

(SHRI K.M. MUNSHI, MAY 17, 1949)

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Shri K.M. Munshi : Mr. President, Sir, I rise to support the resolution which was moved by the Honourable the Prime Minister yesterday. I also join in the felicitations given to him by the last speaker in achieving not only a great personal triumph, but a triumph for India. By his broad statesmanship, India today is a partner with England in the common venture of the Commonwealth, not a tail of the Commonwealth as was said by one speaker yesterday. We are also, in companionship with other nations with democratic ideals, contributing towards world peace. Therefore, Panditji has not only achieved personal distinction, but invested India with high leadership in the affairs of the world and I think he deserves the congratulations not only of this House but of the whole country.

Sir, the opposition to the agreement which is entered into by Panditji in this matter is based on various grounds not only in this House, but outside. But if we analyse all the arguments put forward, in substance it is the expression of a distrust of Great Britain. For several years—for three-fourths of a century—the attitude of India towards Britain was one of hostility. It has left its legacy behind. Now most of the opposition which comes against this particular agreement arises from nothing else but a relic of the past mental attitude in considering every association with Britain to be prejudicial to India. The mental frontiers of public opinion in India were no doubt built in the past for fighting Britain but now, in the light of the new changes they require to be readjusted. There is no reason to believe that a time can ever arise when Britain can acquire the same position with regard to India which it had before 15th August. Today it is recognised all the world over that we are completely independent of Great Britain and no more form a part of its Empire. It is recognised all the world over that India is the only stabilising factor in Asia and potentially the guardians of world peace in our part of the world. Any fear, therefore, any distrust of Britain, I submit, is entirely misplaced and most of the arguments

which are advanced against the proposition moved by the Honourable the Prime Minister are based upon this distrust.

There is one argument which I would like to deal with. It is that this Commonwealth is nothing but the old British Commonwealth of Nations in another form. This argument is entirely based on a fallacy. The British Commonwealth of Nations was entirely different both in the scope and content to the new Commonwealth which is now envisaged by this Declaration. As the House knows very well the old British Commonwealth or rather the British Commonwealth, which exists and which will disappear on the 15th August next when our Constitution will be passed, was defined by the Balfour Declaration in these terms:

Autonomous Communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations.

Now part of this is also embodied in the well known Statute of Westminster. Nothing of it has been left so far as this Declaration is concerned. In the first instance, the Nations which are going to be members of this Commonwealth are to be independent nations. That is the wording of the Declaration here. Secondly they are not united by a common allegiance to the Crown. This is the most important element in the new Commonwealth. The British Commonwealth, as is well-known, depended for its existence on what is called the "Unity of the Crown". I remember to have read in one of the books of Berricdale Keith, one of the great constitutional lawyers, that the unity of the Crown and the allegiance to the king—I am speaking from memory—are the basis on which the British Commonwealth of Nations is founded and when that goes, the British Commonwealth of Nations will be disintegrated. The fact remains that there is no allegiance to the Crown in the new Commonwealth and there is no unity of the Crown as contemplated by the old constitutional laws of the British Empire. Take for instance the word 'British Empire' in the old Balfour Declaration. In composition at that time the free countries—the self-governing Dominions—were mostly British by birth. Today we—the citizens of India—are in a majority in the new Commonwealth. The predominant composition is not British. In the British Empire and the British Commonwealth of Nations, the unity was preserved by the army, predominantly British, which functioned in the name of His Majesty. After the 15th August 1947, the Indian army was the army of an independent dominion but after the 15th August next it will no longer be His Majesty's forces. There is no British army left in India which would control the country. Therefore, to that extent it is a complete departure from the old British Commonwealth of Nations.

Secondly, there is no unity of the Crown at all in the new Commonwealth. The theoretical basis on which the British Commonwealth was founded was that there was one King and all the different legislatures, different Govern-

ments and different courts throughout the British Commonwealth spoke and acted in the name of the King. Hereafter, in this Commonwealth, so far as India is concerned, its Government, its legislature and its courts will act in the name of the President of the Republic who will be the representative of the sovereign people of India. Take again the other basic theory which underlay the British Commonwealth. That theory was that the king was the sole depository of power and that no legislation could be enacted unless assent was given by the King or in his name. That will go so far as India is concerned. The fundamental unity of the Crown on which the old Commonwealth was based will disappear under the new Commonwealth. Therefore to say that the old Commonwealth will continue under a new name is not correct.

