

Causes of the Failure of Judges of the Punjab Boundary Commission to Demarcate the Boundary between East and West Punjab

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Abstract

According to the 3rd June Plan of 1947, two important Muslim majority provinces of the British India i.e. Punjab and Bengal were also to be divided along with the division of the Indian Sub-continent. The task of dividing Punjab and Bengal was handed over to two Boundary Commissions consisting of four judges each, who ultimately failed to accomplish their assignment. An attempt has been made in this article to understand the causes for the failure of the judges of the Punjab Boundary Commission in demarcating the boundary between the East and West Punjab. The problems and circumstances under which Radcliffe, the Joint Chairman of the Punjab and Bengal Boundary Commission, eventually demarcated these boundaries have also been discussed at some length.

Keywords: Punjab Boundary Commission, East and West Punjab, 3rd June Plan.

Introduction

According to the 30 June Plan, announced by the Viceroy of India in 1947, Justice Din Muhammad, Ex. Judge Punjab High Court; Justice Muhammad Munir, Sitting Judge of the Punjab High Court; Justice Mehr Chand Mahajan, and Justice Teja Singh were nominated as members of the Punjab Boundary Commission. Sir Cyril Radcliffe was made Joint Chairman of the Punjab and Bengal Boundary Commissions (Mansergh, 1983; Sadullah, 1993). According to the Plan, meetings of the two Boundary Commissions (both for Punjab and Bengal) were to be summoned by the Governors of the respective provinces and were to submit their reports at the earliest. The terms of reference for the Punjab Boundary Commissions were: that ‘the Punjab Boundary Commission is instructed to demarcate the boundary of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and Non-Muslims. In doing so, the Commission was to take some “other factors” into account. The term ‘other factors’ was not specified in the Plan but a provision was made by the British Government to consider the ‘special circumstances of the Sikh community’ (Sadullah, 1993; Burke and Quraishi, 1997; Allana, 1977). Theoretically, Radcliffe was to act as Chairman of the Commissions while the actual decision of partitioning Punjab and Bengal was to be taken by the two Boards (of Punjab and Bengal) each consisting of four judges. The Chairman was to cast his vote in the event of a disagreement between the representatives of the Congress and the League in the Commission (Ziegler, 1986; Hodson, 1985). Radcliffe’s head office was in Delhi while the two regional offices were located at Lahore for the Punjab and at Calcutta for Bengal (Ghai, 1986; Mosley, 1964).

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The public sittings of the Punjab Boundary Commission were held for ten days at the Lahore High Court Building from 21 July to 31 July including a meeting on Sunday, the 27 of July (Sadullah, 1993). Radcliffe visited Lahore where the Punjab Boundary Commission had already started its work. Given that he was Chairman of both the Commissions whose proceedings were taking place simultaneously, he did not attend its public sittings, however, arranged to have record of all the proceedings and material submitted to his office at Delhi for examination. In the absence of the Chairman, the sittings were chaired by Justice Din Muhammad, the senior most member of the Commission, at the suggestion of Justice Mehr Chand Mahajan. (Ahmad, 1999: 122; Datta, 1999: 853)

The division of the Punjab did not look adverse apparently as the western districts were predominantly Muslims and the eastern non-Muslims and a line drawn in the center between Lahore and Amritsar would divide the province roughly into two parts. However, such a line was to be geographically, ethnically and economically artificial due to several constraints and problems. Following were some of the problems, which the judges of the Punjab Boundary Commission encountered during the process of partition.

Ambiguity in the 3rd June Plan

The 3rd June Plan was vague regarding the practical aspects of how the Boundary Commissions for Bengal and the Punjab would be constituted let alone the geographical principles underlying the borders, which they were supposed to define. It merely stressed on the separation of the contiguous Muslim-majority areas from the non-Muslim majority areas (Mansergh, 1982: 89-94). However, other than few remote districts, the population in the Punjab was so intermingled especially in the central districts that wherever the line was to be drawn, a large number of all the three communities (Muslims, Hindus and Sikhs) would find themselves on the wrong side of it. In the absence of fixed principle and regard for a workable boundary line, arguments were interpreted the way it suited the interests of the parties. In the given circumstances, there was a little chance that the representatives of the three communities in the Boundary Commission would reach an agreement among themselves.

