CHAPTER VI
The final refusal of the League to join the Constituent Assembly placed the British Government in a critical situation. If the League members were asked to resign from the Interim Government, it would have serious consequences. If the Congress was allowed to resign, on the other hand, there might be disaster. It was, again not possible to hold on power much longer. Already the Socialists within the Congress and the Communists had declared their hostility towards the Cabinet Mission's proposals.

On February 20 Prime Minister Attlee, therefore, made a vital statement (1) on the floor of Parliament. He regretted that there were still differences among Indian parties which were preventing the Constituent Assembly from functioning as a fully representative body.

"His Majesty's Government desire to hand over their responsibility to authorities established by a constitution approved by all parties in India in accordance with the Cabinet Mission's Plan. But unfortunately there is at present no clear prospect that such a constitution and such authorities will emerge. The present stage of uncertainty is fraught with danger and cannot be indefinitely prolonged. His Majesty's Government wish to make it clear that it is their definite intention to take necessary steps to effect the transference of power to responsible Indian hands by a date not later than June 1948 ...........

"After months of hard work by the Cabinet Mission, a great measure of agreement was obtained as to the method by which a constitution should be worked out. His Majesty's Government then agreed to recommend to Parliament a constitution worked out in accordance with the proposals made therein by a fully representative Constituent Assembly. But if it should appear that such a constitution will not have been worked out by a fully representative Assembly before the time mentioned (1948, June) ........, His Majesty's Government will have to consider to whom the power of the Central Government in British India should be handed over,
on the due date, whether as a whole to some form of Central Government for British India, or, in such other way as may seem most reasonable and in the best interests of the Indian people.

"Although the final transfer of authority may not take place until June, 1948 preparatory measures must be put in hand in advance ........"

In the same statement Attlee announced the termination of the war-time appointment of Lord Wavell and the appointment of Viscount Mountbatten "who will be entrusted with the task of transferring to Indian hands responsibility for the Government of India ".

If the Cabinet Mission's Plan was based on the 'Regionalism' of Coupland, the February 20, 1947 statement of Attlee had something fundamentally common with the Cripps Mission Plan in that, both these plans anticipated a partition of the country in the event of a disagreement between the major parties of India.

Yet the other questions remained. In respect of the States, His Majesty's Government's Policy was to give
them freedom to bargain out their own position in the new

dominion. His Majesty's Government wanted "to negotiate

agreements in regard to matters arising out of the

transfer of power with representatives of those to whom

they propose to transfer power". By "matters arising out

of the transfer of power" His Majesty's Government now

mainly referred to "the British commercial and industrial

interests in India" which, they hoped, could "look forward

to a fair field for their enterprises under the new condi-
tions. The commercial connection between India and the

United Kingdom has been long and friendly and will continue
to be to their mutual advantages" (2).

Congress Determination

The Congress, nevertheless, was determined to go

on with the constitution-making. As events showed a distinct

trend towards culmination, communal tension developed in the
country. Within a fortnight the non-League ministry of the

Punjab fell and shortly Governor's rule was imposed thereon.

(2) Attlee's Statement on February 20, 1947.
Under such circumstances the Congress Working Committee met to make a last bid for achieving the League's cooperation in the work of the Constituent Assembly in view of the announcement of February 20. In this meeting, held on March 6-8, 1947, the Working Committee passed a few resolutions emphasizing the voluntary character of the Constituent Assembly and inviting the cooperation of the League in the constitution-making (3). The League still marked time until the controversy on Liaquat Ali budget made feelings too bitter for any possibility of reconciliation.

On April 4, 1947 Executive Committee of the Bengal Provincial Congress Committee resolved that, "if His Majesty's Government contemplate handing over its power to the existing government of Bengal, which is determined to ensure the formation of Bengal into a separate sovereign state and which, by its composition, is a communal party government, such portions of Bengal as are desirous of remaining with the Union of India should be allowed to remain so and be formed into a separate Province within the Union of India" (4). In April, 1947 the demand for

partition of Punjab was insistently put forward by the Punjab Congress and the Sikh parties. On May 2, a convention of Hindu and Sikh members of the Punjab Legislative Assembly, Hindu and Sikh members of the Central Legislative Assembly and the Constituent Assembly, held in New Delhi, demanded partition of Punjab (5).

