

DECLARATION
of
INDEPENDENCE



Communist Party
Resolution for the Constituent
Assembly

PREFACE

In this pamphlet we are printing together two important documents issued by the Communist Party in the year 1946. The first one is the resolution tabled by Somnath Lahin, Communist member of the Constituent Assembly, and the other is the memorandum submitted by P. C. Joshi, the General Secretary of the Communist Party, to the Cabinet Mission in April last.

Everyone knows that the Constituent Assembly now meeting in New Delhi is convoked and conditioned under the provisions of the State Paper of May 16, issued by the British Government. It is undemocratic because it is not elected on the basis of adult suffrage, and because the representatives of the Indian States to it are going to be elected not by the people but nominated by the Princes. It is not sovereign because it is meeting under the shadow of British bayonets, and because the Constitution it frames comes into force only when ratified by the British Government. Not only this; if any dispute arises in the Assembly on the interpretation of the State Paper of May 16, which lays down its limitations, the Indian leaders would have to rush to London or to the Federal Court.

All the same, there is no reason why this very Constituent; Assembly—composed as it is of the representatives of the two main political parties and of the minorities, who together enjoy the support of the overwhelming majority of the people—should not cut itself away from the limitations and restrictions imposed upon it by the imperialists, and become the instrument of asserting and expressing the will of the Indian people to be free and independent.

Babu Rajendra Prasad, the permanent chairman of the Assembly, in his opening speech expressed the hope that the Assembly would “demolish the very limitations which have been attached to it at its birth.”

The resolution put forward by Pandit Jawaharlal Nehru, to define the objectives of the Constituent Assembly, certainly proclaims the laudable goal that India should be an independent *sovereign* republic, over the entire territories of the present British India and the Indian States, in which all authority shall be derived from' the people—and that it should be a union.

But that resolution does not state how the Indian people are to assert their sovereignty as against the British imperialists; nor does it state how the question of Indian unity and Pakistan has to be solved so that a willing Indian Union comes into existence.

Has the Congress leadership really decided to demolish the very limitations which attach to this assembly at its very birth? Well then, let them declare that they reject the British plan lock stock and barrel. Let them give up their present policy of appeasing the British imperialists and proclaim a fight to the finish for setting up a free provisional government, for removing the vestiges of military, political and economic domination of the country by foreign imperialism, and for calling a sovereign and democratic Constituent Assembly based on adult suffrage, proportional representation and self-determination of national units.

Let the Congress not ask the question: Will the League that the Congress does not propose to seek the solution of the question of Pakistan and Indian unity by relying upon the British plan or British awards any more: nor do they propose to enforce a solution on the strength of a simple majority. Let them declare unequivocally that the Congress is content to get this question solved by reference to the democratic vote of the people, by enabling the entire people of each linguistically and culturally homogeneous units—formed by redemarcating the present provinces of the Punjab, Sind, Baluchistan, North-

West Frontier Province, Bengal and Assam—to exercise their right of self-determination.

Let the Congress not ask the question; Will the League leaders agree? Let them take the stand as defined in Somnath Lahiri's resolution, irrespective of what the League leaders say or do. For it is a stand which is the most consistent application of the principles and ideals for which Congress has stood: uncompromising fight against imperialism and its plans. consistent democratisation ensuring "justice, social, economic and political" to all and equality of the peoples.

This is the way forward to end the present fratricidal war and create conditions for a Hindu-Muslim and Congress-League joint front against imperialism.

Somnath Lahiri's resolution is not just a clever constitutional scheme to solve Hindu-Muslim question. It is a plan and programme of forging the joint front of the entire Indian people—Hindus and Muslims, Congressmen and Leaguers, peoples of British India and of the Indian States—for the final battle for the independence of India, for ensuring freedom and well-being to all her peoples.

December 8, 1946

G. ADHIKARI

DRAFT RESOLUTION FOR THE CONSTITUENT ASSEMBLY '

1. This Constituent Assembly, expressing the will of the Indian people to be free and independent from the yoke of imperialism, hereby solemnly declares India to be an independent country. It declares that, whether in British India or in the States, it is the people who are sovereign and all authority shall henceforth be derived from them.

Provisional Government

2. This Constituent Assembly calls upon the Indian members of the Interim Government, who, as the nominees of the two main popular parties and of the minorities, together enjoy the support of the overwhelming majority of our people, to act as the free Provisional Government of India and to function henceforth in the name of the Indian people and not, as hitherto, in the name of the British King Emperor.

