir Owen Dixon thought he could now go ahead and elaborate his plan. He said it would take him five days, or at the maximum, a week to complete the elaboration and then he would fix the time and place of the meeting with the two Prime Ministers. He sent a telegram to Pandit Jawahar Lal Nehru that he had obtained Mr. Liaquat Ali Khan's assent to such a meeting and now proposed to proceed with the elaboration of his plan. Promptly came the reply from Pandit Jawahar Lal Nehru that this was the first time he had heard of the plan and would Sir Owen Dixon come to Delhi to discuss it with him.

Sir Owen told me he was surprised at this but as the Prime Minister had asked him to go to Delhi it would be discourteous to refuse. When he came back from Delhi he told me that he had been received at the airport by Sir Girja Shankar Bajpai, the Secretary-General of the Indian Foreign Ministry. Sir Owen Dixon told Sir Girja Shankar that it was perfectly open to the Prime Minister to say that he had considered the matter further and had come to the conclusion that he was not prepared to take part in the proposed conference but he was at a loss to understand why the Prime Minister had said that it was the first time he had heard of the plan. He reminded Sir Girja Shankar that Sir Girja had also been present during the discussion and the Prime Minister had urged him to go to Karachi on the assumption that he was prepared to come into conference on a plan like that. Sir Girja Shankar's comment was, "Sir Owen, I imagine the Prime Minister must have been overcome by temporary amnesia."

His efforts having come to an end like this, he submitted his report to the Security Council. He said at one place, in his report, and India tried to make much of it later, that when he found that he could not make any headway with Prime Minister Nehru, who insisted on having it declared that Pakistan was an aggressor, he told Mr. Nehru that he could not decide this question, nor had the Security Council authorized him to do so, but he was prepared to assume for the purpose of carrying the matter forward that Pakistan's action was not in conformity with its obligations under International Law.

Even that did not help him to make any progress, and his attempts to formulate an alternative also fell through.

After this, Dr Graham was appointed UN representative and he made many efforts to persuade the two Governments to agree to a scheme of demilitarization. Sometimes India urged that demilitarization should be completed in one process and that nothing should be left to the plebiscite administrator in that context and sometimes they said they did not like it done in one process; sometimes their objection was to numbers and sometimes to Azad Kashmir forces. They had some objection to every proposal of Dr Graham's.

We met Dr Graham at Karachi; afterwards, he went to Delhi and later, we were asked to meet him at Geneva, where several meetings took place. He made many proposals but either both sides were dissatisfied with his proposals or India rejected them.

The matter was repeatedly taken to the Security Council which went on affirming its previous resolutions. In the meantime, India went forward with setting up a constituent assembly in Kashmir, which was to frame a constitution for Kashmir and settle its future affiliation. We brought this issue to the notice of the Security Council. India, through Sir B.N. Rau, its Permanent Representative at the United Nations, gave a solemn assurance that though it could not stop the constituent assembly from being convened and from passing any resolution which they might choose to adopt, even on the subject of the accession of the state, yet anything they did in that respect would not affect the Security Council or the obligations that India had undertaken.

We expressed an apprehension, which was, unfortunately, to prove too well-founded. We feared that once the so-called constituent assembly was set up, it would be invited to pass a resolution affirming the accession which the Maharaja had purported to carry through and it would be claimed that amounted to plebiscite. India said it wasn't their intention at all. The Prime Minister of India went on saying publicly, in Parliament and outside, that this was an international dispute and that it could not be settled unilaterally by one party and that in any case, it could not be settled by the constituent assembly that might be set up in Kashmir.

But this position was blatantly taken up by India in the spring and early summer of 1962, when the Security Council discussed the question. They came forward and said that the matter had been settled, there was no longer any dispute, the people of Kashmir had decided, the accession was confirmed and that the whole business was at an end. If that is not a unilateral decision of an international dispute, I do not know what is.

The last draft resolution before the Security Council, dated 22 June 1962 was vetoed by the USSR and therefore was not formally adopted but it obtained seven votes in its

support. The resolution proposed that the two parties should get together and try to work out a settlement. The whole matter is in that very unsatisfactory position. The dispute continues. It is keeping the two countries apart and prevents cooperation on matters and in spheres in which obviously they ought to cooperate for their mutual benefit. On both sides feelings flare up, the situation becomes tense and an atmosphere of tension and mistrust prevails. In no sense can the matter be treated as settled. In the debates of the Security Council that took place in 1962 I said, "Fifteen years have passed, but even if fifty years were to pass, the people of Kashmir will never reconcile themselves to the present situation. The matter will be settled only when those people can freely decide what they wish to do; accede to India, accede to Pakistan or whatever else might appeal to them."

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THE PROBLEM OF PALESTINE

When we made our debut in the United Nations it was confronted with the problem of Palestine. Pakistan took up, with great vigor, the advocacy of the Arab cause. Later, Pakistan played a leading part on all questions of self-determination and independence, the question of Tunisia, the question of Morocco and the question of the ex-Italian colonies, which resulted in the independence of Libya and trusteeship for Somalia. Though a late comer in the United Nations - we were admitted only in 1947 - Pakistan began to pull more than its weight over all of these matters.

Pakistan took upon itself the role of the principal non-Arab advocate of the Arab cause in the United Nations and it fought strongly against the proposal about the partition of Palestine and the setting up of the state of Israel. The resolution was adopted towards the end of November, a great tragedy which has had many dire consequences.

For one thing, it has driven a wedge between the United States and the West on the one hand and the Arabs, on the other. The United States' vehement advocacy of the cause of Israel and the manner in which the resolution on the partition was finally pushed through deserve a little explanation.

On the Wednesday before Thanksgiving the debate was to be concluded in the General Assembly and the vote was to be taken that afternoon or that evening. On the counting of heads, after members had declared their support or opposition to the scheme of the partition, it was quite clear that the resolution did not have two thirds majority. Among others, General Romulo, the Permanent Representative of the Philippines, had gone to the rostrum and in a passionate speech declared that his country opposed the partition and his instructions were to vote against it. The delegate of Haiti had gone to the rostrum and declared himself in the same vein. Liberia had not been to the rostrum, but Mr. Dennis, the leader of the Liberian delegation, had given me his assurance that his instructions were to oppose the partition, adding that they were likely to be under great pressure from the United States and that he was not sure that his instructions would not be changed.

About lunch time it began to be rumored that the President, Mr. Aranha of Brazil, intended to adjourn the meeting that afternoon until Friday morning, without taking vote. Immediately after lunch Foreign Minister Fadhil Jamali of Iraq and I went to see him in his room in the Assembly and asked him whether he intended to do so. He told us that he planned to adjourn the session because he had been told by Trygve Lie, the

Secretary-General, that the staff would not be willing to work late on the Thanksgiving Eve. On our suggesting that it would not be necessary to sit very late, he replied that he had still five speakers on his list, which would take the whole afternoon, possibly a part of the evening also, and then the voting with explanations of votes and points of order would take us quite far into the evening. Fadhil Jamali and I were two of the five speakers on the list and we told him we were prepared to withdraw our names in order to enable him to dispose of the item by dinner time, but he would not agree.

It is strange that ever since then not only the staff has worked late on Thanksgiving Eve but the Assembly has sat regularly till 2 p.m. of Thanksgiving Day. It was a rather crude excuse to get an adjournment so that those in support of the resolution could make their last-minute efforts to win over some of the members who were opposed to the setting up of the state of Israel. Even if the President had not been so willing to fall in with the wishes of those who were supporting the partition, the adjournment could have been carried by a simple majority, and we could not have blocked it.

The session was resumed on Friday morning and in the meantime strings had been pulled. The representative of Haiti met me in the lounge and with tears literally. coursing down his cheeks, said, "Mr. Minister, what can I do? I have now received instructions that in spite of my speech, in accordance with the instructions of my Government and my declaring that we were opposed to the partition, I have to vote for it". General Romulo had in the meantime left for the Philippines and the Philippines voted for the resolution. Mr. Dennis was still there, but as he had apprehended, his instructions were changed and voted for the partition. Enough votes were shifted through these maneuvers in order to push the resolution through.

It was carried by four or five votes. They got some Latin American votes as well. The fact that these three states changed their stand and voted for the resolution made a crucial difference, as a two-thirds majority was required to have the resolution passed, which meant that two affirmative votes were needed to balance one negative vote. If those states who had declared from the rostrum that they would vote against the resolution had actually done so the resolution could not have been carried. All this was arranged over the Thanksgiving adjournment; that's a pity.

