



Office acceptance controversy in congress majority provinces (1937)

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Abstract

This empirical research based paper attempts to study the office acceptance controversy in Congress majority provinces in 1937 initiated by the Provincial legislative elections conducted under the Act of 1935. The colonial bureaucratic structure was keen to remain clung to its untenable control over the provincial Governments on the flimsy excuses of special powers and safeguards of the Viceroy and Governors. Stalemate persisted for some time and finally settled with the clarification of the Viceroy paving way for the operation of Provincial autonomy. Its introduction saw the engendering of self government at the provincial level and enhancement of the stature of Congress. In order to diagnose the theme analytically and comprehensively, private papers of the Viceroy, the Secretary of State for India, Government of India's Home Department's Fortnightly Reports, constitutional documents, reminiscences, biographies and autobiographies of eminent personalities of the time and standard research works related to the theme have been consulted.

Keywords: government of India act 1935, office acceptance controversy, provincial legislatures, Indian national congress, election results, imperialistic structure, viceroy's statement etc.

1. Introduction

Government of India Act of 1935 engendered Provincial autonomy in British Indian provinces as a result of which provincial legislative elections took place in 1937. Congress came out as the largest party in seven provinces but refused to constitute the governments so long colonial government did not give satisfactory solution to the clause of safeguards and special powers of the Viceroy and Governors armed for intervention. Stalemate was settled with the Viceroy's explanatory note.

2. Objective of Study

The main purpose of the study is to spot that how the colonial government in British India was adamant to interfere in the working of Congress governments on the flimsy grounds of the special powers of the Viceroy and Governors which generated office acceptance controversy.

3. Materials and methods

Contemporary Government of India Home Department's Fortnightly Reports, Private papers of the Viceroy and the Secretary of State for India, related documents and contemporary periodicals available at National Archives of India, New Delhi, were utilized to get ready this research oriented monograph. Historical research methodology has been practiced in order to give the theme an objective look. Primary and secondary sources have been exhausted to have a fair and wide-ranging picture of the subject.

4. Discussion

The Government of India Act of 1935 was the starting point of Indian democracy. The British had realized that they could no longer refute the voted representatives of the people the right

of being connected with the administration of the country though it might be in small quantity. The potency of the national movement impelled them to do something in this regard. The Act envisaged an All India Federation at the federal level containing British India and Princely India and conferred of provincial autonomy on British Indian Provinces with the Governors empowered to exercise a supervisory role. The first part of the Act was rejected by the Congress as it symbolized the predominance of autocracy against democracy and it, however, accepted Provincial Autonomy which was to initiate its operation in the Provinces on 1st April, 1937. It was argued by the colonial Government that it was an attempt to introduce responsible Government at the Provincial level. Dyarchy initiated through the Act of 1909 was swept away and was to be replaced by a system of popular governments appointed by the Governors but be responsible to popular elected assemblies. Chief Ministers or Premiers were enshrined to be the effective heads of provincial administration and Governors were enjoined to intervene with action only if their reserved powers were not invaded. The Governors were vested with special powers for the discharge of their special responsibilities in regard to the tranquility of the province, the protection of the legitimate interests of minorities, and the continuance of the administration in the event of a breakdown of the machinery of self – government, other safeguards preserved the rights of the all- India services and their control by the Secretary of State. These powers may be described as the provision of a reserve engine allegedly to be used by the Colonial government in the event of the so called breakdown of the new constitutional machine or a strike of its new engineers. On the flimsy excuses the Governors were constitutionally empowered to intervene in the working of the constitutionally elected governments to negate their

