In general, however, it may be said that the Polish constitution establishes individual rights in a very far-reaching manner, going further in some respects than any other contemporary constitution." The fundamental rights of Esthonian citizens are set out in the constitutional law of the Esthonian republic. It is declared that all Esthonians are equal before law. The usual legal rights of citizens to inviolability of person and domicile, to trial by no courts other than those designated by law, the grant of right of *habeas corpus* are clearly provided. Freedom of religion and conscience are also provided. The provisions of some of the other modern constitutions may also be referred to and it is not necessary to go into them in great detail.

8. It is therefore suggested that the rights and obligations of the citizens of the federating States and of British India to the new federal government of United India should be carefully examined, clearly defined, and that these fundamental rights should be embodied in the constitution. The judicial machinery for enforcing these rights remains to be considered. Indian States have been demanding for some time that a Supreme Court should be established for the purpose of obtaining the decisions of an independent body in regard to the disputes between States and States and between British India and the States. They have advocated the establishment of such a body for some time and this Court may be empowered to deal with violations of the fundamental rights that may be guaranteed by the constitution to the people living under the Government of a Federated India. It may be admitted that there are difficulties in investing the Court with jurisdiction in these matters but the subject requires careful consideration.

It is a matter for satisfaction that Sir Mirza Ismail has, in his scheme, recognised the importance of providing for fundamental rights in the Constitution, and it is to be hoped that the other members of the delegation will see their way to agree to the proposal.

The Indian Central Committee has also recommended the enactment of fundamental rights in the new Constitution.

M. RAMACHANDRA RAO.

8, Chesterfield Garden,
Mayfair, London.
1st December, 1930.

MGIPC—L—VII-10—2-5-31—1,000.

Indian Round Table Conference

12th November, 1930—19th January, 1931

PROCEEDINGS OF SUB-COMMITTEES

(Volume IV)

[SUB-COMMITTEE No. IV (Burma)]

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INTRODUCTORY NOTE.

Proceedings of the Indian Round Table Conference in plenary session, and in Committee of the whole Conference, are contained in a separate volume, the Introductory Note to which explains, briefly, the procedure adopted by the Conference.

Proceedings of Sub-Committees are contained in nine volumes as below:—

Volume I.—Federal Structure.
,, II.—Provincial Constitution.
,, III.—Minorities.
,, IV.—Burma.
,, V.—North-West Frontier Province.
,, VI.—Franchise.
,, VII.—Defence.
,, VIII.—Services.
,, IX.—Sind.

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INDIAN ROUND TABLE CONFERENCE.

SUB-COMMITTEE NO. IV.

(Burma.)

The Sub-Committee was constituted as follows:—

The Earl Russell (*Chairman*).	Mr. B. Shiva Rao.
The Earl Peel.	Rao Bahadur Srinivasan.
Mr. Isaac Foot.	Captain Raja Sher Muhammad Khan.
U Aung Thin.	Mr. H. P. Mody.
U Ba Pe.	Mr. A. H. Ghuznavi.
Mr. M. M. Ohn Ghine.	Sir B. N. Mitra.
Mr. de Glanville.	Sir Hubert Carr.

with the following terms of reference:—

"To consider the nature of conditions which would enable Burma to be separated from British India on equitable terms and to recommend the best way of securing this end."

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. IV (BURMA) HELD ON 5TH DECEMBER, 1930.

Chairman: The terms of reference to this Committee are "to consider the nature of the conditions which will enable Burma to be separated from India on suitable terms, and to recommend the best way for securing this end". As I think was understood by the Conference, and as was stated by the Prime Minister when that resolution was adopted, it is perfectly clear that the question of the principle of the separation of Burma is no longer open to discussion. That matter has been settled, and the object of this Committee is to consider the suggestions in the terms of reference. I thought that to-day we should be acting most wisely if we decided the kind of subjects that have to be considered and that we shall have to discuss, and to arrange about our future meetings.

Before our next meeting I should propose to have circulated to the Committee, I think, some little memorandum showing the kind of questions that we are considering and are discussing. It will be convenient, probably, for everyone to have that, and I have a note here of one or two of the most obvious ones. Of course, the first and most obvious question is the question of finance. The finance of Burma has considerably affected the finance of India, and there will be views, no doubt, as to what sort of financial settlement should take place on their separation. Obviously in this Committee

we cannot go into any details of that, because it involves very long calculations by experts, which would take the experts alone a long time; but we might be able to lay down some principles. I do not know what the feeling of the Committee would be, but my own feeling would be that in view of the generous gesture that was made by the Conference in accepting the separation of Burma so freely we might be able to part and remain good friends, both countries when they are separated, and that possibly the financial business might be settled without a long discussion of a debtor and creditor account possibly by starting with a clean slate from where you were; but that will be a matter on which I think this Committee might quite properly make a recommendation as to the sort of principle that should be followed. The Committee that will be set up to consider finance will probably have to be a committee of experts, and no doubt, when the time comes, there might be attached to that Committee representatives of the Indian Legislature on the one side and of the Burmese Legislature on the other, in order that everybody might be satisfied that the case had been fully presented, and that, when the settlement was come to, both countries might accept it willingly and in good part.

Then, of course, there is another question which it is perhaps not for us to consider, but on which a recommendation from this Committee would be useful, and that is the framing of the new Burmese constitution. It has been generally understood, I think, that Burma is to have a new constitution and that that constitution will have to be settled by some sort of conference, probably following this Conference.

There are two suggestions at least which have been made in regard to that. The suggestion which was made in the full Committee was that there should be a conference in London in due course, which representatives of Burma would attend, similar to the present Round Table Conference, but of course on a much smaller scale, where this new constitution could be discussed and settled. It is obvious, of course, that India would wish to be represented on that Conference to some extent, no doubt, in regard to questions that would arise; and the alternative would be to send out some sort of Commission to Burma to discuss the matter on the spot. I do not know whether the Committee would feel that that would be necessary, or that it would be convenient. It would probably be a much longer process. It might involve hearing a great deal of quite unnecessary evidence, and it might be that the matter could be settled here equally well; but that will be a matter which, no doubt, will be a subject for discussion. I think that probably that might be the first subject for discussion but that will be for the Committee to decide.

Then, of course, there is also the question of the defence of Burma after the separation. That will be a matter, again, not for this Committee to settle, obviously, because it involves military questions, and the military experts would have to be consulted, and their advice, no doubt, would have to be very seriously considered;

but this Committee, there again, might, no doubt, consider the principles that are possible—whether Burma would raise its own army, whether it would make terms with India and employ some Indian regiments, or in what other way the defence would be settled. We might possibly arrive at some conclusion as to what would be satisfactory to both countries; but it is obviously one of the questions on which we might, I think, make some recommendations and which obviously has to be considered before the separation becomes effective.

Then there are, of course, a good many administrative arrangements to be made. Those are perhaps not really matters of principle so much, but there may be some consideration of them required. I am not sure whether everyone realised, when we agreed to the separation of the two countries, what such a separation involves. It involves, of course, that you have to consider whether the laws of the country you are leaving will go on applying to the new country of Burma, or whether you will have to make new laws of the same kind, or whether for the time being you will adopt those laws as the laws of Burma, and then change them at your leisure. Obviously, there are a lot of things of that sort that will have to be considered.

Then, of course, there is the question of navigation and of the Port of Rangoon, and the question of railways, and of posts and telegraphs. All sorts of things of this kind that arise on separation will have to be considered as part of the necessary adjustments which have to be made when one country separates from another.

There is another question on which this Committee might very properly make a recommendation, and that is this. Ultimately, when the new Burma constitution is framed, and when Burma becomes a separate and independent unit, whether it will remain under the Secretary of State for India, or whether it should be placed under the Secretary of State for the Dominions. That is a question on which this Committee might quite properly express an opinion; and it may be that although one course would be the more technically correct course, the other might turn out to be the more convenient.

Those seem to me generally the sort of questions for discussion, and all I want to ask the Committee to do to-day is to express an opinion as to whether there are other questions that should be added to those, and whether the sort of time of meeting that I have suggested for next week will be convenient to take up those questions, or if there is any one of them that you would like to discuss this morning.

Mr. H. P. Mody: May I make a preliminary observation. You were quite right, my lord, in stating just now that it is not open to us to question the principle of the separation in view of the decision which was arrived at by the Committee of the whole House. That is perfectly correct; but what is the position of those like myself who did not acquiesce in that decision? I do not wish to be understood as saying that I am against the separation of Burma.

All that I wish to point out is that I have not had sufficient opportunity for making up my mind about the question. The whole question was disposed of in a few minutes, and my position would be that I would like to consider the question. However, it is not open to me in this Committee to consider that question. Well, what I want to know is, because I am here and am giong to take part in the deliberations of the Committee, am I going to be estopped from raising that question again either in the open Conference or when we meet again in the full Committee of the Conference? I only want to safeguard my own position, and I wish it to be understood that because I take part in your deliberations it must not be understood that I have acquiesced in the principle of the separation of Burma. I keep an entirely open mind on the subject, and I wish to be understood in that sense. That is the only point I wish to make.

Chairman: I do not think your position will be prejudiced by your taking part in the deliberations here, but whether you could be allowed to raise it again in the full Committee would be a matter for the Prime Minister to rule upon. I should have thought that probably you could not, but you might be allowed to raise it in plenary session when the Committee reports to the plenary session. I rather doubt whether you would be in order in raising it again in the full Committee.

Lord Peel: I should have thought the only occasion was in the plenary, when the full Conference sits.

Mr. Foot: I think a grievance undoubtedly exists—the grievance that a matter affecting 12 millions of people upon the one side, and India upon the other, should have been dealt with in a way that may be considered as being casual. There was no assurance the other day that it was to be on the agenda for discussion at that time. Some members of the larger Committee thought that the time might have been occupied upon other subjects, and suddenly, because those subjects took such a little time, we were confronted with the problem of Burma. For myself, I am entirely in agreement with the conclusion that was rather hurriedly arrived at, but at some time or other obviously there ought to be a fuller consideration of a matter so important, so vital to those who are concerned; and it would be a pity, I think, my lord, if that had to go back to a plenary sitting of the Conference and if we could not obtain some authority for the consideration of that question. Obviously this is the best Committee to deal with that, and one does not like to leave outstanding questions, and would it not be difficult if we proceeded upon the framework that you yourself have laid down when, at the back of the minds of many here, there might be the very well-lodged grievance that the whole question has received hitherto too casual a discussion altogether? We are not bound, of course, by rules and regulations and by orders, as we are in Parliament, and I should have thought that in spite of the answer that was perhaps very quickly given by the Prime Minister at that time, if it were the wish of this Committee that that subject should be

discussed the convenience of the whole Round Table Conference would be served by being given authority for that purpose.

I am quite sure that time will be saved in that way, because since the questions was raised at the Conference we have had representations made to us. They may not have a very serious ground, but they are representations which those who make them ought to be assured have been taken into consideration. It would be a very great pity if we arrived at any decision that is going to leave a grievance; and that grievance can be best met by an assurance that the matter has been considered in all its aspects. If I may make the respectful suggestion, I would suggest that there mgiht be a conference between myself and the Prime Minister upon that, so that if there is a desire on the part of this Committee at some stage or another to look at the general question, we should be enabled to do so. I feel satisfied, otherwise, that although we may be able to deal with all the subsidiary points arising if we have then to report to the Conference itself that a substantial number of the Committee although agreed upon certain subsidiary points, still think that the whole question of separation needs a fuller discussion than has been given to it, time would be saved by a Committee being appointed for that purpose.

Chairman: May I tell the Committee my own views on Mr. Foot's suggestion. Mr. Foot will remember that, after all, every member of the Conference has been considering for a year at least the question of the separation of Burma. It is not a new matter to those who discussed it in the Conference. It is mentioned in the Simon Report; it is mentioned again in the Despatch of the Government of India, and speaking for myself, and judging from the attitude of the Conference the other day, I should have said that the majority in favour of separation was overwhelming; I should have said that there was a barely perceptible minority; and I really do not think that this Committee could take up that question of principle, because that is a question of principle which can obviously only properly be settled by the full Conference. You must have all the interests represented, I think. I do not think a small Committee like this could discuss such a question of principle. The only thing that the Committee might do—and I hope they will not consider it proper to do so—would be at once to refer back to the Conference the whole question, and say we wanted a fresh discussion on the separation of Burma; but in view of the overwhelming majority I am inclined to think that that would hardly be a reasonable thing to do. I am inclined to think that those who were opposed to the separation were a very small number of the whole Conference.

U Aung Thin: After what the Chairman has said as to the subject of separation having been before the public for such a long time, for over a year, and the fact that there was no indication on the part of the British Indian delegates to take part actively in the discussion, shows that they are either in favour of separation or that they have no particular objection to raise against it. The

Prime Minister as Chairman has given ample opportunity to the Conference to contribute their views on the subject, and he was really quite right in saying that the general opinion of the Conference was in favour of separation. If this question were to be re-opened we, the Delegation from Burma, would certainly oppose it *en bloc*.

Raja Sher Muhammad Khan: I quite agree with my friend U Aung Thin. You will remember that the discussion on the first day was opened I think by the Princes and by the British Delegation and there was every sympathy with the separation of Burma. As U Aung Thin says, everybody was agreed by an overwhelming majority that Burma should be separated. But I do not agree with Mr. Foot that we were suddenly confronted with the question. I have had long talks with some Indian friends before this question was opened and, as I say, I could see that all the British Delegation was in favour of the separation of Burma; so I do not think that the question suddenly confronted the British Delegation or the Princes.

Chairman: Do you mean the British Indian Delegation?

Raja Sher Muhammad Khan: Yes, the British Indian Delegation. As it has been agreed by the Princes and the overwhelming majority of the British Indian Delegation, I do not think it would be desirable to raise again the question of the separation.

Sir B. N. Mitra: I do not agree with Mr. Foot's suggestion and I do not think we can go so far. Perhaps in the other Committees too there are people who do not wholly accept the principle. If Mr. Foot's suggestion is accepted something may happen in almost every Committee; that is to say, they may say; "Before we proceed to discuss the details of the terms which we have been called upon to consider, we want a further discussion of the main principles"; and no Committee could go on doing its work. Therefore, I submit, that while the Committee goes on doing its work and we with it, those who do not accept the principle of separation may make, in signing the Report of the Committee, that qualification to safeguard their position. Then they may be allowed again to raise the question of principle in the Plenary Session where alone it can be discussed.

Lord Peel: Is it not the case that all the discussions were to a certain extent of a provisional nature? I thought that was given out by the Prime Minister himself, and that no really final decisions were arrived at. I was myself a little surprised that there was no more discussion on the Burmese problem. But I certainly did gather, as one does from the feeling at a big meeting, that there was an overwhelming opinion in favour of the general principle. Perhaps, I am a little biassed myself, for I formed my own opinions some time ago on this question. Therefore, perhaps, I am not so much open to argument as others. After all, I think that general decision was provisional. All the details are going to be very carefully considered, I understand, in Committee, and surely the difficulties that, for instance, Mr. Mody feels can all be brought

out. If Mr. Mody is opposed to separation, he is opposed to it on certain grounds. Surely, all those grounds will be discussed in the course of considering these questions which you have outlined to us Mr. Chairman, will they not? It seems to be perfectly open to any members of the Committee to raise their points. In my own case I happen to have gone into a good many of these grounds before. Surely, when we are discussing the question, important reasons will emerge which may, to some extent, alter the opinions of some of these gentlemen when they have gone into the matter; and they might find themselves then in favour of separtion. There are certain practical difficulties which will come up and which will have to be considered when they do come up, and gentlemen like Mr. Mody will have every opportunity without going into the question of principle. This sub-Committee has to report, I suppose, to the Plenary Committee?

Chairman: We will report to the Plenary Committee.

Lord Peel: That being so, I should have thought that in the course of these detailed discussions all the questions of principle and their application would be discussed.

