

# LA MARTINIÈRE MODEL UNITED NATIONS, 2023



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THE DECENNIAL EDITION

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CONSTITUENT ASSEMBLY OF THE  
DOMINION OF INDIA, 1947

BACKGROUND GUIDE

PRINTABLE FORMAT

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# Letter from the Executive Board

Dear Delegates,

On behalf of the Executive Board of the Constituent Assembly of the Dominion of India, we extend our heartfelt welcome to this historic endeavor. The legacy of our founding fathers and the aspirations of millions rest upon your shoulders as you embark on this noble task. We expect you to embody sagacity, integrity, and inclusivity in shaping our nation's future.

Your deliberations must transcend personal biases, champion social justice, and safeguard individual liberties. We anticipate a spirited discourse that transcends partisan divisions and fosters consensus. Each proposal should uphold the tenets of democracy, secularism, and equitable representation.

As torchbearers of our nation's destiny, we trust in your wisdom to draft a constitution that not only mirrors our diverse ethos but also charts a course for a just, progressive, and harmonious India. Let the ideals of unity in diversity guide your pens.

Sincerely,

Executive Board

Constituent Assembly of the Dominion of India



# Introduction

In the midst of a significant upheaval marked by extensive bloodshed, societal unrest, riots, and political instability, the British India is not only on the cusp of achieving its long-awaited independence but also anticipates the tragic division along communal lines into the Dominion of India and the Dominion of Pakistan. This division involves over 565 princely states, each facing the choice of affiliating with either of the dominions or pursuing independent statehood.

Beginning in the early 1940s, the demand for a separate Muslim state has culminated in the birth of the Dominion of Pakistan, accompanied by widespread civil unrest, characterised by numerous cases of violence, murder, vandalism, sexual assaults, and other horrific crimes. Concerning the princely states, some have already made determinations to align with one of the two dominions, while others contemplate establishing themselves as autonomous entities.

It is essential to underscore that the long-awaited independence and partition of British India are slated for August 15, 1947. Therefore, although this committee bears the paramount responsibility of formulating the Constitution of India, each member is acutely aware of the imperative to mitigate losses as the British Empire declares independence, an event awaited for centuries. This responsibility entails crafting a constitution that meticulously represents the interests of every community, irrespective of its size.

**Furthermore, it is pertinent to note that the designated freeze date for this conference is July 21, 1947.**



## About the Committee

The Constituent Assembly of India was formed in response to the need for framing a comprehensive and inclusive constitution for a nation that is going to achieve its independence after centuries. It was essential to establish a constitutional framework that would govern the country's political, social, and economic structures, while upholding principles of democracy, justice, and equality. The Constituent Assembly has been tasked with the monumental responsibility of drafting the Constitution of India, ensuring that it reflected the aspirations and values of a diverse and pluralistic society, along with providing a solid foundation ourselves.

The inaugural meeting of the Constituent Assembly of India convened on December 9, 1946, and its principal agenda was the adoption of the Objectives Resolution. This pivotal resolution delineated the foundational principles and philosophical underpinnings that would undergird the forthcoming Constitution of India.

Subsequently, the Constituent Assembly has maintained a steadfast commitment to scrutinizing the intricate intricacies of the impending constitution. However, given the imminence of British bestowal of independence upon our nation within a month's time, it is paramount to engage in discourse concerning the requisites and aspirations of the princely states. It is sanguinely anticipated that these princely states, in concert with the Dominion of India, will partake in the formulation of an illustrious India—an India that attentively hearkens to every voice and equally extends its mantle of citizenship to all its constituents.



# Historical Background

## **A. Situation in the Early 1940s**

In the early stages of the Second World War, the Allies in general and the United Kingdom in particular were facing huge losses, that were beginning to severely impact their economies as well as their overall morale and their war efforts. The early to mid- 1942 especially, went down as one of the darkest periods in the history of the United Kingdom, with multiple losses being reported from near and afar, be it in the form of military defeats, especially in the Malaya- Singapore region and in the Tobruk region in Libya, or in the form of other bitter losses, like the Dunbeath air crash, which resulted in the death of Prince George, the Duke of Kent. After the fall of Singapore in February 1942, the A.B.D.A. Command was dissolved, resulting in the resignation of Sir Archibald Wavell as the Supreme Commander of the ABDACOM, who was then given the responsibility of the defence of Burma as the Commander-in-Chief of the Indian forces, until June 1943.

Meanwhile, along with the August Offer in the year 1940 proposed by the then Viceroy and Governor-General of India Victor A. Linlithgow, it was during the Cripps Mission, sent by the British government to India in March 1942, when the British first gave any concrete signs of granting the Indians independence. Even though the Cripps Mission had failed miserably, it served as one of the primary causes behind the creation of the Dominion of India, as well as the Dominion of Pakistan, with Mahatma Gandhi launching the Quit India Movement merely months later, when the Second World War was roughly at its peak.



The primary objective of the Cripps Mission was to gather Indian support and cooperation during the testing times of the Second World War, following the suggestions from the key allies of the United Kingdom, like the United States and the Republic of China.

