

MOUNTBATTEN AND THE NWFP REFERENDUM: REVISITED

This paper explores Mountbatten's approach, strategy and methodology to partition India particularly with special reference to the Referendum of the NWFP which has not yet been dealt with sufficiently by the historians. As the last Viceroy of India, Mountbatten presided over the transfer of power which involved both independence and the division of the subcontinent in 1947. While dividing India it was decided that the wish of the people through the democratic process is sought, for or against, inclusion within Pakistan. In the two major Muslim majority provinces of Bengal and Punjab this was determined by the vote of their representatives in the legislature. In the provinces of the NWFP, Baluchistan and Assam however this was determined by a referendum. The Congress had opted to abstain from the referendum in the NWFP, and its outcome was a heavy mandate for Pakistan but even after that the ruling Congress Ministry refused to resign. Mountbatten refrained from using his discretionary powers to dismiss Dr Khan Sahib's ministry, consequently, the Government of Pakistan, after it came into being, dismissed it, for it believed that the Congress party had lost every legal or moral foundation to be in power as the people had given a clear verdict in favour of Pakistan and against the Congress government in the Referendum. All these actions

led to a hot debate among the politicians and historians whether the Referendum was the fairest and best method to determine the wishes of the people, and whether the subsequent dismissal of the Congress ministry was a legal step or not? Therefore, it is of huge significance to conceptualize the historical background of the Referendum and also the understanding of the British policy-makers about the NWFP province, and more importantly, Mountbatten's approach, as the final Viceroy. Therefore, this paper analyzes Mountbatten's response to the future of the NWFP and highlights the factors that led him to hold the referendum instead of the modus operandi which he had adopted in Punjab and Bengal. It throws light on the reaction and response of the political parties of India such as the Congress and the League to the referendum, and also the implications of the referendum for the future history of Pakistan. Relatively little has yet been written pertaining to all these issues.

The author takes the position that Mountbatten, despite the controversy with which he is regarded in Pakistan, played an instrumental role in the accession of NWFP to Pakistan. This was by no means a forgone conclusion in the wake of the Muslim League's poor showing in the 1946 Frontier Provincial elections.¹ His decision that a referendum should be held enabled the Muslim League to galvanize popular sentiment for inclusion in Pakistan, despite the presence of a Congress ministry.

Introduction

When Mountbatten came to India as the Viceroy, the NWFP province unlike the other Muslim-majority provinces was under Congress rule. The provincial Muslim League organized a

direct action movement against the Khan Sahib ministry in January 1947 a couple of months before Mountbatten stepped from his aero plane at Palm airport as the final Viceroy. The League contended that the weightage system in the province along with the rigging during the last elections in 1946 had enabled the Congress to come into power. They also claimed that the Congress government had lost the confidence of the people in the wake of the prevailing growth of the movement for Pakistan in the province. Therefore, the League demanded the resignation of the Congress ministries and immediate holding of elections to the provincial legislative assembly to have a fresh mandate from the people. The intensive escalation in the demonstrations, strikes and other such acts of political disobedience had shaken the Congress Ministry. The Ministry adopted such measures to suppress the movement which were branded by its opponents, as authoritarian, and anti-democratic. The Congress government had arrested thousands of workers, including members of the Provincial Legislative Assembly, and put them behind bars. But the movement maintained its momentum, as did its counterpart against the Khizr Tiwana ministry in neighbouring Punjab.

Olaf Caroe, the Governor of the NWFP, as head of the province was responsible for maintenance of law and order besides its administrative smooth working. However, he had been advising the ruling Congress Ministry to take a serious note of the deteriorating political condition in the province. He advised them to confer with the Muslim League leaders to settle matters peacefully besides suggesting them to refrain from using suppressive measures, however, both the provincial Congress government and the Congress party at the center, believed that the movement against the government had been engineered by the British policy of divide and rule. It also alleged that the Governor was encouraging the Muslim League to destabilize the anti-British Government. They, therefore, demanded his resignation and appointment of a new Governor.

The geo-strategic importance of the NWFP was such that the central government of India could not detach itself from

what was happening in the province. This was of great concern to Mountbatten, who, therefore, wanted a fair and just course be adopted not only in the partition of India but also in the provinces so that they could join either Pakistan or India. Once he had decided to divide India, deciding the future political status of the NWFP had assumed vital importance for him, and he believed that a just and honest manner needed to be adopted which would neither alienate the Congress nor the League.

The political happenings in the NWFP relating especially to the holding of the Referendum have attracted many writers to explore the importance of the province at the time of the British departure from India. These writings centre round the political conflict and rivalry between the Congress and the Muslim League. One group of historians tends to eulogize the achievements of the Congress Party from 1937 to 1947 as the most important feature in the history of the NWFP and the other emphasis the emergence and growth of the Pakistan movement and its culmination in the creation of Pakistan. There have also been studies to explore Pakhtunwalla, especially the Khudai-Khidmatgars' role in forging social unity among the Pathans as the paramount aspect of the pre-independence NWFP politics. Anyhow, broadly speaking, there are clearly two schools of historians who have highlighted the role of the NWFP in the closing days of the freedom struggle in pre-partition India.

One group of historians like Syed Wiqar Ali Shah², Rittenburg³, Jansson⁴ and Parshotam Mehra and others⁵, who while conceding the overriding popularity of the demand for Pakistan in the NWFP province, have been critical of the Referendum and its results. They also tend to disparage the significance of the Referendum by pointing out that it was held on the basis of a narrow electoral franchise or by suggesting that there were some instances of electoral malpractices. Even some critics point out that low turn out undermined the popular legitimacy of the referendum.⁶ Their view point about the referendum, its low turn out, and the narrow electoral franchise requires fresh light in the light of primary sources particularly the Mountbatten papers to judge the popular legitimacy and the

legal position of the Referendum. Similarly, their analysis about the role of Mountbatten has not been dealt with in an even handed manner.

In contrast such historians as Anwar Ali Khan,⁷ Sikandar Hayat⁸, Latif Ahmad Sherwani⁹ and Riaz Ahmad¹⁰ extol the role of the Muslim League in winning support for its Pakistan demand and portray the Congress government as rapidly losing support in 1946-7. However, they do not sufficiently analyze the role of the British government, and especially the significance of Mountbatten's decision to hold a referendum.

Similarly, though ample literature has been produced which is either supportive of, or critical of Mountbatten's role in the partition of India, these wider texts do not focus on his adoption of the special political tool of referendum in the NWFP, Baluchistan, and Assam. This paper addresses this gap in the literature and makes more extensive use of the Mountbatten papers as a primary source, than has occurred to date.

Sources

This paper is based on a range of primary sources including the Olaf Caroe collection, Cunningham Collection and Lockhart Collection, held in the British Library. The interpretation is primarily derived however from a close reading of the Mountbatten papers at the University of Southampton.

Background

The Congress Ministry had been in power in the NWFP since 1937. Its hold on the province was attributed to numerous factors. The Congress leaders, Dr. Khan Sahib, and his brother, Khan Abdul Ghaffar Khan, had been in active politics from 1930 onwards and had organized their party long before the Muslim League appeared on the scene. Secondly, the British Government had given the Hindu and Sikh minority of 7% in the Assembly a very heavy weightage, which as a result had acquired over 24% of the seats (12 of 50). The non-Muslim population also controlled the main business activities of the province and

always supported the Congress party..¹¹ The Congress influence amongst the Pakhtun population lay in its roots in the Red Shirt movement which emphasized Pakhtun ethnicity and was steadfastly anti-British in its policy

The Muslim League launched the Civil Disobedience Movement on 20 February 1947 which continued to gather momentum, and by the time Mountbatten became the Viceroy, it had acquired ominous dimensions for the party in power.¹² The main aim for starting the Muslim League Civil Disobedience Movement in the NWFP was to redress certain grievances of the Frontier Muslims against the abuse of powers by the Government. The abuse of power was not confined solely to the last general elections but affected the day-to-day workings of the government as well. It was alleged that there was constant interference by the Ministry with the judiciary as cases were withdrawn from the courts at an advanced stage and referred to the '*jirga*' or the Council of Elders under the Frontier Crimes Regulations. There were also complaints of discrimination in the distribution of cloth, sugar, and oil. These were similar to the complaints that the Muslim League raised against the Unionist Ministry in the Punjab. Sardar Abdur Rab Nishtar, a member of the Viceroy's council, demanded that an impartial enquiry into the recent Peshawar firing should also be held.¹³

The origin and growth of the Muslim League's opposition in the shape of civil disobedience movement to the Congress Ministry had stirred great interest both in the tribal areas as well as in the settled districts of the province. The Muslim League quite successfully branded the Congress Ministry as the government of a Hindu-dominated party and its approach seemed to have paid rich dividends both in the organized and the tribal areas. Though the Congress tried to counter the League's stand by branding it as representing the British policy of divide and rule, the imminent British departure undermined its *raison d'être* as an anti-colonial force. Frustrated in countering the propaganda and growing influence of the Muslim League in the province, the ruling Congress Ministry opted for use of force and adopted suppressive measures. They

jailed all the leading political leaders, including some members of the Provincial Legislative Assembly as well as a result of which the jails housed a far number of prisoners than they were originally intended for.¹⁴

Olaf Caroe, as the Governor of the province, felt that his position had become intolerable as he thought that the provincial ministry was heading for a breakdown by its policy of repression. He thought that its policy mainly was responsible in creating an alarming situation of unrest in both the settled and the tribal areas of the province. The tribes in particular were pro-League and were unwilling to submit to any local control which could even remotely be represented as exercised by a Hindu-dominated government led by the Congress Party. He feared that the tribes, might in the near future, come out of their areas not only to loot, but maybe, even, much worse. The tribal attitude was beginning to crystallize under the leadership of the Afridis. It would have been fatal at this stage to get troops seriously involved with the tribes. He thought that something must be done, lest the situation became unmanageable. The Governor's advice to Dr. Khan Sahib not to confine himself solely to repressive measures but to attempt reconciliation as well, or even opt for a coalition government, had met with blank refusal.¹⁵ In response Dr. Khan Sahib and the Congress Party declared the Governor as a pro-Muslim League one who was sponsoring the movement against the Ministry, and, therefore, demanded his removal.

