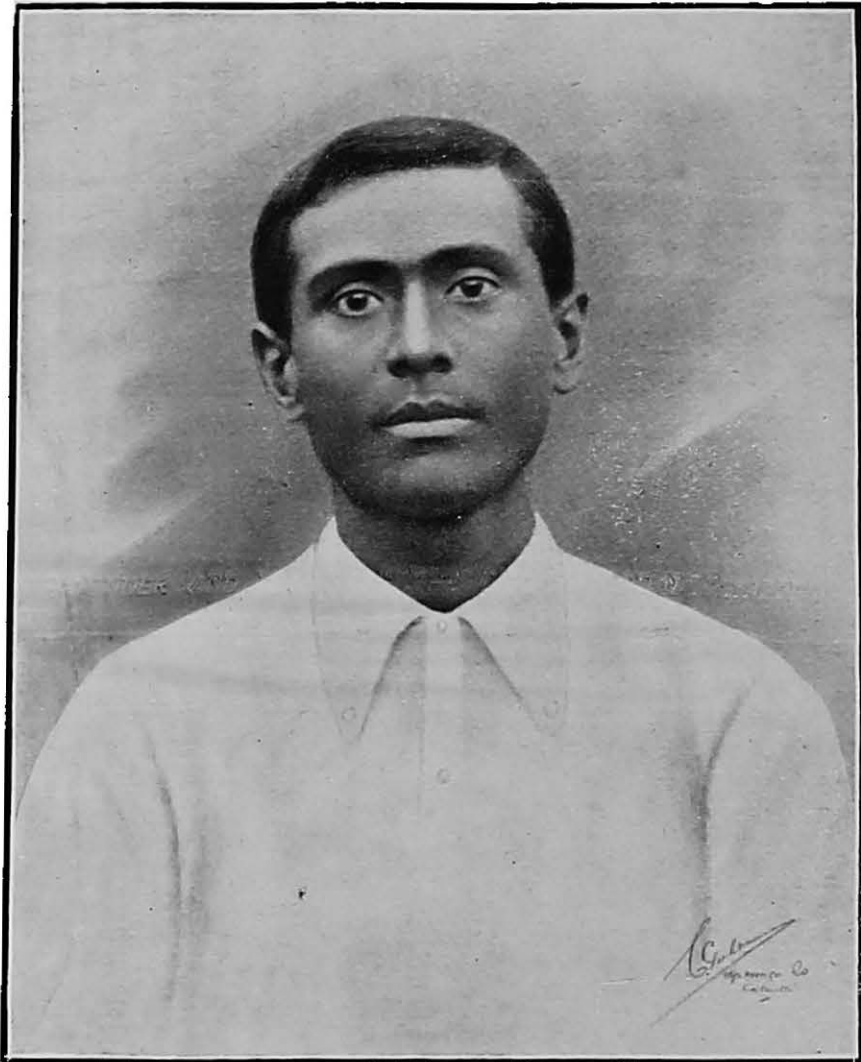


*FOUNDER AND EDITOR OF THE INDIAN ANNUAL REGISTER*



**PROF. HARENDRA NATH MITRA, M.A., B.L.**  
*Born 19th April 1887.* *[Died 29th Sept. 1925.]*

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Jan.—June, 1925

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BY  
H. N. MITRA M.A., B.L.

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N. N. MITRA.

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## PREFACE.

It is a painful duty on the part of the present editor to record the untimely death of the founder of the Annual Register, the Late Prof. H. N. Mitra, his revered elder brother, on the 29th September last. Naturally this unexpected incident has entailed some delay in the publication of this edition and we trust our readers will appreciate the difficulties which we were put to in sending this edition to the press in time. We hope in our next issue we will try to remedy whatever defects there may be in this publication and also to make the publication more timely.

Owing to want of space the proceedings of the Council of State and Bombay, Madras, Assam and Behar and Orissa Councils could not be given in this volume. It is proposed, however, to incorporate the proceedings of those Councils for the whole year in the next issue.

Like the last issue, this issue too has become wholly political, and though important educational and economic affairs have happened during the period, space could not be found for them in this volume too. Experience shows that political matters alone occupy so much space that it is not possible to incorporate other matters in the quarterly issues of this Register. It is proposed, therefore, to issue a special Annual Supplement on Industrial, Economic and Educational affairs after the publication of the 2nd volume.

We beg to express our grateful acknowledgment to Sardar Gurbachan Singh, Editor, "Akai Nirmal Gazette", Tarn Taran, for his very kindly placing at our disposal papers on Sikh Movement. We have taken full advantage of them in this issue.

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Jan.—June 1925.

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# Chronicle of Events

January 1925

- 1 Jan. '25 Publication of New year's Honours List, Messrs. A. C. Chatterjee and M. B. Dadabhoj made K.C.I.E., Mian Fuzli Hossain and Dr. H. S. Gour Knighted.  
Important statement published showing the reasons which moved His Excellency the Governor-General in the exercise of the powers conferred upon him by section 81 (2) of the Government of India Act to assent to the Madras Hindu Religious Endowments Act of 1924.  
The Anti-Untouchability Conference at Belgaum under the Presidency of Mr. C. B. Reddy passed resolutions dealing with recommendations for the election of special representatives for the formation of special electorates, for reserving a certain number of regiments or companies for depressed classes, and for establishing boarding schools and special scholarships.
- 2 Jan. '25 Bengal National Chamber of Commerce issued mandate to vote against the new Ordinance Bill to Raja Resheo Kesh Law and Amulya Dhone Addy, its representatives in the Bengal Council.  
Akali Jatha from Canada—thirty-nine left for Jaito.  
Acceptance of offices by Swarajists—Pandit Motilal's Denial.  
The All-India Railway passengers' Conference at Belgaum under the presidency of Mr. Vithalbai Patel.
- 3 Jan. '25 Lala Lajpat Rai and Moul. Shankat Ali at Madras : collections for Kohat relief—Lala Lajpat Rai's message in Madras : " To be Free or Die."  
" Bombay Chronicle's " appeal to Moslem Councillors on the Ordinance : " Don't play into the hands of the bureaucracy."  
At a meeting of the Liberals in Calcutta Sir P. C. Mitter suggested that if Provincial Autonomy was granted immediately the leaders of all parties, including Messrs. Gandhi, Das and Nehru, would accept it.
- 4 Jan. '25 Pandit Nehru contradicts the rumour of the acceptance of ministry by the Swarajists.  
Indian Economic Conference at Benares : Hon. Samaldas presides (p. 420).
- 5 Jan. '25 Land-holders' Conference at Calcutta—Maharaja of Darbhanga presides.  
Madras Kbilafat Conference—Shankat Ali presides.  
Mr. V. J. Patel re-elected Chairman, Bombay Corporation.
- 6 Jan. '25 Lala Lajpat Rai's address in Madras. " Not one inch of Indian Soil to any foreigner."  
The All-Bengal Muslim Conference held in Calcutta adopted resolutions condemning the action of the Government in promulgating the Ordinance and calling upon Muslim members of the Bengal Legislative Council to oppose strongly this reactionary measure.
- 7 Jan. '25 16th Session of Bengal Council. Lord Lytton's address justifying the introduction of the Bengal Criminal Law Amendment Bill of 1925. Sir H. Stephenson's leave to introduce the Bill disallowed. Deshbandhu Das attends the Council from sick bed. Admission to visitors banned (p. 125).
- 8 Jan. '25 Kathiawad Political Conference at Bhavnagar ; Mahatma Gandhi Presides (p. 409).  
The Conference of the Presidents of Provincial Legislatures concluded in Delhi after two days' session—the proceedings were private.  
His Excellency Sir William Marris opened the first All-India Art Exhibition at the Kaiser Bagh, Lucknow.
- 10 Jan. '25 Amendments made to Legislative Rules regarding the election of President by the Legislative Assembly and the Provincial Legislative Councils.

His Excellency Sir Frank Sly, Governor of the Central Provinces, announced in the course of the Durbar address the future policy of the Government, and said that the Legislative Council would again be given an opportunity of working the constitution in the manner in which it was primarily intended that it should be worked.

- 11 Jan. '25 Removal of Political prisoner Bhupendra Nath Dutt to unknown destination.  
Mahatma's message to Mr. C. R. Das on Council victory—"Warmest congratulations. Great victory. Glad you are better."  
Special session of Jamiat-ul-Ulema at Moradabad under the Presidency of Maulana Mohd. Sajjad.  
The Executive Committee of the Swarajya Party in the Central Provinces, after discussion with the Swarajist members of the C. P. Council on the present political situation, adopted a resolution not to accept office and to oppose the Government by all legitimate means.
- 12 Jan. '25 Executive Committee of All-India Swaraj Party met at Nagpur: sub-committee formed for the working out of new programme of action in C. P. Council—"Oppose the Govt."  
12th Session of Indian Science Congress at Benares. Dr. M. O. Forrester presides.  
The Hindus and Muhammadans of Kohat signed a reconciliation agreement.
- 13 Jan. '25 Resolution on the Bengal Ordinance in Assembly disallowed by Viceroy.  
End of Babbar Akali Trial at Lahore: 67 found guilty.
- 14 Jan. '25 The Third Convocation of the Gujarat Vidyapith performed by Mahatma Gandhi in the new buildings of the Vidyapith at Ahmedabad. In view of the reconciliation agreement between Hindus and Muslims, all persons arrested in connection with the Kohat riots, except Jiwan Das, were released on bail.
- 15 Jan. '25 The Journalists' Association of India held its annual general meeting in Bombay when the annual report of the Executive Committee was adopted; Dr. Annie Besant was elected President.
- 16 Jan. '25 Khan Bahadur Seikh Abdul Quadir elected President, Punjab Council.
- 17 Jan. '25 Railwaymen's Conference at Gorakhpur. Dr. Binulal presides.  
In the Punjab Council the resolution recommending that Government should invariably offer land in exchange for any land acquired in future under the Land Acquisition Act was carried.
- 18 Jan. '25 His Excellency the Governor of Bengal certified the Bengal Criminal Law Amendment Bill under Section 72E (1) of the Government of India Act.
- 19 Jan. '25 Regarding the certification of the Ordinance Sir P. C. Mitter, ex-Minister, said that it was not at all a matter for surprise and that he had all along expected it.  
Panjab Council in concluding its session recommended that Revenue Officers be directed not to take up and try in camp Revenue Courts cases of any description.
- 20 Jan. '25 Lord Reading opens the Assembly at Delhi (p. 153).
- 23 Jan. '25 All Parties' Conference at Delhi.—Mahatma Gandhi presides (p. 65).  
Protest meeting at Poona in connection with the Nizam's Gulbarg Firman.
- 24 Jan. '25 All Parties' Conference at Delhi. Sub-Committee formed for drafting proposals of the Unity Conference (p. 67.)  
Arrest of Protap Ch. Guha Roy on charge of sedition.  
Indians Overseas: H. H. the Maharaja of Bikaner sent a telegram to Sir Dinshaw Petit, President of the deputation that waited on His Excellency the Viceroy at Delhi with regard to the Indian situation in South Africa.
- 25 Jan. '25 Sir M. Butler takes over charge as Governor of C. P. from Sir Frank Sly.
- 26 Jan. '25 In the Assembly Sir Charles Innes' resolution re. bounty to the Indian Steel Industry carried (p. 159)
- 27 Jan. '25 In the Assembly Mr. Raju's resolution on Currency Committee carried (p. 162).

- Viceroy withholds sanction to Pt. Nehru's Bill to suspend Bengal Ordinance.
- 28 Jan. '25 Debate on the Bengal Ordinance in the Assembly (p. 162).  
Indian Deputation to the Viceroy on the disabilities of Indians in South Africa (p. 375)
- 29 Jan. '25 Sj. Subhas Ch. Bose and other political prisoners sent to Burma.
- 30 Jan. '25 Chittagong Islamia Conference breaks up in a fiasco.  
All Bengal Muslim Union at Serajganj. Move against Swarajists fails.  
Sjs. Subhas Chandra Bose and Satyendra Chandra Mitra, state prisoners, brought to Rangoon Jail.

## February 1925

- 2 Feb. '25 Labour Party in India formed—Lala Lajpat Rai elected President.  
Dewan Bahadur Swami Kannu Pillay elected President of the Madras Legislative Council.  
Moslem conference at Serajganj—Resolutions on formation of All-Bengal Moslem Union and revival of presidency Moslem Educational Association passed.  
Annual Meeting of the Calcutta European Association, Mr. H. W. Carr Presides (p. 107)
- 3 Feb. '25 Non-official victory in Assembly. Mr. Patel's Bill for repealing repressive laws introduced. Mr. Pal's challenge about revolutionary leaflets.
- 5 Feb. '25 Emphatic Denial by Deshbandhu Das and Sj. Sen-Gupta of the Swarajists acceptance of office.  
Adjourned Debate on Bengal Ordinance—Mr. Doraiswamy Iyengar's resolution carried in the Assembly (p. 174).
- 7 Feb. '25 Govt. House Conference of the Party Leaders of the Bengal Council (p. 134).
- 9 Feb. '25 Meeting of Swaraj Party in Assembly—Election of office-bearers—Pt. Motilal re-elected leader.  
Seventh session of Non-Brahmin Conference at Madras. Dewan Bahadur Nair presides.  
Independent party's executive elected in the Assembly—Mr. Jinnah re-elected president.  
All-India Postmen's conference at Delhi, Dr. Jellani, M.L.A., presides.
- 10 Feb. '25 Mr. Patel's Bill to repeal Repressive Laws introduced—debate adjourned (p. 180).
- 12 Feb. '25 Resolution for the representation of Indians in Tanganyika to the League of Nations passed in the Assembly in spite of strong Government opposition (p. 181).  
Mr. V. J. Patel congratulated by the Bombay Corporation for refusing to attend viceregal entertainments.
- 13 Feb. '25 Mr. J. M. Sen Gupta published his statement made at the Govt. House Conference (p. 135).
- 17 Feb. '25 Memorial to the Assembly Members by a State prisoner making ghastly revelations about secret service men and "Agents Provocateurs."  
Dr. Gour's motion for Supreme Court for India rejected in the Assembly. (p. 187).  
Sir Abdur Rahim's motion for the provision of Minister's salaries passed in the Bengal Council—Mr. C. R. Das absent owing to ill-health. (p. 136).
- 18 Feb. '25 Salary of Bengal Council President fixed at Rs. 3,000 a month.  
Monster meeting in Bombay. Mrs. Sarojini Naidu presides.  
Tariff Act Amendment Bill introduced in the Assembly.
- 19 Feb. '25 Mr. Raju's resolution for the establishment of Military College in India passed in the Assembly (p. 189).  
Presentation of the Budget in the Bengal Council.

## THE QUARTERLY REGISTER

[MARCH '25

- 20
- 30 Feb. '25 Railway Budget presented in the Assembly. (p. 193).
- 22 Feb. '25 U. P. Moslem League at Allahabad ; Syed Ali Nabi Presides.
- 23 Feb. '25 Council of State rejects Mr. Karandikar's motion to repeal the Criminal Law Amendment Act.  
Publication of the report of the Swaraj Sub-Committee of the All-Parties Conference. (p. 73).
- 24 Feb. '25 Prof. Gidwani released from Nabha jail.  
Gulbarga riot prisoners released by Nizam's order.
- 25 Feb. '25 Censure motion for the non-appointment of Indians in the Railway Board passed in the Assembly.  
Pt. Motilal's motion for the rejection of Railway Budget defeated in the Assembly—Independents siding with the Government. (p. 209).
- 26 Feb. '25 Mr. Joshi's censure motion regarding grievances of third-class passengers passed in the Assembly.  
Permission to Mahatmaji's visit to Kohat refused by the Viceroy.  
Mr. Raghabendra Rao and Dr. Moonji deny the false report of the acceptance of Ministry by C. P. Swarajists.
- 28 Feb. '25 Mr. C. B. Das's manifesto : re Swarajists and Bengal Ministry (p. 143.)  
Government of India Budget presented. (p. 213).

## March 1925

- 2 Mar. '25 Removal of Lawrence statue motion lost in the Punjab Council (p. 332).
- 3 Mar. '25 Lord Lytton's appointment as officiating Viceroy announced.  
C. P. Governor's appeal to Swarajists to vote supplies.  
House of Commons debate on India and the Communist Scare (p. 332.)
- 4 Mar. '25 Mr. Tambe (Swarajist) elected President of the C. P. Council.  
Indianisation of Army—Discussion in the Assembly.  
C. P. Council recommends vernacular to be the medium of instructions in schools.  
C. P. Council President's Salary fixed Rs. 1,000 a year.
- 5 Mar. '25 Bombay Millowners decided to close work from 1st April as a protest against Cotton Excise duty.  
Oudh Chief Court Bill passed in the U. P. Council (262).
- 6 Mar. '25 Pt. Malaviya's motion for adjournment of the debate of Cotton Excise duty carried in the Assembly (p. 232).  
In the Assembly Mr. Lalbhai's motion refusing to vote grants for the Cotton Excise duty (p. 230).
- 7 Mar. '25 Mahatma Gandhi receives address of the Madras Corporation.
- 8 Mar. '25 All-India leaders confer with Deshbandhu Das at Patna.
- 9 Mar. '25 Swaraja Party meeting at Patna adjourned.  
Mahatma Gandhi arrives at Vaikom as guest of Maharani Regent of Travancore.  
Bengal Governor announces the appointment of Ministers (p. 143).
- 10 Mar. '25 Indian leaders condemn majority report of the Reforms Enquiry Committee just published.
- 12 Mar. '25 Demand for provision for establishment for collection of cotton excise duties defeated in the Assembly.  
Govt. of India announced its decision regarding the Cotton Excise duty (p. 233).  
Pt. Motilal moves adjournment of the Assembly to discuss the Muddiman Report.
- 13 Mar. '25 C. P. Council votes Rs. 2 as Ministers' salary.
- 14 Mar. '25 Demand for the Executive Council refused in the Assembly (p. 239).  
C. P. Council adjourned to discuss the Reform Enquiry report.

- 16 Mar. '25 Swarajist opposition to taking the Finance Bill into consideration defeated in the Assembly.  
Sitting of the Taxation Enquiry Committee in Calcutta.
- 17 Mar. '25 Reduction of Salt Tax by the Assembly.
- 19 Mar. '25 Mr. Patel's Bill repealing the Repressive Laws passed by the Assembly.
- 21 Mar. '25 Assembly carried the Council of State's amendment restoring the Salt Tax at Ra. 1/4.
- 23 Mar. '25 Government Bill to supplement the Bengal Ordinance defeated in the Assembly. (p. 249).  
Motion for reduction of Ministers' Salaries carried in the Bengal Council (p. 151).
- 24 Mar. '25 Motion for reduction of Ministers' salaries rejected in the Madras Council.  
Viceroy certifies the Bengal Cr. Law. Amendment Act.
- 25 Mar. '25 Nationalists of Bengal walk out of the Council Chamber in protest dissatisfied with the President's ruling.  
Bengal Governor resumed charge of the Transferred Departments.
- 26 Mar. '25 Council of State passed the Bengal Criminal Law Amendment Bill.  
Bengal Council prorogued.  
Gandhi-Shankat Ali Statement on the Kohat Tragedy published (p. 97).
- 27 Mar. '25 Lord Bawlinson, the Commander-in-Chief, expired.
- 28 Mar. '25 Viceroy granted four months' leave to proceed home.
- 31 Mar. '25 Deshbannhu Das in an appeal to young Bengal condemns policy of violence  
U. P. Council recommends total abstinence.  
House of Lords Debate on the Bengal Ordinance (p. 313).

## April 1925

- 1 April '25 Messrs. Patel and Mehta spoke on the Swarajists' work in Assembly at a Bombay meeting and strongly condemned the Independents' tactics.  
Messrs. C. R. Das and S. Suhrawardy re-elected Mayor and Deputy Mayor respectively of Calcutta Corporation.  
Viceroy certified the Bengal Ordinance and the rejected demands in the Assembly. (p. 255).  
House of Lords Debate on the Indian Services Bill (p. 324).
- 2 April '25 Taxation Enquiry Committee's Calcutta sitting concluded.
- 3 April '25 Mr. C. R. Das's reply to Lord Birkenhead's invitation published from Patna.—“No Co-operation in present Repression.” Mr. Das invites Lord Birkenhead for a searching enquiry into the cause of the revolutionary movement.  
Bombay Industrial Mill Strike—Sir Dinshaw Petit's warning to Govt. : “The Mill industry was doomed unless Govt. came to their help.”  
Expenditure on Viceroy's visit to England—question disallowed in the Assembly.
- 6 April '25 Mr. J. Baptista elected President of the Bombay Corporation.
- 7 April '25 Rao Bahadur T. Chetty elected President of the Madras Corporation.
- 10 April '25 Sir John Kerr sworn in as Governor of Bengal; Lord Lytton assumes office of Viceroy.
- 11 April '25 All-India Hindu Mahasabha at Calcutta. Lala Lajpat Rai presides. (p. 377).  
The Karachi European Association on Reforms and Communal question. (p. 108).
- 13 April '25 The Punjab European Association on the blessings of British rule (p. 110).
- 16 April '25 Calcutta Corporation presents address to Lala Lajpat Rai and Pandit Malaviya.



- 18 April '25 Assam Students' Conference—Mr. O. F. Andrews presides.
- 21 April '25 Dr. Protap Ch. Guha Roy sentenced to 2 years' R. I. and fine of rupees one thousand on charge of sedition by the Additional Magistrate Alipur. Publication of the Report of the Gurdwara Bill by the S. G. P. C. —approved by Viceroy.
- 22 April '25 Serious Communal Riot at Madura.
- 24 April '25 Sj. Satyendra Ch. Mitter, Ordinance Prisoner, re-elected unopposed to the Bengal Council.
- 26 April '25 Mag. Thaw of the Buddhist Asram, Burma sentenced to one year's R. I. on charge of delivering seditious speech. Dr. Besant addressed a crowded audience at Madras on "How to agitate for the commonwealth of India Bill"—Mr. Srinivasa Sastry presided.
- 27 April '25 National Liberal Federation's Memorandum on the proposed formation of an Indian Reserve in the Lowlands of Kenya published (p. 361).
- 29 April '25 The Bombay European Association on Co-operation with Indians (p. 110).

## May 1925

- 1 May '25 Mahatma Gandhi in Calcutta—addressed a public meeting at Mirzapur Park reiterating his firm conviction on the Triple Programme and paying a glowing tribute to Mr. Das's latest sacrifice of dispossessing himself of the Bussa Road House.
- 2 May '25 The Bengal Provincial Conference at Faridpur. Deshbandhu Das presides. "Swaraj as Commonwealth of Nations. Violence in Government begets violence in subjects." Bengal Swaraj Party's 'Village Organisation Programme' published. Mahatma Gandhi opened Swadeshi and Agricultural Exhibition at Faridpore. Moslem Conference at Faridpore. Mr. A. K. Fazlul Huq presides. Provincial Hindu Sabha at Faridpore. Sir P. C. Roy presides.
- 4 May '25 Bengal Provincial Conference concluded its session. Repressive policy condemned; repudiation of guilt of Ordinance prisoners. Sir Surendranath's statement attacking the Swarajists published in the press.
- 5 May '25 Bengal Governor certified the rejected Budget grants (p. 152a).
- 6 May '25 Mahatma Gandhi lays the foundation stone of Astanga Ayurved College. 2nd Reading of the Colour Bar Bill passed in the South African Union Assembly.
- 7 May '25 Sirdar Tara Singh introduced the Sikh Gurdawara and Shrines Bill in the Punjab Council. (p. 278).
- 9 May '25 Burmese leader U. Chit Hlaing fined Rs. 2,000 for delivering seditious speeches. Poona Municipality presented address to Mr. Ram Rao Deshmukh, President-elect of the Maharashtra Provincial Conference.
- 11 May '25 Maharashtra Provincial Conference at Satara. Mr. Ram Rao Deshmukh presides. (p. 398).
- 13 May '25 Lala Lajpat Rai's appeal for funds to carry on Congress work. Anglo-India Association meeting in Calcutta; Resolution passed to send a deputation to England.
- 14 May '25 Burmese Lady Ma Pwa Yiu sentenced to 4 month's rigorous imprisonment for being member of an unlawful assembly—acquitted by Mr. Justice Das at Rangoon. Late Mr. Montagu's statue unveiled in Bombay by Rt. Hon. S. Sastri.
- 15 May '25 Sir G. Bhandari elected Chairman, Amritsar Municipality. Pandit Malaviya prohibited by the Nizam to enter his State.

- 16 May '25 Orissa Students' Conference at Cuttack—Sir Devaprosad presides.
- 19 May '25 Rejected C. P. Budget grants—Certified by the Governor.  
C. P. and Berar Non-Brahmin Conference at Nagpur—Mr. Bagde presides—attack on Lokmanya Tilak and Ranade.  
Vaikom Satyagraha: Travancore Government withdraws prohibition order to Satyagrahis.
- 22 May '25 Ahmedabad Hindus protest against Nizam's action prohibiting Pt. Malaviya entering Hyderabad.
- 23 May '25 N. W. Ry. strike continued—men evicted—Kaika Simla staff ceased work, Iddian Coal Committee report published.  
Daring train dacoity near Tundla, train held up and cash bag looted.  
Conference of Railway employees at Trichinopoly. Mr. A. Rangaswami Iyengar presides.
- 24 May '25 Andhra Provincial Congress Committee at Rajahmundry. Stormy debate, Berar Non-Brahmin Conference at Nagpur ended in a fiasco.—Congress worker injured—Bengal Ordinance condemned.
- 25 May '25 Fifth session of the Indian States Subjects Committee at Deccan. Mr. B. S. Kamat presides—establishment of representative institutions urged.  
Death anniversary meeting of Sir Ashutosh Mukherjee at Calcutta. Mahatma Gandhi's eulogy on "his great fight."
- 26 May '25 Mr. V. J. Patel opposed spinning franchise in a Poona meeting.  
Sivaji's portrait unveiled in the Poona Municipality.  
Maharani Regent, Travancore, prohibits animal sacrifice in her state.  
Indian Merchants' Chamber, Bombay, demands investigation into Government's Currency and Exchange policy.  
Mahatma Gandhi at Burdwan—supports Desbandhu Das on Tarakeswar movement.  
Punjab Board of Economic Enquiry appointed Committee to enquire into unemployment amongst Punjab graduates.  
Sitting of Economic Enquiry Committee at Simla.  
Municipal rate-payers at Barisal decide no address to Governor.  
Conference of the Native States Subjects concluded its session at Poona.  
—Demand of Self-Government.
- 28 May '25 International Labour Conference at Geneva—Mr. Joshi's speech (p. 353).  
N. W. Ry strike continued—Ambala men cease work.  
Personnel of Anglo-Indian Deputation to England announced.  
Revocations of Reforms—New Amendment to the Devolution Rules published by the Governor-General in Council in the Gazette of India.  
Mischievous propaganda against Frontier Hindus. Rawalpindi Sanatan Hindu Sabha's appeal to Government.
- 29 May '25 Liberal Federation's protest against the imposition of Punitive police at Gooty.  
Godaveri District Conference recommends "complete independence devoid of foreign control" as definition of Swaraj of the Indian National Congress.
- 30 May '25 International Labour Conference at Geneva—Mr. Chamanlal's speech.  
Huge procession of 10,000 N. W. R. strikers with flag dyed red with their blood passes through Lahore streets.  
Punjab Hindu Sabha at Amritsar.—Lala Lajpat Rai absent—Dr. Gokul Chand Narang presides—Ministers' policy condemned.

## June 1925

- 1 June '25 Disturbance in Alwar State—Troops fire on landholders.  
Birthday Honours published, K.C.I.E. for Sir Abdur Rahim; Mr. S. N. Mallick gets C.I.E.  
N. W. Ry. Strike continued; 1,500 men joined.

- Mr. Jinnah on Independents' ideal. His reply to Pt. Nehru.  
King Emperor's Birthday exchange of greetings between the King and Viceroy.
- 3 June '25 B. & N. W. Railway strike—6,000 employees strike work at Gorakhpur.
- 4 June '25 Mahatma Gandhi on baseless charge against Swarajists—satisfied with their work.  
The great Congress worker Sjt. V. V. S. Iyer Achariya of the Sbermadevi Gurukula, drowned while trying to rescue his daughter.  
Mr. K. F. Nariman (Swarajist) challenged Bombay Government for officers' corruption in the Bombay Council.
- 7 June '25 Resolution passed by the Trade Union Congress on the N. W. Ry. strike.
- 9 June '25 President Hindu Sabha wires Mahatma Gandhi apprehending riot on Id sacrifice.  
Government refused Trade Union Congress offer in N. W. Railway strike.  
Taxation Enquiry Committee's sitting concluded in Bombay.  
maharaja of Alwar communicates with Pandit Malaviya on the Firing in Alwar.  
Indian railway strikers wire to Workers' Welfare League of India in London.  
The Colour Bar Bill passed through the Committee stage in the Union Asembly.
- 12 June '25 Mulsi Satyagrahists heavily sentenced by the Bombay High Court.  
Incendiarism in Dera Ismail Khan—Hindu houses set on fire.
- 13 June '25 Government of India announced the suspension of Transferred Subjects in Bengal from 13th June till 21st January 1927 (p. 152e).  
Mr. C. F. Andrews interviews the acting Chief Commissioner of Railways in connection with N. W. Railway strike.  
N. W. Railway strike leaders arrested—men ejected from quarters.
- 16 June '25 Passing away of Deshbandhu C. R. Das at "Step Aside," Darjeeling at 5 in the afternoon.  
Andhra recommends Mrs. Sarojini Naidu as president of the next Congress.  
Mysore Legislative Assembly passed compulsory spinning resolution.  
Doctor Moonji congratulates Bengal on suspension of reforms—declares to stand by Bengal in weal or woe.  
B. S. Pathik sentenced to 5 years' imprisonment—sentence confirmed by the Maharj Kumar of Udaipur State.
- 17 June '25 The nation in mourning.—Mahatma Gandhi starts from Khulna to Calcutta—cancels Assam tour—advises dead body of Mr. Das to be received in Calcutta.—"Hope Party strife will be hushed and all will heartily join to do honour to the memory of the Idol of Bengal and one of the greatest of India's servants."—Punjab plunged in sorrow and communal feelings hushed to silence.—Markets closed in Bombay.  
Bombay Corporation's complementary dinner postponed.—Calcutta offices and markets closed.— Madras markets closed.  
Vaikom Satyagraha ends. Temple Road open to all.
- 18 June '25 Arrival of Mr. Das's body at Sealdah. Bengal's last homage to the Idol of Bengal. Historic mourning procession through Calcutta streets—touching funeral scene.  
Mahatma Gandhi on funeral service. Messages of condolence from prince and people.—Tribute by the Madras Corporation and Karachi Municipality.—Reference in Calcutta and Patna High Courts.
- 19 June '25 Mahatma Gandhi fixed All-India Memorial Services on 1st July, the Sradha day of Deshdandu Das.  
Touching scene at Calcutta Corporation meeting.—Feeling tribute to Calcutta's First Mayor—Messages received from Lord Birkenhead and Lord Reading.
- 20 June '25 Report of the Select Committee on the Gurdawara Bill presented in the Punjab Council.  
Maulana Mahomed Ali advises goat sacrifice during Idd as a mark of respect to Deshbandhu Das's death.  
Ceylon Legislative Council sends their expression of sincere sympathy

- and condolence for India's loss in Deshbandhu's death.
- 22 June '25 All-Bengal Deshbandhu Memorial Appeal published in the *Forward*.
- 24 June '25 Deshbandhu's last letter to Pandit Moti Lal Nehru published—Messages and glowing tributes from Newzealand, Natal and Kanawa to the Bengal's devoted son.
- 25 June '25 Colour Bar Bill passed its 3rd Reading in the House of Assembly by a narrow majority of 44 to 31.
- 26 June '26 Deshbandhu Memorial meeting presided over by Col. Wedgwood in London.
- 27 June '25 Calcutta University Senate's glowing tribute to Deshbandhu Das.
- 28 June '25 Mr. J. M. Sen-Gupta elected President Bengal Swarajya Party, and Mr. K. S. Roy Secretary—Mr. Sen-Gupta also elected President Bengal Provincial Congress Committee.  
All-India Leaders' manifesto on the necessity of passing the Commonwealth of India Bill.
- 29 June '25 Ashutosh Building opened in Calcutta—Governor's high tribute to Sir Ashutosh Mukherji.  
Mahatma Gaudhi pays eloquent tribute to Deshbandhu at Institute Hall meeting at Calcutta.
- 5 June '25 Passing away of His Highness the Maharaja General Sir Madhorao Scindia of Gwalior at Paris—Body cremated next day at Pera La Chaise Cemetery.

On the 2nd January 1925 Lord Reading gave his assent to the Madras Hindu Religious Endowments Act. The Act was originally passed by the Madras Council in the teeth of public opposition. At the subsequent general election the ministerialist defeats were due to the electorates' opposition to this measure. When the new

**Hindu Religious Endowments Act.**

Council met, it was not allowed to consider the measure afresh as a whole. By a fiat of the Governor the new Council was called upon to reconsider a measure which it had no opportunity to consider in the previous session. The procedure by which only isolated clauses were asked to be taken into consideration by the Council, placed it in a very awkward position. If the Council passed the clauses as suggested by the Governor it was tantamount to approving not only the principles underlying the Act, but also the other obnoxious clauses and provisions. If the Council did not approve of them, then it laid itself open to the criticism that it approved of the original and more obnoxious clauses. The procedural defects were realised by Lord Reading who in his statement says that if he sanctions in spite of them, it is because he thinks that where a procedural mistake does not affect his Government's rights, it is not his duty to interfere and correct such defects. The reasons which led His Excellency the Governor-General, in exercise of the powers conferred upon him by Section 81 (3) of the Government of India Act to assent to the Act are given in the following statement :

“ In view of the large number of memorials which have been addressed to the Governor-General in regard to the Madras Hindu Religious Endowments Act, the majority of which prayed His Excellency to withhold his assent, and, in view of the difficulty of sending individual replies to the various memorialists, His Excellency considers that it is desirable that he should make a public announcement of the reasons why he has now assented to the Act.

“ The large number of memorials received and variety of the arguments advanced therein and by the deputations which waited upon His Excellency in support of the contention that the Madras Hindu Religious Endowments Act should not become law have necessitated an anxious and careful consideration of the measure. In the first place, it has been urged that informalities occurred in the passage of the Bill through the Provincial Legislature. It has been rightly pointed out that during the passage of the original Bill amendments

were introduced which required the previous sanction of the Governor-General, under Section 80A (3) of the Government of India Act, and that such sanction was not obtained. The provision to that sub-section, however, enables the defect to be cured by the giving of assent. The amendments in question were not such as would have justified the refusal of sanction, and there is, therefore, no reason why the defect should not be cured by assent. In this respect the Bill was in no way exceptional. In the earlier days of the reformed constitution the new law of sanction laid down in the Government of India Act was not well known, and was sometimes ignored. But in no case has the Governor-General found it necessary on this ground to withhold his assent from an Act passed by a local legislature and assented to by the Governor. It is contended that inasmuch as a dissolution of Council took place after the Bill was first passed in April, 1923, there was no power under Section 81A of the Act to return the Bill for reconsideration by the new Council, and that in any case in the circumstances the whole Bill should have been thrown open to reconsideration. It has been suggested that the discussion in the Council was hampered by the terms of the Governor's message, in which he brought to the notice of the Council the amendments recommended by him, and by the President's rulings as to the scope and admissibility of the amendments at the last stage of the discussions on the Bill.

"The Governor-General, after a careful consideration of these arguments, is satisfied that in themselves they afford no ground for withholding his assent. His Excellency has arrived at the same conclusion in regard to the assertion that the Reservation of Bills Rules required that the Governor, instead of assenting to the Bill, should have reserved it for the consideration of the Governor-General. The rules referred to vest a discretion in the Governor as to whether a particular Bill is of such a nature as to require that it should be reserved. On the merits of the Bill the objections raised by the memorialists and by the deputations have been numerous and varied. It is unnecessary to deal with these in detail. It must be recognised that no measure is free from imperfections, or will satisfy all the sections of the community which it concerns. An Act must contain provisions vitally objectionable in principle before the Governor-General could consider himself justified in exercising his veto for the purpose of preventing the measure from becoming law.

"His Excellency has given his most careful attention to the representations which have been made to him in regard to the provisions of the Act. He cannot shut his eyes to the fact that there is a large amount of dissatisfaction and apprehension in regard to some portions of the Act, and he himself has doubts as to the suitability of some of its provisions. In particular he is unable to regard as satisfactory the procedure laid down for the modification of schemes already settled or deemed to have been settled under the Act. The measure, however, is one which was passed by a majority of the local Council of the Presidency, which included, in fact, a majority of the members of the community primarily affected. It was not to be expected that a measure of this importance would be enacted in the first instance in an unimpeachable form, and there would be no reflection on the action, either of the Minister who was responsible for the measure, or of the Council which passed it, if an amending Bill were to be introduced at an early date to remedy the defects, which have been made apparent as the result of the exceptionally close examination to which the measure has been subjected. His Excellency, therefore, being satisfied that the measure as a whole is a fair piece of legislation, and that there is an adequate remedy available in the local Legislature, whether on the motion of the Local Government or of a non-official member of the Legislative Council for the removal of defects in respect of which there is substantial agreement, has decided to signify his assent to the Madras Hindu Religious Endowments Act."

In January 1925 an extraordinary "Jareeda" was issued by H. E. H. the Nizam of Hyderabad regarding the repairs etc., to the Hindu Temples at Gulberga which, it might be remembered, were raided and damaged by a riotous Mahomedan mob during the Mohurrum festival in August 1924. The facts about the riot are as follows: Communal trouble which was brewing there for some time past developed on the day previous to Muhurrum when Idols of a Hindu Temple were taken in procession accompanied by music. The procession was obstructed by Mahomedans, but on the Police intervening nothing happened. On the following day, the day of the Muharrum, some Mahomedans accompanying the *Puja* procession molested Hindu men and women whom they met on the road, raided Sharan Vishveshwar Temple and set fire to the temple car. The Police were eventually obliged to fire and order was restored. On the 14th August, however, the muslim mob fury was at its height and almost every temple within the range of the mob, some fifty in number, were desecrated, their *Sanctum Sanctorum* entered into, their

idols broken and their buildings damaged. The Nizam's Jarreda is to the following effect ;—

“ In reply to a telegram from the Hindus of Gulbarga, requesting permission of H. E. H. the Nizam to repair their temples and carry on their worship in them, H. E. H. the Nizam has passed the following orders :—The estimate of the repairs calculated by the Government Officials comes to about Rs. 25,000 and the Government is prepared to carry out these repairs on their behalf or the Hindus can carry out the repairs themselves, but they will have to submit an account of the same to the Government. These repairs will be permitted to be carried out after the inhabitants have been consulted and their approval obtained so that in future riots will be avoided according to the Government Firman already issued on 29th Jamadi-ul-Awal, on the subject.

“ The Hindus have solicited permission to erect a crest (Kalas) on their big temple which is refused on the ground that there was no such crest before and besides this there is a Mahomedan sacred Durgah in Gulbarga where there are crests (Kalas) from time immemorial and in this condition to grant permission to erect a new crest (Kalas) is also prohibited by religion.

“ The only point now left undecided is to how to punish the mischief-makers and the accused in this riot case, which is submitted by the Commission and is still under consideration and will be decided shortly ”.

On the 12th January, after a trial lasting over a year, the hearing of the Babbar Akali conspiracy case concluded before Mr. Tapp, Additional Sessions Judge. After the Judge's summing up Rai Sahib Lala Bhagat Ram the first assessor, gave his opinion with regard to each item in the charge framed by the Judge on the 2nd June in which accused were alleged to have imported and possessed arms and ammunition and military stores into British India in contravention of the provisions of Section 6 of the Arms Act, and in such a manner as to indicate an intention that such act might not be known to any public servant; the possession of arms without license; an attempt to commit murder; causing grievous hurt and committing robbery and dacoity in pursuance of the conspiracy. The first assessors said that he was satisfied that it was proved that a conspiracy was entered into between Kishen Singh and several other accused towards the end of 1921 or the commencement of 1922 at various places in the eastern parts of Jullundur district. Those men went about making seditious speeches, warning the public not to help the Government by giving any kind of information regarding their movements, actions or propaganda. By their speeches they tried to create disaffection against the Government, with the object of fomenting rebellion, turning the British out of the Punjab and establishing a Sikh Raj in the Province and Swaraj in British India. That was the objective which they placed before the public. In March 1922 Kishen Singh was at Anandpur and there conspired to murder “ jholichucks ” (supporters of the Government). Thus, in his opinion, the conspiracy to murder loyalists was formed in the beginning of 1922. There was, however, he thought, not sufficient proof against 21 accused of being members of the conspiracy. The others (67 in number) were, in his opinion, all members of the conspiracy and were guilty of the offence with which they were charged. In his opinion also the approvers had given a substantially true story, with the exception of one prosecution witness, who had gone back on a statement previously recorded by the magistrate. He thought that the approvers' story had been amply corroborated and the confessions of the accused were all true and voluntary.

Syed Narazish Ali, the second assessor, expressed his entire agreement with the first assessor. The third and last assessor Lala Surjan Lal, said he agreed entirely with what the other assessors had said except that he was doubtful whether some of the confessions were not induced by promise of pardon. He was, however, of opinion that, excluding such confessions, there was sufficient independent evidence to convict the accused who confessed.

Ninety-one accused were put on trial before the Sessions Judge. Three died during the hearing of the case. There was insufficient proof, according to the assessors, against 21 accused. Thus 67 accused were found guilty by the assessors of the charges framed against them.

The Sessions Judge pronounced judgment on the 28th February. He found 54 accused guilty and sentenced five of them to death (Kishan Singh, leader of the Babbar Akalis, Babu Santa Singh, Nand Singh, Dalip Singh and one other), 11 to transportation for life and 38 to various terms of imprisonment ranging from seven to three

years, and three months' solitary confinement each, with fines. Thirty-four accused were acquitted.

The convicted accused, on hearing their sentences, raised loud shouts "Sat sri akal," while leaving the court room. Altogether 91 accused were put on trial before the Sessions Judge and three died during the progress of the case. The five accused who were sentenced to death were concerned in the following offences:—

Kishan Singh for being the chief of the conspiracy; Karam Singh and Nand Singh for the murder of Subedar Gainda Singh of Ghurial; Babu Santa Singh, one of the chief conspirators being responsible for one murder single-handed and complicity in several other murders, robberies and dacoities; Dalip Singh, a youth of 18, for several murders and other offences.

Of the 11 accused sentenced to transportation for life, five are considered by the Judge to be leading members of conspiracy to commit murder.

Of the remaining six three are concerned in murder and dacoity at Nangal Shaman, two are concerned in the Jailia dacoity and the murder of the dewan and one is concerned in the murder of Subedar Gainda Singh of Ghurial.

Concluding his judgment the Sessions Judge remarked:—"The acquittal of the 34 accused should not, I think, be taken as a reflection on the investigation. In a case of this nature the responsibility of distinguishing between acts and conduct constituting conspiracy and those constituting harbouring has, perhaps, been rightly left to the Court. A little more discrimination might possibly have been exercised by the committing Magistrate, but this is seldom done."

We have detailed in full length in our previous issue the appalling riot that took place in Kohat on the 9th and 10th September 1924. Negotiations to bring about a compromise between the communities fell through on the 19th December, since the Hindu refugees were unable to agree on many important points which had been left undefined in the Draft Agreement. Subsequently, however, on the 12th January 1925 the Hindus and Mahomedans of Kohat signed a reconciliation agreement of which the following is the text. This was published in the Kohat newspapers on the 14th January and was laid on the table of the Legislative Assembly by Mr. Denys Bray on the 26th January. The agreement was signed by the Deputy Commissioner and by the representatives of the communities concerned.

"We, the representatives of the Moslem, Hindu and Sikh communities of Kohat, being desirous of effecting a settlement of all matters among the various communities connected with the Kohat disturbances of September, 1924, hereby agree as follows:—

"(1) That all criminal cases connected with the Kohat disturbances of September 1924 be dropped and given up, and no criminal cases of any sort be put forward in the guise of civil suits against one another, either individually or as a community.

"(2) That the Hindus, Sikhs and Moslems will raise no objection and put no obstacle in the way of the restoration and reconstruction of their respective places of worship which existed before the disturbances, provided that the gurdwara at the spring near the Fort shall be reconstructed kacha and single-storied on its old site, and no encroachment or extension shall be made in its area. In future the building and the use of this gurdwara shall be subject to the orders which already exist.

"(3) That the Moslems, Hindus and Sikhs will give one another full and genuine assistance in restoring to its owner any property seen and clearly identified by the owner to be his, and for which he can offer clear and legitimate proof.

"(4) That the Moslems, Hindus and Sikhs sincerely assure one another that there will be no organised boycott due to the disturbances on either side in the Kohat city or its suburbs, and that every effort will be made to maintain friendly relations with each other."

NOTE.—(1) The case of the pamphlet under Sections 153A and 505, I. P. C. already taken up by the Government, is left to the justice of the Government; and (2) the case Crown (through Mahomed Afzal Khan of Garbi Mawas Khan) versus Jalal, Nisar, Naqsbad, etc., of Hezadi, Chikarkot and Kharmatu under Section 307, I. P. C., is excluded from this agreement, and this case may be decided by a Council of Elders.

In view of the reported reconciliation agreement all those who were arrested in connection with the Kohat riots, except Jiwan Das, publisher of the alleged offending pamphlet, were released on bail.

The Howrah Bridge Bill, to provide for the construction, maintenance and control of a new Bridge across the river Hooghly between Calcutta and Howrah was introduced in the Bengal Council by the Hon. Mr. A. K. Ghuznavi on the 27th August 1924. Mr. Nalini Ranjan Sarkar moved an amendment recommending that the Bill be

**Howrah Bridge Scheme.** circulated for eliciting public opinion. This was carried by the council and the Government forwarded the Bill to the Calcutta Corporation for opinion. The following is the report of the Corporation Committee on the Bill which was issued on the 12th January.

Regarding the submission that the bridge is primarily a civic necessity the report states that if this is so the best decision regarding the type of bridge should be left to the people of Calcutta and Howrah. "There is no doubt that if the choice is left in the hands of the people they will declare in favour of a floating bridge. Further, it is impossible, under the present state of their finances, for the Corporation of Calcutta and Howrah to contribute any sum whatever, directly or indirectly, towards its cost. The Calcutta Corporation is already committed to the expenditure of nearly Rs. 3 crores towards its water-works extension scheme. There is every possibility of its having to spend a further crore on its drainage problem. It has a statutory obligation to spend Rs. 3 lakhs annually on added areas, and Rs. 1 lakh on primary education. Further expenditure is likely on improving the sanitation of the city proper as well as the added areas, the solution of the milk supply problem, and similar other crying necessities."

In support of the contention that a Cantilever bridge is not a necessity at present the committee state:—"The proposed bridge over the river at Bally provides one of these reasons. It is believed that the Bally bridge scheme has now so far advanced that it only awaits the sanction of the Government. If the scheme is for the construction of a combined railway and road bridge, it has a very important bearing on the Howrah Bridge scheme. The Railway Board is going to build this bridge at an enormous cost, which will be entirely borne by the Government of India. When this bridge is constructed a large proportion of the vehicular and goods traffic that goes over the present bridge will be diverted, with the result that the traffic along the Howrah Bridge will be reduced to a considerable extent."

The Committee finally recommended the construction of a floating bridge. They recommend that if necessary the Government of India should be approached with the request that the bridge at Bally should be a combined railway and road bridge. It is also suggested that the Port Commissioners and improvement Trust should each contribute Rs. 2 lakhs per annum towards the cost of the construction of the Howrah Bridge and that the Government of India should also be requested to make an annual contribution of Rs. 5 lakhs towards the cost, because among other things the new bridge will improve the port of Calcutta, from which the Imperial Government derives a large amount of revenue.

"The following resolution was issued on the 22nd January, by the Finance Department, Govt. of India:—"The Government of India have had under consideration the best method of giving effect to the wishes of the Legislature in connection with the institution of a general economic enquiry in India. They have come to the conclusion that before any wider enquiry can usefully be inaugurated, it is necessary to collate and examine the existing material to ascertain how it can best be supplemented, and to determine what lines an economic enquiry into the resources of the country should take. They have accordingly decided with the approval of the Secretary of State to appoint immediately a small committee for the purpose consisting of the following gentlemen who have consented to serve on it:—Sir M. Visvesvaraya (Chairman), Rai Bahadur Pt. Hari Kishan Kaul (member), and Mr A. R. Burnett Hurst (member and secretary).

**Economic Enquiry Committee.** "The following are the terms of reference to the committee :

"To examine the material at present available for framing an estimate of the economic condition of the various classes of the people of British India, to report on its adequacy, and to make recommendations as to the best manner in which it may be supplemented, and as to the lines on which a general economic survey should be carried out with an estimate of the expenditure involved in giving effect to such recommendations".

Several important changes in the constitution and service of non-regular military forces in India have been recommended by the Auxiliary and Territorial Forces Committee, appointed at the instance of the Assembly and presided over by General Sir John Shea. The report is unanimous, though Colonel Gidney has a small note relating to the position of Anglo-Indians.



The Committee regard the functions of the University Training Corps as primarily educational and of the Territorial Force as a means of imparting military and patriotic ideals in order to lay the foundations upon which a National Army could be built up. The Committee however consider that the growth of a national military spirit should not be forced by the application of compulsion and the Corps should not have any liability for military service. Members of the University Corps should be drawn from the staff and students of Universities and Colleges as at present and not be subject to any arbitrary limitation and must expand up to their natural limits. The military authorities should place no obstacles in the way of universities or colleges forming contingents of the Training Corps, provided the educational authorities guarantee a fixed minimum of members and provide suitable officers. All members of a university or college, regardless of race or colour, are eligible for enrolment in the Training Corps, whose officers should on first appointment receive commissions as Second Lieutenants on the special list of the Territorial Force, or in the case of Europeans and Anglo Indians, on the list of the Auxiliary Force, they being paid as such for any period spent in camp or at a course of instruction.