Chairman: I might tell Mr. Mody that we have said, on behalf of the Government, that we were going into this Conference with an open mind. The question of Burma was one on which it might have been very easy not to have had an open mind, but to have followed the Simon Report without further consideration. But I did, in fact, keep an entirely open mind because I was prepared, if there appeared to be strong British Indian opposition, to consider that opposition very seriously to see whether it was justified and whether it could not be met. There were obvious reasons given in the Simon Report, geographical, ethnical, and so on, for the separation. There were obvious difficulties also, chiefly, I imagine, financial ones, in connection with separation. I do not know whether Mr. Mody's attitude is that there is nothing in the terms of separation that would satisfy him or whether it is the principle of separation that he is opposed to; but he will have ample opportunity of bringing his suggestions forward here if they have anything to do with the terms of separation. It may be that when terms have been arrived at he may not be opposed to separation. But if he is opposed as a matter of principle, I think his right is an obvious one to bring the question up when the main Committee reports to the Plenary Session. I do not hold out much hope of his getting support from the Plenary Session.

Mr. H. P. Mody: May I say that I am not opposed to separation. My whole point is that I am not in a position at the moment to say whether I shall agree to separation or not. I did not acquiesce in the decision and I did not want to say anything about the decision. I did not say a word for the simple reason that I thought it was not right, as a member of the Committee, to question the decision of the whole Committee. But since so much has been said I would like to tell you that we were rushed into that decision, if there was a definite decision. We were simply rushed into it.

We have been here for weeks deliberating upon various questions and I say that we have not arrived at a single decision of any importance. The one decision of importance that we did arrive at was arrived at in 20 minutes or, it may be, less than 15 minutes. I remember a member getting up and asking at one stage whether the question of the separation of Burma was an open question and the Prime Minister said it was not. It all happened in a few minutes. I only wanted to make my position clear. I did not know whether I should be regarded as being *estopped* from raising that question again when we come into the full Committee.

Chairman: Mr. Mody will be perfectly within his rights in raising the matter when the time comes, if he thinks he ought to go into it.

Mr. Mody: Then the position is that we shall be allowed to discuss it?

Chairman: In this Committee?

Mr. Mody: In this Committee.

Chairman: Not in this Committee. In the Plenary Session I think it is obvious that anybody can discuss it again.

Raja Sher Muhammad Khan: We can discuss it on the report, I suppose?

Earl Peel: Was it not the general ruling of the Prime Minister that all these things must necessarily be provisional?

Chairman: Not only are they provisional, but they are to be reported, and on the report they can be objected to.

Raja Sher Muhammad Khan: Then on the report anybody can discuss these matters?

Chairman: Quite.

Mr. Mody: Your Lordship cannot give a decision here? That will rest with the Chairman who presides at the Plenary Session?

Chairman: Quite. I can tell Mr. Mody that according to our ordinary rules of discussion he will be fully entitled to raise the question again in the Plenary Session.

Lord Peel: And Mr. Mody's speech would be even more powerful than it otherwise would have been?

Mr. Foot: As far as I have been able to consider the matter, and of course I have not had the opportunities that some have had, I think the arguments for separation are overwhelming? My only concern is that when it is done, after so many years of association, it should be done in such a way that those who are opposed to separation in Burma might have the satisfaction of knowing that it was done gravely and deliberately and after full consideration.

Mr. Mody: That is the whole point.

Chairman: I entirely agree with Mr. Foot. There is one other matter that I did not mention and that is the protection of minorities. That is a matter of principle that we ought to discuss. It does not happen, fortunately in Burma in the same way as in

British India. But the whole point of Indians in Burma is a matter of principle that we ought to discuss. There may be others that I have omitted. I propose to circulate before our next meeting a list of the heads that have to be considered by the Committee.

Mr. Foot: Would the question arise, as one of the heads, as to whether the link between this country and Burma was to be through the Viceroy or through the Governor-General? That would be under the heading of the new constitution. It is raised in the Simon Report, you will remember.

Chairman: Yes.

Mr. Foot: The question is raised there, with the arguments for and against.

Chairman: That is one of the things, no doubt, we might raise.

Mr. Foot: Would it be under a separate head? It might not come under the framing of the new constitution, which could cover anything.

Sir B. N. Mitra: Would it not come under the head of who would be the head of the Executive in Burma?

Chairman: Who would be the head of the Executive in Burma and what would be the channel of the relations with the British Crown.

Mr. Foot: That would be a subsidiary question, of course.

Chairman: Of course, I shall not rule anything out which is germane to the terms of reference in any way and I shall be glad if anyone will suggest any other matter or any other head that ought to be included in the heads.

Sir B. N. Mitra: May I say a word about the procedure you have outlined? It seems to me that this Commitee can do very little on the matters with which I am largely concerned, financial, or fiscal, or even Indian Labour in Burma. Those would be matters, as I think your Lordship suggested, for settlement between the Government of separated Burma when it comes into existence and the Government of the residual India when that comes into existence. In fiscal matters there must be negotiations which will hereafter have to be conducted by the Legislatures of the two countries. In regard to labour, action of a somewhat similar character will have to be taken. Therefore, I am rather at a loss clearly to visualise what we are going to do in regard to those particular matters.

Chairman: Yes. I did not mention fiscal matters. Of course, as an old free-trader myself, I very much dislike to see new Customs barriers set up between two countries which have not had one. But I am told by those who know that India and Burma are not likely to agree to be in the same Customs Union or not to have some sort of tariff. That will be a matter, as I say, for probable negotiation between the two different governments when they are established, in the way that other countries negotiate about Customs duties.

Personally, I should much prefer to see a free trade nation remain a free trade nation.

Rao Bahadur Srinivasan: I do not know whether immigration to Burma would be one more heading.

Sir B. N. Mitra: That, again, is a matter for the two governments to settle when they come into existence. That is what I meant when I mentioned Indian labour in Burma. This Committee may very tentatively deal with the position of Indian labour in Burma once it goes there. But this question of immigration will have to be settled, perhaps, on the lines of the arrangement now prevailing in regard to the emigration of coolie labour—if I may use the word—from Madras to Ceylon and other places. That will be a matter for settlement between the two governments after they have come into existence.

Chairman: Yes. Still, of course, we might make recommendations as to free passage of the subjects of one country into another, and things of that sort. We may make recommendations about them.

Sir B. N. Mitra: It does not exist at the present moment. I am prepared to say that if we consulted Sir Charles Innes he would probably ask us to leave the matter alone for the moment.

Rao Bahadur Srinivasan: It will be brought in later on.

Sir B. N. Mitra: Yes, for the two governments to consider. We cannot lay down the law for the two governments.

Chairman: Quite true, we cannot; but we might suggest certain large principles. Whether they are adopted afterwards or not is another matter. As I said in my opening remarks, I am very anxious that the separation between Burma and India should be an entirely friendly one, and that the relations between the two countries should continue on an entirely friendly basis, as friendly after separation as it was before; so that they should work together.

Sir B. N. Mitra: I fully share that hope. Unfortunately I feel that it will end up in a pious wish, for the simple reason that India will want money. I am talking now about what we call the fiscal portion of it, if India is going to lose money in connection with the excise. Sir Walter Layton himself said that will probably have to be done in regard to petroleum, and India will miss the tariff on imported petroleum.

Chairman: Of course it is possible to have customs tariffs and agreements about tariffs without quarrelling about it. You need not fall out with another country because it wants a customs tariff for its own purposes. What I an anxious about is that the feeling between the two countries should be and should continue to be as good as possible, and that everything should be settled with a desire for good will and for working well together.

Mr. O. de Glanville: It would very much accentuate the friendly feeling between the two countries if this Committee endeavoured to avoid, as far as possible, settling anything in the nature of a constitution for Burma. The people of Burma undoubtedly do feel

and will feel that they are the people who must be consulted first. As regards the Indians in Burma they are the people who best know what protection they want. I think it would be foolish and unwise of us to lay down even general principles on points about which many people here are imperfectly acquainted. The suggestion will come from us at a later stage that, on the Conference which meets here, Indian interests and all the minority interests shall be fully represented; so that every minority will have an opportunity of representing its case. As I said it would be unwise for us in any way to fetter the Home Government or the Indian Government by premature recommendations when we have not the full facts on which to base them.

Chairman: Of course, it is no part of our duty, under our terms of reference, to draw up a constitution or even a skeleton constitution for Burma. If we get into any danger when we come to those matters of going too far no doubt you will call attention to it.

Sir B. N. Mitra: Mr. de Glanville has practically reinforced my remarks. If we were to give advice about the financial settlement, it might be the sort of advice that was likely to be resented in India and also in Burma, perhaps. The same is true in regard to fiscal questions and matters connected with emigration and labour. As I say, Mr. Glanville has reinforced my observation that these things will have to be left for settlement between the two High Contracting Parties when they are High Contracting Parties.

Mr. Mody: Unless we have some sort of assurance, and we want an assurance of some sort, as to the main principles on which separation is to be effected, how is it possible for any one of us to give consent to separation. While it may not be open for any body to raise the question again in the full Committee, it will certainly be open to do so in the full Conference. The Committee, of course, is not the Conference. Therefore, my feeling would be entirely to agree with you, Mr. Chairman, that we must give an indication in a general sort of way of the main principles on which the separation might be effected.

Chairman: Let us find out, when we come to discussing the actual subject, where we are and what our views are. You see that we are to consider the nature of the conditions which will enable Burma to be separated from India on suitable terms. It does not say that we are to consider the suitable terms; we are to recommend the best way for securing this end. When we come to each subject, I think we had better take them one by one and see where we are. It is rather difficult to deal with them now in a general discussion.

Sir B. N. Mitra: Mr. Mody cannot, in regard to the big general principle, commit his friends in India; because that, again, will be a matter for the Government of India at the time and for the government and people of Burma. He is looking forward to a sort of popular government in Burma, and to a sort of popular government in India. I, therefore, entirely agree with his remarks. I think at the full Committee I agreed rather with the Marquess of

Reading, and I am not sure what the functions are to be of this Committee.

Chairman: I have no desire to extend its functions at all. I agree that we shall have to limit ourselves to generality and not go too far also in regard to them. I am hoping that we shall conclude our labours next week.

Lord Peel: That seems to be a very satisfactory suggestion. I think that we are a little too nervous about details and advice, and about giving advice at all. If we give advice it may not be taken; it very often is not taken. But I do not think that should prevent us giving our views quite freely without going into details. The details of any sort of convention between the Indian Government and the Burmese Government about tariff duties have to be considered by them very minutely. We are going to consider the matter here in such a way as to enable those to whom we report to arrive at a conclusion. I am extremely interested to hear that the Chairman is a free trader but I was only hoping that, as Under Secretary of State for India, his free trade feelings were not outraged by the views held in India on these questions of protection.

Raja Sher Muhammad Khan: If we are not to discuss financial, fiscal, and other questions, but must leave them to the Government of India and the Government of Burma, what is the use of this Committee?

Chairman: I think we had better wait until we come to each question and then see where we are. Any advice tendered by this Committee need not be taken, as Lord Peel said. The whole question as far as those who are responsible for framing the constitution and carrying out the relations between the two countries afterwards are concerned will stand in the same position as the Simon Report. The Simon Report is there for anybody to see.

Sir B. N. Mitra: Our position is different. We are having a Round Table Conference and we may discuss questions. The Simon Commission was simply asked to report. Our function, as I understand it, is something higher than that.

U Ba Pe: The function of this Committee, as I understand it, is to find out ways and means for giving proper effect to the separation. It would seem that we must provide machinery for that. We should not go into details but simply suggest the machinery for the purpose. That we can do by suggesting that the matter of finance should be left to the Governments concerned, with the advice of experts if necessary. We need not go into details on the point.

Mr. Foot: Our business, as far as I can see, is to ascertain what questions have to be answered and what difficulties to be faced. It is not for us to find answers in many cases or to solve difficulties. The ascertaining of the questions to be answered will be a very important function for us to perform.

Chairman: Yes, I think that is very largely true.

Mr. Foot: I think we shall find enough to do before we have finished on Wednesday.

Raja Sher Muhammad Khan: When Burma is separated it will not allow Indians to go in.

Sir B. N. Mitra: Even now there are difficulties I know.

Mr. O. de Glanville: The only tax is that levied on passengers into Burma.

Sir B. N. Mitra: I have myself visited Burma and have not been charged a tax. I am referring to coolie labour going in.

Mr. O. de Glanville: The money is used for the development of Burma.

Sir Hubert Carr: It might lead to wholesale migration.

Mr. O. de Glanville: The tendency is to keep the Indian there and not to keep him out. There is one other point, namely, whether this Committee will consider it within its province to suggest to His Majesty's Government through the Conference that there should be, if Burma is separated, a declaration made as recommended by the Government.

Chairman: That is one of the questions that I have put down already. Of course a declaration can only be made after the Plenary Conference.

Sir B. N. Mitra: And even then it will have to go through Parliament, will it not?

Chairman: No, I do not think so.

Mr. O. de Glanville: The pledges were not given by Parliament.

Lord Peel: It was, presumably, included in the Act of 1919. I suppose that one being Statutory the other is.

Chairman: A declaration will not require the assent of Parliament.

Sir B. N. Mitra: I do not know the procedure here, but a declaration which amounts to an amendment of the Government of India Act would require the consent of Parliament, I take it.

Lord Peel: I think Lord Russell was thinking of something else—not of an Act of Parliament but a declaration.

Chairman: I think what is desired is that His Majesty's Government in this country should announce that they have accepted the decision of the Conference on the separation of Burma and that the necessary steps should follow. That is what you want is it not?

Mr. O. de Glanville: No. We want something more than that. There are declarations by Parliament, by the Viceroy and others and by the Government that the ultimate goal is responsible self-government. Those promises have been given to India, and Burma is nervous that if she is separated she can be told by those interested: "All these pledges do not apply to you." It has been pressed for that a declaration should be made that it does apply to Burma just as much whether she is part of India or separate.

Chairman: You, I understand, want that included in the declaration.

Mr. O. de Glanville: Yes.

Sir B. N. Mitra: That would clearly be a Parliamentary declaration.

Mr. O. de Glanville: An announcement by the Prime Minister.

Chairman: It is not a Parliamentary declaration; it is a declaration of what the Government intends to do.

(The sub-Committee adjourned at 12-20 p.m.)

PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE NO. IV (BURMA) HELD ON 8TH DECEMBER 1930.

Chairman: You have had circulated to you the draft resolutions and if you think the matters can be usefully discussed, I think we had better take them now. The first resolution is " that the Committee ask His Majesty's Government to make a public announcement that the principle of separation is accepted and that the prospects of constitutional advance held out to Burma as a part of British India will not be prejudiced." I do not know whether anybody wants to say anything on that.

Mr. Mody: What does that mean? Does it mean that we are not to say anything about the sort of constitution that Burma is to have?

Chairman: I think that will be a matter for the Burmese Conference to settle. I do not think we are concerned with that.

Mr. Mody: You will probably at the end come to a conclusion about the advisability of the separation of Burma. It will be very difficult to come to any conclusion unless we know the sort of constitution Burma is likely to have. There is a passage in the Government of India Despatch that certain definite declarations should be made with regard to Burma. This seems to me the proper time at which that might be considered.

Chairman: Yes. So far as the declaration is concerned I have a form of words here. That was raised here last time and I have a form of words which I think would meet the position. The form of words I suggest is " That the Committee ask His Majesty's Government to make a public announcement "—that of course would be after a Plenary Session of the Conference had approved—" that the principle of separation is accepted and that the prospects of constitutional advance held out to Burma as part of British India will not be prejudiced by separation ". I think that is as far as the Committee can go. We cannot go into the details of the constitution, that must be a matter for Burma to settle.

Mr. Mody: That may be, but I think something more is needed than the words you have just read out. After all, those words do

not go as far even as the Government of India Despatch. The Government of India Despatch said it must be plainly declared that the constitution would be related to the various pronouncements of policy made in 1917 and 1919 and so on.