All powers so far exercised by the British Government the King Emperor, the Viceroy and by the Governors over the Indian provinces as well as the powers of paramountcy exercised by the Viceroy over the Indian States, are herewith ended.

Freedom and Independence

3. Asserting the freedom and independence of the country, the Provisional Government shall at once proceed to fulfil the following tasks:

i) Take immediate steps to effect the withdrawal of all British troops, as their retention on Indian soil is incompatible with Indian sovereignty, and to secure the withdrawal of Indian troops outside India, as their remaining in other lands is inconsistent with India's policy of peace and freedom for all nations.

ii) Take over all banks, industrial and transport concerns, plantations, mines etc. owned by British capital, and nationalise them.

iii) Take step to secure international recognition for the free Provisional Government and to enter into diplomatic relations with other countries on the basis of equality.

iv) Negotiate a treaty with Britain on the basis of the recognition of Indian independence, equality and mutual cooperation.

Programme of Provisional Government

4. This Constituent Assembly calls upon the Provisional Government to carry through the following programme for the realisation of independence, thus creating conditions for the framing of a democratic constitution:

i) Conversion and expansion of the present Indian Army, Navy and Air Force into a real National Army, commanded, officered and manned by Indians, owing allegiance to the people and to the cause of Indian independence.

ii) Full restoration and extension of civil liberties. No police or military interference against workers' strikes for better wages and living conditions, no suppression of peasant actions against landlords and hoarders. Full support to all mass demonstrations against imperialist rule; full support to the struggle of the peoples of the States for democracy and freedom.

iii) Adoption of urgent interim measures to afford relief to the toiling masses:

a) Immediate handing over of all fallow land of the Government and the landlords to the landless peasants, reduction of rents and moratorium on debts, prohibition of all evictions and levying of a steeply graded agricultural income tax, pending abolition of landlordism.

b) Immediate enactment of legislation enforcing a minimum living wage, the recognition of trade unions, and the penalisation of defaulting capitalists,

c) Import of capital goods for a planned expansion and reconversion of industries to supply the urgent needs of the people.

d) Control of profits to ensure supply of goods at cheap prices to the people.

This Constituent Assembly declares that all Army, Police and civilian officers hereafter owe allegiance only to the Indian people and their representatives, and calls upon them to obey and carry out the orders of the Provisional Government in pursuance of the above programme.

It calls upon the people to be vigilant and report the acts of intransigence and sabotage carried out by bureaucrats and officials in the interest of their former masters so that such cases are speedily exposed and the culprits punished.

Sovereign Constituent Assembly

5. The Provisional Government, backed by the entire people in revolt, shall proceed to convene a sovereign and democratic Constituent Assembly, based on adult suffrage, proportional representation and the self-determination of national units.

Democratic Solution of Pakistan and Indian Unity

6. Differences between the Indian National Congress and the All-India Muslim League, on the question of Indian unity and Pakistan, should be resolved by the vote of the people through the democratic application of the principle of national self-determination in the following manner:

i) The setting up of a Boundary Commission which proceeds immediately to redemarcate the existing provinces and States, so that each such redemarcated unit, together with the contiguous States or parts of States, forms the unified homeland of a linguistically and culturally homogeneous people, and India is regrouped in national units such as Kerala, Karnatak, Andhradesha, Tamilnad, Maharashtra, Gujerat, Rajasthan. Hindustan, Bihar. Orissa, Bengal, Assam, Sind, Baluchistan, Punjab, Pathanland and Kashmir.

ii) The recognition of the right of self-determination for provinces redistributed as new national units by the Boundary Commission. The people of each such unit (and to begin with, the people of the redemarcated provincial part thereof) will have the unfettered right of self-determination, i.e., the right to decide by the plebiscite of the entire adult population, whether they will join the Indian Union or form a separate state. Such plebiscites will be taken, wherever demanded, before a Union Constitution is actually framed.

The endeavour of the sovereign Constituent Assembly should be to create a free Indian Union of national democratic republics—in which each constituent national republic will be free, equal and sovereign, and will have the right to secede.

Indian States

7. This Constituent Assembly declares that the retention of 584 feudal autocrats ruling over one-third of the country, is completely inconsistent with the principles of democracy and demands that popular interim governments be formed at once in each one of these States; each of these governments should call a Constituent Assembly based on adult suffrage and proportional representation, to establish a democratic Constitution and to decide the future status of the ruler. The same Constituent Assembly should elect delegates to the All-India Constituent Assembly. The people of every State shall decide by a plebiscite, whether the State as a whole or its corresponding part, as the case may be, merge with the adjoining province inhabited by the people of the same nationality.