Regarding the Territorial Force, the Committee suggest that its units should be organised in every respect on the same lines as those of the regular Indian Army, while the Auxiliary Force should be organised as regular British units. Both the Territorial and the Auxiliary Forces must be liable for general military service, both within and without the borders, including service in aid of the civil power, this liability being enforceable only in emergency and under the special orders of the Governor-General-in-Council.

The Territorial Force must be of two classes, one recruited from rural areas as at present and the other from urban areas in order to give an opportunity to the educated classes, the system of training being the same as that in vogue in the Auxiliary Force. In the course of time recruitment to the urban battalions must be limited to those who had previous military training in the University Corps. The Committee suggest that the minimum period of training must be three months in the first year and two in subsequent years, instead of a limited number of days now, and when the provincial battalions had attained a higher standard of efficiency an attempt should be made to raise a few cavalry squadrons in those districts where it is possible to recruit men who could be trained for six months in the first year and three months in subsequent years. The Territorial Force should not be expended beyond the limits of a second line force of strength and no expansion of the Auxiliary Force is necessary at present.

The Committee recommend that an employer who places hindrance in the way of his employee carrying out his training in the Force should be liable to punishment as in Australia. Adequate concessions are proposed for the Auxiliary and urban units of the Territorial Forces in the shape of allowances to cover actual out-of-pocket expenses in connection with parades and salary for days spent in camp. In the case of provincial battalions additional remuneration is proposed in view of the rigorous character of their service. Platoon commanders in the Territorial Force should get Viceroy's Commissions in the ranks of Jemadar and Subedar, etc., but not Honorary King's Commissions in addition, while officers of the higher grades in the Territorial Force and members of the Auxiliary Force should get Commissions as Second Lieutenants, Lieutenants and Captains, granted by the Governor-General in the name of the King, as in the Canadian Militia. The Committee suggest the expansion of the Advisory Committees and wide responsibility for recruitment, the Local Governments to be consulted before raising a new unit.

The Auxiliary Force must be confined to British subjects, Anglo-Indians eligible to enrolment in this occupying the same privileges as British subjects of pure European descent. The Committee consider that if their proposals are accepted regarding liability for service, general treatment and the form of commission, there will exist between the Auxiliary Force and the Territorial Force no distinction based solely upon race to which any reasonable exception could be taken. The Committee is assured that expenditure upon the improvement of the Territorial Force on sound lines would meet with no opposition from the Indian taxpayer and observe that any increase in expenditure must not be allowed to prejudice the strength and efficiency of the Regular Army.

Colonel Gidney, in his note, objects to arbitrary conscription on some railways and pleads that those Anglo-Indians eligible to join the Auxiliary Force must enjoy the same privileges as European British subjects in criminal trials.

The Civil Justice Committee was appointed "to enquire into the operations and effects of the substantive and adjective law, whether enacted or otherwise, followed by the courts in India in the disposal of civil suits, appeals, applications for revision and other civil litigation (including the execution of decrees and orders), with

a view to ascertaining and reporting whether any and what changes and improvements should be made so as to provide for the more speedy, economical and satisfactory despatch of business transacted in the courts and for the more speedy, economical and satisfactory execution of the processes issued by the courts".

The Committee consisted of Mr. Justice G. C. Rankin, of the Calcutta High Court (Chairman), Mr. Justice Louis Stuart, of the Allahabad High Court, Dr. F. X. DeSousa, Barrister, District and Sessions Judge in the Bombay Presidency, and Dewan Bahadur Sir Tirumalai Desika Achariyar Avargal, Vakil, Trichinopoly. The report is signed by these members as well as by Sir Tej Bahadur Sapru and Mr. H. P. Duval, I.C.S., who were coopted on the Committee for the purpose of considering the report at the close of investigation. In each province the Committee visited two or three practising lawyers who were also coopted as temporary members.

The report was published on the 19th March having been signed on the 2nd January last. The Committee opened its sittings on the 4th February, 1924, and continued them at the chief centres of the administration of justice in British India, until the 12th September, 1924. It examined during this time no less than 373 witnesses, and received written memoranda from various public bodies and individuals. The balance of the time subsequent to mid-September was occupied by the compilation of the Report.

The committee, while making a survey of delay in the disposal of suits, point out that the situation is serious in Bengal, Assam, Madras, Bombay and Sind. They refer to a suit in the United Provinces, in which there were over 1,000 defendants, and to another suit in the Punjab where there were over 1,100 defendants.

The committee severely condemn the methods of receiving and checking plaints, the issuing of summonses and the preparation of cause list, but point out that the mass of arrears took the heart out of the presiding officers, in the mofussils leading to a lack of proper supervision and laxity in several other directions. The committee even discovered instances where judgments had not been delivered until a year after the arguments had been heard. There was no advantage in taking up the time of already overworked presiding officers in recording evidence on commission and the committee recommend in their place appointment of qualified pleaders with the powers of a court. As another means of giving relief to district judges, the committee suggest alterations in the jurisdiction of lower courts and devolution of work, besides an increase in the number of courts in places where the existing courts are overworked and undermanned. In particular, the committee recommend the development of village tribunals and investing them with jurisdiction for the trial of suits up to the value of Rs. 100.

The evil of touting is proposed to be controlled by proclaiming it a penal offence and amendment of the Legal Practitioners Act is suggested, providing for reasonable and just remuneration to both senior and junior pleaders in important cases instead of leaving the latter's remuneration to the grace of the senior. The committee approve of the suggestion for the appointment of registrars in district head-quarters to relieve the district judges of administrative and miscellaneous duties, and to act as heads of unified offices of all the courts situated in district head-quarters.

Touching on the recruitment and training of judicial officers, the committee emphasise that the possession of a law degree should be made an indispensable condition of appointment and suggest a scheme of selection from among nominated candidates. As regards district and sessions judgeships the committee base their recommendations on the assumption that for many years to come a larger percentage of them would be recruited from the Indian Civil Service cadre and remark that the evidence points to the necessity of more intensive legal training during the probationary period. It is, therefore, proposed to place the young civilian in entire charge of munsifs and subordinate judge's court during a certain period of his training, so that he might familiarise himself with execution work and administrative duties before being appointed as district judge. A certain number of civilians, the committee understand, have availed themselves of the concessions by way of bonus for the prosecution of legal studies at the Inns of Court and returned to India after completing the course.

Commercial litigation was on the increase in the Punjab, Delhi, Bombay, the United Provinces and Burma and provision must be made in places like Delhi, Amritsar, Cawn-

fore and Ahmedabad for reasonable number of officers to ensure commercial cases being disposed of without delay and with satisfaction of the business community. The committee, therefore, recommend the training of selected officers in the courts of presidency towns where commercial cases are handled, provided the local Governments concerned cannot, on financial grounds, depute to England selected officers for training in commercial law and practice.

The committee recommend a total abolition of the practice of granting injunctions to restrain arbitration proceedings because arbitration should, in their opinion, be encouraged as much as possible.

The committee feel unable to favour the proposal to establish in Calcutta a city civil court on the analogy of Madras, either on grounds of economy or expedition, because cases affecting immovable property should be determined only in the High Court. As for Bombay, there was a bill prepared by the local Government with the object of granting extended jurisdiction to the Bombay small causes court and thereby relieve congestion of work in the High Court. But the committee advise postponement of this drastic alteration as there is a prospect of reduction in work. Regarding Rangoon also the committee discountenance the establishment of a civil court and observe that so long as two High Court judges are coping with first instance work the preference of the commercial community of Rangoon for the present system should be respected. But the committee suggest relief by the introduction of remitted actions on the analogy of the English system. No High Court judge who has accumulated about ten reserved judgments ought to sit in court until he has disposed of them, because to argue new cases before him would be to address oneself to a mortgaged mind.

In case trial courts and first appellate courts cannot be substantially strengthened the committee would suggest a restriction of *Letters Patent* appeals arising out of second appeals and a change in the form in which second appeals are to be scrutinised, besides an obligation on the part of the appellant to deposit a fixed sum as security for the respondent's costs. It was conceivable that the requirement of security might exclude a good appeal, but failure to impose such requirement would in many cases end in the failure of the respondent to reconp his costs.

The committee recommend that facilities should be increased for the payment of decrees to the court of decree-holder by money order. Such a procedure would limit disputes as to payment.

The committee emphasise the importance of inspections by High Court judges in districts so that personal guidance might be given and officers responsible for idleness or perversity dealt with suitably. The duties of registrars in High Court should be extended in order to relieve High Court judges of a portion of administrative work, when possible, and no person should be appointed as registrar unless he had considerable experience as a civil judge.

The committee remark that the project of codification of Hindu law could not be rejected as impracticable from the legal point of view, provided an attempt was made by stages.

Justice Stuart, Sir T. Desikachari and Sir Tej Babadur Sapru, in a note, condemn the *benami* system as one that cannot brook reasoned scrutiny and propose a rule to prohibit all pleas couched in order to let in proof of the unreality of duly executed and registered instruments. On the other hand, Justice Rankin, Mr. DeSouza and Mr. Duval do not favour the proposal as they are not satisfied that the expected results would be obtained.

The committee then examine the general conditions of work in various High Courts in all their aspects and make running criticisms along with their minor recommendations. These and other major recommendations contained in the report are classified into groups so as to help in legislative action being taken thereon or other effect being given to them.

The Coal-Committee was appointed to inquire and report generally on "what measures can be taken by Government, the coal trade, the railways and ports, whether singly or in combination, to stimulate the export of suitable coal from Calcutta to Indian and foreign ports, and, in particular, whether effective measures can be taken for the

pooling and grading of Indian coal for export and for bunkering, and how the cost of such measures should be met."

The Committee consisted of Mr. Noyce (President), Sir Rajendranath Mukherji, Messrs. F. G. Legge, S. C. Stuart Williams, J. W. A. Bell, H. A. F. Whitworth, W. C. Banerjee, and Mr. H. P. V. Townend (Secretary).

As regards quality the Committee consider that the best Indian coals can compete in any market in the East, but for much competition to be effective only the best coals should be exported, and particular care should be taken so as not to allow the overseas purchaser to be misled as to the precise quality of the coal to be delivered. Except at Rangoon and Madras, Indian coal could hardly hope to compete in overseas markets if its pithead price was higher than Rs. 2 to Rs. 2-8 as. for Singapore, Rs. 5-4 as. for Colombo, and Rs. 5 for Bombay and Karachi. Rs. 5 per ton might be taken as the average raising cost for the Jharia field and Rs. 6 per ton for the Raneeganj field.

The prohibition of female labour would have serious effects on raising costs and under the condition there was no possibility of any reductions in wages. Increased use of mechanical appliance for coal cutting would not reduce raising costs, unless it were accompanied by an improvement in raising and railway facilities, which would permit of an increased output. Two methods of reducing costs were an increase in output and avoidance of stacking. If stacking were avoided at least eight annas per ton on total output of coal could be saved.

Bally Bridge should be constructed with the least possible delay and the possibility of its being used by the Bengal-Nagpur Railway should be further examined. Various suggestions are made for the improvement of Railway facilities. The working expenses on both the East Indian and the Bengal-Nagpur Railways have increased, in the opinion of the Committee, by a very much higher percentage than their receipts on coal. The difference between the present rates charged on export in India and South Africa was favourable to Indian coal. No statistical case could be made out for reducing railway charges on coal, but such reduction should be made on general grounds. On these grounds the Committee recommend raising the rebate on export coal from 25 to 37 and half per cent. The grant of a rebate on export coal was preferable to that of a reduced rate.

Preferential wagon supplies should be restricted to loco coal, including coal for inland river navigation companies, to coal for works of public utility and to certified coal for export, the balance of wagons available being distributed to the collieries on a proportionate basis. This system should be brought into force as soon as possible, but at least six months' notice of the proposed change should be given to the coal trade and to consumers.

When the post of Coal Transportation Officer is abolished, a whole-time railway officer should be appointed to facilitate the movement of export coal. If facilities for the movement of coal at the Docks were improved to the extent recommended by the Port Commissioners, it should prove sufficient to deal adequately with any extension of the existing coal traffic, which could be regarded as probable in the near future. The question of the most suitable type of mechanical loading appliances for Calcutta should be investigated at an early date by an expert committee, which should report on the best type of mechanical loading plant adapted to all types of open wagons. The committee should also investigate the possibility of using shoots for coal loaded by hand. The financial conditions of the Port of Calcutta were not such as to justify a drastic reduction of charges on coal. No statistical case for reducing the present level of charges could be established, but a reduction should be made on general grounds. This reduction should take the form of a reduction of four annas in river dues on certified export coal. Steamer freights for coal could not in the present basis of working steamers be considered excessive. There was no prospect in the near future of a reduction in rates of freight on coal from Calcutta.

It would be very difficult for individual exporters of Indian coal to establish themselves in overseas markets, owing to the bad repute into which all Indian coal has fallen. A grading board should therefore be immediately established which would grade collieries which produced coal for export and would arrange the issue of certificates for each consignment of coal exported. The most suitable constitution of the grading board would be the Chief Engineer, Mining Board, as Chairman; representatives of the Indian Mining Association and the Indian Mining Federation, one nominee each of the Bengal Chamber of Commerce and the Bengal National Chamber of Commerce. The last two members would represent the consumers' interests on the board.

Exporters of coal to Bombay should be prepared to submit their coal to analysis when selling to consumers in Bombay. The pooling of coal for export was impossible in India and propaganda was necessary by the exporters of Indian coal at overseas ports.

Mr. W. C. Bannerjee, Vice-Chairman, Indian Mining Federation, and one of the members of the Committee, in his valuable dissenting minute

#### Minute of Dissent.

to the report says: "As I review the situation the only distressing conclusion to which I am disposed to be driven is that Government themselves did not realise the grave injury which the loss of foreign market

meant for the Indian coal trade. In the press communique, dated 25th November, 1922, in which provisional decision of the Government to withdraw the embargo was announced the significant observation was made that "a comparison of the prices of coal in Singapore and Colombo with those of similar qualities for Calcutta rendered doubtful whether any large export trade will be possible." It would seem that the Government deferred the withdrawal of embargo till they were satisfied that the disparity of prices of Indian and foreign coal was sufficiently wide to render the recovery of export market by Indian coal an extremely unlikely and problematic proposition. The Indian Coal Export trade was cut off at a moment when it reached its highest point, and it is the effect of this one severe blight which is still writ large on the present depressed state of the trade.

"I entirely dissent from the view that quality was an important factor in the loss of market already sustained or is even to-day the dominating factor in the coal export situation. Owing to a boom in industrial activity, as also the increased bunkering demand owing to a large volume of tonnage entering the Indian ports in the year 1919 and 1920, the coal prices in these years were naturally high and the shippers who were often middlemen had no doubt to make up the composite cargo and ship a mixture of different grades of coal in order to adjust prices. But it is idle to argue that the coal trade would have allowed the valuable port markets to go out of his hands by continuing to supply coal of unsatisfactory quality. I am prepared to give the Indian coal trade credit for that much of good sense that it would have made the best endeavour to improve the quality of coal directly, it were obvious that their market in the centres of competition was seriously imperilled. In fact, when the shipments were resumed after the withdrawal of embargo, the coal trade gave special attention to the quality of coal shipped. It is useless to argue on the intrinsic value of the best grades of Indian coal. It is enough to recognise that Indian coal except of the very lowest grade is good enough for all ordinary kinds of consumption. This being so, it appears to me that the problem of recovery of export market by the Indian coal trade is the problem primarily of price and then of quality. It is my view that my colleagues have overstressed the aspect of quality to absolutely unwarranted proportions."

A Govt. of India Home Department Communique issued on the 20th March states that the Secretary of State for India, with the concurrence of a majority of votes at a meeting of the Council of India held on the 10th February, 1925, has made the following amendments in the Government Servants Conduct Rules, namely, for Rule 2 of the said Rules the following shall be substituted :

"(1) Save as otherwise provided in this Rule a Government servant shall not, except with the previous sanction of the Government of India, (a) accept directly or indirectly on his own behalf or on behalf of any other person, or (b) permit any member of his family so to accept, any gift, gratuity or reward, or any offer of a gift, gratuity or reward from an Indian.

"(2) The head of a Government or administration, or a political officer may accept a ceremonial gift from an Indian prince or chief if the gift is such that a return present will be made at the expense of the Government. A gift so accepted shall be deposited in the Government toshakhana.

"(3) Any Government servant may accept from any Indian a complimentary present of flowers or fruit or similar articles of trifling value, but all Government servants shall use their best endeavours to discourage the tender of such gifts.

"(4) Any Government servant may accept, or permit any member of his family to accept, from an Indian who is his personal friend a wedding present of a value which is reasonable in all the circumstances of the case, and which in the case of a wedding present offered to a European Government servant, or to a member of his family, does not exceed Rs. 200. All Government servants shall use their best endeavours to discourage the tender of such presents, and such acceptance or permission shall be reported to the Local Government, and, if the Local Government so requires, the present shall be returned to the donor.

"(5) If a Government servant cannot without giving undue offence refuse a gift of substantial value from an Indian, he may accept the same, but shall, unless the Government of India by special order otherwise direct, deliver the gift to the Government.

For Rule 4 of the said Rules the following shall be substituted :

"(1) A Government servant shall not, save with the previous sanction of the Local Government, receive any trowel, key or other similar article offered to him at a ceremonial function, such as the laying of a foundation stone or the opening of a public building.

"(2) A Local Government may delegate its power of sanction under sub-rule (1) to Commissioners of divisions, or in the Madras Presidency to the Board of Revenue.

"(3) Nothing in sub-rule (1) shall be deemed to apply to the head of any Local Government or administration, to any member of the Governor-General's or a Governor's Executive Council, to the Commissioner in Sind, to the members of a Board of Revenue, to a Financial Commissioner or to any Judge of a High Court."

The Political Secretary, Alwar State, issued the following State report on the firing that took place in Alwar early in June:—"Distorted and grossly exaggerated accounts of the recent occurrences at Nimuchana, in the Alwar State, have recently appeared in certain papers. Prominence is given to these mischievous perversions of facts, evidently produced by interested parties. His Highness's Government, therefore, consider it desirable to publish an authoritative contradiction in order to dispel any erroneous impressions that may have been created by them. The facts are as follows :

"For some months past persistent attempts had been made by agitators to stir up disaffection among the Rajput cultivators of Bansur and Thanagazi tehsils of the State. The ostensible cause of the agitation was dissatisfaction with the terms of the recent settlement, but there is reason to suppose that it was in reality instigated by some agency outside the State. Meetings of an inflammatory nature were held, contrary to the State regulations, but these were not prevented by the State in the hope that the malcontents would eventually ventilate their grievance, real or imaginary, in a constitutional manner. Not a single application has, however, been received by His Highness to this day, and when two brief telegrams were received, purporting to emanate from the so-called Rajput Committee in the two affected thasils, His Highness then deputed a commission to make enquiries on the spot.

"Two attempts were made by sending State officials to summon the agitators before the commission, but they declined to appear in order to avail themselves of the opportunity so afforded of submitting any representation they desired to make to the State authorities. They persisted in their attitude of open defiance and continued to collect arms and to hold disloyal meetings. On the return of the commission from their fruitless errand, the leaders of the movement were summoned to Alwar, but they refused to come. Every attempt was again made to persuade them to desist from their undesirable attitude but with no effect.

"Subsequently, news was received that they were convening another meeting, to be held on the border of the Alwar and Jaipur States. Cultivators were enjoined to come in large numbers with arms and were threatened with caste excommunication and the use of force if they failed to attend. His Highness's Government immediately issued notices forbidding the meeting and warning the cultivators not to take part in this or other disloyal meetings, but to ventilate their grievances in the constitutional way.

"In spite of these instructions a meeting was held at Nimuchana, where a quantity of arms and stores had been collected. It was openly declared that any action on the part of the State would be resisted by force of arms.

"At this stage His Highness's Government were reluctantly compelled to take steps to arrest the leaders. The Sessions Judge and the Inspector-General of Police were instructed to proceed to the scene of the trouble and a detachment of State troops was sent with them. On arrival at Nimuchana, where the disaffected cultivators, armed with guns, swords and other weapon, had gathered in force, prolonged and repeated efforts were made to bring these persons to their senses by reason and persuasion. Finally, the Sessions Judge definitely ordered the men to disperse and warned them that if they failed to do so force would be used. The men refused to comply with the order and declared that they were prepared to kill, or be killed. The Sessions Judge then instructed the troops to surround the village, and still further attempts at persuasion were made, but the cultivators advanced to within dangerous proximity of the troops and some of the mob fired.

"There was then no alternative but to give the order to return the fire. A few rounds were fired, the resulting casualties being two killed and four wounded, of whom one more died subsequently. Thirty-three persons were arrested, and possession was taken of the large quantity of arms and ammunition. Before the troops entered the village a few huts caught fire, probably from the powder of the muzzle-loading guns used by the mob, but certainly from no deliberate action on the part of the State officers or men to set fire to the huts, as suggested in some of the reports spread by malicious persons. Prompt help was rendered to the wounded and compensation was ordered to be paid to villagers whose huts were destroyed. An enquiry is now being instituted to ascertain the origin and the cause of the agitation, and further opportunity is being given to the loyal cultivators, who may consider that they have grievances, to represent before the officers conducting the enquiry.

"There has been apparent delay in issuing this statement which is principally due to the following causes: (1) That His Highness's Government did not desire the misdeeds of a few of His Highness's subjects to be advertised publicly, and hoped that this would eventually not be necessary: (2) that the editor of the "Pratap" of Cawnpore visited Alwar and without permission, proceeded to the scene of the incident, where he was recognised and brought back as, after having published the grossly exaggerated and falsely concocted statements he could scarcely expect the State to show him the courtesy of being taken round. He was, however, shown some of the arms and ammunition collected in Alwar, and was also allowed to make certain observations for himself, upon which he stated that he was surprised at the statements made in his paper, and that he would proceed to contradict them. As these contradictions have not so far reached His Highness's Government, and other papers have evidently taken the lead from the "Pratap" it has now become imperative in the interests of His Highness's subjects to publish a contradiction of the false accounts."

On the 8th February 1924 a resolution was moved by Diwan Bahadur Rangachariar recommending an early revision of the Government of India Act with a view to secure for India full self-governing dominion status within the British Empire and provincial autonomy in the provinces. An amendment to this resolution was moved by

**Reforms Enquiry  
Committee**

Pandit Motilal Nehru suggesting the summoning at an early date of a Round Table Conference to recommend, with due regard to the protection of the rights and interests of important minorities, the scheme of a constitution for India; and after dissolving the Central Legislature to place the said scheme for approval before a newly elected Indian Legislature and submit the same to British Parliament to be embodied in a statute.

The resolution as amended was adopted by the Assembly on the 18th February 1924, 76 non-officials voting for and 48 voting against. In the course of his final speech delivered on the same day, the Hon'ble Sir Malcolm Hailey indicated that the Government were prepared to institute an enquiry. "If our enquiry," he said, into the defects of the working of the Act shows the feasibility and the possibility of any advance within the Act, that is to say, by the rule-making power provided by Parliament under the statute, we are willing to make a recommendation to that effect, but if our enquiry shows that no advance is possible without amending the Constitution, then the question of advance must be left as an entirely open and separate issue on which the Government is in no way committed. To that extent the scope of our enquiry goes somewhat beyond that originally assigned to it, but I must again emphasise the fact that it does not extend beyond that scope to the amendment of the Constitution itself."

This debate was followed by the appointment of an official Committee for the purpose of examining the Government of India Act and its working and of exploring the possibilities of amendments calculated to lead to improvements in the working of the machinery.

The circumstances under which this Committee was constituted and its personnel and terms of reference have been set forth in the last issue of the Register (see 1924 Vol. I p. 541). The Committee began its work on the 4th August 1924 and held the first public sitting to hear evidences on the 7th (see 1924 Vol. II p. 40). The hearing of evidences continued up to 24th October. The final report was issued in March 1925. In the following pages we give an exhaustive summary of both the Majority and Minority Reports.

# Reforms Enquiry Committee Report

(For Earlier History See Register 1924, Vol. I p. 541 & Vol. II p. 40).

The motive for appointing a Committee to inquire into the working of the Indian Constitution of 1919 was two-fold. It was intended to call the bluff of the Swarajya Party Election manifesto of October, 1923, and at the same time to test the complaints that were being made almost universally by Indian well-wishers of the Reforms, whose friendliness and moderation of temper could not be questioned that the Reformed Constitution was failing and could not be made to serve satisfactorily its intended purpose as a training school for responsible Government.

The Swarajist Election manifesto declared :—

“ The Party believes that the guiding motive of the British in governing India is to serve the selfish interests of their own country, and the so-called Reforms are a mere blind to further the said interests, under the pretence of granting responsible Government in India, the real object being to continue the exploitation of the unlimited resources of the country by keeping Indians permanently in a subservient position to Britain by denying them at home and abroad the most elementary rights of citizenship.”

The manifesto was disingenuous, because there were among those who framed it men who had known Lord Minto or Lord Morley, Lord Hardinge or Mr. Austen Chamberlain, Lord Chelmsford or Mr. Montagu, or had known enough of their record to know them not only incapable of the duplicity and stupidity imputed to them, but as themselves convinced and warm adherents of the policy of Indian self-government, who had in the face of great difficulties and obstructions, done their best to build the road towards its attainment. It was silly, because even without such knowledge, no man of adult intelligence in public affairs could so misread political psychology or be misled by such misreading. It was paralytic, because it attempted, in policy an impossible straddle between the anarchism of Mr. Gandhi and political constitutionalism—constructive democracy. The inherent ricketiness of its programme (combined with Mr. C. R. Das's flirtations with Bengal terrorism) has not failed to develop itself during the last fifteen months in indicating dissensions and confusion in the counsels of the National Congress parties.

The Reforms Enquiry Committee was requested—

“ To enquire into the difficulties arising from or defects inherent to the working of the Government of India Act and the Rules thereunder, and to investigate the feasibility and desirability of securing remedies for such difficulties or defects, consistent with the structure and policy and purpose of the Act.”

They presented two reports, one signed by the three English members, with Sir Mahomed Shafi (member of the Council of State) and the Maharaja of Burdwan (who also in a personal report expressed an intermediate opinion), the other by the four remaining Indian members. There is little substantial discrepancy between the recognition on which rest the criticisms of the two sections as to difficulties and defects, though the emphasis laid on them differs. The majority observe that the Minority deal with some matters which they had felt themselves precluded from considering by the terms of the reference, and therefore did not allude to. The Minority say that they felt at the outset that, though it was open to them to examine a wide field, so far as inquiry was concerned, in the matter of remedial proposals their scope was limited by the language used in the reference; but that



whilst the remedies they were competent as a Committee to recommend must consist with the structure, policy and purpose of the Act, or be addressed to the remedy of administrative imperfections they had held that if the inquiry showed that such remedies would not lead to any substantial advance, they were not precluded from indicating their views to that effect. The minority had warrant for this attitude in the words used by Sir Malcolm Hailey in announcing the proposal of an inquiry :

"We do not limit ourselves to demanding that the system should be further tested. We propose to make a serious attempt to investigate justifiable complaints against the working of the scheme in practice, to assess the causes and to examine the remedies necessary. We claim that this must precede any general inquiry into the policy and scheme of the Act itself or general advance within the Act.

"If our inquiry into the difficulties of the working of the Act shows the feasibility of any advance within the Act, that is to say by use of the rule-making power provided under the Statute, we are willing to make recommendations to that effect, but if our inquiry shows that no advance is possible without amending the constitution, then the question of advance must be left as an entirely open and separate issue, on which the Government is in no way committed."

While the Majority refrained from the expression of any such opinion, they quote, with apparent concurrence, the judgment of the Governor-in-Council of the United Provinces that the "partial dyarchy" of the Reformed constitution is "a complex confused system, having no logical basis, rooted in compromise, and defensible only as a transitional expedient." They accord to the Reform constitution the very moderate testimonial that, whilst the period during which it has been enforced has been too short to enable a "well-founded opinion as to its success" to be formed, the evidence furnished to them was "far from convincing them" that it had failed. Turning to the report of the Government of the United Provinces quoted above, we find that the conclusion of Sir William Marris and his Council on their whole inquiry was that there is no half-way house between the constitution which they so forcibly damn and a new constitution, and that concessions falling short of complete provincial autonomy will placate no section of the opponents of the existing system.

"It seems," they say, "to the Governor-in-Council that the difficulties and defects inherent in the scheme are quite incurable by any mere alteration of the Act or rules. The utmost that changes so restricted could do would be to oil the wheels of the constitutional machinery, they could have no effect on the general and permanent tendencies of the constitution itself."

This conclusion is not obscurely implicit in the report of the Majority, as it is explicit in that of the Minority.

The Majority make recommendations, from few of which the Minority expressly or unexpressly dissent, for enabling the constitution to be worked with less friction and greater efficiency. None of these recommendations really touch the inherent vices of the dyarchical constitution in regard to its main purpose of forming a training ground in the working of Parliamentary institutions. And it is these that it is most necessary to examine.

The Majority, after expressing those gloomy views of Dyarchy, proceed to say the best they can for it : and this is all they can say :

"A complex constitution like the dyarchy requires more particularly to be worked by reasonable men in a reasonable spirit, if deadlocks are not to ensue." (So, whisper the Minority, does any constitution whatever?) "The existing constitution is working in most Provinces, and it is giving a training ground in Parliamentary Government to the electorate, and also to the members of the Legislature and to Indian Ministers. If recently in some of the Provinces it has not achieved the expected measure of success, it is because it was not worked on the lines and in the spirit which were intended."

The majority express their opinion that except by some form of dualism it was not possible to afford an "equally" valuable training towards responsible Government in India "and still to safeguard those conditions upon which Government depends. This last phrase indicates what it was that determined the framers of the constitution to accept a scheme in which so many inherent faults were freely recognised at the time. They did not see how they could safely go further towards responsible institutions without losing the control which they deemed it then essential to retain in the hands of the Governments, pending further Parliamentary experience. This is an intelligible and arguable position, but it ought to be recognised that the kinks in the constitution which were introduced with a view to such safeguarding, may really have been, as the Minority and practically all Indian witnesses argue they are, destructive to the concurrent purpose of giving a training ground in Parliamentary Government.

The Majority attribute some of the difficulty in working the constitution to "the atmosphere in which it was introduced" but admit that "within the legislatures themselves there was at the commencement a spirit of goodwill." The Minority say :

"The very fact of the abstention of the advanced political party from co-operation in working the reform helped to give them a better start than they might have had, had the Swarajists entered the Councils. The minority, therefore, do not admit the theory that the reforms have not been given a fair trial, or perceive how they could have been worked in a better spirit if instead of men who offered to take advantage of them, others, frankly opposed, had entered the Councils. With the views these held at the time, reforms would have broken down at a very early stage. The atmosphere which prevailed outside the Councils was one of hostility to the Act.

The crucial Parliamentary defects of the constitution as a training ground for responsible administration (admitted, though not emphasised, by the Majority) are brought out very clearly by the Minority. The first is the inter-dependence of the administration of "reserved" and "transferred" subjects, and the mutual reactions of policy in regard to them.

The Minority add that Ministers can not be responsible solely to the Legislature, as the Parliamentary Joint Committee intended, because of the very real control that the Finance Department must exercise over all expenditure, and because the points of view of popular Ministers and of members of Executive Councils in charge of inter-current departments, who owe no responsibility to the Legislature and are steeped in official traditions, may and not infrequently do differ. In Madras and to some extent in one or two other Provinces, Governors have ignored the principles of the constitution, and treated both the responsible Ministers and the official heads of Department as constituting a single Cabinet. The Majority recommend that "joint deliberation" between the two sides of the Government on important questions should be definitely enjoined by a Rule. But this proposal, like the Madras practice, as has been repeatedly pointed out, is neither dyarchy nor responsible government: the responsibility of the Ministers to the Council must needs be in competition with their responsibility as members of a combined Cabinet, whilst there is no real responsibility of the other members of such a Cabinet to the Council.

In the present phase of politics the representatives of the electors must show as a whole the temper of an Opposition: if they do not do so they will be undercut by a new Opposition, as they were in the last

election, very largely, by the Swarajists. The Majority refer to this fact as showing misunderstanding by the Electors of the intention of Dyarchy, and need for their fuller education. The electors simply do not understand how any man can serve two masters. They still regard Ministers as Government servants. The functioning of the Councils under these circumstances is not and cannot be made a training for Ministerial Parliamentary responsibility, the Ministers not being Party leaders, however much it may be made a training for Ministerial administration, which is a different thing.

The Committee had verbal and written evidence from past or present Indian Ministers and Executive Councillors from all the Provinces. All of these (they include two Rajas) were men of selected ability and capacity in public affairs who had entered the Councils and taken office to support the Reforms and had personal administrative experience of their working. With the exception of three out of five ex-Ministers from Bengal, no doubt disheartened by the proceedings of the Swarajists in last year's Council, all these witnesses gave reasoned opinions varied but congruous, impossible to dismiss as negligible merely because the Governors in Council officially (for reasons not so clearly expressed) opposed their conclusions, that the experiment of dyarchy has already taught all that it can be used to teach, that it is impossible to work it satisfactorily, that it is condemned, not only by themselves, who have tried to work it, and by all politicians of all Indian parties, but by an increasingly pronounced popular feeling, due to its failure to fulfil popular expectations—that no mere alterations of Rules and Orders under the Act of 1919 can avert increasing difficulty and disorganisation in its administration, and that the time has come for attacking the consideration of further developments with a view to increased Provincial autonomy, and (less generally and emphatically) increased responsibility in the Central Government. If this opportunity is not taken, the situation, they are convinced will become yet more difficult.

The significance of these reports and these opinions cannot be ignored. The Minority urge that the constitution should be put on a permanent basis with provisions for automatic progress—that is to say, progressive establishment of Provincial autonomy according to the development of the Provinces, so as to secure stability in the Government and willing co-operation of the people. The Government ought immediately to take in hand the examination of the possibility. The Doctrine that because the Act of 1919 contemplated ten years of inaction in regard to reform, no motion should be made within that period is a futility which even the responsible spokesmen of the Indian Government have never themselves accepted. Indian politicians are critical and intelligent men, and reasonable men resent an irrational obstinacy, founded not on practical reasons, but on a formula. Formulas have no validity with Indian philosophy. If there are reasons against extension of responsibility, either because Indians are deemed incompetent or the electorate unfit to be enlarged, let them be frankly examined and stated, and the facts of the position faced. If matters are left as they are the Swarajist party will be returned in increased strength at the next elections, the defects of dyarchy be more exasperatingly felt and purposes still further defeated. There is general consent that the line of development lies in the direction of provincial autonomy. The implications of that consent should now be explored and the practical task of adjusting the constitution in that direction taken in hand. (*Lord Olivier in Contemporary Review*).

## The Majority Report.

The following is a summary of the majority report signed by Sir A. P. Muddiman, Dr. Mian Sir Mahomed Shafi, the Maharajadhiraj of Burdwan, Sir A. Froom, and Sir Henry Moncrieff-Smith:—

### The Secretary of State.

1. The "control of the Secretary of State and of the Secretary of State in Council" over the official Governments in India in cases affecting purely Indian interests should be relaxed and efforts should be directed towards establishing a practice in this respect.

### Govt. of India.—The Executive.

2. The Governor-General and the other high officials mentioned in sub-section (1) of section 110 of the Government of India Act should be exempted from the jurisdiction of all Courts and not merely from the original jurisdiction of the High Courts.

3. The powers of the Governor-General in Council to secure by a declaration that "the development of a particular industry" shall be a central subject should be modified so as to relax the existing restriction and allow the power to be exercised with the concurrence of the local government or governments concerned.

### The Indian Legislature.

4. The Courts should be barred from "premature interference with the Presidents" of the two Chambers in regard to action proposed to be taken in either Chamber. The recommendation applies to the Presidents of the Legislative Councils also.

5. The elected President of the Legislative Assembly should not be required to "vacate his seat as" a member of the Assembly on his acceptance of that office. The recommendation extends to the elected Deputy President of the Assembly, to the elected Presidents of the Provincial Councils and also to Council Secretaries.

6. Bills affecting Hindu or Muhammadan Law should be referred, after leave for introduction has been given, to two Standing Committees. The members of the Standing Committees should consist mainly of members of the communities concerned but should include experts in Hindu or Muhammadan Law, as the case may be, and also representatives both of the reforming and of the orthodox sections of the two communities. They should be appointed by a Committee of Selection. Before any arrangements are made on these lines the two Chambers of the Indian legislature should however be consulted.

7. Power should be taken to enable the Government of India to prescribe the date on which the railway year shall begin for budget purposes and also to present the railway budget separately from the general budget.

8. The bar against women being registered as electors for the Delhi and Ajmer-Merwara constituencies should be removable by the passing of a resolution after due notice in the Assembly.

9. The bar against "women being elected or nominated as members" of either Chamber of the Indian Legislature or of the Provincial Councils should be removable by the passing of resolutions after due notice in the Chambers and the Councils.

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10. Special "representation for factory labourers" in the Legislative Assembly should be provided for, if local Governments can make arrangements, by election, and if not, by nomination.

11. The Governor-General should have power to "nominate persons", whether officials or non-officials, to be members of either Chamber of the Indian Legislatures as "experts for particular bills or particular classes of bills."

12. The existing disqualification from being a member of either Chamber of the Indian Legislature or of a Provincial Council which follows from a conviction by a criminal court should be modified: (i) by increasing the period of sentence which constitutes a disqualification from six months to one year: and (ii) by enabling it to be removed subject to provisions to secure uniformity by orders of the local government instead of only by pardon.

13. Members of all the legislative bodies constituted under the Act should be exempted from:—(i) serving as jurors or assessors; and (ii) arrest and imprisonment for civil causes during meetings of the legislature in question and for periods of a week before and after such meetings. This recommendation should, however, not be dealt with as a question of privilege but by amendment of, or action under, the ordinary law.

14. The corrupt influencing of votes within any of the legislative bodies by bribery, intimidation and the like should be made a penal offence, and this should not be dealt with at present as a question of privilege.

## Provincial Governments—The Executive

15. Joint deliberation between the two sides of the Government on important questions should be definitely enjoined by a rule to be included in the Devolution Rules.

16. The Joint Responsibility of the Ministry is the ideal and the Devolution Rules and the Instrument of Instructions should be modified so far as may be necessary, to indicate this rather than that transferred subjects may be administered by the Governor acting on the advice of a single Minister.

17. The constitution should provide that a Minister should ordinarily get the same salary as a Member of the Executive Council in the same province but that this may be varied by an Act of the local legislature so as not to be less than 3-5ths of or more than the salary payable to a Member of the Executive Council in the same province. Section 52, sub-section (1) of the Act should be amended accordingly.

18. The powers of control of the Governor over his Ministers should be more expressly indicated by the re-drafting of clause VI of the Instrument of Instructions so as to provide that, subject to a Power of Interference to prevent unfair discrimination between classes and interests to protect minorities and to safeguard his own responsibility for reserved subjects and in regard to the interests of the members of the permanent services, the Governor should not dissent from the opinion of his Ministers.

19. Provisions should be made in the provincial legislative rules giving a Minister who has resigned the right to make in the Council a

personal explanation of the causes of his resignation. The provisions should so far as possible follow English practice.

20. The rules of executive business made by Governors under section 49 of the Act should be amended to provide, where this is not already the case, that—(a) a Member of Council or a Minister should be able to make a recommendation to the Governor that any case in his own Department should be considered before the joint cabinet or before that side of the Government with which it is directly concerned; and (b) the Secretary of the Department or other officer with a right of direct access to the Governor should inform his Minister of every case in which he differs in opinion from the Minister and of all other important cases which he proposes to refer to the Governor.

21. The word "may" in clause 2 of rule (2) of the Transferred Subjects (Temporary Administration) Rule should be changed to "shall."

22. The provisions as regards Council Secretaries in the provinces should be modified—(a) so as to provide that they shall get a reasonable salary the amount of which will be determined by an Act of the Local legislature; and (b) that on the transferred side the Minister should make recommendations for appointment as Council Secretaries for the approval of the Governor, and that when appointed they should hold and vacate office with the Minister.

23. The following provincial reserved subjects should now be transferred:—(a) No. 12. Fisheries. In Assam. (b) No. 14. Forests. In provinces in which it has not been transferred already, unless the Local Government concerned on examination of the position can make out a convincing case against transfer. (c) No. 16. Excise. In Assam. (d) No. 26. From amongst the Industrial matters included in this item the following:—(e) boilers, (f) gas, and (g) housing of labour. But boilers and housing of labour should remain subject to legislation by the Indian Legislature.

24. The following action should be taken in regard to other provincial subjects.—(a) No. 15. Land Acquisition. Local Governments should be consulted as to whether, in so far as it relates to purely provincial land acquisition, this subject cannot be transferred. (b) No. 18. Provincial Law Reports. The High Courts should be consulted as to whether this subject cannot be transferred. (c) No. 27. Stores and Stationery. The existing restriction on the transfer of this subject that it is subject in the case of imported stores and stationery to such rules as may be prescribed by the Secretary of State in Council should be deleted. (d) No. 43. Provincial Government Presses. The question whether this subject cannot be transferred should be examined.

25. The two schedules of subjects annexed to the Devolution Rules should be examined and the lists should be re-arranged on a more logical basis.

#### Provincial Governments—The Legislatures.

26. Power should be taken to modify by rules the existing stringency of the control over provincial legislation which is due to the previous sanction provisions by the inclusion of a proviso in subsection (3) of section 80A of the Act.

27. The existing provisions, contained in item 5 in the Schedule of provincial subjects annexed to the Devolution Rules, which make,—(i) the control of the establishment and the regulation of the con-

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stitution and functions of new Universities; and (ii) the Calcutta University, and the control and organization of secondary education in the Presidency of Bengal, subject to legislation by the Indian legislature, should be deleted.

28. When previous sanction is granted under section 80A or 80C of the Act to provincial legislative proposals promoted by non-officials the sanction should be available only to the member to whom it was granted and for the particular Council sitting when it was granted.

29. If decided to be necessary the existing law in regard to the reservation of provincial Bills should be modified so as to make it clear,—(a) that a Governor may return a Bill passed by one Legislative Council for reconsideration by a new Council, in whole or in part; (b) that, when the Bill is so returned for reconsideration, whether to the old or to a new Council, amendments may be moved in the Council to any parts of the Bill, if returned for reconsideration in whole and if returned for reconsideration in part to those parts; and (c) the amendments suggested by the Governor are open to rejection or amendment by the Council.

30. In order to enable the responsibility of the Ministers to the Councils to be enforced, provision should be made in the Provincial Legislative Council Rules for the following classes of motions:—(a) a motion of no confidence; (b) a motion questioning a Minister's policy in a particular matter; and (c) a motion for the formal reduction of a Minister's salary to be moved at the time when the demands are made for grants.

So far as the latter class of motions is concerned it will be necessary to provide for them when amendments are made to section 52 of the Act in regard to the Ministers' salary. So far as the two former motions are concerned, in order to prevent them from being moved frivolously and to provide that they should come up for discussion at an early date, the rules should provide that the person who gives notice of the motion should show that he has the support of about one-third of the members of the Council, and that in that case the President shall direct that the motion shall be included in the list of business on a date not later than 10 days after the date of notice.

31. Rule 30 of the Provincial Legislative Council Rules and rule 48 of the Indian Legislative Rules should be amended so as to secure that motions may not be moved when a demand is made for a grant for the omission of the whole grant.

32. The Central Provinces Electoral Rules should be amended so as to include an additional constituency comprising the Mandala district. It is for consideration whether the constituency should include Mandla town or whether the town should continue to be included in the urban constituency of small towns in the Jubbulpore Division. When the constituency is created the existing provision in the rules for the nomination of a member to represent this district should be deleted.

33. The six months' residential qualification should not be required from candidates for European seats in any of the legislative bodies constituted under the Act. In these cases candidates should only be

required to have an All-India residential qualification which should not be effected by temporary leave of absence from India.

34. The representation of the depressed classes in the Provincial Councils should be increased and the Local Governments should be asked to formulate proposals in this respect. The representation should be by election, if Local Governments are prepared to recommend a system of election.

35. The representation of factory labourers in the Provincial Councils should be increased, and the Local Governments should be asked to formulate proposals in this respect. The representation should be by election if possible.

The Finance—Revision of Meston Award.

36. The Meston Settlement should be revised as soon as a favourable opportunity occurs.

37. The Member of the Executive Council in charge of the Finance Department should not be in charge of the main spending departments.

38. The Devolution Rules relating to the appointment of a "Joint Financial Secretary" should be modified so as to provide for a power to appoint "Financial Advisers" to the Ministers in regard to transferred subjects.

39. Devolution Rule 31 should be amended so as to indicate clearly that it applies not only to the "distribution of revenues" on the occasion of the preparation of the annual estimates of revenue and expenditure but also to the distribution "between Reserved and Transferred Departments" of any revenues which may become available during the course of a financial year.

40. The powers of a Member or a Minister to "sanction re-appropriation" which now only extend to re-appropriations within a grant between heads subordinate to a minor head should be extended, subject to the existing limitations in regard to expenditure which involves a recurring liability and in regard to the communication to the Finance Department of a copy of any order, to any re-appropriation within a grant from one major, minor or subordinate head to another.

41. In such cases as those relating to the grant of forest rights the provincial "Finance Departments" should prescribe that the "assent" in cases, in which previous consultation with it is required by the rules may be presumed in cases of even greater importance than those that may now be disposed of by the permanent officials of the Forest Department.

42. Steps should be taken to obtain a definition of the phrase 'Government of India' in section 20, sub-section (1), of the Act. The scope of the phrase should extend, for example, to expenditure on the financing of industries by private persons.

43. If the experiments now being undertaken in regard to the "separation of accounts from audit" show that such separation is feasible, and if it is also found to be feasible to "separate provincial accounts" from the accounts of the central government, action should be taken in both these directions.



### The Public Services.

44. Any action necessary for the "protection of the services" in the exercise of their functions and in the enjoyment of their recognised rights and privileges should be taken.

45. The control over recruitment for the services in the transferred field should be entrusted to the proposed Public Services Commission or Commissions.

46. In the rules for recruitment Government should provide that, with due regard to efficiency, "all communities" should receive due "representation in the public services." That is, if a due representation of persons, belonging to a particular community who have passed a prescribed efficiency bar can be obtained for each service, the community should receive due representation, if necessary by nomination, in each service.

### The Minority Report.

The minority report which is signed by Dr. Sir Tej Bahadur Sapru, Sir P. S. Sivaswamy Aiyer, Mr. M. A. Jinnah and Dr. R. P. Paranjpye is a lengthy document. It gives the history of the demand for a further advance of constitutional reform and gives an account of the reform movement over many years.

The complaints brought against the present system of Government are, says the report, as follows:—

(1) The impinging of the administration of reserved upon that of transferred subjects and *vice versa*; (2) The absence of joint responsibility of the Ministers; (3) The absence of joint deliberation between the two halves of the Government; (4) The attitude of the permanent officials towards the Reforms, their relations with the Ministers and their general position in the new constitution; (5) The difficulties in the way of Ministers arising out of the over-riding powers of the Governors under the Act; (6) The control of the Government of India and the Secretary of State; (7) (a) The measures of control exercised by the Finance Department; (b) The fact that under the rules the Finance Department is in charge of a member of the Executive Council, who is also in charge of the spending departments; (c) The disqualification of the Ministers to hold the portfolio of finance by reason of the Devolution Rules.

These complaints are dealt with *seriatim*.

#### Possibility of Advance by Rules.

"It has been urged", says the report, "that an advance can be made by action under section 19A of the Act and without any radical amendment of the Act itself. With all respect to those who maintain this view, we entirely differ from it. In the first place, it is obvious that under section 19A, the Secretary of State can only "regulate and restrict" the exercise of the powers of superintendence, direction and control vested in him. In the second place, such regulation and restriction of powers must be with a view to give effect to the purposes of the

Government of India Act. These purposes are defined in the preamble, and we think that even if the Secretary of State felt disposed, he could not, by the mere exercise of his powers under this section, abolish dyarchy. In the third place, reading the second and third parts of section 19A with the first part, it seems to us that the relaxation of the control contemplated by section 19A can only be with regard to Provincial Governments and cannot have any relation to the Central Government. The words "subjects other than transferred subjects" in the second part of the section, and the words "any rules relating to transferred subjects" in the third part of the section seem clearly to indicate the limits of the relaxation of the control of the Secretary of State contemplated by the rule-making power under this section. We also think that the relaxation of control provided for by this section cannot mean the same thing as divestment".

After suggesting the transference of more subjects the report deals with the question of franchise and does not agree with the majority that there should be no general broadening of the franchise. The adequate representation of the depressed classes and factory labour by means of election is urged with an extension of seats in the Assembly and the Provincial Legislatures. Women, it is recommended, should be enfranchised by rules in every province and should also have a right to stand for election. The aim of special constituencies should be to encourage territorial electorates and not to extend the principle of special electorates. The abolition of communal representation seems to be out of the question, but the report is entirely opposed to any extension of the principle. The report is opposed to the retention of the official "bloc" on principle as it merely served the purpose of adding to the voting strength of the Government. In regard to European commercial representation in the Assembly the minority has no objection to the recommendations of the majority.