As a matter of fact, Caroe was not only critical of the Congress Ministry but he was also against the demand for Pakistan.¹⁶ He believed that Dr. Khan Sahib had a genuine and righteous hatred for acts of communal passion which had disfigured the League's cause in the NWFP, just as they had in the Punjab. But Caroe also believed that Dr. Khan Sahib had entirely failed to appreciate the strength behind the League's movement. He thought that the League's ideology was based on the traditional Islamic and Pathan culture and thus would shake any regime that was seen as a representative of, or was financed and dominated by the Hindus. He suggested to Dr. Khan Sahib

that instead of trying to fight the United India versus Pakistan battle, to use the political card of 'Pathanistan' versus Pakistan. But to Caroe's mind, Dr. Khan Sahib was too closely tied to his brother Abdul Ghaffar Khan, and through him to Nehru and Gandhi, and there was always the 'money interest.'¹⁷

Thus the problem in the NWFP, unlike in the Punjab, was not a communal one, but instead was a clash between the Hindu-financed Congress Ministry with Muslim League in opposition. It was immensely complicated by the tribes, who, broadly-speaking, were in sympathy with the League. The Congress Government had locked the opposition into jails, and its methods were considered extremely high-handed and totalitarian. Feelings were running high, and matters were expected to get progressively worse. In a general pattern, the general public, accompanied by considerable members of tribesmen, would march around Peshawar city in defiance of tear gas and *lathi* charges, and as police failed to control such demonstrations of such open defiance of the law, troops were called out to prevent attacks on jails.¹⁸ As jails had now filled up it was felt that this method would no longer be suitable for controlling the open and public of defiance by the opposition. Any use of lethal force on these processions may well precipitate tribal interference and react most seriously on minorities¹⁹ in Kohat.²⁰ The arrest of many Muslim League leaders including Khurshid Anwar²¹ and Pir of Manki Sharif, further complicated the situation in the province.²² There had been butchery of defenceless minorities in villages of Peshawar and Hazara and some forcible conversions as well.²³ The Ministry used troops who opened fire on a protest demonstration. Since the 20 February 1947 statement from His Majesty's Government, situation in the NWFP had turned from bad to worse and it may well have resulted in this part of India to 'fly off into space'.²⁴ Chaudri Muhammad Ali has already stated, "With the impeding departure of the British a radically new situation arose. If Hindus designs succeeded Hindus would be successors of the British throughout the subcontinent and would exercise all powers of the British. Instead of the British raj there would be Hindus raj".²⁵

Congress was not in favour of a general election till the new Constitution had been decided upon²⁶ but the real problem for the British was that they feared a tribal flare up due to either political suppression or failure of the food supply.²⁷ He feared that in near future his responsibility as Agent to the Governor-General in respect of their tribal areas likely to be invoked in the near future.²⁸ Caroe suggested that only a fresh election could break this deadlock.²⁹ In fact the Governor and Dr. Khan Sahib did not get on well together. Lord Mieville, an Adviser to the Governor, though agreeing with the suggestion that the conditions in the province had reached an alarming stage, disagreed, however, with the recommendation that the election was the best solution and suggested the formation of a coalition government of Congress and League.³⁰ However, Lord Ismay, an adviser to the Governor-General, agreed that faulty handling of this situation, might, in the worst case scenario, lead to a war between the Congress Ministry and the tribes, unlike the religious conflict in other parts of the country, in which army might have to engage on a large scale.³¹

Mountbatten's Efforts To Resolve Issues IN NWFP

At the outset, in fact, Mountbatten encountered manifold problems at the centre and in the provinces the provinces particularly in the Muslim majority provinces of the Punjab and NWFP, Richard Symond has observed, "in the Punjab Unionist Government tottering under the attack of the Muslim League; in the North-West Frontier a Muslim League civil di-West Frontier a Muslim League civil disobedience campaign; and all over the disobedience campaign; and all over the country fierce communal clashes, while private armies formed the final struggle for power".³² To Wavell's mind, the NWFP, unlike other provinces, represented a complex problem. Firstly, the Congress's claim that it was a secular party which represented all the communities in India, to a great extent, depended on its victory in the NWFP during the 1946 elections, and it wanted Congress rule there to continue till the end of the British Raj. The League was successful in putting up a convincing campaign during its civil disobedience movement, and it had successfully destabilized the government and increased the momentum for the

Pakistan movement. But the third important player in this political game was the tribal area whose residents had shown great interest in the demand for Pakistan and also actively supported the League's civil disobedience movement. Olaf Caroe had shown great concern and had been suggesting to the Minister to adopt peace-making measures to resolve political issues. But the Congress Ministry kept up the repressive measures to curb the movement, instead. Therefore, the Governor's relations were satisfactory neither with the Congress Ministry nor with Nehru, who as member of the External Affairs was in charge of the tribal territory.

Mountbatten had to resolve the issues at the over-all India level, therefore, anxiety in the provinces would not help achieve his goals, and therefore he displayed keen interest in the NWFP political development which might have serious implications in the future. Most of all he did not want to adopt a policy such as holding fresh elections in the province which might jeopardize his chances of resolving the total Indian problem. From a policy viewpoint, good relations with Congress were crucial to that aim. After having a good look at the political programme and agenda of the parties concerned, he came to the conclusion that despite the political complexities, the province's politics were linked with the centre. Therefore, before facing up to these challenges, he wanted to take on board the stake-holders in the province. In this regard, he decided to invite the main political leaders in the centre and to arrive at an amicable solution of the problem. On one hand he tried to create better coordination and working relations between the Governor, the Congress, and Nehru, to bring about peace and tranquility in the Province, and on the other, he tried to persuade Jinnah to call off the civil disobedience movement. He managed to get an appeal from Jinnah and Gandhi aimed at their respective followers to refrain from resorting to violence.

Congress- Governor Working Relationship or Reconciliation

Mountbatten knew that since he had to deal with all-India level issues, the administration of the province should be left to the governor. He was anxious to stop the ongoing rioting and

bloodshed in various parts of the NWFP. But he felt that if the best relationship between the Governor and the Congress Ministry in the NWFP were not achieved it would not be of much use for peace in the province, settlement at the all-India level, the peaceful transfer of power to the Indians, and the safe exit of the British from India. Therefore, he decided to bring the Congress and the Governor to the negotiating table in an effort to resolve their differences and to initiate a working relationship between them.

Mountbatten called the Governor, head of the provincial ministry, Dr. Khan Sahib, and Nehru, to take them all on board about the political developments in the NWFP. Mountbatten said that he hoped to be able to find a solution for the future of India as a whole and to avoid details which only concerned the individual provinces. However, he felt that the situation in the NWFP was, if not dealt with properly at that time, likely to prejudice the finding of a temporary measure for restoring a peaceful atmosphere until an over-all solution for the whole of India had been decided. He hoped that when the solution was found, it would be acceptable to all parties, and would result in the prevention of further bloodshed. He informed them that from the latest reports it appeared that the situation at the Frontier was deteriorating, both in those areas which were the direct responsibility of Dr. Khan Sahib, as well as in the tribal areas. Mountbatten said that Sir Olaf Caroe had explained to him that the main difficulty at the moment was that the Muslim League had started agitations which were gravely embarrassing the Government of the Province. In dealing with these agitations, the Government was gradually getting itself into a position, not by any means intentionally, whereby most of the Opposition had been jailed. He quoted that in the United Kingdom during the Second World War only one Member of Parliament had been imprisoned under the special Defence Regulation No.18b.³³ Therefore, he warned that it was very difficult to carry on constitutional government with such a state of affairs.

Dr. Khan Sahib said that on many occasions Sir Olaf Caroe had not taken his advice.³⁴ Caroe agreed that he had on

many occasions not accepted Dr. Khan Sahib's advice because to have done would have made the position of the latter's ministry more difficult. As a specific point he had disagreed with Dr. Khan Sahib over the question of interference--though from the highest motives--by the Executive in the discretion of magistrates, particularly in their judicial functions. Nehru said that he fully upheld the principle that there should be no such interference. Mountbatten said that he would be ready to send an independent judge to look into this question if both Caroe and Dr. Khan Sahib wished it.

Steps to reduce tension

Mountbatten also tried to get the Muslim League into his confidence. In his interview with Jinnah, Mountbatten³⁵ asked him to issue an appeal from Delhi by press and radio to his supporters in the NWFP to refrain from violence.³⁶ In the meantime, at the official level, a statement was being prepared to decide the future of India. Regarding the NWFP it was proposed that a general election will be held under Section 93 Government.³⁷ Liaquat suggested that the Province should be put under Section 93 pending elections³⁸ but Caroe opposed the idea and said that the present Ministry should continue in power until after the elections were held. It was decided, however, that the essential thing was to establish a truce in accordance with the appeal signed by Gandhi and Jinnah, and to keep the Province quiet until the main decision had been formulated. It was suggested that, firstly, the Muslim League should call off its direct action campaign.

Dr. Khan Sahib agreed thoroughly with this line of action. Nehru also agreed that such a statement should be issued, and made suggestions regarding its wording. Caroe agreed that a statement on the lines suggested by the Viceroy would be helpful.³⁹ Mountbatten said that he would like to visit the NWFP as soon as the occasion permitted. Dr. Khan Sahib said that he would be pleased if Viceroy would come, as he felt sure that such a visit would be most helpful. Caroe and Nehru also agreed with this.⁴⁰

Both Nehru and Dr. Khan Sahib Sahib agreed that fresh elections were a prerequisite to ascertain the will of the people in the NWFP. On replying to Mountbatten's suggestion that he wanted to draft a statement announcing that elections would be held in the NWFP in due course, to which Dr. Khan Sahib responded:

He would be prepared for an election at any time. He would not stay in power for one moment longer than he was wanted. He was fully in favour of this principle.⁴¹

In Mountbatten's mind, the problem with the Congress leadership had been to twist the words and break promises.⁴² Initially agreeing on the principle of election and the issuance of the statement in this connection, Nehru changed his line of action.⁴³ On 17 April, he suggested:

In the Frontier Province, a proposal of the Governor for fresh election had in effect been a proposal of the Muslim League and has been stoutly resisted by the present ministry who was elected only a year ago and has a substantial majority in the Legislature. That, of course, is not enough reason to avoid elections and I entirely agree with you that the power should be transferred after making sure that the recipients represent the majority for this purpose an election is necessary, it should take place.⁴⁴

But Nehru not only refused to agree on the timing of the announcement but also threatened that it would result in the resignation of the Congress Ministry. He held that it should in no way be linked up with what 'appears to be surrender to violent methods'. He warned that this would create a difficult situation for them in the Centre, and would lead to a revival of the violent agitation in the Punjab and Bengal.⁴⁵ He asked the Viceroy not to issue any statement for holding fresh election at that moment.⁴⁶ Congress had the added advantage of the press being owned by the Hindu capitalists and it was always ready to launch a propaganda campaign against its opponents. *Hindustan Times*

alleged that Lord Mountbatten was becoming partial owing to his approach towards the Punjab affairs and the Frontier Ministry. It further reported that the Congress Working Committee had warned the Viceroy that any proposal to dismiss the Frontier Ministry and hold fresh election will make the Congress change its entire attitude towards the British government.⁴⁷

Resultantly, Mountbatten changed his mind and decided not to 'issue an announcement concerning elections', but hoped that the Gandhi-Jinnah statement would work for restoration of peace. He also hoped that if Dr. Khan Sahib associated himself with the Gandhi-Jinnah statement, an opportunity would be given for clemency and the release of most of the Muslim League members which had been thrown into jail for political reasons.⁴⁸ He was happy that the result of his discussions with Dr. Khan Sahib enabled them to get agreement on the statement⁴⁹ and release of political prisoners.

Mountbatten's visit to NWFP

Yet, Mountbatten decided to visit the NWFP to find out the facts on the ground about that province's situation and to help reduce the tensions between the Congress and the Muslim League and try to bring the province's political situation back to normalcy.⁵⁰ In addition to that he decided to take into account situation in the tribal areas as well and asked Nehru to keep him abreast in this regard.⁵¹

Accompanied by his wife, Mountbatten visited the NWFP on 27-28 April 1947. As he did not wish to receive garbled versions of what had been occurred in the province, Mountbatten's stated purpose of the NWFP visit was to have a valuable experience and to know political conditions first hand. During his visit he had discussions with members of the Frontier Ministry, both individually and collectively, with the Governor, with twelve of the Muslim League leadership half of whom had been paroled from the jail,⁵² a deputation of the Hindus and the Sikhs representing the non-Muslims,⁵³ held an Afridi Jirga at Landi Kotal, and an informal meeting with about fifty members

of the Waziristan tribes in Peshawar. In addition to that he had an opportunity also of conversation with some fifteen of the leading civil and military officials of the District and the Province. As a result of all this he made the following observations.

