

Indian Opinion

No. 26—VOL. XVII

FRIDAY, JULY 4TH, 1919.

Registered at the G.P.O. as a Newspaper.
PRICE THREEPENCE.

NOTES AND NEWS

W B regret very much to hear of the death in London of Mr. W. P. Schreiner, the High Commissioner of South Africa. In him the country loses a truly noble man. He was one of the very few really broad-minded South African Statesmen. He was rightly claimed as the friend of the coloured races. Natives, Coloured South Africans and Indians join in mourning the loss of this great man.

His place will not easily be filled. Too often we find that our present-day politicians are ready to sacrifice principle for popularity. It is not an easy thing to champion the cause of unrepresented and often misunderstood peoples. The late Mr. Schreiner succeeded, throughout public life, to avoid all forms of colour-prejudice. We revere his memory and trust that other public men will emulate the noble example set by the late High Commissioner.

A correspondent writes—"The sudden death of Mr. Moonsamy Redhi of Tinley Manor, on the 16th inst, came like a shock to all who know him. He was the son of Mr. Narayan Redhi of New Glasgow. He was very good to all who knew him, and also took keen interest in charitable work."

A special telegram to the *Natal Mercury* from its Johannesburg correspondent states that at a meeting of the Boksburg and District Chamber of Commerce a discussion took place concerning the protest signed by certain wholesale merchants in Johannesburg condemning public action that aimed at restricting Indian trading in certain areas in the Transvaal. It was urged that the signatories to that protest were guilty of injustice in expressing views which favoured the Indian traders. It was also suggested that these protesting merchants should be boycotted, but this was thought to be too drastic a measure at present. It would be better to ventilate grievances at the annual congress.

It has been reported to the Town Council of Potchefstroom (says Reuter) that protests were made, through the Transvaal Municipal Association against the action of the Senate in deleting the clause in the Asiatic Bill which would have enabled local authorities to refuse the issue of licences.

The following resolution is submitted for adoption by the above Council: "That the time has arrived when, in the interests of the white races in this Province, segregation in locations and bazaars of all coloured people, including Asiatics, resident within an urban area, is imperative."

So we know what we have to contend with. What some Transvaalers want is that men of colour, including British Indians, shall be couped up in locations where they should exist by trading with each other. It is just as well to understand what is in store for us when Sir A. E. Bailey and his friends succeed in their purpose. The question is, what are our brethren in the Trans-

vaal going to do to counteract this most deliberate attempt to rob them of their right to live and earn their bread by trading if it should unfortunately happen that the Governor-General gives his consent to the Bill recently passed by Parliament?

The India Office reports (says Reuter) that over half-a-million Indians are receiving in one form or another famine relief.

A mass meeting of Indians employed in hotels, restaurants, and tea rooms was held recently in Rawat's Bldg for the purpose of forming a union. Mr. B. Sigamoney was elected to the chair. All the hotels and restaurants were represented. The members keenly debated the question of forming a union immediately, and eventually this was unanimously decided upon. Various officials were elected. It is the desire of the union to affiliate with the Natal Shop Assistants and Commercial Workers Union as soon as possible. The membership of the union is increasing, and we are given to understand that every Indian waiter in Durban intends to join the organisation.

PEACE AND THE FUTURE

AT last the Peace Treaty between the Allies and the Central Powers has been signed. From information gathered from the press cablegrams, it would appear that the Germans and their Allies have signed under compulsion. Up to the last they have shown no sign of wanting to plead guilty to the serious charge of forcing upon Europe a terrible war. They have signed the Peace Treaty as though it were a death warrant. Such an attitude does not augur well for the complete fulfilment of the terms agreed upon. It almost looks as though there was no real honest intention of carrying out the agreement and that, if there is half a chance, the whole thing will be repudiated before long. We may be too pessimistic, but the outlook is none too bright. Those who confidently prophesied that this war would be the last are now saying that the time has not come for the "swords to be beaten into ploughshares." That time will never come until the nations voluntarily lay down their arms. It cannot come so long as one nation is beaten into submission by a more powerful foe. It would appear, however, that a favourable opportunity has come for the victorious nations to reduce their armaments and deliberately determine that there shall be a lessening of this great burden. But it is the people and not government who have the power to end war. All governments are powerless to do what the people disapprove. War, then, will cease only when a new spirit is created within the nations. It is the people who must rise and proclaimed the gospel of "peace and goodwill to all men."