I have stated the exact facts and to our minds it has been absolutely clear, and nothing has so far happened to shake us from the belief that the personal intervention of President Truman brought about the last-minute changes. It is obvious that these three votes, Haiti, Liberia and the Philippines, could only have yielded to pressure from Washington.

So the partition was carried through with the one significant feature that since the United Nations was set up, it has been the only major question on which the USSR and the USA voted on the same side. Why was the USSR anxious for the partition?

Subsequent events have shown that the USSR has not been too fond of Zionism. What it wanted was to drive a wedge between the United States and the Arab States, and that has happened.

What was President Truman's interest? The answer is perfectly obvious. The next year, he was going to be a candidate for the Presidency and his position was none too strong. There being a rift in his own party the Jewish vote was going to be a very strong factor in deciding the situation. Eventually he won the election and won it easily; but in the fall of 1947 Jewish support must have appeared to him as vital. However, it is only fair to add that President Truman had been consistent in his support of the Zionists. Mr. Ernest Bevin, the Foreign Minister of the United Kingdom, is on record for having stated in the Assembly that in 1946 he had almost succeeded in bringing about an agreement between the representatives of the Jewish Agency and the Arabs, in London, on the basis of restricted immigration to Palestine, when President Truman's open telegram urging the British to permit immediate admission of 100,000 Jewish immigrants into Palestine forced his hands and destroyed the last chance of settlement.

The setting up of the state of Israel has created a problem in the Middle East and there are hardly any means of resolving it. It is all very well to urge that the state of Israel is an established fact, but that does not resolve the problem. It is one of those problems that have their roots in history and it is difficult to imagine that peace can be brought to that region with the intrusion of an incongruous, hostile and extremely dynamic element in the heart of the Arab world.

It is no use to continue saying that Arabs are being unreasonable. This is a matter in which history, emotions, fears are all inextricably mixed together. That the Arabs are not united and constitute a congeries of comparatively weak states does not help the matter; it only makes it worse.

Some people think that it would not have made much difference even if the resolution had been defeated. But if the resolution had not gone through, the matter would have remained unsettled, as it was almost the end of the session.

We had urged for a special session in the following spring, which meant a few weeks before the expiry of the Mandate. An effort could have been made along the lines suggested by a group of Zionists, a small group, though an important one. It was led by Dr Judah Magnus, who was President of the Hebrew University of Jerusalem. I had met him in Jerusalem in 1945 and we had discussed the problem. He had said in very clear terms: "Nothing will work which has not the support, or at least the acquiescence, both of the Arabs and of the Israelis, and I am working for that". His idea was that of a bi-national state on the basis of 50-50, irrespective of the changes that might take place in population. He realized that for a long time, the Israelis would probably be in a

minority, but if representation in the legislature and services and allocation of grants, etc. were on the basis of 50-50, neither side would dominate and the plan could work.

I do not know whether it could have worked, but it appealed to me. I tried for it during the UN debate but I could not get enough support for it. Dr Judah Magnus was so keen on it that while the debate was going on, he telegraphed a whole-page letter to *The New York Times*, making a very strong appeal to the Assembly not to force the partition but to work for something on which agreement of the Jewish Agency or of the Zionist leaders and the Arabs could be procured.

I cannot speak on such a delicate and important matter on behalf of the Arab States, or indeed, on behalf of anybody; but my own conviction is that today a settlement on the basis of the various resolutions of the UN on Palestine can be reached, provided the state of Israel is prepared to settle matters on that basis. They have repeatedly declared that the extra territory they have incorporated in the state of Israel is theirs in full sovereignty: The Arabs fought us, they lost, we have gained this territory as the fruit of victory. We shall not settle on any other basis. Yet they go on complaining: The Arabs will not make peace. You cannot have peace on the basis of fruits of victory. The moment you talk of the fruits of victory, you are talking war and not peace.

The Arabs themselves will never propose a settlement on the basis of the UN resolutions. But I feel if Israel were prepared to agree to something on that basis and someone else, exercising good offices of mediation, tried to bring about a settlement, a 'live and let live' kind of situation could be reached, which may usher in a closer relationship after some time. Short of that, I doubt if anything else would work.

The problem of refugees would be solved if Israel could accept in principle that those of the Arab refugees who decide to come back and are prepared, let us say, to take the oath of allegiance to the state of Israel and settle down as peaceful citizens would have their property restored to them while those who do not wish to come back would be paid full compensation for their property whose ownership the State would assume. In this manner, with little variation of approach, the way could be opened for a settlement. But, again, the attitude of Israel is: What we have got we shall keep, and the Arab must just accept the situation. It is not easy to work out a settlement on the basis.

It is one of those very unfortunate situations which, I am afraid, will plague us for a long time to come.

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PAKISTAN AND THE INTERNATIONAL SCENE

Another question in which Pakistan has been keenly interested is that of decolonization. It played a very prominent role on the question of the ex-Italian colonies and took a leading part in the discussion of the problems of Tunisia and Morocco and later of Algeria. Being itself an underdeveloped country it has been very keenly interested in all efforts to raise the standard of living in underdeveloped countries. Pakistan has been a member of the Economic and Social Council. Our representative on the council, Syed Amjad Ali, who subsequently became our Ambassador at Washington, worked as President of the council during a session.

On the whole, even before we became parties to treaties with some of the Western Powers our policy had been that of support for freedom and liberal doctrines and attitudes. Our relations with the Western Powers have always been friendly. Then came our treaty relationship with some of them, as evidenced by SEATO and CENTO.

It has sometimes been said that under these treaties we have not only undertaken certain specific obligations on a mutual basis, but that we have let the Western Powers establish bases in Pakistan. There are no bases of any power, Western or Eastern, in Pakistan. We have only treaty relationship with some of the Western Powers, within the framework of the United Nations.

In this context, I would like to make a comment: Pakistan is somewhat puzzled over the present attitude of the United States towards relationship of that type. Since the death of Secretary of State, John Foster Dulles, the tendency freely expressed by President Eisenhower and even more clearly by President Kennedy has been to regard non-alignment as the more acceptable policy and consequently not only to welcome non-alignment but to encourage it. One feels that the United States is not happy in the juxtaposition of the treaty relationship of that kind. That has made the authorities in Pakistan think a little more realistically and see whether any adjustment has become necessary. I do not think Pakistan has so far shifted its position but it has been studying the situation and considering whether a continuation of the treaty-relationship is serving any very useful purpose.

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THE INTERNATIONAL COURT OF JUSTICE, 1954-61

I was elected to the International Court of Justice on 7 October 1954, in a pending vacancy occasioned by the unfortunate death of Sir B.N. Rau, who had been on the Court for less than two years. I completed the remaining portion of Sir B.N. Rau's term, which ended on 5 February 1961.

Without any hesitation I can characterize that period as the happiest part of my public career. I have always enjoyed my work in various capacities, as a practicing lawyer, Member of the Viceroy's Council, Judge of the Indian Federal Court and Foreign Minister of Pakistan. Being on the International Court meant retirement from political life, and then, I was in the *milieu* that I liked best.

My relations with all of my colleagues were extremely friendly and we were a very happy company. I am extremely proud of the fact that my colleagues elected me as Vice-President, after I had been only three years on the Court. I consider it as a mark of their confidence in me and their affection for me. The feeling that one stands in such a relationship towards one's colleagues is perhaps the most satisfying part of his career.

My stay at the Hague enabled me to appreciate the many good qualities of the people of the Netherlands. They have carried out an extensive programme of reconstruction after the heavy losses they suffered during the war; first, at the hands of the invading German forces - Rotterdam was almost reduced to rubble - then at the hands of the Allies who were coming in and the retreating Germans who opened some of the dykes, causing heavy damage to their very valuable orchard land and crop areas. Not only did the Dutch accomplish all the reconstruction and rehabilitation but they had also to readjust their economy as a result of the independence of Indonesia. Now for some years they have been helping other countries to develop their economies.

I found life in the Hague agreeable in every way. It has grown into a large town, but at one time it was known as the biggest village in Europe and it has retained many characteristics of a village. There are no skyscrapers, in fact not very many buildings, for the subsoil water level being very near the surface, the soil is not firm enough. In its own way it is a very pretty place with its canals, its parks and its greenery. Most of the time, there is a strong wind, but it is healthy. The health statistics of the Netherlands are the best in Europe. You do not feel excluded as practically every educated Dutchman and woman speaks English; the atmosphere is friendly and intimate.

