APPENDIX I

TEXT OF C.R. FORMULA

The formula which C.R. evolved was made public for the first time on 10 July 1944. It read:

"Subject to terms of settlement between the Indian National Congress and the All-India Muslim League to which Mahatma Gandhi and Mr. Jinnah agree and which they will endeavour respectively to get the Congress and the League to approve.

(1) Subject to the terms set out below as regards the Constitution for Free India, the Muslim League endorses the Indian demand for independence and will co-operate with the Congress in the formation of provisional interim Government for the transitional period.

(2) After the termination of the war, a Commission shall be appointed for demarcating contiguous districts in the north-west and east of India, wherein the Muslim population is in absolute majority. In the areas thus demarcated a plebiscite of all the inhabitants held on the basis of adult suffrage or other practicable franchise shall ultimately decide the issue of separation from Hindustan. If the majority decide in favour of forming sovereign state separate from Hindustan, such decision shall be
given effect to, without prejudice to the right of districts on the border to choose to join either state.

(3) It will be open to all parties to advocate their points of view before the plebiscite is held.

(4) In the event of separation, mutual agreements shall be entered into for safeguarding defence, and commerce and communications and for other essential purposes.

(5) Any transfer of population shall only be on an absolutely voluntary basis.

(6) The terms shall be binding only in case of transfer by Britain of full power and responsibility for the governance of India."

APPENDIX II

The Mountbatten Plan laid down the following procedure:

(1) The Provincial Legislative Assemblies of Bengal and Punjab (excluding European members) would meet in two parts, one representing the Muslim majority districts and the other the rest of the Province. The Muslim majority districts, as according to the census of 1941, were specified in the Appendix to the announcement.

(2) The members of the two parts of each Legislative Assembly sitting separately would be empowered to vote whether or not the Province should be partitioned. If a simple majority of either part decided in favour of partition, division would take place and arrangements would be made accordingly.

(3) Before the question as to the partition was decided it was desirable that the representatives of each part should know in advance which Constituent Assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united. Therefore, if any member of either Legislative Assembly so demanded, there should be held a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision would be taken on the issue as
to which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united.

(4) In the event of partition being decided upon, each part of the Legislative Assembly would, on behalf of the areas they represented, decided which of the alternatives, the existing Constituent Assembly or a new and separate Constituent Assembly consisting of the representatives of those areas which decided not to participate in the existing Constituent Assembly, to adopt.

(5) For the immediate purpose of deciding on the issue of partition the members of the Legislative Assemblies of Bengal and Punjab will sit in two parts according to the Muslim majority districts. But this was only a preliminary step of a purely temporary nature, as for the purpose of a final partition of these provinces, a boundary commission would be set up by the Governor-General, the membership and terms of reference of which would be settled in consultation with those concerned. It would be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the continuous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions would be given to the Bengal boundary commission. Until the report of a Boundary commission had been put into effect, the provisional boundaries indicated in the Appendix would be used.
(6) The Legislative Assembly of Sind (excluding the European members) would, at a special meeting, also take a decision as to which Constituent Assembly the Province would join.

(7) If the whole or any part of the Punjab decided not to join the existing Constituent Assembly, it would be necessary to give the North-West Frontier Province an opportunity to reconsider its position as two of the three representatives of the Province were already participating in the existing Constituent Assembly. Accordingly, in such an event, a referendum would be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose whether they would join the existing Constituent Assembly or the other one, to be set up for Pakistan.

(8) British Baluchistan would also be given an opportunity to reconsider its position and to choose which of the Constituent Assemblies it would join.

(9) Though Assam was predominantly a non-Muslim Province, the District of Sylhet which was contiguous to Bengal was predominantly Muslim. There had been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it was decided that Bengal should be partitioned, a referendum would be held in Sylhet District under the aegis of the
GOVERNMENT HOUSE,
Calcutta,
21st September, 1947.