In his meeting with Dr. Khan Sahib and the ministers Mountbatten pointed out that it was not a question of ordering fresh elections as a result of unconstitutional pressure but that his orders from the British Government were to transfer power in the manner which the Indian people themselves wanted, so this would involve ascertaining whether the existing Government still had valid mandate, before power was handed over and on this "Dr. Khan Sahib agreed and the others did not demur."⁵⁴ Viceroy then pointed out that he would have to go into Section 93 Government for two or three months before this to ensure fair elections and that he felt sure that the present Government would wish the elections to be fair.⁵⁵

Mountbatten assessed that Dr. Khan was quite wrong in attributing the present agitation in the NWFP to the machinations of the Governor and his officials. Also he had been briefed by the Ministry and the Hindus and Sikhs representatives that there was an upsurge of communal feeling, which was finding its vent in agitation against a Ministry which was being regarded as being dominated essentially by the Hindu Congress.⁵⁶ As Wiqar Ali Shah has already observed that "Much of the trouble occurred spontaneously by March 1947 which was result of the acute deterioration of communal relations,"⁵⁷ Mountbatten got the impression that the tribes were quite confident of their own strength and position, and was not prepared to contemplate absorption into a State which they regarded as likely to be dominated by the Hindus.⁵⁸

Mountbatten's 3rd June Plan

At the heart of Mountbatten's thinking was that the future constitutional arrangements following on the transfer of power should be agreed upon by Indians. It should not in any circumstances be dictated by the British. Therefore, he thought

that Provinces should be left to choose their own future. He believed that this method of reaching a decision would give the greatest measure of choice to the Indian people themselves. After thrashing out a general outline for the transfer of British power to India, he consulted the Indian leaders to develop a consensus.⁵⁹ For that matter, he discussed the means that could best be employed in the different provinces most accurately to ascertain the will of the people. In this connection, he had a series of discussions with the top leadership of the major political parties, governors, and officials.⁶⁰

The draft plan of partition which Mountbatten put before the Governors' Conference on 15 and 16 April, and which Lord Ismay and George Abell carried to London, envisaged the holding of fresh elections in the NWFP. When the Viceroy almost decided in favour of holding the elections in the NWFP, a vigorous propaganda against the Viceroy was started by the Hindus in the press. The Congress High Command also was not ready to accept the solution as it thought the proposed exercise as a 'the conspiracy' to put the NWFP under section 93. Given that the plan was secret, the Viceroy was taken aback about this development and failed to understand who leaked these news; however, he thought of it and came to conclusion that it be would Patel or someone from his Hindu staff.

Facing a very determined opposition he reviewed his plan and thereby began to contemplate other methods. For the Viceroy, the NWFP had become such a bone of contention that he considered that a reinvestigation was required whether the presently proposed procedure for deciding the political future of that Province was absolutely fair.⁶¹ He thought that the present plan envisaged a system of voting by representatives of the Constituent Assembly on the basis of one per million of the population for the purpose of simplicity and speed.

He came to the conclusion that though a referendum might not suit the Congress, at the same time, however, they would not be able to protest against it as much as against an

immediate holding of elections. Referendum would get over the difficulty of stating a reason for the dissolution of the ministry. It would be necessary to go into Section 93 before a referendum was held and a Committee of three Congress and three Muslim League advisers might be included to the Governor. He also suggested that a telegram should be sent to the Governors of the Punjab and Bengal as well and asking for their views on the possibility of holding referendums in their respective provinces.⁶²

Finally, on 6th May 1947 Mountbatten changed his original plan and accepted the plan prepared by V. P. Menon with the concurrence of Nehru.⁶³ Mountbatten told the Secretary of State that Nehru was prepared to accept a referendum provided it was not held under Governor's rule. Mountbatten concluded, after consulting his staff that Referendum in the NWFP would have to take place under a Section 93 Government and would precede a fresh election. He thought that the main advantages of such a referendum would appear. (a) it would be a far better way of finding out the will of the people and of removing weightage than under the system at present envisaged in the draft announcement whereby the decision is left in the hands of three persons; (b) the issue choice (of joining up with either Pakistan or Hindustan), would be understood in a straightforward and ready manner; (c) it would not involve a great loss of time or greatly increased administrative arrangements in view of the fact that an election is to be held anyhow. On the other hand it was mulled over that: If the result of the referendum was in favour of Pakistan we feel that Congress would either refuse to contest the subsequent election; or so much of Dr. Khan Sahib's support would be withdrawn. Even if Congress did contest the election and win, the major issue would already be decided and they would have to go ahead and join Pakistan.⁶⁴

Mountbatten also thought of holding a referendum in the two parts of Bengal and the Punjab. But the governors of these provinces, owing to the communal complexion in the Legislative Assemblies and recent rioting, did not agree to its holding.

After Mountbatten had devised the plan of partitioning India and sent Lord Ismay to London to get approval from His Majesty's Government, the Congress leader, Nehru, felt satisfied about it but had reservations on the subject of the NWFP. But Jinnah protested strongly against the partition of the Provinces of the Punjab and the Bengal, and demanded that Mountbatten immediately dissolve the Constituent Assembly.⁶⁵

In the 3rd June plan it was provided that if the Punjab voted for partition, a referendum would be held in NWFP to decide which of the two Constituent Assemblies it would join. Mountbatten was hopeful that though Nehru had rejected the idea of an election he would only accept "a referendum on the issue of whether the NWFP is to join Pakistan or Hindustan, and that if we try to force through an election merely as a result of pressure from the Muslim League civil disobedience movement, Congress will refuse to take part in the election as a strong gesture of their disapproval."⁶⁶ In the meantime, he began to think of replacing Caroe to have Congress's acceptance of the referendum.⁶⁷

Mountbatten categorically refused to admit Jinnah's claim that the Frontier Government should be dissolved on the grounds that it had lost popular confidence, and declared that "I was able to negotiate with Congress the idea of substituting a referendum for re-election, on the simple issue "Pakistan or Hindustan" without putting the Government out of power to ensure that such a referendum would be fairly conducted."⁶⁸ He hoped, however, that it should be necessary for the organization running it to be controlled by the Viceroy, a procedure, Nehru accepted.⁶⁹

He also took Jinnah into confidence about this decision. Jinnah, at first, was upset, but following Mountbatten's argument that the referendum would abolish the heavy weightage (12 seats in 50) which the Hindu-Sikh minority had in the NWFP, he also began to prefer the referendum to an election. Mountbatten asked Jinnah to call off his campaign of civil disobedience in the NWFP⁷⁰ and to issue a statement for curbing violence.⁷¹ Jinnah

acquiesced with the proposal and called off the civil disobedience movement in the Frontier province.⁷²

3rd June Plan reaction

Mountbatten made the Congress and the Muslim League to a partition, and submitted his proposals to the British Government and got their approval that was in fact just a formality, as one writer puts it” Though Mountbatten kept the British government informed of the steps that he took in settling the Indian question, the steps taken were his own”.⁷³ The main purpose of Mountbatten’s 3rd June plan, as has already been observed by B. N. Pandey ”was to let the people of the ‘Pakistan Provinces’ themselves decide whether they wanted a partition of the country.”⁷⁴ The 3rd June Plan provided, inter alia, for “a referendum in the N.W.F.P without any disturbance in the present Ministry, to decide which of the two constitutional assemblies they would join,”⁷⁵ But it could do only when the western Punjab and Sind had voted to form the Pakistan constituent assembly.⁷⁶

But Gandhi opposed Partition and also asked Mountbatten to remove Caroe as the governor of the NWFP. He also reiterated the request to allow the NWFP referendum to include a third choice, i.e., for independence of Pathanistan, as Campbell Johnson has recorded:

Gandhi has for some time been actively interested in this concept (of an independent State of the Frontier Province, to be call Pathanistan or Pakhtunistan) and has lately been stressing its virtue with renewed vigour.⁷⁷

Now, however, Mountbatten could not bring more changes in the proposed plan which he had done earlier on Nehru’s request.⁷⁸ He reminded Nehru that:

It was at Nehru’s own request that I had removed the choice of independence in case of Bengal and other provinces to avoid “Balkanistan”. I expressed surprise that he should have been a party to such a manoeuvre,

the more so since he admitted that this province could not stand on its own, and would eventually have to join up with one side or the other in any case.⁷⁹

Latif Ahmed Sherwani has observed, “However, in spite of Mountbatten’s desire to accept the Congress view-point as far as possible he could do nothing to meet the demand for Pathanistan because in the first partition plan he had provided that in the first instance, the provinces would become sovereign, and it was just for that provision that Nehru had rejected the plan.”⁸⁰

Anyhow Nehru along with Jinnah promised not only to accept the plan, but to ensure that it was peacefully accepted by their followers as well.⁸¹ But Mountbatten could not prevent Nehru from launching a propaganda campaign against the proposed referendum.⁸² Nehru was also reported (in the *Indian News Chronicles of 23rd June*) as having made the following statements: (a) The Frontier Congress, in all probability, decides to boycott the proposed referendum. (b) In the event of one-sided referendum, the present Ministry will resign and fight elections afresh on the issue of Pakistan versus Free Pathanistan.(c) Whatever may be the immediate future of the Province, the freedom loving Pathans will continue their struggle for Pathan State.⁸³

Mountbatten admonished Nehru on his latest statement as was reported in the press. He told him that Jinnah had protested about this as being highly improper coming from a leader of Congress like Nehru who had accepted that there should be no alternative for the NWFP except to join Hindustan or Pakistan through the outcome of a referendum.⁸⁴

In the Congress party meeting on 11th June on the suggestion of Dr. Khan Sahib it was almost decided that the Congress Ministry should resign in protest against what was considered unnecessary referendum. But the following morning this course of action was not taken. The local leaders’ discussions centred round three possible courses viz, contesting

of referendum, non-cooperation, and civil disobedience in opposition.⁸⁵

But the dilemma of the Congress government in NWFP was that it wanted the province to join India but composition of the population and the geographic location of the NWFP made it extremely difficult to include the province into the territories that formed India. The growing reality of Pakistan undermined its popularity. Sensing clear defeat in the forthcoming referendum, the Congress tried to have a new option of independence inserted in the voters' choice.⁸⁶

Administrative measures for referendum

Mountbatten took a number of precautionary measures to ensure that no objections could be raised regarding the referendum's fairness. Hugh Tinker states that "He was under pressure, especially from Patel, who set himself to place men he trusted...The first to be ousted was Sir Olaf Caroe".⁸⁷ However, according to Sikandar Hayat "As demanded by Dr. Khan Sahib and his colleagues in the provincial government, Mountbatten also removed Sir Olaf Caroe from the Governorship of the province".⁸⁸ Therefore, Mountbatten replaced Caroe⁸⁹ as Governor with Sir Robert Lockhart.⁹⁰ He also decided to hold referendum under his own patronage and under the control, command and supervision of the British officers of the Indian army so that no corrupt electoral practices could be carried out.

⁹¹

The Viceroy also directed the Governor of the NWFP that, with reference to the Referendum (a) each side have equal facilities in the matter of the supply of petrol; (b) there should be an amnesty for political offences, and people who had been convicted for League agitations should be released, except where they had been sentenced for serious criminal offences.

General Lockhart feared that the Ministry might attempt to sabotage the referendum at the last moment by, for instance, forbidding Government servants to take part in its conduct. Therefore he sought permission to dismiss Ministry and to resort

to Section 93.⁹² Mountbatten had clear understanding about the legal position of the Referendum and nonetheless he was assured by Gandhi that referendum would take place and would be without violence. Therefore he directed the Governor to go ahead with the preparations.

