Memoranda And Verbatim Reports
of the
Oral Evidences of —
Sir. John Maynard &
Lala Harkishen lal.
Before. The Reforms
Enquiry Committee
1924.

MEMORANDA AND VERBATIM REPORTS

OF THE

ORAL EVIDENCES

OF

SIR JOHN MAYNARD

AND

LALA HARKISHEN LAL

BEFORE

THE REFORMS ENQUIRY COMMITTEE,

1924.

Upon the Subject and Working of Dyarchy in Punjab, together with some notes, remarks and cross-references.

Mufid-i-'Am Press, Lahore

CONTENTS.

APPENDIX A.

(Being a Reprint of an interview published in the Tribune, *dated 4-5-6th November 1924.)*

SIR JOHN MAYNARD'S EVIDENCE.

LALA HARKISHEN LAL INTERVIEWED.

"WAS HE CONTRADICTED"?

A representative of the *Tribune* called on Lala Harkishen Lal on Saturday to ascertain his position regarding some of the statements made by Sir John Maynard before the Reforms Inquiry Committee who appeared on behalf of the Punjab Government "to remove the misapprehensions and misstatements made by the witnesses from the Punjab." The following is a report of the conversation that took place—

Q.—Is it a fact, Lalaji, as we are informed by our Simla correspondent, that you asked for permission to reappear before the Muddiman Committee and that they have asked you to submit a written memorandum instead ?

A.—Yes, I sent the following telegram under date October 21 to the Secretary, Reforms Committee, Simla :—

"Seen report of Sir John Maynard's statement before Committee this morning in *Civil Military* characterising my statement in one instance as untrue and to others using milder terms of condemnation (stop). Kindly supply immediately copy of his authorised statement and of his memorandum (stop). Ask Committee allow me reappear with Punjab Government files and rules to give verse and chapter to verify statements made by me (stop). Am wiring instead of writing to save time."

I received a reply enclosing the memorandum of Sir John Maynard and saying that I could submit a written statement and omitting all reference to my request for files.

Q.—Sir John Maynard is generally said to have "contradicted some statements made by you." Is that correct in fact ?

A.—His evidence hardly contradicts any statements made by me. Of course his view point in some cases is different from mine, but as regards facts, where he has not been misled by his instructors, he is, curiously, not only in agreement in the general version of facts but approximates to my statements even in *qualifications and limitations*. All the fuss is due, in the first instance, to the evident desire of Press reporters from Simla to create a sensation ; secondly, to the comments based on the Press reports ; and thirdly, to a desire to create an impression that the Reforms of 1919 are good, which, I maintain, are perfectly *hollow* ; as also to misquotations from my evidence by the members of the Enquiry Committee in their questions to Sir John.

Q.—Would you mind at this stage if I take you ever the first report in the Press of Sir John's evidence wired on the 20th October?

A.—I don't mind at all how you proceed.

INTERFERENCE BY GOVERNMENT OF INDIA.

Q.—Sir John is reported to have said in reply to the President that the Government of India had not interfered in respect of legislation in the transferred half, while your statements give a different impression.

A.—My answer to this is in the words of Sir John himself from para. 3 of his memorandum. After describing certain Bills he says :

"These three Bills have been the only instances since the institution of the reformed administration in which there has been anything like a difference between the Government of India and the Punjab over the preliminary assent to the introduction of Bills. *In two of the cases those which affected the transferred department*, the local Government has ultimately had its way."

If this is read with what I stated on being questioned by Sir H. M. Smith, it would be clear that this carries no contradiction. I emphasized in my evidence that my position was that there was a *conflict of interests* between the Government of India. I said, "I have said in paragraph 12 that some conflict of interest was noticed in legislating about Tramways and Local Option. I did not say we were unfairly treated or we were put under pressure; but as things stand you did your best and we did our best. But we were at different poles." Here the quotation ends. You can see the agreement rather than differences.

Q.—So this is the position about legislative matters. What about the Government of India's interference in financial matters?