ஏழுமணுகள் மேற்புறம் 162 எண்ணிக்கையுடையது.
அவினங்கம் ஓர் சொல்லேடு தரையும் இவ்விற்கு
தந்தை? என்று தன்னியை உடையது ஒரு பொருள்
வருவதால் இதுவாக?

ஏழுமணுகள் மேற்புறமே வருவான்
ந்துவரைப் புதுமில்வையே தந்தைகள். இல்லை
குறுக்கையும் ஓர் சொழலாகிறது 2 பெரிய விளக்கம்
முதலும் இரு குழுக்கள் கூறப்பட்டுள்ளன. இது தந்தை
சொல்லுகிறது. எனவே செய்தியை விளக்கப்பட்டுள்ளது
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முதலும் இரு குழுக்கள் கூறப்பட்டுள்ளன.

சொல் மீண்டும் வைத்தலாம். வருவதில் சில கருத்து
வசத முக்கியமானது. அது பின்னர் முன்னிலை செய்தியை
செய்தியை விளக்கப்பட்டுள்ளது. எனவே செய்தியை விளக்கம் செய்தியை
முதலும் இரு குழுக்கள் கூறப்பட்டுள்ளன. எனவே
சொல் மீண்டும் வைத்தலாம். வருவதில் சில கருத்து
வசத முக்கியமானது.
APPENDIX V

MR. U.S. RANGA LYER'S BILL OF 1933.

A BILL TO REMOVE THE DISABILITIES OF THE SO CALLED DEPRESSED CLASSES IN REGARD TO ENTRY INTO HINDU TEMPLES:

... ...

Whereas it is increasingly felt by the Hindu community that the disabilities imposed by custom and usage on certain classes of Hindus in respect of entry into their temples should be removed.

And whereas doubts have been entertained whether trustees and others in charge of the management of such temples have power to make any innovation contrary to the establishment, custom or usage of the temples. And whereas it is expedient that the law as administered by the courts should no longer prevent a trustee from allowing to any class of Hindus who might have been excluded from a temple under his management, entry into such temples, if the Hindu community in the locality is generally minded to allow such entry.

And whereas it is necessary to provide legal machinery for the ascertain rent of the opinion of the Hindu community in regard to such entry; and whereas the sanction of the Governor-General has been obtained to the passing of this Act
It is hereby enacted as follows:

1. This Act may be called the Temple Entry Disabilities Removal Act, 1933.

2. In this Act unless there is anything repugnant in the subject or context.

(1) 'Board' shall mean the Board of Commissioners constituted under Section 10 of the Madras Hindu Religions Endowments Act, 1925 (or any similar authority constituted in other provinces);

(2) 'Excluded Caste' shall mean any caste or class of the Hindu community excluded by reason for established usage or custom from entering a temple;

(3) 'Temple' shall mean a place, by whatever designation known used as of right as a place of public worship by the Hindu community generally except the excluded castes;

(4) 'Trustee' shall mean the person by whatever designation known in whom the administration of a temple is vested; and

(5) 'Voters' shall mean -

(a) When used in connection with a temple having an annual income of Rs. 500 the Hindu voters in the electoral roll of the Municipality or a District Board or a Taluk Board or any other local authority constituted under the Local Boards Act, within the area of which it is situated, and
(b) When used in connection with a temple having an annual income of less than Rs. 500 to Hindu voters in the electoral roll in the Municipal division of the city or the Municipal ward in the Municipal area in the mofussil or of the Panchayat area of which it is situated.

3. (1) After the commencement of this Act a written requisition signed by not less than 50 voters may be made to the trustee of a temple asking him that the question of throwing open a temple to any excluded caste may be referred for decision to the general body of voters.

(2) Upon such requisition, the trustee shall forthwith refer the question to the voters for decision in the manner prescribed.

(3) The decision of the majority of the voters who have recorded their opinions shall be binding on the trustee of the temple and on all worshippers therein.

(4) Where the decision is in favour of allowing the entry of any excluded caste into the temple, the trustee shall publish an orders in the manner prescribed that the excluded caste shall have a right of entry into such temple.