It was clearly stated that there should be no ambiguity about the rules and regulations and conduct of the referendum. The Referendum Commissioner was authorized to take authority to postpone polling in the event of disturbance. In normal elections rule 46, Governor acted in individual judgment or discretion but this should be vested in Referendum Commissioner and that authority vested in Special officers.⁹³ The Viceroy replied that it was unnecessary to have such a step at this moment.⁹⁴

The Viceroy asked Mievile and Lockhart to prepare an explicit poster in connection with the Referendum in the NWFP. As he envisaged it, there would be two ballot boxes, one marked for Pakistan, and one for India. The actual vote would be on the issue of whether the NWFP should send representatives to the existing Constituent Assembly or to the new Constituent Assembly. Whichever Constituent Assembly was chosen, the NWFP would join the Dominion which it represented. There would be no opportunity for NWFP to remain independent.⁹⁵

Referendum Campaign

Jinnah directed the League to call off the civil disobedience Movement on 3rd June⁹⁶ however, it was not until ten days later that the League Parliamentary Party met in Peshawar and formally called off the movement, and made plans for the referendum campaign.⁹⁷ The role of the Ulema, students and Muslim workers in popularizing the campaign is well known. As a part of the election strategy, some League leaders issued statements which caused insecurity to the non-Muslims and as a result they mostly refrained from voting. Abdul Qayum in his speech at Peshawar Cantonment on 13th June gave a warning to Hindus and Sikhs not to interfere in referendum. For

Muslims as well as Hindus and Sikhs “the communal situation was such that anybody uttering “India” ran the risk of his life.”⁹⁸

However, it was becoming quite obvious that the Congress would boycott the referendum. But it was feared that the Congress would resort to agitation and persuade the people to boycott the referendum as “A recent offshoot in the Frontier Province, the Ghazi Pakhtun, opposed to the Red Shirt party’s Zalmai Pakhtun, which though linked to the Congress seemed disinterested now in non-violence”⁹⁹. Congress Referendum propaganda was that there would be two ballot boxes, one for Abdul Ghaffar Khan and one for Jinnah. About 350 Red Shirts in uniform and 200 others paraded Peshawar City on 19th June and fired 2 volleys at flag hoisting ceremony.¹⁰⁰ A Hindu Defence Committee was formed which proposed to bring back Hindu voters from outside the Province to cast their ballots.¹⁰¹ Referendum campaign meetings of both parties had become very large and in some cases were attended by over ten thousand people. Congress kept on urging voters to abstain. In a speech on 2nd July, one Congress leader suggested that the people should go to polling in large numbers to prevent voting.¹⁰²

The Congress intention was to distract from Pakistan-Hindustan issue to personalities. Issue of Pakhtunistan emerged as a hot issue when the Congress originated and sponsored it with, of course, the backing of Gandhi, Congress party and Kabul government. Kabul Radio and newspapers were reported as being interested in the Pathanistan proposal.¹⁰³ But Dr. Khan Sahib was not in favour of Pathanistan and did not pursue it whole-heartedly. Not only Olaf Caroe observed that the demand for Pathanistan was a bargaining chip or face saving effort¹⁰⁴, but Robert Lockhart also recorded:

I have seen Dr. Khan Sahib several times. I feel that, as your Excellency I am sure already knows, he is not his own master. He has more or less told me so in private. For one thing he does not personally believe in Pathanistan.¹⁰⁵

In fact, Gandhi, who had been considered as a champion of the united India, was wedded to Pathanistan idea with this fantasy that NWFP should, in the first place, become independent and join India later.¹⁰⁶ Therefore, Abdul Ghaffar Khan addressed a meeting near Bannu on June the 21st June and declared that they wanted Pathanistan (Pakhtunistan).¹⁰⁷ A resolution was published on 22nd which confirmed that the Congress party adhered to Pathanistan objective and refusing domination by any except Pathan.¹⁰⁸ In a public meeting on 22nd June 1947 it was announced that Congress would boycott Referendum on present issues though (it was) ready to contest on 'Pathanistan versus Pakistan.'¹⁰⁹ However, the British Government did not endorse the idea because it thought that the Afghans would bring their weight to bear in this matter and raise the cry of Afghanistan irredenta,¹¹⁰ and according to Tariq Rahman, "the Afghan Government used the Pukhtunistan issue for irredentist claims on the Pakistan territory".¹¹¹

Therefore, Mountbatten informed Gandhi that it was reported that the Red Shirts were "persuading" people not to vote which might lead to the violence. Accordingly, he asked Gandhi "to persuade Ghaffar Khan' to go ahead without violence."¹¹² Gandhi duly obliged in an open letter to Ghaffar Khan.¹¹³ After Gandhi's assurances, Mountbatten showed satisfaction that the referendum would be allowed to proceed without any interference by the followers of Badshah Khan. But Mountbatten also took notice of Gandhi's complaints and directed the Governor to take any action that might be necessary to stop interference by Punjabi Muslims and to ensure that Hindus and Sikhs who had fled the NWFP during the earlier communal violence should be given a fair chance to vote.¹¹⁴ Thanks to Gandhi's services the referendum took place without hostility.

Nehru's agreement to a referendum in NWFP had both shocked the provincial Congress Committee and shaken its confidence. Thereby sensing defeat in the forthcoming referendum, it put forth the demand for Pathanistan as a third option. When this was denied, a highly disillusioned Congress Party in NWFP decided to boycott the referendum.¹¹⁵ Knowing

that it would clearly be against the norms of democracy that a sitting Ministry would itself be boycotting the referendum, Jinnah wanted Mountbatten to persuade the Congress to take part in the Referendum by arguing that if the Congress party abstained from voting, the abstention would constitute a breach of their terms of the referendum. But Gandhi rejected Jinnah's contention, and encouraged the boycott.¹¹⁶

As a result, though turn out was quite heavy it remained 15% lower than the last elections when both parties had contested the election. This low turn out was not because lack of popular support for Pakistan it was mainly because the Congress boycotted the election which was not only a ruling party in NWFP, which according to Wiqar Ali Shah, had an equal chance to win the referendum.¹¹⁷ But it did not take the risk as the leaders were unsure of their victory. To face defeat with courage, openness, is the by-product of democratic traditions, norms and cultures, and democratic cultures develops with two or multi-party system which the Congress Party, according to Lord Wavell, had never let develop since 1937. In fact, it feared that it would lose the ministry had it lost the referendum. For that reason its leaders thought boycott of referendum would give them an excuse to claim, since they had not fought election or referendum, that their position was intact. This strategy was to prove successful.

Referendum Results

Therefore, the referendum in the NWFP which took place during the period of 6-17 July 1947 under the Congress Ministry, and with the aid and help of the British army officers, had, in the event of a Congress boycott, become just a matter of academic exercise.¹¹⁸ According to Yasser Latif Yazdani, "As had been predicted from every corner, the referendum, to decide between Pakistan CA and Hindustan CA, held under an impartial governor who enjoyed the confidence of the Congress, with a Congress government in the province, still resulted in a landslide victory for the Muslim League on the Pakistan question."¹¹⁹ Anyhow the Referendum continued smoothly in all areas, though there were few reports of mal-practices in the referendum;

polling resulted in a heavy turn-out.¹²⁰ The Governor reported that some complaints of intimidation of voters by Red Shirts had occurred at Nowshera but polling remained fairly heavy except in Mardan and West Kohat.¹²¹ The referendum resulted in huge turn out and support for joining Pakistan, which apparently had become inevitable. In view of the boycott carried out by the Congress Party, the League achieved its objectives in NWFP without bloodshed. Here was the final result.

However, there has been one school of thought which questions the outcome because of its low turnout. But facts of events on the ground point to a different story. If one compares the referendum with the results of the 1946 NWFP Provincial election results, the following figures are of significant interest.

The actual figures of the referendum were: valid vote for Pakistan-289,244, valid vote for Hindustan-2, 874, Majority 286, 370, percentage of valid votes to electorate entitled to vote was 50.99%., valid votes cast in the 1946 elections were: 375,989, total electorate entitled to vote in referendum was 572, 798; therefore votes for Pakistan were 50.49%. It was particularly satisfactory that over 50% of the total electorates voted for joining Pakistan. The total votes cast were only 15% less than last time without a boycott. In spite of the Congress rule for ten years in the NWFP, the Muslim majority Province gave an overwhelming vote in favour of joining Pakistan.

Therefore, Mountbatten was satisfied with the outcome of the result. He was happy not only because the wish of the people was achieved without much opposition, tussle and disturbance, but also he was satisfied that in the best and fairest way, the wishes of the people of the NWFP had been ascertained. Despite Nehru and other Congress leader's contention that any form of election or even referendum would be gross injustice, since the last election had proved conclusively that the Frontier was totally against Pakistan, Mountbatten had decided to hold the referendum. Mountbatten said:

My argument was that the vote against Pakistan was really a vote for a united India, and that once India was to be partitioned they had to be given a fresh chance of deciding which of the new States they would join. My visit to the NWFP confirmed me in the view that they would join Pakistan. I am therefore particularly glad that I insisted on the referendum in spite of the strongest possible opposition up to the morning of the 3rd June from Congress.¹²²

The Congress had predicted that there would be the most frightful rioting and bloodshed if Mountbatten insisted on the referendum. But Mountbatten felt great satisfaction as there was absence of any really serious disturbance during the ten days of polling.¹²³

Keeping in view the overall turn out in the general elections in the Indian provinces, in the referendum an overwhelming majority of the Muslim voters had cast their vote for Pakistan. The absolute majority of the pro-Pakistan votes left no room for the British except to include the province into the territories that formed Pakistan. Later making appreciation of the referendum Olaf Caroe said, "I believe that it had not been for that test of opinion Referendum, we should almost certainly had a Civil War in the Province,(b) Tribal invasion as in 1930, and probably (c) an Afghan invasion and (d) the transfer of power in 1947 would have been impossible."¹²⁴

The Post-Referendum Problem in the NWFP: Dismissal/Resignation of the Ministry

While talking to Governor Lockhart on 7th July, Dr. Khan Sahib said:

..Should there be a clear vote in favour of Pakistan, he himself would certainly resign and thought that his colleagues would too, though he could not say for certain what the decision of the party would be. ... he would regard as a "clear vote"he told a press representative that he

would regard a vote of 31% of the electorate in favour of Pakistan as decisive.¹²⁵

After the Referendum, Mountbatten found himself in a challenging position to decide the future of the Ministry in the North West Frontier Province. It was great worry for him that the Congress Ministry refused to resign in spite of the adverse results of the referendum. Dr Khan Sahib, the Premier, originally indicated that he would be prepared to resign if the Referendum went decisively against him, but on instructions from the Congress High Command, he had changed his mind.¹²⁶

Mountbatten had three options. Firstly, it was expected that a peaceful constitutional solution would be the resignation by the present Ministry and the formation of a League Ministry but it seemed unlikely under the new approach of the Congress party. Secondly, it was thought of dismissing the ministry and the formation of a League Ministry but it would create strong reaction from the Congress. Thirdly, to allow the formation of a Coalition Ministry which almost appeared unlikely as both parties had contradictory aims. But Lockhart thought, in case of all these efforts, the best solution would be the dismissal of the ministry and the imposition of Section 93 and Martial Law.¹²⁷

Mountbatten discussed the question of dismissing the Ministry of the NWFP with Patel, who had suggested that in any case any step of this nature should be postponed until the 15th August.¹²⁸ Jinnah on the other hand, was keen that immediate action should be taken, preferably before the arrival of Cunningham. He had said that the present Ministry was deliberately attempting to sabotage the position of the NWFP in relation to Pakistan. Menon said that if the present ministry was dismissed in consequence of the result of the Referendum this step should be immediately followed by a general election. He considered that the dismissal of the Ministry should not take place before the 15th August. Mountbatten said that main difficulty confronting him was how he could, behaving constitutionally, reject the advice which had been given to him

by Pakistan Executive Council who he had approached for advice.¹²⁹

In the meantime Mountbatten encouraged talks between Ghaffar Khan and Jinnah, with the courtesy of Gandhi, to make some sort of settlement about the Pathanistan Issue.¹³⁰ Both showed interest in the beginning but both failed to show much flexibility in their demands, as a result talks ended in smoke.¹³¹ According to Ian Talbot “The lack of legitimacy and elite fear of subversion of state-building by ethnic and subaltern forces has been fundamental and insoluble problem. It has given rise to the ‘fearful state’ on which pluralism is seen as a source of weakness rather than strength.”¹³²

Mountbatten thought that not only the recent stand of the Congress was unprincipled, but also the Congress had made it a matter of prestige. He knew that it was within “his legal powers to direct the Governor to dismiss the Ministry and that decision cannot be called to question.” But he also apprehended that such action would be contrary to normal constitutional practice since the Ministry undoubtedly had a majority in the Legislature. He also feared that the Congress would react strongly which he had been trying to avoid since day one of his Viceroyalty.