A.—Here, again, you have to compare the two statements only to find agreement rather than difference. Sir John Maynard, on being examined by the President, stated as follows:—

> "*Q.*—Then in paragraph 7, you tell us that no instance has occurred in which the Local Government has failed upon application to obtain advances from the Government of India for capital developments under these heads. Could you tell us if the Government of India have given an advance?—Oh yes.
>
> "*Q.*—In no instance has it ever been refused?—They have not been given for specific objects but they have been given for general capital purposes as well as for financing the Government of the Punjab's deficits.
>
> "*Q.*—Quite so. No money has been refused under these heads?—No. *I understand there was an idea of a development loan* which would have covered certain projects of this character but it never went so far as to be put forward seriously."

Para. 11 of my "notes" is worded thus: "It was also felt—that the financial and legislative powers of the Local Government being limited, *progress in matters of Tramways, Electricity, Co-operation and Communications was much restricted.*" And Sir John does not show that *much or any progress is recorded.*

Further, so far as I am concerned, I put the matter of the Development loan as seriously as I could before Sir John Maynard as the Finance Member. If he did not treat it seriously then it proves what powers the Finance Dept. possessed. And if he could not carry in the Finance Members' meeting, as he told me at the time that the Government of India would not countenance such loans, then it was the Government of India that was responsible for this, and both my complaints against the Government of India and the Finance Department stand.

In fact, I treated financial and legislative powers of the Government of India separately in separate paragraphs, but the Committee and Sir John mixed them up. They tried to disprove what I never stated. What applies to the financial difficulties would not necessarily apply to legislative interference.

PRE-AUDIENCE BY SECRETARIES.

Q.—According to the Associated Press report Sir John is reported to have stated that "he did not think that the complaints against the Secretaries going to the Governor without first consulting the Minister were justified."

A.—As to pre-audience you and everybody knows already that we had a time table as to when each functionary was to see the Governor and the Secretaries in the transferred departments were timed to see the Governor before the Ministers on Wesdnesday. To question that Sir John would require a great deal of topsy-turvying of the actualities.

And as to the Governor's impressions about my files before I took them to him Sir John will have to be credited with omniscience to know what he did not could not and would not know. As a matter of fact, the procedure followed by myself and the Secretaries in my departments could be known only to me or from me and my Secretaries. I should very much like to know if any Secretary of my departments made any statement that he consulted me on any subject before he went to the Governor.

RESIGNATIONS.

Q.—Lalaji, what have you to say about the long talk that was given to the committee about your reisgnation? Sir John Maynard says you had resigned only once while the impression given by your evidence was that you had resigned more than once.

A.—I stated in my evidence :—" As a matter of fact, you know that I resigned three times. So I applied that remedy (of resignation) several times, but it was unfortunately ineffective." It was suggested that my resignation was "Inoperative." To this replied that it was "not accepted."

I have in my hand a letter, dated 14th March 1922, marked "Private" from H. E. the Governor in which he says :—

"I have just received your letter of the 11th on my return from Camp, and I need not say how astonished I am to get issued and how grieved. I had no idea that there was any reason for your resigning.

This is one occasion while the incident of the Urban Rent Bill that Sir John mentioned was in August 1922. So this makes two occasions on which I resigned. The third was when the Jacob incident on the export of wheat resolution took place, and the fourth, when I finally resigned and anticipated the sound advice now given by Sir John Maynard by insisting on it in August 1923.

Q. —What do you say to Sir John Maynard's views about resignation ?

A :—Curiously, Sir John gives away his own case by the lecture. Under constitutional government an individual minister resigns to his chief for difference of opinion but for defeat in parliament it is the ministry that resign and not the individual minister. Sir John says, we had cabinet government. Was he willing to resign with me alone with his Sikh colleagues and along with my Mohammedan colleague following the parliamentary practice which he has preached ?

JOINT CONSULTATIONS.

Q.—How do you compare your statements with those made by Sir John in regard to joint consultations ?

A.—A reference to what I stated in my evidence as also to the statements made by Sir John will serve to make things clear. In reply to the President's question I stated as follows :

"*Q.*—When you say that there is no Cabinet Government you mean that the law makes no provision for joint consultation ?