nationalistic activities^[1]. It generated suspicion in the minds of Congress leaders and resultantly stalemate unleashed. Indeed British Government's policy in India was to appease and stifle the Indians in a one way and the other when they were making echo for sovereignty and when they would wage relentless struggles against the colonial slavery. The Acts of 1861, 1892, 1909, 1919, and 1935 were some halfhearted constitutional measures to conciliate to some extent to Indians through which the British tried to stem emerging discontent in India. To certain amount the Act of 1935 played its part, not only in tiding over the transition without resort to violence, but in the restoring of goodwill between the Indian and British people though nationalists were absolutely cynical with the colonial constitutional guiding principle. Implementation of 1935 Act was also an attempt to stalk the hurricane of nationalistic fervor, the tide of which was sweeping the country. Office acceptance controversy in Congress Legislature majority provinces in the 1937 was borne out of the colonial instinct to remain clung to the bureaucratic constitutional special Viceroy's and Governors' powers to exercise control to throttle the proposed self governing process in British Indian provinces. Indirectly Government of India Act of 1935 however laid the foundation of modern democratic system along with the responsible Government at least at the provincial level in India and evolution of parliamentary self government in the provincial field was discernible. Though provinces were made *liberated* from the control of the Centre but provincial jurisdictions were subject to safeguards and special responsibilities of the Viceroy and Governors eventually culminating in office acceptance deadlock.

In March 1936 Mahatma Gandhi arrived from Europe and Jawaharlal Nehru, veteran Congress leader, told him that he did not have any faith in Act of 1935. He stoutly declared in the Congress session on 12th April 1936 at Lukhnow "*Independence cannot be given.*" It could not be achieved through the Government of India Act (1935) and termed it a "new charter of *slavery*", designed to perpetuate the hold of the British imperialism in India. It must come by means of a democratic constituent assembly. The provinces were given a spurious autonomy^[2]. Nehru was soft for the provincial part of the Act and remarked that when the provincial part of the India Act came into force, the Congress should certainly contest the elections to the legislatures, but on no account must Congressmen take office. "*To accept office and ministry,*" he cautioned, "*under the conditions of the act is to negative our rejection of it. It is always dangerous to assume the responsibility without power. It will be far worse with this constitution, hedged in with safeguards and reserved powers and mortgaged funds*"^[3]. Nehru's statement was prelude to office acceptance hullabaloo to be generated in near future. Congress Working Committee at Faizpur adopted most of the resolutions sponsored by Jawaharlal Nehru, but on the main issue, namely, the new Government of India Act, it condemned the act, resolved to contest the Legislative Assembly elections in the eleven British Indian Provinces on the basis of a manifesto to be prepared; and on the question of acceptance of office, the Congress left it to be decided at the proper time by the A.I.C.C^[4]. After the Indian National Congress session at Faizpur over, leaders plunged themselves

into electioneering^[5]. In December 1936 as President of Indian National Congress JL Nehru said, "*We go to the Legislatures not to cooperate with the apparatus of British imperialism but to combat the Act and seek to end it ... We are going to the Legislatures to pursue the path of constitutionalism or barren reformism*". This statement showed what type of attitude he would adopt after the elections on the cardinal issue of office acceptance in the case of Congress victory^[6]. Earlier Bhulabhai Deasi, another senior Congress leader, in a letter to his family from Delhi on 2nd April, 1936, discussed the viewpoint of Congress leaders on contesting elections and office acceptance: "*..... Pandit Jawaharlal personally is definitely opposed to office acceptance, though it is not certain what attitude he will adopt if the majority of the Congress votes against this view. The group represented by Rajen Babu, Vallabhbbhai is for office acceptance as a means to end it*"^[7]. With the election of Mohammad Ali Jinnah as President of Muslim League, the League appointed a Central Parliamentary Board to direct the provincial elections^[8].

The termination of the Civil Disobedience movement in 1934 caused serious discord in the Congress. Dissention gave way to the emergence of Congress Socialist Party in May 1934 with socialist and leftist leaning elements rallied round it. It tried to check the dominance of right wingers in the Congress. The Act of 1935 gave a chance to both wings to climax the cleavage in the next official meetings of Congress. Provincial legislative elections to be conducted in British Indian eleven provinces in February 1937 with a view to inaugurate Provincial autonomy under the Act of 1935 gave a chance to the both wings of Congress to go against one and other. This divide was sharpened on the issue of contesting provincial elections and office acceptance. The rifted was avoided at the Lukhnow Congress session in 1936 where the majority of the delegates, led by Rajendra Prasad and Vallabhbbhai Patel, with the blessings of Mahatma Gandhi, came round the view that participation in the elections and subsequent acceptance of office in the provinces under the Act of 1935 would help boost the flagging morale of the Congress, at a time when direct action was not an option. The AICC meeting (August) in Bombay decided in favour of contesting the election, but deferred the pronouncement on office acceptance until the ballot vote over^[9]. The extent to which the Congress had spread its organization through Gandhi's constructive programme was revealed by its electoral campaign. Virtually every village of any size had its Congress office and flag. National awakening penetrated in every village. The campaign itself, the meetings and processions, the speakers and the slogans, stirred the countryside into ferment such as it had never before experienced. Jawaharlal Nehru shot like an arrow and covered 50,000 miles in less than five months and addressed over ten million people. "*Let every voter, man or woman, do his or her duty by the country and vote for the Congress,*" he stated. "*Thus we shall write in millions of hands our flaming resolve to be free.*" His average working day ranged from twelve to eighteen hours, and on one occasion he dragged his weary body through engagements for twenty-three hours without rest. Many of the voters were illiterate and coloured boxes were used for voting instead of ballot papers. For them the Congress war cry was 'Vote for Gandhi and the