#### The Secretary of States' Control

In regard to the control of the Secretary of State in Council over the central and provincial reserved subjects the report says:—"We think that consistently with his responsibility to Parliament any divestment of such control is out of question, and any relaxation of it by definite delegations of powers by rule must be of a very limited character. We note that the majority are of opinion that the step which, in their opinion, should be taken is to work towards establishing a practice in conformity with the position taken by the joint Committee that control in cases affecting purely Indian interests should not be exercised. We venture to doubt whether such a convention would be of any permanent value or could effectively put a stop to the powers of control, particularly when it is realised that it is extremely difficult to define the expression "purely Indian interests." Bearing in mind the present Indian Constitution we do not feel justified in building much hope on such a convention."

#### Conclusions

"While we agree with the majority that the constitution, as a whole, requires to be worked by reasonable men in a reasonable spirit if deadlocks are not to ensue, we venture to think that this will hold good in the case of any other constitution. In our opinion, the system

of Dyarchy was during the first three years everywhere worked in the Legislatures by men most of whom were professedly its friends and who, generally speaking, tried to work it in that spirit of reasonableness which is referred to by the majority of our colleagues, and it is no exaggeration to say—indeed this is also the testimony of several local Governments which we have quoted above,—that generally a spirit of harmony and co-operation prevailed between the Legislature and the Executive, notwithstanding the fact that the atmosphere outside was for sometime markedly unfavourable.

“The Indian Ministers and Members of Executive Councils also, upon whom new opportunities of service were conferred, appear to us to have been within the sphere of their Executive duties, equally eager to work the constitution in the same spirit of reasonableness, and yet differing from the majority of our colleagues we have been forced to the conclusion that the present system has failed and in our opinion it is incapable of yielding better results in future.

“The system has been severely tested during the course of this year and its practical breakdown in two provinces, viz., Bengal and the Central Provinces as a result of the opinions of the majority of the members of the Councils of these two provinces who refuse to believe in the efficacy of Dyarchy and the tension prevailing in the other Legislatures for similar reasons, point to the conclusion that the constitution requires being overhauled.

“It has failed in our opinion for several reason: (1) There are the inherent defects of the constitution which though theoretically obvious at its inception have now been clearly shown by actual experience to exist. (2) The Ministers' position has not been one of real responsibility. (3) While in a few provinces the practice of effective joint deliberation between the two halves of the Government has been followed, in several of them it has not been. (4) Excepting to a partial extent in Madras, almost everywhere else the Ministers have been dealt with individually by Governors and not on the footing of collective responsibility. (5) The close inter-connection between the subjects of administration which have been divided into 'reserved' and 'transferred' has made it extremely difficult for Legislatures at times to make in practice a distinction between the two sections of the Government with the result that the policy and administration of the Reserved half of the Government have not infrequently been patent actors in determining the attitude of the Legislatures towards the Ministers and have also in our opinion prejudiced the growth and strength of parties in the Councils. (6) The Meston Award has crippled the resources of the provinces. It has been the corner stone of the entire Financial system, and it has prevented Ministers from developing Nation-building Departments to the extent which would have enabled them to produce any substantial results. (7) The defects of the Rules which we have noticed before and the constitution and the working of the Finance Departments have put a severe strain on the system.

#### Irremovable Executive

“The criticism which the Montagu-Chelmsford Report made of the Congress League Scheme has been demonstrated to be true in actual experience of the defects of having an irremovable Executive with

an elected majority in the Legislature as is the case in the Legislative Assembly under the present Constitution: "An Executive which is independent of its Legislature", says the Report "as the Indian Executives have hitherto been, can carry on the Government in virtue of authority derived from without; a party Executive can govern because it interprets the will of the people as represented by the Assembly, but wherever, as in Canada or Malta, attempts have been made to set up an irremovable Executive and a popular Assembly acute conflict has ensued and has resulted either in advance to popular government or a return to autocracy." It is scarcely necessary to point out that since the above passage was written, responsible government has been introduced in Malta with certain reservations relating to matters of Imperial interests.

"We think that the Behar Government has correctly summed up the position in the provinces by saying that Dyarchy is working 'creakily' and 'minor remedies may cure a creak or two.' We have examined in detail the sections of the Government of India Act and the Rules made thereunder with a view to see how far 'creaks' discovered can be 'cured.' We are satisfied that this process, though it may lead to some improvement of the administrative machinery in some respects, will not produce any substantial results. We do not think that the suggested amendments, if effected, will afford 'valuable training towards responsible government' or will provide any solution of the difficulties which we have discussed in our chapter on political conditions, or that they will strengthen the position of the Provincial Governments in relation to their Legislatures or that of the Central Government in relation to the Assembly.

"The majority of our colleagues say that no alternative transitional system has been placed before us. We think that no such alternative transitional system can be devised which can satisfactorily solve the administrative or political difficulties which have been brought to our notice. To our mind the proper question to ask is not whether any "alternative transitional" system can be devised but whether the constitution should not be put on a permanent basis, with provisions for automatic progress in the future so as to secure stability in the government and willing co-operation of the people. We can only express the hope that a serious attempt may be made at an early date to solve the question. That this attempt should be made—whether by the appointment of a Royal Commission with freer terms of reference and larger scope of enquiry than ours or by any other agency—is a question which we earnestly commend to the notice of the Government."

The following are detailed extracts from the Minority Report:—

After summarising the complaints against the present system, as given on p. 46; the signatories say:—

We propose to deal with them seriatim:—

(1) Government being a single unit, experience shows that it is impossible to divide its functions into water-tight compartments. Indeed from a constitutional

point of view a division of the functions of Governments is scarcely practicable. But the real difficulties of the division effected by Dyarchy which, in the words of the Governor-in-Council of the United Provinces, is "a cumbersome, complex and confused system, having no logical basis" appear most clearly when the system is examined from an administrative point of view. In their despatch of the 11th November, 1918, the Government of Bombay observed as follows:—

"A reference to the records of the Government will show that there is scarcely a question of importance which comes up for discussion and settlement in any one of the Departments of Government which does not require to be weighed carefully in the light of considerations which form the province of another Department of Government. The Primary duty of the Government as a whole is to preserve peace and order to protect the weak against the strong, and to see that in the disposal of all questions coming before them the conflicting interests of the many different classes affected receive due attention. And it follows from this that practically all proposals of importance put forward by the Minister in charge of any of the departments suggested for transfer will involve a reference to the authorities in charge of the reserved departments. There are few, if any, subjects on which they (the functions of the portions of the Government) do not overlap. Consequently the theory that, in the case of a transferred subject in charge of a Minister, it will be possible to dispense with references to Departments of Government concerned with the control of reserved subjects is largely without foundation".

We do not think that the anticipations of the Bombay Government were by any means extravagant and from the evidence before us we are satisfied that those anticipations have proved remarkably true in actual administration. In this connection we would refer to what Mr. Chintamani has said in his memorandum: "In the light of my experience, I must endorse every word of the above passage. The observations of the Government of Bombay on the question of financial control leading up to the conclusion that Ministers alone cannot be responsible to the Legislature because of the real control that the Finance Department must exercise over all the expenditure up to the time when it is made have been demonstrated to be not a whit less true". It is by no means difficult to conceive that the points of view of popular Ministers and the members of the Executive Council who owe no responsibility to the Legislature and at least half of whom are brought up in official traditions from the start of their career should not infrequently vary and lead to unsatisfactory results. We regard this feature as one of the inherent defects of Dyarchy.

#### Joint Responsibility.

The next defect which we desire to notice is one that was very much pressed on our attention during our investigation. It was pointed out to us by a majority of the ex-Ministers whom we examined that the Ministers were dealt with by their Governors individually and not collectively. In other words, the point raised was that there were Ministers but no Ministries. The evidence of Mr. Chitnavis and Rao Bahadur Kelkar of the Central Provinces, of Lala Harkishenlal of the Punjab, and of Sir P. C. Mitter of Bengal shows that not only did the Governors act with their Ministers separately but the latter, in some provinces at any rate, themselves did not observe the convention of joint responsibility. On the other hand, the evidence of Mr. Chintamani shows that the late Ministers in the United Provinces prescribed for themselves a different course of conduct consistent with the true constitutional position. Dealing with the question of the relations of the Governor and the Ministers, Mr. Chintamani describes in detail the practice followed in the United Provinces at the commencement of the new era and the variations of that practice latter on.

#### U. P. Government's Views.

The Governor in Council of the United Provinces, in his letter, dated the 3rd July 1924, however, takes the view that "even in England the joint responsibility of the Cabinet does not extend to all the acts of all the Ministers composing it; and in India, where the Ministers are not always drawn from a single well-organized party, the ties between them cannot be as close as they are in England. But it rests in the main with the Ministers themselves to determine how far joint responsibility is to be carried. Pandit Jagat Narain, the late Minister for local self-Government, carried it to the point of resigning over a question with which he

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had no concern, but to insist that the resignation of one Minister must always entail that of his colleague or colleagues, might often, in the conditions at present obtaining, make it impossible to form a Ministry." We recognize that sometimes a Governor may find it difficult to form a homogeneous Ministry, but in our opinion there should be no insuperable difficulty for a Governor to appoint, from different groups, Ministers who would agree to work upon a footing of joint responsibility. On this question the Joint Select Committee in their second Report observed as follows:—"The Committee think it important that when the decision is left to the Ministerial portion of the Government the corporate responsibility of Ministers should not be obscured. They do not intend to imply that, in their opinion, in every case in which an order is passed in a transferred department the order should receive the approval of all the Ministers; such a procedure would obviously militate against the expeditious disposal of business and against the accepted canons of departmental responsibility. But in cases which are of sufficient importance to have called for discussion by the whole Government, they are clearly of opinion that the final decision should be that of one or the other portion of the Government as a whole."

### The Central Provinces Government's Views.

We shall now briefly review the opinions of some of the local Governments. The Governor in Council of the Central Provinces in his letter, dated 7th July 1924, takes the view that at the present stage of development of those provinces, the joint responsibility of the Ministers would mean the absolute rule of the majority party in the Council in the transferred departments. The Governor would prefer to let the convention come into being by a natural process of growth as the result of the development of party organisation. We shall deal with the question of party organisation hereafter.

### The Madras Ministers.

We may call attention to paragraph 22 of the letter of the Government of Madras, dated 28th July, 1924. The Madras Ministers also have in their minute adverted to this question. The Honourable the Raja of Panagal, in his minute, dated 12th June 1924 observes: "Each Minister has to deal with a Governor individually. There is no joint ministerial responsibility." The Honourable Sir A. P. Patro in his minute, dated 12th June 1924 observes: "The difficulty created by section 52 is to place the Ministers completely under the power of the Governor. There is no room for development of joint and corporate responsibility under the circumstances. The Act ought to provide for the independence of the Ministers and the Governor acting with the Ministers should decide any question by a majority."

### Madras Government's View.

Dealing with these criticisms of the Ministers, the Governor in Council observes: "The provisions of sub-section 3 of Section 52 contain nothing inconsistent with the development desired; the Governor is to be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion. It is rather the wording of the Instrument of Instructions and of various passages in the Devolution Rules which seem to contemplate that the Governor is to act with a Minister and not with his Ministers. In so far as these documents contain provisions practically inconsistent with or detracting from the conception of joint responsibility of Ministers, there may be a case for their modification. So far as this Presidency is concerned, the difficulty is more theoretical than practical. The Cabinet system to which reference has been made has tended to foster joint responsibility among Ministers involving, as it has done, the attempt to administer affairs as a joint Government. In other provinces, it is believed, Ministers were not usually chosen as representing a particular party, and it is doubtful if they could be chosen now. Instead of altering the Act as the Ministers appear to contemplate, it would probably be sufficient to modify the Instrument of Instructions and the Devolution Rules, and to trust to the growth of a convention such as tends to be established in Madras.

Thus the difficulty has mainly arisen by reason of the wording of the Instrument of Instructions, but we desire to point out that party system is already beginning to grow and we anticipate that with the march of events, it will become stronger and more defined at no distant date. But the growth of joint responsibility should be allowed to depend upon the personal education of the Governor or the Ministers. In our opinion, the statute itself should be so amended as to secure the joint responsibility of the Ministers.

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## Joint Deliberation.

We now pass to the third complaint which seems to us to be one of vital importance, having regard to the mixed character of the Executive Government. The Act itself makes no provision for joint deliberation between the two sections of the Government. The Joint Select Committee, however, laid considerable stress on the desirability of fostering a habit of joint deliberation in regard to a large category of business of the character which would naturally be the subject of Cabinet consultation. The Committee were distinctly of the opinion that joint deliberation between members of the Executive Council and the Ministers sitting under the chairmanship of the Governor should be carefully fostered. The Committee attached the highest importance to the principle that when once opinion has been freely exchanged and the last word had been said, there should be then no doubt whatever as to where the responsibility for the decision lay. Therefore, in the opinion of the Committee after such consultation, when it was clear that the decision should lie within the jurisdiction of the one or the other half of the Government that decision in respect of a reserved subject should be recorded separately by the Executive Council and in respect of a transferred subject by the Ministers, and all acts and proceedings of the Government should state in definite terms on whom the responsibility for the decision rested. The Committee visualised to themselves the Governor acting as an informal arbitrator between the two halves of the Government. They considered that it would be the duty of the Governor to see that a decision arrived at on one side of his Government was followed by such consequential action on the other side as might be necessary to make the policy effective and homogeneous. Lastly, they laid down that in the debates of the Legislative Council members of the Executive Council should act together and Ministers should act together but should not oppose each other by speech or vote. Members of the Executive Council should not be required to support either by speech or vote proposals of Ministers of which they did not approve; they should be free to speak and vote for each other's proposals when they were in agreement with them.

## Mr. Montagu's Views

Mr. Montagu in his speech of 5th June 1919, on the motion for the second reading of the Government of India Bill in Parliament, put the position more briefly as follows—"If reserved subjects are to become transferred subjects one day, it is absolutely essential that during the transitional period, although there is no direct responsibility for them, there should be opportunities of influence and consultation. Therefore, although it seems necessary to separate the responsibility there ought to be every room that you can possibly have for consultation and joint deliberation on the same policy, and for acting together for the purpose of consultation and deliberation, as the bill provides, in one Government." We have taken the liberty quoting these passages at length because the question of joint deliberations has attracted much public notice and some of the Governors in Council have also referred to it in their letters to the Government of India. Our attention has also been drawn by some witnesses to the varying practices in the provinces. In Bengal, we gather from the letter of the Governor in Council, dated the 21st July, 1924, that the two halves of the Government worked in unison and that the system of dyarchy was not liberally adhered to.

## Varying Practice.

The Governor in Council of the Central Provinces in the letter dated the 7th July 1924 stated that in his province every effort had been made to carry on the Government in the spirit of the recommendations of the Joint Select Committee. But to secure uniformity the Governor in Council considered it desirable to include in the rules of business made under section 49 (2) of the Act a rule requiring joint deliberation between both halves of the Government on all questions of important policy. From the letter of the United Provinces Government, we gather that since His Excellency the present Governor assumed office, there has in fact been joint deliberation on all matters in which both sides of the Government were concerned. Mr. Chintamani has in his memorandum given his impression of the joint working of the two halves of the Government. According to him, the practice was followed for the major part of the first year, but in the second year of his office joint meetings of the whole Government became less and in the third, still less frequent. The system had worked well, it would appear, just in the measure in which dyarchy was departed from, while misunderstandings, differences and friction became only too frequent after dyarchy came to be a fixed idea in

the Governor's mind. In the beginning, according to him, "there were weekly meetings of the whole Government; such meetings gradually became less frequent until at times we had not more than one in a month, or even one in a couple of months or more." We also find from the evidence that at least on one occasion one member of the Executive Council spoke openly at a meeting of the Legislative Council against the policy of the Ministers. We understand that in Bombay joint meetings were held from June 1921 onwards, but files or papers relating to business on the reserved side do not appear to have been, as a rule, circulated to the Ministers who were consequently unable to give any considered opinion on it. They therefore abstained, as we are informed by one of our colleagues, Dr. Paranjpye, from taking any prominent part in the discussion. In Madras, we gather from the letter of the Governor in Council that "joint consultation between the two parts of the Government has from the first been laid down as essential and has not been without the advantage of increasing the influence of Ministers in the Councils of the Government and in extending that influence over the whole range of Government activities. It has also resulted, as the Ministers themselves would probably admit, in giving them the advantage of the steady influence of the wider administrative experience enjoyed by their colleagues of the reserved half, and His Excellency the Governor in Council regards it as one of the most encouraging symptoms that Ministers have been ready to weigh well the advice thus given them, as well as that of the secretaries and heads of departments under them." Dealing with this matter, Sir K. V. Reddi, an ex-Minister in Madras, says: "It must not, however, be forgotten that it was not the dyarchical system as conceived in the Act but an attempt to ignore it and get over its inherent difficulties that made it possible to achieve the little success which Madras is believed to have achieved."

To sum up, the conclusions which we have arrived at on this point are:—(1) that the system of joint deliberation between the two halves of the Government in the spirit of the recommendations of the Joint Select Committee has been followed only in Madras and Bengal; (2) that in other provinces it has either not been followed consistently or to the extent and in the manner contemplated by the Joint Select Committee or laid down in the Instrument of Instructions; (3) that in some provinces at any rate Ministers have not been satisfied with the manner in which it has been followed. Much as we appreciate the wisdom of the recommendations of the Joint Select Committee and of the observations of Mr. Montagu, which we have quoted above, we feel that in the best of circumstances the habit of Joint deliberation between the two halves of Government, good as it may be so far as it goes, cannot, without the element of common responsibility, lead to efficiency in the administration nor always to harmonious relationship between members of the Executive Council and the Ministers. Indeed it seems to us that at times it is apt to weaken the position of the Ministers, "vis a vis" the Legislative Councils and the electorates in relation to reserved subjects, more particularly when there is occasion for difference of opinion in regard to the questions of policy between the Legislature and the Executive. We are anxious to safeguard ourselves against conveying the impression that given dyarchy to work, we do not appreciate the value of joint deliberation between the two halves of the Government, but we maintain that it is an inherent defect of the present Constitution that the Government should be divided into two halves.

#### The Public Services

We turn, now, to the question of the relation between the reformed Government and the public services. Some of the Governors in Council have referred to it either in their reports of 1923 or in their letters of 1924. The question has been approached from various points of view. The Governor in Council in Madras in Paragraph 27 of his letter of the 10th July, 1923, says that "it is undoubted fact that there has been and still is an appreciable amount of discontent and a considerable feeling of insecurity among these services, both as to the terms of their pay and pension and as to their general prospects. The feeling is partly due to the fact that in translating the spirit of the Reforms into practical action a considerable number of posts hitherto reserved or believed to be reserved have been thrown open recently and more are likely to be thrown open in the future to Indians, as has already been done, to take typical instances, in the Educational and Agricultural services, while others have been abolished or threatened with abolition. A second cause is uncertainty as to how the Constitution of India under the Reforms will develop in the future. A third arises out of the economic condi-



tions which are a legacy of the War." We note, however, with satisfaction that in the next paragraph he says that "the relations between the Ministry and the heads of departments under their control have generally been cordial; and the local Legislative Council, though naturally sympathetic towards Indian aspirations, has not been unreasonable in its attitude towards the British services. Individual members of the services have undoubtedly found it difficult to serve under the altered conditions; but the great majority accepted the change in a most loyal spirit and have done their best to make the Reforms a success."

The report of the Governor in Council in Bihar and Orissa, dated the 14th August, 1923, after pointing out that though the present intermediary stage between bureaucratic supremacy and popular control creates difficulties, there has been no want of loyal co-operation on the part of the Ministers, observes that "members of the services feel that their tenure is extremely insecure and that any chance of securing suitable employment elsewhere is worth accepting." The Governor in Council in the United Provinces in his letter dated the 3rd July, 1924, makes the following observations: "More than one resolution has been passed which, if carried out, would have deprived them of appointments to fill which they had been recruited. It is not suggested that the Legislative Council has deliberately sought to inflict injustice on European officers. The constitution of the All-India services is not well understood and many members of the Legislature are influenced by the feeling (for which there is justification) that in the past Indians have not received their fair share of the higher appointments. The natural effect, however, of the attitude of the Legislature has been to create in the minds of Englishmen serving in India an impression of hostility and a feeling of insecurity which makes it difficult for them to give of their best. There are distinct signs that the services are losing their former keenness. Since they no longer have the power of shaping policy to the extent to which they had, they no longer feel that the progress of the country depends upon their efforts, nor indeed that any efforts of theirs are likely to have abiding results. Enthusiasm and energy have also been sapped by financial pressure and by the cloud of uncertainty which hangs over the future of the country to which they have given their lives."

In paragraph 10 of Annexure A to the letter of the Central Provinces Government, dated the 7th July, 1924, reference is made to the services' distrust of their own future, to the unfriendly attitude of the local Legislative Council in the beginning, and to the keen desire of the non-official members of the Council for the Indianisation of the services and the resentment of the fact that they are not subject to their control. "During the last year of its life, the feeling of the Legislative Council," so ends the paragraph, "became less unfriendly to the European services and the services had more confidence in the support of the Home Government and Parliament, with the result that the feeling of distrust became perhaps less pronounced." We have given these extracts with a view to show the nature of the complaints of the services and the view taken of their position in relation to the Reforms by the various Governors in Council. How far the present position will be affected by any decisions that may be taken on the recommendations of the Royal Commission on the Superior Civil Services presided over by Viscount Lee we do not feel called upon to discuss.

#### Anomalous Position

While it is possible to understand the feeling that the services have no longer the power of shaping policy to the extent that they had or their feeling that the progress of the country no longer depends upon their efforts or that any efforts of theirs are not likely to have abiding results, it may as well be pointed out here that this is the inevitable consequence of the transference of power, limited as it is, to local Legislatures; and indeed constituted the "raison d'être" of the Reforms. The Imperial services in the past have been mainly responsible for the shaping of policy in India and the combination of political and administrative functions in the services is to our mind mainly responsible for the frequency and strength of the criticism to which they have been exposed in the past. The immunity which public services in England or the Dominions enjoy from hostile or unfriendly criticism cannot, we are afraid, be secured for the service in this country in any large measure unless, among other things, the relations of the services to the Legislatures are brought into closer approximation with those prevailing in England or the Dominions. When it is recognised by the public that the services are mere instruments for the execution of

the policy of the Government and that they have no political functions to discharge, we think they will cease to be the targets of that criticism which is pointed out as an undesirable feature of the present political conditions in India; for when that stage is reached, it will be the responsible Ministers and not the services who will have to bear the brunt of public criticism. As matters stand at present, the control of the services or their recruitment does not rest with the local Governments or with the Government of India. It seems to us, therefore, that in the best of circumstances the present position is apt to give rise at times to friction and a feeling of mutual distrust which cannot be conducive to efficient and good administration.

#### Ex-Ministers' Views.

In the course of the evidence that we have recorded, some allegations have been made suggesting or implying want of co-operation on the part of the services with the Ministers. We have carefully considered in this connection the evidence of the ex-Ministers who appeared before us. Some of them, such as Sir P. C. Mitter, referred emphatically to the support and loyal co-operation which they always received from the permanent officials. He, however, stated that his relations with some of the members of the Indian Educational Service were not happy. Mr. Kelkar's evidence does not warrant us in coming to the conclusion that there was any want of loyalty on the part of the officers attached to his departments, though there might have been some occasions on which he and the heads of departments and secretaries might have on matters of opinion come into conflict. Mr. Harkishen Lal's evidence too does not justify us in arriving at any decision adverse to the loyalty of the services. Mr. Chintamani's evidence shows that there were many officers whose attitude towards the Ministers was correct, and some were cordial and helpful. In his oral evidence he stated that the relations between him and his officers were quite good in the beginning, though not so good with some of them throughout. He however never questioned the honesty of those officers who differed from him. Sir Chimanlal Setalvad, who was a member of the Executive Council, Bombay, admitted that he received the greatest assistance from the services, though he pointed out that on certain occasions there was, owing to their lack of control over the services, embarrassment caused to the Ministers. Our own conclusion upon a review of the evidence is that, generally speaking, the attitude of the members of the services was one of loyal co-operation, though in a few exceptional cases it might not have been so. At the same time, we are bound to point out that our analysis of the situation leads us to think that two important factors have operated to affect the relations of the Services to the Ministers. The first is the natural difference between the points of view of Members of the permanent services and the Ministers in regard to questions of policy, inasmuch as they represent different schools of thought, one bureaucratic and the other popular. The second factor is that under the present Constitution the Ministers feel that the services can look to higher powers for the enforcement of their views in cases of differences which tends to undermine the Ministers' authority.

We venture to think that under the present system, the entire constitution, the methods of recruitment and control of the services are incompatible with the situation created by the Reforms and the possibility of their further developments. The present organisations of the services came into existence when admittedly the centre of political gravity was outside India and when the services took a leading part in the shaping of policy. Those conditions have appreciably changed and will change still further, and it is but natural that there should be dissatisfaction among the services with their position and also among the Legislatures with the restraints and limitations imposed on their powers in relation to the services. We think that the question of the services is inseparably connected with the question of constitutional development in India and we are of the opinion that the relation of the services to the Legislatures cannot be put on a satisfactory and enduring basis by a mere amendment of the rules or even by the delegation of certain powers under section 96B. We desire to repeat what we have already stated, that the position of the permanent services in India should be placed on the same basis as in England. We fully realise the imperative necessity of safeguarding the interests of the services. Whether this can be achieved by the passing of an Act by the Imperial Parliament or by the Indian Legislature or by the incorporation of special provisions for the protection of the rights and interests of the services in the future Constitution of India, are questions on which we recognize there may be differences of opinion.

Whichever method is adopted, we are persuaded that the question calls for an effective and early solution.

We are aware of the provisions of the Government of India Act relating to the appointment of a Public Services Commission. We recognize the value of such Commissions in the Dominions, and while we think that the appointment of such a Commission in India should lead to the solution of many difficulties which have arisen in connection with the services, we feel that without a proper definition of the relations of the services to the Legislatures in the light of the new conditions introduced by the Reforms, it will not be easy to secure smooth and harmonious working of the Constitution.

#### Public Services Commission.

While we accept the principle underlying the appointment of such a Commission, we desire to point out that the Commission contemplated by the statute is one owing its appointment to, and deriving its authority from the Secretary of State in Council, and we cannot see how such a Commission can be appointed by any other authority so long as the action referred to above stands in the Act. We are, however, of the opinion that the statutory power of appointing such a Commission should be vested in the Governor-General in Council, but this as pointed above is obviously impossible without an amendment of the Act itself. Similarly, section 96B (2) gives the Secretary of State in Council power to make rules for regulating the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances, discipline and conduct. It also provides for the delegation of the power of making rules to the Government of India or to the local Governments to such extent and in respect of such matters as may be prescribed and the authorisation of the Indian Legislature or the local Legislatures to make laws regulating the public services. To the best of our knowledge such delegation in respect of the services has not yet taken place. But we understand that it is proposed to provincialise such of the services as may be directly employed in the administration of the transferred subjects. Without expressing any opinion on the likely effects of the contemplated change we would point out the anomaly of placing the services or any portion of them under the protection or control of any other authority except the Government of India. We are aware of the strong feeling entertained on the subject by the services themselves. We recognise the great importance of keeping them well-contented and beyond the reach of the fluctuations of political opinion or influence incidental to a system of democratic government. But we feel that their position can be secured and the causes of their discontent removed by proper legislation on the subject. We apprehend that proper relations between the Legislatures and the services cannot be established so long as the former feel that they have no power of dealing with them in respect of the matters mentioned in section 96 B (2), and so long as the latter feel that they can look up to a higher authority outside India in respect of those matters. In our opinion, for the proper cultivation of a due sense of responsibility on either side the basis of their relation should be changed, and we would welcome any legislative enactment which secured the object referred to above. It is, however, obvious that our views cannot be given effect to by the exercise of any rule-making power.

#### Finance Department.

As regards the general position of the Finance Department in the Provinces, we observe that it occupies a peculiar position in the dyarchical system of Government, and according to the written or oral evidence of several ex-Ministers, it has demonstrated the difficulties and defects of the system more than almost any other of its many anomalies and imperfections. In the first place, it has not in fact been a department common to the whole and independent of either half of the Government, but has been made a reserved department by the Devolution Rules (Rule 36). Ministers are ineligible for the office of the Finance Member, who is the head of the Department. The Finance Member must be a member of the Executive Council. There is no force in the argument put forward in defence of this rule that trained men are required to fill the office, for not all of the officers who have held or now hold it in the provinces had previous experience of the working of the Finance Department, while the Indian member of the Executive Council of Bihar and Orissa who is in charge of Finance has not proved to be less competent than the service members in the other provinces. But had he been an elected member of

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responsible to it, he would have been ineligible for the position. We think this bar should be removed even under the present system.

The provision of the appointment of a Joint Secretary to look after the transferred departments does not solve the difficulty of the earlier part of the rule from the point of view of the Ministers. If advantage had been taken of it by Ministers it would only have produced, very likely, administrative difficulties and friction and we are not surprised, therefore, that in no single province has it been utilised.

It has been stated that the Finance Department can only give advice on the financial aspect of administrative proposals and can do no more and that Ministers are at liberty not to accept the advice. This we fear must be regarded as an incomplete and a theoretical description of the position and, in the light of what nearly all the Ministers and ex-Ministers whose opinions have been furnished to us have said, we cannot accept that description as being wholly in accord with actual facts. The evidence of the Ministers and officers of the Finance Department has made it clear that the Finance Department in examining proposals of the other departments not only considers the financial point of view but also considers the policy of the proposals and this procedure has been sought to be justified on the analogy of the Finance Departments in other countries whose control is said to be even more stringent than that exercised by Finance Departments in India. But the two cases are not on all fours, for in those countries the Government is unitary and the policy to be criticised is that accepted by the whole Government of which the Finance Department forms a part. But in the provinces under Dyarchy the policy of the Transferred Departments is the policy of the members who are responsible to the legislatures, and the examination of the policy of the Transferred Departments by the Finance Department is therefore open to grave objection.

As regards the liberty enjoyed by Ministers to reject the advice of the Finance Department, it must be pointed out that their only remedy then is to appeal to the Governor against the Department. We fear that it is not correct to say that it is the department which has to lay such appeal, where there is a divergence of opinion, all that remains for the Finance Department to do is not to release the needed funds, unless and until the Minister concerned, has produced before it the sanction of superior authority, namely, the Governor.

### Finance Member

One general complaint against the provision of a very serious character has been made that the Finance Member is also in charge of some spending departments and that naturally enough there is an unconscious desire on his part to promote the interests of those departments at the expense of other, and particularly of the nation-building departments under the control of the Ministers with the result that in many provinces Ministers have felt that their departments have been starved. To this proneness of the Finance Department several of the ex-Ministers have referred in the course of their examination; but this suggestion has been repudiated by some of the Governors in Council. Our examination of the reports of some of the local Governments which give the figures shows that the division of expenditure between the reserved and transferred halves has been as follows:—

		Reserved.				Transferred.
<b>Madras—</b>						
1921	...	68 per cent.	...	...	...	32 per cent.
1922	...	67 per cent.	...	...	...	33 per cent.
1923	...	66 per cent.	...	...	...	34 per cent.
<b>Bengal—</b>						
1921	...	70 per cent.	...	...	...	30 per cent.
1922	...	66 per cent.	...	...	...	34 per cent.
1923	...	66 per cent.	...	...	...	34 per cent.
<b>Assam—</b>						
1921	...	78 per cent.	...	...	...	22 per cent.
1922	...	74 per cent.	...	...	...	26 per cent.
1923	...	74 per cent.	...	...	...	26 per cent.
<b>Bihar and Orissa—</b>						
1921	...	30 per cent.	Recurring	...	70	per cent.
1922	...	30 per cent.	Non-recurring	...	70	per cent.
1923	...	26 per cent.	Recurring—non			
			Recurring	...	74	per cent.

## THE REFORMS ENQUIRY REPORT

It has been admitted by Sir Frederic Gauntlett that it is unsatisfactory that the Finance Member should have charge of any administrative departments. Assuming that what has been called "the costly remedy" of appointing a member of Government to be exclusively in charge of finance is adopted, we are still doubtful that it will be a real and full remedy. It was, however, pointed out to us that it would not be because the Finance Member would still continue to be part of the 'Governor in Council' charged with the responsibility for the administration of the reserved and with no direct responsibility for the transferred subjects. We are impressed by the validity of this objection.

Yet another suggestion was made in the course of the examination of one of the ex-Ministers who came before us. It was that the Finance Member should be neither a member of the Executive Council nor a Minister. What will he be then? Will he be a Member of the Government? Will he be only an adviser? To whom will he be responsible? We mean no discourtesy if we are unable to treat this particular suggestion as being at all feasible.

There still remains one last objection. Even if satisfactory arrangements can be made to meet the criticisms which have been rightly made of the present system, we have still to consider the position of the Governor. He is the supreme appellate authority in all matters of disagreement between his two sets of colleagues. In regard to differences between the two halves of the Government arising over financial matters, his position must be extremely delicate and embarrassing. He is ultimately responsible to Parliament through the Government of India and the Secretary of State for the administration of the reserved subjects, of which finance forms a part under rule. Therefore the tribunal to which alone the Minister can appeal is far from being satisfactory. This is a prominent feature of the present Constitution and its defective nature has been stressed by more than one Minister and ex-Minister.

It has been suggested that the evils of the present system can be remedied by the adoption of the system of a separate purse. We do not favour this, for it is calculated to aggravate the difficulties instead of mitigating them. The question was thoroughly examined by the Joint Select Committee and, in our opinion, rightly objected. The most careful and anxious deliberation that we have been able to bestow upon this part of the subject leads us to but one conclusion. The only cure to be had is in the replacement of the dyarchical by a unitary and responsible provincial Government.

## Condition of the Electorate

In the course of our enquiry and discussions, we have had to give our consideration to certain important conditions of advance. They are connected with (a) the position of the electorates with reference to their education and capacity; (b) communal tension and tendencies; (c) the representation of the depressed and working classes; (d) the size and heterogeneity of the provinces; and (e) internal security and self-defence. We propose now to deal with these conditions "seriatim."

(a) ELECTORATE AND THE PUBLIC.—Our attention was frequently drawn to the extent of interest displayed by the public, and particularly by the electorates, in the elections to, and subsequently in the activities of, the Legislatures. The number of voters who went to the polls in 1920 was a small percentage of the total, mainly owing to the political atmosphere which prevailed at the time, and ranged from 16.5 per cent. in Assam to 41 per cent. in the rural constituencies of Bihar and Orissa. Those who then preached a boycott of the Councils continued their hostility to the Reforms, and belittled, while the movement lasted, the efforts and achievements of the representatives of the people. In consequence, the task of political training, which is one of the chief obligations of members of the Legislatures, was a somewhat onerous one, and it must be confessed that in this respect the record of the members has on the whole been inadequate, though not so meagre as several local Governments seem to think. Some of them have referred in their reports to the indifference and apathy of the outside public towards the proceedings of the Legislatures. The Madras Government say that considerable interest and appreciation has been displayed by the public from the commencement of the Reforms, and that the constituencies have been keenly alive. In the Punjab public interest in the proceedings of the Council rose and fell, it is said, with debates with a pronounced political flavour; in the Central Provinces, the Government record a steadily rising tide of popular appreciation of the efforts of their repre-

representatives in the local Legislature. The discussion of agrarian questions in the United Provinces and the Bihar and Orissa Legislative Councils has brought home to large numbers of voters the value of the franchise.

We may here refer to some pertinent remarks of H. E. Sir Malcolm Hailey in opening the Punjab Legislative Council in November 1924. "The extension of the electoral system has brought into the orbit of politics classes whose interests were previously unvoiced and the free discussion here of their needs and requirements has given a new aspect to the whole of the public life in the Punjab. The value of this development must not be judged merely by the force of the impact on Government policy of the views of these classes. The awakening of political consciousness among our rural classes has given them a new outlook as there is an insistent demand among them for better education, and for vocational training, great activity in availing themselves of character-building institutions such as co-operation, a new and more intelligent interest in all that concerns their economic welfare." During the elections of 1923, the participation of the Swaraj Party rendered the contests in many of the constituencies very keen and the polling was consequently much heavier than the first elections. Even so, we are aware that the number of those who actually utilised their vote is a small proportion to the total population. Nor do we wish to overlook the fact that only six millions representing between two and three per cent. of the total population has been enfranchised. But it may not be amiss to point out here that in England, at the time of the first Reform Bill in 1832, only 3 per cent. were enfranchised, and these belonged to the rich and privileged classes; between 1832 and 1867, the number increased to 4.5 per cent., in 1867 to 9 per cent., in 1884 to a little over 18 per cent., and it is only in 1918 that the number rose to over 50 per cent. (See Dr. W. A. Chapple's "Faction of Liberalism," Contemporary Review, September 1924). We would in this connection also draw attention to some impressive facts relating to the position in the United Kingdom as regards the state of the electorates and cognate matters, which Mr. Chintamani has cited in an addendum to his memorandum:—

"Previous to 1832 there were less than 5,00,000 persons who had the right to vote in the election of members of Parliament. The Reform Act of that year increased the number to nearly 10,00,000; the Act of 1867 increased it to 25,00,000; the Act of 1884 increased it again to 55,00,000; and last of all the Act of 1918 increased the number of the electors to over 20,00,000. There are several millions of women to whom the vote is still denied" ("Principles of Liberalism," 1924, Liberal Publication Department Booklets, No. 2.)

"Most of the English boroughs may be roughly divided into those which were sold by their patrons, the great territorial magnates, and those which sold themselves to the highest bidder". The country constituencies of forty shilling freeholders, although limited and unequal, were less corrupt and more independent than the voters in boroughs, but they were practically at the disposal of the great nobles and local landowners. In 1793, when the members of the House of Commons numbered 558, no fewer than 354 were nominally returned by less than 15,000 electors, but, in reality, on the nomination of the Government and 197 private patrons. The Union with Ireland in 1801 added 100 members to the House, of whom 71 were nominated by 65 individuals. In 1816, of 658 members of the House, 487 were returned by the nomination of the Government and 267 private patrons. Of these patrons, 144 were peers. "The glaring defects of the representative system—the decayed and rotten boroughs, the private property of noblemen, the close corporations openly selling the seats at their disposal to members who, in turn sold their own parliamentary votes, and the existence of great manufacturing cities distinguished by their wealth, industry and intelligence, and, yet possessing no right of sending representatives to Parliament" (Taswell, Langmead's Constitutional History of England).

Small as is the proportion of the population of which the Legislatures are directly representative, some of the local Governments have admitted their representative character. Thus, the Madras Government say that "the Council represents public opinion and to a certain extent also creates it". The Bombay Government makes the same admission "in the sense that all the chief communities are represented in it and the members understand the interests of their communities and are ready to defend and support them". The Punjab Government remark that the Council was representative of various shades of opinion but moderate public opinion was predominant. "As a body", they add, "the Council was shrewd,

cautious and strongly imbued with the conservative ideas traditionally associated with the farmer class".

We have not been able to find the exact number of illiterates among the present electorate. But notwithstanding the fact that education in the three B's among the masses has been neglected in the past, we think that the average Indian voter, both rural and urban, is possessed of sufficient intelligence to understand issues directly affecting his local interests and capable of exercising a proper choice of his representatives. We think that the repeated use of the franchise will in itself be an education of potent value and the process of education must go hand in hand with the exercise of political power. We are, therefore, of the opinion that the franchise in every province should be carefully examined, and wherever it admits of lowering, it should be lowered, so as to secure the enfranchisement of a substantially large number of people.

(b) COMMUNAL TENSION AND TENDENCIES.—We are fully aware that the unfortunate tension between the two principal communities, Hindu and Muhammedan, which has recently manifested itself in riots in some towns is held to be a serious warning against any precipitate or even early move towards responsible Government. We do not wish to overlook the argument or to under-estimate its force, but we wish also to enter a caveat against the tendency to exaggerate the extent of these communal differences, which has been visible in a marked degree in certain quarters. Much as we deplore these dissensions and disturbances, we shall point out that in judging of them and their bearing upon the question of political advance regard must be had to the size of the country and its enormous population, and also to the fact that the vast majority of the people live peaceful life, and in rural areas the relations between the two communities are, generally speaking, friendly. It is mainly in towns that unfriendly relations sometimes lead to results which the saner section of each community deplore.

We shall here quote the evidence of Mr. Barkat Ali, a representative of the Punjab Muslim League, which bears out our own views of the matter.

"Q. I want to put you a few questions about the Hindu-Muhammedan situation in the Punjab. The majority of the population in the Punjab are agriculturists. Are they not? A. Undoubtedly.

Q. About 90 per cent of the population in the Punjab live on agriculture directly or indirectly? A. Yes.

Q. Now, is there any Hindu-Muhammedan racial bitterness or feeling in rural areas? A. Nothing of the kind.

Q. Because the interests of the Hindu and Muhammedan population in the agricultural portion the Punjab are common? A. Yes, identical.

Q. They have common interests? A. Yes.

Q. Now I come to the urban areas. You know that in the Punjab the number of towns exceeding 20,000 in population is very small? A. Yes, there are only a few large towns in the Punjab.

Q. In fact, the majority of municipal towns in the Punjab are really large village? A. Quite.

Q. In the smaller towns, is there any bitterness of feeling between the Hindus and the Muhammedans? A. Not much.

Q. So that this acute phase of communal feeling which is talked of so much exists mainly in the bigger towns in the Punjab? A. In the larger towns of the Punjab.

Q. Like Multan, Lahore and Amritsar? A. You may add to these Rawalpindi also."

Recognising as we do the imperative necessity and urgency for the removal of those differences, we shall point out that the leading members of the two communities have been anxious to bring about the establishment of good relations and we hope that these efforts will bear fruit. We also recognise that the conditions precedent for the success of such efforts are (1) the frank recognition by each community of the principles of religious freedom and the cultivation of habits of toleration; (2) the effective safeguarding of the interests of minorities in respect of their political representation; (3) the adequate representation of duly qualified members of each community in the public services of the country. So far as the

latter two conditions are concerned, we think that they can be brought about by provisions in the Act itself or the rules thereunder and through the agency of the Public Services Commission. So far as the first condition is concerned, we think that the fulfilment of the other two conditions is bound to have its effect on the general outlook of the minorities concerned, and will materially help the leaders of the communities in their social and moral activities in the cause of friendliness. It will also, we think, give a totally wrong impression of the political attitude of the Muhammedan community to say that being afraid of political power passing into the hands of the Hindu majority they are as a community opposed to responsible Government. The resolution of the Muslim League which we quote below shows in our opinion that the Muhammedans are as keen as the Hindus on the issue of political advance, but that they are anxious that such advance should be accompanied by the protection of their interests.

#### Muslim League.

"Whereas the speedy attainment of Swaraj is one of the declared objects of the All-India Muslim League, and whereas it is now generally felt that the conception of Swaraj should be translated into the realm of concrete politics and become a factor in the daily life of the Indian people, the All-India Muslim League hereby resolves, that in any scheme of a Constitution for India, that may ultimately be agreed upon and accepted by the people, the following shall constitute its basic and fundamental principles:—

(a) The existing provinces of India shall all be united under a common Government on a federal basis so that each province shall have full and complete provincial autonomy, the functions of the Central Government being confined to such matters only as are of general and common concern.

(b) Any territorial redistribution that might at any time become necessary shall not in any way affect the Muslim majority of population in the Punjab, Bengal and North-West Frontier Province.

(c) Full religious liberty, that is, liberty of belief, worship, observances, propaganda, association and education shall be guaranteed to all communities.

(d) The idea of joint electorates with a specified number of seats being unacceptable to Indian Muslims on the ground of its being a fruitful source of discord and disunion and also as being wholly inadequate to achieve the object of effective representation of various communal groups, the representation of the latter shall continue to be by means of separate electorates as at present, provided that it shall be open to any community at any time to abandon its separate electorates in favour of joint electorates.

(e) No Bill or Resolution or any part thereof affecting any community, which question is to be determined by the members of that community in the elected body concerned, shall be passed in any Legislature or in any other elected body, if three-fourths of the members of that community in that particular body oppose such Bill or Resolution or part thereof.

"That in the opinion of the All-India Muslim League the Reforms granted by the Government of India Act, 1919, are wholly unsatisfactory and altogether inadequate to meet the requirements of the country and that the virtual absence of any responsibility of the Executive to the elected representatives of the people in the Legislature has really rendered them futile and unworkable, the League therefore urges that immediate steps be taken to establish Swaraj, that is, full responsible Government having regard to the provisions of the previous resolution and this, in the opinion of the League, can only be done by a complete overhauling of the Government of India Act, 1919, and not merely by an inquiry with a view to discover defects in the working of the Act and to rectify imperfections under its rule-making power."

#### Other Minorities

We are of the opinion that notwithstanding the note of warning sounded by some Muhammedan representatives from Bengal, the correct interpretation of their attitude is that if the condition mentioned above are fulfilled and no majority is reduced to a minority in any province, they will agree to political advance. Our attention has also been drawn to the attitude of other minorities but we shall observe that so far as the Sikh community in the Punjab is concerned, it will decidedly welcome political advance, while the Indian Christian community has not only publicly supported it but generally deprecated separate representation. As regards the Non-Brahmins in Madras, we shall content ourselves with saying that they are not a minority and whatever may be said of their attitude towards the Brahmins, it cannot be said that on communal or on any other grounds they are



opposed to political advance. On the contrary, having secured a large majority in the Council in Madras since the new era has been inaugurated, the present ministers in Madras distinctly favour advance. While therefore, we think that in the present condition it is unavoidable that due regard must be paid to communal interests and that they should be adequately safeguarded by provisions in the Constitution, we do affirm that by the mere postponement of the solution of questions connected with Constitutional advance not only will no useful purpose be served but that it may make the task more difficult in the future.

(c) "REPRESENTATION OF DEPRESSED AND WORKING CLASSES." As regards the representation of the depressed and working classes, we are of the opinion that the correct principle to follow would be to lower the franchise so as to give them a chance, through the open door of election in general electorates; but where practical considerations point to a different conclusion, we would suggest that for the next few years only special constituencies might be formed for them. Our colleague, Dr. Paranjpye is of the opinion that it should not be at all difficult to secure their representation in the Bombay Presidency by election from three or four districts. Similarly as regards factory labour, we favour their representation by election. We think that though disorganized at present, labour is showing distinct signs in urban areas of organizing itself at no distant date. We anticipate that this process will be expedited by labour legislation which we understand is under contemplation of the Government of India.

(d) "SIZE AND HETEROGENEITY OF THE PROVINCES." We are aware that one of the objections raised in certain quarters to any further political advance is that some of the Governors' provinces are too big in size and population and heterogeneous in character to admit of the proper working of self-governing institutions. The subject is too vast and complicated to be discussed with the materials before us. But we are of the opinion that the consideration of the general redistribution of territories should not precede any constitutional advance, and in any case redistribution should not be effected without the consent of the populations concerned. We are, however, strongly opposed to the use of section 60 for the appointment of Deputy Governors.

(e) "INTERNAL SECURITY AND SELF-DEFENCE." Another vital condition of political advance is that whatever be the form of government it should be in a position to discharge in an effective manner its primary function of maintaining internal security and defending the borders of the country against foreign aggression. This function is at present discharged directly by the provincial Government so far as internal security is concerned though in cases of emergency they have to depend upon the support of the military. As regards defence against foreign aggression the responsibility rests with the Central Government. In our Chapter relating to provincial autonomy we have tried to envisage the future constitutional position in regard to matters of defence. We recognise the difficulty and complexity of the problem, but we also feel that there is urgent and pressing need for taking active steps to prepare India for her defence so that she may take over ultimately the management of her resources of defence. We are aware of the steps which in recent years have been taken towards the realisation of that ideal. We refer to the grant of King's Commission to a small number of Indians, the opening of a Military College at Dehra Dun, to the pending proposals for the development of Territorial and Auxiliary Forces and the Indianisation of eight Units. We recognise that these matters are closely connected with the question of India's political advance and we feel that there can be no stability about any Constitution which may be devised for India without at the same time taking steps to prepare her for her self-defence within a reasonable period of time. In order to satisfy this condition of political advance we think that it is necessary to prepare a scheme which will have a direct relation to constitutional development in the near future to enable India to achieve full dominion status. We naturally do not feel ourselves called upon to enter into the details of any proposals. We have ventured to express these views only because it appears to us that this vital condition of political advance must be stated and recognised.

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# India in Home Polity

Jan.-June 1925.

# The All-Parties Conference

DELHI—23RD JANUARY 1925

The All-Parties Conference Committee convened as a result of the discussion held at Bombay in November 1924, met at the Western Hotel Raisina, Delhi, on Friday, the 23rd January, Mahatma Gandhi presiding. Lively discussion took place on the proposal of M. Gandhi to appoint a sub-committee which would suggest the line of agreement between the Hindus and Musalmans and among all the political parties and also draw up a scheme of Swaraj. Speeches were made by representatives of the various communities and parties explaining their respective positions.

The Conference was attended by a large number of members and also by several Indian members of the Central Legislature. Among those present were Pundit Motilal Nehru; Mr. M. A. Jinnah, the Ali brothers, Sir Mahomed Shafi, Dr. Annie Besant, Mrs. Sarojini Naidu, the Lady Emily Lutyens, Sir Purushotamdas Thakurdas, Pundit Madan Mohan Malaviya, Sardar Mangal Singh, Dr. S. K. Datta, Mr. A. Ramaswamy Mudaliar, Lala Sukhbir Singh, Mr. R. P. Parandikar, Babu Bhagwandas, Mr. S. Srinivasa Iyenger, Mr. Kitchlew, Swami Shradhanand, Sir Abdul Qayum, Mr. C. Y. Chintamani, Dewan Bahadur Ramachandra Rao, Mr. Bharucha, Mr. A. Rangaswamy Iyengar, Mr. Satyamurthi, Babu Rajendra Prasad, Pandit Jawaharlal Nehru, Pandit Hridaynath Kunzru, Lala Lajpat Rai, Lala Harkishen Lal, Mr. M. R. ayakar, Moulana Abul Kalam Azad, Dr. Ansari, Mr. Ramalinga Reddy, JMr. V. J. Patel, Mr. Jannadas Dwarkadas, Babu Bepin Chandra Pal and Mr. Shunmugam Chetty.