The Ambiguous “other factors”

The instructions to the Boundary Commissions had two important points, one, to demarcate boundaries according to the principle of contiguous majority areas and two, ‘to take into account “other factors”’ (Mansergh, 1982: 328). The term “other factors” was not specified in the 3 June Plan; however, the Commission itself had to decide what the “other factors” were and how much weightage to be attached to each one of them. Due to the lack of proper definition, there were difficulties of how to interpret it. It had only to be guessed, what these “other factors” might possibly be (Zaidi, 1996: 603). As a result, there were hot exchanges on the interpretation of ‘other factors’ among the counsels of the Punjab Boundary Commission. They attached great importance to it, for they saw in it a chance to raise wide range of issues not specifically mentioned in the Partition Plan (Sadullah, 1993: iii). The inclusion of ‘other factors’ in the Commission’s terms of

reference broadened the scope of the debate leaving no historical, religious, geographical, social and economic aspect of the Punjab untouched. However, neither the Congress and Sikh's nor the Muslim League's interpretation of "other factors" was authoritative. Divergence of opinion on the "other factors" and the value attached to it hardened the task of the Commission.

Notional Boundary

'Notional' award was contained within the Second Schedule of the Indian Independence Act of 18 July 1947, which had actually allocated Muslim majority areas to Pakistan. The "notional" boundary line had been ascertained on the principle of communal majorities taking each district as a unit (Zaidi, 1996:605). The final boundary between the East and West Punjab, according to the Indian Independence Act, was to be determined by the Boundary Commission. However, until the boundaries were so determined:

- a) The districts specified in the Second Schedule to the Act were to be treated as the territories of the new province of West Punjab and;
- b) The remainder of territories comprised at the date of the passing of this Act in the Province of Punjab were to be treated as the territories of the new province of East Punjab (Government of India, 1947: 2-3).

According to section 4 of the Act, if the award of the Boundary Commission is given on 14 August, then the award of the Boundary was to prevail on the "notional" boundary and to be adopted for the transfer of power on 15 August. If the award were not ready by 15 August, then the two new provinces were to be established on the basis of "notional" boundary. However, there was a fear that if the Commission does report by 15 August there would, in all probability, be a dispute because the Sikhs and Muslims would not be satisfied with the award. If the Commission does not report by 15 August, the Sikhs will fight because they were not satisfied with "notional" boundary. The prospects were, in short, far from encouraging in either case (Mansergh, 1983: 133; Quaid-i-Azam Papers, F- 127: 78).

Disputed Areas

In the Punjab, the disputed areas were parts and portions of Lahore, Multan, Jullundur and Ambala divisions. The dispute on behalf of the non-Muslims was confined to the districts of Gurdaspur, Gujranwala, Lahore, Lyallpur, Montgomery, Sheikhpora, Sialkot, and on behalf of the Muslims, to the districts of Ambala, Amritsar, Ferozpur, Hoshiarpur, Jullundur and Ludhiana (Sadullah, 1993: 11). These areas were disputed due to the existence of canal systems and road and rail communication built under single administration and the geographical location of Lahore and Amritsar and the claim to each or both of these cities by either side. In such circumstances, producing a boundary acceptable to both the parties was indeed a difficult task for the Punjab Boundary Commission.

Conflicting Claims

The accepted principle for the division of India and the Punjab was the contiguous majority areas of the Muslims and non-Muslims. However, each party involved had different interpretations of where should the boundary be laid. The Muslims made the claim on the basis of demography, i.e. the districts that they saw as contiguous Muslims and non-Muslims. The Hindus based their claims on 'other factors.' The line drawn on the basis of contiguous majority areas would split the Sikhs. The Sikhs then staked their claims on the basis of religious sentiments, contribution to the development of the areas and extensive landholdings. There was no reconciliation to these claims. The boundaries drawn along geographical lines like mountains and rivers could cause tension, as rivers tended to change course. While religious contiguity does not follow geographical pattern. The most sacred Sikh shrine i.e. the Nankana Sahib lay deep inside the Punjab. Lahore and Amritsar both were important to both communities. The Gurdaspur district, though a Muslim majority area, was dominated economically by the Sikhs. Many shrines of the Muslim saints remained on the other side of the eventual border. The political considerations demanded otherwise. The geographical constraints also fitted ill with the demands of economics and commerce (Collins and Lapierre, 1982: 64-65).