Fundamental Rights

8. This Constituent Assembly declares that the recognition of the following Fundamental Rights and Principles should be the basis of the Constitution framed by the sovereign Constituent Assembly, convened as above;

i) *Right to bear arms.*

ii) *Land to the tiller.* Abolition of landlordism and all intermediary interests between the tiller and the state.

iii) *Right to work*, ensured by the rapid and all-round industrialisation and the nationalisation of all key industries, big plantations, mines, means of transport and communication.

iv) 8-hour day; 40-hour week; guarantee of living wage; equal pay for equal work : insurance against unemployment, sickness and old age; decent housing for all employees and other measures of social security; free compulsory education for all : equal rights for women.

v) Right of association and organisation, right to strike, right of freedom of press and speech.

vi) *Rights of Minorities:*

— All interspersed minorities in the new national units formed, will have the rights regarding their language, education and culture guaranteed by statute, whose infringement would be punishable by law.

— All disabilities, privileges and discrimination (such as untouchability) based on caste, race or community, shall be abolished by statute, whose infringement would be punishable by law.

— In order to ensure that all communities and political parties get their due representation in all legislative and executive organs, the voting in all elections would be by adult suffrage and joint electorate with proportional representation.

— Rapid advancement of backward communities and tribes in economic welfare, education and culture so as to bring them to the level of the rest of the population, must be the first charge on all governments and administrative organs.

9. This Constituent Assembly calls upon the Indian people, irrespective of caste and creed, to stand behind the Provisional Government in the fulfilment of these tasks and in assertion of their Declaration of Independence, to resist unitedly all attempts of the imperialists to thwart the people's will.

MEMORANDUM OF THE COMMUNIST PARTY OF INDIA TO THE BRITISH CABINET MISSION

1. Declaration of Independence

The foremost desire of all Indians today is the immediate ending of British rule which has meant for them economic degradation and political slavery. Two centuries of British rule with its record of brutal suppression of the Indian people and of famine, destitution and poverty for the mass of people has convinced every Indian that there is no decent existence possible for him unless the British overlordship over India is ended. Successive British governments, who have not hesitated to break their pledged word, have shattered the faith of the Indian people in the willingness of Britain to transfer power.

The Communist Party, therefore, will judge the Cabinet Mission only by its practice, and the first proof of sincerity it demands is an unequivocal and unambiguous declaration recognising Indian independence and Indian sovereignty.

In further proof of its sincerity, the British Government should declare its determination to effect within six months the total withdrawal of British troops from all Indian territory, including the States.

Such a declaration should be made and implemented irrespective of the fact whether India's political parties have settled their differences. The question of Indian unity is an internal question to be settled by the people themselves. It cannot be made an excuse for the refusal of Britain to transfer power. The withdrawal of British troops and the recognition of India's sovereignty must begin forthwith and the following measures should be taken to achieve the same:

2. Transfer of Power

Establishment of Provisional Government, based on main popular parties. We think that the best course would be an agreement between the Congress and the League for parity in the Government and for adequate representation to minorities.

All the powers vested in the British Government and the King Emperor, as the paramount and sovereign power *vis-a-vis* the Indian States, and the present Indian Government as well as all special powers vested in the Viceroy and the Governors, must be forthwith ended. This alone will enable the Provisional Government freely to negotiate with the British Government on the basis of equality and to be in a position to deal with the question of the Indian Princes and the States, and their future place in a free India.

3. Functions of the Provisional Government

i) The main task of the Provisional Government will be to convene a Constituent Assembly within six months of its establishment and ensure that the elections to the Assembly are free and democratic.

ii) The Provisional Government would be responsible to the Constituent Assembly when the latter comes into existence, as stated below, and in the meanwhile, it would not lie within its competence to commit India to any political, economic or military treaty with any power.

iii) The Provisional Government should prepare a treaty to be negotiated with the British Government for the prompt payment of sterling balances and mutual trade

relations, subject to its final ratification by the All-India Constituent Assembly.

4. Constituent Assembly

It is the right of the Indian people to frame their own Constitution and it is in the Indian people alone that full sovereignty is vested.

The Constitution-making Body envisaged by the British Government is undemocratic, as it will be formed by election of delegates by the members of the Provincial Assemblies, on the basis of indirect election. The existing Provincial Assemblies, based on a narrow franchise, keep the vast majority of the people out of power.