M. GANDHI explained that the objects of the Conference were to explore the avenues of communal and political unity and formulate a scheme of Swaraj. He suggested the appointment of a Sub-Committee to suggest the lines of agreement.

Mr. CHINTAMANI (Liberal Federation) thought that no useful purpose would be served by the appointment of a Sub-Committee but he did not object to its appointment.

Dr. BESANT thought it would be impertinent, nay, anarchical on the part of this Conference suddenly to make new resolutions which might run counter to those passed by the Belgaum Congress thereby unseating M. Gandhi from his Presidentship.

M. GANDHI said that his suggestion for a Committee did not go so far as Dr. Besant feared. That suggestion was made to show that Congressmen were not hide-bound to anything, but the new franchise or creed of Congress could not be lightly altered merely because the proposed Sub-Committee might come to certain conclusions. The Congressmen knew their mind and they would prosecute their programme, but if non-Congressmen join the Congress and convince them of error of their ways and of propriety of altering the creed or franchise then they would undertake to call a Special Session of the Congress. Personally he did not expect that any alteration was called for.

Mr. JINNAH said that there must be no delay in appointing a representative Committee to arrive at the Hindu Muslim Unity without which there could be no political unity and there could be no Swaraj without United Congress. It did not matter what the Liberal Federation had laid down or what the other organisations had done. Resolutions passed by the political organisations were not like laws of Medes and Persians unalterable. The object of this meeting was to put everything in the melting pot and see if unity could be achieved.

M. GANDHI at the request of Mr. Dalvi read the Liberal Federation's resolution—(1) That the Liberal Party would rejoin the Congress only if the object of the Congress was defined as Dominion Self-Government to be obtained by constitutional methods, (2) If Non-co-operation and Civil disobedience were definitely abandoned as also the Franchise and (3) If the Swaraj Party were not constituted the only accredited representatives of the Congress in Legislatures. M. Gandhi added that the suggestions from other political bodies were almost along the same lines.

Mr. Chintamani explained that if anything emerged out of the proceedings of the Conference which would suggest reference to the Liberal Federation then its representatives here would do so.

Mr. A. Ramaswamy MUDALIAR, President of the Non-Brahmin Congress at Belgaum, emphasised that the settlement of inter-communal differences was far more important than the questions of the Congress creed, franchise or means for attaining Swaraj. The problem of Brahmin Non-Brahmins was as acute in Madras as Hindu Muslim problem in North India. (Mr. Satyamurthi: Certainly not.) Mr. Mudaliar continuing said that the acuteness of the problem was evident in the acute denial of Mr. Satyamurthi (Laughter). If any definite resolution was passed in the Conference, it will be placed by him before the Non-Brahmin Conference.

Mr. K. DATTA, representing Indian Christian Association, said that he had a watching brief. "We are not going to make any separate demands but we feel we ought to have opportunity of discussing our relationship to others. We desire to know where we come in (hear hear). Inter-communal problem is one in which we are greatly interested and therefore every opportunity should be given for a frank discussion leading to a right atmosphere for settlement of the communal relations."

Pandit MALAVIYA had no objection to the appointment of a committee which would bring about political unity. He agreed with M. Gandhi that it was shown that the Congress should alter its creed and franchise. There could be a special session summoned for the purpose. Indeed M. Gandhi had eliminated some of the differences among the political parties by himself agreeing to certain changes in the Congress programme but the time had come for the revision of the programme of all the political parties in the light of the decisions arrived at by M. Gandhi, by the Swaraj party, and by the Liberal Party. A common programme must be fixed upon so that there could be a united and therefore a really representative Congress. But the proper time had not yet arrived for a committee to consider the Hindu Moslem question and the Swaraj scheme. The Committee appointed by the Hindu Sabha, the Central Sikh League, and the Non-Brahmin Conference had not yet met to

consider their respective communal demands. Moreover the Moslems had not explained what their demands really were. The Hindu opinion so far as he has been able to gather, was from the first opposed to communal representation and the experience of the last few years had only deepened their conviction against it. Communal representation and National Government could not exist together, but so long as Moslems wanted to stick to communal representation on the basis of the Lucknow Pact, the Hindus would in honour be bound to adhere to it. But there could be no extension of principle of communal representation. There was no use in appointing a committee unless the Muslims fully explained in what respects they wanted a reconsideration of the Lucknow Pact.

Mr. JINNAH—I have not come to say what Mussalmans want. We have come to sit with you as co-workers. Let us put our heads together not as Hindus or Mahomedans but as Indians. Do you want to discuss or do you want to wait? The choice is yours (applause.)

Lala LAJPAT RAI said he was not opposed to the appointment of a committee, but the party which wanted revision of the Lucknow Pact must place its cards on the table so that there might be no misunderstanding of the position. As for the Committee of the Hindu Sabha Lala Lajpat Rai informed the Conference that it had prepared a questionnaire based on the views of several Moslem leaders as collected from time to time on the question of revision of Lucknow Pact. This questionnaire would shortly be circulated to a large number of individuals whose answers would be collected and then only could any definite view be formed as to the Hindu Community's demands.

Mr. N. C. Kelkar vigorously supported the appointment of a committee.

Mr. Jamnadas Dwarkadas said the delay in formulating the scheme of Swaraj would be dangerous and this fact should not be lost sight of while they were discussing Hindu Muslim difference.

Mr. M. R. JAYAKAR further supporting the appointment of a committee warned the conference against approaching questions of Swaraj from the point of view of proportion of benefits that each community would get. As soon as the committee for communal unity would submit their report, the question of Swaraj should be gone into, and Dr. Besant's scheme might be taken as the basis for discussion.

Mr. C. R. Reddi also supported Mr. Gandhi's proposal.

Swami SHRADHANAND saw no use in appointing a Committee when the Mahomedans had not expressed their demands. As it was now quarter past eight M. Gandhi adjourned further discussion till the next day.

#### DELHI—24TH JANUARY 1925.

Next day the Committee of the All Parties' Conference resumed the last day's discussion and after important speeches by representative spokesmen including Mr. Jinnah, Lala Lajpat Rai, and Dr. Annie Besant, a fully representative Sub-Committee, consisting of 40 members, was appointed:—

(a) To frame such recommendations as would enable all parties to join the Congress;

(b) To frame a scheme for the representation of all communities, races and sub-divisions on the Legislative and other elective bodies under Swaraj and recommend the best method of securing the just and

proper representation of the communities in the services with due regard to efficiency and

(c) To frame a scheme of Swaraj that will meet the present needs of the country.

#### M. Gandhi's Introductory Speech.

Mahatma GANDHI presiding thought that if the meeting could arrive at a satisfactory, real and honourable solution of the Hindu-Muslim problem and the Brahman and Non-Brahman problem etc., they would have made a very substantial advance towards Swaraj. If the meeting could find a scheme which would commend itself to all parties, they would have taken a very long step towards Swaraj. If the representatives present at this meeting could see eye to eye on these main questions, then there would be no difficulty in all parties uniting on the Congress platform and making an unanimous demand in the name of the nation.

#### Mr. Jinnah on Muslim Standpoint.

Mr. JINNAH, addressing the meeting, said that the dispute between the Hindus and the Mahomedans, particularly with regard to their representation in the various legislatures and other elective bodies and with regard to their share in the services, was a question which had been a terrible monster in the way of the country's progress. It was not for the Hindus nor Mahomedans alone to ask what they wanted and it was up to everyone to try and find a solution of the question. Without removing this terrible obstacle they could not make any progress in any direction. "We have come in a spirit of meeting you as friends, and as responsible men who occupy eminent and representative positions in their respective communities, let us put our heads together". Pandit Malaviya had said yesterday that communal representation was an evil standing in the way of nationalism and as the Hindus had accepted it in the Lucknow Pact they would stand by it. But, if the Mahomedans wanted a change then they must explain what they wanted. The Lucknow Pact, said Mr. Jinnah, was arrived at in a scheme formulated as the first necessary step towards the establishment of complete Self-Government. For the purpose of establishing that first step by a constitution which they framed and was accepted by the Congress, they wanted an adjustment of the representation of all communities. As a party to the Lucknow Pact Mr. Jinnah declared that it was never intended to be permanent. But the important and fundamental principle of protecting minorities, wherever they were, was accepted. That was the principle which was reiterated in the proposition of Pandit Motilal Nehru in the Assembly asking immediate steps towards establishing responsible Government.

Proceeding, Mr. Jinnah explained how the details of the Lucknow Pact were settled. Mahomedans were in a majority in the Punjab and Bengal, they being at that time fifty six per cent. in Bengal and fifty four per cent. in the Punjab. On account of the general backwardness of the Mahomedans, it was argued that if the Mahomedans were given their share upon a population basis, it would be putting premium on ignorance and incompetence, and it was suggested that the Mahomedans in both these provinces should submit to joint or mixed electorates. But the Mahomedans pleaded that in such an electorate their voting strength

would become almost nil and they would never get even ten or fifteen per cent. of the seats, and here Mr. Jinnah pointed out that despite the advance that had been made by both the communities there was still the fact that in polling booths feelings and sentiments largely played and voters exercised their powers by giving votes to their own co-religionists. When it was pointed out that a premium should not be placed on incompetence, it was agreed that the Punjab Mahomedans should get fifty per cent. and the Bengal Mahomedans forty per cent. When the Reform Bill was in Parliament the Government of India in despatch made a formidable indictment against the decision at Lucknow in respect of Bengal which only got forty for a fifty-six per cent. population. But the Hindus and the Mahomedans admirably stood by the terms of the Pact and the Joint Parliamentary Committee agreed to the Pact. The trouble then came from the Punjab and Bengal.

The Congress appointed a committee with Lala Lajpat Rai, Dr. Ansari and a Sikh gentlemen to revise the Pact and while this Committee was in the middle of its labours, Mr. C. R. Das struck a pact in Bengal. But the Bengal Pact was turned down at Cocanada. It was, therefore, correct to say that the Lucknow Pact was intended to be a permanent thing.

#### Protection of Minorities

Now this Conference was contemplating the establishment of Swaraj and there was every justification on the part of Hindus as well as Mahomedans to get the Pact revised. There were both among Hindus and Mussalmans a few nationalists who wanted that separate representation should be done away with while a few might desire an Utopia. Facts must be faced. The large bulk of both the communities had no real confidence in each other. Mahomedans in the Punjab and Bengal felt that they should be restored to their majority. The Lucknow Pact was calculated to protect minorities by 2 methods. One was greater representation than the number warranted; that was why Bombay Mahomedans with 28 per cent population got 33 per cent, U. P. Mahomedans got 30 per cent for 14 per cent population, C. P. and Madras Mahomedans got 15 for 7 per cent. This was recognised in the Reforms Scheme. The other principle of protecting a minority was a provision that no resolution concerning a community should be proceeded with if three-fourths of the members of that community in the Legislature were opposed to it. This provision, however, remained a dead letter.

Mr. Jinnah, concluding, said on behalf of Moslems that they claimed that the Bengal and Punjab Mahomedans should not be reduced to a minority and that in the other provinces the two principles of safeguarding minorities should be accepted as in the Lucknow Pact. The question of representation on the Services could be taken up separately.

Lala LAJPAT RAI said he was not a party to the Lucknow Pact like Mr. Jinnah, but he personally considered that Pact a great blunder. He gave a history of how the Lucknow Pact was arrived at and why the revision of it was undertaken by the Congress Committee of which he was one.

Lala Lajpat Rai said that long before the Pact was thought of Musalman leaders in the early life of the Congress thought that if India got representative institutions it would be a Hindu Raj and Mahomedans being in a minority should not join in any movement with

Hindus at that stage. This was the position taken up by Sir Syed Ahmed Khan and a large portion of Musalmans; only a minority section among the Mahomedans stuck to the Congress. When the Congress at its Calcutta session presided over by Dadabhai Naoroji made the first demand for Swaraj some Mahomedans said they should not join in the demand and argued that without their being in it the British Raj would not concede any demand. The question therefore when the Lucknow Pact was thought of was how to satisfy the Musalman demand for communal representation in order to safeguard minority interests. The Musalmans said they could not accept any scheme without some kind of communal representation. Hence the figures of representation which were quoted by Mr. Jinnah. It was said that that arrangement was a temporary one to be changed afterwards in the interests of the country as a whole. Therefore, it was not only the figures of representation but the fundamental character of representation that was the foundation of the Lucknow Pact.

Proceeding, Lala Lajpat Rai explained that the Congress Committee was appointed to consider the representation of not only Hindus and Musalmans but also the Sikhs who were not present when the Lucknow Pact was drawn up. The Sikhs complained that they must get communal representation in the same way as the Musalmans in U. P. and there was a feeling in the minds of both Hindus and Musalmans that some thing should be done to appease them. But before the Committee's report was published the terms of the Bengal Pact were announced by Mr. C. R. Das. Then the report of the Congress Committee was soon published. The Bengal Pact was rejected by the Congress Committee and was submitted to it for reconsideration. But feeling in the country over the Bengal Pact was so immense that it was not considered opportune to proceed with the Committee's labours. Moreover Mahatma Gandhi was then released from jail and it was thought he would take up the question. Dr. Ansari had collected the material and submitted it to the All-India Congress Committee.

L. Lajpat Rai observed that communal representation was a negation of Nationalism and it was practically dividing the country into water-tight compartments. If the principle of communal representation was extended it was not known how many divisions and sub-division might be created. "I ask you to consider this question, not in the interests of the Hindu or the Mahomedan community, but as one united nation which should stand against those who do not want to give us self-government. If any solution is put forward which will further our country's progress I shall whole-heartedly support it. But remember we have not only to win our liberty but also to keep it. Any patched up agreement by way of altering the figures of representation would only be a backward step. Let us not try to divide the loaves and fishes, but try to evolve a scheme which would further the interests of Swaraj, of unity in the country."

Pandit Motilal NEHRU, who was requested to speak, said he was constitutionally incapable of thinking communally. He could not carry his thought in that channel. But he thoroughly agreed with both Mr. Jinnah and Lala Lajpat Rai. He then suggested the names of members for the Sub-Committee.



Dr. BESANT suggested that if they wanted to get business done they must appoint two separate committees to sit simultaneously and discuss the question of the Pact and the Swarajya Scheme. Vital as the question of Hindu-Muslim Unity was, she felt that more vital was the question of Swaraj. They were all Indians. They had lived in India for thousands of years. They had been under foreign rule for the last hundred and fifty years. It was in the interest of those foreign rulers to keep them divided and whatever Pact might be concluded, the foreigner would find some apple of discord or other to keep them apart. Their quarrel would never cease until they became self-governing and were face to face with problems of Government. She knew Indian history and it was intolerable that England, one of the younger branches in the development of self-governing institutions, should claim dominion over the mother of them all, India. Would Indians, she asked, continue to quarrel while India was dying? Did they realise the position of their peasantry? Did they know that the average life in India was 23'5 years? Did they realise that epidemics took almost double the toll of life compared with Western countries, because Indian children were born of starving mothers and were generated by starving fathers? These were questions that faced them to-day; not whether one should get this place or other that place. They must be ready with their scheme of Swaraj and tell the British Parliament to take their hands off India.

Mr. Jinnah, Mrs. Besant said, had given her credit about the preparation of the Commonwealth of India Bill which she did not deserve. She wished she had drafted it herself. The fact was that Committees appointed by the National Convention had done the laborious work which resulted in the drafting of the bill. She was presenting it to them merely as a draft, as something to work on. They could alter and amend it. Briefly put, she wanted complete civil Government at once as soon as Parliament passed the Bill. They must have Cabinets responsible to the Legislatures and the Governor-General and Governor reduced to constitutional heads. But Swaraj must be laid on solid foundations. The villages of India where India lived provided this foundation. They must have in villages real Panchayats and not sham ones and lay their foundation on self-governing villages. There would be five self-governing areas covering the whole of India, namely Village, Taluqa, District, Province and Central Government. This scheme should provide the right to amend the constitution in future, so that hereafter they should not have to go to Westminster. When they were self-governing, if they made even ten blunders, they would be less fatal than even one blunder by a foreign ruler. These were points they had to consider. She informed the committee that she had pledged her word that the scheme of Swaraj shall be in Parliament within the course of a few months. They should sit down and draw up a scheme at least in broad outlines, if not in full details. If they dispersed without formulating a scheme, it would show that for the sake of squabbles they could not come to any decision.

Maulana SHAUKAT ALI supported Dr. Besant's idea of a separate committee. He expressed himself in favour of drawing up a skeleton scheme of Swaraj. He was, he said, an outlaw while Dr. Besant was a constitutional fighter; but in their conclusions they agreed. He

however deprecated the use of tactics in settling the Hindu-Muslim question. One party saying that they must ask for so much, to get that much only irritated him (Applause).

Mr. SATYAMURTHI opposed the idea of a separate committee because, he said, Swaraj scheme and Hindu-Muslim Pact could not be divorced from each other. He particularly emphasised the necessity for the finding out of the minimum necessary in order to secure united political action. What was needed was that when they drew up a scheme and the British Parliament refused to enact it, then all parties, Congress, Muslim League, Liberals and others must stand shoulder to shoulder to enforce their demand, just as South Africa did it when Sir Henry Campbell-Bannerman, the British Premier, asked the House of Commons either to reject the South Africa Union Bill or to pass it without even the change of a comma.

Sirdar MANGAL SINGH then explained the attitude of the Sikhs. They were ready to take their chance at the polls in a general electorate. They deprecated the fight for loaves and fishes. They would be ready to live under any permanent political majority. But that majority must be political and not religious. If there was a political majority ruling, then a minority could win majority. But a permanent religious majority would be fanatical and not be in the interests of the country. So long as this idea of a religious majority existed, so long would Shuddhi and Tabliq movements flourish, because every religious community would try to swell its numbers. Personally he considered the Lucknow Pact a great blunder.

At this stage Mr. Chintamani suggested that the terms of reference to the proposed Sub-Committee be read to clear misunderstanding.

Pundit MOTILAL said that the committee which had been appointed by the All-Parties Conference at Bombay and the terms of reference to the sub-committee would be the same as those passed by the conference for the general committee. They could not go beyond those terms which were quite comprehensive and included all points of views expressed. Pundit Motilal said that he did not make a speech before, because he thought speeches already made were business like. They had all the same objective of Swaraj, but the unfortunate position was that he did not find people ready to discuss Swaraj before the petty quarrels were settled. Swaraj was unattainable and unthinkable until the Hindus and the Muslims came to a better understanding. He entirely agreed with Dr. Besant that the Government would throw some apple of discord or other. Government must do that. It was the business of the Indian leaders to make the best of their position. He was prepared to confess that some pessimists had declared that unity would never be attainable. The other day he was travelling with a friend from the Punjab who asked whether the speaker seriously thought that Hindu-Muslim unity would be attained. The Pundit replied that was why he was working for it and he was not a mad man. The Punjab friend replied that he took the Pundit to be mad at least in entertaining that hope (Laughter). Such people, added the Pundit, went even to the length of saying that they must reconcile themselves to British rule for all times to come. The attainment of unity was therefore vital for the movement of Swaraj.

After this the Committee agreed to the appointment of a sub-committee of over forty members with instruction to report on or before the 15th February. It was also decided that the general committee will meet in the first week of March to consider the report.

Mr. JINNAH, in urging an early decision, gave expression to his surprise that the Government would let the Assembly discuss the Reforms Enquiry Committee's report in February. As much had been made of Hindu-Muslim differences in connection with the work of the Committee, he wanted to tell the Government, when the time for the discussion of the report came, that Hindu-Muslim differences had been made up and they stood united in their demands.

Mahatma GANDHI replied that Mr. Jinnah's purpose would be served by the publication of the sub-committee's report. The sub-committee would soon sit to work from day to day till it finished its labours and prepared a report. It will consist of the following:—

Mahatma Gandhi, Mr. Chintamani, Sir Sivaswamy Iyer, Mr. Jayakar, Lala Lajpat Rai, Babu Bhagavan Das, Mr. Srinivasa Iyengar, Pundit Malaviya, Swami Shradhanand, Mr. B. C. Pal, Mr. T. C. Goswami, Mr. Jairamdas, Mr. A. Ramaswami Mudaliar, Mr. C. R. Reddy, Dr. S. K. Datta, Sardar Mangal Singh (or Jodh Singh), Mr. Kelkar (or Mr. Abhyankar), Colonel Gidney, Mr. Ramachandra Rao, Mr. Hridayanath Kunzru, Mr. N. M. Joshi, Mr. Anantram, Dr. Annie Besant, Mr. Jamnadas Dwarakadas, Mr. Satyamurthi, Mrs. Naidu, Lala Harkishen Lal, Dr. Kitchlew, Mr. Abdur Rauf, Hakim Ajmal Khan, Mr. Mahomed Ali, Moulana Azad, Dr. Ansari, Mr. Abdul Aziz, Mr. Zafar Ali, Mr. M. A. Jinnah, Mr. Raza Ali, Mr. Mohamed Yakub, Sir Muhamed Shafi, Mr. Barkat Ali, Syed Murtaza Sahib, Mr. Samiullah Khan, Mr. Ahmedali Khan, Mr. Shamsudin, Mr. Sarfaraz Hussain Khan, Sir Abdul Quaym and Maulana Shaukat Ali.

The sub-committee appointed sat later and some members formed themselves into a smaller committee for drawing up a scheme of Swaraj. The whole of the sub-committee and this smaller committee held their deliberations from day to day.

### Report of the Swaraj Sub-Committee.

The following is the report of the Swaraj Sub-committee issued by Dr. Mrs. Annie Besant, the Chairman, and submitted to the General Committee of the All-Parties Conference.

The Committee appointed by the All-Parties Conference held in Bombay, met on January 23rd and 24th and elected a sub-committee which divided itself into two groups, one to deal with the Hindu-Muslim union and the other to outline a scheme of Swaraj which should establish India as a self-governing dominion free from interference with her internal affairs.

The group dealing with the scheme of Swarajya consisted of 19 members to whom three were added by co-option at its first and second meetings. I was elected as Chairman and at the third meeting Lala Lajpat Rai was elected in my stead during my absence in Benares where I had to fulfil a previous public engagement which I could not break. The Committee ordered that the reports of the sub-committee should be handed on or before February 15, and considered by the full committee on February 28. The last engagement has, I understand, been altered but the sending in of our report is binding on us.

The list of the Swarajya sub-committee is:—

Dr. Annie Besant, (Chairman), Messrs. C. Y. Chintamani, Shaikat Ali, Mahomed Ali, Jawharlal Nehru, Hridaynath Kunzru, Jairamdas, H. S. Jayakar, S. Srinivasa Iyengar, S. Satyamurti, K. Ramchandra Rao, S. K. Dutta, Lala Lajpat Rai, Sir P. S. Sivaswami Iyer, Bhagavan Das, Mangal Singh, Jajnadas Dwarkadas, Bipin Chandra Pal, N. M. Joshi.

Co-opted members:—Messrs. A. Rangaswami Iyengar, T. Rangachari, B. Sivarao.

Of these ten were called away by their engagement before the fourth meeting leaving seven members of the Assembly and the Chairman and Messrs. Lajpat Rai, Shaikat Ali, Mahomed Ali, and B. Siva Rao, twelve in all, to carry on the work. The Sub-committee met on January 25th, 26th, February 1st, 2nd, 3rd, 6th, 9th and 11th. After some general discussion it was decided to lay down certain general principles and to take the draft Bill prepared by the National Convention as the basis. The following outline was decided on.

#### Fundamental Rights.

(1) Following the resolution passed by the Indian National Congress in December 1914 at Madras it was decided that India should be placed on equality with the Self-Governing Dominions sharing with them privileges and responsibilities enjoyed by them as free nations.

(2) There should be a strong Central Government in India and therefore residuary powers should be vested in it.

(3) The following fundamental rights were passed by a majority:—

(a) No person shall be deprived of its liberty nor shall his dwelling or property be entered, expropriated or confiscated save in accordance with law and by ordinary courts of law. (b) Freedom of conscience and free profession and practice of religion are, subject to public order or morality, guaranteed to every person. (c) Right of free expression of opinion as well as right to assemble peaceably and without arms and to form associations or unions is guaranteed for purposes not opposed to public order or morality. (d) All persons residing within the Commonwealth are equal before law and shall be tried for similar offences in courts of the same order and by judicial officers of same grade and no person shall be immune from penalty annexed to any breach of law nor shall such penalty be varied on account of nationality or caste or class or occupation. (e) There shall be no sex-disqualification with regard to franchises, membership of Governments, of Legislatures and Local Boards, and all offices, functions and powers shall be open equally to both sexes.

(4) To shorten discussion the following principles were accepted for all elected bodies (to be inserted in the Bill in their several places)—(a) All such bodies shall elect their own President. (b) Each Legislature shall have power to increase or diminish its membership subject to change being created as a change in the constitution. (c) Membership of the elective body—its term shall give franchise for the next higher body. (d) Members of one Legislative body shall be ineligible for another simultaneously. (e) The age of twenty-one shall be the necessary qualification for all franchises; (f) Disqualifications:—No person shall be capable of being chosen or of sitting as members who (1) is an unrehabilitated insolvent or (2) is a lunatic so found or (3) holds any office of profit under the Crown within the Commonwealth, provided that the following persons shall not be deemed to hold an office of profit under the Crown for purposes of this clause:—(1) A Minister, (2) A person in receipt of a pension from the Crown, (3) Officer or member of His Majesty's Military, Naval or Air Forces retired or on half pay; (g) Each Legislative body shall make rules and order for itself; (h) The Franchise shall be graded.

#### Legislative Power.

(5) The Legislature.—The Legislative power of the Commonwealth shall be vested in the King represented by the Governor-General, Senate and Legislative Assembly, hereinafter called "The Parliament".

(6) (a) The Senate shall be elected by proportional representation by: (i) Members and ex-Members of the Legislative Councils and Parliament, (ii) Members and ex-Members of the District and Taluka Boards and Municipalities, (iii) registered graduates of not less than seven years' standing from a panel of candidates consti-

tuted as follows :—(1) Before each election of the members of the Senate the Panel shall be formed in each province consisting of three times as many qualified persons as there are members to be elected in that area of which one-third shall be nominated by the Legislative Council and one-third by the Senate. (2) Such other persons who have been members of the Senate or of the Council of State under the Government of India Act 1919 as shall signify by notice in writing addressed to the Prime Minister their desire to be included in the panel.

(b) Age of the members shall be at least thirty years;

(c) Duration of the Senate shall be six years;

(d) Half the number of the members shall go out every three years;

(e) The number was first fixed at three hundred but at a subsequent meeting reduced to the maximum of 150 and later still fixed at 150.

(7) The Legislative Assembly—(a) The number of members shall be three hundred; (b) age of members shall be at least twenty-five years; (c) duration of the Assembly four years.

8. The following shall constitute the electorate for Assembly in each province :—(A) Members and ex-members of Legislative Councils and of Indian Legislature representing the Province since the Government of India Act 1919; (B) Members and ex-members of the District and Taluka Boards and Municipalities; (C) All with education up to the graduate level or diploma granted for training after High Schools or equivalent general or technical education; (D) Members of recognised Chambers of Commerce, Landholders' Associations, Trade Union Councils, Industrial Associations or such other bodies, or all individuals paying such tax or enjoying not less than such monthly income or allowance as may be recognised by rules.

(9) (A) The Parliament.—The Parliament shall have power to make laws for the peace, order and good Government of the Commonwealth in respect of all subjects not assigned exclusively to Legislative Councils, provided that until such time as Parliament shall, in pursuance of the recommendation of the Defence Commission hereinafter specified by its own act, signify its readiness to assume control over Naval, Military and Air Forces of the Commonwealth, it shall have no power to make any law with regard thereto without the previous approval of the Governor-General.

(B) The Defence Commission.—At the establishment of the Commonwealth and after a period of every five years thereafter the Governor-General in Council shall submit names of persons, the majority of whom shall be Indians, for the approval of His Majesty to act as a Commission. The persons whose names are so submitted, if approved by His Majesty, shall be commissioned for the following purposes: (i) to fix the minimum of expenditure on Military, Naval and Air Forces of the Commonwealth to form charge on consolidated revenue fund of the Commonwealth; (ii) to report on the steps to be taken on the Indianisation and training of the Defence forces of the Commonwealth so as to enable the people of India to undertake their own defence as soon as practicable.

(C) Joint Session.—In cases of disagreement between the two House of Parliament, except on financial questions, a joint session shall decide the case under dispute after the second passing of the Bill, provided that not less than a year shall have elapsed between its first and second passing in the Assembly.

(D) Money Bills and laws appropriating revenue shall not originate in the Senate nor be amended by it except with the consent of the Assembly.

(10) (a) The Parliament shall have power of establishing or admitting new provinces and of making laws for their Government. (b) In all cases of altering limits of existing province the opinion of Legislative Council or Councils concerned shall be ascertained and considered.

(11) The Executive—The Governor General shall be appointed by the King as his representative. The Governor-General-in-Council shall mean the Governor-General acting with the advice of the Cabinet.

(12) The Cabinet—(a) There shall be a Cabinet to aid and advise the Governor-General in the Government of the Commonwealth. (b) The Prime Minister shall be appointed by the Governor-General. (c) The Cabinet shall consist of the Prime Minister and not less than seven Ministers of the State for the Commonwealth appointed by the Governor-General on nomination of the Prime Minister. (d) No Minister of State shall hold office for a period longer than three month unless he is or becomes a member of one of the Houses of Parliament. (e) The Cabinet shall be collectively responsible for all matters

concerning the departments of the Commonwealth. (f) The Cabinet shall resign when it ceases to retain the support of majority in the Legislative Assembly.

(13) The Commander-in-Chief of the Military, Naval and Air forces of the Commonwealth shall be vested in the Governor-General as the King's representative, subject to the proviso in article (9) (B).

(14) The High Commissioner for India shall be appointed by the Governor-General-in-Council for the performance of Agency duties in England.

(15) The India Council shall be abolished and the Secretary of State for India shall be placed on the same footing as the Secretary of State for the Colonies in relation to the Self-Governing Dominions.

(16) The Judicature—(A) There shall be a Supreme Court of not less than three Justices with such jurisdiction as Parliament shall determine. (B) The Justices shall be appointed by the King and removable by him on an address from the Parliament showing the ground of misbehaviour or incapacity.

(17) All Sessions trials shall be by jury.

(18) Finance and Trade.—The revenues of the Commonwealth shall be received by the Executive Government with the consent and on behalf of Parliament to form a consolidated revenue fund.

(19) India shall be responsible for all liabilities of the present Govt. of India.

(20) Trade within the Commonwealth shall be free.

(21) India shall have a gold standard with a gold currency and a gold mohur of the weight and fineness of English sovereign and standard of currency.

(22) India shall have the power of borrowing in any one of the world's markets

(23) The Provinces—The Legislative power of the province shall be vested in the Governor as the King's representative and a Legislative Council.

(24) The Power of deciding upon the establishment of a Second Chamber in a Province shall be left to the Province concerned.

(25) (a) The powers of the Legislative Council shall be scheduled; (b) The size of and the franchise for the Legislative Council shall be determined by means of rules. (c) The duration of the Legislative Council shall be for four years.

(26) The Executive—The position and functions of the Governor shall be analogous to those of the Governor-General.

(27) The Constitution and powers of the Provincial Cabinet shall be analogous to those of the All-India Cabinet; but there shall not be less than three Ministers including the Chief Minister in a Province.

(28) The Judicature:—The existing High Courts shall be the Chief Judicial Tribunals in the Provinces.

(29) Local Self-Government.—The Government of India shall direct Provincial Governments, within the first year of their coming into power, to reform the local Governments which should consist of District, Taluka and Village Panchayats suited to the conditions of their provinces based on the following principles:—(1) The unit to be the village with universal adult suffrage and annually elected panchayats vested with powers to administer village affairs and civil and criminal jurisdiction exercised by an appointed bench sitting in the village. (2) The suffrage for Taluka and District Panchayats to be graded on lines given in a schedule and the general division of functions therein stated to be followed with such modifications as local conditions may require.

[NOTE:—On the above question division of opinion was marked and no decision was taken.]

(30) The Services—Recruitment to Services shall be in the hands of a Public Services Commission. The Powers and functions of the Commission shall be defined by Parliament.

(31) Alteration of the Constitution.—The Power to alter the constitution shall vest in Parliament subject to the consent of a majority of Legislative Councils and also of a majority of members of the Legislative Councils voting on the subject after the next general election provided that for a change affecting only a single province the consent of the Legislative Council concerned and of Parliament shall be sufficient.

[NOTE:—The above was only partly discussed and Referendum rejected above is proposed instead.]

## Report of the Sub-Committee on Hindu-Moslem Unity

The Sub-Committee of the Committee of the All-Parties Conference appointed on the 23rd January to frame a scheme of Hindu-Muslim unity met at Delhi on the 1st March and adjourned *sine die* without coming to any conclusion. M. Gandhi presided and those present numbered about fourteen including Mahomed Ali, Shaukat Ali, Motilal Nehru, M. A. Jinnah, Sir Abdul Qayum, Dr. Syed Mahmud, N. C. Kelkar and Swami Shradhanand.

Prominent among the absentees was Lala Lajpat Rai. His criticisms of M. Gandhi's views on the Hindu-Muslim question as published in the "Leader" of Allahabad attracted considerable attention. In this article Lala Lajpat Rai said there was no immediate hurry for a fresh pact and declined to accept the view that a Hindu majority in some provinces and a Muslim Majority in others was the only remedy.

It will be remembered that the Committee was asked to frame a scheme for representation of all communities, races and sub-divisions of Legislative and other elected bodies under Swaraj and recommended the best method of securing a just and proper representation of the communities in the services with due regard to efficiency. This Sub-Committee held a few sittings after its appointment and dispersed to meet again on this day and draw up a report. But it could not arrive at any agreement on the main question of the revision of the Lucknow Pact and the method of representation on Legislative and other bodies.

M. Gandhi in the course of his remarks stated that it was impossible in the prevailing conditions of suspicion to frame any scheme that would be called a united scheme. After a short discussion the Committee adjourned *sine die*.

Subsequently, M. Gandhi and Pundit Motilal Nehru issued the following statement explaining the reasons which led to the adjournment of the Sub-committee of the All Parties Conference over Hindu Muslim question :—

### The Gandhi-Nehru Statement

"It was decided at the meeting of the sub-committee appointed by the committee of the All Parties Conference to adjourn the proceedings *sine die* with the proviso that the meeting shall be called on a requisition from the majority of the members of the sub-committee. We were also required and authorised by the meeting to give a resume of the position as it stands to-day. The meeting was attended by very few members, 14 out of 53. They were Maulana Mohamed Ali, Maulana Shaukat Ali, Swami Shradhanand, Pundit Jawsharlal, Dr. S. K. Datta, Mr. Ahmed Ali, Raja Ahmad Ali Khan of Salempur, Nawab Sir Sabibzada Abdul Quiyum, Mr. Mohamed Yakub, Mr. N. M. Joshi, Mr. N. C. Kelkar besides ourselves. Mr. Jinnah came in for a few minutes from another meeting (Independent Party's meeting) he was attending at that time.

"Lala Lajpat Rai had asked for a postponement by reason of the inability of Messrs Jayakar, Srinivasa Iyengar and Jai Ram Das to attend. We were unable to postpone the meeting on our own responsibility. We therefore informed Lala Lajpat Rai that the question of postponement be placed before the meeting. This was consequently done but apart from the absence of Lala Lajpat and of the gentlemen named by him the attendance was otherwise also too meagre for coming to any decision. In our opinion there was moreover no material for coming to any definite conclusions nor is there likelihood of any being reached in the near future. We, therefore, see no hope of being able to convene a general meeting of the Conference within the described period except upon a requisition referred to by us.

"The failure to reach a decision is likely to disappoint the public. We would, however, advise publicists and others not to despond. That the Sub-Committee has not been able to reach at any decision is no reason for individuals or groups to relax their efforts towards the solution. There still remains to mention the Swaraj Scheme framed on the Sub-Committee under Dr. Besant. The dissenting notes are being received by us from the members of that Committee. In view however of the meagre attendance and the failure to reach a decision on the Hindu Muslim problem the scheme could not be considered by the meeting."

# The Commonwealth of India Bill.

The "National Convention" of which Sir Tej Bahadur Sapru is the President and Dr. Mrs. Besant is the General Secretary prepared a "Commonwealth of India Bill" in December 1924. The following is the text of the Draft Bill which was presented to the All-Parties Conference meeting at Delhi on the 23rd January 1925. The Committee appointed by the Conference elected a Sub-Committee which divided itself into two groups, one to deal with the Hindu-Moslem Union, and the other to outline a scheme of Swaraj which should establish India as a Self-Governing Dominion.

The Swaraj group of the Sub-Committee, as the latter was called, under the chairmanship of Mrs. Besant, submitted its report at Delhi on the 23rd February. (p. 73.) But the group entrusted with the task of drawing up a Pact for all communities, particularly the Hindu and the Moslem, failed to arrive at an agreement. (p. 77). The consideration of the Swaraj scheme was therefore dropped, for it was felt that without a basis of communal unity it would be infructuous to adopt a scheme of Swaraj as a basis for agitation.

The efforts of the Swaraj Sub-Committee having failed, Mrs. Besant felt herself free to take action on the scheme initiated by her. She incorporated in her Bill certain features suggested in the report of the Swaraj group of the Sub-Committee of the All-Parties Conference, and the Bill reached its final form during the three days' sitting of the 'Convention' at Cawnpur on the 11th 12th and 13th April.

After making an extensive tour and propaganda work throughout India, Mrs. Besant proceeded to England on the 3rd July to press on the British Parliament her scheme of Swaraj contained in her Bill which had already earned the support of a considerable number of Members of Parliament.

## Text of the Draft Bill.

The preamble to the bill states that "the Commonwealth" shall mean the Commonwealth of India (excluding the Indian States); "Provinces" shall mean such of the parts of the Commonwealth as are granted provincial autonomy under a Governor, a Provincial Cabinet, a Legislative Council and High Court; "The Parliament" shall mean the Parliament of the Commonwealth of India; "the Governor-General in Council" shall mean the Governor-General acting with the advice of the Cabinet; "The Governor in Council" shall mean the Governor acting with the advice of the Provincial Cabinet.

The "fundamental rights" of the subject are thus defined:—

(a) The liberty of the person is inviolable, and no person shall be deprived of his liberty save in accordance with law and by ordinary Courts of Law, provided, however, that nothing in this Section contained shall be invoked to prohibit, control, or interfere with any act of the civil or military forces of the Commonwealth of India during the existence of a state of war or rebellion. (b) The dwelling on the property of every person is inviolable, and shall not be entered or expropriated or confiscated except in accordance with law. (c) Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, guaranteed to every person. (d) The right of free expression of opinion as well as the right to assemble peaceably and without arms, and to form associations or unions is guaranteed for purposes not opposed to public order or morality. Laws regulating the manner in which the right of forming associations and the right of free assembly may be exercised, shall contain no political, religious, or class distinction. (e) All persons in the Commonwealth of India



have the right to free elementary education, and such right shall be enforceable as soon as due arrangements shall have been made by the competent authority. (f) All persons have an equal right to the use of roads, places of resort dedicated to the public, Courts of Justice and the like, provided they do not disturb public order or disobey any notice issued by a lawful authority. (g) All persons of whatever Nationality, residing within the Commonwealth are equal before the Law and shall be tried for similar effect in Courts of the same order and by Judicial Officer of the same grade and no person shall escape the penalty annexed to any breach of the Law, on account of the nationality, or his caste, or his class, or his occupation. (h) There shall be no sex-disqualification with regard to the franchises, memberships of the Governments, of the Legislatures and of Local Bodies, and all offices, functions and powers shall be open equally to both sexes.

The Constitution of the Commonwealth shall be as follows :—

#### The Constitution.

The Legislative power of the Commonwealth shall be vested in a Parliament which shall consist of the King, a Senate and a Legislative Assembly, and which is hereinafter called "the Parliament," or "the Parliament of the Commonwealth." A Governor-General appointed by the King shall be His Majesty's representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the King's pleasure, but subject to this Constitution, such powers and functions of the King as His Majesty may be pleased to assign to him.

The Senate shall be composed of citizens who have done honour to the Nation by reason of useful public service. The number of members of the Senate shall be one hundred who shall be assigned to the several Provinces according to rules.

The Legislative Assembly shall be composed of three hundred members elected according to rules hereunder.

A citizen to be eligible for membership of the Legislative Assembly shall have completed twenty-five years of age and possess any of the following qualifications :—

(a) Education up to the graduate stage or diploma granted for training after High School or equivalent general or technical education (b) Service as a member of a Legislative Council at least for one complete term. (c) Membership of recognized Chambers of Commerce, Landholders' Associations, Trade Union Councils, Industrial Associations or such other bodies as may be recognized by rules.

Every Legislative Assembly shall continue for five years from the first meeting of the Assembly, and no longer, but may be sooner dissolved by the Governor-General.

The Legislative Assembly may proceed to the despatch of business, notwithstanding the failure of any constituency to provide for its representation in the Legislative Assembly.

#### Qualifications of Members.

Subject to the condition that they shall have completed twenty-five years of age, the following among the citizens shall constitute the electorate for the Legislative Assembly in each Province :—

(a) All members of Legislative Councils and ex-members thereof. (b) All with education up to the graduate level or equivalent general or technical education. (c) All who have an income or allowance of Rs. 50 per month and above. (d) All owners or occupiers of land with Rs. 50 per annum or more as land tax. (e) Those owning or occupying a house or a part of it with an annual rental value of Rs. 75.

#### Legislative Powers

(a) Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fees for licenses or fees for services under the proposed law.

(b) The Senate may not amend any proposed laws imposing taxation or laws appropriating revenue or moneys for the annual services of the Government.

(c) The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

(d) The Senate may at any stage return to the Legislative Assembly, any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the Legislative may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

(e) Except as provided in this Section, the Senate shall have equal power with the Legislative Assembly in respect of all proposed laws.

If the Legislative Assembly passes any Bill and the Senate rejects or fails to pass it or passes it with amendments to which the Legislative Assembly will not agree and if

the Legislative Assembly in the next session again passes the Bill with or without any amendments which have been made or agreed to by the Senate and the Senate rejects or fails to pass it or passes it with amendments to which the Legislative will not agree the Governor-General shall during that session convene a joint sitting of the members of the Senate and of the Legislative Assembly. The members present at any such joint sitting may deliberate and shall vote together upon the Bill as last proposed by the Legislative Assembly and upon amendments, if any, which have been made therein by one House of Parliament and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the Senate and the Legislative Assembly present at such sittings shall be taken to have been carried, and if the Bill with amendments, if any, is affirmed by a majority of the members of the Senate and the Legislative Assembly present at such sitting, it shall be taken to have been duly passed by both Houses of Parliament; provided that, if the Senate shall reject or fail to pass any Bill dealing with the appropriation of revenue or moneys for the public service, such joint sitting may be convened during the same session in which the Senate so rejects or fails to pass any such Bill.

#### Executive Government

The Executive power of the Commonwealth is vested in the King and is exercisable by the Governor-General as the King's representative and extends to the execution and maintenance of this Commonwealth.

#### The Cabinet

(a) There shall be a Council to aid and advise the Governor-General in the Government of the Commonwealth to be styled the Cabinet. (b) The Prime Minister shall be appointed by the Governor-General. (c) The Cabinet shall be responsible to the Parliament and shall consist of not less than seven Ministers of State for the Commonwealth appointed by the Governor-General on the nomination of the Prime Minister. (d) The Cabinet shall be collectively responsible for all matters concerning the departments of the Commonwealth administered by Ministers of State.

The legislative power of each of the Province shall be vested in the King and the Legislative Council.

The Legislative Council shall be composed of members chosen in accordance with rules made under the Constitution and the number of members shall also be according to such rules.

#### Qualifications of Members.

A citizen to be eligible for membership of the Legislative Council shall have completed twenty-five years of age and possess any one of the following qualifications.

(a) Education up to the High School level, or equivalent general or technical training. (b) Service as a member on a District Board or Municipal Council for at least one complete term. (c) Membership of recognized Chambers of Commerce, Landholders' Associations, Industrial Associations or Trade Union Councils or such other bodies as may be recognized by rules.

#### Qualifications of Electors

Subject to the condition that they shall have completed twenty one years of age; the following among the citizens shall constitute the electorate for the Legislative Council in each Province.

(a) All members of District Boards or Municipal Councils or Legislatures or ex-members thereof. (b) All with High School or equivalent general or technical education; (c) All who have a monthly income or allowance of Rs. 25 and above; (d) All owners or occupiers of land with Rs. 30 or more as land tax; (e) Those owning or occupying a house or a part of it of the annual rental value of Rs. 50 or more; (f) Members of Trade Union Councils, Merchants of Traders' Associations or such other bodies as may be recognized by rules.

#### Executive Power.

The Executive power of the Province is vested in the King and is exercisable by the Governor as the King's representative and extend to the execution and maintenance of this Constitution and of the laws of the Province.

(a) There shall be a Council to aid and advise the Governor in the Government of the Province to be styled the Provincial Cabinet. (b) The Chief Minister shall be appointed by the Governor. (c) The Provincial Cabinets shall be responsible to the Legislative Council and shall consist of not less than three Ministers appointed by the Governor on the nomination of the Chief Minister. (d) The Provincial Cabinet shall be collectively responsible for all matters concerning the departments of the Province administered by Ministers.

The following units shall exercise the rights of Local Self-Government.

(a) The village (rural) may include neighbouring hamlets and groups of or single houses (Urban), or the wards of the municipality. (b) The Taluq (Rural) consists of groupings of villages for administration and joint work. (c) The District (Rural) consists of similar Groupings of Taluqs, or The Municipality (Urban) or The Capital City of the Province.

Defence.

(a) At the establishment of the Commonwealth and after a period of every five years thereafter the Governor-General in Council shall submit the names of not more than seven and not less than five persons the majority of whom shall be Indians for the approval of His Majesty to act as a Commission for the purposes of the section.

(b) The persons whose names are so submitted if approved by His Majesty shall be a Commission for the purpose of fixing a minimum expenditure on the military, naval and air forces of the Commonwealth to form a charge on the consolidated Revenue Fund of the Commonwealth and the Commission shall report on the development of the military, naval and air forces in the Commonwealth and make recommendations.

The following are some of the Main features of the Commonwealth of India Bill :—

General Principles.

1. India will be placed on an equal footing with the Self-Governing Dominions sharing their responsibilities and their privileges.

2. The right of Self-Government will be exercised from the Village (Gram or Mauza) upwards in each successive autonomous area of wider extent, namely: The Taluka (or Tehsil or Sub-District), the District (or Zilla) the Province (or Rashtra) and India (or Hindustan) excluding the Indian States.

3. The three great spheres of activity, Legislative, Executive and Judicial, will as far as possible, be independent of each other, while correlated in their working.

Declaration of Rights.

4. The following Fundamental Rights will be guaranteed to every person :

(a) Inviolability of the liberty of the person and of his dwelling and property. (b) Freedom of conscience and the free practice of religion, subject to public order or morality. (c) Free expression of opinion and the right of assembly peaceably and without arms, and of forming Associations or Unions, subject to public order or morality. (d) Free Elementary Education as soon as practicable. (e) The use of roads, places dedicated to the public, Courts of Justice and the like. (f) Equality before the Law, irrespective of considerations of Nationality, and (g) Equality of sexes.

Legislative.

5. There will be two Chambers in the Commonwealth Parliament, namely the Legislative Assembly and the Senate. The Legislative Assembly will consist of 300 Members and the Senate of 150.

6. The Senate will have equal powers with the Legislative Assembly except in regard to money Bills, which will originate only in the latter. The life of the Legislative Assembly will be for 5 years and that of the Senate for 6 years, but the Assembly can be dissolved sooner by the Viceroy while, the Senate will have a continuous existence, with half the number of Members retiring every three years by a process of rotation.

7. In the Provinces, the number of Members will vary from 100 to 200 according to the size and importance of the Province. The life of a Legislative Council will ordinarily be for 4 years, unless it is dissolved sooner by the Governor. There will be at present only one Chamber in the Provincial Legislatures, but provision has been made in the Bill for the addition of a Second Chamber in a Province, if it so decides. In the District Samity, Taluka Sabha and the Village Panchayat, which are termed the Sub-Provincial Units of Government, the number of members will vary according to local conditions. The ordinary life-term of the District Samiti will be for three years, that of the Taluka Sabha for two years, and that of the Village Panchayat for a year.

Franchises.

8. The franchises for the various Legislative bodies have been graded, commencing with universal adult suffrage in the Village, and restricted by higher educative, administrative, property or other monetary qualifications in the case of each higher body. The principle of direct election has been maintained throughout, except in the case of the

## COMMONWEALTH OF INDIA BILL

Senate, where candidates will be nominated to a panel from which the electorate will make its choice. A distinction has also been observed between Members and Electors, the qualifications for the former being kept at a somewhat higher level than for the latter.

9. The powers of the various Legislative bodies have been embodied in a Schedule to the Constitution; and residuary powers have been vested in the Commonwealth Parliament.