I found the work extremely interesting. One felt that one was building up, however slowly, the foundation of International Law, which is becoming so essential in this age. Each case, coming before the Court, had several features of interest. Not only the Judicial aspects of the question but also the human aspects were extremely thought-provoking.

The very first case I participated in was the Nottebohm Case, which raised an important point of international law. Mr. Nottebohm, who had German nationality, had been in Guatemala for a number of years. He had carried on a very successful business and acquired a lot of property there.

After the War had broken out in Europe, but before America's entry into it, he had gone to Germany and during the return journey had stopped in the principality of Liechtenstein. He stayed there for a time that complied with the requirements laid down for obtaining Liechtenstein nationality and then returned to Guatemala. After a short time, the United States and some of the Latin American states including Guatemala entered the War. Treating him as a German subject and disregarding his change of nationality, the Government of Guatemala took action against him as an enemy alien: he was interned and his property was sequestered.

After the War, on regaining his freedom, he represented to Liechtenstein that not only had he suffered loss of inconvenience but that the international rights of the principality of Liechtenstein had been denied when his nationality was not recognized. The principality instituted a case against Guatemala, in order to have it declared that Mr. Nottebohm was a Liechtenstein national and should have been recognized so by Guatemala which should not have proceeded against him, and that it should now restore his property to him and should pay him compensation for the loss and inconvenience he had suffered.

That raised a very interesting question: Under what circumstances is a state under obligation to recognize the nationality conferred upon a non-national by another state? The court declined to pronounce upon the question whether a bond of nationality and allegiance had or had not been established between Liechtenstein and Mr. Nottebohm as a consequence of the naturalization proceedings which Mr. Nottebohm had gone through. That was a matter wholly within the domestic jurisdiction of Liechtenstein. However the Court found that though Mr. Nottebohm had visited the principality of Liechtenstein and had stayed there for a period and had obtained a certificate of nationality, no connection had been established between Nottebohm and the principality of Liechtenstein: and that having gone through the procedure of naturalization, he had gone back to Guatemala and never returned to Liechtenstein. Neither at the time of his visit, nor later had he established any liaison with the principality. The Court, held therefore, that Guatemala was under no obligation to

recognize his Liechtenstein nationality and was within its rights in treating him as a German national and consequently as an enemy alien.

It has become almost a rule that the respondent state raises preliminary objections to the jurisdiction of the Court. When that happens the Court must first take up that question and decide whether it has jurisdiction in the matter and only if it holds that it has, it goes on to have the pleading completed, hears arguments on the merits and gives judgment.

The Portugal-India Case went through both of these phases. Portugal claimed a right of passage between coastal Daman and two small enclaves inside, which right of passage, it alleged, India had obstructed and had thereby been guilty of a breach of international obligation. India raised six preliminary objections to the jurisdiction of the Court. The Court overruled four of them while the remaining two were joined to the merits. After hearing arguments on the merits the Court overruled these two objections also and held that Portugal had succeeded in establishing a right of passage for its nationals, civilian officials, goods and merchandise, but had not succeeded in establishing a right of passage with respect to armed forces, or armed police or arms and ammunition. On the question whether India had or had not been guilty of breach of international obligation by refusing all passage, the Court held that in view of the circumstances then prevailing and the effect it apprehended upon its own internal law and order situation, India had not been guilty of any breach of obligation in suspending all passage. Portugal had conceded earlier that the exercise of the right of passage was subject to the control of the territorial sovereign and that apprehension of adverse effect upon its law and order situation by the grant of passage was a sufficient justification for a suspension of the right of passage.

Another case that established an important principle of international law, was the boundary case between Honduras and Nicaragua. In 1904 Honduras and Nicaragua had agreed to appoint King Alfonso XIII of Spain as an arbitrator in connection with their attempt to settle the boundary issues between them. A commission appointed by both sides had demarcated the boundary from the Pacific to within a few hundred kilometers of the Atlantic, but then the differences had arisen and the commission had not been able to continue. The differences were referred to King Alfonso XIII, who gave, in 1906, an award which was by and large in favor of Honduras.

Nicaragua expressed its gratitude to the King for having graciously taken the trouble to settle down the dispute and the President of Nicaragua sent a telegram to the President of Honduras, congratulating him while adding: "What is a tract of land as compared to the maintenance of friendly relations between two neighboring states"! The Nicaraguan Parliament also approved of the award and the matter appeared to have been settled.

Later, Nicaragua began to have second thoughts, and in 1912 it repudiated the award and raised questions about the validity of the King's appointment as arbitrator and so, to the validity of the award itself. The United States intervened but did not succeed in bringing about a settlement. Finally, the Organization of American States persuaded the two parties to submit the dispute to the International Court of Justice.

As a matter had come up before the Court by agreement of the two states, no objection on the jurisdiction of the Court was raised. It went through the usual procedure of receiving detailed written pleadings, and hearing oral arguments, and finally handed down its judgment. It held that the appointment of the King as arbitrator had been made validly in accordance with the terms of the treaty and having been accepted by both parties, who had submitted their cases in details before the King, was no longer open to question on the ground of the alleged failure on his part to comply with the treaty. Had there been such failure it would have been cured by the subsequent presentation of the case before the King or by the acceptance of the King's award.

On the second question, it held that the award was valid, that none of the objections on the award had been established, that the award was not, as Nicaragua had contended, incapable of being put into effect and that, in any case, having accepted the award, it was not now open to Nicaragua to question its validity.

This judgment again cleared up two important points with regard to international arbitration. First, when a state becomes a party to arbitration and submits its case and pleads before the arbitrator, it cannot, subsequently, take advantage of any irregularity in the appointment of the arbitrator and cannot question the validity of his appointment. Secondly, once the award is handed down, a party that signifies its acceptance of the award or acquiesces in the award, cannot afterwards turn round and question its validity.

If the written pleadings show that the parties are agreed on facts, no further investigation is necessary and the Court proceeds on the basis of the written pleadings. If, however, the relevant facts should be in dispute, the Court has power to issue a commission to investigate and report on facts. Both parties would be represented before the commission. The Court can also hear witnesses itself, as it did in the Temple Case between Cambodia and Thailand. It has also the powers which any other court may have for the purpose of ascertaining facts.

In the Corfu Channel Case between the United Kingdom and Albania - this case was heard and decided before I joined the Court - all these procedures were gone through. The case was brought to the Court on the recommendation of the Security Council. The facts were that a squadron of the U.K. Navy was steaming up the Corfu Channel, which is an international channel and is also the territorial waters of Albania, and it

encountered mines there. The destroyers suffered damage and some of the personnel were killed and injured.

The United Kingdom took the matter to the Security Council, which recommended that the two parties take certain questions formulated by the Security Council itself to the Court, and so they were taken to the Court. Later, Albania denied its jurisdiction. The Court held that having once submitted to its jurisdiction Albania's subsequent repudiation of the jurisdiction did not operate to deprive the Court of its jurisdiction.

The case involved many technical questions and the Court appointed a commission of experts to investigate and report on them. Finally the Court decided that the mines had not been laid by Albania, but that Albania was aware of their existence and was thus under international obligation to give warning to the British squadron as soon as it had learnt that the squadron was to pass through the Channel. Having failed to give that warning, it had been guilty of a breach of international obligation and was, therefore, liable to pay damage to the United Kingdom.

The Court appointed a Commission to assess the damages which came to be a little more than what the U.K. had asked for.

Sometime after the incident, there was a counter claim by Albania. After the British destroyers had been damaged, the British Navy had carried out mine-sweeping operations in the Corfu Channel. Albania complained that in doing so the British had contravened Albania's sovereignty. The Channel was part of Albanian territorial waters and the mine-sweeping operations had been carried out without Albania's permission or consent. Albania did not ask for any damages but stated that it would be content with a declaration. The Court declared that the mine-sweeping operations had contravened Albania's sovereignty.

Incidentally, so far as I am aware, that is the only Court judgment which has not been executed as Albania did not pursue the matter. The Court is only a judicial organ; the executive organ of the United Nations is the Security Council. The Charter lays down in Article 94 that if a judgment of the Court is not carried into effect the states in whose favor the judgment has been given, may move the Security Council which may, after hearing the parties, take such action or make such recommendations as it may deem necessary to give effect to the judgment.