yellow box.' Gandhi kept himself aloof from electioneering and devoted himself only to constructive work ^[10]. The full results of the general elections to the provincial legislatures conducted in February 1937 were out. The elections conclusively demonstrated that a large majority of Indian people supported the Congress which swept the polls in most of the Provinces. It testified solidarity and popularity of Congress with the masses. The results of the elections of in 1937, for which both the right and left wingers campaigned jointly, were finally turned out, outstanding and remarkable in the annals of Congress. The Congress was returned as a majority party in six out of the eleven provinces and as the reckoning single party in all. The significance of the Congress total of 715 seats was the more marked because out of the nominal total of 1,585 seats, there were only 657 seats open to general competition and not earmarked for some special section. The Congress secured absolute majorities in Madras and Bombay, the United Provinces and the Central Provinces, Bihar and Orissa. In Assam it was the strongest party with 35 seats out of 108. The striking result was in Madras, where the Justice or anti-Brahmin Party, which had been in unbroken control of the legislature since 1922, obtained only 21 seats in the lower house against the Congress' 159. In the predominantly Muslim Frontier Province, Congress candidates were elected to 15 of the 36 seats reserved for Muslims, while the Muslim League was not able to win a single seat. In Bengal the Congress won 60 seats out of 250. In the Punjab the Congress won only 18 seats out of 175 and in Sind 8 out of 60. The Liberal Party was wiped out; the Democratic Swaraj Party opposed the Congress without success. The Hindu Mahasabha failed absolutely. The Muslim League's showing was poor, especially in the predominantly Muslim provinces,— only four per cent voted for Jinnah and his League. Out of a total of 485 Muslim seats, the Muslim League was able to capture only 108. In 1937 the Muslim League had made 'danger to Islam' from the 'Hindu Congress' its campaign theme, only to be rejected by the Muslims ^[11]. In the Punjab and Sind, the Muslim League failed completely; in Bengal it met with only partial success. Congress also met with failure in Punjab, Bengal and Sind. The weakened influence and the declining popularity of the Congress Party along with disunity in its ranks in Punjab were the reasons for this failure. It could muster only 10% of the votes in the Punjab ^[12]. Congress victories made a very profound impression in Great Britain. *The Times* (London) was compelled to abandon its unfair treatment of the Congress as an "insignificant minority" and now wrote: "The elections have shown that the Congress Party alone is organized on more than a provincial basis. Its record of success has been impressive and, though it owes much to its excellent organization and to the divisions and lack of organization of the more conservative elements, these factors alone do not explain its numerous victories. The party's proposals have been more positive and constructive than those of its opponents. The party has won its victories on issues which interested millions of Indian rural voters and scores of millions who had no votes ^[13]." The elections, of February 1937, conclusively demonstrated that a large majority of Indian people had an unflinching faith in the Congress ^[14].