A.—The law, and to a very large extent, practice ; both.

"*Q.*—There is nothing in the law which prevents joint consultation ?

A.—There is a great deal absent in the law. It makes no provision. Law is after all a restrictive measure. Lots of things are however done over and above law. But there is no Cabinet Government and the whole thing rests with the Governor and unfortunately the Governors are in this matter led by the letter of the law.

"*Q.*—My question was this. The Government of India Act as it stands contains no provision prohibiting joint consultation ?

A.—It does not.

* * * * * *

"*Q.*—What joint consultation actually followed in your province ?

A.—Sometimes we did meet for a trifle, sometimes for important matters, but there was no regular policy of Cabinet joint consultation.

"*Q.*—You consulted, of course, your brother Minister ?

A.—No I did not.

"*Q.*—Don't you think it desirable ?

A.—I was told that the reading of the law was that each Minister stood on his own. Whenever I protested to the Governor that we ought to have cabinet meetings and we ought to have at any rate principles of policy and principles of legislation discussed, I received no encouragement from him, but I was told on the contrary that the Governor's reading of the law was that each Minister had his own responsibility.

"*Q.*—You were in thorough sympathy with your brother Minister ?

A.—I had sympathy with his social life.

"*Q.*—With his political views ?

A.—No, to some of his political views I objected very strongly.

"*Q.*—You would have found it rather difficult to have had joint consultation with him ?

A.—Well, if the law provided or the Governor called us together, we would have discussed. I don't think we would have cut each other's throat or fallen on each other's necks.

"*Q.*—I am not suggesting that.

A.—We would have discussed matters in a friendly way and put our views before the Governor ; sometimes one would have won and sometimes the other.

What Sir John said was :—

"*Q.*—Now paragraph 12, on the question of joint consultation. Apparently up to recently there were no regular dates for these joint consultations ?—No.

"*Q.*—I understand it was held frequently ?—Yes.

"*Q.*—Was it the practice in the Punjab for the Governor-in-Council to have regular meetings and the Governor with his Ministers to have regular meetings ?—No, I have only known one case in which the Governor-in-Council as such has held a meeting apart from the Council sitting with Ministers.

"*Q.*—Then practically you have abolished the distinction between a meeting of the Governor-in-Council and the Governor and his Ministers for all practical purposes ?—Yes, for all practical purposes.

"*Q.*—Has the Governor ever had a meeting of the Ministers, a distinct meeting of the transferred half ?—No, I believe not.

"*Q.*—It has practically disappeared ?—Yes.

It would thus be clear that my statements about consultation between the Ministers themselves, are borne out rather than contradicted and that I never stated that there were no meetings of the Cabinet.

Further, it will interest you to know what I stated in reply to certain questions by Sir Henry M. Smith. Here it is.

"*Q.*—I do not quite remember whether you said there was very little consultation between you and your colleague, your *co-minister*?

A.—In the administration of our departments; otherwise met every day in the house, we walked together, we 'drove together, we were invited together; and we held together.

"*Q.* But if there was a difficult matter in which your colleague was particularly interested, did he ever talk it over with you?

A.—No. Of course casual talk on some things is different.

The matter of the Minister's individual responsibility I noted on a file officially' when in office, as follows :—

"This is a very important constitutional matter. My reading of the situation is that '*Dyarchy*' has been set aside or found unworkable so far as mutual exchange of views by discussion was concerned. Cabinet discussions have been retricted from the start, reduced in numbers and subjects as time went on. In practice or in determination of policy of various departments, even Dyarchy has been bissected"

No objection was taken to this at the time. Nor was any objection raised on another occasion when, presiding at a public meeting, I painted the same picture, for public exposition. For this you can refer for your own file.

Q—Sir John says, excepting two questions all others were discussed at joint meetings.

A.—I don't consider myself still at liberty to disclose all the subjects that were discussed at joint meetings, but when analysed the number of subjects discussed would be found very limited. There were certainly more subjects than two that were not discussed if permitted the list would serve as an object lesson to other cabinets how to limit discussions.