Peace brings its problems to solve. The workers in all lands will claim the greater share of the good things of life. There will have to be drastic changes in the conditions existing between capital and labour. There are signs of these changes all around. Then there is the perhaps still greater problem of the government of coloured and subject races. As education spreads the backward peoples of the earth will demand equal opportunities in life. The non-white man will refuse to take a back seat simply because he is not white. He has found that, in war, his services are just as valuable as those of white men. Why in peace should he not share the benefits of civilised life? Why, indeed, should he not take part in the government of his own country? Our brethren in India are asking these questions. At the same time they are suffering under conditions entirely opposed to the principles of enlightened governments. One of the greatest problems of peace will be the carrying out of those principles of justice and fair treatment towards all the people of the same empire which have been fought for on behalf of the nations. We look to the British Empire to do the right thing, "though the heavens fall." Then only will she have truly won a victory. Then alone can she be called great.

"WHAT INDIA WANTS"

Under the auspices of Britain and India, at the Caxton Hall, Westminster, on May 3, Mr. B. G. Tilak addressed a well-attended At Home on "What India Wants." In the course of his remarks he said:—

As the result of bureaucratic government the thinking classes in India were in a condition of utter helplessness and the masses in a state of abject poverty and illiteracy, with the attendant ills of famine and plague. Yet when put to the supreme test during the war, all sections of the people agreed to sink their differences, and India provided a million and a quarter men and immense quantities of war material, besides making a free gift to England of £100,000,000. Princes and people alike helped to win the war for the freedom of the world. He condemned the Rowlatt Bills, observing that they were as reactionary in character as any ever conceived in Tsarist Russia, Imperial Germany, or Imperial Austria. One of them had passed through the legislative machine. The day on which the Bill passed into law was observed in India as the day of humiliation and mourning. The whole Rowlatt Bill tragedy strikingly illustrated the political situation in India to-day. The bureaucracy wanted to defend its brutal acts by raising the cry—usually intended for home consumption—that there was a rebellion in India and that the British Empire in India was in danger—in other words, they frankly declared before the whole civilised world that they, acting as representatives of the British people, could govern India only by sheer brute force. Junkertum was dead in Germany; it was now legalised in India. But to-day Indians did not ask for full Dominion self-government; they did not demand that the Government of India should be made responsible to the people of India even in the matters concerning the Army, Navy, foreign affairs, or relations with the Indian Princes. Indians definitely reserved these matters to the Government of India as it was at present constituted—i.e., responsible not to the people of India but to the people of Great Britain. Indians asked for responsible government only in their domestic affairs, and he submitted that the demand was quite within the limits of the pronouncement of August 29 1917, wherein the Secretary of State for India laid down the policy towards India as decided by His Majesty's Government after full consideration.—*India.*

THE SITUATION IN INDIA

CONGRESS COMMITTEE'S CABLE TO ENGLAND

The following cable, giving a sober view of situation in India as viewed by responsible public was sent to the Prime Minister, London, the Secretary of State for India, London, and Lord Sinha, by Pt. Madan Mohan Malaviya, President, All-India Congress Committee, Bombay:—

The All-India Congress Committee desire earnestly to represent to His Majesty's Government the intense gravity of the present situation in India, the causes and the need for a change of policy pursued at present.

While deploring and condemning popular excesses which have occurred in some parts of the country and which popular leaders have everywhere used to influence, but unsuccessfully, to restrain, the Committee urge the impartial consideration of the circumstances which have so aggravated and embittered the feelings of the people throughout the country as to make a breakthrough possible. The resolution of the Government of India dated 14th instant, describing the present situation as arising out of the Rowlatt Act agitation, makes only a partial statement of the case. Undoubtedly, intense universal bitterness of opposition to Rowlatt Act, forged through the legislature by off-votes against the unanimous protest of all non-Indian members and in the face of the unparalleled opposition throughout the country, was the immediate cause of recent popular peaceful demonstrations. But the subsequent excesses were provoked by the needless and unjustifiable action of the Government of India and the Punjab and Delhi Governments against so revered a personality as that of Mr. Gandhi and against other popular leaders.

CAUSES OF DISCONTENT

For a complete understanding, however, of the present discontent and its causes, other important factors must be considered. The attitude of India through the war was one of consistent loyalty and helpfulness. Cheered and encouraged by the declared aims for which the great struggle was waged and the promises of British statesmen of political freedom and self-determination for all, followed by the visit of the Secretary of State to India to frame recommendations for reform to the people uncomplainingly suffered the hardships of war conditions and gave their aid ungrudgingly. Indian services were handsomely and unreservedly acknowledged by the Premier and other leading statesmen. Since the signing of the armistice, the people however feel there has been a notable change in the attitude of the European community, official and non-official toward Indian aspirations generally and reform in particular.