4. (1) Notwithstanding any law, custom, or usage to the contrary it shall be open to the trustee of a Hindu temple to publish in the prescribed manner a notice that unless
an objection is lodged with him under Section 6 within a period of one month from the date of publication of the notice he will make an order allowing an excluded caste, mentioned by him in the notice, to enter into such temple.

(2) Within one month after the publication of such notice by a trustee, objection signed by not less than 50 voters may be lodged with the trustee objecting to such entry. Upon the lodging of such objection, the question whether the excluded caste concerned shall or shall not be allowed entry into the temple shall be referred to the voters under sub-section (2) of Section 3 as if a requisition had been made under sub-section (1) of that Section.

(3) The decision of a majority of the votes recording their opinions shall be binding on the trusted and the worshipper of the temple.

(4) Where an objection has been lodged under sub-section (2) and the decision of the majority of the voters the excluded caste recording their opinions is in favour of allowing the entry of the excluded caste into the temple, or where no objection is raised after the expiry of the period mentioned in the notice manner under Section IV, the trusted shall publish an order in the prescribed that the excluded caste shall have a right of entry into temple.

(5) On the publication in the prescribed manner of an order by the trustees under sub-section (4) of Section 3 or
sub-section (4) of Section 4 it shall be lawful for any
member of the excluded caste preferred to in such order
to enter into the temple for the purpose of worship therein
subject to such general regulations for the maintenance of
order and cleanliness and the due observance of the
religious ceremonies in the temple as may be made on that
behalf by the trustee.

(6) Where a reference has been made to the voters under
sub-section (2) of Section 3 or sub-section (2) of Section 4
and the majority of voters who have voted have decided
against the throwing open of a temple to any excluded
caste, no written requisition under Section 3 can be made
or notice under on which such reference was made.

7. The trustees of a temple may with the previous approval of
the Board, where such a Board has been constituted under
law, make regulation.

(1) for the due observance of the customary religious
ceremonial in the temple, and

(2) for the maintenance of order and cleanliness in the
temple.

8. (1) The local Government shall have power to make rules
for the purpose of carrying into effect the provisions
in this Act.
(2) Without prejudice to the generality of the foregoing power, the local Government shall have power to make rules prescribing:

(a) the form of the requisition by the voters for a referendum and the manner of its presentation to the trustee,

(b) the manner of publication of the notices and orders of the trustee,

(c) the method of obtaining the opinions of the voters and

(d) the decision of disputes regarding the ascertainment of such opinions.
APPENDIX VI

"THE REMOVAL OF CIVIL DISABILITIES 1939"
(MADRAS ACT XXI OF 1939)
(As modified up to the 20th January 1955)

"Reference to papers connected with the Principal Act and the Amending Act."

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Sections:
1. Short title and extent.
2. Social disabilities not to be recognized by law.
3. Discrimination against Harijans, etc., prohibited.
4. 'Secular institution' explained.
5. Refusal of sale of articles to Harijans, etc., prohibited.
6. Penalties.
7. Offences under the Act to be cognisable.

(Passed by the Madras Legislature - Received the assent of the Governor-General on the 24th January 1939, first published in the Fort St. George Gazettes on the 7th February 1939).

"An Act to provide for the removal of Civil disabilities among certain classes of Hindus."
Whereas it is increasingly felt by the Hindu community that the disabilities, which are imposed by social custom and usage on certain classes of Hindus commonly known as Harijans, Untouchables or depressed Classes, and which have been in certain matters even legally recognized in the adjudication of rights and duties in civil and criminal proceedings, are repugnant to modern conditions and ideas of justice and social solidarity, and should hereby enacted as follows:

1. Short title and extent:

(1) **This Act may be called the Removal of Disabilities Act, 1938.**

(2) **It extends to the whole of the Province of Madras.**

2. Social disabilities not to be recognised by law— notwithstanding any law, by necessary custom usage of prescription to the contrary no Hindu shall, by reason merely of his belonging to any particular community or class known as Harijans Untouchables, Depressed Classes or the like, be prevented or disabled from being appointed to any public office of (having access to or using) any public steam, river, well, tank, pathway, sanitary convenience, or means of transport or any secular institution which the general public belonging to all other classes and communities of Hindus have (a right of access to or a right to use) or which is dedicated of maintained, or licensed for the use of the general public of which is maintained or paid for out of the funds of the state or a local authority; and no Civil, Criminal or Revenue Court in
adjudicating any matter or executing any orders and no public or authority in (conducting the affairs) entrusted to such authority shall recognize any custom usage or (prescriptive right under) which it is sought to impose any civil disability on any person which by reason of bis belonging to any of the classes or communities aforesaid, or by reason of any (act of omission) on the part of such person which would not furnish ground for such disability if he did not belong to such class or community.

3. Discrimination against Harijans, etc., prohibited -

No person owning, or being in charge of, any secular institution referred to in Section 2, shall -

(1) Impose or cause or suffer to be imposed any restriction on any person belonging to any community or class referred to in Section 2; or

(2) Do or omit to do anything, or cause or suffer anything to be done or omitted to be done, as to result in discrimination against any person belonging to any such class or community, merely on the ground that the belongings to such community or class.

4. Secular institution, explained - For the purpose of this Act the expression, 'Secular institution' includes among other -
(i) any refreshment room, restaurant, coffee house, eating house boarding house, oldage house, hostel or any other place where persons or provided with feed, drink, shelter or sleeping or other accommodation;

(ii) any place of public entertainment or amusement;

(iii) any premises where goods are sold, any laundry any shaving or hair dressing saloon or any other place where services are rendered to customers;

(iv) any place used for the burial, cremation or disposal otherwise, of the dead.

5. Refusal of Sale of articles to the Harijans etc., prohibited:— no dealer shall refuse to sell or withhold from sale any article which is kept by him for sale to any persons belonging to any community on the ground that the belongs to such community.

6. Penalties — Whoever —

(i) Prevents a person belonging to any community or class referred to in Section 2 from exercising any civil right or privilege to which he is entitled under this Act or

(ii) molests or obstructs any such person in the exercise of any such right or privilege, or

(iii) Contravenes the provisions 3 and 5 shall be punishable in the case of first offence, with fine which may extend to fifty rupees, and in the case of a second or subsequent offence,
with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

7. Offences under the Act to be cognisable - All offences punishable under this Act shall be cognizable.

(1) The Removal of Civil Disabilities Act, 1938
(Madras Act XXI of 1938).

(for statement of objects and reasons, see part IV of the Fort St. George Gazette, dated the 12th October, 1937 page 54; for proceedings in Assembly see Madras Legislative Assembly Debates, Volume IV, dated the 30th March 1938, pp. 1169-85; Volume VII dated the 17th August 1938, pp. 160-67; for report of the Select Committee see ibid., pp. 242-43; for proceedings in Council see Madras Legislative Council Debates, Volume V, dated the 12th December 1939, pp. 46-56; for Act see part IV of the Fort St. George Gazette, dated the 7th February 1939, pp. 47-48).


(for statement of objects and reasons, please see part IV-A of the Fort St. George Gazette, dated the 21st January 1947, p. 42; for proceedings in Assembly, see Madras Legislative Assembly Debates, Volume V, dated the 31st March 1949, pp. 395-440; for proceedings in Council, see Madras Legislative Council Debates, Volume XXII, No. 4 dated the
An Act to remove the disabilities of certain classes of Hindu in regard to entry into temples in the District of Malabar. (7th February 1938).

Whereas the disabilities imposed by custom and usage on certain classes of Hindus in respect of their entry into, the offering worship in Hindu temples should be removed.

And Whereas, however, doubts have been entertained whether the trustees of such temples have the power in law to make any such innovation in practice.

And Whereas, it is just and expedient that these doubts should be removed and the trustees should be empowered by law to extend to all classes of Hindus the right of entry into, and worship in, temples if the Hindus in the locality who are now entitled to such entry are generally in favour of such extension.