At the end of February 1937 Congress Working Committee

met at Wardha and congratulated the nation on its response to the call of the Congress and also predicted apprehension of conflict when Congress accepted office: "The committee realizes the high responsibility with which the nation has charged it, and it calls upon the Congress organization and, in particular, the newly elected Congress members of the legislature to remember always this trust and responsibility, to uphold the Congress ideals and principles, to be true to the faith of the people and to labour unceasingly as soldiers of Swaraj for the freedom of the motherland and the emancipation of her suffering and exploited millions." The committee declared that the primary allegiance of Congressmen, as well as all other Indians, was to the Indian people, and the oath of allegiance, in order, to enable participation in the work of legislatures, did not affect in any way this primary duty and allegiance. It reminded Congress legislators that "all effective work in the legislatures must have the sanction of the people behind it and, therefore, all work in the legislatures must be co-ordinated with Congress activity outside. Congress parties in the provincial assemblies must not enter into any alliances with other groups in the assembly without the permission of the Working Committee. Congress members should press for the carrying out of the Congress programme as enunciated in the election manifesto and its agrarian resolution. Under the existing act with all its safeguards and special powers in the hands of the Viceroy or the Governor and its protection of the services, the deadlocks are inevitable. They should not be avoided when they occur while pursuing Congress policy." Gandhi also participated in the deliberations of Congress Working Committee ^[15]. Congress Working Committee's meeting at Wardha with Mahatma Gandhi playing crucial part, conversations centered round whether the Congress members would agree to office acceptance in the Provinces where they were in majority. It is believed that his presence was specially secured to avoid any unpleasant controversy on the office acceptance issue, which might otherwise had led to split. The majority of the members favoured office acceptance. In this they were aided by the presence of Mahatma Gandhi, who impressed upon the Congress Working Committee that, since Congressmen had entered the Legislatures, they must demonstrate to the masses in general and the electorate in particular, by practical experiment that the new constitution was incapable of giving them any substantial relief and it only deserved to be wrecked and replaced by a genuinely democratic one, framed by the people's own representatives. Mahatma Gandhi was definitely in favour of acceptance and with a view to placate the Socialists, recommended office acceptance on the condition that Government gave an assurance that Ministers would be allowed full scope to use the constitution for the good of the people and that the safeguards and special powers would not be abused by the Governors ^[16]. Mahatma Gandhi was reported to have hinted that the Congress Party might be dishonouring its words to the electorate if it accepted office without receiving any gesture from the Government indicating any change of heart. It also appeared to have suggested that the Governors should not be asked to give "written assurances ^[17]" Congress President J.L. Nehru communicated Rajendra Prasad on 3-3-37: *Leaders and members of Congress Parliamentary parties should remember that we can enter into*

alliances with no other groups, nor can we negotiate with Government or their representatives in regard to our future work in the legislatures. So long AICC has not definitely laid down its directions; no such conversations can serve any useful purpose ^[18].

In the third week of March 1937, Gandhi proceeded to Delhi to attend the meeting of All India Congress Committee at Delhi. Opinion within the Congress leadership was sharply divided on the question of office acceptance. The right-wing leaders maintained that by forming ministries the Congress could improve its position in the fight against the new constitution. Minority opposition from the socialists and some Left nationalists led by Jawaharlal Nehru, SC Bose and the left-wing groups were hostile to taking office ^[19]. After two days' discussion, the A.I.C.C. adopted Gandhi's compromise formula by a vote of 127 to 70. The resolution authorized the acceptance of offices in the provinces where the Congress commanded a majority in the legislature, provided that "the ministership shall not be accepted unless the leader of the Congress Party in the legislature is satisfied and is able to state publicly that the Governor will not use his special powers of interference or set aside the office of ministers in regard to their constitutional activities ^[20]." Finally AICC sanctioned office acceptance by overriding the objections of Nehru and other CSP leaders. Gandhi by taking one of his remarkable compromise positions endorsed the decision, while reposing faith in nonviolence and constructive programme from outside the legislatures. Indeed Nehru's opposition hinged on the basis of argument that by running the provincial governments, the Congress would be responsible for keeping the imperialistic structure functioning and thereby letting would be letting down the masses whose high spirits the congress itself had once helped in boosting up ^[21]. Congress decision of conditional office acceptance engendered new controversy regarding which neither Congress leaders nor the colonial masters in India had so far imagined. Constitutional acrimony went for some time. Congress leaders asking for assurances from the Governors that they would not use their special powers to override ministers "in regard to their constitutional activities." was a sad commentary on the colonial imagined constitutional development of India. Colonial interpretation was that the Governors could not bind themselves not to exercise powers they were bound by law to use in certain contingencies. Yearning among the Congress men, however, was strong to accept the office ^[22]. Towards the end of March, the Governors invited the leaders of the Congress majorities to accept appointment as premiers and to constitute their own cabinets. Each Governor was however asked to give his presumptive premier an assurance drafted by Gandhi, which the latter might make public in the following identical terms, "that in regard to the constitutional activities of his ministers His Excellency will not use his special powers of interference or set aside the advice of the cabinet." These assurances not having been given by the Governors, the Congress leaders expressed their inability to undertake the formation of ministries. The majority party having refused office, a deadlock ensued in six Congress majority provinces, and the Governors appointed interim ministers who had no backing (minorities) in the legislatures. Legislatures themselves were not summoned, as this would have inevitably led to the defeat