The jurisdiction of the Court in contentious cases can be availed of only by Sovereign states. Individuals cannot be parties to a case before the Court. But as the Nottebohm Case illustrates, a state may take up the case of a national, if it finds that the respondent state or any of its organs have denied relief to the national or subjected him to treatment which involves a denial of the international rights of the state itself.

The Norwegian Loans Case is an illustration. Towards the end of the last century and in the beginning of the present century, the Government of Norway had raised loans in the international market. It was alleged on behalf of the French bond-holders, at whose instance France had instituted the case, that the bonds contained "the gold clause", that is to say, a stipulation that repayment of the loan and payment of interest would be made in terms of the gold franc.

In the wake of the First World War almost every country, at one time or the other, went off the gold standard and passed legislation that all obligations which had been expressed to he fulfilled in terms of gold would now be fulfilled in terms of the currency of the country. Norway had done the same, and so a dispute arose between the bond-holders and the borrowers, the former claiming that they were entitled to be paid in terms of the gold value of the franc, which incidentally was sixty-four times the then value of the franc. The French Government took up the case of its bond-holders and asked the court for a declaration in terms of their claim.

Norway filed preliminary objections to the jurisdiction of the Court; one of them being that the Court had no jurisdiction, in as much as the French declaration accepting jurisdiction of the Court contained an exception to the effect that the Court would not have jurisdiction in a case which the French Government considered to be a matter falling wholly within its domestic jurisdiction. Norway contended that by virtue of the doctrine of reciprocity it was entitled to take advantage of the exception contained in the French declaration, and since the Norwegian Government was determined that this was a matter falling wholly within its domestic jurisdiction the Court had no jurisdiction at all.

The Court accepted the plea and the French application was rejected.

Like the Nottebohm Case the Guardianship Case also provides an example where a state took up the case of an individual. It related to the custody of a minor girl whose father was a national of the Netherlands and whose mother had been a Swede. The father, a shipowner, had married a Swedish national and they had lived the greater part of their married life in Sweden. Their only child was a daughter. The mother died and the child was put under custody of her maternal grandparents in Sweden by the Swedish Courts. The child had lived all her life in Sweden, had never been to Holland, and did not know the Dutch language. There was no dispute about the guardianship of the child's property, which she had inherited from her mother, as it was recognized that the father was the guardian of the child and of her property.

The father had proceeded in the Netherlands Courts with regard to the guardianship of the child and had been duly appointed as the guardian. But when he claimed the custody of the child, the Swedish courts held that the custody of the child had been entrusted to the child's maternal grandparents not under the law of guardianship but

under a special Swedish law regulating the welfare of minors. It had been found that the minor suffered from nervous depression, making it necessary that she needed special care. It was claimed that this took the case out of the purview of the law of guardianship.

The Government of the Netherlands took up the case of its national, the minor's father, and filed an application against Sweden, asking the Court to declare that under a Private International Law Convention relating to Guardianship the father was entitled to the custody of the minor. The Convention to which both the states were parties provided that in case of a dispute arising under the Convention the Court would have jurisdiction. The Court held that the Swedish law did not fall within the purview of the law of guardianship but related to all minors who needed special care irrespective of the fact whether their parents were alive or not. The case was therefore not governed by the Convention.

My own approach to the case was based on the relevant material and the provisions of the International Convention; but to me this distinction between guardianship and custody did not come as a surprise, in as much as Muslim Law makes a clear distinction between guardianship, which it calls *vilaya* and custody, which it calls *hazana*. Under Muslim Law guardianship of minors belongs to the father and in default of the father to the paternal grandfather and in default of the paternal grandfather to the male paternal relations in order to propinquity. On the other hand, the custody of a male child upto seven years of age and the custody of a female child throughout minority, belongs to the mother, and in default of the mother, to the maternal grandmother and therefore to female relatives on the mother's side in order to propinquity. All of them would have to be exhausted before custody goes to the female relations on the father's side.

This distinction between guardianship and custody is based on the claims of natural affection and the practical considerations affecting the welfare of minors. Thus the administration of the minor's property, making arrangements for his upbringing and education, all belong to the father, and male relations on the father's side but the actual care and upbringing and the custody of the minor belong to the mother and the female relations on the maternal side.

As a matter of fact, in Pakistan even non-lawyers know that guardianship of a minor, under Muslim Law, belongs to the father and the custody belongs to the mother. We think it to be in perfect accord with the claims of nature, as well as with the proper upbringing of the minor as he needs affection and personal care of a type, which only a mother or a woman in loco maternis can give.

So far as Pakistan is concerned, in all matters of personal relationships, such as, marriage, divorce, guardianship, custody, inheritance, succession, gifts, wills, legitimacy, etc., it is statutorily provided that Muslim Law shall apply to Muslims. We

do not write the Muslim Law itself into our statute books except when some doubt is cast on what the law is on a particular point. Then we pass a declaratory law, saying; this is the law. The Muslim Law is based on the Quran and the sayings of the Prophet and the writings of the jurists. When a question of Muslim Law arises it is enough to show from the writings of the jurists that the preponderance of opinion is in support of one position or the other, and the court decides on that basis.

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THE UNITED NATIONS AGAIN, 1961

In February 1961, when I finished my term I had been on the Court for six years and four months, the unexpired period of the term of Sir B.N. Rau, whose place I had taken there.

During the 1960 Session my name was up for election before the General Assembly. The names of four of my colleagues whose term was also due to expire in 1961 were being considered too, but none of us was re-elected. So I thought that now at long last I could retire and I took up my residence temporarily at Cambridge, England.

I was fairly content with my life as it was beginning to take a pattern and perhaps I might have chosen Cambridge to settle down for the greater part of the year, as it was difficult for me to face summer back home in Pakistan. I had been suffering from diabetes for more than twenty years. Of course, I would have gone home for the winter, every year. In the beginning of July, President Ayub Khan on his way to the United States, suggested to me in London that I should go to the United Nations as Permanent Representative of Pakistan. I have always been keenly interested in the United Nations, all through 1947-1954 I had led the Pakistan delegation to the General Assembly, so I agreed and took up my duties at the United Nations on August. 12, 1961.

The first thing that struck me immediately was the tremendous increase in the membership of the United Nations during the period that I had been away. I had left the United Nations in the autumn of 1954 and in December, 1955 "the package deal" had gone through, followed by a large accession of membership to the United Nations, mainly from Asia and later, progressively from Africa. It took me a little time to get to know even leading personalities representing the new member-states; but I was fascinated. For the first time it appeared to me that the membership was balanced. In the years before 1955, the United Nations had worn a Western appearance. For people like us the Eastern States of Europe and the USSR are Western countries in spite of the ideological conflict; so also are the Latins. There had been few of us from Asia and Africa. Now Afro-Asian membership was rapidly approaching 50 percent of the total membership.

It made a lot of difference in the emphasis that was brought to bear upon different categories of questions. The increase in the membership did not give birth to new questions and new problems; they were already there. The process of decolonization, for instance, was already in progress and that is what brought in those newly

independent nations. With their coming in the pace of decolonization began to be stimulated and more and more emphasis was laid on it. For instance, so many African countries were already free but so many were not yet free, and those who were free naturally could not feel happy or even completely free as we had not felt completely free until our brethren in Africa and Asia had attained their freedom. The Western Powers especially the colonial powers had never recognized this aspect - the fundamental unity on certain points, the unity of outlook of the Afro-Asian peoples.

I recall, in that connection, the conference on Indonesia called by Prime Minister Jawahar Lal Nehru, at Delhi in January 1949. In the first afternoon, at a garden party which the Prime Minister had given I fell into conversation with the Ambassador of the Netherlands at Delhi. When I told him my reactions to the last police action carried out by the Dutch in Indonesia on 15 December of the previous year he told me they could understand a certain amount of reaction in the Asian countries but they failed to understand the sharpness of the reaction, for instance, in Pakistan. I had been told the same thing by Jonkheer Von Karnebeck, the Dutch Minister at Karachi.

My reply had been, "Jonkheer, that is the mistake you people go on making all the time. You do not seem to realize that if one of you does a thing of that kind to any of us, our reactions would be exactly the same as if you had done it to us directly. Once you realize that, it may be easier to work out solutions". There is no pose, nothing artificial about it. We are all race blind and color blind. We are all human beings, and we cannot see why one section should continue to dominate over another section. It is surprising why the West cannot understand such a simple thing.

As I have said, these problems were already there. But when more and more of the hitherto dominated people came in and they became conscious that while they ,were free, their brethren were not, naturally more and more emphasis began to be laid on that aspect. During the 15th and 16th sessions certain resolutions were adopted in order to set up the pace of decolonization still more.