Mr. Foot: There is a statement in the Government of India's Despatch, and in the Despatches from Provincial Governments, there is a passage which I think I might read in paragraph 7 of page 240. It covers the point as far as I can see, and this is endorsed, as Mr. Mody said, in the Government of India Despatch. The passage to which I refer in the Despatches from Provincial Governments reads:

"It is of great importance that it should be made clear beyond all possibility of doubt or question that the separation of Burma will not involve for Burma any departure from the statement contained in the preamble to the Government of India Act, 1919, that the objective of British policy is the progressive realisation of responsible government in British India as an integral part of the Empire. As the Commission say, that statement constitutes a pledge given by the British nation to British India. When the pledge was first announced in August, 1917, Burma was a part of British India. The pledge, therefore, was given to Burma as well as to India, and even if Burma is separated from India, the pledge still stands for Burma unimpaired and in all its force. The Government of Burma could not possibly agree to separation on any other terms, and they trust that His Majesty's Government will see fit to set at rest any doubts that may still exist on the subject by the wording of the terms of reference to the Commission. They attach importance to the point, for the allegation is frequently made in that section of the public press of Burma which is opposed to the recommendation of the Statutory Commission that the British Government will seize the opportunity of separation to reduce Burma to the status of a Crown Colony."

That is the passage endorsed by the Government of India. The procedure contemplated is that if separation is agreed to there shall be set up a Commission, and that that Commission should go into the various matters and should indeed be the Commission for the setting up of the constitution. It was contemplated that the Committee should consist of Members of Parliament. It was discussed whether that Commission should include members of the Burmese Government as well, but the point was that the interests concerned could best be dealt with by representatives of the Commission set up. The only way the constitution could be dealt with would be by the setting up of a Commission in some form to be decided later.

Sir B. N. Mitra: The point is that the prospects of Burma for constitutional advancement are to remain unaffected. That is brought out in the passage quoted by Mr. Foot. That being so if we simply affirm that the prospects held out remain unaffected, the point would be met.

Chairman: I think that the draft resolution I read out does exactly meet the point. The prospects of Burma will not be pre-

judiced by separation. I think that exactly meets the point. If you look at Clause 90 of the Government of India Despatch you will see it is suggested " that an announcement should be promptly and publicly made that the policy of separation of Burma from British India has been approved, and that consideration will at once be given to the question of the new constitution of Burma ". Does not the form of words I have read cover the point raised? The position of Burma is not to be prejudiced in any way.

Lord Peel: Surely the statement which the Chairman read makes it perfectly clear.

Chairman: If we all mean the same thing it is only a question of words. I should have thought this form of words which I have read covers in terms what you mean.

Mr. Foot: Would it meet the point if instead of " unprejudiced " you used the word " unaffected "?

Chairman: The form of words proposed is " that the Committee ask His Majesty's Government to make a public announcement that the principle of separation is accepted and that the prospects of constitutional advance held out to Burma as part of British India will not be prejudiced by separation ". Does not that cover the point?

Mr. Mody: It covers the point, but I do not think it is as precise as the Government of India Despatch. That Despatch says:—

" When the announcement of August, 1917, was made, Burma was, as it now is, a part of British India. The progressive realisation of responsible government was promised to Burma equally with the rest of India. It is important that the pledge then given should be reaffirmed to a separated Burma."

My point is that there should be a clear reaffirmation.

Chairman: I should have thought myself that nothing could be clearer than this. The position of Burma is not prejudiced. That means that it stands at least as well as it did.

Mr. Mody: If the rest of the Committee are satisfied I have nothing more to say.

U Ba Pe: It is clear that if separation is carried through, the Burmese people should have a guarantee of the status which their Government should occupy.

Lord Peel: After you have got the constitution of course.

Mr. Foot: What was contemplated was that there should be some expression of opinion that would meet the requirements of the Burmese people. Could not that be considered later?

Chairman: We have not settled the status of India yet, or its exact status, in terms.

U Ba Pe: The Burmese status should be the same as for India as India will be.

Mr. Foot: It might not be the same.

Mr. Mody: The Government of Burma, any way, indicated clearly what they had in view when they said it must not be regarded that Burma is going to be a sort of Crown Colony. If I were to take up an extreme position, why should I agree to anything at all on the principle of separation, if Burma is after all going to be a Crown Colony?

Chairman: I think we are all agreed about that.

Mr. Mody: I wanted a clearer definition, that is all.

Chairman: I do not think at this stage we can very well go further than this. This resolution says that everything will remain in force that has been promised to Burma as part of British India. It will not be prejudiced by that, and therefore it will be in at least as good a position as it was before the separation. I do not know whether the Burmese delegates think it goes far enough, and makes it clear.

Mr. Ohn Ghine: I think as far as this sub-Committee goes, it is probably all right, but I think Burma would look for a fuller declaration by His Majesty's Government.

Mr. Foot: And that would not be this Assembly. They were not looking to this Round Table Conference at the time they made that request. They expressly asked that it should be in the terms of reference to the Commission when it should be set up. That is the time to see to the exact wording.

Chairman: Yes, I think you will find full implications of that when you have the reference to the Commission or Conference, or whatever it is that sets up the Burmese Government. Here we are simply saying, " No worse off than we were before ".

Mr. De Glanville: What I take it this Committee is doing is asking His Majesty's Government to make a declaration, and that declaration would naturally be more full than this recommendation.

Chairman: I understood that the object was that an early declaration should be made by His Majesty's Government—that is to asy, within a week or two.

Mr. Mody: Would not the Plenary Conference, or His Majesty's Government later on, when they appoint a Commission for Burma, look to the recommendations of this Committee for an indication?

Mr. Foot: It seems to me that we shall have to consider the recommendation as to the setting up of the Commission.

Chairman: I am not sure whether we shall.

Mr. Foot: I did not know. I beg your pardon. I thought that would be so.

Chairman: May I take it this way, that we will agree to this provisionally to-day and if you like I will have this resolution circulated to the Committee, and we will consider it again to-morrow and see whether there is anything in the words which needs improving. I think myself that it is quite without ambiguity. Shall we take it that way for to-day?

Mr. Mody: If you please, Sir.

Chairman: Our next one is "Before separation can be effected, a new constitution must be devised for Burma. Should the Committee stipulate that protection must be afforded to the legitimate interests of Indian and other minority communities in Burma?" What other minority communities are there?

Mr. de Glanville: There are Indian, Anglo-Indian, Chinese. On this point I have been considering the matter, and talking with one or two members, and I have drafted a resolution which, if you will allow me, I will read, and which possibly might from the basis, any way, of discussion. It reads as follows:—

> "The Committee is of opinion that the legitimate interests of Indian and other minorities must be safeguarded. It is not in a position to advise as to the particular form of protection these interests require. It considers that when the details of the constitution of Burma are being discussed, the fullest opportunity should be given to all minorities and to the Government of India to represent their views and to state the nature and extent of the safeguards they consider necessary. The Committee considers that adequate attention should be paid to the question of immigration of Indian Labour and that provision should be made for the regulation of the conditions of both the work and life of the immigrants and especially stresses the importance of there being no discrimination as regards Indians entering Burma."

I think that all the Burma Delegates would agree to something of this nature, and I think that public opinion in India and among the Indian delegates requires that there should be some recommendation of this kind from the Conference.

Chairman: "The conditions of both the work and life," I suppose, means something corresponding to what the Government of India do in Ceylon.

Sir B. N. Mitra: That is right, in Ceylon and Malaya.

Chairman: Discrimination as between whom?

Mr. de Glanville: As regards Indians and others entering. I will ask Sir B. N. Mitra to explain that. I put it in after consultation with him. The idea is that if there is to be any legislation excluding, say, coolies or paupers, it should not be directed at Indians only; it should include all coolies and all paupers. If, for instance, there is a tax on people coming in, it should be on all people coming, and not only on Indians. If we legislate and say that a man is only allowed in if he has work to come to, or must have so many hundred rupees when he lands, that must apply to all immigrants and not only to Indians. That, I think, is what is intended.

Sir B. N. Mitra: That is what is intended.

Mr. de Glanville: I would leave Sir B. N. Mitra to explain that.

Sir B. N. Mitra : I think you have explained quite correctly my intention when I agreed to this form of words.

Mr. Mody: I suppose that this includes commercial as well as political interests.

Mr. de Glanville: Yes, it includes everybody.

Mr. Mody: It means both commercial as well as political status?

Mr. Foot: What is recognised there is that the Government of India is to be able to express its opinion. That is in accordance with the Government of India's Despatch when it says that "the Government of India could not therefore disclaim all concern in the framing of a new constitution for Burma, and we would expect that in the process of enquiry Indian opinion would be given adequate opportunity to be heard on all matters touching Indian interests in Burma". I gather that this had regard to that passage.

Chairman: That is what I said last time—that obviously in framing the Burmese constitution the Indians would be interested to the extent of seeing that the minorities were protected and their minority in particular.

Mr. de Glanville : Yes, of course, I put in the Government of India there, thinking that the Government of India would be likely to express the Indian view; but of course the best people to say what is required are the Indians in Burma, so I want both to be heard, and it was therefore drafted in that form.

Sir B. N. Mitra: Of course, there are both classes in Burma—the Indians in Burma and the Indians in India who may have business interests in Burma, and the second class would not make direct representations to the Government of Burma, they would make representations to the Government of India who, after considering their views, would express their views either to the Burmese Government or to the British Government.

Chairman: Labour immigration is practically free in Burma, is it not?

Sir B. N. Mitra: Yes, practically so.

Chairman: So that any legislation of that sort, however general in form, would really be dealing with Indian immigration of labour, would it not? I was thinking of a case of this kind. Suppose the Burmese Government thought that for various reasons —there may be a great many reasons—not so many were wanted in any particular year, and wanted to limit the number, would that be considered discrimination as regards Indians entering?

Sir B. N. Mitra: If the Government of Burma were allowing the free entry say, of Chinese labourers, and restricted the entry of Indian labourers, that would undoubtedly be discrimination, but so long as they passed statutory rules or legislation that the entry of labourers into Burma should be restricted, it would be all right.

Mr. de Glanville: Apart from Indian labour, at times there is a very large influx of Chinese labour. We import them largely

into places where we have mines. It is almost entirely Chinese labour in those parts. We have Chinese labour coming up from Penang to work the ships.

Lord Peel: But am I wrong or not in saying that most of the labour that comes to work in the paddy fields is Indian?

U Ba Pe: They are Indians.

Lord Peel: The Chinese immigration is important in certain lines, but it does not affect that particular class of immigration, does it?

U Ba Pe: No, it does not.

Mr. de Glanville: I was only raising a point in this connection, that supposing for various reasons the Burmese Government thought that there was too large an amount of Indian labour being contracted for to come over in a particular season, and supposing they said, "Well, it shall be limited to such and such a number" —I will take 20,000—apparently under this the Government could not do it, because you would also have to make some limitation about Chinese labour. It might be that the Chinese labour was doing something different, and you might not want to limit that.

Sir B. N. Mitra: That would be discrimination.

Lord Peel: It would be, but you might want to discriminate, might you not? I am only raising the point.

Sir B. N. Mitra: Indian opinion would undoubtedly object to it. They would not regard it as an expression of good-will on the part of Burma. If you had to pursue that to its logical and furthest conclusion, well, Burma might want to replace Indian labour by Chinese labour. That would not be an expression of good-will.

Lord Peel: That would not, certainly.

Sir B. N. Mitra: Who is going to decide these matters? For that reason we have put it in this general form.

Lord Peel: But I can easily conceive of cases, for instance, we have a good deal, in this country, of Irish labour coming over to work in the harvest. Well, if a smaller number is wanted, if the harvest is bad, notice is sent out to say they may not come.

Sir B. N. Mitra: That is another matter, because immediately Burma is separated I feel sure that there will be an immigration officer in Burma, and he will pass out the notice that no Indian labourer need come in; but all I am trying to safeguard here is discriminatory action by the Government of Burma. The one thing is voluntary; the other thing is what I might call enforced.

Lord Peel: I see; one is done in the ordinary commercial way, and is done sufficiently already. You think the Government need not step in at all?

Sir B. N. Mitra: That is my point—that the Government of Burma must not take any legislative action, or must not pass legislative regulations which will have this effect, as it will show that they are making discrimination which will immediately destroy goodwill. On the other hand, the immigration officer of

India in Burma will say that there is no employment at the present moment, and therefore Indians should be restricted from coming.

Lord Peel: You mean that the immigration agent would do it, and not the Government. That is what it comes to?

Sir B. N. Mitra: Yes.

Rao Bahadur Srinivasan: There was a good deal of trouble about that. So many laws and regulations were made, and similarly this may happen in the course of time.

Sir B. N. Mitra: As a matter of fact, that is precisely what I had in view. Enforced repatriation took place, which practically means discrimination.

Mr. Foot: This, I take it, my Lord, should be an instruction to whatever authority has to deal with the actual framing of a Burmese constitution?

Chairman: Yes, I understand the whole of these sentences in this resolution to be an indication of what the Committee think ought to be taken into consideration—certain aspects of the case which the Committee think ought to be taken into consideration in framing the constitution. That is really what the effect of it is. They are things that obviously you would have to take into consideration. I do not see any objection to this.

U Ba Pe: This suggestion assumes that the majority in Burma will control the policy of the Government. If the majority does not control the policy of Government, then there is no necessity for special protection of the minorities, because the minorities will be controlling the policy, as at present in Burma.

Chairman: Well, I am afraid I do not understand the last sentence.

Mr. Foot: It assumes a responsible government.

U Ba Pe: In Burma the Indians and other minorities combined, and they are running the whole show there, so what you want is special protection for the majority. If it is a popular form of government, then I agree that the minorities must be protected.

Sir B. N. Mitra: This refers to a new form of government, in which I, for one, hope that the Burmese will have the fullest possible self-government.

Mr. Mody: They do not propose that Burma should be run by Indians. I would like a little enlightenment on these words—"provision should be made for the regulation of the conditions of both the work and life of the immigrants".

Sir B. N. Mitra: Yes, that follows what has been done both in Ceylon and in Malaya.

Mr. Mody: Would that exclude the sort of thing which took place in South Africa, where educational and other tests were laid down for the immigrant labourer, or would it merely mean this,

that so long as the Burmese Government made regulations for all the immigrants, Indian as well as Chinese, no more will be said about it.

Sir B. N. Mitra: The second part really comes in in the last passage—that there will be no discrimination as regards Indians entering Burma; but if the Burmese Government of the future lays down a general restriction that no labourer should be allowed to enter Burma who does not possess certain minimum educational qualifications, I for one do not see how you could stop it. I should certainly object to their having one rule for the Indians and another rule for the Chinese, but to a general rule which the Government of Burma for the future might desire to lay down, I for one, cannot possibly see any objection, and that is the reason I used the word " discrimination ".

Chairman: When they import Indian labourers into Burma, do they import them for the purpose of passing examinations or for the purpose of doing work?

Sir B. N. Mitra: What Mr. Mody was referring to was this. In South Africa you have got the educational test now, and people who do not possess a certain amount of English education will not be allowed to enter South Africa. That is what Mr. Mody is referring to.

Chairman: Yes, but that is because South Africa, as an independent Dominion, is discriminating against Indians, is it not?

Mr. Mody: But supposing an independent Burmese Government discriminated against us?

Sir B. N. Mitra: That is why I put in the last sentence.

Mr. Mody: I quite see the point, but these words, I think, do not carry out that objective.

Sir B. N. Mitra: Why not? They very fully carry it out. The first point is, the labourer enters Burma, and it would be said there should be no discrimination against him. The previous passage refers to the labourer after he has got into Burma. Then there should be a regulation of both the work and life. As soon as there has been an immigration, then there should be regulation of work and life, exactly as is happening now in Malaya and Ceylon, but before he becomes an immigrant there should be no discrimination against him as compared, say, with the Chinese labourer. So the wording there makes it quite all right.

Mr. Mody: Do I understand you to say that while the future Government of Burma cannot discriminate against Indians in the sense that they cannot give them less good terms than they would give to the Chinese, it would be open to them to give them less favourable terms than to the Burmese.

Sir B. N. Mitra: The Burmese are inhabitants of the country. That is the fundamental difficulty. I personally see no objection to their laying down that before anybody comes into Burma he must possess certain fundamental qualifications, be he a Chinese or be he an Anglo-Indian or he an Indian. To that, from the point of

view of the people of Burma, I cannot see any objection, but the Burmese Government of the future must not make a discrimination against the Indians in that matter. If South Africa had laid down a regulation that this applied to everybody, I do not think India would have objected.