The sufferings of the middle and lower classes, owing to high prices of foodstuffs and clothing have been intensified by the failure of the monsoon in several parts of the country and grave mismanagement of control of foodstuffs, Railway and shipping freight. The people feel the Government have been indifferent and failed to do all they might have done to alleviate the sufferings. Criticisms and complaints in the Press by leading journals and well-known public men were ignored. The hostile attitude of the Anglo-Indian Press and the European community towards reform and the malignant campaign of the European Association in India and the Indo-British Association in England greatly intensified the bitterness of feeling. An impression is now widespread that the European official and non-official community are generally opposed to the mild recommendations in the Montagu-Chelmsford Report which are regarded as inadequate by the bulk of Indian opinion. Added to this, circumstances have encouraged the belief that the Government do not desire to encourage Indian industrial enterprise, do not admit Indians to equality of privileges and opportunities with Europeans as illustrated by the meagre proposals for the admission of Indians to Commissions in the

own army and the fact that out of two hundred officers employed by the Militia Board, only one was Indian.

MAHOMEDAN DISCONTENT

A further important factor of the popular discontent is the deep and universal feeling among Indian Mahomedans regarding the Khalifa and the duty places and apprehensions that their claims are not sufficiently regarded by the British Government and the Allies are adequately passed at the Peace Conference. The Mahomedans feel bitterly that their loyalty during the war is without appreciation since the danger is passed. Such a feeling too is general among the Indians of all classes and is caused by the sudden change of the Indian Government's attitude from one of conciliation during the war to obstinate opposition to the will of the people since the armistice and by a similar attitude of other officials as evidenced by such boastful and intimidating utterances based on the victories of British Arms as that of Sir Michael O'Dwyer in his Council on the 7th instant when he threatened the ruthless repression of political agitation disagreeable to him in peace as well as in war time.

THE ROWLATT BLUNDER

In such circumstances, the two Rowlatt Bills were introduced and the principal one was forced through the Council in spite of the unanimous opposition of the non-official Indian members, and appeal for postponement and reconsideration and warnings of the situation that would inevitably follow throughout the country which was stirred by this measure and the uncompromising attitude of the Government in a degree unparalleled in the history of the country.

The Committee here cannot enter in detail as to the justifiable apprehensions caused by the passing into law of this Act. They are content to repeat that it is a total distortion of the facts that an agitation against a measure placed on the Statute Book in time of peace depriving subjects under any circumstances of the sacred right of free and open trial and otherwise restricting the fundamental liberties and depriving accused persons of natural and essential safeguards designed for the protection of innocent persons should be regarded as an unreal agitation engineered by political agitators for their own ends. The Committee have no authority to discuss the merits of the Passive resistance movement led by Mr. Gandhi, but would emphasize that nothing but the feeling of high worked patriotism and intense realisation of the injustice involved in the passing of this measure could have actuated a man of his saintly character and noble record. The Committee submit that so far as facts are publicly known, no violence had anywhere been committed by the people until after the arbitrary restrictions placed on Mr. Gandhi's movements leading to his arrest and the forcible deportation without any announcement about his destination, while he was on his way to Delhi with the object of pacifying the people after the unfortunate episode there on the March 30th. Grave allegations were made that the authorities in Delhi unjustifiably fired on crowds killing and wounding several. The Government of India have ignored the demands for an enquiry into this and have published an *ex parte* statement of the Local Government exonerating the local authorities on unconvincing statements. Had Mr. Gandhi been allowed to proceed to Delhi, the Committee believe he would have restored normal conditions. The Government, on the contrary, by his arrest and deportation, provoked outbreaks in Ahmedabad and Varanasi.

A CONTRAST IN METHODS

An outbreak had become imminent in Bombay also, but it was averted by the wise action of the authorities in restraining the police and the military and the efforts of Mr. Gandhi and other leaders pacified the people and restored quiet. The Committee invite attention to the contrast between the rapidity with which tranquillity was restored in Ahmedabad by the presence of Mr. Gandhi, his co-operation along with that of other leaders with the authorities and the continuance of disorders in the Punjab where reckless and horrible

methods of repression under Martial Law such as the public flogging of citizens in the street, dropping of bombs from aeroplanes and wholesale firing on people assembled in the streets, have been resorted to. These methods of repression have created horror and resentment throughout the country. The Committee recognise the need for strong measures to deal with popular violence where popular leaders and bodies and all public men are ready to co-operate with Government in putting down popular excesses and violent movements against authority, but the use of such methods as have been in force in Punjab antagonise the feelings of the people towards Government and sow seeds of bitterness and distrust.