While Jinnah bitterly opposed the move for partition of the Provinces, Rajendra Prasad, in a press statement from New Delhi said that if there was to be a partition of India, it should be as complete and thorough as possible, including the partition of Bengal and Punjab (6).

The Third Session

The third session of the Constituent Assembly was due to start on April 25, 1947. Meanwhile, at the Governors' conference on April 15, Mountbatten gave out the definite intention of partitioning the country if no solution was shortly found. Henceforward partition became almost an inevitability and the subsequent inter-party

(5) Ibid, p. 245.
discussions were all based on this assumption. Yet, Nehru's statement at the All-India States' People's Conference held from April 18 to April 20, 1947 was by far the last official invitation of the Congress to the League to join the constitution-making body. Nehru said there that though representatives of Indian States and the Muslim League had not entered the Assembly, despite frequent invitations, the door was still open for the League. But he wanted to make it clear that the Assembly would go ahead with the task of framing a constitution despite everything (7).

On the opening day of the third session of the Constituent Assembly (April 28, 1947), while submitting the first report of the Committee on Union Subjects, N. Gopalaswami Ayyanger solicited the postponement of consideration of the Report, as he thought that in view of further political developments the Report might need overhauling in future. He also wanted to submit, at a later date, a supplementary report.

Three major factors which compelled him to need

(7) Ibid, p. 211.
"The coming in of the Muslim League is not yet officially ruled out. There is still a possibility of their coming in, though the probability is perhaps very small. Should this possibility materialise, it would be only just and reasonable that the debate on so important a subject, as the subjects and powers to be assigned to the Union Centre, should be held in a House which contains a full representation of the Muslim League. Whether they will come in or not will be definitely known before the June-July session of this Assembly ..........

"Then, Sir, there are the Indian States - a number of Representatives of Indian States have joined us today but there is a very large number still to come in .... Thirdly, Sir, there is the question of the present political conversations. The decisions on those conversations will be available in all probability before we meet again in the June-July session " (8).

Partition Decision

Mountbatten, on the other hand, was only too eager to arrive at a prompt solution of the "Indian problem".

"But in the course of his talks with the party leaders, particularly with Jinnah and his colleagues, he became more and more convinced that there was no prospect of an agreed solution on that basis and that an alternative plan for the transfer of power had to be found and implemented without loss of time, in order to ease the growing political tension". "Thus", as Menon observes, "within six weeks of his arrival and after constant and ceaseless effort, Lord Mountbatten had produced a plan which marked the first stage towards the transfer of power" (9).

At the very beginning of his June 3 statement Mountbatten (10) regretted that His Majesty's Government's hope that the major Indian political parties would cooperate in the implementation of the Cabinet Mission's Plan had not been fulfilled. The Muslim League had not participated in the Constituent Assembly. "After full consultation with Indian political leaders", therefore, Mountbatten declared that His Majesty's Government was formulating the new plan. His Majesty's Government also wanted to make it clear that they had "no intention of attempting to frame any ultimate

constitution for India" which was "a matter for the Indians themselves". The Plan also did not preclude "negotiations between communities for a united India".

His Majesty's Government made it clear "that any constitution made by this (Constituent) Assembly cannot apply to those parts of the country which are unwilling to accept it". His Majesty's Government thought that the new plan was "the best practical method of ascertaining the wishes of the peoples" of such areas as were not participating in the Constituent Assembly on the issue" whether the constitution is to be framed in the existing Constituent Assembly, or as a separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly". His Majesty's Government was categorical that "when this has been done, it will be possible to determine the authority or authorities to whom power should be transferred" (para 4).

As to Bengal and the Punjab, the plan provided that the representatives of the Muslim majority districts and the representatives of the other districts to the Provincial Legislative Assemblies would sit separately to decide whether the respective Provinces would be partitioned.
If even one part of a particular Provincial Legislature decided in favour of partition, the Province would be partitioned. If both parts agreed to remain united, they would decide to which Constituent Assembly they would belong. The Legislative Assemblies of Sind and British Baluchistan would also, at special meetings, decide which Constituent Assembly they would join. His Majesty's Government considered the position of N.W.F.P. as "exceptional". "Two of the three representatives of this Province are already participating in the existing Constituent Assembly. But it is clear in view of its geographical situation, and other considerations, that if the whole or any part of the Punjab decides not to join the existing Constituent Assembly, it will be necessary to give the N.W. F.P. an opportunity to reconsider its position". So, there would be a referendum in N.W.F.P.