Although he recognized the difficulties, Mountbatten thought that it would be better to get the Governor to issue a sort of standstill order so that League interests should not be damaged because of any action taken by the Congress ministry. His direction did not go down well because the advice given to Mountbatten was that if he could not direct Governor to go into Section 93 and take on the Muslim League team as his advisers, Muslim League Government would inherit chaos in the NWFP on the 15th August. Mountbatten thus had second thoughts and said:

I think it is clear that the present Ministry must either resign or be dismissed before 15th August, but it may be advisable to make a change as late as possible, and possibly to adopt the expedient of going into Section 93 for a couple of days

rather than appointing a Muslim League Ministry before 15th August.¹³³ Lockhart presented his report about NWFP and prospect for dismissal of Ministry. The Viceroy said that he personally was violently opposed to Government by Section 93 as it would be interpreted by the public as the last act of the British to introduce direct rule.¹³⁴ Lockhart said that he had seen Dr. Khan Sahib again and the latter had adhered to his decision not to resign. Lockhart asked him on what terms he might consider resigning. Dr. Khan Sahib had suggested that the Legislative Assembly should be dissolved and fresh elections ordered. But he had agreed that this was impossible before 15th August, and that new elections would have to be held under the new Constitution and the new Electoral roll.¹³⁵

Mountbatten clearly wanted to leave this matter to be resolved after August 15 so that he could not annoy the Congress and invite agitation and disturbance in the NWFP. He also took into confidence Lockhart, and the post-independence Governor of the NWFP George Cunningham.¹³⁶

Mountbatten also consulted the Area Commander and Inspector-General of Police with reference to the proposed dismissal of the ministry. They feared this would cause serious repercussions at this particular juncture and foresaw very serious and widespread disturbances. The Area Commander was emphatic that owing to the division of the Army and subsequent troop movements, the forces at his disposal, 'were inadequate and some of doubtful temper'.¹³⁷

However, Mountbatten finally announced that he had received advice from the Secretary of State for India saying that it would be unconstitutional for the Viceroy either to dismiss the Ministry of the NWFP before 15th August or for the Governor of the Province to go into Section 93 rule. Viceroy said that there was obviously no alternative but to accept the Secretary of State's ruling.¹³⁸

But when Liaquat told Mountbatten that he had evidence that Dr. Khan Sahib intended to declare the independence of

“Pathanistan” on the morning of the 15th if still in power, Mountbatten again reconsidered and thought that he would ask Lockhart to call on the Ministry to resign on the 11th and that if they failed to do so to dismiss them on the 12th. Then he thought that the new Governor, George Cunningham, who would be sworn-in on the morning of the August 13th and therefore “his first act can be to form a new Ministry in accordance with Jinnah’s instruction in anticipation of the transfer of power on the 15th August.”¹³⁹

Conclusion

The idea of holding a Referendum is not uncommon where the system of government is based on democracy. An election, a plebiscite and a referendum are important tools of democracy and are used by a State to determine the wishes of the people on any contentious issue. Once the decision to partition India was taken in June 1947, Mountbatten applied both tools of democracy, (namely election and referendum) to know the will of the people to join India or Pakistan. The paramount feature of this procedure, however, was that while determining the will of the people, all important aspects, including strength and communal composition of the legislative assemblies of each province was to be kept in mind. Though Mountbatten wanted to use only one instrument, namely the referendum, to ascertain the will of the people in India for all Muslim-majority provinces including the Punjab and Bengal, their Governors, owing to those two provinces’ complex religious and political landscape, opposed the idea and preferred the method of indirect elections in the existing legislative assemblies instead of the Referendum. Therefore, the device of referendum was adopted only for the provinces of Assam and the NWFP.

The NWFP presented a very complex picture, because, being an overwhelmingly Muslim-majority state, the competition here was not between the Muslims and the non-Muslims but a tussle between the incumbent Congress Ministry and the Muslim League. In the 1946 elections, the Congress party had won 17 Muslim seats of the total of 50, and with help of the non-Muslims, namely the Hindus and the Sikhs, formed the Ministry.

The British Government had given non-Muslims, a population of only 7% in the Province, a heavy mandate of 24%. By default, non-Muslims always supported the Congress party and, therefore, were considered a major factor in the formation and sustenance of the ministry in the NWFP. Unfortunately for the Congress Ministry, this advantage turned into great disadvantage in 1947. The Muslim League, the second-largest party in the Province, even though it secured higher votes than the Congress Party and won 17 seats in the province during the 1946 elections, could not form a ministry as it did not have the luxury of the non-Muslim support. The Muslim League had alleged that the Congress party had won the election and came into power through corruption and rigging.

The British mishandling of the formation and working of the Interim Government in the Centre, and open and provocative statements by the Congress High Command against the Cabinet Mission Plan made the Muslim League and the Muslims to resort to “Direct Action Day” and other such means to achieve their goal of Pakistan. Thus after the ‘Great Calcutta Killings’ a wave of communal riots between the Muslims and non-Muslims, particularly the Hindu-Muslim riots engulfed the whole of India including the province of NWFP. The Bihar riots of October-November 1946, which claimed the lives of hundreds of innocent Muslims, sent a strong message to the Muslims of India and this ensued a vicious circle of Hindu-Muslim riots in the NWFP as well. This was a turning point in the history of the NWFP politics because the Muslims of the NWFP began to relate the existing Congress Ministry with the Hindu-dominated Congress Party. Caroe had suggested to the Congress Ministry to use the ‘Pathanistan’ as a card instead of Indian nationalism against the demand for Pakistan. However, it was quite difficult for the Congress Ministry to declare itself that they were only an ethno-based political party, namely Khudai Khidmatgar, and to demand the partition of India on this basis only instead of the Indian nationalist and secular label, and believed only in the establishment of a *Pathanistan*. Eventually, Caroe’s argument won the day and Congress party in the NWFP changed its stated

goal but by that time it had become too late to capitalize fully on it.

The aim and objective of the League had been to achieve the goal of Pakistan utilizing all the available options. Given that the Provinces of Punjab and NWFP had anti-League and anti-Pakistan ministries, the League devised an agitation strategy and launched a strong campaign in the shape of a civil disobedience movement. This paid dividends when Punjab Prime Minister Khizar Tiwana, resigned on 2 March 1947 as a result of the breakdown of law and order in the province. Thenceforth, the League also adopted the same approach in the NWFP and paid full attention to breaking down the Congress Ministry in the province by multiplying its efforts. In fact, the movement had unnerved the Ministry which preferred to apply oppressive measures to curb it. The Government arrested the top leadership of the Muslim League, which included Khan Abdul Qayyum Khan and Pir of Manki Sharif. Thousands of workers were put behind the bars, and as a result jails overflowed with political prisoners. Whether it was a settled or a tribal area, the writ of the government was challenged in every nook and corner of the province. When Caroe asked the Ministry to adopt a conciliatory approach with League, he was labeled as pro-League and the Congress vehemently demanded his resignation.

For Mountbatten the NWFP had become a bone of contention, and, therefore, required a reinvestigation, to determine whether the already proposed procedure for deciding the future of that Province was fair. However, Mountbatten, after having witnessed the political insurgency in the NWFP against the Congress Ministry during his visit of 27-28 April 1947, was convinced that the fresh elections in the province of NWFP had become due owing to the emergence of new political realities arising from the imminent British departure, the growing strength of the Pakistan movement and the decreasing popularity of the Congress government. Mountbatten was initially convinced that only through a fresh election could the will of the people regarding the political future of the province be determined. In principle, Nehru and Dr. Khan Sahib agreed that

fresh mandate should be taken through new elections but later on they changed their contention by claiming that because of the Muslim League's agitation the time was not ripe for such a measure, and the Government should refuse to yield to such a demand. Upon such a strong negative reaction from by Nehru and Dr. Khan, Mountbatten changed his decision and thought of holding a referendum, instead.

Mountbatten tried to develop a consensus and was able to convince Dr. Khan Sahib, Nehru, and Jinnah, the three main players on the political stage of the NWFP politics, to accept the referendum as the only, and the best *modus operandi*, of judging the will of the province to join India or Pakistan. This time he was successful in getting their clear and open approval. However, the Congress High Command had its own agenda regarding the future of the NWFP.

In fact, Dr. Khan Sahib was ready for new elections and had promised Mountbatten to contest it but he was admonished and stopped from pursuing it because quite contrary to the official assessments, the Congress Working Committee was not quite sure of victory if an election was held. Dr. Khan Sahib was equally keen to contest the referendum. But again he was rebuffed by the Congress High Command. Instead, he was directed by Gandhi to put up the demand for the third option, namely the independence of NWFP on the basis of Pathan nationalism, which he quite reluctantly accepted, and then half-heartedly pursued as a bargaining chip. But his brother Khan Abdul Ghaffar Khan, the 'Frontier Gandhi', like a true friend and disciple of Gandhi, seemed to make this plan a conviction of his life. So when a new country on the basis of two-nation theory was emerging on the scene of the political map of the world, the seeds of separate tendencies and multi-nationalism were sowed not on principles.

As a matter of fact the Congress Party had no serious concern for the future of the NWFP. It believed that owing to its geographical location, it would not become part of India. It simply wanted to use the 'NWFP card' as a leverage to secure

more share for itself in other provinces. Mountbatten was quite ready to give the NWFP the third option provided it should be extended to other provinces, and parts of provinces, particularly to Bengal, as well. Here the Congress Working Committee had no false illusions and preferred to take a pragmatic but pro-Hindu stance, and, therefore, dropped the demand for the third option for the NWFP, ostensibly stating that this demand for the third option would result in the *Balkanisation* of India. But the Congress did not mind encouraging unofficially; recently reborn Khudai Khidmatgars party, to demand *Pathanistan* (Pakhtunistan).¹⁴⁰

It was quite nerve-racking for Mountbatten that on one hand, the Congress leaders Nehru and Dr. Khan Sahib, had accepted and endorsed the idea of a referendum, but on the other, they changed stances, broke their promises, and created hurdles for the British administration. This time Mountbatten did not permit Nehru or the Congress to sabotage the ongoing process of the transfer of power, and as a result the Congress Working Committee accepted the 3rd June Plan, which, generously, had been shown to Nehru and Patel before hand, and the two had been kind enough to give their blessings to it.

Rejecting Jinnah's demand for the dismissal of the Congress Ministry before the referendum, Mountbatten sacked Caroe and replaced him with a new governor, Sir Robert Lockhart, to enlist the Congress goodwill and support. He also adopted all important measures that would ensure a free and fair referendum in the NWFP. He brought changes in the administration and employed the army to manage the referendum. Unfortunately, he found out that he was incapable of persuading the Congress to participate in it.