After decolonization the next question which is of equal importance is that of economic development of the underdeveloped countries. Political freedom must bring in welfare and prosperity for the masses so that life should become more worthwhile for them.

I was happy to find that the representatives of these new member-states exhibited a high sense of responsibility. This did not apply to all individuals; as a matter of fact, it was not true of all individuals even among the representatives of the older member-states that have been independent and sovereign for centuries, but it was true of many individuals among the representatives of the new member-states, and this gave me a feeling of reassurance. I did not have a single moment of disappointment over the quality of their representation. What I am surprised at is that it has not been fully recognized. One often hears, "Now that the majority is going to be Afro-Asian, what

will happen"? They do not look at what has failed to happen so far; at no time have the Afro-Asians shown any tendency to take the bit between their teeth and run away with the whole contraption.

Look at the major decisions that have been taken. They are still, more or less, along the old pattern, only the emphasis, as I have said, has shifted on certain questions. Once the speeches are over, the process of give and take, behind the scenes, has run its course, the resolutions that are carried have the concurrence of the major groups in the United Nations. To the extent that it represents a change, it is a healthy change. It means that the older members are beginning to appreciate the points of view of the newer members and thus there is a greater understanding and cooperation in the pursuit of the objectives and purposes of the United Nations, set out in the Charter.

In the sense that it is no longer so one-sided, the UN is more homogeneous, more of a genuine organization now than it was when I first came to it. Until 1955, it was an organization representing mainly Europe and the Americans; there were only a few Asian members and two or three Africans. It has a balanced proportion now.

Another aspect of the increasing membership is that the younger members of the UN Missions of new member-states, - those at the level of counsellors, first secretaries, second secretaries, etc. - are the people who will be, in the next decade, the policy makers of their countries. It is a very healthy development and augurs well for the future: they are being trained for higher responsibilities in an atmosphere of cooperation and give and take. All this is going to be reflected through them in the policies of their countries.

The United Nations is indirectly helpful in another direction also. Not all the new states, and, indeed, nor all the older states, can afford to maintain diplomatic missions in the capitals of all the other states. Part of the lack of diplomatic representation is got over through bilateral and multilateral conversations, negotiations and settlement of formal matters, sometimes even of important matters. This activity is constantly going on behind the scenes so much so that each Mission at the United Nations carried on a two-fold function: one, its accreditation to the United Nations, where we all work together for common purposes; two, filling in the vacuum in its country's diplomatic representation abroad.

For instance, Pakistan was not directly represented in many of the newly independent states, and, indeed, not even in all the older states. My Mission here, under the directions of my government, often took up questions with the representatives of different countries and we got them settled there. It is true they did not involve issues of crucial importance but they were a part of the daily routine of diplomatic exchanges. The United Nations is becoming a centre for the activity of this kind.

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ELECTION TO THE PRESIDENCY OF THE UN GENERAL ASSEMBLY, 1962

My election to the office of President of the General Assembly will require a little explanation. In August 1961, when I arrived in New York, Ambassador Shahi, who was my number two here, met me at Idlewild and while briefing me on the situation, mentioned the Presidency of the Sixteenth Session. He said there were two candidates, Ambassador Mongi Slim of Tunisia and Ambassador Ali Sastroamidjojo of Indonesia. It was expected that Ambassador Ali would withdraw provided the Afro-Asian group pledged their support for his candidacy the next year, that is, for the 1962 Session.

I told Ambassador Shahi that it would be all right with us; we would be quite happy. But my personal reaction was that an Asian should not immediately follow an African in the Presidency. Even before my arrival at the United Nations I had sensed the feeling that the Afro-Asians, with their increased voting strength were likely to hustle through things. I felt we should not do anything to strengthen that impression and thought we could reasonably claim the Presidency in alternate years as I was strongly of the view that we should not hold the Presidency for two consecutive years.

In February or March of 1962, in certain sections of the group, I started a suggestion that if Ambassador Amadeo of Argentina could be available we should let the Latins have the Presidency and I was sure that he would make an excellent President. I consulted certain delegations and they all said that if the Latins agreed to help us secure the Presidency each alternate year, they would be quite willing to support Ambassador Amadeo. Right in the midst of all this there was a political change in Argentina and Ambassador Amadeo resigned.

At that time an Asian candidate allowed his name to be circulated for the Presidency. I was not thinking of myself in that connection, but the Chairman of the Afro-Asian group for that month, Ambassador Rifai of Jordan, approached me whether I could be available. I gave him my views and suggested that in Ambassador Amadeo's absence, we might consider some other suitable Latin American candidate. But he was very insistent as two or three names from among the Asians were already being mentioned and in that situation he and his colleagues thought that I would be the most suitable and would I let my name be mentioned. I gave him no commitment. He came for a second time and a third time. Finally I agreed to put it to my Government. I gave them the background and asked them how they felt. They thought I should accept.

It was clear from the outset that none of the other three candidates could be sure of being elected. Within a week or so, I could see that I stood a good chance of success. The Japanese intimated to our Government that they had been quite serious in their candidacy but since I was now a candidate they had no desire to contest with me. That was very good of them. The second candidate also fell out fairly early; he had not yet formally put forward his candidacy. Only Ambassador Malalasekra of Ceylon remained in the field.

He was supported by the Eastern European states and this factor was likely to stand in his way to getting support from the Western states as a group. Out of the Afro-Asian group, he was supported by a few Asian countries such as Ceylon, Burma, Thailand, Cambodia and Laos: India was his principal supporter and canvasser. Outer Mongolia went with the Communist group. He might have also got the votes of two or three African states. He had Cuba's support but I doubt whether he got any other Latin American. From the beginning it had been said that Ambassador Malalasekra would get 25-30 votes and the estimate proved to be correct. On the ballot he got 27 and I got 72 votes; four ballots were declared invalid. I was told later that they were declared invalid because they were marked 'Pakistan', and did not bear my name.

The system of voting is confusing to some extent. For the Presidency the name of the candidate should be inscribed on the ballot. For the Vice Presidencies, it is the name of the candidate's country that should be written, and for Chairmen of Committees, again the names of the individuals. Some of the newer countries were, perhaps, not familiar with the distinction. One ballot contained the name of Ambassador Mongi Slim, the outgoing President.

I am glad to say that my personal relations with Ambassador Malalasekra continued to be friendly throughout. I do not think Ambassador Malalasekra's letter published in the Canadian papers affected a single vote. People were surprised and some were amused at the incident, some also sympathized with Malalasekra for having been put in a position of embarrassment. Before the letter was published the situation had been exactly what the voting disclosed. His main support came from the Eastern European group plus Cuba. It is obvious that the incident could not have affected them adversely because they were already opposed to the West. Instead, they rather rejoiced in it because the letter contained many reflections adverse to the West. The Western group, as a whole, were not very favorable to Ambassador Malalasekra's candidacy anyhow.

I took very little part in the canvassing. Of course, my colleagues in the Mission here did what they thought to be necessary, and quite a large number of friends in other delegations were also very helpful. I have no doubt the ministry at Karachi instructed our representatives abroad to do canvassing. I have always been shy and somewhat inhibited in canvassing for myself, though I can be a good canvasser for someone else, whether a state or an individual.

When it became clear that I would be the choice of the Assembly for the Presidency, there were attempts to find out which way my mind was leaning or what view I was likely to take of certain questions; but I considered it perfectly legitimate. I believe delegates are within their rights in trying to find out such things. Even during the session I was occasionally asked, "Were you under pressure on this question"? and I replied, "No, I am never under any pressure". Having come to know that a question was going to be discussed in the Assembly, my colleagues would sometimes come and discuss the question with me, and they were quite right in doing so. They knew that whatever view I might take as President, would be effective, subject to the control of the Assembly, and it was good for me to know the views that the different sections held on a certain question, because sometimes I had to choose between these views. Such discussions gave me advance notice of their attitudes.

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PRESIDENCY OF THE UN GENERAL ASSEMBLY, 1962

I did not have any experience in the nature of the work required from the President of the General Assembly; I had not even been the Chairman of a Committee, an office which is usually considered as the training ground for the Presidency. However, after having been the President, I still feel that the chairmanship of a committee is a more difficult job than the Presidency of the Assembly; there is more rough and tumble and thrust and parry and maneuvering for position in a committee than in the plenary. The plenary goes forward not so much at a leisurely pace but with more deliberation, giving normally to the President enough time to consider matters as they arise but in a committee the chairman has often to make decisions on the spur of the moment. Thus, it provides an excellent training ground for the Presidency.