In the predominantly non-Muslim State of Assam the Sylhet district was predominantly Muslim. In case of a decision for partition of Bengal, Sylhet would get a referendum to choose whether it would or would not join the Muslim part of Bengal. If Sylhet, along with the contiguous Muslim-majority areas of adjoining districts were to join "Eastern Bengal", the rest of Assam would continue in the Constituent Assembly.
Consequences to the Assembly

Consequent upon the possible partitions, the number of representatives to which each area would be entitled was as follows:

<table>
<thead>
<tr>
<th>Province</th>
<th>General</th>
<th>Muslim</th>
<th>Sikh</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sylhet District</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>West Bengal</td>
<td>15</td>
<td>4</td>
<td>0</td>
<td>19</td>
</tr>
<tr>
<td>East Bengal</td>
<td>12</td>
<td>29</td>
<td>0</td>
<td>41</td>
</tr>
<tr>
<td>West Punjab</td>
<td>3</td>
<td>12</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td>East Punjab</td>
<td>6</td>
<td>4</td>
<td>2</td>
<td>12</td>
</tr>
</tbody>
</table>

"In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly". (paragraphs 14-15).

His Majesty's Government also made it clear that the policy in respect of the Indian States remained as under the Cabinet Mission's Plan. His Majesty's Government proposed to introduce legislation shortly to implement the transfer of power on the basis of Dominion Status. The Dominion or Dominions would still, however, have the right to opt out of the Commonwealth.
The most important change introduced by the June 3 Plan to the working of the Constituent Assembly was the abolition of the communal veto. So far as the communal question was concerned, the Constituent Assembly of India could work independently. The Constituent Assembly, thus, was promoted to the status of a really sovereign body, though its authority would still apply to the Princely States only to the extent of their negotiated acceptance of the same, and transfer of power remained subject to an agreement between His Majesty's Government and the successor authority or authorities on matters arising out of the transfer of power.

Acceptance of the June 3, 1947 declaration led to the partition of the country, consequent upon the splitting up of the Constituent Assembly into two parts. Sindi, Baluchistan and, after a referendum on July 20, 1947 which was boycotted by the Khudai Khidmedgar Party, the North-West Frontier Province went wholly to Pakistan. The Punjab, Bengal and Assam (after a referendum in Sylhet on July 14, 1947) were divided. This brought down East Punjab's representation to the Indian Constituent Assembly to 6 General, 4 Muslim and 2 Sikh and West Bengal's
representation to the same to 15 General and 4 Muslim.
On July 22, 1947 by a Government press note the Governor-General determined the representation of Assam minus Sylhet (a part of which remained with Assam) at 6 General and 2 Muslims.

New elections took place in West Bengal, East Punjab and Assam. All general seats in West Bengal and Assam went to the Congress and some old faces were dropped. The only Communist, Somnath Lahiri, lost the election. B.R. Ambedkar returned from Bombay, with a Congress ticket, in the vacancy caused by the resignation of Jayakar. All Muslim seats of Bengal went to the League. In East Punjab all General seats and one Sikh seat went to the Congress. Another Sikh seat went to the Akali party. The four Muslim seats went to the League.

A New Assembly

In the new House the total strength of British Indian representatives came down to 229. Following was the parties' position:

<table>
<thead>
<tr>
<th>Section A</th>
<th>1. Congress : 164 (General - 163 Muslim - 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Muslim League: 19 (Muslim)</td>
</tr>
<tr>
<td></td>
<td>3. Independents : 7 (General)</td>
</tr>
<tr>
<td></td>
<td>Total : 190</td>
</tr>
</tbody>
</table>
Section B  
1. Congress : 7 (General-6  
Sikh -1)  
2. Muslim League: 4 (Muslim)  
3. Akali Party : 1 (Sikh)

Total : 12

Section C  
1. Congress : 21 (General)  
2. Muslim League: 6 (Muslim)  

Total : 27

Total Party-position in the Constituent Assembly  
(British India)