The Committee most earnestly urge His Majesty's Government to intervene and put an end to these methods and to order the appointment of a commission of officials and non-officials to investigate the causes of discontent and allegations of excesses by the authorities in repressing popular outbreaks.

CHANGE OF POLICY NEEDED

The Committee strongly urge His Majesty's Government to consider that popular discontent has been provoked by causes set forth above. At Amritsar, the disturbances followed immediately on Sir Michael O'Dwyer's action in arresting and deporting Dr. Kitchley and Dr. Sanyal. The Committee most earnestly represent that the situation cannot be dealt with alone by repression and the attitude of sternness towards the people displayed in the resolution of the Indian Government of 14th instant which gives a free hand to Local Governments to employ every weapon in the armoury of repression and is sadly lacking in the spirit of conciliation. The situation calls for the highest statesmanship which will deal with it in the spirit which animated the British Government and the Indian people in their recent struggle for the maintenance of the liberty and freedom of the peoples from despotic domination and not in a mood of ruthless repression.

The All India Congress Committee feel that they can appeal with confidence to His Majesty's ministers to consider this representation with sympathy and to take definite steps forthwith to reverse the policy of repression and to satisfy Indian feeling with regard to the Mahomedan question, the reforms and the repeal of the Rowlatt Act.

The Committee respectfully submit this action alone will secure real peace and contentment in the land.

MADAN MOHAN MALAVIYA.

SIR NARAYAN CHANDAVARKAR ON THE ROWLATT ACT

In the course of a long and closely reasoned letter to the *Mumbai Mail* on the Rowlatt Act, Sir Narayan Chandavarkar observes:

I think that this is an opportune moment for and no harm can come from emphasising the view that an Ordinance, not a law like the Rowlatt Act, is the appropriate remedy against revolutionary crime. I say the moment is opportune because to meet the present situation the Governor-General has been making Ordinances—and that last carries the moral against the Rowlatt Act for which I contend.

How that is I will now endeavour to state.

When the Rowlatt Bill was under discussion in the Council, some Indian members proposed amendments to define the term revolutionary and anarchical crime. The member in charge of the Bill declined to accept the amendment; and it was rejected by a majority of votes in the Council. I can well understand and appreciate the reasons which led the majority to decline to define the crime. Definitions in Acts are often hard nuts to crack and when—especially judges—have to act upon them, they prove embarrassing. This is especially so as regards terms which in these days of rapid events and social, political, and religious

transformation, have to be applied with changed meanings to the actual conditions of crime. Revolutionary and anarchical crime is one of such terms. History is replete with instances of that crime to show how it has changed, as to its methods, from period to period. At present in India, no doubt, we have become familiar with the current and contemporary methods of that crime. Having regard to those methods—namely, the plotting in secret, the strict pledges of secrecy, the murder and terrorising of witnesses, the Police and Judicial officers so as to render the trial of a revolutionary abortive and impossible in a Court of law according to its procedure and the ordinary principles of justice—Mr. Justice Beachcroft and myself in our report on Bengal interments have explained the nature and character of revolutionary and anarchical crime, so as to supply a workable definition. But our definition, such as it is, is founded on the existing methods of that crime, and cannot be said to be exhaustive. But, I apprehend, it is useful as showing that the expression revolutionary and anarchical crime has become, for the purpose of trial of the crime, a term of art, well understood and understandable and, therefore, not requiring a strict legal definition.

That being the meaning and nature of the crime, constitutional lawyers like Blackstone have laid down that in grave emergencies, when such crime becomes a danger to the country, Parliament, as the supreme Legislature of the Empire, should arm the Executive with emergency power, according as the emergency arises, to deal with persons whom the Executive suspect of that crime, without giving reasons. Such power Parliament has already given to the Governor-General by vesting in him the power of making Ordinances in the interests of peace and order. This is a very arbitrary power, but the crime is itself arbitrary.

It has been urged that the Rowlat Act has this merit to differentiate it from an Ordinance and the Defence of India Act and commend to the Indian public as a much milder and more judicial and judicious measure than the latter, that it provides certain judicial safeguards, borrowed from the accustomed procedure of an ordinary Court of Justice.