I felt that my personal knowledge might not be sufficient when it came to interpreting rules and determining points of order and points of procedure. Previous Presidents always had the great advantage of having Andrew Cordier sitting on their left. He was a man of great experience and of a very sound judgment. One could always be sure that he would feel it in his bones if a problem was likely to boil up to the surface. But he was no longer with the United Nations and that gave me some worry. However, throughout the 17th Session not a single point of order was raked, where I had to give my ruling.

The General Committee is composed of the President, the Vice-Presidents and the Chairmen of Committees. So far as the Vice-Presidents are concerned, any member of their delegations can sit. The Chairmen of Committees are balloted for as individuals and not as countries. Thus new members, if the matter is not clearly explained, may fall into some confusion over the balloting for elections. Those who understand the language in which - the President is conducting the business of the Assembly, can make these distinctions more easily than those who have to listen to him through interpretation. If the President conducts the business in French, for instance, then for those delegates who do not know French, the matter has to be explained a little more clearly and in a very simple language, with emphasis on the points which have to be taken care of. Having had the experience of losing four votes in the election, though it had made no difference to the result, I took very great care that when I announced the elections I should clarify the points which were likely to cause confusion in anyone's mind.

The obligations of the Presidency are nowhere laid down; if they were, they would be both helpful and also restrictive. It was, perhaps, part of wisdom that nobody had

attempted to lay down anything of that kind, and that applies to everything of the United Nations. In the Charter and the Rules of Business, things are expressed in general terms and that leaves room for a good deal of adjustment in each situation as it might arise.

When I assumed office I had not thought of cataloguing the aims and objects of the President of the General Assembly, but I knew that my first duty was to have the business of the Assembly conducted in an orderly manner and with dispatch, which should not mean hurrying through with the items but a constant consciousness of time so that it could be fully utilized to transact the maximum business. This was the only matter about which I expressed my opinion before the election. Somebody asked me in the Delegates' Lounge, "What is it that you intend to do when you become the President"? I said, "For one thing, I intend to follow the British system of punctuality in meetings rather than what has become normal in the United Nations". I was asked what I meant and I said, "What I mean is, that no sooner has the second stroke of Big Ben died down than the Speaker calls the House of Commons to order; and I intend to carry on in that way". To my surprise it worked. I had my doubts whether the Assembly would wish to adopt the practice and I had no means of enforcing it; I only suggested it and they went along with it: and all of us found that it was of great benefit. For one thing, it saved time. During many preceding sessions, the waiting period, after the time fixed for the opening of the meetings, had been even three quarters of an hour. It was a great waste of time every day, in the morning and the afternoon, both in the plenary and in the committees. The delegates generally reached the building in good time but they would go into the Delegates' Lounge, clustering around the bar or just smoking and discussing things. I felt that one could begin the day with full attention to the work at hand and attend to other things later. That's what happened. The meetings started punctually at 10.30 in the morning, almost everybody came directly to the meeting, alert to the business, in the mood to take up the day's work and get along with it. We managed to do a great deal more than we used to do previously.

The element of dispatch had become rather important for the 16th Session, which had extended over five months and a half. Feeling that it had taken too long, the President of the session had left a memorandum of his views on the steps that might be taken to fill up the procedure. Dispatch in itself is desirable but it became almost necessary as the representations of member-states could not be kept up at a desirable level if the session were to extend over a long period. The principal delegates have other duties also, they usually go away leaving the work in the hands of the members of the permanent missions. This takes away much of the effectiveness of the Assembly.

Apart from punctuality, other things were also needed to save time and help concentrate on the business. I took a little more interest in settling the agenda for each day's business. The way in which the Secretariat expected the thing to run, gave me a feeling that not much attention had ever been paid to making of the agenda. I also took

care that once the general debate was over, there should be enough work to keep the plenary occupied for the whole period of the sitting and that there should be no loose ends. That also saved a lot of time.

During previous sessions, evening sittings towards the end of the session had become the normal course. It put a very heavy strain on the delegates to have a morning sitting from 10.30 to 1.00, then the afternoon sitting from 3.00 to 6.00 and then to start the evening sitting at 8.30 and carry on till, perhaps, midnight. When were they to have any rest or respite? When could they sit back and think on the questions or consult others? Having secured the fullest cooperation of the Assembly on my proposals about punctuality I thought they had a right to shorter hours of work. Thus, I believe during the 17th Session we had the fewest evening sittings and also not a single Saturday-morning sitting. That gave everybody enough time to sit back, to study and to prepare for the next sitting.

My Chairmen of Committees were also very helpful. At a fairly early stage, I suggested to them to have a schedule allocating time to each item, so that the moment any of them found that his committee was falling behind the schedule he could start calling evening sittings rather than allow half of the session to be over before he found that the committee was in difficulties over the agenda. I thought this would also have a psychological effect. Knowing that if they fell behind they would have to sit in the evening, the delegates would probably work a little more diligently. Indeed, this proved to be the experience of the Chairmen of Committees.

Another thing that helped was that at the earliest possible time, I gave to the Assembly an advance notice of the proposed time-schedule of each week's work. That helped in two ways: if anyone had an objection to what I had proposed he could always come round and tell me and I went as far as I could to suit everyone's convenience; secondly, if they knew a certain item was coming up the next week they could be ready to deal with it, after due preparation. There were very few occasions which we had to postpone something because the Assembly was not yet ready to deal with it, and in all such cases the reason for postponement lay in other factors rather than the failure on the part of the President to supply relevant information; perhaps some attempt at compromise was being made or certain considerations promised a better treatment of the problem at a little later stage.

I believe during the 17th Session the Assembly felt that the Presidency was being run in partnership. In his anxiety to know their views the President was in constant touch with delegations. In order to keep in touch with my colleagues I declined to make use of the suite provided for the President, on the 38th floor, at the top of the Secretariat building. It is situated at the other end of the corridor from the Secretary-General's suite. They showed it to me the day I was elected. I had never been there before. I asked, "When do I have to use it"? I was told I could come there in the mornings and then in between

whenever I liked, and again after the meeting, in the evenings; I declined to do that. Behind the podium there is a small room for the President's use; it is on the same level as the Assembly floor. This was the room I always used. In the middle of each sitting, when business was running smoothly I would make over the Presidency to one of the Vice-Presidents and withdraw to this room. That was a signal to my colleagues that anyone of them could come to discuss anything. My door was left open, nobody had to announce himself. I think this also helped a lot.

As soon as the afternoon sitting was over I made a beeline for the Delegates' Lounge in order to keep in contact with them. The podium, though right in the middle of the Assembly Chamber, is a very lonely place. The very first day I felt so cold - not physically hut just as if I had been left out in the open - and I took it as a great privation. After that I kept in constant touch with them because their observations and their views of things conveyed a good deal give effect to their views. If I might venture to say so, the partnership proved to be a complete success.

If possible one should promote cooperation in the chamber by working behind the scenes, although the President must by no means be a partisan. Being a servant of the Assembly he must discharge his duties impartially, whatever his personal views or the views of his government on a particular question. He should concentrate on promoting cooperation, helpfulness, dispatch and give and take so that things do not drag on too long. If people come to an understanding it would prevent a resolution being adopted by the minimum number of votes needed to carry it, as a resolution passed with the minimum number of votes does not carry much weight. It means that some major group or some combination of groups was either opposed or had abstained and that takes away a great deal from the moral force of the recommendation. Under the Charter, the Assembly cannot itself take or authorize executive action; that is the business of the Security Council. The Assembly can only make recommendations and a recommendation is valued only because it is the moral judgment of the Assembly. If it is made unanimously or with near unanimity under today's conditions of membership, it would be the moral judgment of the world and therein lies its real value. I think the President can contribute a great deal in that direction.

On two or three occasions, when we were in the midst of a problem, I announced in the session that the parties concerned should get together and come to some agreement, which obviously meant that I was ready to assist them if they consulted me. That was precisely what happened; we discussed things behind the scenes, untangling the situation, and after that the matter went through the Assembly very smoothly.