of the interim ministries and as of sharpening of the conflict. Over the arena of assurances, a heated public controversy ensued in which Gandhi marked his reappearance in active politics ^[23].

Legal luminaries in India and England began to range themselves on opposite sides. Sir Tej Bahadur Sapru, the Liberal leader, considered the Congress demand as unreasonable, while Professor AB Keith, British constitutional expert, sided with Gandhi and the Congress. The first shot was fired by Philip Henry Kerr (Lord Lothian). Broadcasting from London on the new Indian constitution, he said that the Governors clearly could not undertake not to use special powers. "The correct constitutional course," he said, "is for the Congress when it has a majority, to assume office, formulate its programme of reform and advise Governors that they are prepared to assume the responsibility for the consequences of its policy. Then it will be for Governors to decide whether they will accept the advice or not, and so long as a ministry is prepared to accept the responsibility for the consequences of its policy, it will be most difficult for the Governor not to follow the advice, because to reject it, might be a greater menace to peace and tranquility than to accept it." On March 30, Mahatma Gandhi issued a statement analyzing the deadlock. Confessing himself as the author of the controversial office acceptance clause in the Congress resolution, he said: "My desire was not to lay down any impossible condition. On the contrary, I wanted to devise a condition that could be easily accepted by the Governors. There was no intention whatsoever to lay down a condition whose acceptance would mean any slightest abrogation of the constitution. Congressmen were well aware that they could not and would not ask for any such amendment." "The Congress policy was and is, not to secure an amendment but an absolute ending of the constitution which nobody likes. Congressmen were and are also aware that they could not end it by mere acceptance of the office, even conditional. The object of that section of the Congress which believed in office acceptance was, pending the creation by means consistent with the Congress creed of non-violence of a situation that would transfer all power to the people, to work in offices so as to strengthen the Congress which has been shown predominantly to represent mass opinion." "I felt that this object could not be secured, unless there was a gentlemanly understanding between the Governors and their Congress ministers that they would not exercise their special powers of interference so long as ministers acted within the constitution. Not to do so would be to court an almost immediate deadlock after entering upon office. I felt that honesty demanded that understanding. It is common cause that Governors have discretionary powers. Surely here was nothing extra-constitutional in their saying that they would not exercise their discretion against ministers carrying on the constitutional activities. It may be remembered that the understanding was not to touch numerous other safeguards over which the Governors had no power. A strong party with a decisive backing of the electorate could not be expected to put itself in the precarious position of the interference at will of Governors. "The question may be put in another way. Should Governors be courteous to ministers or discourteous? I hold that it would be distinctly discourteous if they interfered with

their ministers in matters over which the law gave the ministers full control and with which Governors were under no obligation to interfere. A self-respecting minister, conscious of an absolute majority at his back, could not but demand an assurance of non-interference. Have I not heard Sir Samuel Hoare and the other ministers saying in so many words that ordinarily Governors would not use their admittedly large powers of interference? I claim that the Congress formula has asked for nothing more. It has been claimed on behalf of the British Government that the act gives autonomy to the provinces. If that is so, it is not Governors but ministers who are during their period of office responsible for the wise administration of their provinces. Responsible ministers sensible of their duty could not submit to interference in pursuance of their daily duty. "It does appear to me that once more the British Government has broken to the heart what they have promised to the ear. I doubt not that that they can and will impose their will on the people till the latter develop enough strength from within to resist it but that cannot be called working provincial autonomy. By flouting the majority obtained through the machinery of their creation, they have in plain language ended the autonomy which they claim the constitution has given to the provinces. The rule, therefore, will now be the rule of the sword, not of the pen, nor of the indisputable majority. *"Any way that is the only interpretation which with all the good-will in the world I can put upon the Government action. For I believe in the cent per cent honesty of my formula, whose acceptance might have prevented a crisis and resulted on the natural, orderly and peaceful transference of power from the bureaucracy to the largest and fullest democracy known to the world"* [24]."