It is this very look of mildness and judicial garb that makes the Act an insidious measure, and therefore more objectionable than an Ordinance or the Defence of India Act.

That statement of my view is apt to seem paradoxical. It is not; and that for the following reasons—

(1) If revolutionary crime is of a kind, which, on account of its *secret* and *terrorising* methods, makes it impossible to try it according to the recognised judicial principles of law and justice, it is necessary that a measure adopted to combat the crime should present itself in its true light, required by the necessities of the case, as an arbitrary measure, demanded for temporary emergencies. That is the merit of an Ordinance and of the Defence of India Act. They do not pose as and profess to be judicial. They are extreme remedies for extreme cases. If an arbitrary measure is the proper cure for a crime which, unlike ordinary crime, works by extraordinary methods, let the arbitrariness stand out plain as a warning to revolutionaries that they shall have no mercy, and as a satisfaction to the public that an arbitrary measure adopted for emergencies does not stalk abroad as a judicial measure, and that liberty, meaning the liberty of a judicial machinery is not tampered with so as to lull the public sense. We have the authority of Burke that such "great determined measures, are not commonly so dangerous to freedom because they are marked with too strong lines to slide into use."

(2) When such determined remedies as revolutionary crime calls for in exceptional times assume the garb of a judicial machinery they become what Burke calls "a sort of masked proceeding," cutting away liberty by parts, while professing to safeguard it and "the true danger is when liberty is nibbled away for expedients and by parts."

(3) In India we have become familiar since 1871 with the form of legislation, which while depriving Courts of Justice of jurisdiction in the trial of certain matters, transferring that jurisdiction to the executive has invested that jurisdiction with some of the judicial forms. This is the real danger of the Rowlat Act. I admit, it is what constitutional lawyers would call "a remote and constructive danger"—but Englishmen will understand me when I say that those people alone deserve the safeguard of equal laws and justice, who forms the true temper and tradition of British history; who strive constitutionally, and not by disturbances of peace and order, designed or undesigned, to avert remote and constructive dangers.

MR. GANDHI'S LEAFLET

ON AHMEDABAD RIOTS

Bombay April 25.—Mr. M. K. Gandhi has issued the following leaflet which has been distributed broadcast among the people of Ahmedabad.

Mr. Gandhi asks for funds for relief of the families of those who have died or are lying wounded in hospital. He states:—Twenty-two men have died in hospital and there have been many more deaths. It was the duty of the citizens, he says, to render help to the families of those dead or wounded. "These include two or three Englishmen (now ascertained to be one). Our first duty is to render help to their families since we are responsible for their deaths. We have no excuse whatsoever for killing. They have been killed simply out of animosity. If we do really repeat for what we have done it is our duty to aid their families. That is the least penance we can do. Some of us believe that we can obtain our rights by such acts of terrorism, violence and arson. Satyagraha on the contrary holds that the rights so obtained should be rejected. I am not that of the two parties using brute force the one possessing more of it than the other apparently gains its end. My 40 years experience tells me that the objects so attained do not permanently benefit the winner. Those who advise us to use physical force are sadly mistaken, and we should never listen to their advice. Even in Ahmedabad would have been impossible had we had a true sense of Dharma. It is one of our duties to prevent mischief. It is obviously a far greater thing to overcome mischief by spirit force and Dharma than by brute force. We have seen that the violent outbreaks have not benefited us. They had nothing to do with my release. The outbreaks commenced on the 1st and the decision to release me in Bombay was arrived at on the 9th. It cannot therefore have been in any way the result of those outbreaks."

HOOLOGANISM CONDEMNED

After dwelling upon the damage caused to public and private property, he points out that the expenses of re-building them and compensation fell indirectly upon the people. Surely the incendiaries must never have thought of making up for the loss. The closing of the telegraph office also meant loss of commerce. He concludes thus:— "If the people were thus to take law into their own hands there would be an end to peace and public safety and perpetual reign of terror would prevail. If any and every person aggrieved by an officer's conduct were to be regarded as within his rights to violate the person and property of that officer no one would be safe. A country where such a state of affairs prevails is not considered to be civilised and the people there live in constant fear. Consider the barbarity of burning alive the Avar Karkun of Vira. What offence has he committed or if he had committed one why had we not the courage to obtain his dismissal? Sergeant Fraser, an innocent Englishman, who had sought refuge in an Indian house was marched out of the house and hacked to pieces. What can India do out of such a piece of brutality? One direct result