Rao Bahadur Srinivasan: I do not think any discrimination should be made between a labourer and any other men, merchant or tradesman, who goes there. If anybody goes there, if he is domiciled he gets the domiciled right, and his children are bound to get the same education as anyone else in Burma.

Mr. de Glanville: But this does not refer to labourers here.

Rao Bahadur Srinivasan: No separate law should be made for that.

Mr. Mody: We should separate the sentence, because the sentence begins with immigrant labour.

Mr. de Glanville: Why not put "no discrimination" up higher?

Sir B. N. Mitra: Well, put a full stop after "immigrants", and then say "The Committee also specially stresses the importance . . ." That would meet Mr. Mody's point.

Chairman: Make a new sentence of it.

Mr. Shiva Rao: I want to suggest that in the very last sentence as regards entering Burma, I should like to elaborate it a bit by saying Indians entering or resident in Burma. I am thinking of the difficulties that Indian labourers in Ceylon had recently with regard to the exercise of the franchise. I think it would be well to safeguard against similar difficulties arising in Burma.

Chairman: In Ceylon you asked for the best of both worlds, did you not? You both asked that you should exercise the franchise as a native, and that you should be protected by the Indian Government as an alien.

Sir B. N. Mitra: What Mr. Shiva Rao says is, "it considers that when the details of the constitution of Burma are being discussed, the fullest opportunity should be given to all minorities and to the Government of India to represent their views". It is really a limitation of that provision, it is not a new provision; and whether this Committee should recommend the limitation of that provision immediately, or leave it to that particular settlement, is a matter open to consideration. I, for one, would leave it to be settled as part of the general proposition.

Chairman: I think you are right. I think "minorities" is fuller. It gives you the opportunity of the minorities in the country being represented and making representations to Burma.

Mr. Foot: And, of course, we have here the really important principle that the Government of India shall be able to make whatever representations are needed on behalf of Indian subjects. It is not that they would be confined to the precise wording, or that they would consider themselves to be within the four corners of

this. They have then got their status and this is simply an indication of where we think the enquiry should be. They will not be bound down by these words at all, and they will make all their representations before the body making the Constitution.

Mr. Ohn Ghine: I should like to suggest that the last paragraph be omitted. I do not believe in forcing the good-will of the Burmese Government by legislation, nor do I believe in tying up the hands of the Government so that it can do nothing. I think it will be sufficient if the point is referred to the Committee set up to draw up the Constitution later on.

Sir B. N. Mitra: I rather prefer to keep the words because they express the views at least of probably all the Indian members on this question.

Chairman: There is no harm in saying that in framing the constitution attention should be paid to this point, and then you can see later whether there are any constitutional provisions to be inserted. As I said the other day—and I think I was a little misunderstood—when I said that our Report in this Committee in a sense resembled the Simon Report, I think it was a little misunderstood, but what I meant was this, that so far as Conference that settles the Constitution of Burma is concerned, this will merely be one of the reports and pieces of advice that is before it, just as the Simon Report is one of the pieces of advice that is before this Round Table Conference. I think it will probably be the most convenient form for everybody that we should consider these resolutions as we pass them for the time being, and bring the lot up together at our last meeting, as a whole, to see that they cover everything. We will have them circulated in time. Subject to that, would the Committee be prepared now to agree to this expression of opinion under head No. 2.

(*Agreed.*)

Then we might go on to No. 3, "Similarly, there must be a financial settlement. Can the Committee suggest how best this financial settlement should be effected? Does it wish to make any suggestion as to the spirit in which the problem should be approached?"

U Ba Pe: The suggestion given in the Governor of Burma's Despatch was quite good.

Chairman: Could you refer me to the page?

Mr. de Glanville: Each Government should state a case, and refer it to impartial arbitrators. That is it briefly.

Mr. Foot: And they want neutral and impartial arbitrators. It is on page 246 of the "Reforms Despatches from Provincial Governments in India". "It is believed that by correspondence and negotiation between the two Governments, it will be possible to reach not indeed agreement on all the points at issue but an agreed statement of the case, and it is proposed that this agreed statement of the case (or if even this measure of agreement cannot

be reached, the views of the two Governments) should be laid before a Board of neutral and impartial arbitrators." All they are anxious for is that there should be a neutral and impartial enquiry. Assessors can be there representing the opinions of both Governments, and that is probably the clearest way of arriving at a decision. I should have thought that it was open to this Committee to endorse that recommendation.

Chairman: This is the Government of India Despatch, para. 93: "It is clear that the separation of the finances of the country will raise extremely difficult issues, requiring close expert analysis, in the decision of which it will be essential to hold an even balance between what may be conflicting claims. We agree with the local Government that the best method of approaching this difficult problem is to endeavour, by mutual co-operation between the Government of India and the Government of Burma, to draw up an agreed statement of the case for reference to an impartial tribunal. The subjects requiring settlement will be of a technical nature, and will include, besides the normal questions of the adjustment of revenue and expenditure, such matters as the allocation of debt charges and the adjustment of currency arrangements. No constitutional Commission could deal satisfactorily with these questions, for its functions would be entirely different, as also its probable method of enquiry. In arriving at a financial settlement the main point to be considered is the need for satisfying public opinion in both countries that each is being fairly treated. Indian public opinion would watch this aspect of the arrangements very jealously, more particularly the allocation of debt burdens. We believe that a Committee of the Privy Council would be the sort of tribunal most likely to satisfy Indian opinion. Their decisions could be given on evidence placed before them, assisted by expert witnesses, or possibly assessors, from India and from Burma." You will remember that I suggested, as a development of that, that it might be advisable that two or three members of the Legislature of each country should be associated with these experts, just to make sure that the case was properly presented, and really to transmit to the public the fact that everything had been properly done and presented.

Lord Peel: I was not quite clear what that meant, because they talked about experts and it sounded judicial.

Chairman: They did mean a judicial or *quasi* judicial settlement in the end.

Lord Peel: Do they mean judges?

Chairman: I agree that it seems an extraordinary thing.

Sir B. N. Mitra: It is apparently the judges of the Privy Council who would be advised by assessors, and I think the Government of India are correct in stating that only a judicial decision will be really acceptable to Indian public opinion. I do not know much about the public opinion in Burma.

Chairman: I know. I should have thought that it was an inappropriate decision. Of course, you will get a perfectly fair opinion from the Privy Council.

Sir B. N. Mitra: There had been some similar subjects in the past. For instance, India's differences with the War Office have occasionally been referred to the Lord Chief Justice of England, and perhaps a decision by judicial authority will be more acceptable to either country.

Mr. Shiva Rao: Is not the constitution of a tribunal being contemplated for the settlement of disputes resulting from the last Imperial Conference?

Mr. de Glanville: May I say that the Burma Delegates, I think, would be perfectly prepared to leave it to His Majesty's Government to appoint the arbitrators.

Chairman: That is what in fact would happen, but I understand the suggestion of the Government of India is one that would give the greatest confidence to both countries. Of course, that is an important item, and no doubt when the time comes that will be considered. But I would again, if I might—it is included in the last head here under No. 3—call attention to this: "Does it wish to make any suggestions as to the spirit in which the problem should be approached?" Now, I should be very much inclined to suggest that instead of a legal enquiry, with a Conference going into all possible figures, and all possible claims and counterclaims being raised by Burma against India and by India against Burma (and we most of us know what those claims are on both sides) it might be possible to settle the thing in some friendly way very easily, if there was a friendly spirit on both sides. India is inclined to think that for some things Burma owes it considerable sums of money. Burma, on the other hand, is inclined to think that there is a considerable set-off against that. That really is the position, is it not, and I should have hoped that it might be approached in a friendly spirit and possibly settled without what, as it seems to me, would be very great expense. Of course, there are definite things which you would have settled by a Commission —the posts and telegraphs, the railways, and so on—things that are physical assets that are going to be handed over; but the general questions between them, I should have thought, could have been settled almost by agreement.

Mr. de Glanvelle: I think that is the idea of the Government of India—that we should only submit the points of dispute. Wherever the Governments can agree, there would be nothing to refer.

Sir B. N. Mitra: I should prefer to endorse the views of the Government of India, but once we try to give that advice to a third party, the advice may be misunderstood. It is quite possible that when preparing the statement of the case there may be a great deal of good-will, but when we try to impress it upon third parties, it may have just the opposite effect.

Mr. Foot: It says "a committee of the Privy Council". What would that be? It is a very general term, is it not?

Lord Peel: If it means the Privy Council, I do not object, but I should have to dissent if it was really said that disputes of this kind, in which fact and history largely enter, and in which there is not much law, should be settled by judges. I think judges are very good, of course, in dealing with law. I do not think they are equally good at dealing with all questions where finance, and the balancing of some of these great policy questions, come in.

Mr. Foot: Do you think that was meant by this when they say "we believe that a committee of the Privy Council"—it is a small "c".

Chairman: We were talking as if it was the Judicial Committee.

Lord Peel: May I just say that I do not want it settled by judges. So long as there is no objection to that my point fails altogether.

Chairman: What is really wanted is consideration by honest people of common sense.

Sir B. N. Mitra: I think the question of referring it to any tribunal set up by the Imperial Conference ought to be considered.

Chairman: I do not think we had better tie ourselves up with another Conference.

Sir B. N. Mitra: It is not a question of tying up. If, for example, both governments found there would be a committee set up by the Imperial Conference and both countries became, as they probably will become Dominions, they might prefer that the matter should be settled by the Standing Tribunal set up by the Imperial Conference.

Chairman: Do you not think we can find at least as good a Committee?

Sir B. N. Mitra: I am not questioning the efficiency of a particular Committee. I am only looking at it from the point of view of which machinery would be the more acceptable to both parties.

Chairman: If it is more acceptable, that is a reason for adopting it. I agree.

Mr. de Glanville: I think that the Committee of the Privy Council would be more acceptable to Burma than an unknown Committee to be formed in the future. We do not know what the Committee to which Sir B. N. Mitra refers, is going to be. The Privy Council is known.

Sir B. N. Mitra: This Standing Committee has been formed by the Imperial Conference.

Mr. Foot: Has that tribunal any competence to deal with finance?

Sir B. N. Mitra: I am told that it will deal with all disputes between Dominions relating to finance and other matters, but I do not know much about it. I have not seen the details.

Chairman: May I read this suggestion to the Committee and see if we are agreed?

> "The Committee consider that there must be a financial settlement between India and Burma. The questions are very difficult and technical and the Committee consider that they should be realt with in the manner recommended by the Government of India in paragraph 93 of their Despatch. The Committee also recommend that when the case has been thoroughly explored by the experts of the two Governments the statements prepared by those experts should be laid before the Standing Finance Committees of the Indian Legislative Assembly and the Burma Legislative Council respectively and that representatives of those Committees should be associated with the experts in the proceedings of the Arbitral Board. The Committee also endorse the view expressed by the Government of India in paragraph 86 of their Despatch regarding 'the great desirability . . of adjusting the relations between the two countries in a spirit of reason and mutual accommodation, so as to avoid as far as possible the ill effects which might arise from so great a change in long-established practice.' They venture to express the hope that all negotiations between the two Governments whether in relation to the financial adjustment or to other matters will be approached in this spirit."

That I think expresses roughly what we have been discussing.

Sir B. N. Mitra: It leaves the precise agency open. I have no objection to that.

Chairman: Then I take it that is agreed.

(Agreed.)

Chairman: The next head of subject for discussion is No. 4. "Before separation, adequate arrangements must be made for the defence of Burma. Can the Committee usefully make any remarks on this subject?"

Sir B. N. Mitra: I think we can only endorse the statement. The Government of India have passed on the views of the Commander-in-Chief. He says there will be no difficulty. I believe that that is all that is wanted. I for one would not feel competent to make any specific suggestion on the subject. I do happen to have been associated with the Army in India for 10 years, but on a matter of that sort I should hesitate to make any specific suggestion. I think we need only accept the principle and leave it to be discussed separately.

Chairman: What it comes to is that there is no military objection to separation of the two armies. I understand that, but Burma no doubt would have to consider where its army is to be obtained. It might have to enter into arrangements with India for the purpose.

Mr. Mody: Would you not decide that if military defence is to be separate from India that a Committee should be appointed to consider the adequacy of the arrangements made by Burma?

Sir B. N. Mitra: I think we need only subscribe to the statement that before separation adequate arrangements must be made for the defence of Burma.

Chairman: The Committee recognises that adequate arrangements must be made for the defence of Burma after separation but the precise nature of those arrangements must be decided in the light of expert military opinion. I should think you would probably all agree to that.

Sir B. N. Mitra: Is there any objection to adding that it should be decided on the advice of a separate Committee?

Chairman: Is not that all a matter of arrangement by those who deal with it on behalf of each Government? They must decide it in the light of expert military opinion. That I think will be agreed. The military experts will not decide, but the Committee must get their advice before the Committee can decide.

Sir B. N. Mitra: It is not a matter of material importance, but it might satisfy some members of the Committee if you put in that it should be decided on the advice of a separate Committee.

Chairman: A separate Committee of whom?

Sir B. N. Mitra: We do not recommend the constitution of the Committee. We simply follow the Government of India in their recommendation. You may have to put on members of the Legislature themselves.

Chairman: That is after the separation; that is after you have settled what you are going to do in each country; you would then constitute a Committee to co-ordinate. That is a different thing. I think you had better leave it as it is. I do not see at this stage what Committee would be best to settle it.

Mr. Mody: If you are silent about the machinery I think it would be better that you should also be silent with regard to the expert military opinion; if one thing is obvious the other should be obvious as well.

Chairman: "The Committee recognise that adequate arrangements must be made for the defence of Burma after separation but they consider that the precise nature of these arrangements must be decided in the light of expert military opinion." I do not know what other opinion could decide it except military opinion. Of course there are also financial considerations.

Mr. Mody: I suggest that it must be devised by such machinery as may be set up by the two governments. I would rather leave it in those very general terms, if you are not going to commit yourselves to the recommendation of the Government of India.

Sir B. N. Mitra: The Government of India has no recommendation.

Mr. Mody: No, with regard to the military defence of Burma after separation.

Sir B. N. Mitra: That is a different matter.

Chairman: I understand the words objected to are:—"In the light of expert military opinion." What does the Committee feel about that?

Sir B. N. Mitra: It does not limit it to expert military opinion. The people who have got to decide it will naturally take into consideration other matters.

Chairman: Of course they will; but I mean obviously the first thing you must say to your Generals is: what do we require to be defended with, how are we to be defended, how is it to be arranged? You must get that first.

Sir B. N. Mitra: I wonder if it is permissible to us to seek the advice of Sir Charles Innes.

Chairman: Certainly.

Sir B. N. Mitra: Then may we ask him if he has any suggestions to make?

Chairman: Sir Charles, you know much more about it than I do.

Sir Charles Innes: Perhaps the best thing will be for me to explain what my own views are with regard to this matter. It is quite obvious—and I think this Committee will be the first to admit it—that none of us here are competent to say what these adequate arrangements for the defence of Burma consist of. It is quite obvious also that those adequate arrangements must be made before Burma is separated; we must be sure of our security. My own view, in which I hope the Government of India will allow me to proceed, is: first, we should have a general commanding the independent district of Burma. I have mentioned that in the Despatch we wrote to the Government of India. We should be at liberty to consult the General Officer Commanding in Burma; we should get his views as to what arrangements should be made for Burma. When we have got his views I also ask that we might send up what the General thought to the General Staff of India for their advice. I have reason to believe that General Staff will be very ready to advise the Government of Burma. I think all the Committee will agree that that is a sensible way in which to approach this problem. If I may say so, it seems to me the very essential point for this Committee to make is that there must be adequate provision for the defence of Burma before it is separated and they must leave the precise nature of those arrangements to be made in the way I have suggested.

Sir B. N. Mitra: Yes; that clears up my mind; the matter is one fundamentally for Burma and not for India.