1. Congress : 192  
2. Muslim League : 29  
3. Akali Party : 1  
4. Independents : 7

Total : 229

The die was, thus, cast. On June 5, 1947 the joint meeting of the Union Constitution Committee and the Provincial Constitution Committee decided that the limitations imposed by the May 16, 1947 Statement on the form of the Constitution and the procedure to be
followed in the Constituent Assembly" no longer existed. "Consequent changes in the Rules of Procedure should be carried out". Every attempt should be made to form the basic parts of the Constitution before the middle of August, 1947, by which time the Constituent Assembly will also become the Union Legislature". Indeed after the middle of August the Constituent Assembly would distinctly maintain its dual role. Finally, "the position of the States' Representatives when it began to function as the Union Legislature, should be examined". A special Sub-Committee of 9 members was also set up to examine the necessity of changes in the Objectives Resolution.

On June 7, 1947, however, another joint meeting of the two committees, with Rajendra Prasad in the Chair, decided that the June 3, 1947 Statement had not altogether invalidated the Cabinet Mission Plan. Yet the Centre-Unit relation was now made alterable. The grouping scheme also could be modified. On July 12, 1947 the Special Sub-Committee decided that the Objectives Resolution did not require any change, at least immediately. It was never changed, however (11).

(11) The Union and Provincial Constitution Committees' Files, I.N.A.
On July 14, 1947, when the fourth session of the Constituent Assembly started, 23 Muslim League members took seats. Deshabandhu Gupta (Delhi), who had earlier replaced Asaf Ali, asked whether the League members still subscribed to the two-nation theory. He demanded that as a sovereign body the Constituent Assembly should not permit a member, who subscribed to the two-nation theory and not the Objectives Resolution, to sign the register. He wanted the ruling of the President, who did not consider it a matter of ruling, but a matter of right of one who had been elected (12).

The President in his opening address referred to the changes that had followed the June 3 Declaration. Sri Prakasa wanted a ruling of the President on the positions resulting from the new elections:

"We were told that once the Constituent Assembly was elected, neither any changes would be made in its constitution, nor could any outsider have any authority

or control over it. It appears to me that all these changes have taken place according to the statement of the Viceroy - a proceeding which is improper, unjust, illegal and contrary to the rules" (13).

The President admitted the validity of Sri Prakasa's statement that these changes were the result of the Viceroy's statement and the consequential action taken by him on it. "But I believe that everyone has consented to these changes being made and so also have we done. The question of invalidity, therefore, does not arise. Moreover, now no one from among the members who had been formally elected and have now lost their membership has submitted any petition against the termination of his membership. The newly elected members are members of this Assembly and shall continue to take part in its proceedings" (14)

On the same day, presenting further report of the Order of Business Committee, K. M. Munshi spoke of the "many and momentous changes" that had occurred due to the June 3 plan. The May 16 plan, he said, had one.

(13) Ibid., p. 541,
(14) Ibid., p. 542.
motive - to maintain the unity of the country at all costs. A strong central government was sacrificed by the May 16 Plan at the alter of preserving the unity which many of us, after close examination of the plan, found to be an attenuated unity which would not have lasted longer than the making of it. There were two stages envisaged in the plan of May 16. The stages were the preliminary stage and the Union Constituent Assembly stage. A number of committees, which the House was pleased to set up, struggled to get some kind of a strong government of India, a government worth the name, out of these difficulties, but the struggle, I am free to confess, was not very successful. As a matter of fact, very often, if I may express my own sentiment, while examining the plan of May 16 over and over again the plan looked to me more like the parricide's bag which was invented by ancient Roman law 

"..... Whatever other members may feel, I feel - thank God - that we have got out of this bag at last. We have no sections and groups to go into, no elaborate procedure as was envisaged by it, no double majority
clause, no more provinces with residuary powers, no opting out, no revision after ten years and no longer any four categories of powers for the Centre. We therefore feel free to form a federation of our choice; a federation with a Centre as strong as we can make it, subject of course to this that the Indian States have to be associated in this great task on a footing of the four categories of power and such further powers as they choose by agreement to cede to the Centre. Therefore, Sir, I personally am not at all sorry that this change has taken place........(15).