For instance, the question of the timing of the elections of the Security Council, the Economic and Social Council and the Trusteeship Council raised some difficulty. There were conflicting views: some delegates thought that the elections should take place in the session while the others were in favor of getting them out of the way early in the

session. I had already announced a provisional date. Most of the candidates were anxious to have them off their shoulders, but some potential candidates thought that given a longer period, they might be able to put their candidature in better shape. It was a serious difference and it took me the better part of two days to smooth it out. Consequently, the actual elections to all these bodies went through in 55 minutes, which was a record-time. No seat in the Security Council was split, the three candidature countries were elected for a full term and also the previous year's split seat was filled. For the Economic and Social Council and for the Trusteeship Council, not even a second ballot was needed. For the Security Council, however, there was a second ballot.

Andrew Cordier has been through many years a very good friend of mine and I admire him greatly. It is too early to assess, at its real value, the contribution he had made to the United Nations. He had been a tower of strength to each succeeding President and I was the first to be deprived of his very valuable assistance. C.V. Narsimhan, who took his place is a highly competent officer, but it was his first year also. Of course, there was no lack so far as ability and intelligence were concerned but C.V. Narsimhan could not claim the experience that Andrew had; he could instinctively feel what was going to happen, how things might pan out, what might boil up. Naturally, Narsimhan could not claim that and I too had no means of knowing it.

Barring that, the whole staff of the Secretariat, from top to the lowest level, throughout has had my complete admiration and my deep gratitude for the way they worked. I believe they work like that with every President: every facility is provided to him, every assistance is given and everything is done to make him work as easy as possible. In this connection I must mention the help that Mr. Malania gave me; he is the Principal Assistant to the President in Assembly Affairs and he has to constantly keep in touch with delegations. I know that his work hours extended from 9 O'clock in the morning till after midnight. If he did get any rest it must have been Sundays and even that was doubtful. He was absolutely indispensable; always calm, never got into a flurry, was never excited and was always a source of strength to me.

The Secretary-General himself does not participate in any way in the proceedings of the Assembly, though he considers it his duty to be present, as much as he can. U. Thant and I had been very good friends even before his election as the Secretary-General. There had always been a complete understanding between us. He knew I was being quite sincere when I told him at a fairly early stage in the session that I realized how much he had to get through in a day and that I would have no feeling that he was deserting me if he could not be at my side all through the proceedings.

I set up no barriers between my delegation and myself. As a matter of fact, I always attended my office in Pakistan House for a couple of hours in the morning, before going to the Assembly. However, the members of my mission had a natural feeling of restraint in discussing with me matters that fell within the purview of the Presidency.

The nomination of members to certain committees was left to me and I knew that my delegation wanted Pakistan to be nominated on this or that committee, but I made it clear to them that my being President, in a way, disqualified Pakistan for anything to which I had the powers to nominate. So they could not get onto either of the two committees which they regarded as important, since the nomination was to be solely mine, but they did slip through onto what was known as the Working Group on financial questions, for though the nomination was by me the Chairman of the Fifth Committee, to whom this group pertained, while sending me the resolution for the expansion of that group by an addition of six more members, had also sent me the names of six countries which the Committee had desired to be nominated. Pakistan being there I was left with no choice and it was nominated.

I found nomination to the other committees a much more difficult business than any other thing I had to do as President. Everybody wanted to get onto the Committee of Seventeen (Decolonization) which had to be expanded to a committee of twenty-four members.

On a couple of occasions individual members of my delegation came and told me that they had come to know that such and such a question might arise in the Assembly; this was quite fair. But my delegation never tried to influence me on any question. Some others did, and as I have already said, this too is quite legitimate. If they feel that they have a viewpoint on a certain matter, they have every right to put it before the President and to try to convince him. But, of course, the President comes to his own decision after he has heard everybody.

The Afro-Asian block being half of the United Nations and the Western and Socialist blocs facing each other antagonistically on cold war questions, did not present any problem so far as the appointment of committee posts was concerned, as certain traditions were there to be followed. However, one took some soundings with regard to individual countries. Supposing I knew that the East Europeans were entitled to one or two nominations to a committee, 1 tried to ascertain which of their members they would wish to be nominated. So, this was the way how nominations were made. The East Europeans were always quite clear and precise; if they had only one nomination they gave me only one name. But sometimes I had more names than the nominations for a group, and so I had to make my choice.

I have no feeling at all that any problem gave me a bad moment during my Presidency. Occasionally I found that a certain delegation or a certain number of delegations desired something to be conducted in a different way from the one I would have preferred, but then I was the servant of the Assembly and when the delegations' desire became clear to me I tried to exercise discretion (if I had it) in accordance with their wishes. Being the servant of the Assembly I had to yield to its wishes.

During the first five days of the week there are a number of receptions in the evening, generally followed by a black-tie dinner for which one has to go home to wash and change. So, most of the evenings you had a black-tie dinner. I started my work very early, leaving my apartment at 7 O'clock after breakfast. After half an hour of brisk walking, the greater part of it through Central Park, I arrived in my office at 7.30 and was busy there till late.

A fortnight had passed when I began to feel the strain; after all I had to get the minimum amount of sleep that I needed. I must say that hostesses were very indulgent. They understood that I would have to retire earlier than other guests and they permitted me to leave at ten. That helps me even now, some of them who came to know about my habit of keeping early hours are good enough to suggest that they would not mind if I left early.

I feel that this side is getting very burdensome, not only for the President - the President considers it a normal obligation to go to each of these functions and I think that he should - but also for the principal delegates. Sometimes it is almost ridiculous; we chase each other in our motor cars, all up and down the city, spending more time in the streets rather than at receptions. It is time that the delegates put their heads together to see how this burden could be reduced.

One day Ambassador Binz suggested that the African States should content themselves with, say, four receptions during the session, one in each month from September to December and perhaps the Asians could do the same. If something like this could be worked out there would be more time for work, necessary rest, reflection, etc. It is true that sometimes you transact a little business also at these receptions and dinners, but the time consumed is out of all proportion to any such gain.

I felt very strongly in another matter also. I believe the time has come when various groups in the Assembly should agree upon a pattern for the rotation of the Presidency among groups. For instance, the Afro-Asians with their large majority could claim the Presidency every alternate year. Smaller groups could have it every third or fourth year. I think if some pattern were set, say, a cycle for ten or twelve years then each sizeable group would know when they were going to have the Presidency and would produce a candidate who could be acceptable to all.

In this connection I must mention the Eastern Europeans have never held the Presidency. I do not know any reason why it should have been so. Every year they have at least one chairmanship of committee and they have generally produced very capable chairmen. I am unable to understand why they cannot have the Presidency. After all the President cannot take the hit between his teeth and run away with the Assembly. I grant that there are occasions when the President can shift the burden of proof, there are ways of doing it; he can put a question in such a way that one side would need a

majority to win rather than the other. But a President who is worth being elected would not have recourse to such tricks. In every group there are always men who would be impartial while holding that high office.

I think my experience as President of the General Assembly was somewhat exceptional in the sense that there was more cooperation, friendliness and spirit of give and take among all the sections than ever before. Perhaps it was because of a culmination of the process that had been going on for some years; about two or three sessions earlier everybody had begun to feel that very difficult questions were coming up and it would be fruitful to discuss them between the grouped behind the scenes. So the process which had started earlier became much more manifest on the floor of the 17th Session. Hence, I have nothing but gratitude for all of my colleagues because they enabled me, as their representative, to give effect to what they were anxious to do.

I received several invitations during the sessions, some of them were repeats of the earlier invitations. The North African States had asked me many times to visit them, so now I have been able to do so. Foreign Minister Gromyko invited me to visit the USSR. I pointed out to Ambassador Torin, who delivered the actual invitation on behalf of the Foreign Minister, that we were then in the midst of autumn which was not the time when one could conveniently make a trip to the USSR and if one did so he would not be able to see much. He smiled and said, "Yes, but in the spring or in the summer."

So I made two major journeys: one in January and the early part of February 1963 to eleven or twelve of the Eastern and North African States and then, later, in the middle of the Special Session, to Denmark, Finland, the USSR, Poland and Czechoslovakia.

I had no particular problems and I carried no notes on me when I started on my journey to these countries, but naturally questions were asked and answered. Either they wanted to know something from me or I wanted to know something from them. For instance, at Kampala, Uganda, they showed me many of their institutions, took me to their refugees camps for the Ruanda refugees, whom they were trying to resettle and related to me some of their problems which were not directly connected with the Assembly but the United Nations could help there. I undertook to assist them, not specifically in my capacity as President but as a person who was connected with the United Nations. Two of their problems necessitated my stopping at Geneva but I was happy to be of any assistance to them. However, the object of my visits was not to have any United Nations problems resolved or to offer my good offices with reference to any particular problem, but just to make contacts.