Sir Charles Innes: We should very much like to have the advice of the General Staff and they are willing to give us advice.

Sir B. N. Mitra: Yes, I accept your form, Sir.

Chairman: I think it has to be decided by the two countries, though Burma is not immediately interested in the North-West Frontier. Will the Committee agree to accept this proposal as I read it.

(Agreed.)

" (5) After separation subjects now classed as Central will be administered by the Government of Burma, and preliminary arrangements must be made by the Government of Burma. Can the Committee do more than record the fact."

Sir B. N. Mitra: Nothing more, Sir?

Chairman: I do not think you can. I have a note here which I think will cover it: " The Committee note the fact that arrangements for the taking over of the administration of subjects now classed as Central in the Devolution Rules must be made by the Government of Burma. The Committee recommend that it should be considered whether, subject to the consent of the Government of India and on terms to be arranged, the Government of Burma should continue to make use of certain scientific services, such as the Geological Survey of India, the Survey of India, the Indian Meteorological Department, and also the Indian Lighthouse Service ".

Sir B. N. Mitra: May I make one observation? I ask you to cut out the Geological Survey of India, I have administered that Department; it was within my portfolio. I know there is a separate section of the Geological Survey for Burma, and if there is any scientific service, in which a clean separation is possible at the present day I think it would be the Geological Survey.

Chairman: It would be quite easy, would it?

Sir B. N. Mitra: Yes, as far as I know.

Chairman: Do not you use the same headquarters and the same place for printing and publishing your records and things of that sort?

Sir B. N. Mitra: To some extent. There is a Director in Calcutta. There is a Burma party which works throughout in Burma; I believe they have now got an office in Burma and records also in Burma. I would not specifically mention the Geological Survey because it might frighten people.

Chairman: I think it might be wiser in this resolution to stop at the words " certain scientific services," without specifying any of them, because it is obvious that there are some in regard to which it might be wise to continue as at present.

Lord Peel: I suppose in this service there is an interchange of officials between India and Burma.

Chairman: After all, this Committee has only to make very general recommendations; shall we merely speak of " scientific services "?

Sir B. N. Mitra: Yes.

Chairman: Then perhaps we might say: "the Committee recommend that it should be considered whether, subject to the consent of the Government of India, and on terms to be arranged, the Government of Burma should continue to make use of certain scientific services". Then when they get together let them decide which it is wise to combine and which it is wise to separate.

Sir B. N. Mitra: Yes.

Chairman: Will the Committee agree to that provisionally in that form.

(*Agreed.*)

"(6) Does the Committee wish to record an opinion that a Trade Convention between the two countries is desirable?" I should think it is emphatically desirable but it must be a matter for the two governments to decide. Personally, I hope the interchange of goods and passengers between the two countries will be as free as possible; you do not want to hamper trade or commerce by any restrictions. Would this form of words meet the question: "The Committee expressed the hope that it may be found possible to conclude a favourable Trade Convention between India and Burma; they believe that a Trade Convention would benefit both countries and they think it important that separation should cause a minimum disturbance of the close trade connections that exist between the two countries". Is that the view of the whole Committee?

(*Agreed.*)

Then we will put it in that form.

"(7) Does the Committee wish to make any recommendation that His Majesty's Government should make an early announcement on the principle of separation?" We have already had that. That finishes all I have on my paper.

Mr. Ohn Ghine: In connection with item (7) would it be possible to consider the question of machinery to deal with the Constitution?

Chairman: You mean machinery to be set up to form the new Constitution?

Mr. Ohn Ghine: Yes. I have suggested that a Conference should be called.

Chairman: Yes, you have suggested a Conference to be called here, I know; but I am not sure that it is a matter for this Committee or for the Round Table Conference properly speaking, what machinery is to be set up to settle the Constitution of a new country.

Mr. Foot: There have been different suggestions. The suggestion as I understand from you, my Lord, was that there might be a special Commission for the purpose or there might be a Round Table Conference. I should think obviously the Round Table Conference cannot settle the Constitution because that would involve work of a very intricate character. The Round Table Conference can arrive at general conclusions but the framing of a Constitution would require a concentrated effort. I was very interested to see the expression

of Burman opinion upon that and the comments of the Government of India upon it also. If there is a Commission representing not only Parliament but Burma, then upon that Commission different interests must be represented, and that would result in the Commission becoming too large for that purpose. I understand it would not be inconsistent with Burman opinion if there were a Commission of qualified men with every representation that could be made by Burman opinion and by the several interests concerned. But apparently they were so anxious to proceed with the matter that they were pressing that the Commission to be set up should be doing its work in January of 1931. That is contained in a letter of August of last year. Of course that is impossible.

Chairman: That would be sooner than would be possible.

Mr. Foot: That would probably be before the Round Table Conference completes its work. I do not know whether, my Lord, you would consider between now and to-morrow whether that would come within the terms of reference. One does not want to go outside the terms of reference; but surely, if it is going to be discussed somewhere it can with advantage be discussed here rather than in the Plenary Conference outside.

Chairman: Yes; I am not going to shut out a general discussion of it. I can tell the Committee quite frankly that His Majesty's Government have not yet come down on any definite view as to what is the best method; but I do not think there is really any harm in our talking round this Table about the advantages of one course and another; I think it must be a good thing to do so. I myself should rather like to hear from the Burmese representatives present how much minority opinion in Burma is not represented at this Table. I have received, I suppose, in common with everyone else, a pamphlet from people who call themselves the true Burmese or something of that sort, and they say they are against separation.

U Aung Thin: They are a minority.

Chairman: How much of a minority? I do not suppose you would endorse all the violent language which is contained in that pamphlet which was circulated.

Mr. de Glanville: There are a number of politicians and each politician of course, claims that he represents Burma and the other politicians do not. There are a certain number of people who correspond to what is known as the Congress Party in India. Most people in Burma want separation. If you refer to this Memorandum which has been sent in and circulated, you will find there a paragraph in which they say that Burma will never agree to be under a self-governing India. Everybody in Burma is unanimous for separation. These people who say they do not want immediate separation, say this in paragraph 23: "It is true that no one in Burma believes that the Burmese would acquiesce permanently in being governed by a self-governing India, but at this juncture Burma feels more certain that immediate separation is not desirable". Their position is that they wish the Indian to go on fighting the battle of Independence for them. I suppose they hope that

if India succeeds in overthrowing the British Government, they will then have a better opportunity of doing so than if they were separated.

Chairman: Do you mean obtaining independence or overthrowing the British Government?

Mr. de Glanville: One follows the other. They say perfectly frankly what they want. They have boycotted the Council; they boycotted the Statutory Commission; they have taken no part in working the Reforms; and now they come in and make this claim; but they do admit that they want independence and they want separation as soon as ever India becomes self-governing.

Chairman: Then that means they will want it now, does not it?

U Ba Pe: They will agree to separation if Dominion Status is obtained.

Mr. de Glanville: I should like to have an opportunity of expressing our view on the question of this Round Table Conference as against a Commission. Those views I think are important. The Committee will probably remember what happened when the Statutory Commission was sent out to India. It was a Commission of seven Members of Parliament which was to inquire and report to Parliament. That was immediately denounced by a number of people in India as an insult to India and a determination was expressed to boycott it. In order to meet this strong expression of Indian opinion it was decided to appoint a Central Committee to sit with the Simon Commission. A Central Committee was appointed; and in the same way, to pacify feelings in the Provinces, each Province had its own Committee that sat with the Simon Commission. Now it is suggested to repeat that in the case of Burma and we fear that that will cause a great deal of feeling; the cry that it is an insult to India will be repeated in Burma in the form that it is an insult to Burma unless the Committee that is sent out is one composed jointly of Members of Parliament and Burmese representatives. If that is not done we feel—personally I feel absolutely certain—that the extremist party in Burma will boycott this new Commission and we shall be in the state that India is at the present moment. We consider that at all costs we should try to avoid that. We are none of us in favour of a Commission coming to Burma at all; it would have a very unsettling influence on the Province and on the people. The atmosphere for discussing these things is not good in the country itself. We think that by far the best way of doing things is to have a Round Table Conference here, and to invite to that Conference the author of this document and all the leaders of the present Independence Movement. My information, Sir, is that if it is put in that form they will all come. I went into this before leaving Burma with some of the representatives and I was informed by one man who is in very close touch with them that if there is a Round Table Conference here they will attend. It is an opportunity which I think should not be lost sight of. We know that the Viceroy tried to get

the Indian Congress to come here and failed, possibly because it was too late. In the case of Burma it is not too late.

Chairman: You would have them invited by the Government?

Mr. de Glanville: I would have them invited by His Majesty's Government. I would not care how strong they were or how rebellious or seditious they will be; I would invite them. If they refused to come in then, of course, we should have to frame the Constitution ourselves, but I think the opportunity ought to be given to them; I think it is for the peace of Burma that it should be given. I am very nervous as to what may happen if a Commission is sent out which is not a joint Commission; I fear there may be very grave political trouble. I think the interests of the Province are best served by the course we have suggested. We have suggested this after very careful consideration. I first thought it would be best to have merely a Parliamentary Commission but I am now perfectly certain that if a merely Parliamentary Commission, or one run on the lines of the Simon Commission, comes out, it will be boycotted by the extremists in Burma. I want them to come in; I want them to come here if possible to express their views. If they do not agree we cannot help it.

Chairman: How many will that mean?

Mr. de Glanville: I calculate that about 15 would be sufficient to represent all parties.

Chairman: That is quite a modest number.

Mr. de Glanville: Fifteen to come here from Burma. You have not an equal number of British representatives at this Conference but I think fifteen, or at the outside twenty, from Burma would cover every minority and business interest.

Mr. Foot: The Government of Burma regarded fifteen as being the smallest number to represent the various interests and they looked upon that number as being unwieldy for the purpose of forming a constitution.

Mr. de Glanville: They were then visualising something of the nature of the Simon Commission with fifteen Members of Parliament going out to Burma.

Mr. Foot: I think it was seven. Do you think a Constitution could be framed by a Round Table Conference?

Mr. de Glanville: I suggest that after the Round Table Conference has met and has come to agreed decisions if it can, or on those points on which it does not agree, the views of everybody have been taken and recorded, then His Majesty's Government should proceed to frame the new Government of Burma Act. I do not contemplate that the Conference itself should frame the Act, but I think it should be able to agree on the essential principles and then hand it over to the law officers of Government to frame the Act on those lines.

Chairman: Framing an Act is always a very technical matter, but you could lay down general principles.

Mr. Foot: The view which Mr. de Glenville now expresses is, I think, inconsistent with the views of the Burma Legislative Council, is it not?

Mr. de Glanville: It is inconsistent with the views of the Government of India, and it is to some extent inconsistent with the views of the Legislative Council, because the Legislative Council have not considered this point. This point was only taken up afterwards; but since then we have had repeated telegrams from Burma approving of the course that I now suggest. The Legislative Council passed a unanimous resolution that the Commission was to be a joint one. The Local Government is opposed to that, and I believe British opinion will be opposed to it.

Chairman: It will mean more delay—a Parliamentary Commission.

Mr. de Glanville: A Parliamentary Commission, according to the Government of Burma, was to come out as the Simon Commission did; then the Delegates should come here and hold a Round Table Conference. We skip this Commission.

Chairman: Of course, the problems are very much simpler.

Mr. de Glanville: They are much simpler. We can discuss them in a friendly way here; if we cannot come to a decision the final arbiters are the British Parliament.

Chairman: May I hear what the Burmese representatives say?

U Ba Pe: I quite agree to convening a Conference here instead of sending out a Commission. The announcement made by the British Government should also mention this decision. I do not know whether the terms of reference could be laid down for the Conference. The important point is to let the people of Burma know definitely that it will be a free Conference in which they can express their opinion freely; that is important because there is an impression in Burma as regards the Round Table Conference that we shall not be allowed to talk beyond a certain limit, and that we shall be gagged here. That impression exists in Burma, and it must be removed.

Chairman: I should have thought they ought to know better by now. Do they think the new Conference will be as much gagged as this Conference?

U Ba Pe: There is no harm in making known in advance the actual work we are doing here. You can never know what these mischief makers will go about and say in the country. Conditions in Burma and India are quite different from conditions here. The people of Burma are homogeneous and compact and any news can be broadcast all over the country in a few days; a lot of mischief can be done easily. It is important to take precautions in advance. I want to emphasise the necessity of announcing the Conference along with the announcement of the acceptance of separation in principle.

Mr. Mody: Might I suggest that, having heard the views of these gentlemen, you put a draft before us to-morrow.

Mr. Ohn Ghine: In regard to the Resolution passed by the Burma Council as to the Commission I put forward an amendment to the effect that in place of a Commission there should be a Round Table Conference for Burma here simultaneously with the Indian Round Table Conference. That amendment was agreed to by all parties in the Council, or most of them. I was not able to move that because the Member in charge of the Department concerned refused permission for the amendment as the notice had not been given in sufficient time. Had it been moved I think it would have been carried. So that even then the general consensus of opinion was in favour of a Round Table Conference here rather than a Commission.

U Aung Thin: I endorse the view expressed by Mr. Ba Pe.

Mr. Mody: May we hear Sir Charles Innes' views?

Chairman: Yes. Will you give us your views, Sir Charles?

Sir Charles Innes: If you will excuse me, this is a matter which is now being considered by His Majesty's Government and any views which I may express I think should be expressed to His Majesty's Government.

Chairman: Yes. I understand your views are on record.

Sir Charles Innes: Yes.

Mr. Foot: I suggest, Sir, that we should meet again and if this matter of the machinery of enquiry could be deferred, in the light of what has been said, we are more likely to be able to arrive at a right decision.

Chairman: I certainly do not suggest we should come to any conclusion to-night. I wanted to know what was said and I should be glad to know if any other member of the Committee has any views to express against what is being said.

Mr. Mody: Are we deciding now that we should recommend to the Government that they should make an announcement on the question of separation?

Chairman: No. We are giving representatives an opportunity of expressing their views as to the best machinery for framing the new Constitution; that is really what we are talking about. I am not suggesting we are deciding anything. You have heard what the Burmese representative have said. I will think over what they have said and I will consider by to-morrow what we can do about it and whether it would be proper that we should make any recommendation on the subject.

Mr. Foot: And you will take into consideration my Lord, will you, the possibility of whoever may be the British representatives on that Committee being able to arrive at a reasonable conclusion without local enquiry, because there are the backward districts and other areas which have to be taken into consideration. In dealing with twelve millions of people of course a multitude of problems arise and I should think the Governor, the Government of India and indeed the Legislative Council contemplated that there would

be the necessity of enquiry on the spot before the political destiny of this people was decided for a long time to come.

Chairman: But the backward areas would have to continue to be administered by the Governor.

Mr. Foot: Yes, of course that would be a part of the Constitution.

Mr. de Glanville: You must remember that the Simon Commission has already recorded a mass of evidence and no Commission which went out would get more evidence.

Mr. Foot: The Simon Commission expressly said they were not going into the framing of the Constitution.

Mr. de Glanville: But they have the evidence.

Mr. Foot: Yes, in Volumes 15 and 16.

Mr. Shiva Rao: Before we settle the machinery should not those who are against separation be given an adequate opportunity for expressing their opinion?

Chairman: I am sorry, but it is too late for that.

Mr. Shiva Rao: After all it is a well-known constitutional principle that the majority of the inhabitants of a Province have the right to decide whether they want to be separated and what particular Constitution they want.

Chairman: Does anybody suggest that the majority of the people of Burma are against separation?

Mr. Shiva Rao: I do not know. I am not in Burma.

Mr. de Glanville: The point has to be decided by the representatives of Burma.

Mr. Foot: There was no postcard poll taken of the people of Ireland. The decision was made by their representatives.

Lord Peel: What estimate have you in mind as to the section of opinion that is against separation?

Mr. Shiva Rao: I have no estimate.

Lord Peel: It was only that you thought there might be.

Mr. Shiva Rao: There is, according to this document. The Government must accept the proposal to make it a mixed Commission. Even Governments live and learn.

Chairman: I think we have had a useful discussion, and I will read over what has been said and see if I can bring up any suggestions to-morrow. I am not sure whether we can take any steps about this or not.