## Defence and Foreign Affairs.

10. Reservation has been made as regards Defence and Foreign Affairs. There will be a Defence Commission with a majority of Indians thereon, every five years, appointed by the Viceroy in consultation with the Cabinet. The Commission will recommend a minimum of non-votable expenditure for the Defence Forces and also report on the progress of the Indianisation of those Forces. In the event of disagreement, the Viceroy will have power to secure the minimum which, in his opinion, is necessary for the Defence Forces. But no revenue of India may be spent on any branch of the Forces in which Indians are ineligible for holding Commissioned rank. As soon as the Commission recommends favourably, the Commonwealth Parliament may pass an Act to undertake the full responsibility of Defence.

## Executive.

11. There will be a Cabinet in the Government of India consisting of the Prime Minister and not less than 7 Ministers of state, who will be collectively responsible for the administration of the Commonwealth. The Prime Minister will be appointed by the Viceroy and the other Ministers on the advice of the Prime Minister. The Viceroy will be temporarily in charge of the Defence Forces of the Commonwealth. In all matters except as regards Defence, the Viceroy will act only upon the advice of the Cabinet. The salaries of the Viceroy and of the Members of the Cabinet will be fixed by the Parliament of the Commonwealth; but in the case of the former, no alteration will come into force during his continuance in office. The Cabinet will resign as soon as it has lost the support of a majority in the Legislative Assembly, unless the latter be dissolved.

12. In the Provinces, the same principles will apply as in the Government of the Commonwealth, except that the minimum number of Ministers will be three.

13. The powers and functions of the Secretary of State and the Secretary of State in Council over the revenues and the administration of India will be transferred to the Commonwealth Executive.

## Judicial.

14. There will be Supreme Court of India, consisting of a Chief Justice and not less than two other Judges, with original as well as appellate jurisdiction to deal with such matters as may be determined by statute. It will have power to deal with all matters arising out of the interpretation of the Constitution or of laws made by the Commonwealth Parliament. It will also be the final appellate authority in India, unless it certifies that the question is one which should be determined by the Privy Council.

15. The existing High Courts will have the same powers and authority as before the establishment of the Commonwealth.

## Finance.

16. The revenues of the Commonwealth will form a consolidated revenue fund and will be vested in the Viceroy. No revenue may be raised by the Executive without the sanction of Parliament.

17. No money may be drawn from the treasury of the Commonwealth except with the consent of Parliament.

18. The allocation of revenues between the Commonwealth and Provinces will be decided by a Finance Commission every five years. There will be absolute freedom of trade, commerce and intercourse between the Provinces.

## New Provinces.

19. Parliament will have the power to alter the limits of the existing Provinces or establish new Provinces and make laws for their administration. But in every case, the consent of the Provinces, or the area concerned, will be necessary before any alteration is made.

## Minorities.

20. Communal Representation as now existing will be abolished and all elections will be held on the basis of purely territorial electorates. As a temporary measure the number of seats now reserved for Musalmans and Europeans will be guaranteed for five years, at the end of which period the question of its continuance, modification or abolition will be examined by a Franchise Commission.

Bills affecting the religion or the religious rites or usages of a community or communities will be referred to a Special Committee of the Legislature in which they are introduced; and if the Committee, on which there will be a majority of the members of the community or communities concerned, report adversely, such Bills will lapse for the period of one year.

#### Public Services.

21. There will be a Public Services Commission to exercise full control over the Public Services of India as regards recruitment, discipline, promotion and pensions. Officers now in the service of the Government of India or of the Provincial Governments will be guaranteed their existing rights, but at the establishment of the Commonwealth, they will pass into the service of the Commonwealth or the Provinces, as the case may be.

22. Parliament will have the power to alter the Constitution in the manner prescribed in the Bill.

## The All-India Leaders' Manifesto

A brief memorandum on the necessity of passing the Commonwealth of India Bill, signed by over forty Indian political leaders of various parties, was issued on the 29th June 1925:—

"Founding ourselves on (1) the resolution proposed by Mr. (now Sir) Surendranath Bannerjee and carried unanimously in the National Congress of 1914, that India should be placed on an equality with the Self-Governing Dominions and on (2) the resolution of the Congress in 1918, claiming the right to self-determination, said by Mr. Lloyd George to be applicable to tropical countries, we demand, from the Parliament of Britain, the passing of a statute embodying the resolutions. Resentment is justly felt in India against Britain, because of the refusal of Britain to apply in India the principles for which India and Britain fought shoulder to shoulder in the war. There is serious danger that the connection between India and Britain, so useful in its possibilities to both the countries and to the world, will be broken if India and Britain do not agree to replace the bond of force and submission by one of honourable equality and friendship.

#### "A Sinister Proposal."

"Though nearly seven years have passed since the ending of the war, no step has been taken by Britain to fulfil the above resolutions, but on the contrary, steps are being taken to perpetuate the administration of the affairs of India by a foreign bureaucracy, and assurances are being authoritatively given to the British undergraduates to induce them to enter the Services. Proposals for further burdens are being made, while the powers vested in the Governor-General and the Governors in India for the preservation of India's external defence and her internal tranquillity are being used to strengthen the "Steel Frame" in defiance of the votes of her representatives and to make tranquillity impossible by withholding freedom, which is her right. The Prime Minister has made a sinister proposal that the term "Empire" shall be changed into the "Commonwealth of British Nations," thus relegating India definitely to the detested position of a dependency.

"For India freedom is a matter of life and death. The appalling poverty of the masses, the neglect of their education shown by the disgracefully low figures of the percentage of school attendance, the short life period, the little tenacity of life—noticed with surprise by Lord Curzon—these and many other things, such as the death-rate being lately twice as much as the birth-rate, show that as a nation she is on the down grade under British rule.

"We repeat the charge of Mr. Gopal Krishna Gokhale, that while efficient in the organisation of her machinery and in matters which serve her own interest, British rule is inefficient in vital matters which touch the National interests. Under the present regime, with the Government of India subordinate to the Secretary of State, India can neither revive her old prosperity at home, nor defend her nationals abroad. An enormous proportion of her revenue is spent on the Army, because the Army is kept for Imperial, not for home defence. In this she was better-off in the days of the Company than now. She is daily shamed in the face of the world by the increasing humiliation heaped on her nationals in the other parts of the Empire. The Government of India is helpless to defend them.

## COMMONWEALTH OF INDIA BILL

## The only cure for Indian "Restlessness"

"The British Government cares only for its own kin. There is only one cure for the admitted "restlessness" of India and that is her freedom. Her inability finds vent in domestic quarrels, because she is denied self-expression as a nation. If this continues and Britain is obdurate in her refusal to agree to her demand for Dominion Status, on which all political parties are agreed, the Government of the country will become increasingly difficult and ere long impossible. We do not say this as a threat, for we seek an honourable agreement, such as Britain refused to her American Colonies and created a Republic, but such as she made with her other colonies and created peace and amity. We also desire peace and amity and therefore before it is too late, we state the danger as an approaching fact.

"The Indian leaders were accused of making threats with regard to the Rowlatt Bill, when they uttered only a warning and were disregarded by the Government. The Bill became an Act and remained a dead letter, but it caused resentment, driven underground by the massacre of Amritsar and the Martial Law atrocities in the Punjab, to grow, though silently. We also give a warning, for a nation could not for ever submit to foreign domination.

"Let the British cease to claim superiority and become equal friends and the union between the two countries will be secure. No intermediate steps are required—so far as we are concerned they would be rejected—before the establishment of Dominion Status in India by the passing of a measure made by the Indian, as has been done in the case of the Dominions and Ireland (the Act giving freedom to Canada was admittedly drafted on the eve of the Canadian revolution, while in the other cases Bills were drafted by the Colonies). It was not demanded that any colony should be ready to take full responsibility of self-defence before Dominion Status was granted. Even now they depend on the British navy for the defence of their coasts. India has already a magnificent army of infantry and cavalry and her helplessness in artillery and air force is due to Britain, not to herself, and she demands time before she can be wholly self-dependent in defence. England's default in this respect is no reason for the further injustice of denying her freedom. We therefore demand from the British Parliament the passage of the Commonwealth of India Bill prepared by the members and ex-members of Indian Legislature of all political parties and by the elected Council of the National Home Rule League and two co-opted officers of the Women's Indian Association. The country is organising itself in its support and the work will be carried to success, for when a great nation demands its freedom it cannot long be denied."

## The Signatories

The signatories are :—

Madras.—The Right Hon'ble V. S. Srinivasa Sastri (Liberal), Mr. T. Rangachariar (Independent), Mr. C. Gopala Menon, Secretary, Southern India Chamber of Commerce (Swarajist), Mr. Ranganatha Mudaliar (Home Ruler), Dr. C. Natesa Mudaliar (Justice Party), Mr. Govindaraghava Iyer (Liberal), Dr. Annie Besant (Home Ruler), Mrs. Dorothy Jinarajadasa (Women's Indian Association), Mr. Bangaswami Iyer (Home Ruler), Mr. D. R. Telang (Home Ruler), the Hon. Mr. S. M. Fadshah (Member, Council of State), Mr. C. B. Reddy, Mr. Swami Venkatachallam Chetty, Dewan Bahadur M. Ramachandra Rao (Independent) and Messrs. M. C. Raja, M.L.C., and Guruswami, representing the submerged classes (signed subject to the safeguarding of the interests of the depressed classes), Mr. B. Shiva Rao (Home Ruler) and Mr. C. V. S. Narasimha Raju.

Bengal.—Mr. I. B. Sen (Liberal), Mr. Hirendranath Datta (Home Ruler), Mr. Bepin Chandra Pal (Independent), Mr. Satyananda Bose (Liberal), Mr. J. Chaudhuri (Liberal).

Bombay.—Mr. M. B. Jayakar (Swarajist), Mrs. Sarojini Naidu, President, Bombay Provincial Congress Committee, Mr. Jamnadas Dwarkadas (Home Ruler), Moulana Shaukat Ali, Mr. Batansi D. Morarji (Home Ruler), Mr. Kanji Dwarkadas (Home Ruler).

United Provinces.—Mr. Iswar Saran (Independent), Mr. P. K. Telang (Home Ruler).

The Central Provinces.—Mr. G. S. Khaparde, Council of State, Mr. M. S. Aney (Swarajist), Rao Bahadur N. K. Kelkar (Liberal), Mr. B. G. Khaparde (Swarajist), Mr. Rama Rao, M. Deshmukh (Swarajist).

# The All-India Swaraj Party

## The Calcutta Pact.

The adoption of the Calcutta Pact in the Belgaum Congress gave rise to a good deal of criticism in certain quarters. There was one feature in the Pact, such as the permission granted to the Swarajya Party to carry on Council-work in the name of the whole Congress which was taken objection to by the opponents of the Pact. The cry was on all sides that Gandhi has surrendered. Gandhi himself admitted it, but taking all the circumstances into consideration, before and after, there was no other way out. As said the *A. B. Patrika* of Calcutta in its issue of the 1st January 1925 :—

“Shortly after coming out of prison, Mahatmaji reiterated his faith in his own programme and even declared his intention to try conclusions with the Swarajists in the Congress at Belgaum. The Swarajists were also equally ready. And a great fight at Belgaum was expected. In the meanwhile, the country was distracted and distressed by Hindu-Moslem riots and a general outburst of unfriendly feeling between the two communities. Before that the fight between the two political factions, the No-Changers and the Swarajists which had begun on the question of Council entry had come to a head and had practically destroyed all useful political activities in the country. The Swarajya Party however went on gaining in strength. When therefore Mahatmaji came to have a final review of the situation, he found the whole atmosphere vitiated by discord, dissension and distrust. After giving the matter his earnest consideration he came to the conclusion that what the country needed most was restoration of spirit, good feeling and co-operation between all classes and communities. He thought that by leading the No-Changers in a fight with the Swarajists at Belgaum and, if defeated, by going out of the Congress, he would make matters infinitely worse and present India to the rest of the world as a house hopelessly divided against itself. Had the Swarajists been an insignificant minority, he could suppress them by force of numbers. But he had to recognise the hard fact which he did openly in his presidential address, that “the Swaraj Party represents, if not a majority, at least a strong and growing minority in the Congress.” He knew also that so long as the situation in regard to Hindu-Moslem relation lasted the programme of no party could succeed so far as the object of attainment of Swaraj was concerned.

“Mahatmaji could not hope, and it would have been unreasonable for him to expect, that the Swaraj Party would stop its activities till the question of Hindu-Moslem unity was solved. In fact, the solution of this question was no less a concern of the Swaraj Party than that of the Congress.

“It was under these circumstances that Mahatmaji decided to have an understanding with the Swaraj Party. The result was the Calcutta Pact. Mahatma Gandhi has himself said that it was not a perfect document but that it was the only solution possible to him under the circumstances. Lala Lajpat Rai describes the Pact as a “bundle of inconsistencies.” So it may be. But no alternative proposal that is practicable, has been suggested by any body so far as we are aware.

“Much has been said and written about the Pact, for and against it. But we fear the main purpose of the Pact has been lost sight of by many of its critics. That purpose was to avoid making the Congress the arena of a bitter strife that would spread far and wide through the country to the delight of our enemies. That purpose has been served by the Pact. If the Pact has done only this and nothing else, it stands justified.”

## The Nagpur Swaraj Party Meeting.

Elated at their success in the Congress the Swarajists turned their activities to the Central Provinces and Bengal where the Councils offered the most

favourable field to give effect to the policy of 'consistent and continuous obstruction', in view of their absolute majority there. It might be remembered that Dyarchy had been in a state of suspense in the Central Provinces since March 1924 when the whole budget was thrown out. On the 10th January 1925 H. E. Sir Frank Sly, the Governor, in a Durbar at Nagpur gave an ultimatum, a "last opportunity" as he said, to work Dyarchy. The Legislative Council will be summoned in March next when the Budget will be presented, and in the Budget provision will be made for the Ministers' Salaries. No Ministers will be appointed before that and so the Council will be precluded from rejecting the salaries on the ground that they had no confidence in the Ministers.

This announcement gave rise to much speculation among the Swarajist members as regards the policy to be followed in the Council. Some of them were seriously inclined to reconsider the whole position of the Party. One or two of them publicly said that they were thinking if they should pass the Budget and accept office. Pandit Motilal had to pull up the doubters and remind them of the "Czarist discipline" of the Party to which they belonged. A meeting of the Executive Committee of the All-India Swarajya Party met at Nagpur on the 11th and 12th January, and in full concurrence with the Swarajist members of the Central Provinces Legislative Council adopted unanimously the following resolutions:—

"(1) That the action of the Swaraj Party in the C. P. Council, in throwing out the budget in the session of 1924, was both constitutional and justified by the circumstances then existing in the country, arising from the stubbornly hostile attitude of the Government of India and the British Cabinet, in refusing to make adequate response to the popular demand for Self-Government and

"That in so far as that attitude continues unchanged it would be the obvious duty of the Swaraj Party in the local Council, even this year, to oppose Government by all legitimate means in its power.

"(2) That, on a careful consideration of the speech made by His Excellency the Governor of the C. P. to the Durbaries of the Nagpur Division on the 10th January, 1925, this Committee records its emphatic opinion (a) that His Excellency the Governor has indulged in a gross perversion of the attitude and activity of the Swaraj Party in the local Council. (b) That the unwillingness of the Swaraj Party to accept office in the Provincial Government arose, not from any desire to avoid constructive responsibility, which the holding of office involves, but from a reasoned belief that the system of Government in which the Party was called upon to take an ineffectual part was inadequate, disingenuous and doomed to failure as it has now been clearly established to be.

"(c) That in regard to the hope expressed in the following passage of His Excellency's speech, that is to say—

"We have exercised great patience before taking any retrograde step in the hope that members of the Legislative Council would abandon their policy of obstruction. We desire to give them a further opportunity of working the constitution in the manner in which it was primarily intended that it should be worked. A meeting of the Legislative Council will be summoned in March next when the Budget will be presented. That the Budget will be prepared on the assumption that the transferred departments will be carried on by Ministers and will include provision for new and beneficent schemes of developments in the transferred and nation-building departments. The Legislative Council will thus be given an opportunity of insuring that transferred departments are administered on popular and representative lines. I earnestly hope that the Legislative Council will embrace this last opportunity of working the constitution"—

"This Committee declares that, if it is a genuine desire of the Government to carry on the administration on popular and responsible lines by bringing about suitable changes in the constitution, the Swaraj Party will not be averse to shouldering responsibility, provided such responsibility is real and genuine.

"(3) That, with a view to make the position of the Swaraj Party perfectly definite and clear, this Committee appoints a sub-committee, consisting of the gentlemen named



below, to go into the whole question and report to this Committee by the 15th of February, after a careful investigation of the special circumstances of the C. P. and the general situation in the country, (a) the conditions upon which the lines of policy so far followed by Swarajists in the C. P. Council, may in the circumstances be altered consistently with the general principles of the Party, (b) the extent and particulars of such alterations, (c) the manner in which such alterations should be given effect to.

"The names of the members are Messrs. M. S. Aney, M. V. Abhyankar (Secretary), C. R. Das, Pandit Motilal Nehru, E. Raghavendra Rao, S. B. Tamba, Ghanasham Singh Gupta, Doctor Moonjee, Dr. Khare, Mr. Abhyankar will act as Secretary of the Committee and five members shall form the quorum".

Subsequently on March 8th, an emergent meeting of the Executive Committee of the All-India Swaraj Party was held at Patna to consider the situation facing the C. P. Swaraj Councillors. Though the proceedings were not open to the Press and the members of the Executive were reticent as to the decisions they arrived at, it appeared that they did not advise the C. P. Swarajists to take office, and in the Bengal Council they resolved to adhere to the same policy of obstruction as regards the budget as they did last year.

[For the activities of the Swarajists in the Bengal and C. P. Councils the reader is referred to the section on Council proceedings, pages 125 and 284.]

### Mr. C. R. Das's Manifesto.

The "Gopinath Saha resolution" passed at the Serajgunje Conference in 1924 filled the minds of the English people with deep suspicions as to the motives of Mr. C. R. Das who associated himself with the resolution, and the objective of the party of which he has the leader. Since then "an apprehension gained considerable ground in the minds of Europeans in India and Great Britain that the Swaraj Party has encouraged and is encouraging political assassinations and intimidations". This apprehension ran to such an extent that a public denial became imperative, and on the 29th March 1925 Mr. Das issued a manifesto disclaiming for himself and his party all connection or sympathy with political assassination or intimidation as a means of attaining Swaraj. The following is the text of the manifesto :—

"During my recent conversations with European friends I have been strongly impressed with a feeling that somehow or other an apprehension has gained considerable ground in the minds of Europeans in India and Great Britain, that the Swaraj Party has encouraged and is encouraging political assassination and intimidation. It is indeed surprising to me that there should be such a complete misconception of the aims and actions of the Swaraj Party. It is all the more surprising that this should be so in spite of the incessant preaching and teaching against any kind of violence of Mr. Gandhi for the last six years, in which myself and the other leaders of the Swaraj Party whole-heartedly joined. It is also unintelligible to me that in spite of my speeches and the speeches of the other leaders of the Swaraj Party and our definite and unequivocal condemnation of violence both in public and private that this apprehension should continue to work in the minds of Europeans either in India or in England. But it is no use shutting our eyes to the existence of this apprehension, however wrong this apprehension may be, and I desire completely to dissipate it. I have made it clear and I do it once again that I am opposed on principle to political assassination and violence in any shape or form. It is absolutely abhorrent to me and to my party. I consider it an obstacle to our political progress. It is also opposed to our religious teachings. As a question of practical politics I feel certain that if violence is to take root in the political life of our country it will be the end of our dream of Swaraj for all time to come. I am, therefore, eager that this evil should not grow any further and that this method should cease altogether as a political weapon in my country.

"I have also made it clear and I again make it clear that I am equally opposed to and equally abhor any form of repression by the Government. Repression will never

stop political assassination. It will only encourage and give life to it. Repression, as has been proved in history, will always defeat its own object and fulfil the object which it is intended to destroy. We are determined to secure Swaraj and the political equality of India on terms of equality and honourable partnership in the Empire. The fight for it may be long, the struggle for it may be arduous, but we are determined to fight it clean to the last.

"To the young sons of Bengal I say, fight your battle for Swaraj but fight it clean. Let there be no stain upon the escutcheon of our cause. Fight hard and incessantly. Press onward and disarm all obstruction and win Swaraj.

"To the Europeans I say, do not misunderstand us. Lay aside your unjust suspicion. Do not support the Government in its repression and thus help unconsciously, though necessarily, to instal the method of violence as a permanent method in our political life".

### The European View.

This manifesto was acclaimed by a section of the Anglo-Indian Press as a new "gesture." A startling statement was made by Mr. H. W. Carr, President of the European Association in Bengal, to a representative of the *Pioneer* on the 30th March. According to him, Mr. C. R. Das's repudiation of terrorism has cleared up many difficulties. Although it was a belated one, it was just the one thing wanted to put the Swarajist party right with the Government and the European community. What Mr. Carr said is as follows:—

"I have read Mr. C. R. Das's manifesto with considerable interest and I welcome its tone. No Europeans, whether they agree with his politics or not, can do other than applaud the advice, belated though it be, which he gives to his followers in his political campaign. Progress, even when all are agreed on its desirability, is bound to lead to differences of opinion and providing all parties fight cleanly strife is unlikely to cause harm in any direction. Mr. Das's gesture is, as I have said, welcome, but he will understand that what he considers the unjust suspicion of Europeans is not to be laid aside on his manifesto, if he will realise that the so-called "unjust suspicion" is really a lack of confidence in the treatment to be expected for minorities from the Swaraj Party, a distrust which has been built up during the past few years.

"The incessant preachings and teachings against violence by Mr. Gandhi and the leaders of the Swaraj Party, to which he refers as proof of their dislike of all violence has not produced a fruitage which would give Europeans or anyone else any confidence in the methods the Swarajists have adopted for advocating constitutional agitation. As for the alleged repression of the Government being responsible for assassination and violence, any fair-minded student of events in the past few years will know that Mr. Das is misplacing cause and effect. Periods of quiescence have generally followed any repressive measures the Government have been compelled to take, and these same measures have had a widespread moral effect of an unquestionably beneficial nature.

"It would have been encouraging had the present manifesto, with its clear condemnation of violence for which we have been waiting a long time, preceded instead of followed the placing of the Bengal Ordinance on the statute book, for in that case this special legislation might have been unnecessary. I do not wish to engender any "unjust suspicions," but our experience of some of the Swaraj leaders in the past and our recollection that only the other day Pandit Motilal Nehru in the Assembly wished to treat as a "scrap of paper," legislation passed eighteen months earlier by agreement between Europeans and Indians, compel Europeans to examine "gestures" with caution. If Mr. Das's manifesto means what it says, and his advice is followed by his political followers, and also I would add by his own Press, a year or two should do much to build up confidence in the Swaraj Party's intentions towards political minorities, and on this score I welcome it".

The following statement was also issued by the European Association on the 3rd April:—

"Although recognising that a reservation may be considered to lie in Mr. C. R. Das's declaration that his abhorrence for political crimes of violence is only equal to his abhorrence for their inevitable antidote in the shape of repressive legislation, the Council of the European Association views his manifesto with satisfaction as an unequivocal condemnation of the use of violence.

"The Council cannot ignore the atmosphere of deep mistrust that undoubtedly exists in Indian political life, to the serious detriment of the successful solution of India's difficult

political problems. They do not desire to emphasise the reasons for it or apportion the blame, but welcome the manifesto as an authoritative announcement that the party of Mr. Das deprecate any but clean methods in the fight for their objective.

"That the speed of progress to the goal set forth in the Government of India Act will cause differences of opinion is certain, but with the goal itself accepted by the British Parliament and by the British and Indian peoples, political progress should be possible without the inflaming of racial feelings. In inviting Europeans to co-operate in resisting repressive legislation, Mr. Das asks for a degree of confidence which is not yet possible in the light of past experience.

"The Council is confident, however, that if the policy set forth in Mr. Das's manifesto is to govern future political activities, an improved atmosphere of good will among all communities will facilitate the successful removal of those obstacles which at present hamper India's progress".

### The Das-Birkenhead Controversy.

In the Lords debate on the Bengal Ordinance on the 31st March Lord Birkenhead, while referring to Mr. Das's manifesto, invited him "to take a further step" and "to go forward and co-operate with Government in repressing the violence he deprecates." (see p. 317). The Indian Press pertinently asked, where is violence and where are the violent societies? In a leading article entitled the "Answering Gesture," the *Forward* of Calcutta, in its issue of 3rd April wrote:—

"We appreciate Lord Birkenhead's references to Sj. Das and his invitation to him "to take a further step." But if taking a further step means for the latter co-operation with the Government in repressing violence, while the Government continue irresponsible to the people as it is to-day, we are afraid, the noble Lord's invitation to him will not find a response if on the other hand, he asks for Sj. Das's co-operation with the Government with a view to eradicate those evils which lie at the root of violence, we venture to assure him that he will not find a more hearty co-worker than the leader of the Swarajya Party. Lord Birkenhead has been pleased to state that Sj. Das "has publicly dis-associated himself from political assassination and violence." May we take the liberty of pointing out that the manifesto which the former had in view does not speak of a disassociation of things which at one time were or might have been associated—it is a repudiation by the Swarajya Party leader of an association which was sought to be imputed to him, we say, unjustly and without reasonable grounds. That the Secretary of State should have taken the earliest opportunity to give an "answering gesture" to his manifesto, will be appreciated by all who are working for peace and good will on honourable terms. At the present moment we detect in his speech only a shadow, but it is possible there is a reality not very far which casts it."

### Mr. Das's Reply to Lord Birkenhead's Invitation.

On the 3rd April Mr. C. R. Das issued the following statement regarding Lord Birkenhead's remarks in the House of Lords on his manifesto of the 29th March.

"Owing to my absence from Calcutta I was not able to read Lord Birkenhead's remarks in the House of Lords on my recent manifesto till a day later, and I hasten to express my points of agreement and disagreement with his lordship. I may premise, however, by saying that the Secretary of State's statement of his position in relation to the policy of repression in general which is being pursued at present in Bengal, and the enactment of the Ordinance in particular, is frank and courteous.

"I am glad to find that his lordship is prepared to lay aside undue suspicion and watch events. That in itself is a declaration of no mean significance. Lord Birkenhead has invited me to go forward and to co-operate with the Government in repressing the violence which I deprecate. I entirely agree with him that never will freedom be reached by violence, and, if I may say so, I devoted a considerable portion of my speech at the Gaya Congress to demonstrating that freedom has never come through acts of violence, and, as I value freedom, I am not only willing but anxious to devote the few years of life that

yet remain to me to carrying on an active propaganda against an evil which is a standing menace to the establishment of Swaraj. But I would be wanting in my duty, as a conscientious citizen, if I did not point out clearly and unequivocally that all my efforts in this direction are bound to be ineffective unless a favourable atmosphere is created by the Government.

"Lord Birkenhead begins by saying that the repression which the Bengal Act contemplated is the repression of crime, and he concludes that nobody who is not a criminal is entitled to express a grievance against that legislation. When I speak of repression I mean it in the sense in which that term is used by constitutional lawyers—the exercise by persons in authority of wide arbitrary or discretionary powers of constraint. English writers of constitutional law have expressed the view that whenever there is discretion there is room for arbitrariness, and discretionary authority on the part of the Government must mean insecurity for legal freedom on the part of its subjects.

"I venture to think that in spite of what His Lordship says this insecurity cannot be removed by merely examining recorded statements and documentary evidence in the absence of accused persons and witnesses. My grievance against the Bengal legislation is that it has empowered the persons in authority to usurp the functions of the court of law and to exercise wide arbitrary and discretionary powers of constraint. But apart from the question of this wholesome principle I invite the Government to ask itself the question: "Whence arises the zeal for lawlessness in Bengal?" Why is it that the Government makes no efforts in the way of removing those deep-rooted causes of political and economic discontent, without which mere repression can never succeed in curing the disease affecting the body politic in this country, and of which the activities sought to be suppressed by repressions are but symptoms?

"In this connection, I may refer to the view propounded by the Government itself on page 242 of the official publication called "India in 1923-24," and which is in the following words:—"Non-co-operation, as an attitude of mind and as a vehicle of awakened national sentiment, still survives. We shall fail to understand the political life of India to-day unless we realise that from the beginning Mr. Gandhi's campaign has not been so much a cause of Indian unrest as a symptom of those deep discontents from which the unrest resulted." What is true of non-co-operation is also true of the revolutionary movement in this country.

"I have no desire to put my case higher than that. I may quote another authority in support of my view, which cannot be lightly set aside by Lord Birkenhead, the ex-Lord Chancellor, as it emanates from another very eminent Lord Chancellor of England. In his famous and classical essay, headed, "Of Seditions and Troubles," this is what Bacon says, and he speaks therein for all ages and all countries:—"The surest way to prevent seditions is to take away the matter of them; for if there be fuel prepared it is hard to tell whence the spark shall come that shall set it on fire. The matter of sedition is of two kinds: much poverty and much discontentment."

"This to my mind is conclusive of the situation before us. I, therefore, venture in return to invite Lord Birkenhead to cause a searching enquiry to be made into the causes which have brought about the revolutionary movement in India and then to set about applying the proper remedy, so that there may be a radical and permanent cure of the disease. It is no use treating merely the outward symptoms. I appeal to the Government to treat the disease itself and to apply the proper remedy.

"The Government should recognise that, however mistaken the revolutionaries may be, however wrong and futile their methods, and however criminal and reprehensible their acts, the guiding principle of their lives is sacrifice for the attainment of political and economic freedom for their country. The moment they feel that at any rate the foundation of our freedom is laid by the Government I venture to assert that the revolutionary movement will be a thing of the past. I suggest in all humility that there should be a distinct and authoritative declaration by the Government at the earliest opportunity.

"My answer to his lordship's invitation is, therefore, this: If I were satisfied that the Bengal Act would finally eradicate the evil which is eating into our national system, I would unhesitatingly support the Government. I am not so satisfied. It is not because I would not prevent political crimes even if I could do so, but because I entertain a deep-rooted conviction that without Government meeting us more than half way on the lines suggested by me all my efforts in this direction will fail to achieve their object. And though I think that a favourable atmosphere has been created for further discussion, I am unable to co-operate with the Government in its present policy of repression, using the term in the sense in which I have already used it."

### Whitehall on Mr. Das's Statement

On the 6TH APRIL replying to questions of Mr. Thurtle in the House of Commons, asking if there was any hope of early suspension of the Bengal Ordinance, and also asking what action Government proposed to take in regard to the recent statement of Mr. C. R. Das, Earl Winterton said: "My noble friend (Lord Birkenhead) has already welcomed Mr. Das's dissociation of himself and his party from a policy of violence. But he has so far seen only press reports of Mr. Das's utterances. If, as he hopes, Mr. Das now makes constructive proposals which obtain the support of the Government of Bengal and the Government of India, His Majesty's Government so far as they are concerned will give such proposals their sympathetic consideration.

Colonel Josiah Wedgwood asked if favourable consideration would be given to the suggestion that Mr. Das and Mr. Gandhi should come to London in order to consult with the India Office at the same time as the Viceroy was being consulted.

Earl Winterton replied that the present situation was one in which there was obviously hope of a better understanding, and no good purpose would be served by giving any hasty and ill-considered reply to the question.

Colonel Wedgwood:—Does the noble Lord realise that the changed atmosphere can be best utilised by a joint meeting such as now suggested?

Commander J. M. Kenworthy:—Arising out of the last answer may we take it that this change of policy will be met on our part by the greatest possible political liberty being restored in India?

Earl Winterton:—I think my answer deals with that.

On the 9TH APRIL in the House of Commons Mr. Lansbury asked if the Government would invite Mr. Das and Mr. Gandhi together with other representatives of Indian opinion to come to this country for the purpose of discussion and conference as to the best method to be adopted for securing full co-operation between all classes in India for the re-establishment of social and industrial peace in that country.

Lord Winterton replied as follows: "His Majesty's Government will receive with sympathy any concrete proposals put before them by Indian political parties with the support of the Government of India and the local Governments concerned. But it is not their intention to give such invitations as the Hon'ble Member suggests for the reasons: Firstly, the direct conduct of policy and administration in India has been entrusted by the Parliament to the Government of India and the local Governments. It is therefore with these authorities that any discussions or negotiations of the kind must take place and no useful purpose would be served by the intervention of participation at this stage of His Majesty's Government in matters which must ultimately come before them for decision and for the decision of which they are responsible to the Parliament. Secondly, though the Viceroy is about to visit this country for the purpose among others of discussing with His Majesty's Government the political situation in India, it would be placing both him and the Government of India in an entirely false position, if his presence here were made the occasion for negotiations with Indian political parties."

### Mr. Das's Faridpore Speech.

To clear the air and to give an idea on what terms the Swaraj Party was willing to abstain from their attitude of continuous and constant opposition and to co-operate with the Government, keeping in view the avowed policy of their Party, namely, the attainment of complete Self-government, Mr. C. R. Das, as President of the Faridpore Conference made the memorable speech (see p. 387) in which he and his party were willing to co-operate honourably in spite of the Dyarchy. We commend to our readers the following informing leading article of the *Hindu* on the Faridpur Conference in its issue of the 2nd May 1925:—

"Were Mr. Das a less patriotic, self-sacrificing and sincere leader, he might well be attacked by a distressing fit of megalomania over the manner in which the limelight is so intensely concentrated upon the least of his "gestures" in this present tense moment. He holds the centre of the stage in Indian politics to-day largely because he is regarded as

the spokesman of the pourparlours that the present state of stalemate has rendered inevitable. He is the leader of the Swarajya Party in Bengal. He has, by a judicious system of alliances, demonstrated the success of his policy of obstruction and made diarchy impossible in Bengal. His repudiation of anarchism, regarded by friends as a re-statement and by his critics as a recantation of his previous position, has induced high hopes in official circles of farther progress in the pleasant path of co-operation. The Secretary of State even went out of his way to be respectful in his references to Mr. Das. Long-range conversations were reported to be in progress between the two and there was a general feeling that the political atmosphere was distinctly improving and, though optimism was premature, pessimism was not entirely justified by the circumstances. This earlier warmth of enthusiasm was somewhat quenched by the refusal, obviously against his own predilections, of the Secretary of State to consult with Indian leaders. Nevertheless it was felt that the door was not yet closed, much less locked. Meanwhile Mr. Das has been overwhelmed with advice and admonition from all sides. The Anglo-Indian press has appealed to him tearfully to mind with Agag-like delicacy the path that he will tread at Faridpore and has been profuse of compliment and promises of co-operation. This effort of the gift-bringing Greeks has inspired *The Bengalee* to adjure Mr. Das in the sacred name of past associations in politics to remember that Codlin's the friend and not Short. All these appeals were of course based upon the fact that Mr. Das was contemplating a new departure, that he was about to undergo another political metamorphosis from pure non-co-operator into a conditional co-operator. That of course is not a metamorphosis that any leader can exhibit too blatantly or abruptly without involving the revolt of his followers. Nor, considering the position of the Swarajists in the Congress, can the country at large be indifferent to such transformation scenes. It is true that Mahatma Gandhi regards the matter differently. He envisages the position in the Congress of the Swarajists much as that of the Transferred Half under Diarchy. He gives the Swarajists *carte blanche* as to their policy in the Councils. But the orientation of that policy must remain a matter of interest and if necessary criticism to the country at large. How far then has Mr. Das fulfilled the hopes and fears of his friends of to-day as of his expectant potential friends of to-morrow? His Presidential Address at the Faridpore Conference must be regarded as a masterpiece of self-restraint. That could never be a defect at any time and at this present moment it is a positive virtue. Whatever may be thought of the possibility of achieving Swaraj through diplomatic negotiations—a point on which the Mahatma appears, from what he says elsewhere, to be gently sceptical—it would be criminal wantonly to throw away an opportunity such as has been offered now. Mr. Das therefore wisely begins with a defence of the ideal of Dominion status as against independence. He displays considerable ingenuity and a certain amount of metaphysics in his arguments but these need not be too closely or censoriously scrutinised. The main portion of his address is devoted to the establishment of the thesis that anarchism is the inevitable result of misgovernment and he accomplishes his task with workmanlike dispassionateness, but too conclusively to leave room for doubt. Having thus made plain that the real solvent for anarchism is not repression but reform, he, in the same vein of studied moderation and courtesy tempered with firmness, proceeds to answer the appeal for co-operation. He makes it plain that co-operation is hampered not because of Swarajist contumacy but because the Reforms Act confers only a hideous simulacrum of power on the Ministers and Councils. He therefore asks as the conditions of co-operation that some real power should be given to these, that there should be a genuine change of heart on the part of our rulers and that Swaraj should be made to devolve automatically upon India after a fixed period of years. Given these conditions, he is prepared to take advantage of the Reforms Act to work for the betterment of the masses. It can hardly be said that these terms are extravagant. And certainly there is some necessity, considering their moderation, to make it clear that their rejection would leave him no alternative than to prepare for mass civil disobedience. Nationalist opinions will naturally differ as to Mr. Das's terms and we shall content ourselves with wondering if in his desire for conciliation Mr. Das does not err on the side of generosity. He is apparently prepared to contemplate the continuance of Diarchy and would be content if it was tinkered up into a certain measure of workability. That represents the substance of his offer, for we cannot imagine the demand for a change of heart would present any insuperable difficulty, so far at least as assurances go. Our old friend, the time-limit, appears again on the stage but will be accepted by public opinion with reluctance. Indeed it ought to be made plain that Mr. Das has gone to the limit of concession, that his terms are mutually complementary and not to be discussed or agreed upon in isolation. Mr. Das has now spoken and with characteristic courage has taken a considerable risk in his moderation. It now remains for the other side to accept or reject the olive-branch."

The speech created a sensation. Every one was eagerly expecting what response Lord Birkenhead or the Bureaucracy would make to this offer of honourable co-operation. Days passed on but no indication was apparent anywhere as to their attitude. Everybody was led to believe that some 'gesture' will now be forthcoming to meet Mr. Das half-way, and all bitter controversy was hushed for the time. In the meantime Mr. Das's health was sinking gradually and it could not be said that this want of response on the part of the Bureaucracy to his last appeal had had no effect on his declining health. His spiritual culture which embraced his love for all human beings, especially his own countrymen who were dying in their thousands in want and misery, could not sustain him long in his onerous and continual fight with the Bureaucracy. At last the strain became too much, and while everyone was in the hope that he was gaining in strength and health in the salubrious climate of Darjeeling, news came as a shock that he had left his mortal coil on the 16th June at 5 p.m.

The heart-rending news was received throughout the country with inexpressible feelings of sorrow and dismay. It was a great tragedy that an invaluable career of devoted service to the Motherland should be abruptly terminated by the cruel hand of Death. We reserve to deal with exhaustively in the next issue the subsequent events which marked in what esteem and respect he was held by his countrymen.

### Liberal Approval of Swarajists' Policy.

The genuine Liberal feeling was very accurately reflected by the Rt. Hon. Mr. V. S. Srinivasa Sastri in a communication to the "Servant of India" wherein he stated that the Liberals were not merely content to mouth pious platitudes about the imperfections of Dyarchy, that they realised, as well as any other party in the land, that Dyarchy must be ended soon, and that though they preferred trying conciliatory methods with the Government, they were not opposed to the use of obstruction, if the occasion justified or rendered it desirable. The following is the text of the statement which appeared in the "Servant of India" in its issue of the 16th April:—

"Considerations of prestige, precedence or party loyalty ought not to deter one at this juncture from speaking one's mind freely on the issues involved in readjustment of the mutual relations of political workers which will enable them to act together for winning Swarnj. If Liberals and Swarajists become reunited, it will be the signal for a general *rapprochement*. It is, therefore, worth while examining the present position of Swarajists in actual practice. In the Central Provinces, where apparently they have scored a characteristic triumph, our information obtained from the well-informed *Hitavada* newspaper points to the reality being just the opposite. It is not aversion from a "Satanic" Government, abomination of diarchy or utter scorn of office which resulted in the rejection of the provision made in the budget for the salaries of ministers. The leaders of the various groups seemed on the contrary to have been anxious to take office, but to have been unable to make the necessary adjustments as amongst themselves. It is expected with confidence that this adjustment will be effected before the Government presents a fresh demand to the Legislative Council, and this part of the country will pass under a Swarajist regime stronger and more popular than was possible when only Liberals were available for office. We cannot be equally positive about Bengal where Mr. C. B. Das claims to have killed diarchy for ever. But in computing the chances one cannot forget that Mr. Fazlul Haq, with whose assistance Mr. Das had the proposals for ministers' salaries thrown out, is by no means a Swarajist or even opposed to the present dual system and that, if the new Governor renews the attempt with a more careful calculation of the

personal elements concerned, the probability is largely in his favour. Mr. Das's recent statements too give the hope that he is satisfied with his success in the destructive line and would like some compromise with Government which might give him scope for the constructive work that he had now and then adumbrated. In the Central Government the original aim of all-round obstruction has been definitely abandoned. Only verbal dexterity is able to find a formula distinguishing Swarajist action from Independent or Liberal action. Mr. Jinnah, in his lucid manner, enumerates the various votes and divisions which clearly betoken this mutual approximation of the parties. He adds that the Independents are by no means opposed to obstruction on principle but would approve of it on certain occasions and in certain circumstances. He is wrong, however, in supposing that the Liberal party as a whole holds a different view of obstruction as parliamentary strategy. Speaking for myself I have no hesitation in subscribing to his proposition. We may not agree as to the precise occasion or circumstance, but neither of us would be prepared to cast obstruction aside as a weapon in the constitutional struggle. Speaking broadly, a review of Swarajist practice may justify the observation that the men of that party are more often and more easily provoked to the use of obstruction than others. But it would be wrong to use the term "obstructionist" to describe the party as a whole. To wreck the Assembly and to bring the Montagu constitution to a standstill cannot be said any more to be the aim, immediate or remote, of the followers of Paudit Motilal Nehru. They object, however, to drop it from their professed creed and refuse to bring their theory into accord with their practice. As soon as they did this, they would find that the main carrier between them and other sections in the Assembly had disappeared. It is this step that one would invite them to take in order to facilitate the coming together once more of the progressives in the country.

"It is not merely to gratify the political student's desire for precision that this suggestion is seriously made. An important consequence would flow from the formal recognition that constitution wrecking was no part of the future programme. If the Central Legislature is to be kept functioning, it must be kept functioning for the maximum benefit of the people. This implies necessarily that the majority party should take a direct hand in the conduct of its work, to the extent that present constitution renders it possible. It is as unreasonable as impracticable to expect the large group in the Assembly to maintain in office and support loyally the members of smaller groups. However strange it may sound now, there is no real halting place between unqualified obstruction and the acceptance of office. My contention is that Swarajists have no longer any justification for declining the responsibility of office. What applies to the Central Legislature applies to the provincial legislatures as well. Certain conditions have been put forward in Bengal before Mr. Das would undertake to form a ministry and Mr. Fazlul Haq informs us that, in his judgment, they are alike feasible and reasonable. It is natural that elsewhere too the Governments should be required to meet the majority party half way in the interests of smooth and efficient administration. A frank and full discussion of this and allied subjects would seem to be the next big step to take to terminate a situation that is neither a deadlock nor a stalemate but causes an intolerable degree of clearly avoidable friction and misunderstanding.

"An objection has been taken to this straight-forward course which merits serious consideration. Is it not inconsistent and even half-stultifying, asks the conscientious Swarajist, to denounce diarchy and at the same time become responsible for its working? It would seem so, considered from an abstract view-point. Life is full of such incongruities and the work-a-day politician is more subject to them than a person in any other walk of life. The marriage law among Hindus is notoriously unjust and even inhuman in certain aspects. Still, we cannot postpone marrying till we have rendered it perfect. The conditions of public service in the lower ranks are not only harsh but positively injurious to self-respect. Nevertheless we do not advise our nephews and sons to forswear Government employment. If criticism of the railway administration and of the operations of the Imperial Bank of India were held to involve as a logical consequence abstention from railway travel or dealings with the most important financial institution in the country, we should all forego as an impossible luxury that which we now regard as our inalienable right, namely striving to improve continually the agencies of public utility. The fundamental mistake was to call the Government "Santanic" and understand the term in its literal sense. If you denounce any thing as monstrous and wicked and pertaining to hell, you must keep aloof from it in every shape and form. No single word has been responsible for more crude political thought and action in the recent history of India. Nobody suggests that we should cease our endeavours to reform the constitution; but unless we are satisfied that it is better to be without a constitution than with this, that is to say, unless we are convinced revolutionaries, and earnestly set about the



business of destruction, we must be content to improve on the good till it becomes better and use existing powers to acquire more. Neither political nor ordinary ethics would impose such extraordinary self-denial on free citizens. Of course it is otherwise with an ascetic or saint who practises self-immolation.

"I have been asked whether I am serious in asking Swarajists to give up wrecking tactics and accept office. Could they do this and still be Swarajists? In the first place, if Swarajists must be Swarajists for ever and Liberals must be Liberals for ever and rigid non-co-operators must be rigid non-co-operators for ever, all talk of political reunion is idle. In the second place, what is asked of them is not a new policy but a re-statement of it so as to accord with practice and a whole-hearted following out of the course they have already adopted. There are certain other points on which a settlement would also have to be made when we came to grips with the question, for example, the use of labourers and students in the political campaign and the Congress franchise. These, however, do not make a clear division of principle between the parties; the former is a question largely of temperament and natural sympathy, while the latter is an intrusion into politics recognised by most people as unjustifiable and apparently breaking down under the test of actuality. Propaganda in England remains; but it need not be laboured, once the point regarding the acceptance of office is made good. If even Labour politicians felt a difficulty in negotiating with members of a minority section in India, it is idle to expect a Conservative ministry to pay any attention to representations not proceeding from one united party or from several parties that had arrived at a common understanding on material issues".

### Mr. Horniman's Survey of the Swarajists' Work.

The following appreciation of the Swarajists and their work was contributed by Mr. B. G. Horniman, Ex-Editor, The "Bombay Chronicle", to the *Catholic Herald of India* in May 1925:—

"Mr. C. R. Das, the brilliant leader of the Swarajist Party in Bengal, on 29th March published a manifesto which has been taken as a "gesture" of approach to the Government to come to terms with the Nationalists, on which the latter may honourably co-operate in working whatever form of constitutional machinery may be agreed upon as a result of changes, which practically all parties in India recognise must take place as a result of the failure of Dyarchy, though there are differences between the Indian and European points of view as to what these changes should be.

"It is not clear as yet whether Mr. Das is speaking as well on behalf of his fellow-Swarajists in other provinces, or whether he is out only to make a bargain for his own province of Bengal. Up to the present, his has been the only voice to be heard if we expect a platonic non-committal expression of sympathy with his aims from Mr. Gandhi. Perhaps it would be as well, first of all, to explain exactly what the Swarajist party is and what it represents.

"In 1920 Mahatma Gandhi swept the country with his Non-Co-operation movement. The policy of this movement was a strict refusal to co-operate with British institutions in India in any form whatever. The election for the Central Legislative Assembly and the Provincial Councils were to be boycotted, lawyers were to refuse to practise in the established courts, litigants to resort only to courts of arbitration set up by the people themselves, every kind of association with the Government was to be barred and the programme was to work progressively through a series of boycotts of one kind and another up to a mass resistance of the payment of taxes. Popular feeling was so intensely roused by the passage of the Rowlatt Acts, the Amritsar massacre and other excesses of martial law in the Punjab, and the failure of the Government to fulfil the popular demands for the adequate reparation that was considered due to the people, that it seemed that the flood of enthusiasm would carry this passive non-violent movement to final victory. And there is no doubt that the Government were greatly perturbed by it. Unfortunately spasmodic outbreaks of violence occurred in one or two places notably in Bombay during the visit of the Prince of Wales, Gandhi immediately suspended the movement, as he had declared he would do if his condition of non-violence were broken, and the Government seized the opportunity to embark on a vigorous campaign of repression. On the eve of the Prince's visit to Calcutta the chief Bengal leaders, including Mr. Das, were sent to jail, and shortly afterwards Mr. Gandhi himself received a sentence of six years for sedition, refusing to defend himself against the charge.

"While he was in jail Mr. Das underwent a process of mental change. He came to the conclusion that if the Gandhi programme was to be at the mercy of every spasmodic display of violence, which might be produced by all sorts of accidental causes, and even deliberately produced by enemies of the movement, there must be a change of tactics; and he went into the next session of the National Congress to propose that, at least the ban on entry to the Councils should be removed and the Government fought on their own ground. He was joined in this attitude by Pundit Motilal Nehru, the Nationalist leader of the United Provinces—both of them leaders of the Bar in their own provinces, who had abandoned lucrative practices when they joined the Non-Co-operation movement and had adhered to their boycott of the Courts throughout—and a number of other Congress leaders. Though they were not actually a majority in the Congress, they were strong enough to secure the passing of a resolution, leaving it open to those who wished to do so to stand for the Councils and removing the ban, in such cases, on the polling booths. Thereupon, the Swarajist Party became an effective force. At the last election they fought for seats and carried practically all that were open to them.

"Since then the Nationalist movement in India has been divided into two camps—those who adhere to the rigid Non-Co-operation policy of Mr. Gandhi, now in a state of suspended animation, awaiting the moment for its resumption, and the Swarajists, who have been busy effectually embarrassing the Government by their tactics in the various legislative bodies. It is not surprising that the latter have become steadily stronger, while Mr. Gandhi, though still the popular idol, has been politically losing ground.

"Meanwhile the violent revolutionaries, who, though a tiny band of enthusiasts, have never been effectually suppressed, in spite of the drastic measures employed against them, renewed signs of activity. An English merchant was shot dead while looking into a shop window in the main street of Calcutta, having been mistaken by the assassin for the Deputy Commissioner of Police, and an alleged "bomb factory" was discovered—among other incidents. At a Swarajist Conference in Bengal a resolution was passed condemning violence but recognising that the murderer of Mr. Day, the victim of the crime mentioned, was inspired by high patriotic motives. Mr. Das was present at this conference. All this led to the passing of the Bengal Ordinance, about which there has been so much discussion, under which persons suspected of political crime can be arrested and imprisoned without trial and detained indefinitely at the pleasure of the Government. A large number of persons are in prison under this Ordinance, among them being well-known Swarajist leaders, including Mr. Das's chief Lieutenant, Mr. S. C. Bose, whose friends declare him to be utterly incapable of connection with violence.