Punjab Irrigation System

The line of partition in the Punjab would run across thickly populated areas and affect the fate of millions. It would cut into two an integrated economy and a single system of rail and road communication in addition to an extensive irrigation and hydroelectric system. The irrigation system had been built on the Province's five rivers through a system of elaborate canals to the arid wastes of Western and Central Punjab with a good deal of the British inspiration. This irrigation system had turned desert of the Punjab into prosperous colonies and granary, which were great wheat field, supplying food to the whole of India. The prosperity of the Punjab depended on this large tract of canal colonies. People from all over the province had contributed to its development and had stakes in it. The various developmental inputs: canals, waterworks, hydroelectric system and colonies of the government had been planned for a united Punjab and could not therefore be divided in a fair manner. The rivers, which supplied water, flows from East Punjab's side, which would come under India while the lands irrigated by these rivers were in the West Punjab, which would become part of Pakistan. For example the Upper Bari Doab Canal irrigated Lahore and Montgomery districts which came into the West Punjab, but its Headworks lay in the East Punjab; the Depalpur Canal which irrigated areas of the West Punjab was controlled by the Ferozpur weir which lay in the East Punjab. Thus, the biggest problem, which the Punjab Boundary Commission confronted, was not the disposition of its races, the future of isolated communities, or the division of assets, but a decision as to the control of its irrigation system. Radcliffe made an effort to convince Nehru and Jinnah that the Punjab water system should be a joint venture run by both governments, which not only would safeguard the interest of the people but would also be useful for future cooperation of the two countries but in vain (Moon, 2002: 34-35; Ali, 1988: 203-204).

Time Constraint

The assignment of the Punjab Boundary Commission was to go through a mass of facts and figures along with divergent evidences and conflicting claims and suggestions. While the time given for the task was only five weeks. A fair decision in such a rush was almost impossible whereas quick amputation meant blood. Radcliffe requested Jinnah, Nehru, Liaquat Ali Khan and Sardar Patel that whether the importance of a decision by 15 August outweighed all other considerations, such as the inevitable roughness of such a hurried work. All stressed on the desirability of the work of the Commission to be done by 15 August at all costs. Eventually Radcliffe yielded to the demand (Philips and Wainwright, 1970: 21; Azad, 1999: 219). In order to demarcate swiftly, Evan Jenkin, Governor of the Punjab proposed that attention should be paid to the minimum essentials for the establishment of the provinces. The governor held the view that the division of irrigation and electricity departments with all its stores and financial adjustments may take months or even years, and should be settled by the two governments later. A little more time, endurance and research might have saved the future wrangling (Copies of the Punjab Governor's Fortnightly Letters, F-683: 247).

Special Position of the Sikhs

The Sikhs had complicated the issue of the division of the Punjab as they did not constitute majority in any area and were spread all over the province. However, the special position given to the Sikhs by the British Government and inclusion of 'other factors' in the Boundary Commission's terms of reference to take into account the 'special circumstances of the Sikh community' added to their importance. Viceroy Lord Mountbatten and Evan Jenkins had already assured Baldev Singh, representative of the Sikh, that the interest of the Sikhs in the Boundary Commission would be safeguarded (Jenkins papers, F-IOR R/3/1/90: 9). With the appointment of the Punjab Boundary Commission, concerns were raised from various quarters about the future position of the Sikhs in the boundary Award. A British Parliamentarian and former India under Secretary Richard A. Butler, in a statement on 15 July in the House of Commons expressed the hope that the Boundary Commission would define the boundary in such a way that the Sikhs would be included within "one conglomerate whole." Arthur Henderson, Under Secretary of State at the India Office in his statement in the House of Commons on 14 July said, "primary basis of demarcation must be the majority of population. In certain cases there may be factors which justify departure from that principle." He further pointed out that the provision 'other factors' has been made by the British Government to take into account the 'special circumstances of the Sikh community in the Punjab' (Zaidi, 1996: 603-604; Civil and Military Gazette, 1947). It raised hopes and expectations on both sides "which in the nature of things could not be fulfilled." The Earl of Listowel admitted that the Sikhs demands were based not only on population but also on "other factors" such as the economic position and religious interest of the Sikh in the Punjab, which the Boundary Commission was to give necessary weight to, after instructions (Collins and Lapierre, 1947: 127). These indirect instructions and backing of the Sikh cause further complicated the task of the Boundary Commission.