I continued to be the Permanent Representative while I was the President. The Presidency is of course a very honorable office, an office of dignity, but it is an honorary office and in a sense it is expensive both for the individual who holds it and for his government. As a matter of fact the Protocol of the United Nations once raised a

question whether I could still claim to be the leader of my delegation and I maintained I could. I was told that though I was still a member of my delegation I could not be treated as its leader while I was the President. I showed them the rule which says that the President shall not vote but shall appoint a member of his delegation to vote in his place, as it clearly implies that he continues to be the leader of his delegation while he is the President. When I left the Presidency the only difference I felt was that the descent from the podium did not mean to go back to the room behind the podium but to take your seat in the Hall, where the Chief of Protocol formally conducts you.

I do not think it is very important to talk about the President's expenses. However, he has to carry on a great deal more hospitality than he would as a member or even as the head of a delegation, and therefore, provision has to be made for that. I do not know what happens in the cases of others but my government helped me. I knew that I would have to do a little more on my own, but how much should be done and at what level and what cost is an individual matter.

There is a certain amount of official hospitality; for example, the President gives what is known as Chairmen's lunch every Wednesday, when chairmen of committees meet the President and the Secretariat officers working with them, to consult on planning the session and the conduct of business and to survey how it is running and what adjustments are needed. The United Nations pays for it. Every alternate Thursday, the President entertains a score of press representatives in rotation, so that he is socially in touch with the Press. In turn the Press offers a certain amount of hospitality to the President. In fact he receives so much of hospitality that he can't help returning it one way or the other.

About the middle of the session, the Secretary-General and the President give a big reception, which costs quite a lot of money, but the government of the President's country bears his share of the cost.

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THE PRESIDENT AND THE COMMITTEE CHAIRMAN

In the past very often, though not always, the Chairman of the First Committee, if the functions have been properly discharged, has been considered as having some claim on the Presidency the next year, provided someone else has not got a stronger claim on some other ground, for instance regional grouping. I think, not the chairmanship of the Fist Committee only but of any committee should be considered as claim on the next year's Presidency, provided the job has been outstandingly well done. It shows how the particular individual can manage the business of a committee, interpret rules to see that the committee does not get into a tangle and can head it off when he sees it getting into a tangle.

So far as the conduct of the business of the committee is concerned, I consider it to be more arduous a task than the President. A great deal more deference is paid to the President, and on borderline cases the Assembly tends to support him rather than to obstruct the way he wants to move. Therefore, someone who has come out extremely well as chairman of a committee, has a good chance to make the grade as President. If it should be the turn of his group, and his group puts him forward as their candidate, he would have no difficulty at all.

I do not think the President should have, and he cannot have, a voice in choosing the committee chairmen for the following year. To some degree, a candidate for the Presidency, who is reasonably certain of his own election can influence the election of chairmen through his own group. For instance, supposing he is a Latin, and it is understood that the Latins can have the Presidency that year, he can say to his group: Look, the Presidency is your business also. I have to be in the chair and shall have to conduct the business, but if there is any credit in it, it will belong to my country and to my group. Therefore, you should make the task easier for me, as far as you can. My team will be composed of the Vice-Chairmen, so far as the General Committee is concerned, but the committee chairmen will be my instruments in conducting the business of the Assembly in the committees. I, therefore, hope that both in putting up your candidates and in voting for other candidates, wherever there is a choice, you will exercise it in support of the better man, and if you do not mind consulting me on it, perhaps I could give you some advice. This is the way how he can exercise influence. But he cannot do even that much if the Presidency is going to be contested as nobody can arrogate to himself in advance, "I am bound to be elected". That would militate against his being elected.

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ELDER STATESMEN IN THE UNITED NATIONS

During the first ten years of the United Nations, to some extent the old style of the League of Nations was in vogue. Certain elder statesmen carried enormous influence and within a body became a body around which all sorts of structural and procedural matters crystallized. However, it was not necessarily confined to the President and ex-Presidents. Take a personality like the late Senator Warren Austen. He was never the President and could not have been as he represented the United States, but he was respected and trusted and he had the qualities that won people's confidence and affection. I always considered him to be much abler and cleverer than people gave him credit for.

From among the Asians there were other people. General Romulo, Nasrollah Entezam and Prince Wan; all of them became Presidents, I remember General Romulo as a very persuasive speaker. He had a great command of language, was very eloquent and was held in high esteem. Then there were Henry Spaak, Lester Pearson, Padilla Nervo and many others.

But it is no longer so, at least not in the same degree. These days group influence is much more prominent than the influence of individuals. It appears to me that at that time members did not act so much under group discipline as they do now. It makes the individual's influence less perceptible today. For instance, during the 18th Session, as many as nine ex-Presidents were present in the Assembly but one did not feel that they were exercising any particular influence. I do not mean that they should have formed a group themselves but they were called in to aid much less than would have been the case before if as many as half of them had been available. As time passes the fact that you have been the President begins to lose the gilt; for a couple of sessions people think, "He has had this experience", and then things fade away. I feel that after having been the President one should not stay too long in the United Nations as it would be something like an anticlimax.

I do not know what would have been the views of our Foreign Minister and the President but I would have preferred to give up the assignment at the end of the present session even if I had not been elected to the International Court. It becomes a case of diminishing returns. But it may be a purely individual assessment and may not apply to all, because some people, no matter how long they continue, would always have a great standing and influence.

Nevertheless, it is true to say that matters are now determined more by group discussion rather than under individual influence. Inside the group, everybody has his own standing, and persuasive qualities count. But the group discipline tends to let the lead be assumed by the more vigorous, sometimes the more vociferous representatives; occasionally heat is put on and when the drum begins to beat wisdom and reason begin to be overborne. Perhaps, in America, it will be considered as the supremacy of democracy but I do not admire these aspects of democracy. I shall mention an incident to show how group feelings can be effective. I am sure if I were sitting in the Assembly I too should have been swept by them. You will probably recall that perhaps in 1960 the Foreign Minister of South Africa, Mr. Loew, made a speech, which was resented and Ambassador Cooper of Liberia made a motion that the speech be expunged from the record. Then the luncheon adjournment intervened and be withdrew the motion, moving a censure against the Foreign Minister of South Africa. I was at my desk. Our two delegates who were present in the plenary, one after the other, came to the telephone and tried to persuade me to let them vote in support of the motion but I said No. My view was that however much we might resent the policy of South Africa, we might condemn it, fight against it and tear it to shreds in the Assembly - we could not deprive the South Africans of their right to put their case emphatically and so there was no reason for having their speeches expunged or censured.

I was told that he had been insulting and I said that in assemblies like this a great deal of latitude must be allowed so that people are able to say things freely. On my asking what it was that he had exactly said, I was told that he had said, "The standard of living of indigenous people of South Africa is much higher than the standard of living in many of the countries of Africa which are now independent and sovereign". I said, "That may well be true about some of the countries. I have not studied the matter, so I cannot say anything. But if it is untrue, go and say that it is untrue instead of saying that he must be censured for saying it."

Finally one of them rushed up to the telephone, "A roll-call vote has been called and everybody is saying Yes". I said, "That is no reason for us to say yes." But I confess that if I had been present there myself, I might also have said "Yes."

Photo shows Sir Zafrullah with Mr. A H Batalvi, courtesy BBC.

The forgotten years
Memoirs of Sir Muhammad Zafrullah Khan

Edited by Ashiq Hussain Batalvi, this book records the remarkable success story of Sir Muhammad Zafrullah Khan, Pakistan's first foreign minister after independence who later rose to become President of the General Assembly of the United Nations and President of the International Court of Justice at The Hague.

The Memoirs shed fascinating light on the men and the events that have shaped the post-second world war history of our times. The personality of Sir Zafrullah which emerges is an engaging one, of a man who was gentle, unassertive and introverted.

Ashiq Hussain Batalvi undertook the task of editing these Memoirs with Sir Zafrullah's blessings, partly on the basis of his own knowledge of the man but also by drawing on some extremely comprehensive interviews taken while he was at the UN. Much of the material has never been available before.

This is a political biography which does not stray into the controversial area of religion. As South Asian scholar David Page says, "It is an example of Mr. Batalvi's liberal philosophy and sense of fair play to a man whose role he felt had been obscured by controversies of which he did not approve".