_Under the recommendation of the Order of Business Committee, on the same day and succeeding days_ Rules of Procedure of the House were amended in order to drop all references to sections and Groups. On July 25 the House passed Sri Prakash's resolution validating all elections to the Assembly since the acceptance of the June 3 Plan (16). It was only now that the Constituent

(15) Ibid., pp.544-5. Munshi personally regarded it a "fundamental error" to look upon the Muslims as a political minority, vide his "Pilgrimage to Freedom", p.62.
(16) Ibid., pp.560-1.
Assembly, for all practical purposes, became sovereign.

Transfer of Power

The Indian Independence Bill was introduced in the British Parliament on July 4, 1947. August 15 of the same year was fixed as the date of transfer of authority. The Act created two "Independent Dominions" out of British India to be ruled by the Governor-General appointed by the British Crown, but not subject to the authority of the British Parliament. The Indian Independence Act, thus, made a technical departure from the Statute of Westminster, which had merely set up Dominions.

The Indian Independence Act defined the scope of the Indian Constituent Assembly as the Constituent Assembly, "the first sitting whereof was held on the ninth day of December, nineteen hundred and forty-six, modified -

(i) by the exclusion of the members representing Bengal, the Punjab, Sind, British Baluchistan; and
(ii) should it appear that the North-West Frontier Province will form part of Pakistan, by the exclusion of members representing that Province; and

(iii) by the inclusion of members representing West Bengal and East Punjab; and

(iv) should it appear that, on the appointed day, a part of the Province of Assam is to form part of the new Province of East Bengal, by the exclusion of the members therefore, representing the Province of Assam and the inclusion of members chosen to represent the remainder of that Province" (Section 19, Subsection 3-a).

Departing from the Westminster Statute (1931) the Indian Independence Act (Section 5) formally provided for a Governor-General. Section 6, subsection (1) of the Act provided that, "The Legislature of each of the new Dominions shall have full power to make laws for that Dominion, including laws having extra territorial operation". This would necessarily imply that "No law
and no provision of any law made by the Legislature of either of the new Dominions shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of this or any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Legislature of each Dominion include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of the Dominion" (Section 6, sub-section 2, emphasis added).

An unlimited power of constitutional legislation was given to the Constituent Assembly by Section 8, Sub-section (1) of which provided that, "In case of each of the new Dominions the powers of the Legislature of the Dominion shall for the purpose of making provisions as to the constitution of the Dominion, be exercisable in the first instance by the Constituent Assembly of that Dominion, and references in this Act to the Legislature of the Dominion shall be construed accordingly".

Sub-section 2 of Section 8 provided that "Except in so far as other provision is made by or in
accordance with a law made by the Constituent Assembly of the Dominion under sub-section (i) of this Section, each of the new Dominions and all Provinces and other parts thereof shall be governed as nearly as may be in accordance with the Government of India Act, 1935, and the provisions of that Act, and the Orders-in-Council, rules and other instruments made thereunder, shall, so far as applicable, and subject to any express provisions of this Act, and with such omissions, additions adaptations and modifications as may be specified in orders of the Governor-General under the next succeeding Section, have effect accordingly”. This meant that so long as the Constituent Assembly did not interfere, the Governor-General-in-Council was competent to make alterations, adaptations, modifications etc. of the Government of India Act, 1935.

According to the proviso (b) added to the section, these powers would in no way imply the control of Parliament over the Dominion Legislatures. Proviso (c) removed the power of the Governor-General and Governors to act in individual discretion. Also the proviso (c)
laid down that "the powers of the Federal Legislature or Indian Legislature under that Act (i.e., Government of India Act, 1935) as in force in relation to each Dominion, shall in the first instance, be exercisable by the Constituent Assembly of the Dominion in addition to the powers exercisable by that Assembly under subsection (1) of this section". The ordinary legislative authority of the Dominion was, thus, also vested in the Constituent Assembly. On the whole, the total legislative functions and authorities of the successor Government were vested in the Constituent Assembly.