However, the British atrocities that were committed against India didn't cease by any margin whatsoever. The Bengal famine of 1943 resulted in thousands of deaths, with the region not only facing a severe food crisis but also the effects of the World War, as air raids were conducted by the Japanese on Calcutta and there was hardly any concrete response from the Allies. Furthermore, the former Prime Minister of the United Kingdom, Winston Churchill, denied the requests for food imports for the people of Bengal, even though the requests were made by the then high-ranking British officials, like General Claude Auchinleck, who was serving as the Commander-in-Chief of the British forces in India, the former Viceroy and Governor General of India, Victor A. Linlithgow or even Admiral Louis Mountbatten, who was then serving as the Supreme Commander of the South- East Asia.

With Subash Chandra Bose also actively involved in the Second World War, he set up the 'Azad Hind' government at Port Blair with the assistance of the Japanese, as they attacked the Port of Kolkata in December 1943 and Imphal in March 1944. In the following years, as the British forces and officials were occupied in the Second World War, the demand for independence was only gaining more popularity across the entire India. The British forces in 1944, managed to drive out the Japanese forces, that had attacked various regions of Eastern India, as planned under Operation U- GO. The Japanese forces were driven out of India after the Battle of Kohima, which followed the Battle of Sangshak.



The surrender of the Japanese Empire was announced by Emperor Hirohito on August 15, 1945, roughly a few months later, with the Emperor agreeing to the terms of the Potsdam Declaration. Subash Chandra Bose has been presumed dead in a plane crash that occurred three days later, on the island of Taiwan.





## **B. Recent Developments and the Referendums of Sylhet and NWFP**

Following several events like the Royal Air Force Mutiny in the early months of 1946 as well as various hartals in Calcutta and Bombay, the British had finally agreed upon granting independence to India, the initial signs of which were visible in the form of the Atlee government sending a Cabinet Mission to India, comprised of the following members:

- I. The Right Honourable Frederick W. Pethick-Lawrence, the Secretary of State for India and Burma,
- II. Sir Richard Stafford Cripps, the President of the Board of Trade and
- III. The Right Honourable Albert V. Alexander, the First Lord of the Admiralty.

While the British had already begun with the formal processes of granting the Indians, absolute independence, various riots had begun to emerge across the entire British India, ranging from Direct Action Day in Calcutta to the more recent Rawalpindi massacres.

In February 1947, the Prime Minister of the United Kingdom, Clement Richard Atlee, announced in the House of Commons that the transfer of power will take place in India by June 1948 and that the fate of the princely states will be discussed after deciding the date on which India would be granted independence. With this, Lord Louis Mountbatten was appointed as the Viceroy and Governor-General of India, on the 21st of February, 1947.

As soon as Mountbatten arrived in India, he began with the negotiations between the Congress and the Muslim League, regarding the Pakistan demand.



Meanwhile, Sir Cyril John Radcliffe was appointed as the chairperson for the boundary commissions for Bengal and Punjab.

With the rise in communal tensions in Punjab, Maharaja Hari Singh is said to have strengthened the security of the border regions that the princely state of Jammu and Kashmir shares with Punjab. Meanwhile, Lord Mountbatten attempted to stop the partition of Bengal and carry on with the partition of the Muslim-majority Kashmir, which was met with a sharp disagreement from the Maharaja, as well as the eminent leaders of the Congress. Furthermore, in late April 1947, Mountbatten stated during his visit to the North-West Frontier Province that a referendum is to be held very soon, to decide whether the region will join the Dominion of India or the Dominion of Pakistan. This was opposed by the Khudai Khidmatgars under Abdul Ghaffar Khan. Later, the Khudai Khidmatgars even advocated for the creation of a Pashtunistan, or the merging of the provinces into Afghanistan but this demand of theirs, primarily as part of the 'Bannu Resolution (presented: June 21, 1947)' was declined by the British, leading to the boycott of the NWFP Referendum by the Khudai Khidmatgars as well as several Pashtun tribes, that was later conducted in July 1947. The result of this referendum was announced on July 20, 1947, with the majority voting in favour of joining the Dominion of Pakistan.

On May 17, 1947, the former Maharaja of Tripura, Bir Bikram Bahadur passed away and was succeeded by his son, Maharaja Kirit Bikram Kishore Deb Barman, who is only thirteen years of age as of now. The affairs of the state of Tripura are currently looked after by the regent, Maharani Kanchan Prava Devi.



The month of May was to bring more hardships as the riots that had broken out in Punjab were now spreading to Bengal, amidst the talks over the partition of Bengal and the illegal plebiscites that were conducted. Following this, the Sylhet referendum was conducted in the Assam Province, to decide whether this district wishes to remain in the Undivided Assam region or join the Dominion of Pakistan. The Sylhet region chose to join East Pakistan, with a comparatively narrow margin of votes.