And Whereas, further, such extension of rights and privileges in Hindu temples to classes hitherto excluded has been recently
ordered and peacefully brought into effect in one part of Kerala, and by reason of common traditions and identity of language, customs, forms of worship and the like the removal of the disabilities aforesaid has been not only more insistently demanded, but also made more easy of accomplishment in the first instance, in another part of Kerala.

It is hereby enacted as follows:

SHORT TITLE AND EXTENT

1. (1) This act may be called the Malabar Temple Entry Act, 1936.

   (2) It extends to the whole of the District of Malabar.

DEFINITIONS

2. In this Act, unless there is anything repugnant in the subject or context —

   (1) 'Board' means the Board of Commissioners constituted under Section 10 of the Madras Hindu Religious Endowments Act, 1926, or any other authority in which the powers and functions of the said Board in respect of a temple may for the time being be vested;

   (2) 'excluded class' means any caste or class of the Hindu community which, by reason of any established usage or custom, is excluded from entering the temple concerned, or which, though admitted into the premises of the temple, is not allowed entry into any part of the temple where the bulk of the worshippers are allowed.
(3) 'Prescribed' means prescribed by rules made under Section 9;

MADRAS ACT 11 OF 1927

(4) 'temple' means a place, by whatever designation known which is used as a place of public worship by the Hindu community generally except excluded classes and which was at any time assessed to contribution under Section 69 of Madras Hindu Religious Endowments Act, 1926 on an annual income of not less than Rs. 5,000/- and in any context with reference to entry shall mean every part of the temple which is open to the bulk of the worshippers.

Provided that any temple which has been before the 1st of April 1938 declared by final declared by final decree or order of a competent court to be private property or accepted by the board to be private property shall not be a temple for the purposes of the Act;

Provided further that any temple in respect of which a question as to whether it is private property has been already raised in a suit in a court of law or in an application before the board registered before the 1st April 1938, the temple shall not be deemed to be a temple for the purposes of this Act until the final decision in such a proceeding, and thereafter, it shall not be, or shall be, a temple for the said purposes according as the final decision declares or accepts the temple to be private property or not.
(5) 'trustee' means a person by whatever designation known, in whom the administration of a temple is vested, whether in a hereditary capacity or not;

(b) 'Voters' means the Hindu voters, other than those belonging to excluded classes, on the electoral roll of the Madras Legislative Assembly for the time being in force relating to the general constituency of the revenue taluk in which the temple is situated including the municipal areas therein, who are included in a list prepared under the rules made under Section 9; and

(7) 'Worship' means such religious service as the bulk of the worshippers participate in, in accordance with the provisions of such regulations as may be made by the trustees for the maintenance of order and cleanliness and the due observance of the religious rites and ceremonies performed in the temple.

REQUISITION TO TRUSTEES TO THROW OPEN TEMPLES TO EXCLUDED CLASSES.

3. (1) On receipt by the trustees of a temple of a requisition in writing signed by not less than fifty voters requesting them to throw open the temple to persons belonging to excluded classes, the trustees shall forward the requisition to the Provincial Government and the Provincial Government shall thereupon direct the trustees to refer the matter to the voters and ascertain their opinion by votes taken by the prescribed method;
Provided that if the Provincial Government are of opinion that the requisition is not made for the furtherance of the objects of this Act, they may direct that no action be taken thereon.

(2) Where on such reference the result is founded by a majority of the votes to be in favour of throwing the temple open to persons belonging to excluded classes the trustees shall publish in the prescribed manner an order to the effect that the temple shall thereafter be open to persons belonging to excluded classes.

POWER OF TRUSTEES TO ISSUE NOTICE OF PROPOSAL TO THROW OPEN TEMPLES TO EXCLUDED CLASSES.

4. (1) Notwithstanding any law, custom or usage to the contrary, it shall be open to the trustee of a temple to publish in the prescribed manner a notice to the effect that they propose to make an order throwing the temple open to persons belonging to excluded classes. Such notice shall also state that objections to the proposal may be preferred to the trustees at any time within one month from the date of the publication of the notice.