"In the other provinces the Swarajists were not so successful in their attack on the Councils. In Bombay, to take an example, they constitute only about one-third of the strength of the Council, and the Government can generally count upon a majority for essential purposes with the combination of the officials who have the right to sit in the Council, the members nominated by the Government and the not inconsiderable number of members who represent "Minority" constituencies, which are very prolific under the Montagu scheme.

"For similar reasons the Swarajists are in a minority in the Central Legislature, where they are led with great astuteness by Mr. Das's colleague, Pundit Motilal Nehru. But in nearly all matters strongly touching popular interests and grievances they have had the support of a small band of "Independents"—Nationalists who have refused to adhere to the Non-co-operation principle by which the Swarajists still stand and advocate strictly constitutional measures. The result has been frequent defeat of Government measures and Budget votes, which have all had to be restored by the arbitrary use of the Viceroy's powers of "certification," a procedure the constant use of which hardly conduces to the prestige of a Government which makes a boast that it is educating the country to understand and work "democratic" principles. The most recent and perhaps the most indecent instance of the use of this power of Viceregal certification for the defeat of the popular will is in the case of the Bengal Ordinance. These drastic ordinances can only be enforced by a local government for six months in time of so-called emergency. So a Bill was introduced in the Central Assembly to continue it for six years, the Viceroy unctuously announcing that in such a matter he desired to have the opinion of his Legislative Assembly. The Legislative Assembly rejected it with contumely, the case for the use of this extra legal power being torn to shreds by Swarajists and Independents, whereupon the Viceroy promptly "certified" it and sent it to the Council of State—a sort of tame Senate—which has promptly passed it into law, without further reference to the Assembly, in accordance with the drastic powers given to the Viceroy and Council of State under the Montagu constitution".

# The Sikh Movement

## The Gurdawara Bill.

Besides giving a general idea of the main features of the Sikh Gurdawara and Shrines Bill, it is better to state the objective of the Gurdawara Reform Movement, the sacrifices which the Sikh Community has made to attain that objective, the previous steps at the Gurdawara Legislation and the causes of their failure.

The aim of the Gurdawara Reform Movement has always been firstly, that all the Sikh Gurdawaras and Shrines in which the whole Sikh community is interested and which according to the Sikh religious principles, traditions, and practice are the common heritage of the whole community, should be controlled by a representative elected Sikh body responsible to the Sikh community and recognised by law.

Secondly, that the form of worship and ritual in these Gurdawaras and Shrines should be restored in its original purity and should continue according to the teachings of the Guru Granth Sahib and the recognised traditions of the Panth.

Thirdly, that all the income and funds of these institutions should be expended for the religious, charitable and educational purposes for which they are intended and for no other purpose and that all accounts should be regularly kept, audited and published.

Fourthly, that all the functionaries in these institutions should be responsible to and subject to the control of the Panthic Committee. This is what the movement means. It is equally important to bear in mind what the movement does not mean and has never meant.

The Gurdawara movement does not mean to interfere in any way with any non-Sikh place of worship nor does it contemplate touching even those Sikh places of worship which are of an exclusive nature, that is, places belonging solely to any denomination or Samparda, like the Udasis, Nirmalas etc., or to any private individual or individuals. The Gurdawara movement does not aim at turning out all incumbents or functionaries of Gurdawaras whether good or bad. It only aims at getting bad incumbents reformed or removed and ending irresponsibility in all cases. The Gurdawara movement does not mean that any secret political purpose should be obtained under the garb of religion and by exploiting religious passions. The Gurdawara movement does not mean to subvert law and administration, for the Shiromoni Gurdawara Parbandak Committee, the custodian of this movement, has always been aiming at securing the objective of Panthic control founded upon satisfactory legislation. All the three elected Committees of 1920, 1921, and 1923 declared it in unmistakable terms that given a satisfactory law the S. G. P. C. would faithfully work it. The allegation that in order to obtain its objective this movement has used lawless and violent methods is due partly to misconception and is mainly due to an effort at misrepresentation. Here and there stray individuals may have erred from the set path, but it is unfair to brand the whole movement as lawless or violent on account of

such stray individuals. If those who make such allegations had any idea of the pain and zeal which fill the heart of the awakened Sikh community, they would give credit to the S. G. P. C. for exercising such rigorous restraint in regulating the efforts of the community to fulfil its fierce determination to reform its temples. The community has never swerved from the ideal of securing a satisfactory law, and its non-violence has won for it the regard of all, and the faithfulness with which the lead of the S. G. P. C. has been followed is a proof of the community's love for organization.

In proof of the earnestness and sincerity of the Sikhs in this movement, one need only refer to the enormous sacrifices made during the last four years at Tarn Taran, Nankana Sahib, Guru-ka-Bagh, Bhai Pheru, Jaito and during the campaigns of wholesale repression in the spring of 1921, the spring of 1922, and since the notification of the S. G. P. C. and S. A. D. as unlawful associations in October 1923. The able statement recently issued by S Mangal Singh, President, Central Sikh League and the memorial submitted by several members of the Legislative Assembly to the Government of India on the 31st March last, beautifully sum up this heavy toll of life and money and suffering in Jails and outside. To sum up, sacrifices so far amount to 30,000 arrested, 400 died and killed, 2,000 wounded, 15 lacks of fines including the forfeiture of pensions of retired soldiers. Ban was also placed on civil and military recruitment of Sikhs.

Having briefly explained what Gurdawara reform means, what it does not mean, and what sacrifices have been made to achieve it, let us now survey in brief the efforts that have been made in the past to solve this problem by shaping some legislation.

In the beginning of the present movement the Government remained neutral and watching. But soon after the tragedy of Tarn Taran, which resulted in the death of two reformers and several casualties, the Government announced on the 16th February, 1921, a conference between the reformers and the Mahants, presided over by Sheik Asgar Ali I. C. S., then a Secretary to the Punjab Government. But the horrible tragedy of Nankana Sahib happened four days later and the conference was never held. Instead, on March 14th, the Education Minister moved a resolution in the Legislative Council recommending an ordinance to be issued by the Governor-General preliminary to the framing of a legislative measure. In moving his resolution Mian Fazli-Hussain admitted that the existing law was not adequate. There was the Regulation 19 of 1810, the Regulation 7 of 1817, Act XX of 1863, Act VI of 1920, Act XIV of 1920 and certain provisions in the Civil Procedure Code. Of these the first two did not apply to the Punjab: the third should be left out of account, because the religious endowments, referred to in that Act, did not exist in the Punjab, and the Act of 1920 was only an enabling Act. The provisions of the Civil Procedure Code were the only provisions that could be utilised. But the procedure laid down, he said, was expensive and dilatory. Further on, the Hon'ble Minister said that wherever there was a man unworthy of holding the position of a trustee or who did not fulfil the objects of the trust, there should be an effective machinery of law to replace him. The Sikh members were sceptical about the purpose of the ordinance which made no distinction between ordinary charitable trusts and the Sikh Gurdwaras, which must be managed according to Sikh principles, and therefore they chose to stand aloof. But the resolution was, however, passed without their votes.

The Government, under these circumstances, could not proceed with the ordinance and decided to introduce a Bill instead on 5th April. The Sikh community at this time was feeling extremely discontented on account of the wholesale arrests of reforming Sikhs which came on the heels of the Nankana Tragedy. Consequently, the matter of the release of prisoners became mixed up with the question of framing legislation. Instead of relaxing its attitude, Government made further arrests and prosecuted others for wearing Kirpans. It was in such unfortunate circumstances that the first Gurdawara Bill, otherwise also inadequate and disappointing, was launched. Even the Sikh members of the select committee who did not fully represent Panthic views were not satisfied with the Bill, because it did not recognise the fundamental principle of Panthic control of Gurdawaras. In their minute of dissent they said "The very object of the Bill is likely to be defeated, because this guiding principle is not incorporated in it." They also emphasised the keen feeling of all Sikhs that all the members of the proposed Board of Commissioners should be Sikhs. The S.G.P.C., the real representative of the spirit of reform, considered the Bill as unsatisfactory as none of the important amendments suggested by its representatives had been accepted by the Government. It was a temporary measure, providing for the institution of an inquiry on the results of which a permanent legislation was later to be framed. In effect it would have been only a veiled extension of the existing defective law under which Gurdawaras were being attached like ordinary property and which treated the Panth, the rightful master, as a mere party against its servants, the Mahants. If passed, the result of this legislation would have been that instead of one Sarbrah, whom the Sikhs had with great difficulty ousted, there would have been many Sarbrahs, and instead of controlling one Golden Temple the Government would have come to control all the Sikh temples. In spite of these defects, the S.G.P.C. was willing to make a compromise, if certain important amendments were made. The consideration of the Bill was postponed to 9th May, 1921, in order to make further discussions possible. In the last week of April the Government arranged a conference between the representatives of the reformers and the Mahants. As eventually the Mahant party would not agree to any reasonable proposal regarding either a temporary or a permanent measure, this conference ended in nothing. Government instead of assisting reformers dropped the bill and issued a communique advising the Sikhs to carry out reform by persuasion and also recounted the excellences of the provisions of the existing law, which it had itself already admitted to be defective, costly and dilatory. Informal conversations regarding legislation were again opened in September 1921 when the unfortunate blunder of the Government in taking away forcibly the keys of the Golden Temple led to what is known as the "Keys' Affair". In March 1922 after the restoration of the keys to the S. G. P. C. and the release of the Sikhs arrested during that affair, negotiations were resumed by the Home Secretary and the prospect of a settlement seemed imminent when the Government came out with its 'Lathi'. The notorious Akali-hunt of the spring of 1922 was begun and about 2000 were flung into jails within two weeks in the central districts of the Punjab. The negotiations this time, too, fell through. A few months later came the heart-rending events connected with the Guru-ka-Bagh and perhaps imagining that the Sikhs had been taught their lesson, Government brought out a second Bill in November 1922 and rushed it through the Council inspite of unanimous Sikh and Hindu oppo-

sition inside and outside the Council. This Bill was the twin brother of the Bill of 1921, with the only difference that two of the three commissioners were to be nominated, one by Sikh Councillors and the other by the S.G.P.C. The rejection of this intrinsically unsatisfactory measure by the Sikhs was partly due to the fact that thousands of their brave brethren were rotting in jails. Immediately after the passage of the Bill, Government resumed conversations with the S. G. P. C. through the Finance Member, Sir John Maynard. Nothing came out as Government was not prepared to concede the principle of a central representative controlling body. The Act of 1922, however, remained a dead letter. The recent events concerning the Nabha deposition, the Jaito sacrilege and the notification of the S. G. P. C. and the S. A. D. as unlawful associations, and the later developments are well known. (*See Register 1924, Vol. I p. 97*). In April 1924 the Punjab Government proposed the appointment of a Committee presided over by General Sir William Birdwood to discuss the solution of preliminary and outstanding questions and frame the principles of a legislative measure. How the Birdwood negotiations failed and through whose fault is quite well known. (*See Register 1924, Vol. II p. 198*.) In October 1924, the venerable Pandit Madan Mohan Malviya personally took up the matter of preparing an agreed measure and confronting the Government with a demand of the Sikh and Hindu Councillors, for the Government had declared time and again that it would agree to anything which was agreed upon by the Sikh and Hindu Councillors. Panditji's Bill was nearing completion and was receiving support from several quarters, when an interpellation in the Punjab Council brought on informal conversations led to the official announcement of the appointment of Messrs. Emerson and Puckle to discuss the provisions of a Gurdawara measure with a Sub-Committee of the Sikh Councillors.

After nearly 5 months' hard work, the present measure has been evolved and it is expected that if it is passed and if the Government also tackles other allied Sikh religious questions like those of the Akali prisoners, Jaito Akhand Path, and the Criminal Law Amendment Act notification in a statesman-like and magnanimous way, the Sikh unrest would see its end.

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### The Bill in the Punjab Council.

The Gurdawara Bill had a strong support from all quarters :—

In explaining the basic principle of the Bill in the Council S. Tara Singh said that temples were the soul and life of a nation. To the Sikhs they were particularly so. Their lives and religion depended solely on the purity of their lives and worship. The Sikh religion was necessarily a congregational religion. According to the Holy Gurus, the succession to the priesthood of places of worship was not hereditary, but went to him that deserved most on account of his qualifications. Guru Angad's case can be quoted in this respect.

There was a great regard for the Sangat (Congregation) among the Sikhs than whom even the Gurus considered themselves lower. The Sangat had a higher vote than the Gurus. It was also the greatest power in the Sikh Religion. To prove this the instance of Maharaja Ranjit Singh, the Lion of the Punjab, who had once to go with folded hands before the Akal Takht, would suffice.

The holy places used to be put in charge of Mahants who were removable on becoming corrupt in which case the Sangat managed the Gurdwaras. The Mahants however assumed with lapse of time the ownership of the property attached to Gurdwaras.

Raja Narindra Nath was very much pleased and said that the object was laudable and that they were living in a democratic age which required transfer of control to the people.

Mr. Craik, on behalf of the official Benches heartily welcomed the Bill not only because it was conceived in a spirit of compromise, but also because he was sanguine enough to hope that in this bill they had the dawn of a happier era in the history of the Sikh community. The Bill had received support from all sections of the press.

Rana Feroz-ud-din, welcomed the Bill and said that it would give peace to the hearts of the Sikhs who had shown admirable sacrifice, and also because it showed that the Government had learnt to yield to the pressure of public opinion.

Sir Gopal Das, Mir Maqbul Mohammad, Dr. Gokul Chand Narang, Sardar Buta Singh, Mian Sir Fazl-i-Hussain and others all supported the bill in strong words.

A Select Committee consisting of 19 members was appointed who received applications regarding the inclusion of Gurdwaras in Schedules I and II.

*(For further details see proceedings of Punjab Council p.273.)*

## The Demands of the S. G. P. C.

The Bill had the general acceptance of the S. G. P. C. on 26th and 27th April. Besides certain amendments the following were the demands made by the Committee :—

1. Releasing unconditionally all the prisoners convicted or under-trial in connection with the Gurdawara Reform movement.
2. Removing the existing restriction imposed upon the pilgrimage to and the performance of Akhand Path at Gurdawara Gangsar Sahib, Jaito, and by releasing all the prisoners under trial or convicted in connection therewith.
3. Cancelling the notification under the Criminal Law Amendment Act declaring the S. G. P. C. and the Shiromani Akali Dal as unlawful.
4. Freeing Kirpan from all restrictions and releasing unconditionally all prisoners under trial or convicted in connection with including those

convicted by the Military authorities for wearing kirpans or black turbans and reinstating them in their respective positions.

5. Removing all the Punitive Police Posts imposed on Sikh villages in connection with the Gurdawara Reform movement.

6. Reinstating all Lambardars, Zaildars, etc., dismissed, suspended and reduced in connection with this movement and restoring the pensions, and grants of land, confiscated in connection with this movement, allowing to return to their respective homes all Sikhs deported and removing the names of all such persons from the police register No. 10 under section 110, etc. as may have been placed by the police in connection with the Gurdawara Reform movement : and

7. Giving effect to all the above enumerated demands throughout British India and Native States.

### The Sikh Sudhar Committees.

Seeing that he has no chance to address the real representatives of the Sikhs the Governor of the Punjab not very infrequently finds time to speak on the sikh situation. The Sikh Sudhar Committees were an organisation of the Moderate Sikhs of the Punjab. Its ostensible object was to bring Gurdawara reform through constitutional means as opposed to those adopted by the S. G. P. C. Truly speaking, these committees had not in the least any sympathy for the reform movement but they were what the Government wanted them so be. Still to show the mentality of the dumb driven people under the guidance of the 'Sirkar' the following words were given out by His Excellency Sir Malcolm Hailey in reply to the address of the Sikh Sudhar Committee at Lyallpur on the 28th April 1925 :—

Referring to the recent developments in the Sikh situation His Excellency said :—

“ You in common with others who have the welfare of Sikhism at heart have consistently maintained that the religious issue must be solved by itself, and that settlement can only be achieved by the promotion of suitable Gurdawara legislation. You will therefore, I am sure, regard it as a happy augury, that a private Bill has now been promoted by the Sikh Members of the Legislative Council, which is drafted in principles which, in my opinion, are such as can reasonably secure the assent of all those whose interests are mainly involved. That Bill will, if all goes well, in a few days come before the legislature, and I do not wish to attempt now either to analyse or discuss its provisions in detail. But I think it only just that I should take the opportunity of recognising the reasonable spirit which has actuated those who have been mainly responsible for its promotion : for I see in this a promise that questions other than the purely religious issue which the Bill seeks to settle may in due season find their solution. But let me add one word of counsel to you. The passing of a new Gurdawara Bill is a step towards settlement of the troubles which have for long afflicted your commu-



nity. But it is not in itself a final settlement. Quite apart from the necessity of bringing into operation the measures contemplated in the Bill, much still remains for the future. A large field of work still awaits those men of moderation and good-will who are genuinely interested in the social and moral advance of the Sikh community. Much is to be done if we are to direct into better channel the *somewhat unfortunate mentality* that has been acquired of late years by a *certain extreme section of the community*, and which still shows itself in the wild vituperations and the futile imaginings of a certain portion of their press. I say this, not because I have in my mind any desire to crush or dominate any section of the community, however ill-advised or misguided it may seem to us to be, but because I feel that extremism of this type reacts on the community as a whole, and denies it the sympathy of those who are working for the ordered progress of the Province as a whole. If I counsel you not to relax your efforts, if I urge you to persist in your endeavour to counter tendencies of this type, it is with the single purpose of assisting the Sikhs themselves and with a genuine desire to see the community acquire that position of credit and prestige which it has earned by honourable traditions in the past and which I hope its many great qualities will secure it in the time that are to come."

## The Akali Leaders' Trial.

During this period the Akali Leaders' trial was being held in the Lahore Fort. Mr. Smith, the Police officer, who filed the complaint on behalf of the Government during his cross-examination from 23-1-25 to 27-1-25 deposed that he was the officer in-charge of the Punjab C.I.D. All the reports from the C.I.D. Officers were submitted to him and he used his discretion to determine whether or not they should be sent to Government. Witness, for instance, informed the Government that the Sikhs in the Punjab wanted to establish Sikh Raj. In his opinion some Sikh Papers were seditious and anti-Government. In giving the history of the Sikh movement witness alleged that the S. G. P. C. and several other Sikh institutions were anti-Govt. Asked whether he could produce the reports submitted by the witness, Mr. Smith said that he could not, because they were "*Extremely confidential.*" He also refused to answer any questions relating to those reports. Witness remembered that S. B. Mehtab Singh asked the following question in the Council, "Now that the Government has given up its control of Darbar Sahib, will it kindly present accounts thereof for the period of their stewardship" The reply was: "The Government have had never to do anything with accounts. It only appointed the Sarbrah and that right has been given up. The Government interference in the management of the Golden Temple was withdrawn." The 58 keys of the Golden Temple were taken away by the Government after the issue of the above resolution. In reply to S. B. Mehtab Singh's question the witness stated that he knew that the S. G. P. C. had issued a communique advising the Sikh soldiers not to wear ~~kurpans~~

or turbans of different colours than those prescribed when on duty or under orders. Ex. 55 was a copy of the letter from the Deputy Commissioner Amritsar thanking S. Mehtab Singh, President, S. G. P. C. for the assistance given in the Hindu-Muslim riots. These services were mentioned in releasing Guru-ka-Bagh prisoners. In the ranks of the workers of the S. G. P. C. there had been men who had joined it for the sake of Gurdawara Reform, and with no political hostility to Government.

Witness did not remember having seen any speech made by any accused or any member of the S. G. P. C. in which mention was made of the Sikhs' desire for a Sikh Raj in the Punjab. Witness did not come across any paper out of the thousands obtained in the search where undertaking to establish Sikh Raj or in which any mention of such Raj was made.

Witness knew that the S. G. P. C. had telegraphed to the Viceroy to hold an enquiry into the Nabha affair, saying that it was doubtful whether the abdication was voluntary or not. He also knew that a reminder to that was also submitted. So far as he knew no reply was vouchsafed to that telegram. There was agitation in the press and on the platform for an enquiry committee but no such committee was appointed.

Witness agreed that the wearing of long kirpans was permitted by law. There was a branch of the Salvation Army in the Punjab. They also had their provincial, district and local organisations with Colonels, Captains, Commissioners, etc. The Salvation Army had uniforms, with definite colours and badges and marks.

Witness had not proved any item to show that the S. G. P. C. had either received any income or incurred any expenditure on account of Akalite-Pardesi.

Witness did not know which of the accused were present in the meeting of the S. G. P. C. where the Nabha resolution was passed, nor which of them voted in favour and which against the resolution. The Chief Khalas Diwan or other Sikh Communities had not opposed the Gurdawara Reform Movements run by the S. G. P. C.

It was true that during the late War the Sikhs offered Ardasas etc. for the victory of British Arms. Witness knew that some money was invested by the Darbar Sahib in the War Loan.

The opinion of witness had changed in some matters after he had submitted the confidential report to Government relating to the Sikh Movement. As an example of what were the actual ideas of a most responsible official of the Government and what he had submitted in his confidential report we have, in the above few lines, tried to place before our readers. It is for them to see how far the present so called Akali Leaders' trial can be justified in the face of such findings.

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## The Second Batch of the S. G. P. G.

The Second Batch of the S. G. P. C. was arrested on the 7th January 1924, for the alleged offence of promoting a meeting of the body duly notified to be an unlawful association. The police tried to reach the scene of the gathering but could not do so. The members showed their willingness to be arrested if the police sent in their names. Ultimately 61 persons surrendered themselves at the Kotwali, where they were formally arrested and challaned under Criminal Law Amendment Act. XIV of 1908, Sec. 17 (B). (*For details See Register 1924, Vol. I, p. 637*).

The prosecution could put in only S. Jodh Singh, M.L.A., as their chief eye-witness to substantiate that a meeting was held. He definitely denied that there was any meeting, when he reached the place. The prosecution could not bring any evidence to prove the statements that were on the prosecution file. Nor did they attempt to concern themselves about the presence of individuals in the place of meeting. The accused were however convicted, only four having been discharged for various reasons. Four of the convicted ones appealed to the sessions Judge but the appeal was dismissed. These four appealed to the High Court, while the remaining 53 did not apply for revision. The case of the four appellants came up for revision before a bench of the High Court on the 27th January 1925, when the arguments were heard. Then it took full one month and judgment was announced on the 24th February, acquitting the above four. Nothing was said about the remaining 53. The trial was joint, and all of them were convicted on the strength of the same evidence. Their Lordships found the evidence insufficient to prove either that there was any meeting of the Committee or the appellants took part in that. Exactly similar was the case with the rest of the batch. There was no justification why the 51 should undergo imprisonment for an offence which the High Court denied having been committed, by four of their comrades. The Bench had the power of revising the order regarding these as well. But they did not do it. It was a glaring judicial anomaly. There were two judgments based on the same evidence,—one of the Subordinate court convicting 57 persons to undergo two years rigorous imprisonment, and the other of the Supreme Court of Judicature in the Province acquitting four of the same group. Since 24th February 1925, both in the press and on the platform the voice was raised for the release of remaining members of the 2nd Batch. Sri Guru Singh Sabha, Lahore, Tarn Taran, and other places, S. Trilok Singh son of S. Mohan Singh Vaid, Tarn Taran, and other responsible persons and relatives of the 53 accused invited the attention of the High Court towards this matter, but to no effect. Telegrams and letters were addressed to the Chief Justice, High Court and H. E. the Governor of the Punjab. Paying a deaf ear to all these communications neither the Govt. nor the High Court gave any reply.

In order to bring before the public view the nature of justice one got at the hands of the Punjab Govt. an application was sent by S. Mohan Singh Vaid, Municipal Commissioner, Executive Member Chief Khalsa Diwan, Vice President, P. T. Federation, Tarn Taran (Amritsar), Doctor Bhagwan Singh of Amritsar, S. Hukam Singh, B.A.L.L.B., Pleader, Montgomery, the members of the S. G. P. C. who were convicts in the Mianwali Jail to the

Chief Justice, Punjab High Court through R. B. L. Moti Sagar, Advocate, Ex. Judge, Punjab High Court and S. Amar Singh, Vakil, High Court. The copy of the Judgment is as follows :—

Petition for revision under section 435/561-A, C. P. C. read with section 107 of the Govt. of India, Act of the Order of S. B. Hardiyal Singh Magistrate 1 Class Amritsar, and the Sessions Judge, Amritsar, 23rd June 1924 (Vide Criminal Revision No. 1039 of 1924.

### Order.

The petitioners have applied to this Court in its Revisional Jurisdiction under Section 439, C. P. C., praying that their convictions under Section 17(2) of the Criminal Law Amendment Act be set aside. The petitioners did not appeal against the convictions which are now sought to be challenged, and that being so I am prohibited by Section 439(5) of the C. P. C. from entertaining his application. Clause 5 reads as follows:—“Where under this code an appeal lies and no appeal is brought, no proceedings by way of revisions shall be entertained at the instance of the party who would have appealed. The application being prohibited by statute is rejected. Sd. Cecil Fforde., Judge, 18th April 1925.

On the 14th of April, a letter No, 10007-Judl. was issued from the Secretary, Govt. Punjab, to the Inspector General of Prisons, Punjab :—

I am directed to intimate that the prisoners mentioned in the accompanying statement were convicted under Section 17(2) etc.

2. As Government gave an undertaking in the March Session of the Punjab Legislative Council to consider representations from those prisoners who did not appeal to the High Court in this case I am to ask you to instruct the Superintendents of the jails where these men are imprisoned to forward any representation they desire to make in view of the findings pronounced in the High Courts Judgment mentioned above of which five spare copies are herewith attached.

Copy forwarded to the Special Class prisoners for any representation they desire to make.

As the above letter was received by the prisoners in the different jails, Mianwali, Multan, Shahpur, Jehlum, where the 2nd Batch were undergoing their imprisonment, the prisoners who had quite lost their faith in the British justice thought it better to finish their imprisonment rather than beg the Govt. for release when the latter was totally unjustified in keeping the former any more in imprisonment. Up to the 30th June none applied in the form of representation.

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**Ban on Shahidi Jathas proceeding to Jaito.**

Sardar Partap Singh questioned in the Punjab Council "Will the Govt. be pleased to state whether the Jathas proceeding to Jaito were declared unlawful assemblies by them? If so, will the Government be pleased to state the number and the date of the notification declaring these Jathas to be unlawful assemblies?"

In reply he was informed by the Honourable Sir John Maynard that all Jathas organised by or affiliated to the S. G. P. C. or the Akali Dal were notified as unlawful associations under the Act of 1908 by the P. G. Notifications No. 23772 and 23773 of the 12th Oct. 1923.

Conviction of persons for entertaining Shahidi Jathas was not uncommon. The term of imprisonment ranged between 2 years and 6 months with fine. Jathadars at various places of the encampments of the Shahidi Jathas were vainly desisted from their duty by the Govt. Officials. Up to 1st January 1925, 22000 Akalis were in the different Jails of the Punjab and other Provinces and States. They had been a victim of Rs. 11,00,000 as fine.

About 700 Zaildars, Lambardars, etc. were suspended on account of their sympathising with the Akali Movement. For instance S. Mohinder Singh, Bar-at-Law, Ludhiana, Deputy President, Punjab Legislative Council was sentenced to 2 years' imprisonment with a fine of Rs. 1000/- for his entertaining the Shahidi Jatha. This was afterwards pronounced unlawful in the appeal case. The Jagirs, pensions, titles, honorary Magistracy, Civil Judgeships and the licenses for arms etc. were confiscated simply on the pretext of having sympathy with their brethren, the Akalis.

The Canadian Shahidi Jatha left Amritsar on 1st January 1925. As many as 4 Shahidi Jathas containing altogether 1545 Akalis left Amritsar for Jaito. The total number of Shahidi Jathas up to 30th June 1925 was 17 of 500 each and one Canadian and one Shanghai (China) Jatha which had come from Canada and China.

**Mr. Rushbrook Williams in "India in 1923-24"**

A purely official publication, 'India in 1923-24' by Mr. Rushbrook Williams, to whom the task of preparing these annual reports for presentation to Parliament has been entrusted by the Government of India, contains statements remarkable both for their independence and their impartiality. It is probably for this reason, as well as because this report is now presented under the authority and with the general approval of the Secretary of State that the author has seen fit to introduce the volume with the explanatory observation that "It must not be understood that the approval either of the Secretary of State or of the Government of India extends to every particular expression of the opinion."

When, however, fairness and justice do demand a direct condemnation of an official policy or measure it is no matter for surprise that our author is found either partially or wholly wanting. There could be no clearer proof of this falling off from the standard placed by the author before himself than in his treatment of the Guru-ka-bag and Jaito incidents. As regards the first, he only tells us that "the Jathas sent by the S. G. P. C. were stopped by the police and dispersed as unlawful assemblies," and that a "great sensation was created by the fact that the Akalis had taken a vow of non-violence and offered no resistance to the measures which the Police adopted for their dispersion." He can scarcely be unaware that it was not the vow of non-violence of the Akalis but the brutal treatment accorded to the Jathas that created the sensation in this case, and in fact so shocked and scandalised was public opinion that the Government was forced to abandon the method. As regards Jaito the author quotes word for word the official version, including even the allegations as to the existence of arms in the possession of the mob, and takes absolutely no note of the version of impartial and independent observers, including an American journalist of unimpeachable integrity. (*For Mr. Zimands version See Register 1924, Vol. 1, p. 109*). In such cases instead of giving the version as his own the author would clearly have done greater justice to himself if he had made it clear that he was only giving the official version.

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## GANDHI-SHAUKATALI STATEMENT

# On The Kohat Tragedy

The much-longed for statement of Mahatma Gandhi and Maulana Shaukat Ali on the deplorable Kohat tragedy, perpetrated on the 10th September last, was published in the Mahatma's organ, the YOUNG INDIA on the 26th March 1925. The Mahatma tried his best to go to Kohat personally to bring about a reconciliation between the Hindus and Moslems and to make a sifting enquiry into the causes of the riot, but he was refused permission by the Viceroy. He, however, went to Rawalpindi along with Maulana Shaukat Ali and there took the evidence of the Hindu refugees and the Mussalmans of Kohat to whom he specially invited for the purpose. Both Mahatma and Maulana issued two separate statements, each signing his own, as there were material differences between two or three inferences drawn by them from the same facts. For the details of the riot and the Government of India statement on same, the reader is referred to Register 1924 Vol. 11 pages 26 and 31.

The following is the full text of the Mahatma's statement :—

### Mahatma Gandhi's Statement.

Maulana Shaukat Ali and I went to Rawalpindi on the 4th Feb. to meet the Hindu refugees and the Musalmans of Kohat to whom the Maulana had written and who were expected to come to Rawalpindi. Lala Lajpatrai followed a day later. But unfortunately he came with a predisposition to fever and was laid up in bed the whole of the time we were in Rawalpindi.

Of the Musalmans Maulvi Ahmad Gul and Pir Saheb Kamal were the principal parties whose evidence we took. The Hindus had their written and printed statements to which they had nothing to add. The Muslim Working Committee which is functioning in Kohat did not and would not come. They sent a wire to Maulana Sahab saying, "a reconciliation has already been effected between Hindus and Muslims. In our opinion this question should not be reopened. The Muslims should therefore be excused for not sending their representatives to Rawalpindi."

Maulvi Ahmad Gul and another gentleman who came to Rawalpindi with him were members of the Working Committee but they said they came not as such but as members of the Khilafat Committee.

It was difficult to come to any conclusions on details without a thorough examination on the spot and without examining many more witnesses. This, however, we could not do. We could not go to Kohat nor was it our purpose to rake up the whole controversy again by going into minute details. Our purpose was to bring together the two parties if it was at all possible. We therefore confined ourselves to elucidating the main facts.

As I am writing this without a detailed consultation with the Maulana Sahab, I state my own conclusions, leaving him either to confirm mine or to state his own.

The causes of the events of the 9th September and after were many. Among these was the resentment felt by the Musalmans over the resentment

felt in their turn by the Hindus over the conversions (so-called, in my opinion) of Hindus—men and married women, and consequent steps taken by them, the Hindus. The desire of the Parachas (Musalman traders of Kohat) to oust the Hindus of Kohat was another. The resentment felt over the alleged abduction by Sirdar Makhansing's son of a married Musalman girl was the third.

The cumulative effect of these causes was to create great tension between the communities. The immediate cause that lighted the conflagration was a poem in the notorious pamphlet published by Mr. Jiwandas, Secretary, Sanatan Dharma Sabha at Rawalpindi and imported by him into Kohat. It contained a number of Bhajans or poems in praise of Shri Krishna and Hindu Muslim Unity. But it also contained the one in question. It was a highly offensive poem, undoubtedly calculated to wound Muslim susceptibility. Mr. Jiwandas was not the author. He did not import the pamphlet in order to irritate the Musalmans. As soon as the matter was brought to the notice of the Sanatan Dharma Sabha, it sent a written apology to the Musalmans for the offending poem and removed it from the unsold copies. This might have satisfied the Musalmans, but it did not. The unsold copies, over 500 according to Musalman testimony and over 900 according to Hindu testimony, were brought to the Town Hall and publicly burnt in the presence of the Assistant Commissioner and a large concourse of Musalmans. The cover of the pamphlet contained a portrait of Shri Krishna. Mr. Jiwandas was arrested. This took place on the 3rd September, 1924. He was to be brought before Court on the 11th. The Hindus tried to avoid the Court proceedings and to settle the matter amicably. A Khilafat deputation, too, came from Peshawar for the purpose. The Musalmans wanted to try Mr. Jiwandas according to *Shariat*. The Hindus declined but offered to submit to the award of the Khilafatists. The negotiations fell through. The Hindus therefore applied for discharge of Mr. Jiwandas. He was released on the 8th September under security and under instructions to leave Kohat. He did leave Kohat immediately. This anticipation of the date of trial enraged the Musalmans. During the night of the 8th September they held an excited meeting at which fiery speeches were made. It was resolved to approach the Deputy Commissioner in a body and to demand the re-arrest of Mr. Jiwandas and the arrest of certain other members of the Sanatan Dharma Sabha. Reprisals against the Hindus were threatened if the Deputy Commissioner did not listen to the demand. Messages were sent out to the neighbouring villages to join the assembly in the morning. About two thousand angry Musalmans, according to Pir Kamal, marched to the Town Hall. The request of the Deputy Commissioner that a small party from among the assembly should see him in the Town Hall was rejected and he was compelled to face the vast crowd outside. He yielded to the demand and the elated crowd dispersed.

The Hindus had become nervous through fright during the preceding week. On the 6th of September they sent a letter to the Deputy Commissioner informing him of the prevailing excitement among the Musalmans. But no precautions were taken by him for their safety. They were aware of the proceedings of the meeting during the night of the 8th. They therefore sent in the morning of the 9th telegrams notifying the authorities of their fears and requesting them not to re-arrest Jiwandas. The latter still took no notice. There is a hot dispute as to what the crowd did after



dispersal near the Town Hall. The Musalman version is that the Hindus fired the first shot killing a Musalman boy and wounding another, that this infuriated the mob resulting in the burning and looting that took place that day. The Hindu version is that the first shot was fired by the Musalmans, that they, the Hindus, fired afterwards and in self-defence, and that the whole of the looting and burning was according to a pre-arranged plan and after pre-arranged signals. There is no direct evidence on the point and I am unable to reach a definite conclusion. The Musalmans contend that no damage would have occurred if the Hindus had not fired the first shot. I am unable to accept the contention. In my opinion some damage was bound to be done, whether the Hindus had fired or not.

It is certain to me that Sirdar Makhan Sing's suburban residence was burnt and its garden damaged by the crowd before the firing, no matter from which side it was begun. But there is no doubt that the Hindus did fire and kill or wound some Musalmans at some stage or other. My opinion is that the crowd elated by its success dispersed itself in several directions and made hostile demonstrations in front of Hindu houses or shops. I should not be surprised if the Hindus who, as shown above, were already nervous and were expecting trouble, took fright at the demonstration and fired in order to scare away the mob. But such an attitude of resistance would infuriate the Musalmans who were unused to resistance on the part of the Hindus. For, as Pir Kamal said, the Frontier Musalmans regarded themselves as *Nayaks* (protectors) and the Hindus as *Hamsayas* (here meaning protected). The more therefore the Hindus showed resistance the greater became the fury of the mob.

To me, then, who fired the first shot has not much significance for the purpose of the distribution of blame. No doubt, if the Hindus had not defended themselves at all or if they had not fired the first shot, assuming that they did, the Musalman demonstration would have exhausted itself sooner. But such was not to be expected of the Hindus who were in possession of arms and knew more or less indifferently how to use them. Musalman witnesses questioned Hindu deaths or even injury to Hindus on the 9th. I am, however, certain that several Hindus died or were wounded on the 9th at the hands of the Musalmans. It is difficult to give the total number. It is a pleasure, however, to note here that some Musalmans befriended the Hindus and gave them shelter.

It is generally admitted that on the 10th September the Musalman fury knew no bounds. No doubt highly exaggerated reports of Mussalman deaths at Hindu hands were spread and tribesmen from all parts stole into Kohat by making breaches in the walls and otherwise. Destruction of life and property, in which the constabulary freely partook, which was witnessed by the officials and which they could have prevented, was general. Had not the Hindus been withdrawn from their places and taken to the Cantonment, not many would have lived. Much has been made of the fact that Musalmans too suffered and that tribesmen, once their passion for looting is let loose, make no distinction between Hindu property and Musalman property. Whilst this statement is true, I do not believe that the Musalmans have suffered in any way proportionate to the Hindus. And I must respectfully mention that even some Khilafat volunteers, whose duty it was to protect the Hindus, and regard them as their own kith and kin, neglected their duty and not only joined in the loot but also took part in the previous incitement.

But the worst is yet to be related. During these days temples including a Gurudwara were damaged and idols broken. There were numerous forced conversions, or conversions so-called, i.e., conversions pretended for safety. Two Hindus at least were brutally murdered because they (the one certainly, the other inferentially) would not accept Islam. The so-called conversions are thus described by a Musalman witness: "The Hindus came and asked to have their *Sikhas* cut and sacred threads destroyed, or the Musalmans whom they approached for protection said they could be protected only by declaring themselves Musalmans and removing the signs of Hinduism." I fear the truth is bitterer than is put here if I am to credit the Hindu version. I must say in fairness to the Musalman friend that he did not regard these acts as conversions at all. Taking it at its lowest, the performance is humiliating alike for the Musalmans and the Hindus. It would have redounded to the credit of the Musalmans concerned, if they had steeled the hearts of the unmanly Hindus and offered them protection in spite of their remaining Hindus and retaining the symbols of Hinduism. The Hindus would have gone down to posterity as martyrs and heroes of whom mankind, let alone Hindus, would have been proud if they had preferred death to denying their faith, albeit outwardly, in order to live.

I must now say a word regarding the Government. The authorities on the spot betrayed callous indifference, incompetence and weakness.

It was an error to have burnt the pamphlet after the offending poem was withdrawn.

It was right to arrest Mr. Jiwandas in the first instance, but it was an error of judgment to have released him before the 11th.

It was criminal to have re-arrested him after release.

It was criminal to have disregarded the warnings given by the Hindus on the 6th September and repeated on the 9th that their lives and property were in danger.

It was criminal not to have offered protection when the riot eventually broke out.

It was inhuman not to have provided the refugees with food after their removal and to have left them to their own resources after their removal to Rawalpindi.

It was a gross neglect of their duty on the part of the Government of India not to have appointed an impartial commission to inquire into the events and the conduct of the officials concerned.

As to the future I am sorry that it is no brighter than the past. It is a matter of great pity that the Muslim Working Committee was not represented at our inquiry. The so-called reconciliation is a reconciliation brought about under threat of prosecution against both. It passes comprehension how a strong Government could be party to such a compromise. If it wanted to avoid prosecutions for fear of another demonstration on the part of the tribesmen, it should have boldly said so and declined to prosecute and then tried to bring about an amicable and honourable settlement between the parties. The compromise is intrinsically bad, because it makes no provision for restoration of lost and damaged property. It is also bad because it still involves prosecution of Mr. Jiwandas who is being made the scape-goat. It is therefore necessary, if there is to be real cleansing of hearts and genuine reconciliation, for the Musalmans to invite the Hindu refugees and give them assurances of protection and help in reinstating their temples and Gurudwaras.

But the most important assurance that should be given is, that in future no conversions are to take place except in the presence of the elders of the communities and except in the cases of those who understand the full meaning of what they are doing; and if such conversions are attempted they should receive no recognition. I would personally like the stopping of all conversions and *Shuddhi*. One's faith is a personal matter with oneself. It is open to any person of mature age to change his or her faith when and as often as he or she wishes. But if I could do so, I would stop all propaganda except through one's conduct. Conversion is a matter of heart and reason. An appeal to heart and reason can only be made through conduct. I am unable to conceive genuine conversions on the Frontier where they, a hopeless minority untrained in the use of arms, live in the midst of an overwhelming majority who are, moreover, by far their superiors in bodily strength and use of arms. The temptation for a weak man in such circumstances to embrace Islam for worldly gain is irresistible.

Whether such assurances are forthcoming or not, whether a genuine change of heart is possible or not, I am quite clear of the course that should be adopted. Whilst this foreign domination is in existence some contact with it somewhere is inevitable. But all voluntary contact must be avoided wherever possible. This is the way to feel independent and to cultivate independence. And when a large number feels independent we are ready for Swaraj. I can only suggest solutions of questions in terms of Swaraj. I would therefore sacrifice present individual gain for future national gain. Even if Musalmans refuse to make approaches and even if the Hindus of Kohat may have to lose their all, I should still say that they must not think of returning to Kohat till there is complete reconciliation between them and the Musalmans, and until they feel that they are able to live at peace with the latter without the protection of the British bayonet. But I know that this is a counsel of perfection and not likely to be followed by Hindus. Nevertheless, I can tender no other advice. For me it is the only practical advice I can give. And if they cannot appreciate it they must follow their own inclination. They are the best judges of their own capacity. They were in Kohat not as nationalists. They want to return not as nationalists but for the purpose of regaining their possessions. They will therefore do what to them seems feasible and advantageous. Only they must not try to do two things at a time,—to try to follow my advice and at the same time to negotiate with the Government for terms. I know that they are not non-co-operators. They have ever relied upon British help. I can but point out consequences and leave them to choose their course.

My advice to the Musalmans is equally simple. There was no cause for offence at the Hindus feeling perturbed at the so-called conversions or Hindu husbands taking means to regain lost wives. I know that in spite of the discharge of Sirdar Makhan Sing's son upon the charge of abduction, many Musalmans continue to believe in the guilt of the Sirdar's son. But assuming the guilt of the young Sirdar, his crime was no warrant for the fearful vengeance wrecked upon a whole community. The importation of the pamphlet containing the highly offensive poem was undoubtedly bad, especially in a place like Kohat. But the Sabha made enough reparation by its apology. It was, however, held insufficient by the Musalmans, and the Sanatan Sabha was compelled to make further reparation by the burning of the copies of the whole pamphlet including

the portrait of Shri Krishna. Everything done thereafter to the Hindus was far in excess of the requirements. As I have said before, I am not sure who fired the first shot; but assuming that the Hindus did it, it was done in panic and in self-protection and therefore excusable even if not justifiable, and that the reprisals taken were wholly unwarranted. Therefore, it is the Musalmans who owe them such reparation as is possible in the circumstances. They, the Musalmans, need no Government protection or aid against the Hindus. The latter can do them no harm even if they wished. But here again I am on unsafe ground. I do not possess even the honour of an acquaintance with the present advisers of the Musalmans of Kohat. They must therefore be the best judges of what is good for the Musalmans and good for India.

If both the parties desire Government intervention my services are perfectly useless as I do not believe in the desirability of seeking such intervention and I could take no part in any negotiations with the Government. Whilst the Hindus are entitled to and must claim fair treatment from the Musalmans, both need to protect themselves against the Government whose policy it is to set the one against the other. The Frontier is a non-regulation province where the will of an official is the law. It should be the pride of the Hindus and the Musalmans to co-operate with one another to achieve full representative Government. Such cannot be the case unless the two communities can trust one another and the desire is common to both.

### Maulana Shaukat Ali's Statement

From the very first day when I heard of the unfortunate affair of Kohat and all through the sitting of the Unity Conference at Delhi, when Mahatmaji was keeping his twentyone day's fast, right up to the last day I spent at Rawalpindi in touch with both Hindus and Muslims, I have been very carefully considering the matter. Having made such enquiries as were possible in the circumstances I have come to certain conclusions. Since these differ to some extent from those of the Mahatma inspite of our general agreement, it would, I think, be better if I write a separate report, particularly as I have emphasised certain respects of the case. It is no use my entering into details and giving elaborate reasons for my conclusions:—

1. As is well-known I have always refused to visit places where Hindus and Muslims have quarrelled or are quarrelling. In my opinion both the communities in such localities have forfeited the right of asking the help and co-operation of those who are determined to live at peace and with brotherly amity with each other. Each side wants not peace but supporters for its cause. Mischief-makers on both sides are out to drag others down to their own level.

2. Enquiries after the event led me nowhere. Cases are prepared carefully and our interference does no good. Each party puts all the blame on the other and will not accept any adverse judgment. In most cases the fault lies at the door of both and trying to weigh it or apportion it, besides being difficult—well-nigh impossible—serves no good purpose. In fact it further re-opens the question and both from the press and the platform the battle is fought over and over again.

3. This Kohat case—the only one in which I took part—has proved

to me clearly that my instinct has been right. From what I learnt from impartial Hindu and Muslim friends early, I came to the conclusion that this was not such a one-sided affair as it was made out to be by a section of the press. My closer acquaintance with facts and with people present at Kohat, has confirmed me in my former opinion. I cannot say anything about other places: but in Kohat, if the Musalmans have to answer for much, the Hindus have also to answer for a good deal. The following facts deserve our attention:—

(a) The effect of bitter acrimonious communal feeling in the Punjab and the United Provinces had reached Kohat also and relations between Hindus and Muslims there were not as pleasant as before. In fact from all accounts the use of aggressive language was uncontrolled on both sides.

(b) The ignorant and less educated Khans in the Frontier Province have a high regard for their dignity and position and though ruined through their own follies and mistakes, keep up an empty show. The more clever and better educated Hindu commands a position now, thanks to his thrift and business capacity. He has amassed a fortune and at times shows it aggressively. The old relations between the two had been changing and the Government officials, although they were anxious not to allow the Hindus to grow in strength, were taking special advantage of the situation to further emasculate and weaken the Muslim gentry. It was they who were regarded as a danger to the Government in the Province and not the Hindus. It was the Muslim alone who started non-co-operation in Kohat and suffered for it. The real danger to the Province, however, is the official element itself and it is against this that both Hindus and Muslims have to protect themselves.

(c) When feelings were already bad, came this pamphlet with an abusive poem in it, insulting the Kalaba and the Holy Prophet (May God's peace be on him). This pamphlet was *specially printed* for Jiwandas, Secretary of the Kohat Sanatan Dharma Sabha. Its effect cannot be minimised on Muslim population, leave aside the Muslim population of a place like Kohat. In this connection I remember the resentment the Muslims in Calcutta and all over India felt over an article in the *Indian Daily News*. It was a letter from its correspondent in Paris in which he had mentioned that the Arab from Africa, who had been put to clean the drains in Paris during the war was looking at the filth with the same affection and reverence as if it was the tomb of his prophet. The Musalmans blazed forth in anger and a huge All-India protest meeting was organised in Calcutta. This was stopped by Government and the men coming to it in processions were fired at and many were killed and wounded. So I can well imagine the feelings of the Muslims of Kohat at the time. The news of such writing cannot be kept hidden and I cannot put the blame of this on Maulvi Ahmed Gul.

(d) The Hindus' case is complete and very carefully prepared. They have a large number of well educated men at Kohat including several barristers and pleaders. Besides, they had the advantage of the support and advice of many other very eminent and able men in the Hindu community. But the full Muslim case is not known. We had two sets of people before us—both non-co-operators at one time, but now in different camps—inimical to each other. There was no collusion possible between them, and they had the advice of no Musalman from the outside. I am grateful these gentlemen came at my invitation. Like the other Government group—the so-called

Muslim representatives' Working Committee for reconciliation—they could have declined. But they came and gave their evidence. There was very little material difference between the statements of Syed Pir Kamal Jeelani and Maulvi Ahmed Gul, and they both denied in their statements that there was any preparation or idea of a general attack or *Jehad* against the Hindus on the 9th September. The Musalmans decided on the 8th night after the sudden unexpected release of Jiwandas to wait on the Deputy Commissioner. There was certainly indignation at the double-faced policy of the Deputy Commissioner who kept on promising the Muslims one thing and the Hindus another.

(e) The Hindus had no complaint to make against Syed Pir Kamal Jeelani. They accused Maulvi Ahmed Gul, Khilafat Secretary: from all accounts upto the 25th August, 1924, his behaviour was alright. It is after this pamphlet case that he lost his balance and went over to the Government side. The present putrid state of affairs and bad communal feelings have upset the balance of many old and tried Hindu and Muslim workers in the Punjab and elsewhere—and Maulvi Ahmed Gul was not strong enough to withstand the attack of the general Muslim public opinion. He was carried off his feet and lost belief in Hindu-Muslim Unity. Either he or any other courageous prominent man could have saved the situation; but there was none available. Dewan Anantram told us that he was then unfortunately too ill to be of use, otherwise this unfortunate incident would never have happened. With the knowledge of the rest of India before me, I cannot expect too much from a man of Maulvi Ahmed Gul's position. Still if he could not carry the public with him, he should have kept aloof and not gone over to the official side. At the same time I am unable to accept all that has been said about him by the Hindus.