The Provisional Government shall, therefore, convene the Constituent Assembly on the basis of adult franchise and of the recognition of the right of self-determination for provinces, reconstituted as new national units (as explained below) .

5. Self-Determination

The acute differences between Congress and the League on the issue of Constituent Assembly can only be settled by the just application of the principle of self-determination.

We suggest that the Provisional Government should be charged with the task of setting up a Boundaries Commission to redraw the boundaries on the basis of natural ancient homelands of every people, so that the redemarcated provinces become, as far as possible, linguistically and culturally homogeneous national units, e.g., Sind, Pathanland, Western Punjab* The people of each such unit should have the unfettered right of self-determination. i.e.. the right to decide freely whether they will join the Indian Union or form a separate sovereign state or another Indian Union.

The elections to the Constituent Assembly should, therefore, be based on recognition of this fundamental right, and during the elections the question of separation or union should be put by the political parties to the people. The delegates elected from each national unit shall decide by a majority whether they will join the All-India Constituent Assembly to form an Indian Union or remain out and form a separate sovereign state by themselves or join another Indian Union.

The Communist Party stands for a free, voluntary, democratic Indian Union of sovereign units. It is firmly convinced that the best interests of the Indian masses will be served by their remaining together in one common Union, in a common brotherhood to defend the freedom and solve the problems of poverty which require the co-operation of all. It is only on the basis of the application of the principle of self-determination, as indicated above, that Indian unity can be preserved.

6. Indian States

The Indian people are determined to put an end to the Princes' autocracy which holds sway over one-third of India. Indian freedom and Indian democracy will have no meaning—in fact, they will be constantly endangered—if one-third of India is allowed to remain under the yoke of these mediaeval autocrats. The Princes are the creation of the British Government; they have been in the past, and are even today, maintained by

* The following are the national units that will come into existence after redemarcation of the boundaries, as suggested above, and after the dissolution of the Indian States, as contemplated under Section 6: Tamilnad. Andhradesha, Kerala, Karnatak, Maharashtra, Gujerat, Rajasthan, Sind, Baluchistan, Pathanland, Kashmir, Western Punjab. Central Punjab, Hindustan, Bihar, Assam, Bengal, Orissa.

British bayonets as a useful prop to British rule. India regards the so-called treaties and obligations of the British Government as merely a conspiracy against Indian democracy. There should be, therefore, no question of inviting the Princes to share power in the Interim Government, or of allowing them a share in determining the decisions of the Constituent Assembly.

The peoples of the Indian States, therefore, have the same rights and franchise as the rest of the Indian people. The people of each State should have the full right to decide through a freely elected Constituent Assembly whether they should join the Indian Union as a separate province or join any particular reconstituted province, inhabited by people of the same nationality.

7. Civil Liberties

Normally, when the independence of a country is to be discussed, an essential precondition to the opening of discussions should be the restoration of complete civil liberties and a general amnesty for all political prisoners. The Communist Party has noted that whatever is being done at present is full of hesitation and discrimination.

The Communist Party, therefore, demands :

i) The immediate release of all political prisoners including those convicted of terrorist offences and in particular the Bengal pre-reform prisoners, many of whom have been in jail for more than fifteen years.

ii) The immediate release of all Indians belonging to the Army, Navy and Air Force who have been imprisoned or convicted in connection with the recent strikes.

iii) The immediate release of all soldiers of the Azad Hind Foj (Indian National Army) still in prison and of all Indians in the Armed Forces who, during the past six years, have been convicted or detained on account of their political activities.

iv) The immediate lifting of the ban on all political parties (e.g., Congress Socialist Party, Forward Bloc, etc.) that still remain illegal.-

v) The immediate restoration of full civil liberties to the entire people, including the cessation of arrests of political workers and of demands from newspapers for security, etc.—actions which, in particular, are being increasingly directed at members and newspapers of the Communist Party.

8. Conclusion

The Communist Party is of the opinion that only if the British Government proceeds along the lines laid down in this Memorandum, will it be able to achieve a stable, democratic settlement between the Indian people and the British people on the basis of equality thus solving one of the knottiest problems of world security and peace among peoples.

Any attempt, however, to exploit the differences among the Indian people, to impose an arbitrary partition, and to retain the Princes in order to perpetuate British domination, will be resisted by the Indian people with all the strength at their command.

*April 15, 1946,
Bombay.*