Mr. Shiva Rao: I should like to suggest that if separation is effected a recommendation should be made that Burma's admission to the League of Nations should be secured at the earliest possible moment. It is not a question of sentiment. I am thinking from the point of view of industrial legislation, and I think it is essential that Burma should continue to be a Member of the League of Nations as she is now through her connection with India. I think

the right of Burma to representation at all Imperial and International Conferences should also be recognised.

Mr. Mody: It is of importance to India. It is not from the point of view of Burma that we are thinking of this.

(*The sub-Committee adjourned at 4-35 p.m.*)

PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE No. IV (BURMA) HELD ON 9TH DECEMBER, 1930.

Chairman: I do not know whether all the members of the Committee have got before them a draft Report which I have had prepared. I think, myself, subject to anything that is said, that we might be able to finish our labours to-day and agree to this. It really covers everything that we have discussed. At the same time I am very anxious that no one should say afterwards that the matter has been rushed in any way, and therefore I will give the fullest opportunity for any discussion that may be desired, and I will put myself entirely in the hands of the Committee. If you feel that this represents what we have discussed, and the conclusions that we have so far come to, I should like, if you do not mind, just to go through it paragraph by paragraph and see whether we can adopt this as our Report. I made it out in that form in order to save time. The first page had to do with purely formal matters, as you see. It says who was appointed and when we sat and so on.

Then we come to conclusions, and the first conclusion is on the principle of separation. Does anyone wish to raise any further point on that? We did discuss the form of words before, and I think it covers everything.

Mr. Shiva Rao: It seems to me that it is rather rushing things through to ask H.M. Government to make a public announcement that the principle of separation is accepted without saying anything at all positive about the prospects of constitutional advancement held out to Burma, because even the Committee which was appointed by the Burma Legislative Council to co-operate with the Simon Commission had an amendment, I think, that a Committee of seven non-official members should confer jointly with the Indian Statutory Commission, and the words added were " for the purpose of determining the immediate steps necessary for the attainment of full responsible government ". Also, I see from the Report that this amended resolution was carried by a majority and I also note that Mr. M. M. Rafi, who I presume is a Muslim from his name—

Mr. O. de Glanville: Yes, he is.

Mr. Shiva Rao: Yes. Mr. Rafi, one of the members of the Committee adds this to the Report:—" But if separation is demanded on the principle of self determination he will support it provided Dominion Status is granted." I also notice that in the Despatch of the Burmese Government to the Government of India on the Simon Report, at page 238 of the Despatches from Provin-

cial Governments, the Government says quite frankly: "It is quite true that Burman politicians of extreme political views who have refused to work the present constitution still believe that Burma would get full responsible government earlier if she remained part of British India, but they wish merely to postpone the day of separation." I think that the only difference between those who are against separation and those who are in favour of separation is as to the time of separation. Those who are against separation want to make sure first of all that they will get full responsible government once they are separated from India; and in the note of dissent which one of the Burmese members appended to the Report of the Burma Provincial Committee which worked in co-operation with the Simon Commission, this is what Mr. Rafi, the Muslim gentleman to whom I referred, said: "I believe that Burma is fit for self-rule. We do not know, however, whether the British Parliament will forthwith acknowledge our fitness by an immediate grant of Home Rule. If they do not, it will in my opinion be unwise and futile to press for separation. . . It will leave Burma weak and isolated, divorced from a connection which, whatever its detractors might say, has admittedly helped her in the past to rise from her political slumber and fight her political battles and to which the present Reforms in Burma are largely due".

It seems to me that it is unwise to ask the Government to make any announcement of separation until Burma knows exactly where she stands politically. I also note that the Burman Government, in the Despatch to the Government of India, on page 244, say that they "have not yet formulated their views. They are engaged on that task, now, and are preparing a memorandum for presentation to the Commission"; the reference being to the Commission proposed, that should visit Burma at the end of January, 1931. That is after the deliberations of the Round Table Conference are over, and while the Burman Government acknowledge that the pledge given in August, 1917, applies to Burma as much as to India, there is no clear enunciation of the policy to be pursued in the immediate future.

Therefore I submit that it would be much wiser to postpone any suggestion to His Majesty's Government with regard to an announcement on the principle of separation until the deliberations of the Round Table Conference have reached at any rate the concluding stages, so that we know exactly where India stands at the end of the Conference. When I speak of India I include Burma, as she is at present part of the Indian Empire, but that at the present stage it would be unwise to commit ourselves to this principle.

Chairman: You are not representing Burma are you?

Mr. Shiva Rao: No, I am not representing Burma.

Chairman: I just wanted to know, with regard to this argument which you have been using, whom you were representing, because you were arguing, as I understood you, in the interests of Burma, and that Burma might be prejudiced by this.

Mr. Shiva Rao: Yes, that is my case, and I claim that there is a very large body of Burmese opinion which is identical with the view that I have put before you.

Chairman: Not represented here by the Delegates.

Mr. Shiva Rao: That is for the Delegates to say.

U Aung Thin: I deny the fact that there is any feeling against separation. Apparently there is a small section who wanted to postpone separation, with the belief that they might move along with India according to the Report. But the present situation has been worked by the political bodies who are represented here, and those bodies alone count in the country. I submit that the placing of the Constitution first and separation next is putting the cart before the horse. We want a separated Burma first, and a separated Constitution next, and unless we can get separation it would be very hard indeed to think of a separate Constitution. That will come in at its proper place, and we need not be over anxious as to that part of it. What we want now is separation and that all the considerations which were applicable to India should also apply to Burma. Along that line, I think we can go on satisfactorily.

Mr. Foot: Is not the point which has been raised by Mr. Shiva Rao this? As I understand it the point is that we have no assurance that anything will be done on the main question in relation to India, and that until that is ascertained it will be difficult for us to move in relation to Burma. But, from what I have read of the papers, the anxiety of Burma is that the new Constitution for Burma which may be necessary shall synchronise with the new Constitution for India. It is upon that that the Government of India in their Despatch, when they were speaking of the early declaration of policy, said: " The point with which we are concerned is to invite attention to the emphasis which the Government of Burma lay upon the need for expedition in order that a new Constitution for Burma may come into being at the same time as a new Constitution for British India ". That is the concern, that there should not be a hiatus. The Constitution for Burma may in the circumstances be different from the constitution which may be established for India. That is a matter for discussion later. Would not your point be met, Mr. Shiva Rao, if there could be some assurance that the two things should synchronise? If, for instance, nothing is done as a result of the Round Table Conference for India, it is quite obvious that everything else falls to the ground. I should think so, at any rate.

Lord Peel: Not necessarily.

Mr. Foot: You mean that there might be separation itself. Very well, if there is to be a new Constitution for India, then importance is attached to the point that the new Constitution for Burma should be established at the same time.

Chairman: That is vital. I should like to call the attention of Mr. Shiva Rao to what it says on the page to which he first referred, page 238, that in August of this year the Burma Legislative Coun-

cil passed without a division a motion " thanking ' the members of the Statutory Commission for having in accordance with the wishes of the people of Burma recommended the immediate separation of Burma from India.' "

Mr. Shiva Rao: But that is followed by something else.

Chairman: Wait a moment. In the next line it goes on: " And requesting ' His Majesty's Government to make an early declaration of the acceptance of their recommendation.' " That seems to be the view that was taken by the Legislative Council of Burma then, and if you remember the memorandum from the dissentients in Burma, they said that they did not want to remain under India if India had a new self-government. They said that quite definitely. I do not quite see how the separation can be effected one way or another. The Constitution which will be given to Burma will no doubt emerge. All that we say in this resolution is that it will certainly not be prejudiced by the separation, and I do not see how it can be suggested that they would get a greater measure of self-government if they were under India than if they were alone.

Mr. Shiva Rao: I do not suggest that it should remain part of India at all, but I suggest that if as a result of this Conference India gets full responsible Government, then that promise should automatically apply to Burma as well, as part of India to-day; but if we adopt this resolution now, in advance of any decisions which may be reached by the Round Table Conference, it will naturally be said that the decisions of the Round Table Conference apply only to British India, and that the constitutional position of Burma should be considered separately without in any way being prejudiced by the decisions of this Conference.

Chairman: Does not that exactly arise from the fact that you are not speaking for Burma or on behalf of Burma? Would Burma regard it as self-government to be a Province of India?

Mr. Shiva Rao: I do not suggest that Burma should be a Province within self-governing India. All I say is that it appears to me that there is a considerable body of opinion in Burma which is in favour of separation from India if at the same time it means separation from England in the sense that she will be a Dominion.

Lord Peel: I only ask this for information: Where is that body, and which is the body of which you are speaking? It is not represented on the Council in Burma at all; it is not represented by these gentlemen who come from Burma. Who are they, these people to whom you refer? Are they some Indians in Burma?

Mr. Shiva Rao: I am not speaking of Indians at all.

Lord Peel: But who are they?

Mr. Shiva Rao: I think I read out the terms of the amended resolution which was adopted by the Burma Legislative Council on the 13th December, 1928, in appointing this Provincial Committee that co-operated with the Simon Commission, that its object should

be to determine the immediate steps necessary for the attainment of full responsible government; and in the notice of dissent which was appended by two members it is made quite clear that they would have no objection to separation if that separation also gave Dominion Status to Burma; one of those gentlemen was a Muslim and one a Burman.

Mr. O. de Glanville: Mr. Shiva Rao, I think, suggests that the whole Burmese question should be shelved until the Round Table Conference has made up its mind as to India. That, I think, is the proposal. You are certainly not representing Burmese opinion in making that claim. We have it emphasised by the Local Government and by the Government of India that in order to allay public opinion in Burma there should be a very speedy declaration of separation, and that Burma is not going to suffer constitutionally by separation. Burmese opinon is anxiously waiting for that, and we are anxiously waiting for it.

Mr. H. P. Mody: Would not the question of synchronisation which is mentioned by Mr. Isaac Foot arise in this way? After all you are asking the Round Table Conference to commit itself to a declaration of separation by His Majesty's Government. If the Round Table Conference does not arrive at an agreed solution, and if the Indians at Round Table Conference regard the solution arrived at as unacceptable, how can you possibly ask them to accept one portion dealing with Burma leaving them to discard everything else. That is how, in my opinion, the question of synchronisation will arise. If the Round Table Conference refuses to accept certain solutions, it must reject them *en bloc*. It cannot be asked to accept one or the other thing and refuse the rest. That is my view of it. I have not been able to follow the discussion, because I am sorry I was again late, but that it how I would view it. Another object that would be served by a little delay would be this. It has become evident in the last few days that there is a body of Burmese opinion in Burma that does not view this idea of separation with favour. I do not for a single moment question the rights of my friends to represent Burma. Just as we do not claim that we represent the whole of India, I do not think my friends can claim that they represent the whole of Burma, and it is conceivable that there are interests in Burma who are opposed to separation, and to whom you might give a little time for considering the matter and making such representations as they would like to make. Certain representations have been circulated to everybody, and it is possible more may be circulated. I myself have reason to think that a certain amount of agitation has been caused by the fact that the Committee of the Plenary Conference adopted the question of separation as a principle, not to be challenged at least by this sub-Committee, and it is conceivable that in the next few days you may hear something more about it. I would, therefore, suggest that an explicit announcement should not be recommended by our Committee.

Chairman: All these arguments you have been using just now are arguments against the principle of separation. That I must

rule we cannot consider at this Committee. So far as this Committee is concerned the principle of separation has been accepted. If it is not to be endorsed that is a matter for the Plenary Conference and not for us. If objections are to be taken to separation, on whatever ground they may be, they must be taken in the Plenary Conference, they cannot be taken here. So far as we are concerned at this Committee the principle has been accepted. What has been referred to us is to make recommendations as to the method.

U Ba Pe: Though Mr. Shiva Rao does not represent Burmese opinion, yet I think the point raised by him is in accordance with Burmese opinion to a certain extent. In the Council of Burma three resolutions were moved last August and passed unanimously. One refers to the acceptance of the recommendation of separation by the Simon Commission, the second refers to the appointment of a Commission to draw up the Burmese Constitution and the third refers to the grant of Dominion Status after separation. The three resolutions have to be read together. So that in substance it means that once Burma is separated from India it will have the status of a Dominion. That is the clear position in Burma. No doubt there is a section of Burmese opinion opposed to immediate separation, and therefore they have sent in their memorandum to this Conference, but the reason they oppose it is because they are afraid Burma may not get Dominion Status after separation. That is the only fear they have, but they are for separation all the same. As regards synchronisation of Burma's new Constitution with India's new Constitution, unless Burma's Constitution is either equal to or on the same plane as the Constitution India gets, it is no use having the same time because Burma will not be at all satisfied. My solution would be to recommend that His Majesty's Government should announce the acceptance of separation and the status that Burma will occupy after separation.

Mr. Foot: Would the point be met if some attention were drawn in our Report to approval of the Government of India's recommendation? The Government of India, speaking of the early declaration of policy, say:—

> "The point with which we are concerned is to invite attention to the emphasis which the Government of Burma lay upon the need for expedition, in order that a new constitution for Burma may come into being at the same time as the new constitution for British India. In view of the large issues involved, we have some doubt whether this will in fact be possible; but, assuming that the general case for separation is established, we agree both with the Commission and with the local Government that an early declaration of policy is desirable to enable enquiries to be set on foot without avoidable delay, in order to effect the separation as nearly as may be simultaneously with the introduction of the new constitution in India."

Would it be possible for this Committee, in a new paragraph, or in an addition to the first paragraph, to express the opinion that

we approve the recommendation of the Government of India that as far as may be the new Constitution for Burma should come in at the same time as the new Constitution for India. Would that go some way to meet the case?

U Ba Pe: No, not unless you mentioned status at the same time.

Chairman: What the status of Burma will be you will settle at the Conference when you settle the Constitution. When you settle the Constitutoin you will say what status you choose to call it, Dominion status is a word that may mean anything. I do not know what it means. It is not suggested you will have the same constitution as Australia, for example, after separation.

U Ba Pe: But there is one thing. Burma will not get a Constitution inferior to what India is going to get.

Chairman: Well, is not that almost what we do say? What we say is—"the prospects of Constitutional advance held out to Burma as part of British India will not be prejudiced by separation."

Lord Peel: Is it not compatible with the other interpretation that it may get what Constitution it prefers, which may be rather wider than that of India?

Sir Hubert Carr: I think its prospects are the same.

Chairman: They clearly will not be worse, I think.

U Aung Thin: It may get something more.

U Ba Pe: I am for something definite.

Chairman: But the definiteness must come after you have settled the Constitution.

U Ba Pe: I only want something definite, which will mean more than nothing at all.

Chairman: This is an announcement you are asking the Prime Minister to make to the public. I think it would be wise to accept words that would be likely to be put forward and used. If you have this said in public, announced officially, surely you have what you want, have you not?

Mr. O. de Glanville: How would it be if paragraph 1 were altered to read thus:—"The prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation." That would make it perfectly clear, would it not? The ultimate goal is responsible government.

U Ba Pe: What is there to prevent our saying that Burma shall get no less than India is going to get?

Sir Hubert Carr: Can you say that before you have examined the position?

U Ba Pe: Burma will get what India gets.

Sir Hubert Carr : Every part of India is not capable of taking what the whole of India receives. There are backward areas in India. I do not suggest that Burma is a backward area, but on the face of it it does not mean that Burma can carry the same status as India until the position is examined.

U Ba Pe: Burma is a major Province with some subjects transferred. They would have an advance comparable with that of any other province. So that it follows that under the new Constitution Burma will not be worse off than the present position at least. She will get something more along with the others.

Chairman: Suppose we were to accept that suggestion which was made just now, and put in these words, which show what you are aiming at, and what you are going to get, so that the second half of it should read, " and that the prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation." That shows, I think, the line you are moving on, does it not?

U Ba Pe: It is not very much?

Chairman : I took the opportunity of consulting Sir Charles Innes, and he does not think that these words will cause great unrest in Burma.