The Mountbatten Plan that was announced on June the 3rd, 1947, stated that the two newly formed states, India and Pakistan, will be given a dominion status, with them having the option of creating their own constitution. According to the Mountbatten Plan, the two dominions would be the Dominion of India, which shall be a Hindu majority state, with the other one being the Dominion of Pakistan, with predominantly a Muslim majority.

The princely states on the other hand were suggested to join either of these two dominions, depending upon the pretext of the geographical status and the choice of the people of the princely states. The constitution framed by the Constituent Assembly would cease to apply in the regions that would fall under Pakistan. Meanwhile, Sir Radcliffe has arrived in India, during the early days of July, 1947, to decide the borders.

**Lord Mountbatten is to hold a meeting shortly, with the Chamber of Princes.**



# Indian Independence Act, 1947

Receiving the royal assent of July 18th 1947, The Indian Independence Act of 1947, was a watershed moment in the annals of colonial history, heralded the culmination of India's arduous struggle for emancipation from British colonial rule. This landmark legislation not only served as the legislative bedrock for creating two distinct dominions, India and Pakistan but also crystallized the intricate process of decolonization, etching an indelible mark upon the geopolitical landscape.

The act's overarching objective was the relinquishment of British suzerainty over the Indian subcontinent. It enshrined the principles of self-determination and sovereignty, wherein the Indian populace's aspirations for autonomous governance were granted substantive expression. This was achieved through the establishment of two self-governing entities, India and Pakistan, each endowed with the prerogative to draft their respective constitutions, a testament to their newfound agency.

In the run-up to this historic juncture, the Mountbatten Plan, propounded by the last British Viceroy, Lord Louis Mountbatten, elucidated a blueprint for partition along religious lines, predominantly to assuage mounting communal tensions. This edifice of division, however, bore the seeds of a cataclysmic human exodus and inter-communal violence, resulting in an unprecedented humanitarian crisis with seismic ramifications.



The act delineated the contours of sovereignty by extricating the British Parliament's authority to legislate for the two dominions. Additionally, the British monarch's position as the symbolic sovereign of India was preserved, albeit in a titular capacity, symbolizing a ceremonial vestige of imperial power. This entailed the cessation of British paramountcy in India's princely states, thereby endowing them with the discretion to affiliate with either India or Pakistan, a decision pregnant with ramifications for the subcontinent's territorial integrity.

Integral to the act's mosaic is the bifurcation of financial assets and obligations between the two nascent dominions. It has been briefly discussed in section 9 of the Indian Independence. The delicate task of apportioning debts and assets was undertaken to ensure a modicum of economic stability for the fledgling nations. This fiscal disentanglement was further emblematic of this document's commitment to a seamless exit strategy, albeit one that was laden with its own set of intricacies.

Paradoxically, while the Indian Independence Act ostensibly proffered liberation, it perpetuated certain vestiges of colonial legal frameworks. The Government of India Act of 1935, a legislative scaffold underpinning colonial governance, was adopted, with selective amendments, as the provisional constitution for the dominions. This hybrid arrangement was a pragmatic expedient to ensure continuity in governance during the critical transition period.

The act's unequivocal ramifications extended beyond the subcontinent's borders. The fracturing of the British India into the dominions of India and Pakistan also kindled discussions on the future of princely states. With the possibility of accession to either dominion, the princely states engaged in intricate diplomatic negotiations.



In the denouement, the Indian Independence Act of 1947 was emblematic of decolonization's multifaceted tapestry. Its nomenclature belied its profound implications, as it not only catalyzed the establishment of two sovereign dominions but also unraveled the complexities of partition, princely states, and post-colonial legal continuity. While it extricated the Indian subcontinent from the clutches of colonialism, it was not without its pitfalls, encapsulating the intricate dialectic between liberation and the legacy of colonialism.



# Understanding Section 9 of the Indian Independence Act, 1947

Section 9 of the Indian Independence Act of 1947 is subdivided into six sub-sections, each elaborating on the procedural aspects of the Act's implementation within the Dominion of India (and the other dominion(s) that are to come into existence). The Act confers various powers and authorities upon the Governor-General of India to facilitate a smooth transition of power. Additionally, this section extends certain powers to the Governors of individual provinces that are set to dissolve in accordance with the Act's provisions.

This clause also places considerable significance on the date of the announcement of the Mountbatten Plan, as it stipulates that any order issued by the Governor-General or any Governor on or after the 3rd of June 1947 shall take effect accordingly. Furthermore, these orders shall hold sway not only within British India until independence is granted but also within the Dominion of India and any other relevant dominions, after the appointed date (i.e. the 15th of August, 1947), both within and beyond these specified regions. However, it is worth noting that these orders may be subject to repeal or amendment in accordance with the legislation of the respective dominions.

Moreover, Section 9 of the Indian Independence Act of 1947 stipulates that in the event that a portion of the present province of Assam is to be incorporated into the emerging province of East Bengal, the earlier provisions, i.e., the preceding sections of this Act, shall be applicable as if the Province of Assam were to cease to exist on the 15th of August, 1947, and would be subsequently reconstituted as a new province.





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