(f) We must not judge of Kohat affairs with our own standards. It would be unfair. The condition there is not the same as with us. An ordinary apology should have been sufficient for us and there was no necessity of burning the book, but both the written letter of apology and the burning were considered insufficient by the Muslims of Kohat. Had there been present one real peace-maker in Kohat in each community, things could have been settled amicably. The Khilafat Deputation of Peshawar which consisted of Haji Jan Mahomed, Ameerchand Bamwal, Syed Lal Badshah and Ali Gul did their best for peace but failed.

(g) I do not accept the Hindu theory that the 9th September was fixed for a general *Jehad* and invitations for it were sent beforehand. The Frontier village Pathans know how to fight but are not anxious to lose their own lives uselessly. If they really wanted to organise a massacre of Hindus, broad daylight was not very suitable for it, nor a fixed day known to their opponents. They would have arranged a surprise. Further the fighting on the 1st day, the 9th September, was fairly balanced and from all accounts it appears the Muslim casualties were as many as the Hindu casualties, if not more. Nor do I believe the Muslim theory which was put before me at Delhi that the Hindus were preparing for such an attack on the Musalmans as would teach them a lesson. It was alleged that in one sudden attack they hoped to prove themselves more than a match for the Muslims, being well armed and under cover, and that afterwards the Police and the troops would intervene and the matter would be left for settlement in the law courts. The Muslims of Kohat frankly said that such a thing was not possible.

In my opinion the firing and the fighting on the 9th September was accidental and not premeditated. By the sudden release of Jiwandas on the 8th September, the aggressive section of the Hindus in its elation must have openly crowed over its victory over Muslims. Next morning when the Deputy Commissioner, realising the intensity of Muslim feeling and his mistake in releasing Jiwandas, ordered his re-arrest and the arrest of several other Sanatan Dharma members, it was the turn of aggressive Muslims to give expression of their elation over their complete victory, and on this the quarrel started.

(h) Who first shot? The Muslims say that a Muslim boy and another man were killed near Sirdar Makhansing's house in the Bazar. The Hindus say that the "Parachas" fired the first three shots and killed one Hindu woman and wounded another. The Hindus further say that these three shots were a pre-arranged signal for the Muslim attack. I do not believe this latter as it is a part of the Hindu theory for which I have found not an iota of proof. The Muslims on the night of the 8th September had decided in a very angry meeting to wait on the Deputy Commissioner early next morning. If the Deputy Commissioner decided against them, then they would see what else they could do. The Deputy Commissioner accepted their demands in full—not only Jiwandas but several other Sanatana Dharmi members were ordered to be arrested. The crowd was jubilant and happy as it got what it wanted. The honour and the prestige of its faith was in its estimation saved. There was no meaning now in starting a massacre of Hindus. My own firm conviction is that the firing and the burning of the 9th September was quite accidental. The gunpowder was there in heaps but the match was lighted accidentally resulting in a huge conflagration. Neither the Hindus nor the Musalmans had any such intention, and the Musalmans naturally could not want it after their signal victory.

(i) I was glad to hear both from the Muslims and the Hindus that they did not want the reopening of the question as it would not serve any purpose. Both parties repeatedly told us this. And I think even now without apportioning blame on either side an honourable and brotherly peace can be arranged. The Musalmans say that they did neither want nor force the Hindus to leave Kohat on the 10th September. The Police and the border constabulary and all the British officers were present on the spot and for the unfortunate looting and firing of the 10th September it is the Government which is responsible. They could have stopped everything if they wanted; But they did not want to stop. This Hindu-Muslim fight in the Frontier was a God-send to them to further embitter the feeling of the Muslims of the frontier and the Hindus of the Punjab and India and to proclaim to the world at large that the Hindus and the Muslims were now openly fighting and that their unity was impossible. It was the strong hand of the British Government that was needed for peace.

(j) The Muslims complained that with the assistance of influential Hindu leaders, the Hindus of Kohat have forced the hands of the Government and secured some terms. Half the Police in future would be Hindu; no Muslim, man or woman, would be allowed to pass through Hindu Mohallas; "Kuchabandis" would be done; one third of the officials there would be Hindu; and more concessions like these. They said with the help of the Hindus, the Government would curtail liberties of the 97 per cent Muslims. Already it has demanded Muchalka" (security) for Rs. 80,000/- from Syed

Pir Kamal Jeelani and three others, because he and his party do not accept the representative character of the Muslim Working Committee in Kohat. The Musalmans in the Frontier Province are little better than slaves and they want the whole of the nationalistic India to come to their assistance and get for them the same rights as the rest of India. They want representative and elective institutions like the Councils, Municipalities, District Boards, Universities etc. Nothing is being done for their education and their ignorance is appalling. In Kohat, Peshawar and in the whole of the Frontier Province Municipalities have nominated members and the 97 per cent. Muslim population have the same representation as the 3 per cent Hindus, i. e. 50 per cent of each are nominated by the Government.

(k) In my opinion an honourable peace is possible and desired by both the communities. The whole country should raise its voice to free these fine people and save them from their ignorance and primitive methods of dealing with affairs, which is a danger both to them and to the whole country. The negligence of the Musalmans of India in this matter is specially criminal.

(l) As for the so called conversions to Islam during the days of the riots, my position is clear. I detest forced conversions. They are against the spirit of Islam. If there were any they deserve the greatest condemnation. But I am not satisfied that there were. What seems to have happened was that some Hindus for their safety asked their Musalman friends to cut off their tuft and otherwise remove all outward symbols of Hinduism. The Musalman witness rightly did not claim these as conversions. They are to-day as much Hindus as any other. Many a Musalman told a lie to save the life of his Hindu neighbours, by telling the excited mob that they had become Muslims. Such cases were not conversions nor were considered such by any body in the Frontier. Both Syed Pir Kamal Jeelami and Maulvi Ahmed Gul stated that even a genuine desire for conversion under the circumstances would not be treated seriously unless it was repeated at the time of *Aman* (safety) when there was no danger.

The two cases of murder of innocent and unarmed Hindus who were reported to Pir Kamal as having been murdered on the 9th September because they could not accept Islam were truly deplorable and the perpetrators of the deed deserve the strongest condemnation. As for general question of conversions of married Hindu women and others, it could be discussed with responsible Muslim Ulama and leaders and I need give no opinion here about it. However, from all accounts it is agreed that no woman, married or otherwise, herself accepted or was converted by others to Islam during the riots. I would urge the Musalmans who are in an over-whelming majority to make up with their Hindu brethren and I would equally urge the Hindu brethren to stand by their Muslim neighbours and make them feel that they have in them good neighbours and real friends and helpers.

As I said before, the incident at Kohat was not a one-sided affair and I blame both Hindu and Musalmans. However, as a Muslim I feel it my duty to put the greater blame on the Musalmans. They are stronger both physically and in number, and even under great provocation they ought to have shown greater patience and forbearance, which I am sorry to say they did not in the excitement of their miserable fighting.

In conclusion I must say that when two such detached persons as Mahatmaji and myself differ in deciding such cases, how could others do better? We must not work as judges but as peace-makers.



# European & Anglo-Indian Polity

Jan.-June 1925.

# The European Associations

## The Calcutta Europeans on the Reforms

At the annual meeting of the Calcutta European Association on the 2nd February, Mr. H. W. CARR, the President, reviewing the activities of the Association, said that the Labour Government's position with regard to the Government of India Act was essentially similar to that adopted by its predecessors. To supporters of orderly development of responsible government both British and Indian, this experience had been most encouraging, and it was hoped might not be without influence on those who wished to eliminate the preliminary steps and might induce them to adopt a policy of justifying forward steps, instead of trying to force progress by obstruction. Referring to the present Conservative Government, the President said that their late experience of the Conservative Party inspired confidence that Great Britain would not be turned from the course laid down for the Reform Government either to take a backward step or to make any undue advances during the period of experiment. The main thing the Europeans wanted in India was the same as they wanted in other countries, namely stable government and security of life and property for all. Responsible government was not only an intelligible aspiration, but it was one they could not but sympathise with and respect, for it would be entirely contrary to their traditions to be hostile to it.

Mr. Carr emphasised that the achievement of responsible government was the prime motive of the Government of India Act. What was the use of considering new forms of government until goodwill was forthcoming? The British had governed this country and, on the whole, had governed it well for many years, and they could continue to do so because they had had clean ideals, however far short they might have fallen of them, and because they had always had and still had good friends among Indians. If those who were invited to take part in the Government refused to do so, the Europeans must just carry on, rectifying that which experience showed required rectification and exercising infinite patience. He felt very strongly that the Europeans should be well advised to discountenance, as far as they could, any new experiments, but to continue putting their best energies into the Assembly, the Councils, Local Boards and private life to make the Reform Government work, and have it amended in the light of experience.

Lord CABLE said that since his arrival here he had conversations with many Indians, leading men in commercial circles, and he found that there was in many instances a desire amongst them to end all this racial animosity and to work in a co-operative spirit for the development of trade and commerce, in other words for the development of India. He would, therefore, urge upon Europeans that they should be scrupulously careful not to offend susceptibilities. Civility cost nothing, but went a long way with Orient people. Now was the time when courtesy and sympathy, little things in themselves, might accomplish great things in helping us to attain those aims which Mr. Carr had pointed to as being the ends desirable.

### The Karachi Europeans on the Reforms & Communal Question

Sir Campbell RHODES addressed a meeting of the European Association (Sind Branch) at Karachi, on the 11th April under the chairmanship of Mr. G. S. Wentworth Stanley. Sir Campbell said that he was leaving India for the last time and would not return again, unless in the role of a tourist. Speaking of the city of Karachi, Sir Campbell asked whether the Municipality was alive to its responsibilities. Was it allowing the town to develop haphazardly and recklessly, without regard to future requirements? He cited instances in Calcutta where large portions of that city had to be demolished at great expense to make room for modern improvements. He reminded them that town-planning and development matters rested very largely with the European community.

Referring to the part Europeans should play in the Reforms scheme, Sir Campbell asked what was being done to train young men in the work of the Councils and the Assembly. The inauguration of the Reforms in 1921 was a call to Europeans in India to wake up after a century of slumber. Europeans during those hundred years had taken a leading part in the financial and social development of India, but the Reforms had placed an entirely new role upon them, namely, that they should also play a leading part in the political development of the country. The problem of self-government was difficult in the case of South Africa, Canada and other Dominions, infinitely more so in the case of India, where it was a task of welding a heterogeneous collection of races into one homogenous whole and creating a Dominion (not a nation in our time) out of innumerable sects and factions. The task, briefly, was to find a method of giving all classes in this vast country some expression in the Government of the country, which is the ultimate end of British policy.

Touching on the question of the European Association in India, Sir Campbell Rhodes asked for the whole-hearted response of all Europeans and said that everything should not be left to Calcutta. Funds were urgently required and he asked Europeans in India to render all the financial support possible. Moral support was also necessary, for in Delhi there were 14 Europeans in the Assembly, which was the nucleus of strong European opinion and should be taken advantage of by every branch of the Association. They should be strong, not only in finance, but also in policy.

#### Wanted, Staunch Communal Feeling.

Referring to the communal question, Sir Campbell said that everyone should act for the whole country and not for one community or unit. At present each section was striving for all the loaves and fishes. This perhaps was natural, for communal differences were after all only due to the awakening of political sense. He was not averse to the communal spirit and he believed that Indian regeneration and progress lay in that path. The staunch partisans of their community are the men who are needed, said Sir Campbell, for men who make good "community" members are men who will eventually make good "country" members. Bengal's present deplorable condition, in his opinion, was solely due to the fact that there was so little staunch communal feeling there. Had Hindus trusted Hindus and Mahomedans trusted Mahomedans, the recent situation would never have arisen. There was no cohesion and no one trusted even his neighbour. He repeated the statement

made some years ago, which had never been contradicted, namely, that under the Government of India Act it was possible in the Provinces to advance step by step in the working of the Act until the fullest advantages of the British Constitution was achieved. The fact that the Governor had a right to veto legislative enactments need cause no misgivings. His Majesty the King had this right, but the King's veto on legislation had only lapsed because he never had the occasion to use it. Parliament had become a responsible body, and the responsibility for good government only rested on the Prime Minister as the representative of the King in the Executive. It was possible, he averred, to work the Reforms by convention, so that absolute constitutional freedom in the Provinces would be assured. The question of the Assembly was not so easy, and was complicated by the Army and other problems. There was, however, no bar to the Provinces to attain the ideal. It was his firm belief that Europeans in India still had the power to instil faith and commonsense into the masses of India. All races had come to India from Europe and Asia and all had an equal right to share in the government of the country. He had not yet met any responsible Indian politician who had not emphatically expressed the opinion that loss of the European from India would be a regrettable calamity. The European had greater value and greater responsibility in India than ever before. He wondered whether there would still be found men who would serve on boring Committees after their day's work, or spend their week-ends in running up to Delhi on some political question or other. "Much sacrifice is entailed and as much moral courage is necessary as was shown on the battle fields of Flanders during the Great War. The younger men do not realise the position. They think that the men who are now at Delhi are quite good. They are right, but the men who are at Delhi know how weak and inadequate they themselves are, and that new blood is needed."

Concluding, Sir Campbell Rhodes said that India was the biggest problem in Constitution-making the world had ever seen. Arm-chair critics were fond of repeating the time-worn phrase, "East is East and West is West," but he did not believe in it. India's next generation would see the settling of that problem. He earnestly hoped that European young men in India would take a prominent part in the coming struggle.

Although he had now terminated his political activities in India he still hoped to be able to render good service on the Secretary of State's Council in London on behalf of India. (Applause.)

Mr. C. S. WENTWORTH-STANLEY, in proposing a vote of thanks, referred to Sir Campbell Rhode's wide sympathies and interest, particularly his work in the Assembly. His personality, too, was an attractive force. He emphasised the speaker's reference to the role which Europeans are expected to play in the constitutional development of India. In conclusion, he referred eulogistically to Sir Campbell's new work on behalf of India, which will be acceptable to European public opinion and to Indian sentiment. He averred that Karachi's sense of loss would be as great as that of the city of Calcutta when Sir Campbell left these shores. He wished him Godspeed and the warmest congratulations on his high appointment.

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### The Punjab Europeans on the Blessings of British Rule

At the first annual dinner of the Punjab European Association held at Lahore on the 13th April 1925, His Excellency Sir Malcolm Hailey, the Governor, delivered a speech upon the political conditions in India and upon the conditions likely to develop in future. He alluded to the long and close experience of the European and Domiciled Community enjoyed by the martial, rural and the well-to-do of the trading classes in the Punjab, and the consequent freedom of the Province from much of the bitter racial feeling fostered elsewhere. After observing that the advent of the English to India at a time of political anarchy had resulted in the growth of ideals of political freedom and the vast improvement of material conditions. His Excellency pointed out that India had everything to gain from the inclusion in the new politics of "the heirs of those traditions." Sir Malcolm refused to claim that Europeans were the sole repositories of moral virtues, of political wisdom, of commercial honesty. But he did claim that India would be the poorer if their assistance, character, and experience were not available for use in the politics of India. The Governor emphasised that non-official Europeans should take an interest in Indian problems, not only when developments seemed to threaten European interests. The Britisher in India would take their true position only when they showed a genuine interest in questions of general and vital importance to India, and exhibit a genuine desire to assist India to a solution.

### The Bombay Europeans on Co-operation with Indians

At the annual meeting of the Bombay European Association held at the Taj Mahal Hotel, Bombay on the 29th April, Mr. J. ADDYMAN, President, in moving the adoption of the report, expressed his regret at the fall in membership of the Association, and asked for greater co-operation. While Europeans were willing to co-operate with those loyal Indians who strove for responsible Government by legitimate and constitutional means, they would continue to oppose, as they had done hitherto, those whose policy was to destroy everything and whose policy clashed with India's interests. There was much political work to be done for the European community, and the work needed workers. Every European in India should take his place in the administration of the country, for whatever might happen to India, politically or otherwise, a European community was always bound to exist.

#### Co-operation with Indians

Sir Arthur FROOM, in seconding the adoption of the report, recalled the remarks which he made last year, and asked Europeans to recognise that the revolutionary and extremist movements in India in no way represented the views of the majority of the people of India. He called upon his fellow-Europeans to take an active part in the administration of the country. The

work of non-official Europeans in the Assembly was recognised by all parties. "I can assure you," said Sir Arthur Froom, "that during the recent sessions at Delhi the weight of opinion of this handful of Europeans has been felt in no small manner, and their assistance in many legislative matters has been recognised and appreciated by all parties." Regarding the policy of the European Association, even their worst enemy could not find fault with their programme, which was a fair and unvarnished statement of their ideas and ideals.

"We can trust," Sir Arthur declared, "the present Government to uphold law and order in this country, but I maintain that we should not let matters rest there. We should let the Government feel that they have our support in other matters of policy and administration no less important than the maintenance of law and order when we agree with them rather than stand aside, and do nothing at all. It is out of honest criticism and opposition that the best administration of any country is evolved. We should join hands with those Indians who are content to advance step by step towards self-Government in this country, Indians who honestly have the interest of their country at heart, and who are anxious to develop future progress along the right lines."

Continuing Sir Arthur said he felt most keenly the apathy shown by many Europeans in India towards India's needs, and India's needs were their needs. The European Association was "pegging away" and at any rate it was doing something. Non-official Europeans in the Central Legislature as well as in the Provincial Councils were listened to with respect. Concluding, Sir Arthur Froom made an earnest appeal to Europeans in India to join and support the Association, which was the only one of its kind in India seeking to maintain British rights by all constitutional means, and to foster cordial relationship and co-operation with such Indians as were working constructively for India's good.

### The Calcutta Europeans on a Statutory Commission.

Soon after the report of the Reforms Enquiry Committee was out the Central European Association at Calcutta issued a questionnaire to the branches in the following terms:—

"Do you consider that a Statutory Commission should be appointed as soon as possible, or not until 1929? Has dyarchy proved a satisfactory system of government for reasonable application; Can you point to any advantages or disadvantages? As a substitute for dyarchy, would you be in favour of another transitional system, or of a permanent system with safeguards during the transitional period? How has the existing franchise worked in your district? Are you in favour of enlarging or restricting it? Can you give any authenticated observations of

the working of the electorate? Are you in favour of the continuance of communal representation? Do you consider the following classes are adequately represented and protected under the present reforms: minorities, e.g., Anglo-Indians, Europeans, Sikhs, etc., depressed classes, labour, commerce and industry? If not, what alterations in the present system would you suggest? Have you any indication of Improvement or deterioration in the administration of your province or district directly traceable to the reforms? Can you suggest any practical methods for ensuring the continuance of the British element in the Civil Service"?

The above formed the subject of a lively discussion at a meeting of the Calcutta European Association on the 11th June which resolved that the Statutory Commission should not be appointed until 1929. Mr. Thorne, who took a different view, said that political progress was measured in events, not in years. He considered that the Statutory Commission should be appointed before 1929. Mr. Pugh said he did not think that scrapping the Reforms was a practical policy. After starting an experimental measure for a period of ten years they could not in fairness go back before the time had expired.

Mr. Ray Knight advocated the immediate scrapping of the Reforms, which he said, were disliked by both Indians and Europeans and suggested that a fresh start should be made on lines acceptable to both.

### The U. P. European Association's Reply.

The United Provinces European Association in their reply stated that they considered that it was impossible to appoint a Statutory Commission for the purpose of enquiring into the work of the Reforms before 1929, as Dyarchy had not been given a fair trial. They much regretted that commerce and industry was not sufficiently represented in the Legislative Assembly. It was difficult to point definitely to any deterioration as a result of the Reforms, but they considered that there was a general weakening of authority. The administration of the average district was carried on, with a furtive eye directed to what the Minister or the Legislature thought, rather than with the idea of supporting the District Officer. The branch considered that a relaxation of Secretariat control would go far to restore the District Officer's prestige.

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# The Anglo-Indians & Domiciled Europeans

At a time when unity and cohesion of the different communities and parties in India was of the first importance, it seemed most unfortunate that the Anglo-Indian Community could not present an united front in tackling the political problems of the day. For, the speech of Col. Gidney, one of the Leaders of the community, in the Legislative Assembly on Feb. 5th, showed that considerable difference of opinion existed among those who were guiding the community's destinies. For example, Col. Gidney repudiated the views of the Anglo-Indian Association of London and said that he was not in agreement with the other leading men in the community in India. There were two rival factions led by Col. Gidney on the one hand and Mr. H. Barton on the other. The tension among them continued for some time until at the annual meeting of the Anglo-Indian and Domiciled European Association held at Calcutta on the 13th March, Mr. Barton, the retiring President, in referring to the tension, said that there was no need for him to say how it came about. He was perfectly willing to take his share of the blame and if anything could be done to bring about a reunion he was prepared to do his part. He regretted that it was very sad that when they cried for unity, there was no unity, and instead of advance there was retrogression.

At the conclusion of Mr. Barton's speech Col. Gidney said that as Mr. Barton had extended the hand of peace he was prepared to grasp that hand as a worker for Bengal. Amidst much enthusiasm and applause Col. Gidney and Mr. Barton then publicly shook hands.

The efforts to bring about a cohesion and consistency of purpose among the community, which succeeded so happily in Bengal, was being vigorously encouraged by Mr. H. A. Stark who came back to India from England in May 1925 with that end in view. He took over the charge of the "Anglo-Indian Citizen" and in its first issue he recalled Sir Campbell's appeal to the Legislative Assembly on behalf of the Anglo-Indian, the blood relations to every community, and declared that the unemployment facing the Anglo-Indians was due to their interests being ignored in the Legislative Councils. Since the Government had already declared that the term Indianisation covers also the employment of Anglo-Indians, that declaration must not be made nugatory by action due to ignorance of its existence.

## The Proposed Anglo-Indian Deputation.

At a meeting of Anglo-Indians, held at Calcutta on the 13th May 1925 under the presidency of Mr. H. Hounde, the following resolutions were passed :—

"That this mass meeting of Anglo-Indians assembled in Calcutta approve of sending an Anglo-Indian Deputation to England at the earliest possible moment to represent the needs of the Anglo-Indian and Domiciled European Community before the British Parliament and the British public, and do earnestly request every Anglo-Indian and Domiciled European in the length and breadth of India and Burma to support the movement in every possible way.

"That funds be raised both in Calcutta and other parts of India and Burma.



"That the deputation should consist of two or three persons to work in union and collaboration with the London Anglo-Indian Association, whose assistance and advice it will seek in every possible way.

"That Colonel Gidney be asked to join and lead the deputation."

#### Objects of the Deputation.

Colonel GIDNEY, in the course of his address, gave a resume of the changes in the community from the early 18th century to the present day. He said that many changes had taken place not only in its status, its nomenclature, and its education, but in its utility and its strength. There seemed to be very little reason for anxiety, even though it was recognised that the Reform Scheme would lead to large increase of the Indian element in the Administration. But there were numerous assurances that this change would be gradual and that all vested interests would be unaffected. All responsible parties admitted that it was in the help and co-operation of the Services that the success of the Reforms must depend. It was expected that the political Indians would co-operate with the British, but what co-operation was there possible between two races of such different ideals? That the grant of full self-Government could no longer be delayed was certain for it was obvious that the Reforms were inadequate, and that, in order to secure peace and contentment in India, it was necessary to extend a more liberal reform scheme to her and the question naturally arose as to what this more liberal Reform Scheme would mean to them, the Anglo-Indian community and other minority communities.

### The London Anglo-Indian Association's Memorandum.

*In December 1924 the London Anglo-Indian Association issued a Memorandum setting forth the anxieties they felt in the face of the Reform Movement in India. They say that during the 300 years of British connection with India there has come into existence a permanent population, partly of British descent through both parents, and partly of mixed British and Indian parentage; the former known as "Domiciled Europeans" the latter—formerly known as Eurasians—now officially styled "Anglo-Indians." Their traditions, speech, dress, habits, customs and manners are English and they profess the Christian faith. Inter-marriages between the two classes are common and together they form one political and social unit. They number in all some 200,000, and as almost all of them have lost touch with their relations in the British Isles and have no intention or chance of returning thereto, they must be regarded as one of the permanent distinct races or "communities" of India. They are distributed in the larger industrial, commercial and railway centres in every part of India and not concentrated in any one District or Province. Bishop Whitehead, writing on this topic in problems of India, 1924, says that the 1921 census gave the Anglo-Indian population as 121,000, but that "a large number, especially the poorer members of the community, are descendants of the Portuguese. The majority in British India are descendants of British soldiers or civilians. A very few are of French or Italian origin." The question of safeguarding the rights of this community presents, so far, the same problem as do the cases of other minority communities or religions; and by the Government of India Act, 1919, which gave extended recognition to the device of communal*

representation for such aggregates, they were in fact given such special protection and are directly represented in the Provincial Council and the Indian Legislative Assembly. The device of communal representation for securing the rights of minorities in a democratic government is essentially unsatisfactory and must ultimately prove illusory and unworkable; it is at best only a transitional expedient for enabling sectional interests to be voiced. The Government of India Act, sympathetically recognising this inherent futility in the system in regard to this particular community, made further special provision on their behalf that the Governor-General and Provincial Governors are to "acknowledge and retain effective power to discharge the obligation to see that their (Anglo-Indian) interests are not prejudicially affected by the Reforms." By that provision the Act differentiated between this community and other minorities to which it was giving similar representation.

#### GRIEVANCES AGAINST THE NEW COUNCILS.

The Association claims that, notwithstanding this special provision, Anglo-Indians' interests have during the four years that the Reforms have been in operation, repeatedly been prejudiced and that the Heads of Government have not been willing or courageous enough to exercise the protective powers with which they were entrusted by the Act. They give particular of their grounds for this charge. Briefly these are:

(a) That the Bengal Legislative Council last year rejected the whole Budget provision of 99,000 rupees for European Primary Education while voting the Budget for Indian Primary Education in full, and that the Governor did not 'restore' this vote.

(b) That in interpreting the policy associating "natives of India" in increasing numbers with the administration of Government, many Anglo-Indians have been and are still being discharged from their positions in the public services to make way for Indians, although Anglo-Indians and domiciled Europeans may be, and the great majority of them are, statutory "natives" of India.

(c) That Anglo-Indians and domiciled Europeans are not regarded as eligible for service, either in the British Army in India or in the Indian Army, although until 1921 they furnished the rank and file of the Volunteer Corps and now constitute two-thirds of the Auxiliary Force, which they state, is the "second line of defence" in India, and into which they add, "Indians are not eligible for enlistment." They claim the right to serve in the Regular Army.

They complain that Anglo-Indians and domiciled Europeans always suffered more or less neglect at the hands of the Central and Provincial Governments, but that the neglect under the old *regime* has developed into acts of injustice at the hands of the newly constituted Councils. The acts alluded to are presumably such as are specified under (a) and (b) above. They urge that a question which every Briton should ask himself is: "When full measure of self-government is given to India what will be the fate of our descendants and kinsfolk in that country?" They add that their community did not welcome the Reforms when they were introduced, but that they undertook to co-operate to make them a success. But that whilst they have in no way embarrassed the Government, they have "incurred the odium of the Extremists by standing up for law and order." They omit, unfortunately,

to indicate what precisely they mean by this phrase. Attacks on law and order may mean in Anglo-Indian phraseology anything from criticism of the Constitution to the organisation of rebellion or terrorism. Finally, they appeal to Parliament not to agree to any extension of the Reforms until full inquiry has been made into the disabilities Anglo-Indians have suffered during the probationary years of the Reforms, and not to endorse any future legislation which does not effectually protect the vital interests of the permanent British population in India.

Both the specific claims made and the premises presumed as their basis suggest a case for careful examination. If Anglo-Indians and domiciled Europeans have been discharged from permanent positions in the public services to make way for Indians, that on the face of it appears undefensible. One would like to have fuller particulars and to learn the justifications advanced for a proceeding of so unusual a character. On the other hand, the paragraph which sets forth this grievance appears in another application to imply a somewhat questionable assumption of right. "Anglo-Indians and domiciled Europeans live by English standards. They cannot follow the avocation of peasants or unskilled labourers. They can earn a living wages only in lines that require something higher than mere literacy, and to deprive them of appointments which they have been accustomed to hold for generations and give them nothing in exchange, is to cast them down to unemployment and consequential poverty."

#### THE CLAIM FOR A PRIVILEGED POSITION.

If this argument is intended to the claim to fixity of tenure on behalf of those Europeans and Anglo-Indians who are, or were, already in the public services, it is sound. But if it is intended to suggest a claim on behalf of that community to continue to have a privileged place in the recruitment for those particular branches of the services, public and semi-public (e.g. Railways), in which they have hitherto been accustomed to find careers, it is difficult to see how it can be maintained. Europeans did formerly predominantly fill such positions because for generations they not only were the class which had the best particular qualifications for holding them, but had personal claims on those who filled them. But one result of the advanced education now generally provided for Indians by the deliberate policy of the British-Indian Government has been to create an abundant supply of Indians well qualified for those particular branches of work, and it is impossible to maintain that Anglo-Indians or domiciled Europeans (claiming as they do to be "statutory natives" of India) should have any special prerogative in selection for such employment. It is suggested and there is doubtless warrant for the suggestion, that where the right of selection for public appointments rests with an elected responsible Minister dependent upon Indians' suffrages, there will be unfair discrimination in favour of the appointment of Indians to new vacancies, as it is suggested there is unfair dismissal of Anglo-Indians from occupied positions. The remedy for this is to establish an independent Public Service Appointments Commission, as has been for a long time recommended, and as is most strongly advocated as a necessary act of policy in the Report of Lord Lee's Commission.

#### "BRITAIN'S SOLEMN DUTY"

But how can it be argued that as between candidates of equal qualifications Anglo-Indians or domiciled Europeans should have preference over

Indians; or be expected that as Indian Higher Education progress the proportion of Indians selected for all modes of employment will naturally and properly gain on that of Anglo-Indians? This process is already far advanced and must go on in a degree of which no complaint can be made of injustice in hundreds of cases, although there are doubtless some in which prejudice acts. But is there no longer any prejudice acting the other way? The only ground which is suggested by the Memorandum for treating this community with special privilege is that they are descendants of Englishmen, and that, because Englishmen directly or indirectly placed them in Indian life, the British Government is bound to maintain for them those special opportunities of livelihood which they have hitherto enjoyed. They explicitly emphasise this ground of their claim. "The Anglo-Indian and domiciled European community, they say, "have a claim such as no other race in India can put forward. *The British nation has called them into being.* If the British had not occupied India there would not have been an Anglo-Indian and domiciled European in that land. It is the solemn duty of Great Britain before any further advance is made in the policy of giving Indian self-government to take their sons and daughters into account." But what must be the obvious reply, of not only any fair minded Indian, but of any clear-headed English critic of constitutional question? Surely, that, if "the British nation" is responsible for these people and they require special emoluments and privileges, it should discharge that responsibility itself, and not rivet it as a special relief charge upon the Indian community. Even if there be ground for considering that Indians are unfairly prejudiced against the claims of these people as common citizens of their own country, must not such a claim for privileged treatment be a provocative to a retaliatory attitude? Surely, before it can be charged against Indians that they desire or intend to discriminate against this community the board must be cleared of any demand on its behalf to have special discrimination made in its favour.

#### PROVISION FOR EDUCATION.

The question of educational provision raised in the Memorandum [see (a) above] provokes similar criticism, but is more complex than is there indicated. So far as primary education is concerned the discrimination complained of looks rather like a spiteful and unfair demonstration on the part of the opposition in the Bengal Council against the Europeans and Anglo-Indian population, who have a right to their proportion of provision for elementary schools. Whether the provision budgeted for was an equitable proportional grant or more than that I cannot say. Its entire excision would anyhow, not on the face of it appear justifiable. The position, however, is complicated by the fact that a larger proportional provision is made out of public funds for secondary education in European and Anglo-Indian Schools than for those of other communities, and, although, in pursuance of the policy of retrenchment lately applied, these grants have been reduced, their proportional excess still gives colourable excuse for jealousy of the special treatment of this community. The European secondary schools are now in great difficulties and the threat to their efficiency is one of the gloomy features of the present position of Anglo Indians.

Bishop Whitehead in his *Essays* recognises that the reduction of grants to European schools will make it increasingly difficult to provide for the education of Anglo-Indians, and that it is impossible to expect

a return to the former scale of grants of even the maintenance of the comparatively excessive provision still allowed for these schools. He makes in this connection a suggestion for dealing with the situation which seems much more intelligent and sound than the hopeless demand of the Anglo-Indian Association that the Government should resolutely certify the continuance of the present or former scale of grants for such schools. The line which he suggests is that whereas the funds and energies of missionary societies are largely applied to provide elementary education in aided schools for Hindus and Mahomedans, Christian missionary educational effort and funds should be applied in a more concentrated manner to deal with the educational needs of Christian communities. As increasing provision is made for elementary education, the question of a conscience clause with regard to religious education comes increasingly to the front. Its adoption has already been made a plank in the platform of the Indian National Congress and will certainly be pressed in the Legislative Councils during the next few years. If the principle of a conscience clause is adopted, the reason for the provision out of missionary funds for elementary education falls to the ground. Missionary schools and colleges, Dr. Whitehead points out, are established in India for the sole purpose of providing education on Christian principles, and of training character by setting before pupils the teaching and character of Jesus. They cannot be maintained for the purpose of giving cheap secular education to Hindus and Mahomedans.

The old policy of British Indian Government was logical and reasonable. It was natural for a Christian Government to view not only without concern but with favour the inculcation of Christianity through institutions which they subsidised, but now, under the Reform Scheme, the educational system is to be no longer based upon the will of the Christian people of Britain, but upon the will of the people of India, of whom the vast majority are Hindus and Mahomedans. The general trend, therefore, of Dr. Whitehead's remarks on the educational problem is that, if the Anglo-Indian community in India and their Christian sympathisers here find it necessary to provide more expensive education for their children than the Indian communities can afford for their own, that is a charge which may reasonably be expected to be borne by British and British Indian Christians here and in India.

This is, of course, very largely the position already, for the European schools have been very liberally endowed by private benevolence, and are maintained to a great extent by private subscriptions. The parent of children attending them cannot, as a class, afford to pay high enough fees to keep them properly staffed and, as has already been indicated, their economic position in competition with Indians is growing worse, not merely because equally qualified Indians may have a lower standard of living and consequently be prepared to accept lower pay, but because the number of Indians who can command the same pay is increasing. The main difficulty in the whole situation of the Anglo-Indian community and especially in regard to education, lies in the fact that a generation ago and earlier they were a comparatively more valuable element in India than they appear to be now considered. They have not in this country at any rate, the reputation of being very vigorous or efficient, but anyone who realise the unfairness of the prejudice common in this country against persons of mixed African and European origin and the popular illusions prevalent with regard to their capacities can well believe that persons of mixed percentage in India are

subjects of similar undue disparagement. In earlier times of the Company rule in India the best material for training as a subsidiary commercial class were the English-speaking Eurasians. It was of public advantage to India that this material should be made the best use of and special educational provision was justified. The pursuance of this policy has created an element in the community whose qualifications it would be a pity to throw away. If they can not be employed they will have to be maintained. They are not likely to be welcomed as immigrants in the other British Dominions. The Anglo-Indian, like the Anglo-West-Indian, has some qualities which are to some extent due to his mixed racial origin, and which I can hardly believe may not be as valuable to the future of India as such men of mixed origin are and will be to the future of the West Indies.

It is hardly necessary to say that whereas in times past there have been used in British Colonies of mixed race precisely similar arguments in favour special endowment for the children of white families, no one to-day would dream of suggesting in any British West Indian Colony controlled by the Colonial Office that any such distinction or special provision should be made. British parents do not send their children to the public elementary schools in these Colonies, nor do the coloured people (Anglo-West Indian, they might be called) of the better-to-do classes; but Anglo-West-Indians of classes corresponding to a large proportion of the Anglo-Indian community do send them to mixed secondary schools whether endowed under public trusts or receiving Government grants. There is no discrimination; and they are frequented jointly by black, coloured and white: all of which divisions of the population (fortunately we do not call them "communities") have furnished the Rhodes Scholars to the Universities. "European" schools in India may only receive a small fixed proportion of "Indian" scholars.

#### ENTRY INTO THE ARMY.

With regard to the Army, the Memorandum does not make it quite clear whether the complaint is against exclusion from Commissions or exclusion from the ranks; but in either case it is a grievance against the War Office and not against the Government of India proper. Incidentally, however, the manner in which this grievance is dealt with throws a rather unhappy sidelight on what may be partially a cause of the prejudice which the rest of the Memorandum imputes to Indians in their attitude towards this community. For it is pleaded that it has furnished the rank and file of the Volunteer Corps and two thirds of the Auxilliary Force, "the second line of defence in India, a force into which Indians are not eligible for enlistment." Put plainly, this means that Europeans and Anglo-Indians have been enlisted as part of the British garrison in India, for the purpose of maintaining "internal security" against Indian disquiet in the event of the regular forces being employed elsewhere. The remedy (which the Army Council and War office will be very slow to accept) for what is unsatisfactory in this situation is to abolish any discrimination British-born, Indian-born, European, Anglo-Indian or native candidates, either for enlistment or Commissions in any part of the Indian Army.

#### FALLACY OF COMMUNAL REPRESENTATION.

The position of the Anglo-Indian community is unquestionably difficult, disquieting and worthy of sympathy, and of such help as can be given for improving its future prospects. But their case affords a good illustration of

the inherent fallacy of reliance on a policy of communal representation as a remedy for such a position. Once the policy is embarked on of protecting minorities by giving them Parliamentary representation as separate communities—a policy already pursued to an elaborate degree under the Government of India Act, 1919—which even gave Indian “Christians” special representation—Christians of all communities, any Government finds itself in increasing difficulties and complications. As this Memorandum points out, the framers of that Act did not fail to recognise that one or two Anglo-Indian members in the several Legislatures might be important to protect the special interests of their Anglo-Indian constituency. Therefore, the Memorialists argue, you must give special Executive protection. But if you give special Executive protection you should not need to be giving them also protection by communal representation in an elected Legislature.

And the same argument applies to other communities. Already an influential section of the Muslim community dissociating itself from the Khilafatist section, which sought to secure Muslim rights by pacts with the Hindu Swarajists, discern that even proportional representation would not give them a safe position in competition with a communal policy representing the predominant Hindu constituency, and are asking that their interests may be over-weighted and that they may receive more than their share of public appointments and more than their share of seats in the Councils. Every other community, Sikhs, Jains, Buddhists, commercial and industrial classes, etc., are in precisely the same predicament. When you once begin to attempt to build up Parliamentary institutions on the basis of communal representation or proportional representation on the theory that by so doing you are protecting the interests of minorities, you are quickly faced with the fact that the effect of such arrangements is to make the attitude of the majority communities more unscrupulous and intransigent towards the minorities than they would be at all likely to be if all citizens vote for and go into the Legislature on an equal basis.

The principle of equal citizenship may not, indeed, quite fully and effectively protect the rights of minorities, but every one, who studies politics, must recognise that it does so more effectively than a communal system of representation, and that the communal system, in the course of a democratic development such as is proceeding in India to-day, only gives rise to demands which it is impossible to satisfy, that every minority community shall have its interests guaranteed by special privileges and prerogatives to be vested on its behalf in the Executive. In Madras it was absurdly conceived to be necessary to give the enormously preponderant Non-Brahmin community special communal representation in the Provincial Government. In the elections they returned not only all their own communal member but also Non-Brahmin members in open constituencies. The result has been that the Brahmins are complaining that they are not getting even their rights as a community; and if the present situation continues the Government may be faced with a similar demand on behalf of the Brahmins as they are faced with on behalf of the Anglo-Indians and Muslims. Any progress on these lines is impossible; and any attempt to pursue them implies—as the Die-Hard Party desire that it should imply—an increased involution of the Indian Constitution until it reverts to a bureaucracy of the pre-Minto-Morley type, with Advisory Councils, and the abandonment of the attempt to develop democratic institutions in India. Which is impossible. (*Lord Olivier in the Contemporary Review*).

# The Bengal Legislative Council.

15(a)



# Bengal Criminal Law Amend. Bill

The text of the New Bengal Criminal Law (Amendment) Bill, which was moved in the Bengal Council on the 7th January is given on page 121. The main provisions of the Bill are the same as those of the Bengal Criminal Law (Amendment) Ordinance.

The object of the new Bill, which, if enacted, will remain in force for five years, is the continuance of the provisions of the New Bengal Ordinance, which will expire at the end of six months from the date of its promulgation.

The Bill provides that Commissioners for the trial of persons under this Act shall be appointed by the Local Government. The Commissioners will be empowered to try persons for other offences than those for which they have been sent up and to grant pardon to approvers. The Bill empowers the Local Government to treat suspects as under the Bengal Regulation III. It also empowers the Government to direct any police officer or other officers of the Government to arrest any person or search any place without a warrant.

An arrested person may be kept in custody for 15 days, which period may be extended to one month. After the arrest of a person the Government will place all the material facts and circumstances in its position and also the answers of the man arrested before two judges and on the receipt of their report the Government will pass such orders as appear to the Local Government to be just and proper.

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under the Act.

The following memorandum was issued by the Government of Bengal, in explanation of the Bengal Criminal Law Amendment Bill of 1925.

"In their resolution issued on the 25th October, 1924, the Government of Bengal explained the reasons which had led to the promulgation of the Ordinance of that date. They announced that the Legislative Council would be summoned to consider measures of legislation to meet the situation, and they indicated the nature of that legislation, which is, speaking generally, identical with that of the Ordinance. The Bill which will be placed before the Legislative Council has now been issued, and will shortly be considered in the Bengal Legislative Council.

## Criticism of the Ordinance.

"Legislation by Ordinance is an abnormal procedure, and those who are not aware of its objects and limitations may wonder why at such a short interval after they have heard of the promulgation of a law containing unusual provisions for dealing with terrorist crime they now hear of the discussion of another law which has the same object. They have read in the newspapers hostile criticism of the Ordinance, and they have also read the speeches of His Excellency the Governor of Bengal, in which he has explained and justified the action of the Government. They may ask them whether the introduction of a Bill in the Legislative Council means that the new measures have been devised for controlling terrorist crime, and now it comes about that the Ordinance was not sufficient for the purpose. The answer to these questions is that a new law is required. First, because the Ordinance has the force of law for a period not exceeding six months from its promulgation: that an Ordinance is made by the Governor-General in a case of emergency when time cannot be lost over procedure for passing a regular law; and

that it is proper that a legislative measure, which has such important effects as this, should be submitted for consideration by the Legislature before it is enacted as a permanent law. For these reasons a new Bill is about to be introduced in the Bengal Legislative Council to enact the same provisions which have now been in force for a period of two months in Bengal. The number of persons at present under restraint under the Ordinance is 64, and the Bill provides that those persons shall continue to be under restraint under the new law.

"Those who are not familiar with legal terms may not understand what is provided for by the Ordinance and by the Bill which is now introduced to take its place. It was explained in the Government resolution of the 25th October, 1924, that the Ordinance gave no extraordinary powers to the Government for dealing with sedition, industrial strikes, or communal disturbances. The Ordinance and the Bill provide for dealing with persons engaged in certain specific offences, and so engaged in a particular manner. Unless Government are satisfied that the offence is engaged in by a member of an association whose objects and methods include the commission of such an offence or by a person controlled or instigated by a member of such an association these special measures may not be used. Thus, an isolated offence which has no connection with an association having unlawful objects can only be dealt with under ordinary law. Offences which can be dealt with, if committed in the circumstances above mentioned, are those only which involve aggravated forms of violence and intimidation. They include offences with explosives and with arms, murder, robbery, dacoity, incendiarism and the more serious forms of lurking house trespass and house-breaking.

#### Trial of Accused Persons.

"The Bill may be divided into two parts. The first part makes provision for the speedy trial of persons accused of such offence as have been described under the ordinary law. Some of these offences can be tried by a magistrate, but in the case of the more serious offences, such as murder and dacoity, witnesses are first examined in the court of a magistrate and the case is then committed for trial by the sessions judge. With a view to preventing delay and the risk of the intimidation of witnesses which are involved in two separate appearances in court, with possibly a considerable interval between them, it is provided that proceedings before the magistrate shall be dispensed with, and that the accused shall be tried at once by a court consisting of three persons, of whom two at least must be judges of three year's experience, or persons qualified for appointment on the High Court. In all important particulars the trial is conducted like a sessions trial, except that there is no jury. An appeal to the High Court is provided for.

"The second part of the Bill makes provision for dealing with persons believed to be concerned in any of the offences above mentioned, and in the manner described above, but in whose cases judicial trial is considered to be impracticable. Such persons may be arrested without warrant by a magistrate with first class powers, or by a police officer above the rank of sub-inspector. The arresting officer must report arrest at once to the Government, and may cause a person arrested to be detained in custody for a period of 15 days which, by orders of the Government, may be extended to a month. Within a month from the date of arrest the Government must consider the evidence against the arrested person, and may order him to be committed to jail or to reside in a particular place, and to report himself to the police at specified periods. Within a month from the date of this order the Government must place before two judges the facts and circumstances on which their order has been based, and a statement of the allegations against the person against whom the order has been passed and his replies to them. When the Judges have reported their opinion as to whether there is sufficient cause for the order the Government consider the judges' opinion. If a person, who has been ordered to report himself to the police or to reside in a particular place, disobeys the order, he is liable on conviction to be punished with imprisonment. When any person is placed under restraint by such an order the Government are obliged to make to him a monthly allowance, sufficient, in their opinion, for the supply of his wants, and also to make an allowance to his family and dependent relatives. This description of the Ordinance and of the Bill which is now being introduced includes all their important features."

## The Bengal Criminal Law Amendment Bill 1925.

The following is the text of the new Bengal Criminal Law Amendment Bill (1925), which came before the Bengal Legislative Council at its meeting on the 7th January 1925. (A number of the less important sections have been omitted).

It will be recalled that the announcement of the Bengal Ordinance, designed as an emergency measure, was accompanied by the intimation that H. E. the Governor had decided to summon the Bengal Legislative Council to pass permanent measures without delay.

The statement of Objects and Reasons is as follows:—

A statement by His Excellency the Governor-General of the reasons which have moved him, in the exercise of the powers conferred upon him by section 72 of the Government of India Act, to make and promulgate the Bengal Criminal Law Amendment Ordinance, 1924, (1 of 1924), was published in a Calcutta Gazette Extraordinary, dated the 25th October, 1924. In another Calcutta Gazette Extraordinary of the same date, the Resolution No. 10580P of the Government of Bengal in the Political Department, set forth the reasons which have led the Governor in Council to ask the Governor-General to promulgate such an Ordinance.

The present Bill has for its object the continuance by enactment by local legislation of the provisions of the Bengal Criminal Law Amendment Ordinance, 1924 (1 of 1924), since that Ordinance is limited under section 72 of the Government of India Act to expire at the end of six months from the date of its promulgation.

Act to Remain in Force for 5 years.

1. (i) This Act may be called the Bengal Criminal Law Amendment Act, 1925;

(ii) It shall come into force on such date as the local Government may, by notification in the Calcutta Gazette, direct;

(iii) It extends to the whole of Bengal, and

(iv) It shall continue in force for five years from the date of its commencement.

3. (i) The local Government may, by order in writing, direct that any person accused of any offence specified in the First Schedule shall be tried by Commissioners appointed under this Act.

(ii) No order under sub-Section (i) shall be made in respect of, or be deemed to include, any person who has been committed under the Code for trial before a High Court, but save as aforesaid an order under that sub-section may be made in respect of or may include, any person accused of any offence specified in the First Schedule whether such offence was committed before or after the commencement of this Act.

4. (i) Commissioners for the trial of persons under this Act shall be appointed by the local Government.

(ii) Such Commissioners may be appointed for the whole of Bengal or for any part thereof, or for the trial of any particular accused person or persons.

(iii) All trials under this Act shall be held by three Commissioners, of whom at least two shall be persons who at the time of appointment under this section are serving as, and have for at least three years served as or exercised the powers of, Sessions Judges or Additional Sessions Judges, or are persons qualified under sub-section (3) of section 101 of the Government of India Act, for appointment as Judges of a High Court.

5. (i) Commissioners appointed under this Act may take cognizance of offences without the accused being committed to them for trial, and in trying accused persons, shall record evidence in the manner prescribed in section 356 of the Code and shall, in other respects also, subject to this Act and to any rules made thereunder, follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates.

(ii) In the event of any difference of opinion among the Commissioners, the opinion of the majority shall prevail.

#### Commissioners' Powers.

6. (i) The Commissioners may pass upon any person convicted by them any sentence authorized by law for the punishment of the offence of which such person is convicted.

(ii) If in any trial under this Act it is found that the accused person has committed any offence, whether such offence is or is not an offence specified in the First Schedule, the Commissioners may convict such person of such offence and pass any sentence authorized by law for the punishment thereof.

7. The provisions of the Code, so far only as they are not inconsistent with the provisions of, or the special procedure prescribed by or under this Act, shall apply to the proceedings of Commissioners appointed under this Act, and such Commissioners shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction.

8. (i) Commissioners trying an offence under this Act may, with a view to obtaining the evidence of any person supposed to have been directly concerned in, or privy to, the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relative to the offence and to every other person concerned whether as principal or abettor in the commission thereof.

(ii) Where, in the case of any offence for the trial of which by Commissioners an order has been made under sub-section (i) of section 3, a pardon has, before the passing of such order, been tendered to and accepted by any person under section 337 of the Code, the provisions of sub-section (ii) and (iii) of that section of the Code shall apply as if the accused person had been committed for trial to the Commissioners.