U Ba Pe: Well, I beg to differ from Sir Charles Innes. I am familiar with both sections of public opinion in Burma, and I can assure you that the effect will be very bad unless something definite is put in.

Mr. Mody: Why not say " Burma's claim to responsible government," or " Burma's right to responsible government will not be prejudiced by separation "? That is something definite. You might say Burma's claim, if such a claim has been put forward by responsible opinion in Burma, or Burma's right, if the other claim has not been definitely made. That would be quite precise.

Mr. de Glanville: To say " the claim to responsible government " is not quite as stated. Every party in Burma considers that the goal is responsible government, but we are not all agreed that it should be immediate dominion status to follow separation.

Mr. Mody: Well, say " responsible government ". That is why I advisedly put the words " responsible government ".

Lord Peel: I should have thought that the present words covered everything myself.

Chairman : I do not want to force my view on the Committee in any way, but I think the Committee would be wise to accept this, with the addition, if you like, of the words " towards responsible government ". If you get that announcement made officially by the British Government I should have thought it would be enough.

Mr. Shiva Rao: It is your language, so you can interpret it better than I do, but it seems to me that it rather weakens than strengthens the language of the first draft.

Chairman: I will take out " towards responsible government " if the Committee like.

Mr. de Glanville: I do not mind at all.

Chairman : I think it is sufficiently strong. I think it means that you would be as well off as if you were a part of India. We do not know what the Government of India is going to be yet; we do not know what the Government of Burma is going to be yet.

Sir Hubert Carr: You agree, do you not, Mr. Ba Pe, that the details cannot be worked out in the present Conference now—the Round Table Conference?

U Ba Pe: I want to know the principles of the constitution.

Chairman : Well, I do not want, of course, to hurry the Committee over this, because of course it is rather important; but can we come to a conclusion on it? Would you like those words put in—" advance towards responsible government "?

U Ba Pe: Mr. Mody made a suggestion.

Mr. Mody : My suggestion was, " Burma's claim to responsible self-government will not be prejudiced by separation," or " Burma's right to responsible self-government will not be prejudiced by separation "—one or the other.

Mr. de Glanville: That is the same thing. I do not want the word " immediate," because opinion is not unanimous on it.

U Ba Pe: The immediate grant of responsible government is opposed by the Europeans only.

Mr. de Glanville: No, no, you are quite wrong.

U Ba Pe: Mr. de Glanville belongs to the Independent party. He is for full dominion status.

Chairman: But be that how it may, you do not know what India is going to get, and you certainly will not get the British Government at this stage to make an announcement in that form. If you want it made in that form you will have to wait, as was suggested, till the very end of the Conference. You must take your choice. If you want the declaration made now it will have to be in that form.

U Ba Pe: I am not pressing for immediate dominion status. I want a declaration of the British Government about Burma's constitution.

Chairman : Here is an announcement which I understand probably the Government would be prepared to make as soon as the Plenary Conference had agreed to it, and I understood that you were anxious to have a definite announcement made at an early stage.

U Ba Pe: Quite so.

Chairman: If you want the announcement to be more definite than that you would have to wait till the end of the Conference, until we knew what India was getting, would you not?

U Ba Pe: What harm would there be if we simply said that Burma will get at least the same constitutional advance as is given to India—that whatever is given to India, she will get that, if not more.

Lord Peel: I think that would make great complications, because then you have to compare it exactly with what India does get.

Chairman: Besides, it would be absolutely impossible. India, apparently, is going to have a federal system. You are not going to have that in Burma.

Mr. Shiva Rao: The structure may be different, and yet the concession of political power may be the same, the degree of responsibility may be the same. Those are two different things.

Chairman: The concession of political power may be very different. Questions of defence and questions of finance are quite different in Burma from what they are in India.

U Ba Pe: Of course, that will differ according to the circumstances of the country, but the main principles will be the same. The advance towards responsibility will be as much as the conditions of the country permit.

Chairman: I can only advise the Committee that they should accept this form of words. If they would prefer to wait, I dare say some other form of words could be devised later.

Mr. de Glanville: On behalf of my portion, we say it is dangerous to wait. We want a declaration as early as possible. We agree with the Government of Burma and the Government of India on the necessity for a very early declaration. They are all in agreement—the Statutory Commission, the Legislative Council and the Government of India.

Chairman: You see, what I was anxious to do to-day, if the Committee would agree, was to define as far as we can define it, the position of Burma. We could make the separation clear, and have an announcement as to that, have an announcement as to the lines on which the constitution would be framed, so far as this resolution covered it, and on these other points which we have considered, so that the Burmese Delegates could then go home and know that the thing would go on in the ordinary course until we had our Conference, or whatever other method we adopted for the constitution; and I thought that that would probably be convenient. But, as I say, I am in the hands of the Committee on it.

U Ba Pe: You see, as the formal resolution proposed here stands, it looks like a leap in the dark. That is all I am thinking about.

Why not put in the words suggested by Mr. Mody? That would be more satisfactory to the people of Burma.

Chairman: Would the Committee like to hear what Sir Charles Innes says about this?

Mr. Mody: Certainly, we have no objection. We would be only too glad.

Chairman: Would you say a few words, Sir Charles?

Sir Charles Innes: I think U. Ba Pe knows that the Government of Burma have done their best for what they think to be Burman opinion in this matter, and if U. Ba Pe will permit me, while I have no desire whatever to enter into any controversy, I really must put what I know the position is in Burma at the present moment. In the first place, as you, Sir, pointed out, the principle of separation is not open to this Committee, and, as I said, this Committee cannot enter into any details of the new constitution of Burma, or cannot say in what way or to what length that new constitution will go, and for this reason: that His Majesty's Government are not yet seized of the problem of Burma. They have not even had the views of the local Government, they have not had any views from the Simon Commission, they have not had any views from the Government of India; that is to say, the present position of His Majesty's Government is that they have got a perfectly open mind—in fact, a perfectly blank mind—as regards the new constitution of Burma. Now, U. Ba Pe, if I may say so, is trying to telescope into one, two things which ought to be kept distinct. What I suggest that this Committee can definitely do is to suggest that separation will not prejudice in any way the goal of constitutional advance which has been held out to Burma. That, I think, is as far as the Committee can go. I do not think that they could say at this stage that His Majesty's Government could give Dominion status, with reservations, at once, or even must give a constitution the same as that which may be given to India, not because His Majesty's Government will not do that—indeed, the Government of Burma has specifically said in their report to the Government of India that they hoped that whatever Commission of Enquiry may be appointed may find it possible to propose for Burma a system of government comparable with that proposed for India. But at this stage I do not think His Majesty's Government can be expected to go further than to say that separation will not prejudice the prospects of constitutional advance held out to Burma as part of British India, and when they have said that, it seems to me that the Burma position is amply safeguarded; separation will not mean any derogation from the hope held out, and the new constitution will remain open for discussion, and Burma will be perfectly free. U. Ba Pe will be able to bring forward his point, the Government of Burma will have their say and the British Government will make up their minds. It seems to me that what you want to do at present is merely to suggest that the goal held out is not in any way prejudiced

by separation. That seems to me to be the essential thing, and all the other things as regards the exact form of constitution, or how far that constitution will go, must be left for future consideration, if only for the reason that His Majesty's Government cannot speak on the subject because they are not seized of it in any way, and have not the material on which to form a conclusion. I do think you could fairly ask for a statement that the constitutional prospects are not in any way prejudiced by the fact that Burma is being separated from India. That is all I wish to say.

Chairman: Now, what does the Committee feel? Would they be prepared to accept this resolution in this form?

U Ba Pe: I would rather like the other form as it is the same thing.

Chairman: No, I do not think it is the same thing. If you want this announcement made by the British Government soon, I think you will be wise—I will not put it higher than that—to adopt the resolution in this form. The British Government cannot commit itself at this moment, as Sir Charles Innes has explained, to any particular form of government.

U Ba Pe: Mr. Mody's resolution was simply——.

Mr. Mody: May I say a word. The position of even those Burmans who strongly support this demand for separation is that they expect her to have responsible government at the earliest possible date. I do not think that matter was left in the least doubt, that they would want self-government if they had separation. If they could not have that, they would rather be with British India. I do not know whether I am interpreting their feeling correctly or not, but I feel that if these gentlemen were assured that they were going to enjoy a form of responsible government immediately, they would like to separate. Therefore this declaration must have as its basis a statement that Burma's right to responsible government will not be prejudiced by separation. If it does not mean that, then it is a declaration which my friends would be very ill-advised to accept or to ask for.

Chairman: That is exactly what it says as it now stands: "the prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation."

Mr. Mody: Yes, but it is a very negative and, if I may say so with great respect, a weak way of putting it. They ask for something definite.

Mr. Foot: I understand that Mr. Mody's criticism is that this is a negative statement. Would you consider, my Lord, if it would not be possible to adopt words such as those suggested by the Governor himself in his Report. It may be nothing more than addition, but he goes on to say here—I will read the words:—"It is of great importance that it should be made clear beyond all possibility of doubt or question that the separation of Burma will not

involve any departure from the statement contained in the preamble to the Government of India Act, 1919, that the objective of British policy is the progressive realisation of responsible government in British India as an integral part of the Empire. As the Commission say, that statement constitutes a pledge given by the British nation to British India. When the pledge was first announced in August, 1917, Burma was a part of British India. The pledge therefore was given to Burma as well as to India, and even if Burma is separated from India, the pledge still stands for Burma unimpaired and in all its force."

I think it is covered by the words we have got, but they have rather a negative sound which may be discouraging to our Burmese representatives. Would it be possible to add there simply that the pledges given in the Government of India Act apply to Burma as well as to India and remain unimpaired in all their force. Would that give a positive touch to it that would satisfy our Burmese friends?

Mr. Mody: But the subjects have been implemented by various declarations.

Mr. Foot: I thought that would occur to Mr. Mody.

Mr. Shiva Rao: Besides, if Mr. Foot will forgive me for pointing it out, all the difference is, as Lord Reading put it in his speech at the opening session, it is a question of pace, because dominion status is the goal for Burma as much as for British India, according to the announcement of August, 1917. The only question is whether it is now or in a distant future.

Chairman: Well, as I say, I am in the hands of the Committee on this matter. I will press them to agree to this form of words, but if you prefer not, of course, we shall have to change them; but I do not think you will be wise, really, in the interests of Burma, I think you may take this pledge as meaning what it says.

Mr. Mody: But if His Majesty's Government are not prepared to say that Burma has a right to responsible government, would the Burmans want this separation at all? That is my point.

Mr. Foot: A request was made for this declaration to be made in the terms of reference to the new body deciding the constitution. That is what the Government ought to say. "The Government of Burma could not possibly agree to separation on any other terms, and they trust that His Majesty's Government will see fit to set at rest any doubts that may still exist on the subject by the wording of the terms of reference to the Commission." That Commission has yet to be set up, of course. That is the historical and symmetrical place for it to appear.

Chairman: Yes. I do not know whether you need be more anxious for Burma than Burma is for herself, Mr. Mody.

Mr. H. P. Mody: I am here as a member of the Committee, and I do not see why I should not feel for my Burmese brothers just as much as you would feel for them.

Mr. M. M. Ohn Ghine: May I enquire whether the second part of the first resolution as it stands does not imply that whatever measure of advance may be granted to India as a result of the Round Table Conference will also be given, as a minimum anyhow, to Burma? Does it not imply that.

Chairman: It may imply that. It seems to me that it means that you will not be prejudiced by the fact that you are separated.

Mr. M. M. Ohn Ghine: Yes.

Chairman: It does seem to me to imply that you will be treated at least as well as if you were still part of India.

Mr. M. M. Ohn Ghine: If that is clear, it is all right.

Chairman: Well, is there any amendment? We had better come to grips with it now. Will the Committee be prepared to agree to it? What we have in the draft is this: "The Committee ask His Majesty's Government to make a public announcement that the principle of separation is accepted; and that the prospects of Constitutional advance held out to Burma as part of British India will not be prejudiced by separation." Is that agreed?

Mr. H. P. Mody: I will move in the terms I have suggested, namely, that the right of Burma to responsible government will not be prejudiced by separation.

Chairman: Does anyone second that, or support it?

U Aung Thin: Yes.

Mr. Shiva Rao: Will Mr. Mody be good enough to read out what he is proposing.

Mr. H. P. Mody: "That the right of Burma to responsible government will not be prejudiced by separation."

Mr. Shiva Rao: That does not mean anything, does it?

Mr. H. P. Mody: It makes it more definite.

Mr. M. M. Ohn Ghine: I support it, but I do not know that it makes much difference really because the claim of Burma for a full measure of self-government will have to be advanced when the Constitution is considered, so that I do not know that it makes any difference.

Mr. H. P. Mody: If you prefer other phraseology, I am content, by all means. It is a matter for you.

Sir Hubert Carr: The right has yet to be established.

Lord Peel: "Right" is a very grave word to use. Nobody knows what it means. Is it a legal right? Is it a moral right? Does it raise constitutional deductions or inferences? I think that this is much better.

Mr. H. P. Mody: Put in the word "claim" if you like.

Lord Peel: I think that the word "claim" again is difficult.

Sir Hubert Carr: We do not know what a "claim" is.

Lord Peel : The prospects of constitutional advance will not be prejudiced by separation. That is what it says. It seems to me to be quite definite, and it has the advantage of not in any way prejudicing the subsequent conferences.

Chairman : I do not want to take a vote upon it, but I must take the sense of the Committee. Is it the general sense of the Committee that we should pass this resolution as it is, without amendment.

Mr. M. M. Ohn Ghine : Before you put it to the vote, there is one point I should like to mention. Yesterday I raised the question of machinery for dealing with the questions that I then mentioned.

Chairman: That is a separate point. May I take it that the Committee will report in this form, with the addition of these words " towards responsible government "?

(*Agreed.*)

I will come back to your point about machinery, if you wish it, at the end.

Now may I take No. 2.? I do not suppose that there is anything more that you want to say with regard to No. 2, is there?

Mr. Shiva Rao: I was wondering whether, about the middle of No. 2, where it says " the fullest opportunity should be given to all minorities and to the Government of India," you could also add " the Central Legislature "; or is it implied in it?

Mr. O. de Glanville: I have lived in Burma, and I do not think that the representatives of Burma will want to go to Delhi, or that they will want to go as suppliants to the Legislative Assembly. They will prefer to deal with the Government of India, which will no doubt seek the advice of members of the Legislative Assembly.

Chairman: As a mere matter of procedure, when you are dealing with a different country, you can only deal with its government; you cannot deal with the constituent parts which make up its government. I am afraid that that really would not be constitutionally correct.

Is there anything else that anyone desires to raise in connection with No. 2 ?

(*There was no response.*)

No. 3 is with reference to a financial settlement, and that goes down to the middle of page 3 of the document.

Mr. Foot: Upon that, where you get at the bottom of page 2 a reference to paragraph 93 of the Despatch of the Government of India, would it not be advisable to quote that paragraph 93. It appears probable that people who have the Report of this Committee may not have before them the Despatch of the Government of India, and it therefore appears to me that if you could have as a

sort of addendum the paragraph that is referred to, it would make your Report self-contained.

Chairman: I think probably we could quote it in the appendix in small type.

Is there anything else to be said with regard to No. 3?

Lord Peel: I always believe in reasonable mutual accommodation. If you ask me if I agree with No. 3, I say that I always believe in accommodation. I thought that the thing was the spirit of reasonableness in mutual accommodation.

Chairman: I attach great importance to it myself, and I am quite sure that when they come to negotiating between the two countries, they will show it. May I pass from No. 3 with that accepted?

(*Agreed.*)

No. 4 is with reference to defence. We have nothing that we can add to that, have we? Is No. 4 agreed?

(*Agreed.*)

No. 5 relates to the administration of Central subjects, and there are a few words written in at the end: "The Government of Burma should continue to make use of certain scientific Services" and there is added "of the Government of India." That is in order to show whose Services they are because without those words it is not quite clear whose scientific Services they are that are to be made use of.

Mr. Shiva Rao: Should we limit it to scientific Services? There may be other ways in which there can be co-operation between the two Governments. Is it necessary to limit the field only to scientific Services?