To accept or not to accept office –that was the question which confronted the Congress. A decision had become imperative. Jawaharlal Nehru and Leftwing strongly urged rejection. But the majority of Congressmen hungered for power after many years in the wilderness [25]. Office acceptance issue was a hotbed of discussion for a few months. Now differences had been cropped up within the leadership of the Congress. Irony was that a section of those who had participated in the elections now opposed assumption of office by Congress nominees. They then argued that, with special powers reserved to the Governors, provincial autonomy had been rendered a mockery and Congress ministries would therefore hold office at the Governor's pleasure. If the Congress wished to carry out its election pledges, a clash with Governor was inevitable. They argued therefore that Congress should therefore try to wreck the constitution from within the Legislature. On this issue also some Congress leaders including Maulana Abul Kalam Azad argued that the powers given to the Provincial Governments should be exercised to the full. If a clash with the Governor arose, it should be faced as and when occasion demanded. It was further stated that without the actual exercise of power, the programme of the Congress could not be carried out. If, on the other hand, Congress Ministries had to go out on a popular issue, it would only strengthen the hold of the Congress on the popular imagination [26].

The Secretary of State for India buttressed the Viceroy to stand by sections of the Act which defined the responsibilities of the Governors and also of the Instruments of Instructions to

them. He also urged him to make it clear that there would be no question of any bargain of this kind between the Congress and themselves [27]. While this debate was going on, interim ministries were formed in all the provinces. These were formed by non Congress and in some cases, anti-Congress elements. Congress indecision about acceptance of office not only indicated divisions of opinion within its ranks, but what is worse it allowed reactionary forces an opportunity to get over the shock of defeat and retrieve lost ground [28]. April 1, the day of inauguration of the provincial autonomy of the Act, was marked all over India as a day of protest against "a new charter of slavery". *Hartal* (strike) was observed and the following resolution was passed from the Congress platforms all over India: "This meeting reiterates the opinion of the people of India that the Government of India Act of 1935 has been designed to perpetuate the domination and exploitation of the Indian people and to strengthen the hold of British imperialism on India. This meeting declares that the Indian people do not recognize the right of any external power or authority to dictate the political and economic structure of India.This meeting, therefore, condemns and utterly rejects the new constitution and demands its withdrawal in accordance with the declared will of the Indian people [29]."

During the next three months statements and counter-statements were issued on behalf of the Congress and the Government. Marquess of Lothian, a member of the Round Table Conference and House of Lords, who had been closely connected with the framing of the act, took a prominent part in the controversy. He wrote in *The Times* that the use of the "safeguards" would in practice be controlled by the public opinion. In the history of responsible government, he said, the Governor's decision to differ from his minister depended on whether they could count on the support of the electorate in the event of dissolution. If they could, then "the Governor has usually decided not to provoke a constitutional crisis of which there is no solution save suspension of normal functioning of the constitution." Lord Zetland, Secretary of State for India, in reply to a question by Lord Lothian in the House of Lords, said: "Mr. Gandhi's statement, dated March 30, was so astonishing that it appeared to be explicable only on the assumption that either he had never read the act and the instrument of instructions or the report of the select committee, or that, if he had done so, he had completely forgotten when he made his statement the provisions embodied in this document, respecting the special responsibilities vested in Governors. It was all the more unfortunate that he should have made such a statement, for large numbers in India were accustomed to accept any statement made by Mr. Gandhi as necessarily correct." In the House of Commons Clement Richard *Attlee*, 1st Earl *Attlee*, KG, OM, CH, PC, FRS (3 January 1883 – 8 October 1967), a *British* politician who served from 1945 to 1951 as the Leader of the *Labour Party* from 1935 to 1945., the longest-ever serving leader of the *Labour Party* received a similar reply from Sir Harcourt *Butler* who had served as Chairman of the *Indian states committee* [30].