Sub-section 3 of Section 6 gave the unlimited power of assent to the Governor-General "in His Majesty's name to any law of the Legislature of that Dominion". Disallowance by His Majesty or reservation for His Majesty's signification of a law would no longer apply in case of the two Dominions. It was in this respect that "the Indian Independence Act" was a definite improvement on the Statute of Westminster". No law of the British Parliament and no Order-in-Council passed after August 15, 1947 would be automatically operative in the Dominions (Subsections 4 and 5).
The status of the Governor-General under the new Act became interesting. According to the Commonwealth conventions the Governor-General was expected to be reduced to the status of a constitutional head. Yet, his assent to every legislation was a formal necessity. In fact every ordinary legislation was placed before him for his assent. But a big question-mark was put against the constituent legislations. The British Commonwealth legality, till then, made no distinction between 'Constituent' and 'ordinary' legislation. Apparently, the British Parliament thought that the assent of the Governor-General was necessary (17). But the Congress had made up its mind. Jennings critically comments:

"The main principles of the Indian Independence Act, 1947, never came under the scrutiny of the Indian courts, but a traditional interpretation of the Act was adopted, based upon the concept laid down in correspondence between the Indian National Congress and the Cabinet

Mission that the Constituent Assembly was a 'Sovereign body'" (18).

Section 9 of the Indian Independence Act asked the Governor-General to make, by order, such provision as appeared to him to be necessary or expedient for bringing the provisions of the Act into effective operation. Such powers would, however, lapse on March 31, 1948, unless earlier terminated by Constituent Assembly. Accordingly, the Governor-General, on August 14, 1947, passed the India (Provisional Constitution) order, 1947 providing for various omissions, additions, adaptations and modifications to the Government of India Act, 1935 and the India (Central Government and Legislature) Act, 1946 with effect till "other provision is made by or in accordance with a law made by the Constituent Assembly". The same order also omitted, in the said Acts, all references to the expressions, "in his discretion", "acting in his discretion" and "exercising his individual judgement". The Governor-General thus

(18) Ibid., p. 23.
turned himself, on August 15, 1947, into a perfectly constitutional head of the country and the Constituent Assembly became a full-sovereign legislature.

As far as the treaty and other obligations of His Majesty's Government were concerned, the Act laid down in Section 7 (1-a) that, from the appointed day —

(a) "His Majesty's Government in the United Kingdom have no responsibility as respects the Government of any of the territories which immediately before the day, were included in British India ".

End of Stigmas

Thus, all administrative responsibilities in British India were disposed of. The Act also declared, in respect of the Indian States, that "the suzerainty of His Majesty lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States,
all functions exercisable by His Majesty existing at that date towards Indian States and the rulers thereof, and all powers, rights, authority of jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise" \(\text{\textsuperscript{Section 7 (1-b)}}\).
The same Section, however, proclaimed that in the above respects the provisions of any agreement that might be existing relating to "custom, transit and communication, posts and telegraph, or other like matters" would continue "until the provisions in question are denounced by the Ruler of the Indian States or person having authority in the tribal areas on the one hand, or by the Dominion or Province on other part thereof concerned on the other hand, or are superseded by subsequent agreements".

Under other provisions of the Act British armed forces had to be withdrawn completely, the process to be completed by the end of February, 1948. During the period between August 15, 1947 and February 28, 1948, if any military personnel was to serve the Indian Army, it would be, by the Independence Act, exempt from the law governing Indian forces. The Indian forces were to be divided under the supervision of a Joint Defence Council headed by Mountbatten.

The Government of India agreed to pay compensation to British officers leaving India and regular
remunerations and other privileges to those serving India. On the other hand the British Government agreed to pay back India's huge sterling balances on the former's credit. All these claims were settled by the Indo-British Financial Agreement on August 14, 1947.

Till March 31, 1948, the Governor-General-in-Council passed four 'Amendment Orders' on his 'Provisional Constitution Order' of August 14, 1947. In all, the Constituent Assembly made six extra-constituent legislations from time to time. The Government of India Act, 1935 (with its adaptations under the Indian Independence Act, 1947) was amended four times in 1949. On May 25, 1949 the India (Central Government and Legislature) Act, 1946 was amended and on September 17, 1949 the Privy Council's jurisdiction over the Indian Courts was abolished. The Constituent Assembly also ratified, on June 16, 1949, the Commonwealth Prime Ministers' Declaration on April 27, 1949. (This was necessary in view of the Resolution of the Assembly about the Objectives of the Constitution which aimed at constituting India into a Sovereign Republic).