Q. Lalaji, would you mind explaining to me the *significance* of Sir John Maynard's statement that "the Hindu and the Muslim Ministers were anxious that more drastic steps be taken" than those advocated by Sir John and his Sikh colleague with regard to the Akalis?

A.—Let me refer to the words used by Sir John himself. Explaining to Dr. Paranjpye the case in which, according to him, the Ministers were agreed together in taking a *more uncompromising view of the obligation of maintaining law and order*' Sir John stated: —

"It was in connection with the Sikh question. The Ministers thought that we *ought to be much more drastic in preventing encroachments upon shrines, not merely punishing them* when they had actually taken place *but preventing them*, that is to say, sending armed forces to prevent them. And on that point the Ministers held an opinion which was more favourable to drastic action than the Members did".

It is wrong to state or to imagine that we advocated sending armed forces. Nothing of the kind was advocated and nothing of the kind was needed under the circumstances. Our position was, and mine would be again, that the forcible ejection of people from the property they hold by anybody was to exhibit weakness in Government and we rightly thought that measures may be taken to prevent that.

It was before non-violent non-coperation was adopted by the Sikhs. The real position would be clear by using the words of Sir John himself again. On the 25th February he wrote to me "You and H. M. E. (Hon'ble Minister for Education) argued so strongly last October that I *suggested leaving the Akalis to do as they will*" and wanted me to do something which would not be in accordance with the view expressed above. Will mild Maynard

and milder Majithia kindly explain to the world whether it was the exhibition of this mildness that showed itself at Guruka-Bagh and in the alleged treatment of Akalis in several jails managed by these mild gentlemen? Were the Ministers consulted? Had the Ministers any voice?

PATRONAGE.

Q.—Now as to patronage. Is there anything you would say in regard to this?

A.—No, not much, I would only give you the words by me in noting officially :—"Voting in the Council: A distinction has to be made in voting for the grants and discussions on the grants, which is limited to a small number of members. Voting has a tendency to support the Finance Member entirely, then come the Revenue Member and then the Education Minister; and the Agricultural Minister has had the worst luck, not on account of 'unpopularity' of the Minister for Agriculture; but the 'expectation of patronage' had something to do with this aspect of the matter. It may be also that my friends amongst the M. L.C.'s carried false tales to me.

PUNJAB FINANCE.

Q.—What about the Punjab Finance Department?

A.—Refer to the following, but remember, my grievence was against the Finance *Department*. In reply to Sir Mohammed Shafi Sir John Maynard stated: 'I think you want your Finance Department to be very powerful and I think *the force of the Financial Department would be diminished* by the fact that it was not represented by any one who actually took part in the deliberations of the Council."

OFFICIAL *BLOC*.

Q.—Will you kindly make your statement about the official *bloc* more clear?

A.—Curiously, this is one of the matters: which I briefly generalised and which he has taken pains to prove by adducing figures. No doubt, I said, 'it was small, but a nuisance,' implying that responsible Government was not possible with its presence in the Council, or, in other words, that it should disappear to establish responsibility in the Council. Originally, I had said in para. IV of my memorandum that no Minister could hold office without the support of the official *bloc*, which amounts to a negation of responsible Government." Sir John stated as follows:—

"*Q.*—In paragraph 39 you have given an analysis of the results of the voting on transferred subjects. I see that out of the total number the official vote only determined the results in six cases?

"*A.*—Nine, I think, out of 15.

"Sir Mohamad Shafi—It is 8, Sir John?

"*A.*—Yes, it is 8, quite correct."

Thus you see that in 8 cases out of 15 the Ministerial cart would have been upset if driven only by elected teams; but the official bullock was there to keep it in its place. This is no doubt an indication of great friendliness between the *ins* and the *outs*, but it is not responsible half or responsible dyarchy.

Q.—Anything more, Lalaji?

A.—Yes, one point, to show how a misreading of my evidence led Sir John inadvertently to the misrepresentation of a case I stated thus in my examination :—

"*Q.*—Did they get on very well with you? Was there any tendency to rebel against you?

"*A.*—Excepting in case of one or two from one and the same department there was no apparent tendency.