As the controversy took a legal turn, as to whether the assurances demanded could or could not be given under the new act, Gandhi, on behalf of the Congress, proposed that the

matter be referred to an impartial tribunal for decision. *"I want the right to prevail,"* he said. *"There is here no question of diplomacy with India. It is a question of life and death."* In a telegram to The Times, dated Wardha, April 14, Gandhi wrote: "In the teeth of first-class legal opinion to the contrary, I regard Lord Zetland's interpretation as unacceptable. The refusal to submit his interpretation to an examination by a legal tribunal, will raise a strong presumption that the British Government have no intention of dealing fairly by the majority Congress party whose advanced programme they dislike. I prefer an honourable deadlock to the dishonourable daily scenes between the Congress and the Governors. For, in the sense the British Government mean, the working of the act by the Congress seems impossible. It is, therefore, for the British Government to show to the Congress by every means open within their own constitution that the Congress can advance towards its goal even by taking office. I wish everyone concerned to believe me that with me there is no question whatsoever of false prestige. My function is that of a mediator between the Congress and the Government which, unlike many Congressmen, I believe to be capable of being converted under moral pressure as they are being coerced under physical pressure ^[31]." When the Congress – Government stalemate on office acceptance was persisting, HW Emerson, Governor of Punjab, reported his observations to the Viceroy about Gandhi's attitude commenting that it was always difficult to know what was at the back of his mind, but, without inside knowledge, he was inclined to think that he himself did want a solution. At the same time, he realized the future value to Congress of any commitment by Governors which, when crises occurred, could be put forward as evidence of a breach of a faith or, in the meantime, could be used to show that the Governor had renounced his powers of protection, especially of the Services ^[32].

The Government remained adamant. Congress Working Committee reiterated its position in Allahabad in April: "The past record of the British Government as well as its present attitude show that without the specific assurances as required by the Congress, popular ministers will be unable to function properly and without irritating interference. The assurances do not contemplate abrogation of the right of the Governor to dismiss the ministry or dissolve the provincial assembly when serious differences of opinion arise between the Governor and his ministers. But this committee has grave objection to ministers having to submit to interference by the Governor with the alternative of them having to resign their office instead of the Governors taking the responsibility of dismissing them ^[33]." During the prolonged dialogue with the Viceroy, an attempt was made to wrest an assurance that the Governors would not interfere with the work of the Ministries ^[34].

As the controversy proceeded, there was a slight toning down by interpretations of the original demand for the assurances on behalf of the Congress. The Government also changed their ground by slow degrees and finally took the position that though a definite assurance in terms of the Congress resolution could not be given, the essence of provincial autonomy, as envisaged in the constitution, was the co-operation of Governor with his ministers. The position of the interim ministries was becoming more and more difficult. As they could not face the legislature, the legislature was not

summoned in spite of repeated demands from the elected members. But it had to be summoned within first six months and the budget had to be passed. For some time, interim ministries composed of the members of other parties functioned in the provinces where the Congress has majorities in the legislatures. This deepening crisis led to the largest advance on the part of the Government, but this advance was accompanied by a broad hint from Lord Linlithgow that if the Congress majorities persisted in their refusal to accept office, the constitution would be suspended under section 93 of the act in those provinces where the Congress commanded a majority. As to the question of dismissal or resignation of ministers, he argued in favour of the latter as being more in accordance with constitutional precedent and with a ministry's self-respect. But he accepted Gandhi's suggestion that "it is only when the issue between a Governor and his minister constitutes a serious disagreement that any question of the severing of their partnership need arise." The Viceroy resolving the deadlock, finally announced on 22nd June 1937 that Governors would generally act so as not merely not to provoke conflicts with their Ministers to whatever party their Ministers belong, but to leave nothing undone to avoid or resolve such conflicts. The Viceroy's statement led to the ending of the deadlock. The difficulty was overcome by an explanatory declaration by the Viceroy ^[35]. R Coupland commented on the explanatory note of the Viceroy that though no constitutional ground was surrendered by the Viceroy or the Governors, the fact that the Congress leaders professed themselves satisfied with the upshot of the discussion was bound to create the impression that effectiveness of the 'safeguards' had been undermined ^[36]. The message was lucid exposition of the constitutional position but it cost the Viceroy a hard struggle with the Government in London, in which he came close to resignation when they lost their nerve and wanted to back out of agreement to what he had proposed to say ^[37]. These interpretations, explanations and assurances helped to clear the ambience of many apprehensions and prejudices mutually felt and entertained. On the whole the Viceroy's communication had been well acknowledged by almost all political parties as lucid, mollifying and a earnest effort to end political impasse ^[38]. The Viceroy succeeded in conciliating the Congress leaders by giving an authoritative interpretation of the intentions of the Government of India without surrendering the ground ^[39].