Threats and Intimidations

The Sikhs were striving to secure their entire holy places and the areas where most of the land was owned by them but predominated by the Muslim population. Since the agreed principle of partition was the contiguous majority area rule and not the ownership of land and religious interest, the Muslim majority areas in the Punjab could not be placed under the Sikhs and Hindus. After having realized that their sacred shrines [Panja Sahib, Nankana Sahib and some others] and rich and prosperous lands would go to Pakistan, the Sikhs approached the Boundary Commission with petition, threats, maps, arguments and bribes. Their temper was on the edge of breaking point. A campaign of violence was launched. To mark their resentment against the partition of the Punjab, they observed 8 July as "Protest Day." (Secret Reports of Meetings, May 1947: 107; Mosley, 1964: 196-197). Baldev Singh in a press statement on 8 July also reiterated these utterances despite his acceptance of the 3 June Plan. In the event of possible aggression from the Sikhs, the Viceroy suggested that the two new governments should guard strategic areas like banks of the canals and the area adjacent to the final boundary. These threats had an effect on the work and decision of the Commission (Mansergh, 1983: 71).

Non-Cooperative Attitude

Both in the Punjab and Bengal Boundary Commission, the judges did not cooperate with each other on boundary demarcation due to mutual differences. Their differences were so sharp that in the Punjab Boundary Commission, the Sikh judge whose family had been murdered in the Rawalpindi riots (communal riots of March 1947), even declined to sit in the same room with the Muslim judges. Evan Jenkins requested the local Muslim League Committee that expressing sorrow with the Sikh judge at what [had] happened might help in the circumstances, however, they did not comply (Ghai, 1986: 126; Mosley, 1964: 196). The claims advanced by the representatives of both parties were worlds apart and obviously could not be met. They were guided by narrow self-interest, which necessitated partition and communal riots. The judges were divided within themselves and 'in the absence of any reconciliation on all main questions affecting the drawing of the boundary itself', they ultimately failed to demarcate the Punjab boundary line (Ali, 1988: 205; Menon, 1981: 402).

Consequent to the circumstances, problems and disagreements amongst the members of the Boundary Commission, the decision about the demarcation of the boundary line was left to Radcliffe. The task was not easy for Radcliffe too, as his only briefing for the job was in his own words, 'a thirty-minute session covering a large area with the permanent Under Secretary at India office'. The time he had was short, he was not familiar with the people and the census statistics (of 1941) were out of date. The suggestions, demands, and maps of each side were conflicting for each had their own arguments and petition. On the other hand, Radcliffe had not seen the area, which he was in the process of dividing (Ghai, 1986: 126-127). Dividing a province to demarcate the boundary was also no less crucial as it involved division of more than 28 million people, thousands of villages, towns and cities, a unified and integrated system of canals and communications networks and 16 million Muslims, 12 million non Muslims [of whom 37 lakhs were Sikhs] who despite their religious differences shared a common culture, language, history were

drawn from the same racial stock and were very conscious of being Punjabi. It was under these circumstances that Radcliffe ultimately demarcated the Boundary between the East and West Punjab (Butalia, 1999: 63-64).

Conclusion

It can be concluded that under the circumstances it was impossible for the Muslim and the non Muslim judges to agree upon a unanimous demarcation of East and West Punjab because each party was perusing its own interest and at no cost were ready to accept the opponent's claims and suggestions. The diverse problems arising out of the situation at that time rendered the judges helpless and put this responsibility on Radcliffe to demarcate the final boundary. Radcliffe himself had not seen the area which he was to demarcate, the time he had was short, the statistical information and maps etc. he had were out of date, the claims of each sides were conflicting and each party insisted that the work of demarcation should be done on or before 15 August. It was under these circumstances that Radcliffe drew a line between the East and West Punjab. However neither the Muslim League, nor the Congress and the Sikhs were content with this line rather it became a major cause of huge massacre and migration in the history of the world.

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