2. If within one month from the date of the publication of the notice referred to in sub-section (1) written objections to the proposal are preferred by not less than fifty voters, the same shall be forwarded to the provincial Government,
and therefore, on a direction from them, the question whether the temple shall or shall not be thrown open to persons belonging to excluded classes shall be referred for the opinion of the voters as if a requisition had been received under sub-section (1) of Section 3.

3. If in any case where action under sub-section (1) is taken by the trustees, no objection as specified in sub-section (2) is preferred, or if on a reference made under sub-section (2), the result is found to be in favour of throwing the temple open to persons belonging to excluded classes, the trustees shall public in the prescribed manner an order to the effect that the temple shall thereafter be open to persons belonging to excluded classes.

5. The Provincial Government may, at any time, before the results of any reference to the voters are announced order that all further action in respect of such reference shall be suspended and upon such order all previous proceedings relating thereto shall be deemed to have been cancelled.

POWER OF TRUSTEES TO THROW OPEN TEMPLES TO EXCLUDED CLASSES WITHOUT REFERENCE TO VOTERS IN CERTAIN CASES.

6. Where on a reference made to the voters under sub-section (1) of Section 3 or sub-section (2) of Section 4 the result is found to be in favour of throwing a temple open to persons belonging to excluded classes, the trustees of any other
temple situated in the same revenue taluk, within two years from the date of such reference, may of their own motion and shall on receipt of a requisition in writing signed by not less than fifty voters, publish in the prescribed manner an order to the effect that the temple shall be open to persons belonging to excluded classes.

**EFFECT OF ORDER UNDER SECTION 3(2), 4(3) OR 6**

7. Where an order has been published under sub-section (2) of Section 3, or sub-section (3) of Section 4 or Section 6, it shall be lawful, notwithstanding any custom or usage to the contrary, for any person belonging to excluded classes to enter the temple concerned and participate in worship therein.

**FRESH PROCEEDINGS NOT TO BE TAKEN IN CERTAIN CASES**

8. Where on a reference made to the voters under sub-section (1) of Section 3 or sub-section (2) of Section 4, the result is found to be against throwing the temple open to persons belonging to excluded classes no further proceedings shall be taken either under sub-section (1) of Section 3 or under sub-section (1) of Section 4 for a period of two years from the date of such reference in respect of such temple or any other temple in the same revenue taluk.

**RULES**

9. (1) The Provincial Government may make rules for the purposes of carrying into effect the provisions of this Act.
(2) Without prejudice to the generality of the foregoing power the Provincial Government may make rules -

(a) With reference to all matters allowed to be prescribed by this Act;

(b) as to the form and presentation of the requisition and objections referred to in sub-section (1) of Section 3, Section 4 and Section 6;

(c) as to the publication of orders and notices by trustees;

(d) as to the method by which the opinion of the voters shall be ascertained;

(e) as to the preparation and publication of lists of voters, and the decision of all disputes which may arise in connection therewith; and

(f) as to the decision of all disputes which may arise in respect of requisitions and objections from voters under Sections 3, 4 and 6 or in respect of references to voters under Sections 3 and 4 and the ascertainment and publication of the results of such references.

(3) All rules made under this Section shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

POWER TO REMOVE DIFFICULTIES

10. If any difficulty arises in giving effect to the provisions of this Act the Provincial Government, as occasion requires,
I Chhe Rood
New Delhi, 18 6 4.

My dear Shastriji,

Your telegram,

My most sincere and gratifying thanks for your energetic work in this cause. My heart is full and my joy is great. For this occasion when you will preside and throw open the Sri Ramakrishna temple to every zamindar and daughter of India without distinction of class of caste. The Ramakrishna Mission of the Legislative Assembly will have performed a historic act in completing this programme of reform of Hindu religious practice. With the opening of the temple.
of Ramakrishna, and

Swamiji. The programme
is truly completed. My
dream is fulfilled. May the Havanas hereafter
feel they are
castaways. God bless you. I feel proud and happy.

C. Ramakrishna

(Handwritten signature)