The Congress Working Committee declared at its meeting in Wardha on July 8 that while the declarations on behalf of the British Government exhibited a desire to make an approach to the Congress demand, they fell short of the assurances asked for in terms of the A.I.C.C. resolution. Nevertheless, the committee felt that the situation created as a result of the circumstances, and the events that had occurred since the Congress demand was put forward, warranted the belief that it would not be easy for the Governors to use their special powers. The committee, therefore, resolved that the Congressmen be permitted to accept office. But it added that it wished to make it clear that office was to be accepted and utilized for the purpose of working in accordance with the lines laid down in the Congress manifesto, and to further in every way the Congress policy of combating the new act and of prosecuting the constructive programme ^[40]. Political state

of affairs was totally changed by this pronouncement and was acknowledged with contentment and respite by the educated classes all over^[41].

Within a few days, the leaders of the Congress parties in the six provinces were invited to form cabinets. Congress ministries were formed in Bombay, Madras, the United Provinces, Bihar, the Central Provinces and Orissa. Soon after, the access of a group of eight non-Congress members in the North West Frontier Province to co-operate with the Congress who agreed to abide by the Congress discipline, secured a majority support, gave the Congress an absolute majority there, leading to the formation of a Congress ministry. Thus Congress ministries were formed in seven of the eleven provinces. In Bengal the Congress had the largest single party in the legislature, but as it was not in the majority, it did not enter the government. Later Congress formed coalition governments in two others^[42]. Jawaharlal Nehru was unhappy with the decision, but he had no choice; the pressure among his colleagues was too great. "Acceptance of office," said Nehru, "does not mean by an iota acceptance of the slave constitution. It means fight against the coming of federation by all means in our power, inside as well as outside the legislatures. We have taken a new step involving new responsibilities and some risk. But if we are true to our objectives and are ever vigilant, we shall overcome these risks and gain strength and power from this step also. Eternal vigilance is the price of liberty^[43]."

5. Conclusion

It can be fairly stated that Congress leaders' acceptance of office controversy in 1937 had been preceded by a discussion about the operation of the safeguards at the provincial level. If the office acceptance controversy had not been handled amicably both by the Congress leaders and the constitution under section 93 of the Act would have been suspended by the British Government as threatened in the course of parleys, the operation of provincial autonomy in Congress dominated British Indian provinces would have certainly become casualty. Office acceptance stalemate strengthened the hands of Indian ministers in their connections with the colonial bureaucracy. The Act of 1935 like other Acts operated earlier was a handle in the colonial Government to block the path to freedom of Indian nationalists but it engendered responsible government no doubt, in the provinces to a certain extent and proved to be a stepping stone in the constitutional development of India.⁴⁴ This controversy elevated the status of Congress in the political arena of India and Governors did not interfere in their day to day working of the Congress provincial ministries. This was the first occasion when Congress picked up the responsibility of administration. It was thus a trial for the Congress and people watched how the organization would live up to its national character. The Congress Ministries got a chance to exhibit administrative skill and remained in office a little less than two years.⁴⁵ On taking office, the Congress adopted the policy of no coalitions. Though in some of the Congress dominated Provinces, the leaders of the Muslim League had maintained an entente with the Congress during the elections and were expectant shares in the fruits of the Congress triumph but the Leaguers was not entertained on this issue by power drunken Congress^[46].

6. References

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