To make the referendum fairer and to enlist the League's support, he had thought of dismissing the Congress Ministry in the province before the holding of the referendum but he remained inconclusive which of the two courses to adopt: to force the Congress party to resign or to openly dismiss it. The Congress party, which had accepted the 3rd June Plan and the

accompanying modus operandi for the NWFP province, decided, however, to boycott the referendum. The British feared that it would result in a deterioration of the already sensitive situation in that province, as the Muslim League had been carrying out an extremely excited campaign to win the referendum in favour of the Pakistan scheme, while the Congress Ministry was not keen to stop an arms race between the sub-organizations of the Congress and the League respectively, Red Shirts and the Muslim League National Guards. Therefore, Mountbatten asked Gandhi to play his role in this regard and to ask his followers in the NWFP province to remain peaceful until the process of the referendum had been completed. Finally, Gandhi directed, Ghaffar Khan, in an open letter, to avoid any confrontation, thus permitting the referendum to take place without much trouble. Therefore, the referendum in the NWFP which took place during the period of 6-17 July 1947 under the Congress Ministry, and with the aid and help of the British army officers, had, in the event of a Congress boycott, become just a matter of academic exercise. Mountbatten was quite happy with the result of the referendum as over 50% of the total eligible electorate of 572,798 voters had voted in favour of Pakistan. Anyhow, there have been efforts to disparage the significance of the referendum by suggesting that the polling was rigged and it also had a low voting turn out. But a close analysis of the results with the 1946 polls presents a different picture. In the 1946 provincial elections, League candidates had secured 146,235 votes compared with the 289,244 cast for Pakistan in the Referendum. In percentage terms of the total of those voting, 99 per cent of the votes cast favoured Pakistan.

In the last elections the Congress and the Jamiat-ul-Ulema Hind, an orthodox religious party, had formed an alliance against the League. In this poll the total body of voters was 604563; total combined votes cast for Congress+ Jamiat-ul-Ulema Hind was 26.53% of total electorate, including General and Sikh constituencies, 7 of which were not contested. The Muslim votes for Congress+ Jamiat-ul-Ulema Hind, 27.6% of Muslim electorate. Anyhow the Muslim League captured 24.18% of total electorate of which it grabbed 27.8 % of Muslim electorates.

Thus the Muslim League had grabbed more Muslim votes as had combined been bagged by the Congress- Jamiat-ul-Ulema Hind group.

In the Referendum of 1947, the total number of people entitled to vote was 572,798 of which only 2874 voted in favour of 'Hindustan', whereas the number of votes polled in support of Pakistan was 289244, which was 50.49 % of the total electorate. It was not only in Hazara and Abbottabad, as some critics tend to suggest, but virtually in all Muslim constituencies the number of votes cast for Pakistan shows a huge addition to those cast for the party preference in the last election. Therefore, in the light of this result, Sir Lockhart inferred that the 'League could now command 28 seats in the Legislative Assembly against 16 commanded by Congress (including 12 Hindus and Sikh seats); 3 constituencies would be doubtful.' It is a fact that the Congress had boycotted the referendum and tried to adopt all means to harass the voters but it failed to benefit from such tactics as the total number of votes cast was only 15% less than those polled in 1946. As a matter of fact, in spite of the Congress's boycott, the Province had given its mandate in favour of joining with Pakistan. Nothing could make Mountbatten happier, as he had quite successfully done in the NWFP, what he had been able to do successfully in other parts of India as well, by ascertaining the will of the people in favour of India or Pakistan. And he was satisfied that the turn over during the polling was impressive and over 50% of the total voters had voted for joining Pakistan.

Mountbatten found himself in an awkward position when quite contrary to the British parliamentary convention and to fulfil its promise, the Congress Ministry lacked moral courage to resign and go for new elections. Quite contrary to the expectations of the British, Dr. Khan Sahib again chewed his words and refused to step down from the Ministry. Mountbatten, under these circumstances, despite the advice of Lockhart and his staff and demand of the Muslim League, was reluctant to dismiss the Ministry. His strategy had been to avoid a headlong clash with the Congress and to avoid political impasse, therefore, he remained indecisive and kept the issue alive and refrained

from dismissing the Ministry, which he was convinced had lost any legal and moral foundation to govern. In his last days as the Viceroy, he sought advice from the Secretary of State about the legal position of dismissing the NWFP ministry. Though the Secretary of State's argument, in eyes of Jinnah, was debatable and inconclusive, but in fact Mountbatten was simply buying time and did not want to take any strong decision himself but wanted the issue to linger on, although he had advised the Governor-designate Sir George Cunningham to act upon the advice of the Governor-General of the new Government of Pakistan with regard to the Congress ministry.

Mountbatten did not like the idea of Pathanistan or an independent province of the NWFP; rather he wished that there should be some compromise between the Muslim League and the Khan Brothers. However, on his personal encouragement, Gandhi and Khan Abdul Ghaffar Khan showed interest to find some solution of the demand, and thus negotiations ensued between the League High Command and the Congress leadership which proved inconclusive. There were numerous factors for its failure. Khan Abdul Ghaffar Khan was not very clear about his demand of Pathanistan, as it was put after the 3rd June plan to counter Pakistan demand. To his opponents it was not only inopportune and reactionary but also contrary to his principled stand for a United India. To Jinnah demands from Ghaffar Khan were quite lofty and fantastic in the light of his recent opposition to the establishment of Pakistan. Dr. Khan Sahib did not want an independent Pathanistan either. He simply wanted provincial autonomy and that was being promised by Jinnah who wanted him to accept Pakistan first and participate in the Pakistan Legislative Assembly. An acceptable compromise between the two parties might have saved the day and would have laid a solid foundation for Pakistan. But both parties showed little flexibility in their demands and as a result, one party got its comfort zone in its persistent demand for the establishment of Pathanistan, while the other branded it as traitors. Consequently, the seeds of dissension and confrontation continued to flourish, particularly after the dismissal of the NWFP Ministry following the emergence of Pakistan. As a result, history of Pakistan shows

that concept of cultural pluralism in Pakistan was turned into a weakness rather a source of strength.

In a nutshell, it was not the ‘strategic and other practical reasons’ as has been suggested by Ayesha Jalal which prompted Mountbatten not to allow the NWFP ‘to stand alone’.¹⁴¹ But Mountbatten’s decision to ascertain the wishes of the people of the NWFP to join Pakistan or India was based on the basic principle of democracy which he was determined to undertake while deciding the fate and future of India and Pakistan. He was successful in proving that India was being partitioned on the basis of its people’s wishes. Congress and the League also demanded and endorsed the partition plan. Mountbatten clearly announced that in the NWFP, Assam and Baluchistan the will of the people would be determined through the Referendum. The Congress Party, despite accepting the 3rd June Plan, boycotted the referendum in the NWFP, while happily participating in it in other provinces. Mountbatten wished neither to annoy the Congress nor to deprive the Muslim League of their just demands. Therefore, once he was convinced that it would be unjust to allow the existing NWFP legislative assembly, owing to its communal composition and strength, to decide the future of the province, Mountbatten decided to have a fresh mandate through the apparatus of referendum. The convincing victory of the Muslim League and more than 50% turn out in the referendum was an ample proof of his conviction that the Province wanted to become part of Pakistan.

But unfortunately, in his bid to bag Congress support in the Centre to transfer power in a peaceful manner and to safeguard the long run British interests in India, Mountbatten was not ready to annoy Congress. The Congress Party in the NWFP, found itself helpless in the Referendum because it had no say in the decision-making body at an All-India level which had other goals, and was using the NWFP card simply for vested interests. Therefore, Mountbatten’s magic worked in the NWFP and he was able to obtain the will of the people without letting any party sabotage the process of the Referendum in the NWFP. This study has proved that despite heavy odds, Mountbatten was

able to administer justice and helped Indians to have a peaceful transfer of power in the NWFP, which, in his absence, might have been impossible.

Notes and References

- 1 Off 50 seats the Muslim League got only 17 seats, Ian Talbot, *Pakistan A Modern History* (New York: ST. Martin Press, 1998), p. 85
- 2 Shah writes “For the Pashtoons the best alternative, in the absence of a United India, would have been independence. This option was not to them by the departing British power....A plebiscite offering them a choice between joining India and Pakistan was meaningless in the context of the division of the country, and therefore the nationalists in the NWFP boycotted it.” Sayed Wiqar Ali Shah, *Ethnicity, Islam and Nationalism: The Muslim Politics of North-West Frontier 1937-1947*(Karachi: Oxford University Press, 1999), p. 191.
- 3 S. Rittenburg, *Ethnicity, Nationalism and Pakhtuns: independence movement in India’s North West Frontier Province 1901-1947* (North Carolina: Carolina Academic Press, 1992)
- 4 Erland Jansson, *India, Pakistan or Pakhtunistan*(Uppsala: Acta Universtativ Uppsala, 1988)
- 5 Parashotam Mehra, *North-West Frontier Drama 1945-1947*(Karachi: Oxford University Press, 1998), p.195
- 6Mukulika Bannerjea, *The Pathan Unarmed* (Karachi: Oxford University Press 2000) , p.188
- 7 Anwar Ali Khan, *The Role of N.W.F.P. In The Freedom Struggle*(Lahore: Research Society of Pakistan, 2000), pp.184-244
- 8 Sikandar Hayat, *The Charismatic Leader Jinnah and the Demand for Pakistan*,(Karachi); Oxford University Press, 2009)

-
- 9 Latif Ahmed Sherwani, *The Partition of India and Mountbatten*(Karachi: Council for Pakistan Studies, 1986)
- 10 Riaz Ahmad, “An Aspect of the Pakistan Movement: Muslim League’s Civil Disobedience Movement against the NWFP Ministry of Dr. Khan Sahib (20 February -4 June 1947)” *Pakistan Journal of History and Culture*, Islamabad, Vol. XXVIII, No.2 (2007).
- 11 The population of this province was about three million, of whom 93% are Muslim. Between the NWFP and the International boundary with Afghanistan lays the tribal areas. These included four States (three of them important), and are divided into five Agencies; the degrees of control varies, reflecting different historical developments of British rule. The population of the tribal areas was estimated to be about two and half million, with probably 99% Muslims. There was a constitutional and administrative link between these two. The Governor of the NWFP was also the Agent to the Governor-General (who now exercises his function through the Member, External Affairs Department-Nehru) in respect of all dealings of government with the tribes and States across the administrative border. The administrative link is the joint cadre (Indian Political Service) which served both the province and the tribal areas.
- 12 Anwar Ali Khan, *The Role of N.W.F.P. In The Freedom Struggle*(Lahore: Research Society of Pakistan, 2000), pp.184-244
- 13 *Times of India*, 19 March 1947.
- 14 For details see the: *QAP*, Vol. I, part 2, pp. 327-449.
- 15 Caroe to Mountbatten, 31st March 1947, Mountbatten Papers MBI/D231/5.
- 16 Erland Jansson, *India, Pakistan or Pakhtunistan*, p. 215

-
- 17 Caroe to Mountbatten, D.O No. GH-37, 7th April 1947
Mountbatten Papers MBI/D231/11
- 18 Governor suggested that NWFP Public Safety Public Safety Ordinance should also include additional provisions.
- 19 24 hour curfew was imposed on Peshawar city 0800 hours 5th. Announcement received hostile reception and two processions of men and women separately taken out. Caroe to Mountbatten, CA-47, 5th April 1947, Mountbatten Papers MBI/D231/8
- 20 Caroe to Mountbatten, 102-CA, 4th April 1947, Mountbatten Papers MBI/D231/8
- 21 Syed Wiqar Ali Shah, *Muslim League in NWFP* (Karachi: Royal Book Co., 1992), p.135
- 22 Pir Aminul Hasanat of Manki Sharif popularly known as 'Pir Sahib of Manki Sharif (1923-1959) was a renowned religious scholar. He joined the Muslim League in 1945 and on October 1, 1945 he organized a historic meeting of the Ulema and Mashaikh at Peshawar, which passed resolutions expressing full support to Pakistan demand. He was imprisoned by the Congress Government for his scathing criticism of the Indian National Congress. However, he played key role in bringing a victory for the Muslim League in the Referendum, which opted to join Pakistan instead of India.
- 23 Muslim League flag was forcibly hoisted in jail 15th evening. Paros town D.I. Khan attacked where 54 shops and 43 houses reported burnt, one Muslim two Hindus killed and 2 unsuccessful attempts at arson in Tank 16th. Pakistan radio started operating on 15th evening 16 the morning from unknown station. It was also reported that Jirga to be held Batakhela Malakand 16th to decide program for Muslim League activity. Norwef, P.S to Caroe to the Viceroy, 16th April 1947, Mountbatten Papers MBI/D231/19