Another doctrine on which the British Commonwealth was founded was the allegiance of every citizen to the King. In the Statute of Westminster, it is put in the forefront as the basic doctrine on which the British Commonwealth was founded. In the new Commonwealth there is no allegiance to the King. Allegiance would imply personal relation between every citizen of the Commonwealth wherever he may be and the King. So far as citizens of India are concerned, they will owe no allegiance to the King of England. Their allegiance will be to the Republic of India. No basis of the old British Commonwealth is projected into the new Commonwealth. Therefore I submit the argument that this is the same Commonwealth in a different form is really not valid at all.

There is no doubt that, as in the old British Commonwealth, the King is the symbolic Head of the Commonwealth. But the Honourable Prime Minister made it clear that in the old Commonwealth the King has the status and function of the Head of the Commonwealth while in the new one, he has the status but not the function. To that extent, the King continues as a symbol of the free association but without any function whatever and no citizen of India would owe allegiance to him. This new Commonwealth, as I could gather from the Declaration, is a free association of independent nations; each nation member will be free to enter its own regional and international obligations. It will be only united with others by common ideals and interests. Its main advantage will be, as described by the Prime Minister of Great Britain, Mr. Attlee, in the House of Commons recently as 'close consultation and mutual support' and the King will only be the symbol of this free association.

I submit, therefore, that this Commonwealth is an entirely new conception and no one need be under the impression that the old British Commonwealth is only being projected in another form.

Sir, many of the speakers before me have described this Commonwealth more or less like the old pandits who describe Brahman—"Neti," "Neti," "it is not this," "it is not this," "it is not this." I would humbly submit that the Commonwealth has a positive advantage, and that it is a positive factor. In my opinion, Sir, it is an indispensable alliance which is needed not only in the

interest of India, but in the interest of world peace. Sir, India wants nothing more today than world peace. We can only consolidate and enlarge our new-found freedom if for a generation or more, the world is at peace. It is of the highest interest, therefore, for us that we should do our utmost, do everything in our power, by which world peace could be maintained at any rate, in our region. India cannot, Sir, possibly be helpful in this direction unless she enters into an alliance with other members of the Commonwealth, as it is done in this case. It is very easy to talk about world peace. We have been talking for years about collective security. But collective security is not a *mantra* to charm serpents with, nor is it a kind of opiate to lull people into inactivity. It really implies preparation, defensive preparations, standardisation of weapons, co-ordinated research and planning and industrial co-operation between nations on a very large scale. As I conceive it, one of the greatest merits of the Commonwealth is that it provides these benefits. Strategically India commands the Indian Ocean. But inversely, it is to my mind, the one source of danger, the one direction from which we may get the best support in days of difficulty and again the one direction from which our danger may come. And of this Indian Ocean, we must not forget, Australia on the one side and South Africa on the other, are the pillars, the two extreme out-posts. And any alliance which enables us to maintain defence preparations in the Indian Ocean will be of the greatest advantage to India. From that point of view I consider this new Commonwealth as of the greatest importance to India and its future.

Sir, the Prime Minister has said on more than one occasion that it is high time we forgot our old distrust of England. Great Britain and India have for a hundred and fifty years been associated closely in culture, in thought; many of our political and legal institutions and our democratic ideals, we have shared with England in common. And looking a few years ahead into the future also, I submit that an alliance between Great Britain and India in the interest of world peace will be the most effective instrument of collective security. From this point of view this House ought to congratulate itself on achieving this new alliance, the membership of this Commonwealth of nations as one of its most important members. From this point of view, I think, this House as well as the country ought to welcome this new Commonwealth, and I have no doubt both the House and the country will fully support it. Sir, this is all I have to say.