Chairman: Well I do not know. What do you say about it, Sir Charles?

Sir Charles Innes: If I may explain, there was a slight difference of opinion between Sir Bhupendra Nath Mitra and myself yesterday about the scientific Services. I put the suggestion in as the result of conversations with certain heads of departments at Simla. The point is that it would be impossible for Burma to have a really satisfactory Service say for Geological Surveys or the Survey of India, or Meteorological Service, because the Services are so small that the scientists would have to work in isolation, and if you have a scientist working in isolation, in a very short time he ceases to be a scientist at all. We have in India certain extraordinarily fine Services. They have probably the highest reputation of any scientific services in the whole world, namely, the Geological Survey of India, and the Survey of India; and it seems to me, and I am sure Burmese opinion would agree, that it would be very much to our advantage if we could make use of the scientific

Services, for the reason that we should find great practical difficulty in starting really good Services of that kind ourselves. I cannot think of any other Service for which the same reason would exist, although at the same time I can assure you that in the working out of the Service we shall certainly consider the point. The really outstanding thing about it is that it will pay us in Burma, if we can agree with the terms of the Government of India, to make use of the three Services—the Meteorological Department, the Geological Survey of India, and the Survey of India, and I also hope that we shall be able to make use of the Indian Lighthouse Service. I do not know whether Mr. Rao can mention any other Services. We should obviously have to make up our own Customs, and our own Post and Telegraph Department, and our Railway Services, our Civil Services, and our Police Services, and I cannot think for any Services that we can share with the Government of India other than those Services and the Lighthouse Service.

Mr. Shiva Rao: I cannot think of any, but it seemed to me to be a pity to limit it.

Chairman: This is not an Act of Parliament, Mr. Rao; it is merely our suggestions as to things which may be done, and it does not in the least way shut out the Government of Burma or anyone else from taking other things into account in considering it. This is only an indication, and you are not bound by this in any way. I think we might leave it like that.

Sir Hubert Carr: It is all that we can recommend.

Chairman : Yes, but this recommendation does not prevent the two Governments agreeing about it.

Lord Peel: Nor does it prevent other Services from being added to it.

Chairman: May I take it that No. 5 is agreed to.

(*Agreed.*)

No. 6 is: " The Committee express the hope that it may be found possible to conclude a favourable Trade Convention between India and Burma. They believe that a Trade Convention would benefit both countries, and they think it important that separation should cause a minimum disturbance of the close trade connections that exist between the two countries." Is that agreed?

(*Agreed.*)

Now did you want to raise again this question that we were discussing yesterday about the machinery.

Mr. O. de Glanville: Yes. I understood yesterday that you allowed us to discuss that, and that you would give us a ruling to-day as to whether advice on that portion comes within the terms of reference. I am bound to point out that we have advised here upon the financial method of settling things; and if that is within

our terms of reference, I should respectfully suggest that it is also within our province to recommend whether there should be a Commission or a Round Table Conference.

Chairman: I think possibly it may be strictly within your terms of reference. It is rather difficult to say. The last words are to recommend the best way of securing this end. That is the end of separation on equitable terms. Whether the machinery which sets up the new Constitution is part of the best way to secure this end I do not know. It may be said to be. The only thing is I do not think any recommendation from us would necessarily be very useful because it is a matter which the British Government, after consultation with the Government of India and the Government of Burma, must settle themselves. What Sir Charles Innes said just now about the other point is true, that the British Government have not at present got sufficient information to enable them to make up their minds definitely one way or another. I would prefer, if the Committee would agree, not to put anything into the Report about it, but I would write a minute to the Secretary of State reporting the substance of the conversations we had yesterday so that he was perfectly clear what the views of the Burmese delegates were on that point. I think probably that would be the best way to deal with it. The Secretary of State will then have everything before him on which to draw a perfectly clear impression. I think I am right in taking it that there was no division of opinion.

Mr. O. de Glanville: That is so, we were unanimous.

Chairman: I think, perhaps, it is not appropriate to go into the Report.

Mr. O. de Glanville: Then I will withdraw my suggestion.

Chairman: Is there any other matter on the Report that any delegate would wish to raise?

Mr. Foot: I certainly do not want to enter into any point that the Committee ought not to cover, but inasmuch as importance is attached to the question of synchronisation, may I make the suggestion that as far as possible, when the new Constitution is set up for India, the new Constitution for Burma should be as nearly as may be set up at the same time.

Chairman: Frankly, I do not think that is necessary, because it is fully in the mind of the Government. Everybody in India and Burma understands that it would be practically impossible unless the two new Governments could come into being at the same time. You would not have provided two equal bodies to negotiate or to do anything. I think that is in everybody's mind. Unless the facts make it impossible there will be synchronisation. I really do not think it is worth while discussing.

Lord Peel: It cannot be at once a province of India and something else at the same time.

Chairman: Exactly. You must have the two things as nearly as possibly simultaneous. That is one reason why our Burmese

friends are anxious to get on with the drawing up of the Constitution.

Mr. O. de Glanville: That is one reason we asked for this Conference, to expedite matters.

Chairman: I see in the Report you make that is one of the reasons. Is there anything else any delegate would like to raise?

Mr. Shiva Rao: I raised the question yesterday of Burma's right to representation at the Imperial Conference and at the League of Nations, a right that has been enjoyed for ten years or more as part of India. I think it is only right that Burma should continue to exercise that right if separation is effective. I was wondering if this Committee would recommend to His Majesty's Government that those two principles be recognised at the same time.

Chairman: I do not think that is a matter for this Committee, and to a certain extent it is not a matter for His Majesty's Government. The League of Nations itself elects its members, and India does not attend the Imperial Conference, I understand, as a Dominion at present, but sends representatives by invitation.

Sir B. N. Mitra: So far as I know it has the right to representation on the League of Nations according to the Treaty of Versailles.

Chairman: Mr. Thomas, who ought to know much more about these things than I do, tells me that India attends the Imperial Conference by invitation.

Sir B. N. Mitra: But the Treaty of Versailles would not affect the Imperial Conference.

Chairman: I was speaking of the Imperial Conference.

Mr. Shiva Rao: I also mentioned the League of Nations.

Chairman: I was speaking both of the Imperial Conference and the League of Nations. The League of Nations elects its members. I do not think that is really a proper thing to be considered now when you are considering the Constitution but when you have framed the Constitution. That is the time to consider it. Burma will then make application in the ordinary way. I do not think it is a matter for this Committee at all.

Lord Peel: There is a proverb: "First things First."

Chairman: Is there anything else on this Report? I do not want you to say afterwards that I have hurried you in any way.

U Ba Pe: This Report will go to the Plenary Conference, will it, or will it go to the Conference in Committee?

Lord Peel: It will go to the full Committee of the Plenary Conference.

Chairman: If you notice at the top of page 2 the effective words are these:—"The Committee sat, and after sitting it has authorised me to present this Report." I shall present this Report to the next sitting of the Committee of the whole Conference, or if there

is a sitting of the Plenary Conference before then, probably direct to the Plenary Conference. I am not quite sure that technically we can do that. But I will see that it is presented at the first sitting of the full body which takes place, whichever it is.

Lord Peel: We must have a sitting first of all of the full Committee, must we not?

Chairman: I should think we must, as we have been appointed by them. There is to be a sitting, I understand, next week, probably.

Mr. H. P. Mody: In presenting the Report on behalf of the whole Committee, what becomes of the position of those who have been under the necessity of dissenting from one or another of these recommendations? Will you send this Report round for signature, or will you just present it as the Report of the Committee?

Chairman: I was not proposing to send it round for signature. It is the Report of the Committee. Those who dissent from it and wish to carry their dissent further ought to express it when the Report is presented.

Mr. Mody: In any sense it cannot be regarded as the Report of every single member of the Committee.

Chairman: No, the general sense of the Committee. We settled quite definitely that this Conference was not going by voting. But I think I have correctly gathered the general sense of the Committee in this Report. I have tried to do so.

Sir B. N. Mitra: Could you not say that certain members dissented from certain recommendations of the Committee? Was not that the procedure settled upon when the Committee appointed sub-Committees?

Mr. O. de Glanville: May I ask if anybody has dissented?

Sir B. N. Mitra: So far as I am concerned I have not dissented.

Mr. O. de Glanville: And I think Mr. Mody withdrew his dissent?

Mr. Mody: I dissented.

Lord Peel: If Mr. Mody dissents he is entitled to say so.

Mr. O. de Glanville: He has not said so.

Mr. Mody: I have dissented from one or other of these recommendations as regards the propriety of making the announcement on the part of His Majesty's Government.

Chairman: What I proposed to say was that the Report was unanimous on some points and practically unanimous on others, and those who dissent will have the opportunity of presenting their dissent then. I do not think I can say more than that. You have the right to speak when the Report is received, but the Report must represent the majority of the Committee.

Lord Peel: I suppose any minority can record its dissent if it chooses.

Sir B. N. Mitra : I think that was indicated. I have not the proceedings, but perhaps Mr. Mody is entitled to ask in regard to the points on which he has dissented that that dissension should be indicated.

Chairman : If you would like to have your dissent recorded on the proceedings of this Committee, I think this would be a convenient opportunity for you to say, in the presence of the shorthand-writer, what are the points on which you would like to have your dissent recorded. We should then get it recorded on the proceedings of the Committee, so that there is no doubt about it.

Mr. Mody : I am prepared to do that, but I do not know whether the other members of the Committee are absolutely unanimous. There was a point raised by Mr. Rao.

Mr. Shiva Rao : My point is practically the same as yours. I raised the point before Mr. Mody came in.

Sir B. N. Mitra: If Mr. Mody will make his statement of dissension, Mr. Shiva Rao will subscribe to it.

Mr. Mody : I will write what I have to say, and send it on.

Mr. Shiva Rao : Could we submit a note by to-morrow morning. That would not delay the submission of your Report.

Chairman : You mean that you would like the note of dissent to appear on the Report itself? If you send in a note of dissent it shall be added, but I do not think that is the procedure. This is not the Report of a Commission where we can have minority Reports. I know we very often have minority Reports in India; I have read some that are longer than the original Reports.

Lord Peel : I sometimes have not been able to find the original Report because the minority Reports have been so long.

Chairman : If you send in a minute I will find out what the practice is, and if it is the practice I will have it put on the Report itself. But I do not think that is the practice. I thought you might perhaps like to say something here before the Committee adjourned. Do you wish to have anything recorded?

Raja Sher Muhammad Khan : When the Report is presented they can say in what they dissent. They do not dissent from the principle, but on some question, and they can say it then.

Chairman : I think that is the proper course. If there is nothing else, may I take it that this Report is approved in this form?

Mr. Mody : You have suggested, in answer to the suggestion of Sir B. N. Mitra, that you might state that the Report is not unanimous in all particulars.

Chairman : I will say that if you like. But I cannot make your speech for you.

U Ba Pe : Conclusion No. 1 is the only one which is dissented from and that is on procedure and not on principle.

Chairman: May I put it again? May I now present this as the Report of the Committee to the Plenary Conference? Is that agreed? If that is agreed, then I think that concludes the business of this Committee.

Earl Peel: It was understood that our views were to be provisional at the earlier stages, so that by the time we get to the Plenary Conference Mr. Mody may have changed his mind.

Chairman: That concludes our business, gentlemen. Thank you for attending.

SUB-COMMITTEE No. IV.

(Burma.)

REPORT PRESENTED AT THIRD MEETING OF THE COMMITTEE OF THE WHOLE CONFERENCE, ON 16TH JANUARY, 1931.

On December 1st the Committee of the whole Conference set up a sub-Committee with the following terms of reference:—

> "To consider the nature of the conditions which would enable Burma to be separated from British India on equitable terms, and to recommend the best way of securing this end."

The following Delegates were selected to serve on this sub-Committee, over which I was appointed Chairman:—

Lord Peel.
Mr. Foot.
Mr. Aung Thin.
Mr. Ba Pe.
Mr. Ohn Ghine.
Mr. de Glanville.
Mr. Chintamani.
Mr. Srinivasan.
Captain Raja Sher Muhammad Khan.
Mr. Mody.
Mr. Ghuznavi.
Sir B. N. Mitra.
Sir Hubert Carr.

Mr. Shiva Rao was subsequently selected to take the place of Mr. Chintamani.

The sub-Committee met on the 5th, 8th and 9th December, 1930, and have authorised me to present this Report. The following conclusions were reached:—

(1) The sub-Committee ask His Majesty's Government to make a public announcement that the principle of separation is accepted; and that the prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation.

[Mr. Mody and Mr. Shiva Rao desire it to be recorded that they cannot endorse this recommendation without qualification.]

(2) The sub-Committee are of opinion that the legitimate interests of Indian and other minorities must be safeguarded. They are not in a position to advise as to the particular form of protection these interests require. They consider that when the details of the constitution of Burma are being discussed, the fullest opportunity should be given to all minorities and to the Government of India to represent their views and to state the nature and extent of the safeguards they consider necessary. The sub-Committee consider that adequate attention should be paid to the question of immigration of Indian Labour and that provision should be

made for the regulation of the conditions of both the work and life of the immigrants. The sub-Committee also especially stress the importance of there being no discrimination as regards Indians entering Burma.

(3) There must be a financial settlement between India and Burma.

The questions are very difficult and technical, and the sub-Committee consider that they should be dealt with in the manner recommended by the Government of India in paragraph 93* of their Despatch (Cmd. 3700).

The sub-Committee also recommend that when the case has been thoroughly explored by the experts of the two Governments, the statements prepared by these experts should be laid before the Standing Finance Committees of the Indian Legislative Assembly and the Burma Legislative Council respectively, and that representatives of these Committees should be associated with the experts in the proceedings of the Arbitral Board.

The sub-Committee also endorse the view expressed by the Government of India in paragraph 86 of their Despatch† regarding "the great desirability . . . of adjusting the relations between the two countries in a spirit of reason and mutual accommodation so as to avoid as far as possible the ill effects which might arise from so great a change in long established practice." They venture to express the hope that all negotiations between the two Governments, whether in relation to the financial adjustment or to other matters, will be approached in this spirit.

(4) The sub-Committee recognise that adequate arrangements must be made for the defence of Burma after separation, but they

* Extract from Paragraph 93 of the Despatch of the Government of India (Cmd. 3700).

"It is clear that the separation of the finances of the country will raise extremely difficult issues, requiring close expert analysis, in the decision of which it will be essential to hold an even balance between what may be conflicting claims. We agree with the local Government that the best method of approaching this difficult problem is to endeavour, by mutual co-operation between the Government of India and the Government of Burma, to draw up an agreed statement of the case for reference to an impartial tribunal. The subjects requiring settlement will be of a technical nature, and will include, besides the normal questions of the adjustment of revenue and expenditure, such matters as the allocation of debt charges and the adjustment of currency arrangements. No constitutional commission could deal satisfactorily with these questions, for its functions would be entirely different, as also its probable methods of enquiry. In arriving at a financial settlement the main point to be considered is the need for satisfying public opinion in both countries that each is being fairly treated. Indian public opinion would watch this aspect of burdens. We believe that a committee of the Privy Council would be the sort of tribunal most likely to satisfy Indian opinion. Their decisions could be given on evidence placed before them, assisted by expert witnesses, or possibly assessors, from India and from Burma."

† Cmd. 3700 of 1930.

consider that the precise nature of these arrangements must be decided in the light of expert military opinion.

(5) The sub-Committee note the fact that arrangements for the taking over of the administration of subjects now classed as Central in the Devolution Rules must be made by the Government of Burma. The sub-Committee recommend that it should be considered whether, subject to the consent of the Government of India and on terms to be arranged, the Government of Burma should continue to make use of certain scientific Services of the Government of India.

(6) The sub-Committee express the hope that it may be found possible to conclude a favourable Trade Convention between India and Burma. They believe that a Trade Convention would benefit both countries, and they think it important that separation should cause a minimum disturbance of the close trade connections that exist between the two countries.

(Signed) RUSSELL, *Chairman.*

St. James's Palace, London.

9th December, 1930.

MGIPC—L—VII-11—4-5-31—1,000.