-
- 24 Draft Statement by the Governor NWFP Viceroy, 10th April 1947, Mountbatten Papers MBI/D231/19
- 25 Chaudri Muhammad Ali, *The Emergence of Pakistan*(Lahore: Research Society of Pakistan, 2009), pp.88-9
- 26 Norwef to Foreign office, New Delhi, 29th March 1947, Mountbatten Papers MBI/D231/2
- 27 Governor suggested holding a general election. This might be done in two ways-either (1) by inducing Congress to agree to a general election or;(2) by taking the initiative and forcing it on them. In case of 91) the election would almost certainly be rigged, but even so this would be better than continuing as at present. Case (2) would mean dismissing the Ministry, dissolving the House, and taking powers under Section 93. This is what the League and the tribes demand. Only thus would a clean election be assured. Extract of Viceroy 6th Staff Meeting, 31st March 1947, Mountbatten Papers MBI/D231/4.
- 28 Memorandum from Mountbatten for Jinnah about the NWFP and Baluchistan Tribes, 25th June, 1947, Mountbatten Papers MBI/D233/66-8
- 29 Note on an Interview between Caroe and Ismay, 2nd April 1947, Mountbatten Papers MBI/D231/6.
- 30 Governor thought these were possible courses (a) for Governor-General to take tribal affairs into his own portfolios until future of tribes is settled. This would undoubtedly have pacifying effect.(b) for Governor to issue direction under 57 Government of India act assuming control at least of law and order. This however might shortly place me in section 93.(c) Leave Ministry to pursue present courses into greater difficulties and deal with symptoms as best we can. I realize present circumstances may necessitate following course to sub-serve larger all-India interests. Caroe to Mountbatten, 31st March 1947, Mountbatten Papers MBI/D231/5.

-
- 31 Note prepared By Mieville, about NWFP for Viceroy, 10th April 1947, Mountbatten Papers MBI/D231/17.
- 32 Richard Symonds, *The Making of Pakistan* (London: Faber And Faber, 1950), p. 70
- 33 Mountbatten said that Caroe was fully aware that he was considered by many to be pro-Muslim League but he had denied this in what had impressed him (Viceroy) as being a most sincere way.
- 34 Caroe said that he had greatest admiration for Dr. Khan Sahib, whom he considered to be an outstanding and most courageous man. They had many differences of opinion in the past for various reasons.
- 35 Jinnah.
- 36 Extract from Viceroy's 5th Miscellaneous Meeting, 23rd April, 1947, Mountbatten Papers MBI/D231/44.
- 37 Viceroy's Conference Paper Number Forty-Two Draft Announcement 1st May, 47, MBI/D 256, p. 16.
- 38 Nicholas Mansergh, and Penderel Moon (Eds), *The Transfer of Power 1942-7, March - 30 May 1947, Vol. X, 22, pp.286-92.*
- 39 Caroe said that the important thing was that processions must stop and suggested that political leaders accused of violence should not be released but other political prisoners should be released.
- 40 Extract from Viceroy's Miscellaneous 4th Meetings, 18th April, 1947, Mountbatten Papers MBI/D231/21.
- 41 Extract from Viceroy's Miscellaneous 4th Meetings, 18th April, 1947, Mountbatten Papers MBI/D231/21.
- 42 Mountbatten proposed to Nehru that a general election should be held on the Frontier very soon as the only available means of easing the tension. Nehru was not against elections in principle but objected to making an announcement to this effect at the present moment.

-
- Mountbatten to Secretary of State, 17th April, 1947, Mountbatten Papers MBI/D231/22
- 43 Nehru to Mountbatten, 17th April, 1947, Mountbatten Papers MBI/D231/22.
- 44 Nehru to Mountbatten, 17th April, 1947, Mountbatten Papers MBI/D231/22.
- 45 Nehru said that the violence and brutality that we have seen in India during the last eight months are the resultants of the deliberate policy of the Muslim League called "Direct Action". He alleged that the tactics of the Muslim League have been remarkably similar to those of the Nazis in their early days with their Brown Shirts and Black Shirts. Nehru to Mountbatten. 17th April, 1947, Mountbatten Papers MBI/D231/22.
- 46 Nehru to Mountbatten, 17th April, 1947, Mountbatten Papers MBI/D231/22.
- 47 *The Hindustan Times*, 3rd April, 1947.
- 48 Extract of Viceroy's 16th Staff Meeting, 18th April, 1947, Mountbatten Papers MBI/D231/24.
- 49 Mountbatten to Secretary of States, No. 830-S, 19th April, 1947, Mountbatten Papers MBI/D231/29.
- 50 . Extract from Viceroy's 17th Staff Meeting, 19th April, 1947, Mountbatten Papers MBI/D231/28.
- 51 Mountbatten to Nehru, 21st April, 1947, Mountbatten Papers MBI/D231/39 .
- 52 On arrival in Peshawar, Viceroy was informed that the meeting that Jinnah had telephoned about last night was taking place. A crowd estimated at 50,000 included large numbers who had walked in from the surrounding districts and from tribal territory and Chat districts. Although the leaders of the meeting was undertaken not to break the law by forming a procession, all the authorities agreed that they would insist in seeing the Viceroy even at the risk of breaking the law. The crowd

was in excellent spirits and greeted Viceroy's appearance with shouts and flag-waving. Viceroy stood for a few minutes in company of Governor and local civil and military officials, and then withdrew after saluting but without making any address. Her Excellency accompanied His Excellency, as it was reported there were many women in the crowd. Abdul Quayum Khan presented a memorandum which embodied their demands; he explained the background of some of these, such as the case of the Sikh girl, the fines levied on the Hazara tribes and system of weightage in the Assembly which resulted in Congress securing a majority with the support of one third of the Muslim members. He complained of the election machinery at the time of the last elections, at the lack of independence in the judiciary, the plethora of trials under the Frontier Crimes Regulations; and ended by stating that the Ministry had lost the confidence of the people, that the machinery of Government was at a standstill, and that fresh elections should be held under a Section 93 regime. In reply to a question by Viceroy, he stated that the only by-election which had been held recently (another should have been held but was postponed) had resulted in an increased majority for the Muslim League candidate.

- 53 Dina Nath, main leader representing Hindus and Sikhs communities in the NWFP, said that the agitation going on in the NWFP was mainly communal, and to only a lesser extent anti-Ministry. This was proved by the fact that no Muslim-Congressite had been harmed. He presented a Memorial in which it was stated that the Direct Action Campaign launched by the Muslim League in Calcutta last year, and its aftermath, the ML: leaders of this province have been carrying on a most virulent type of communal propaganda against the Hindus and the Sikhs, with the result that woeful incidents of murders, murderous assaults, forcible conversions, arson, and loot, physical and mental agony to the innocent victims. Mountbatten to Nehru,

-
- 30th April, 1947, Mountbatten Papers MBI/D231/62(4 pages).
- 54 Meeting between Mountbatten with Governor and the Four Ministers, on 28th April, 1947, Mountbatten Papers MBI/D231/63(4 pages).
- 55 Meeting between Mountbatten with Governor and the Four Ministers, on 28th April, 1947, Mountbatten Papers MBI/D231/63(4 pages).
- 56 Mountbatten said, "I have impressed, both by the mass meeting which I saw, and in conversation with members of people with the strength of the movement which is now taken place. However, much one may deplore politics which are based on pure communalism, the existence of this feeling and its strength must be recognized." Mountbatten to Nehru, 30th April, 1947, Mountbatten Papers MBI/D231/62(4 pages).
- 57 Sayed Wiqar Ali Shah, *Muslim League in NWFP* (Karachi: Royal Book Co., 1992), p. 138
- 58 Mountbatten to Nehru, 30th April, 1947, Mountbatten Papers MBI/D231/62(4 pages).
- 59 Regarding NWFP it was contemplated and agreed that (a) The number of elected members of the Constituent Assembly for this province was too small to leave the decision in their hands;(b) to leave the vote to them, or any other small body chosen on a population basis by the Legislative Assembly, might also well result in a Congress Government getting voted into Pakistan, which would be a farcical situation.(c) it was therefore probably best to leave the decision to the Legislative Assembly itself. Extract of the Viceroy's 6th Discussions with Liaquat Ali Khan held on 21-4-47., Mountbatten Paper MBI/D256/ folder one.
- 60 Extract from His Viceroy's 20th Staff Meeting held on 22 April 1947, MBI/D 256/ page 113.

-
- 61 Scott said that he believed that Congress were gradually losing power in the NWFP. Viceroy said that he intended to warn Gandhi and Nehru that he was particularly anxious to see no “agent provocateur” work in the NWFP. He would not be taken in any that.
- 62 Mountbatten to Secretary of States, dated 3rd May, 47, MBI/D256
- 63 V.P. Menon, *The Transfer of Power in India* (Calcutta, 1957), p. 362.
- 64 Mountbatten to Secretary of States. dated 3rd May, 47, MBI/D256
- 65 Resolution passed by the All India Muslim League at its meeting held at Delhi on Monday, the 9th of June, 1947, , Sher Muhammad Garewal, (ed.), *Jinnah-Mountbatten Correspondence 20 March-9 August 1947*(Lahore: Research Society of Pakistan, 1994), pp.82-3
- 66 Mountbatten though that Congress was so bitterly against him that it may not be in the best interest of all concerned to retain him. Private and Secret, dated 1st May 1947, MBI/D283/5.
- 67 Private and Secret, dated 1st May 1947, MBI/D283/5.
- 68 Viceroy’s Conference Report Number Forty-Six (29-6-10), Viceroy’s Personal report no 6, MBI/D283/6.
- 69 Nehru was assured that Congress Ministry would not be dismissed and whereas Caroe would be removed before Referendum. Latif Ahmed Sherwani, *The Partition of India and Mountbatten*, pp. 143-4
- 70 Mievil and I tried to work out a formula which did not refer to election and which was fairly harmless; but the following day, when Mievil took it round to Jinnah, he dug in his toes and said that he reserved the right to make any statement.
- 71 Mountbatten told Jinnah that he had order the 5,000 prisoners, who had been nominally released at my

-
- request, to leave the jail. Meanwhile I had arranged for the principle leasers in jail to be given parole and flown down to see Jinnah (for I had been unable to persuade Jinnah to fly up to see them). Viceroy's Conference Report Number Forty-Six (29-6-10), Viceroy's Personal report no 6, MBI/D283/6.
- 72 Jinnah's press statement of 7th May, 1947/MBI/D288/6.
- 73 Muhammad Munir, *From Jinnah To Zia* (Lahore: Vanguard, 1980), p. 11
- 74 B. N. Pandey, *The Break-up of British India* (London: McMillan And Co LTD, 1969), p. 202.
- 75 S. M. Ikram, *Modern Muslim India and The Birth of Pakistan 1857-1951*(Lahore: Sh: Muhammad Ashraf, 1970
- 76 Ayesha Jalal, *The Sole Spokesman Jinnah and the Demand for Pakistan*(Lahore; Sang-e-Meel Publications, 2000), p. 282
- 77 Campbell Johnson, *Mission with Mountbatten*(London: 1981), p. 210
- 78 Mountbatten to Nehru 17 June 1947, Nicholas Mansergh (Ed.) *The Transfer of Power 1942-1947*, vol. XI, (London, 1980), p. 460
- 79 Viceroy's Conference Paper Number Sixty-Eight, Viceroy's personal Report No. 8, 5th June, 1947. MBI/D283/8.
- 80 Latif Ahmed Sherwani, *The Partition of India and Mountbatten*(Karachi: Council for Pakistan Studies, 1986), p. 143
- 81 Viceroy's Conference Paper Number Sixty-Eight, Viceroy's personal Report No. 8, 5th June, 1947. MBI/D283/8.

-
- 82 Saleemullah Khan, comp., *The Referendum in NWFP, 1947* (Islamabad: National Documentation Centre, 1996), pp. 21-51.
- 83 *Indian News Chronicles*, 23rd June 1947
- 84 Viceroy's Personal Report no. 10, Top secret and Personal, Dated: 27th June, 1947, MBI/D284/1, pp. 1-14.
- 85 Abdul Ghaffar Khan addressed meeting in Mardan on 12th evening without committing himself to any particular line of future action. Audience at meeting 6 to 7 thousand whom nearly two thousand armed. Caroe to Mountbatten, No. CB 202, 13th June, 1947, Mountbatten Papers MBI/D233/3.
- 86 Anwar Khan, *The Role of NWFP in the Freedom Struggle* (Lahore: Research Society of Pakistan, 2000), p.135
- 87 Hugh Tinker, *Viceroy Curzon to Mountbatten* (Karachi: Oxford University Press, 1997), p. 243
- 88 Sikandar Hayt, *The Charismatic Leader Quaid-i-Azam Mohammad Ali Jinnah and the Creation of Pakistan* (Karachi: Oxford University Press, 2008), pp. 313-4
- 89 Later Caroe stated that "The pressure of events was inexorable. Mountbatten came up to see for himself and was greeted by huge crowd favourable to the League. It was only by courage and panache that he succeeded in averting a disaster that might have involved whole area in bloodshed, making a transfer of power impossible. In the end he was able to persuade Nehru that no transfer would be conceivable without plebiscite on the Frontier and Congress was persuaded to agree to it as part of the package deal for transfer of power. The price of this agreement was the Governor's withdrawal from the scene." Olaf Caroe, "The End Of British India \storms Which still Blow strong" *The Round Table*, January

-
- 1970, pp, 59-64.; Caroe to Mountbatten No.205-CB, 14th June, 1947, Mountbatten Papers MBI/D233/8.
- 90 Viceroy's Conference Report Number Forty-Six (29-6-10), Viceroy's Personal report no 6, MBI/D283/6; Mountbatten Papers MBI/D233/23 ;Mountbatten to Secretary of State, No.1436-S, 14th June, 1947, Mountbatten Papers MBI/D233/6.
- 91 The team of officers was selected to assist Brigadier Booth in running the proposed referendum in the NWFP. Major-Gen H.R Swinburne to Ismay, 18th June, 1947, Mountbatten Papers MBI/D233/19.
- 92 Lockhart to Mountbatten, No. CA-137, 2nd July, 1947, Mountbatten Papers MBI/D233/82.
- 93 Referendum Commissioner, Peshawar to P.S.V, No. CA, 13th June, 1947, Mountbatten Papers MBI/D233/5.
- 94 The Viceroy was advised that to give legal cover for the Referendum it would be necessary to issue an order under Section 104 of the Government of India Act, putting the subject either in the Provincial list or in the Central Legislative list. ,
- 95 Extract from Viceroy's 46th Staff Meeting, 23rd June, 1947 Mountbatten Papers MBI/D233/42.
- 96 'Jinnah's Broadcast speech on the Mountbatten Plan, 3rd June 1947', Sharifuddin Pirzada, (ed.) *The Foundations of Pakistan*, Vol II, (Karachi: National Publishing House LTD, 1970), pp.563-5; Caroe to Mountbatten, No. 190-CB, 8th June 1947, Mountbatten Papers MBI/D232/52.
- 97 Abdul Qaiyum, Firoz Khan Noon, Pir of Manki Sharif and I.I. Chundrigar, were deputed by Jinnah to organize the Muslim League campaign for the Referendum.
- 98 *The Tribune: on line India*, 28 March 2004, Chandigarh, India.
- 99 Ian Stephens, *Pakistan* (London: Ernest Benn Limited, 1962), p. 174

-
- 100 Norwef to Mountbatten No.21 2-CB, 20th June, 1947, Mountbatten Papers MBI/D233/128.
- 101 Norwef to Mountbatten, No. 227-CB, 24th June, 1947, Mountbatten Papers MBI/D233/41.
- 102 Lockhart to Mountbatten, No. 246-CB 3rd July, 1947, Mountbatten Papers MBI/D233/86.
- 103 Majr-Gen H.R Swinburne to Ismay, 18th June, 1947, Mountbatten Papers MBI/D233/19.
- 104 Caroe observed that “I do not think that Pakhtunistan was really a new Congress policy evolved during the Viceroy’s visit, in Peshawar. Nor i think that Khan Sahib’ government ever contemplated a Pakhtuistan embracing the Pathans of Afghanistan. My own belief is that Khan brothers felt that they have been betrayed by Nehru’ agreement to a vote being taken, and fell back on a fanciful support for some sort of Pathan Independence, as a reason for refusing to take part in the vote. I had myself often suggested they should align themselves more closely with Pathan history and tradition. Olaf Caroe Collection / IOR: MSS/EUR/C.273/8
- 105 Lockhart to Mountbatten, 6th July 1947 Mountbatten Papers MBI/D233/88-92
- 106 Governor NWFP to Mountbatten, No. 232-CB, 25th June, 1947, Mountbatten Papers MBI/D233/50.
- 107 Ian Talbot, *Pakistan A Modern History*, (New York: ST. Martin Press, 1998), pp.81-5.
- 108 Mievile to Jinnah, 20th July 1947, Mountbatten Papers MBI/D233/(F2), p. 130.
- 109 Norwef to Mountbatten, No. 222-CB, 23rd June, 1947; Reforms, Delhi to Reform Commissioner, NWFP, No. 1541-S, 23rd June, 1947, Mountbatten Papers MBI/D233/41.

-
- 110 Mountbatten informed on 21st June the Secretary of States the demand of Afghanistan to form an independent State comprising the NWFP and Baluchistan, and to provide Afghanistan with an outlet to the sea. Mountbatten to Lord Listowel, 21 June 1947, *Transfer of Power*, vol. XI, p. 73; Caroe to Mountbatten, 23rd June, 1947, Mountbatten Papers MBI/D233 /137(3 pages).
- 111 Tariq Rahman, *Language And Politics In Pakistan*(Karachi: Oxford University Press, 1997), p.144
- 112 Mountbatten to Gandhi , dated 4th July 1947, MBI/D84/2 Appendix 'C'.
- 113 Gandhi wrote an open letter to Abdul Ghaffar Khan .
- 114 Mountbatten to Gandhi, 30th June, 1947, Mountbatten Papers MBI/D233/78.
- 115 Dr. Khan Sahib to Governor NWFP, 26 June 1947, MBI/233-65
- 116 Gandhi to Mountbatten, 28/29th June, 1947, Mountbatten Papers MBI/D233/73.
- 117 Syed Wiqar Ali Shah, *Ethnicity, Islam and Nationalism: The Muslim Politics of North-West Frontier 1937-1947*(Karachi: Oxford University Press, 1999), p. 227.
- 118 Parshotam Mehra, *The North-West Frontier Drama 1945-1947*(Karachi: Oxford University Press, 1998), p.194
- 119 Yasser Latif Hamdani, “Referendum and the Pakhtunistan Demand (NWFP II)”, retrieved on 3 January 2011, <http://pakteahouse.net/2008/07/08/referendum-and-the-pakhtunistan-demand-nwfp-ii/>
- 120 S. Rittenburg, *Ethnicity, Nationalism and Pakhtuns: independence movement in India’s North West Frontier Province 1901-1947* (North Carolina: Carolina Academic Press, 1992), p. 395; E. Jansson, *India,*

-
- Pakistan or Pakhtunistan*(Uppsala: Acta Universtatii Uppsala, 1988),p. 243
- 121 Lockhart to Mountbatten, 266-CB 12th July 1947, Mountbatten Papers MBI/D233/(F2) 116.
- 122 Viceroy's Conference Paper Number 131, Viceroy's Personal Report Number 14, dated 26th July, 1947, MBI/D84/5.
- 123 Viceroy's Conference Paper Number 131, Viceroy's Personal Report Number 14, dated 26th July, 1947, MBI/D84/5.
- 124 Olaf Caroe Collection / IOR: MSS/EUR/C.273/6-8.
- 125 Lockhart to Mountbatten, 9th July 1947, Mountbatten Papers MBI/D233/97-104.
- 126 Dr Khan Sahib said that, should there be a clear vote in favour of Pakistan, he himself would certainly resign and thought that his colleagues would too, though he could not say for certain what the decision of the party would be. He told a press representative that he would regard a vote of 31% of the electorate in favour of Pakistan as decisive. Apropos of this about 65% of the electorate voted at the last election. Mountbatten to Lockhart, 9th July 1947, Mountbatten Papers MBI/D233/(F2) 107.
- 127 Lockhart to Mountbatten, 9th July 1947, Mountbatten Papers MBI/D233/97-104.
- 128 Extract from Viceroy's 66th Staff Meeting, 2nd August 1947, Mountbatten Papers MBI/D233/(F2) 148.
- 129 Mountbatten to Lockhart, 14th July 1947, Mountbatten Papers MBI/D233/(F2) 120.
- 130 B. G. Tendulkar, *Abdul Ghaffar Khan: Faith is a Battle* (Bombay: Popular Prakashan, 1976, pp. 439-451.
- 131 After the clear victory of the Muslim League in the referendum, Ghaffar Khan showed interest in arriving

-
- settlement with Jinnah. Mieville to Jinnah, 20th July 1947, Mountbatten Papers MBI/D233/(F2), p. 130.
- 132 Ian Talbot, *Pakistan A Modern History*(London: Hurst &Company, 2005), p.7
- 133 Viceroy’s Conference Paper Number One hundred and sixty, Viceroy’s Personal Report Number 16, Dated 8th August, 1947, MBI/D85/1.
- 134 Mountbatten to Secretary of State, No. 3171-S, 5th August 1947, Mountbatten Papers MBI/D233/(F2) 151-2.
- 135 Lockhart said that finally he had pointed out to Dr. Khan that it was in his own interest to resign; and thus the position had been left when he had come way. Viceroy’s Miscellaneous Meeting twenty-third Meeting, 29th July 1947, Mountbatten Papers MBI/D233/(F2) 141-5.
- 136 Mountbatten said that “My intention therefore would be to leave the problem to be resolved after August 15th and this must be without intervention of yourself and HMG. Resolving of difficulty in a constitutional manner after August 15th might possible involve urgent action by Pakistan Constituent Assembly under Section 8 (i) of Indian Independence Act so as to confer special powers on Governor of Province or governor-General having to deal with it.
- 137 Lockhart to Mountbatten, No. CA/167, 9th August 1947, Mountbatten Papers MBI/D233/(F2) 166.
- 138 Extract from the Viceroy’ 69th Staff Meeting, 9th August 1947, Mountbatten Papers MBI/D233/(F2) 167.
- 139 Viceroy’s Conference Paper Number One hundred and sixty, Viceroy’s Personal Report Number 16, Dated 8th August, 1947, MBI/D85/1.
- 140 According to Ian Talbot, “while the Pukhtuns predominated in the surrounding tribal areas, they were in a minority in the British Province. Non-Pukhtun

Muslims formed 55 per cent. Non-Pukhtun Muslims predominated in the Hazara and Dera Ismail Khan districts, while in Peshawar, Kohat, and Bannu, Pukhtuns formed a clear majority". Ian Talbot, *Pakistan A Modern History* (New York: St. Martin Press, 1998, p. f.n.81

- 141 Ayesha Jalal, *The Sole Spokesman Jinnah, the Muslim League and the Demand for Pakistan* (Lahore: Sang-e-Meel Publications, 1999), 282