(iii) For the purposes of section 339 and 339A of the Code, pardons tendered under sub-section (i) and sub-section (ii) shall be deemed respectively to have been tendered under sections 338 and 337 of the Code.

9. Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Act if such person is dead or cannot be found, or is incapable of giving evidence and the Commissioners are of opinion that such death, disappearance, or incapacity has been caused in the interests of the accused.

#### Dealing with Suspects:

11. (i) Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person,

(i) has acted, is acting or is about to act in contravention of the provisions of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908; or

(ii) has committed, is committing or is about to commit any offence specified in the Second Schedule; or

(iii) has acted, is acting or is about to act with a view to interfere by violence or by threat of violence with the administration of justice; the Local Government, if it is satisfied that such person is a member, or is being controlled or instigated by a member of any association of which the objects or methods include the doing of any such acts or the commission of any of such offences may, by order in writing give all or any of the following directions, namely, that such person—

(a) shall notify his residence and any change of residence to such authority as may be specified in the order;

(b) shall report himself to the police in such manner and at such periods as may be so specified;

(c) shall be committed to custody in jail; and may at any time add to, amend, vary or rescind any order made under this section:

Provided that such order shall be reviewed by the Local Government at the end of one year from the date of the making of the order, and shall not remain in force for more than one year unless upon such review the Local Government directs its continuance.

(2) The Local Government in its order under sub-section (i) may direct—

(a) the arrest without warrant of the person in respect of whom the order is made at any place where he may be found by any police-officer or by any officer of Government to whom the order may be directed or endorsed by or under the general or special authority of the Local Government;

(b) the search of any place specified in the order which in the opinion of the Local Government has been, is being, or is about to be used by such person, for the purpose of doing any act or committing any offence of the nature described in sub-section(i).

12. An order made under sub-section (i) of section 11 shall be served on the person in respect of whom it is made in the manner provided in the Code for service of the summons, and upon such service such person shall be deemed to have had due notice thereof.

Arrest without warrant.

13. (i) Any officer of Government authorized in this behalf by general or special order of the Local Government may arrest without warrant any person against whom a reasonable suspicion exist that he is a person in respect of whom an order might lawfully be made under sub-section (i) of section 11.

(ii) Any officer exercising the power conferred by sub-section (i) may, at the time of making the arrest search any place and seize any property which is, or is reasonably suspected of being, used by such person for the purpose of doing any act or committing any offence of the nature described in sub-section (i) of section 11.

(iii) Any officer making an arrest under sub-section (i) shall forthwith report the fact to the Local Government and may by order in writing commit any person so arrested to custody pending receipt of the orders of the Local Government; and the Local Government may by general or special order specify the custody to which such person shall be committed:

Provided that no person shall be detained in custody under this section for a period exceeding fifteen days save under a special order of the Local Government and no person shall in any case be detained in custody under this section for a period exceeding one month.

15. Whoever, being a person in respect of whom an order has been made under sub-section (i) of section 11, knowingly disobeys any

direction in such order, shall be liable to imprisonment for a term which may extend to three years and shall also be liable to fine.

#### Powers of Search.

17. The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorizing the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence specified in the first Schedule has been, is being or is about to be committed and the seizure of anything found therein or thereon which the officer executing the warrant has reason to believe has been, is being or is intended to be, used for the commission of any such offence; and the provisions of the Code, so far as they can be made applicable, shall apply to searches made under the authority of any warrant issued under this section, and to the disposal of any property seized in any such search; and an order for search issued by the Local Government under sub-section (2) of section 11 shall be deemed to be a search warrant issued by a Presidency Magistrate or the District Magistrate having jurisdiction in the place specified therein and may be executed by the person to whom the order is addressed in the manner provided in this section.

18. (1) Within one month from the date of an order by the Local Government under sub-section (1) of section 11, the Local Government shall place before two persons, who shall be either Sessions Judges or Additional Sessions Judges, having in either case exercised for at least five years the powers of a Sessions Judge or Additional Sessions Judge the material facts and circumstances in its possession on which the order has been based or which are relevant to the inquiry, together with any such facts and circumstances relating to the case which may have subsequently come into its possession, and a statement of the allegations against the person in respect of whom the order has been made and his answers to them, if furnished by him. The said Judges shall consider the said material facts and circumstances and the allegations and answers and shall report to the Local Government whether or not in their opinion there is lawful and sufficient cause for the order.

(ii) On receipt of the same report, the Local Government shall consider the same and shall pass such order thereon as appears to the Local Government to be just or proper.

(iii) Nothing in this section shall entitle any person against whom an order has been made under sub-section (i) of section 11 to attend in person or to appear by pleader in any matter connected with the reference to the said Judges, and the proceedings and report of the said Judges shall be confidential.

21. The Local Government shall make to every person who is placed under restraint by reason of an order made under sub-section (i) of section 11, a monthly allowance for his support of such amount as is in the opinion of the Local Government adequate for the supply of his wants and shall also make to his family, if any, and to such of his near relatives, if any, as are in the opinion of the Local Government dependent on him for support, an allowance for the supply of their wants suitable in the opinion of the Local Government to their rank in life.

24. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

# The Bengal Legislative Council

CALCUTTA—7th JANUARY 1925

The Bengal Legislative Council met on the 7th January 1925. In accordance with the President's order no visitor was allowed. A very elaborate police arrangement was made to hearten up Government members. Exactly at 3 P. M. members filed in one by one. On taking his seat the President announced a wait of ten minutes for the Governor to arrive. A question was asked whether the Council had been properly convened, as the Governor had not allowed any time for the business of unofficial members, and also because two members were forcibly detained from recording their vote. The President ruled that the question of time raised was completely left to the discretion of the Governor; while in regard to the two members who were not permitted to attend, that did not concern him. His duty was ended when he issued the summons.

H. E. the Governor then came and took his seat.

H. E. the GOVERNOR then delivered the following speech.—

"This Council has met, as you know, in a special session for one purpose and one purpose alone, namely, to consider the proposals of my Government for suppressing terrorist crime in the Province. I shall not discuss the provisions of the Bill which will be submitted to you, or say anything to-day of a controversial character. The only justification for a Bill of this kind is that the welfare of the State as a whole is in danger, that the danger cannot be averted by any other means. In the speeches which I have recently made, I have tried to explain the circumstances in which my Government have felt constrained to take this action, and to restrain the liberty of a few men, in order that the liberty of many may be secured. It is not necessary for me to repeat what I have already said, and it will be for you to decide, when you have heard the case, which of the two evils is the greater, that a secret organisation should be left free to threaten the lives of those of whom they disapprove, or that the ordinary processes of law should be suspended for a limited time, and, in the case of a few individuals, in order to prevent the commission of violent crime and the spread of terrorism throughout the Province. Any Government who seek to employ exceptional measures to deal with exceptional conditions, must satisfy the general public that special powers will only be used to deal with special circumstances, and that all reasonable safeguards have been provided against the abuse of their application to ordinary political activities.

"In the Bill which we have drafted and which will be submitted to you to-day, we have endeavoured to provide such safeguards and to limit the use of the powers which the Bill contains to those conditions alone which have constituted the danger to the State against which the Bill is aimed. You have to determine, when you come to discuss the clauses of the Bill, how far we have been successful. I earnestly hope that when you have heard from the hon. member the case for

the Bill of which he is in charge, you will realise the necessity for some legislation of this kind, and will help the Government to make its provisions as effective as possible for dealing with an admitted danger.

"Gentlemen, I recognise that the subject matter of this Bill is intensely controversial. It would be improper for me to make any speech on this occasion which would aggravate the controversy or embitter the discussion. My sole object in coming to address you at all is, if possible, to make it easier for all of you to conduct your debate in a spirit of mutual tolerance and respect. Differences of opinion in political matters there must always be in a healthy State, personal rivalries among leaders and the struggles of contending parties for power, and these things often call forth bitter expressions in the clash of argument in debate. In such matters, so far as they exist in Bengal, it is always my desire to keep aloof and detached, and, as far as possible, not to take sides but to be an impartial friend to all those who, in the exercise of their constitutional rights are willing to accept my friendship or advice. In the present transitional stage of the constitution this task is rendered extraordinarily difficult, by reason of this divided responsibility which is placed upon me, but it is made far more difficult by the existence in this country of a deep-rooted distrust of the Government as such, which does not exist elsewhere. I recognise that this is due to the fact that the Government in this Council has for so long been without any element of responsibility to the representatives of an electorate. Parliament has also recognised this fact and has in recent years pledged itself to a policy of progressive advance towards full responsible and representative government."

"The success of this policy in its initial stage is, however, still hampered by that spirit of mistrust which is studiously fostered in the Indian Press. In the last few weeks this measure, which we have felt obliged to introduce, has been made even more controversial than its nature necessitates by the constant reiteration in the Press of the charge that the Government of Bengal has abused its powers in the past. They have been accused of fabricating false charges, of planting arms upon innocent men and of trying to secure convictions by perjured evidence. It is also stated, and has recently been repeated by an ex-member of the Secretary of State's Council, that the High Court have on occasions condemned them for their action."

#### The Mussalmanpara Bomb Case

"These general and, in that form, wholly undeserved charges, prove on investigation to be founded almost always on a single case, namely the Mussalmanpara Bomb Case of 1914, and it is time that the Government and its police officers should, once and for all, be absolved from the absolutely false charge which is so often repeated against them in connection with that case. Whenever, in all the miasma of falsehood which clouds the actions of Government in this country, I have wanted to reveal the truth I have generally been prevented by the need for secrecy, by considerations of somebody's life or reputation. It happens, however, that by a strange chain of circumstances I am in a position to tell the truth concerning this one case and I



am going to do so, in the hope and belief that it will help everyone to escape from the unhappy situation in which we are all placed.

"Gentlemen, in that case there was an error of our imperfect human justice and a remarkable illustration of divine justice. A guilty man was declared innocent, but, whereas if he had been found guilty the only thing which the law could have done with him in the name of justice would have been to hang him by the neck until he was dead or to shut him up in prison for life. By a miscarriage of justice, or may we suppose by the intervention of Providence, he was declared innocent, his life was given back to him, and a chance afforded to him to redeem the past. This unexpected, and some perhaps may think undeserved, opportunity has since been gloriously utilised and the man has abundantly made good. The divine law of the forgiveness of sins has, in his case, triumphed over the human law of retribution, a life for a life.

"Perhaps you will remind me that three High Court Judges declared the accused man in that case to be innocent and condemned the prosecution for trying to destroy him by perjured evidence, and you may ask me what right, what justification I can have for now declaring him to be guilty. I do not, of course, criticise the verdict of the Court on the evidence before it, but my answer is that I am privileged to know the man, and that I am not ashamed to call him my friend. My authority for what I have said is no less a one than his own. The story of how I came to make his acquaintance and of my subsequent relations with him is one of the most dramatic and interesting episodes of my life. Let me tell it to you as shortly and as simply as I can.

"I first heard of him when I visited Newcastle in 1921 with the Indian Students' Committee. I then learnt from all the authorities at that University that Nogensdra Nath Sen Gupta was the best student, the best scholar and the finest character that had ever come to them. They could not speak too highly of the wonderful influence which this man had exercised while he was in their midst. On my return to London I made enquiries about the student who had been recommended to me in such glowing terms and found that he was none other than the accused in the Mussalmanpara Bomb Case, of which I had never heard till that moment. I then looked into records of the case at the India Office and found unmistakable proof of his guilt.

"I marvelled that so much good had come out of so much evil. When I came to Bengal the following year I made his acquaintance. He was living at that time at the Oxford Mission at Behala and the good opinions I had heard of him in England were confirmed by those who knew him most intimately at that time. I found that he had sincerely repented of the crime of his youth and had determined to devote the life which had been given back to him to making amends for the past and to saving others from falling into the same error.

"But a difficulty confronted him. His position before the world was a false one. He was regarded as the innocent victim of Government oppression and in that capacity he was wedded to falsehood for life. On the other hand, to surrender the certificate of innocence which he

had received from the law required a higher standard of moral courage than I was prepared to find in any man. I did eventually find, however, to my surprise and delight, that the character which had been so strongly recommended to me by those who knew it was great enough even for this supreme test and I learnt that he was prepared, at whatever cost to himself, to correct the injustice which belief in his innocence involved and to stand before the world in his true colours as a man who, in the mistaken belief that he was thereby serving a righteous cause, had committed a grievous crime in his youth, but who by his subsequent blameless conduct and hard work had made atonement.

"Although this was indicated to me soon after I first met him, it was a long time before I felt I knew him well enough to discuss face to face the sacrifice which he was prepared to make and then only when I became convinced that the greatest service he could now render to his country was to dispel by the light of truth the falsehood and prejudice which had gathered round the case in which he was involved. He has recently given me his permission to tell the truth subject to this single condition, that I shall make it clear that in confessing his own guilt he had not incriminated anyone else.

"He has now removed, by a supreme Act of self-sacrifice, the only burden which still rested on his conscience and he stands absolved in the eyes of God and man. I hope that those true friends who believed in his innocence and stood by him in adversity will not think the worse but the better of his for this confession, and I rejoice to know that he can now take in friendship the hand of the men whom he once sought to kill. He has passed through the fire and come out purified and the truth in this dark story has at last been revealed.

"Gentlemen, I have told this story not merely for the purpose of clearing a former Government of a false charge, but in the hope that this example may help us, without any submission or surrender on one side more than on the other, to find a common meeting ground. You know the saying once uttered by the founder of Christianity, though the purport of it is not confined, I believe, to the Christian religion but is common to many others: "Know ye the truth and the truth shall make you free." Here is a truth by which one man has made himself free. May we not all use this same truth to make ourselves free also, free from the antagonism which now enslaves us? With this example before us of all the evil that must result from hatred and violence and of all the good that can follow the abandonment of such methods, can we not all join in offering to the young patriotic men of Bengal a better way of serving their country than by importing arms and manufacturing bombs for the destruction of its supposed enemies?

"I appeal to you with all the force I can command to help us in saving your country from the greatest evil which can overtake it. If you once allow secret terrorism to be established in your midst it will become a habit that you will never be able to eradicate. It is not merely British officials who are affected by it, and no change in the form of Government will get rid of it. It will be resorted to by any discontented minority under any form of Government.

"Some of you know that this evil has already spread to a dangerous extent. It has even been used against some members of this Council in the course of their ordinary political activities and in the exercise of their constitutional rights. If you do not make a firm and courageous stand against it now it will become the ruin of your country and a far greater menace to your personal liberty than this law which my Government is placing before you can ever be. Some of you again may sympathise with the motives which inspire these methods of terrorism to-day, but if these methods are successful it will be your turn to be destroyed by them to-morrow.

"Your Swaraj Government, when it comes, will never have a chance of success if you only admit the right of those who disapprove of it to threaten the murder of those who are responsible for it. Gentlemen, we all deplore the necessity for special legislation of this kind, you will not get rid of that necessity by rejecting this Bill. You can do something better than that. You can help to make it a dead letter when it is passed. Some of you have influence with the men who have adopted terrorism as a means to their end. I appeal to you to take to heart the story I have just told you and to make it the starting point of a new chapter in the political history of Bengal. If you will persuade these men to sink their weapons in the waters of the Hooghly and to abandon terrorism once for all as a political method we will promise you our whole-hearted co-operation in providing them with other and better ways of serving their country.

"I offer you my assistance with both hands in finding the best means of progressing towards the realisation of those ideals which we have in common. With your help and good-will my Government can do more good to those who look to us for assistance than we can do against your opposition. With our help you can do more good in remedying the many social and economic grievances of the people than you can if you are wasting your energies in barren political controversy. We cannot in this Council settle the Constitution of India but we can, if we will build up in the villages and country districts of Bengal workable self-governing representative institutions, which will serve as a solid foundation on which the final structure of provincial self-government can afterwards be raised.

"That is in our power. That we can do ourselves without reference to the Government of India or to Parliament. Is it not the best service we can render to the people of Bengal? Is it not the best service which Bengal can render to the people of India? If this Council will resolve to-day that terrorism and secret conspiracy shall cease and that all parties shall come together to evolve the best possible system of local self-government in the rural districts to serve as a foundation for ultimate provincial self-government, future generations will have cause to bless your labours and to say of this Council that it proved a turning point in the constitutional history of India as it turned Bengal from the wilderness and set her feet upon a broad highway which led straight to the promised land of her political aspirations."

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After the Governor had left the Council, one member questioned the validity of convening the Council on the ground that two members summoned to attend the Council were prevented from doing so on account of their detention in jail, and that the motion was allowed for non-official business.

The President said it was not in his power to prevent or force any member to attend the Council and that the question of the allotment of time rested with the Governor. It was a matter over which they had no control.

Sir Hugh STEPHENSON then moved for leave to introduce a Bill to amend the Criminal Law in Bengal. He said the Bill followed the provisions of Ordinance I of 1924. In the view of the Government, there were weighty reasons for enacting the Bill in permanent form, but its operation was limited to five years. In certain matters the Council was not competent to legislate, the most conspicuous being Clause 9 of the Ordinance, which gave the right of appeal to the High Court to persons tried by the tribunal. There was no intention of taking away that right of appeal, and a Bill would be introduced into the Imperial Legislature to provide for that. In connection with conspiracy the public already knew of three murders, two attempted murders, the discovery of a bomb factory and the issue of the inflammatory "Red Bengal," leaflets announcing a campaign of ruthless assassination of police officers and all who in any degree helped the Government. The public had also been told that the Government had information of five distinct and specific attempts to assassinate individuals since the beginning of July last. Sir Hugh continued: "In the Government statement the Serajunge resolution, praising Gopi Nath Shaha, is referred to as the starting point of a new impetus to the conspiracy. Our information is that for one reason or another, pressure was thereafter brought to bear on the leaders, not altogether successfully, to postpone overt acts and strengthen their organisation, and—a matter of very great importance—our information shows that one important section of the conspiracy were relieved of the necessity of obtaining funds for their operations and the support of absconders through the old channels of dacoities, and obtained their funds from elsewhere. The house will appreciate the immense strength this lent to the organisation."

Sir Hugh quoted from the synopsis of a scheme of organisation drawn up some time ago by a leader, who is now a State prisoner and referred to papers found on another prisoner showing that he had been commissioned to organise outside Bengal. That man's papers mentioned 23 districts outside Bengal in which district organisations were already at work. Referring to the question of arms, Sir Hugh said he would have been much surprised if the police had made any seizure of arms on the 25th October. It was the cardinal principal of a revolutionary association that arms should not be kept with the leaders. They knew that bombs had been prepared in India and that small parcels of weapons had been smuggled through the country in considerable numbers. The Government knew that during the last war the revolutionary party made desperate efforts, with German help, to get a cargo of arms landed in India. They failed, but during the past year at least three more attempts had been made. There was

one organisation in Germany and one, under a well-known leader, in the Far East, which had for some time been endeavouring to get consignments of arms into India. Members of the Council would recall that within the last year there had been accounts of a considerable number of seizures in ships at Durban, Colombo, Shanghai, Singapore and other places. They had reliable information, confirmed from sources wherewith the Bengal Police had no connection, that the ultimate destination of at least two of the cargoes seized was India. The unrestricted growth of the terrorist group was incompatible with the existence of any Government whether Swaraj or not. The evil, therefore, had to be stopped.

Sir Hugh added: "I know of only two ways of doing it, the first, which is one that has been strongly pressed on us in the Press and in speeches, is the punitive line, to simplify criminal procedure and to rely on punishment in the courts of those who commit offences. We have tried this during many years in the past. Many cases broke down through the impossibility of getting our witnesses into court through intimidation, through the murder of witnesses, approvers and police officers. But it is true—and this is a fact that is made much of by those who press this course on us—that in a certain number of cases we did obtain convictions, but the cardinal fact is that the terrorists emerged from these often very lengthy trials stronger than at the beginning, while the forces of the Government were weaker. The second alternative is the one we propose to take, viz, to meet the danger, not by punitive, but by preventive measures."

"It has always been, and will continue to be, our policy to place before the courts all cases of offences against ordinary law where we can do so without endangering our system of intelligence, but the essence of this method is to acquire information as to the terrorist organisation and the doings of its members and to take preventive action only when it is necessary to stop crime or paralyse the activities of conspiracy. In this two things are of the highest importance. First, that the organisation shall not know the extent of our knowledge. We know from past experience that their uncertainty on this point has a very crippling effect. Second, that our methods of working and our sources of information shall not, directly or indirectly, be divulged. Any rashness or carelessness on this point may deprive us of all information in future. Our action has not been directed against the Swaraj Party. Out of 111 persons now under restraint, 69 have either been convicted of political crime or been previously restrained for personal participation in revolutionary activities. Those persons at all events were revolutionaries before they were Swarajists."

The Home Member concluded: "It is on the basis that there exists a terrorist conspiracy, and that it is the Government's first duty to grapple with it, that I bring forward this Bill. I have given the reasons why the Government—and I speak for all my colleagues, Indian and European alike—consider that there is no alternative method of grappling with it, and I shall ask the Council not to take the responsibility of referring to give us powers which, with a full sense of our own responsibility in the matter, we are convinced, are absolutely necessary to enable us to remove a common menace."

Sir PRAVASH CHANDRA MITTER in opposing the Bill said :—

“As a signatory to the Rowlatt Report I think it is my painful duty to oppose this motion. I naturally desire to stand by the recommendations of that report. The present Bill departs from the recommendations of the Rowlatt Report in almost every important question of principle and proceeds on the Defence of India Act. The Rowlatt Committee had before it the Defence of India Act of 1915; they adopted some of its principles but did not accept others and laid down new principles of its own. Those principles, my Hon'ble friend Sir Hugh Stephenson is well aware of. And as I intend to be brief, I may point out that those principles are set forth in pages 206 and 207 of the Government Publication. However much the public may criticise the Rowlatt Report the Government, in my opinion, has no justification whatsoever to go back upon the recommendations of the Rowlatt Report (cries of Hear, Hear). As the only non-official Indian who was most privileged to examine the inner working of the revolutionary movement I claim I have some right to speak on this subject. In my opinion the Government in departing from the recommendations of the Rowlatt Report and in following the principles of the war time measure, the Defence of India Act 1915, is following a quack's remedy and not a physician's treatment in dealing with this dangerous malady. (Hear, Hear). I have not the slightest doubt that the Government is of opinion that the remedy it is proposing is the best. I however think that the bill if certified or passed by the Legislative Council will not only fail in its object but will perhaps be quite unintentionally, helpful towards it. In view of the dangerous nature of the movement I do not like to further elaborate my reasons publicly. This being my view, I have after mature consideration, come to the conclusion that in the very interest of the object Government have in view and out of loyalty to the Committee on which I had the privilege to serve, I must oppose the Bill, but I would like to offer publicly some constructive suggestions for the consideration of the Government and the public. I do so because I am of opinion that a revolutionary movement at the present moment exists in Bengal. I always held the opinion and I am still of the same mind that apart from other considerations in the very interest of Indian national aspirations, this movement should be checked.

“My suggestion to the Government and the public is, and I am only repeating here what I put forward in my disallowed amendments, that the Government should re-enact Part I of the Rowlatt Act with slight modifications. This should be done as a temporary measure. The Act should remain in operation for a period of three years, the life of the Rowlatt Act.

“It may even, if it has become too apprehensive, re-enact some portions of Part II of the Rowlatt Act, but it would be against the recommendations of the Rowlatt Report to re-enact Part III of the Rowlatt Act. I would however point out that even the re-enactment of the whole of the Rowlatt Act is quite a different proposition from the enactment of the present Bill. What may be the fate of the Bill it will not yet be too late for Government to accept these suggestions and either pass or certify an Act on these lines either in the Bengal Legislative Council or in the Legislative Assembly.

"I may mention that in putting forward those views I do not profess to represent my party opinion. The opinion of Liberals in Bengal has been embodied in the letters of the Indian Association and that of All-India Liberals in the resolution of the Liberal Federation. My opinion differs from my Liberal friends as it is based on knowledge which they do not possess. It also differs from Government opinion as my association with political movements during the last 30 years gives me an insight into an aspect of the question which is not available to members of the Government.

"I have no right to arrogate, and indeed I do not arrogate, that the Government and public in holding their opposing views are necessarily wrong. As a public man I consider I am not only justified in placing my views before them but I should have been failing in my duty if I shirked from doing so. With these words I oppose the Bill."

#### The Motion put to Vote

The President put the motion for leave to introduce the Bill to vote and declared it carried. The Nationalists forthwith demanded a division which being granted resulted in a defeat of the Government by nine votes, 57 voting for the motion and 66 against it.

The President declared the motion lost and a great jubilation and enthusiastic demonstration followed. The President declared the Council adjourned.

The following list indicates the manner in which the members voted :—

#### AYES.

Mr. Adams Williams, Babu Amulya Dhone Addy, Mr. Altaf Ali, Mr. R. N. Band, Mr. H. Barton, Khan Bahadur Mirza Sujat Ali Beg, Mr. L. Birely, Sir Willoughby Carey, Nawab Bahadur Nawab Ali Chaudhury, Khan Bahadur Maulvi Mohamed Chainuddin, Mr. D. J. Cohen, Mr. C. J. Cooper, Mr. P. J. Corcoran, Sir William Currie, Mr. G. G. Day, The Hon Mr. J. Donald, Rai Bahadur Pearylal Doss, Mr. G. S. Dutt, Mr. B. E. G. Eddis, Khan Bahadur, K. C. M. Farouqi, Mr. J. Champbell Forester, Mr. A. K. Ghuznavi, Sir George Godfrey, Mr. S. W. Goode, Mr. A. D. Gordon, Mr. P. N. Guha, Khan Bahadur Kazi Zahurul Huq, Major General Heard, Mr. W. S. Hopkyns, Khan Bahadur Maulvi Mosharaf Hossein, Maulavi A. K. Fazlul Huq, Mr. F. E. James, Babu Devi Prasad Khaitan, Dr. H. C. Liddell, Mr. A. Marr, Dr. H. W. B. Moreno, Mr. G. Morgan, Mr S. C. Mukherjee, Khaje Nazimuddin, Mr. E. Oaten, Maulvi Mohamad Abdul Jubbar Pahlowan, Mr. T. J. Phelps, Mr. J. Y. Philip, Hon Sir Abdur Rahim, Mr. A. F. Bahaman, the Hon. Maharaja of Nadia, Mr. K. C. Roy Choudhury, Mr. S. N. Roy, Raja Manilal Singh Rai, Khan Bahadur Maulvi Abdur Salam, Maulavi Allah Buksh Sarcar, Mr. S. A. Skinner, Hon. Sir Hugh Stephenson, Mr. J. A. L. Swan, Mr. W. L. Travers, Mr. Edward Villiers, and Mr. J. A. Woodhead.

#### NOES.

Maulavi Asimuddin Ahmed, Maulavi Tayebuddin Ahmed, Maulavi Zanoor Ahmed, Babu Rameshchandra Bagchee, Maulavi Kader Baksh, Dr. Pramathanath Banerjee, Babu Satyakishore Banerjee, Mr. A. C. Banerjee, Babu Jatindranath Basu, Babu Saratchandra Basu, Babu Bejaykrishna Bose, Babu Jogindra Chandra Chakravarty, Mr. B. Chakravarty, Babu Sudersan Chakravarty, Babu Umeshchandra Chatterjee, Rai Harendra Nath Chaudhuri, Moul. S. Abdul Rauf Chowdhury, Maulavi Mohamad Nurul Huq Chaudhry, Mr. Nirmal Chandra Chunder, Dr. Mohinimohan Das, Mr. C. R. Das, Dr. J. M. Das Gupta, Babu Akhilechandra Datta, Babu Baroda Prasad Dey, Maulavi Abdur Gaffur, Babu Khagendra Nath Ganguly, Mr. S. N. Halder, Shah Syed Emdadul Huq, Maulavi Syedul Hoque, Maulavi Waheed Hossein, Maulavi Ekramul Huq, Maulavi Aftab Hossein Joardar, Kumar Devendralal Khan, Maulavi Abdur Rasheed Khan, Maulavi Amanat Khan, Maulavi Mohiuddin Khan, Haji Lal Mahamad, Maulavi Baser Mohamad, Babu Mahendranath Maity, Babu Jogendranath Mitter, Sir Pravash Chandra Mitter, Babu Taraknath Mukherjee, Babu Hem Chandra Naskar, Babu Mono Mohan Neogy, Maulavi Abdul Quadir, Mr. Prossanna Dev Raikat, Babu Abanish Chandra Roy, Babu Surendranath Roy, Dr. Kumud Sankar

Ray, Kumar Shivasekharewar Ray, Babu Manmathanath Ray, Babu Satcowripati Roy, Dr. Bidhanohandra Rai, Mr. D. N. Roy, Mr. Kiransankar Rai, Babu Shailajanath Rai Chaudhury, Rai Bahadur Satyendranath Roy Choudhuri, Babu Hemantakumar Sarcar, Babu Nalinirajan Sarcar, Mr. N. C. Sen, Mr. J. M. Sen Gupta, Mr. Arunchandra Singha, Dr. Abdulla Suhrawardy, Mr. H. S. Suhrawardy, Maulavi Rajibuddin Tarafdar, and Maulavi Mahamad Yasin.

The following are the members who were either absent or did not vote:—Khan Bahadur S. Mahabub Ali, Maulavi Syed Sultan Ali, Rai Bahadur Abinash Chandra Banerjee, Rai Saheb Panchanan Barma, Maulavi Fazal Karim Chaudhuri, Babu Charu Chandra Das, Mr. M Daud, Rai Bahadur Badridas Goenka, Raja Reshee Case Law, Mr. Syed M. Masih, Babu Satyendra Chandra Mitra, Maharaj Kumar Srish Chandra Nandi, Babu Anilbaran Ray, Babu Nagendranarayan Ray, Mr. Tarit Bhushan Roy, and Babu Brajendra Kishore Ray Chaudhury.

#### GOVERNOR CERTIFIES THE ORDINANCE.

By the middle of January H. E. the Governor certified the Bengal Criminal Law Amendment Bill under Section 72-E(1) of the Government of India Act and forwarded it to the Viceroy for his assent. On the 20th January H. E. the Viceroy, while opening in state the new Session of the Indian Legislature at Delhi, said that

He would take wholly an exceptional course in announcing that both the European and Indian Members of the Bengal Government and of the Government of India unanimously approved of the necessity of the Ordinance. He wholly approved of the certification by Lord Lytton and reserved the Bengal Ordinance Act for the assent of His Majesty in Council. When that assent came his Government would introduce a measure to define the High Court's power in relation to the tribunals.

#### The Government House Conference.

A fortnight after, on the 7th February, a conference of the leaders of the various groups in Council was held at the Government House convened by a letter from the Governor's Private Secretary, which read:—

"His Excellency is inviting the leaders of the various groups in the Legislative Council to confer with him as to the procedure to be adopted regarding the question of the Ministers' salaries. The personnel of the Ministers, if any are appointed, will not be discussed at the conference, but His Excellency is anxious that the Council should have an opportunity of expressing its opinion upon the distinct issue of (1) whether or not it desires any Ministers to be appointed and (2) what should be the salary of the Ministers if appointed.

"This question should be discussed definitely apart from any personal considerations and if possible before the presentation of the Budget, so that if the test question is decided in the affirmative by the Council, Ministers may be appointed in time for the Council to express its confidence or want of confidence in them before the demands for grants are made for the Transferred Departments. His Excellency would be glad if you would attend the conference, which will be held at 12 noon on Saturday, the 7th February, at Government House, and give him the benefit of your advice on the best way of securing the decision of the Council on these issues."

The letter was sent to the leaders of the various groups in the Council and amongst those present were the following:—Sir Willoughby Carey, Mr. E. Villiers, Mr. J. M. Sen Gupta, Mr. Kiran Sankar Roy, Nawab Nawab Ali Chaudhry, Mr. A. K. Fazlul-Haq, Mr. Jatindranath Basu, Mr. B. Chakrabarti, Mr. N. C. Sen, Dr. Bidhan Chandra Roy, Kumar Shib Shekarewar Roy and Dr. Pramathanath Bannerjee.

HIS EXCELLENCY, in opening the conference, said that its sole object was to ascertain the best method of getting a clear indication from the Council as to whether that body wanted Ministers or not. It was thought in some quarters that last year, when the question came up before the Council, various other issues really clouded the Ministers' issue and doubts were expressed whether the Council's decision, totally refusing the Ministers' salaries, really meant that the Council did not want Ministers at all.

Mr. B. CHAKRABARTI suggested that the opinion of the Council could be ascertained



by a non-official member moving a resolution recommending to the Government to make provision for Ministers' salaries in the Budget.

Mr. J. M. SEN GUPTA declared that the Swarajists would continue their wholesale opposition unless certain concessions were made by the Government, such as the repeal of the Ordinance, etc.

The discussion lasted for over one hour and it was finally decided that a resolution would be moved in the Council on Feb. 17th recommending that the salaries of Ministers be provided for in the Budget.

### Mr. J. M. Sen Gupta's Statement.

On the 13th February, with the permission of His Excellency the Governor, Mr. J. M. Sen Gupta (Swarajist) published the statement which he made at the Government House Conference.

I regret very much that Mr. Das is not able to be present at this conference. I regret also that the invitation to this conference was only received by me day before yesterday. When I say this I do not desire to convey any idea of blame attaching to anyone, but to explain that the views which I am about to express are my own personal views, because there has been no time to consult the party as a whole, and whatever I say may not be taken as binding on my party. The letter of invitation in the very first sentence tells us that we are to confer with Your Excellency as to the procedure regarding the question of the Ministers' salaries, and then the letter tells us that Your Excellency is anxious that the Council should have an opportunity of expressing its opinion upon the distinct issues of, firstly, whether or not it desires any Ministers to be appointed; secondly, what should be the salary of the Ministers if appointed.

I object to answer the first issue. My first reason for objection is based on the provisions of the Government of India Act. The members of the Council have nothing to do with the appointment of Ministers at the first instance. It is the duty cast by statute on Your Excellency and under the rules and provisions of the statute the President has ruled, and I say rightly ruled, that no resolution or motion can be allowed. Unless there is an arrangement between the Government and the President in breach of the statute and the rules thereunder, no such issue can be debated on the floor of the Council Chamber. Not merely is the appointment in the hands of the Governor but the existence of the Ministers is part and parcel of the Act itself. The Council has only power when Ministers are appointed to say whether they should continue as Ministers, or in other words, to express an opinion on the personnel of the Ministers.

You have asked us to express our opinion on procedure. I say that this procedure of asking the Council to express its opinion on the issue whether it desires any Ministers to be appointed is unconstitutional. Can any member table a motion which expresses such idea that the Governor should not appoint Ministers or that the Governor should appoint Ministers?

Secondly, apart from the unconstitutional nature of the issue, this issue expressed in this abstract form cannot be answered, and even if it is answered is of no particular use at all and cannot be considered to be binding on any party regarding future action in the same matter when dealt with in the concrete. An answer to an abstract question like this will help nobody.

If Your Excellency asks me whether ministers with no more powers as heretofore and without certain political conditions being fulfilled, should be appointed I would certainly say it is useless. The Nationalists and the Liberals may say yes to the appointment of Ministers, but insist that more powers should be given to them and certain conditions fulfilled. Both positions to my mind are absolutely the same when it comes to the concrete and the conditions which will at once arise in the mind of every member, to whatever party he may belong, will be somewhat like these:

- (1) The immediate release of all political prisoners.
- (2) The Ordinance to remain a dead letter, if not withdrawn.
- (3) The Governor to recommend provincial autonomy and the revision of the Meston award.
- (4) Reasonable money for the Transferred Departments. The Governor is not to interfere in the administration of the Transferred Departments. Legislation regarding local self-government and municipalities to be unhampered.
- (5) No political prosecution is to be started without the consent of the Ministers.

(6) The proposed loan of Rs. 6 crores to be sanctioned.

I repeat that whatever I have said so far I have said in my personal capacity and not as expressing the opinion of my Party, and if Your Excellency desires to have the opinion of my Party I would suggest a further conference by the first week of March. In the meantime every one of us will have an opportunity of getting the considered opinion of his party.

As regards the second issue, that the demand for grants for Minister's salaries is to be put before the Ministers are appointed, I can speak both for myself and my Party. Such a procedure is not only unconstitutional but is a negation of the little pretence of responsibility which Ministers are supposed to suffer from. A Minister who is afraid to be a Minister unless his salary is first assured before he is appointed admits that he is uncertain of a majority supporting him in the Council. In other words, he desires to continue to be a Minister with a salary sanctioned before he is appointed, although he knows that he has not a majority in the Council. We will certainly not agree to have Ministers who are afraid and know that their salaries are in jeopardy if they are not sanctioned by the Council before the Council knows who the Ministers are. The Council has been exercising for the last few years the undoubted right of refusing or cutting down the salary of Ministers after the Ministers are in office and the person or personnel is clearly known. The demand for grants for ministers' salaries must be put to the vote in the Council, and this cannot be stopped either by the President or by the Governor. Any other form of expression or want of confidence depends on the sweet will of the Governor or the President. We are not going to create a precedent which will take away a sure right of the Council in a matter of vital importance and be satisfied only with a permissive privilege.

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### Resolution on Ministers' Salaries

After a recess of five weeks the Bengal Council met on the 17TH FEBRUARY and carried a resolution moved by Sir Abdur Rahim by 75 votes to 51 recommending the provision of the Ministers' salaries in the next Budget. A Swarajist amendment to adjourn consideration of the resolution *sine die* was rejected by 75 votes to 41, and the Independent Party's amendment to ascertain from the different party leaders the circumstances in which a stable Ministry could be formed before the provision of salaries was made was rejected by 73 votes to 54.

Sir ABDUR RAHIM, in moving the resolution, said that since the rejection of the demand for the Ministers' salaries by the Council the Ministers had resigned and the Transferred subjects had been administered by the Governor, but this temporary arrangement could not be continued indefinitely. It was therefore thought necessary by the Governor to consider whether or not an attempt should be made if it was so desired to provide for the Ministers' salaries in the Budget next year. By this resolution the Government wanted to know whether the Council desired or not that there should be Ministers in this Government. When this question was debated in the Council on previous occasions that question was in the minds of some of the members mixed up with the question of the personnel of the Ministry. The vote on the last two occasions was not on any clear issue. The question was whether there should be Dyarchy or not, whether the Reforms were to be rejected or carried on. It would be remembered that the Governor had a conference at the Government House with some of the representative members of the Council and it was decided that the best way of ascertaining the wishes of the Council in this matter would be by moving a resolution. That resolution was now placed before the Council and if the Council did not want the salaries of the Ministers provided in the Budget then there would be no Ministers in the

Cabinet. The result would be that the Transferred subjects would be transferred back to the Governor-in-Council.

Sir Abdur next pointed out what would happen if this resolution was accepted. If it was accepted the Government would make provision in the Budget for the salaries of the Ministers and the Governor would appoint Ministers. Then a very important question would arise, whether the Ministers selected by the Governor had or had not the confidence of the House. For that purpose he was authorised to announce that the Governor would give ample opportunity to the members of the House to raise that question, and if a vote of "no confidence" in the Ministers who might be appointed by the Governor was passed His Excellency would demand the resignation of the Ministers.

The next question would be the amount of salary of the Ministers. For that purpose there would be an opportunity for discussion when the Council was dealing with the grant to fix the salaries of Ministers.

#### Swarajist Leader's Opposition.

Mr. J. M. SEN GUPTA, in moving an amendment that consideration of the matter be postponed *sine die*, said it was no part of the duty of the members of the Council to say whether provision should be made for the salaries of Ministers in the Budget. That part rested with the Governor in the first instance. The Governor would appoint Ministers, and once the Ministers were appointed the Government was bound to provide for grant of salaries for the Ministers. The Government wanted to know whether the Council desired Ministers or not. Mr. Sen Gupta's answer to that would be neither to help the Government nor the Governor at all. His reasons were that it did not require a great brain to understand that the European group in the Council would support a Ministry, that the Nationalist Party would support the Ministry under certain conditions. He had made it clear that the Swarajists were against Dyarchy on principle, but they wanted to run the constitution only if certain conditions were satisfied. The resolution, if carried, would leave the Government and the Governor in exactly the same position as they were before. The mission which the Governor ought to ascertain was not whether the Council wanted Ministry or not, but whether the parties who were in favour of running the Ministry and against obstruction on principle could combine to form a Ministry. Therefore this was not a bona fide resolution. There was a purpose behind it. Due notice was not given of the resolution. Why this indecent hurry? What they wanted to do by this resolution was, if possible, to divide the Nationalists, knowing fully that the Swarajists were in a minority, and to divide the Liberals, too, who had been working in the Council with the Swarajists.

Continuing, Mr. Sen Gupta said that since January and February, 1924, certain demands had been made by the Swarajists and Nationalists for changes in the Constitution, but they had been brushed aside, the Government said that Diarchy was impossible unless, of course, it was worked according to the wishes of the Indian Civil Service. Minister after Minister who had experience of this system of government had given their opinion before the Muddiman Committee that dyarchy was unworkable, and it was an open secret that the minority report endorsed that view. By bringing this resolution the Govt. wanted the members of the Council to say that notwithstanding that minority report, signed by Liberals and Nationalists, the majority of the Bengal Councillors were in favour of running dyarchy to-day.

After referring to the arrests made under the Ordinance and the passing of the Criminal Law (Amendment) Act by certification, Mr. Sen Gupta asked the members not to accept the resolution as there was no change of heart.

Rai Harendra Nath CHOWDHURY moved an amendment to postpone consideration of the resolution till the Government ascertained the views of the leaders of all parties.

Mr. B. CHAKRAVARTY said that the Nationalists had not accepted a policy of obstruction in the Council for the sake of obstruction. They were clearly of opinion that a Ministry with collective responsibility as opposed to Ministers chosen in a haphazard fashion should be formed as early as possible. As regards the resolution he said that the provision of salaries for the Ministers should in law be included in the Budget. It seemed curious that the Government should ask the Council to recommend this resolution to the Government itself, in view of the policy of responsive co-operation adopted by the Nationalist Party and in view of the fact that the Government had not been at all responsive. As regards the amendment of Rai Harendra Nath Chowdhury, the Nationalists as a party did not propose to take any part in the voting.

Mr. Nurul Huq CHOUDHURY (Swarajist) said that the Mahomedan members of their party would not allow the Government to work Dyarchy. That was the reason why they did not allow the two Mahomedan Ministers' salaries to be passed by the Council. As Swarajists, their attitude always was that there should be an understanding between the Hindus and the Mahomedans and with that end in view they came to the Council.

Mr. Debi Prasad KHAITAN said that they should not give up the Reforms and it would be prudent to pass the resolution and later on to express their opinion as to whether the House had confidence in the Ministers to be elected by the Governor or not.

Sir Hugh STEPHENSON said he was in favour of administration by representatives of the people. The whole question of whether they should have Ministers or not was not an academic question, but a most urgent political question. There was a clear necessity for this resolution and on behalf of the Government he would say that postponement of this question *sine die* would be interpreted by the Government as a clear answer to the question in the negative and no provision would be made for the salaries of Ministers.

The resolution recommending the provision of Ministers' salaries was carried by 75 votes to 51.

#### Division among the Parties.

Contrary to precedent the Swarajists and Independents could not beat the Government on this resolution. Differences in the Independent Party were noticed, and a few of the Independents voted in support of the resolution, though several of them joined the Swarajists in opposing it. The defeat of the Swarajist amendment was anticipated very early in the day, and on this some prominent members of the Independent Party, including the leader, Mr. B. Chakravarty, remained neutral, while several voted against the Swarajists. The Independent Party amendment was supported by the Swarajists who did not refrain from participating in the voting on the resolution as was thought, but Mr. B. Chakravarty did not vote on the resolution though the majority of members of his party joined the Swarajists in opposing it.

On the 18TH FEBRUARY the Council sat for little over an hour, of which the interpellations took twenty minutes. The attendance was not large and the visitors' galleries were almost empty. The Maharaja of Nadia introduced a Bill to amend the Bengal Tenancy Bill. It consisted of one section giving occupancy right to persons holding lands for more than twelve years in certain areas. The Bill was passed without opposition.

#### Presidents' Salary Bill.

Sir Abdur RAHIM next introduced the Bill to determine the salary of the elected President of the Bengal Legislative Council. Besides the preamble there was only one section fixing the salary of the President at Rs. 3,000 a month. Sir Abdur said the term of the present President would terminate at the end of the current session. The Act provided that the President should be elected and a provision be made in the Budget for his salary. The Government provided Rs. 3,000 a month on the understanding that the President would be a whole time officer. This amount was provisional only and was subject to alteration by the Legislative Council. For the information of the Council he stated that the Presidents of other Provinces were whole time officers and Legislative provision had been made in those Provinces that the President should be a whole time man. He thought no one would question the propriety or adequacy of the provision made. As regards the question of salary, it was very difficult to lay down a principle as to the amount. In Bombay provision had been made for Rs. 3,000, so also in the Punjab, in Madras Rs. 2,000, Bihar and Orissa either Rs. 2,000, or Rs. 2,500, and Assam, Rs. 500. He did not think Rs. 3,000 was too high for the position of the President.

There was only one amendment fixing the salary at Rs. 2,000. Moulvi Nurul Haq Chowdhury (Swarajist) said the revenue of Bengal was a diminishing revenue. This year they would have to pay Rs. 63 lakhs to the Government of India which had been suspended for some years and they would have to pay Rs. 11 lakhs more to the services but they had no corresponding increase in revenue.

The amendment was negatived, 52 voting for and 61 against it. The Bill as introduced was passed without division.

#### THE BENGAL BUDGET—1925-26.

Next day, the 19TH FEBRUARY, on the Council meeting, the Hon. Mr. J. Donald, Finance Member, presented the Budget for 1925-26. In doing so he said :—

We anticipate that we shall close the current year with a surplus of Rs. 36 and half lakhs. Here again let me observe that had we been burdened with our provincial contribution, we would have closed with a deficit of Rs. 26 and half lakhs. Our opening balance at the beginning of the year we anticipated at Rs. 1,14,73,000. As I have already explained our receipts and expenditure in 1923-24 were less than we had anticipated and the actual opening balance of 1924-25 was Rs. 1,29,64,000. Adding to this the surplus of the current year, we estimate that we shall have in our balances at the close of the current year a sum of Rs. 1,66,15,000.

I would again repeat that these accumulations are the result of economy, retrenchment and remission of our provincial contributions. Had our contribution not been remitted, all efforts that we have made in the past three years would not have sufficed to enable us to balance our budget and be free from debt in the coming year. We had perforce to make provision for our contribution to the central revenue. We have again represented to the Government of India the necessity, the vital necessity for permanent

remission of that contribution. In doing so we have not abated our claim for the entire revision of the Meston settlement, but pending such a revision we contend that continued remission of the contribution is vital to the needs of the province. We cannot go on marking time, and allowing the proceeds of our new taxation to be swallowed up merely in maintaining the normal wants of administration without making any progress or development. The necessity for this remission will be abundantly clear from the facts I have already given regarding the current and past years.

In the coming year I anticipate a total revenue, inclusive of loan operations, for Rs. 10,55,11,000; an increase of about Rs. 10 and half lakhs on the revised estimate of the current year. When the members of the Council proceed to examine the details, they will at once be struck by the fact that I have placed excise revenue at Rs. 17 lakhs the excess of the figure for the current year, and I have no doubt that we shall again hear the cry that the Government is exporting the vice of drink and drugs to secure revenue.

The figures are, however, capable of explanation. It is true that we do anticipate a larger revenue from this source. Thanks to improved means of administration we anticipate an increase of about Rs. 5 lakhs from ordinary sources of excise revenue. The difference between this and the figure of Rs. 17 lakhs, which represents the total anticipated increase, is the result of a revised system of accounting. Hitherto we have shown in the receipts under the head "Excise," the gain from the sale proceeds of opium, this being the difference between the price paid to the Government of India for opium and the receipts obtained by us. With the separation of Provincial and Central account following on the Reforms, we are now showing the total receipts from the sale of opium on the receipt side of the Budget, and the expenditure, that is the price we pay to the Government of India on the expenditure side. This accounts for the increase in the figure of receipts next year and it will be observed that there is a corresponding increase on the expenditure side.

"In this connection I should like to quote some figures to indicate the result of our excise policy, a policy which has consistently been the restriction of facilities for supply consistently with adequate control and safeguards against illicit traffic. Opium is rather a prominent question at the present time. In 1913-14 its consumption in Bengal amounted to 68,405 seers. In 1923-24 the figure was 35,917 seers. In Calcutta itself in the same period consumption had been reduced from 21,268 seers to 12,000 seers. Those are striking figures, which we attributed to the policy consistently followed in reducing facilities for supply, in restricting the limits of possession and keeping up the price. It is interesting in this connection to note, that many of our local advisory boards show a marked disinclination towards reducing facilities for obtaining opium, and direct their activities more towards abolishing ganja and country spirit shops, and I may mention that we have at present under consideration a Bill in regard to opium smoking of a very drastic character, which we propose to put before the Council at an early date.

The figures relating to country spirit and ganja are no less striking. The consumption of country spirit in 1913-14 was 822,971 gallons; in 1923-24 621,183 gallons, a decrease of 200,000 gallons. The consumption of ganja fell from 118,449 seers in 1913-14 to 66,619 seers in 1923-24. We may add that were we are considering the introduction of the trecta-system in tariff. The fixed fee system has been found unworkable and better control will be obtained under the proposed new system.

Another feature of some interest in this department is the extended manufacture of commercial alcohol. This is very satisfactory in view of the severe competition of imported commercial spirit.

The other main increase we anticipate in our revenues comes from stamps. Trade conditions are improving, and we should secure more benefit from our enhanced taxation in the coming year. We expect also to get an increased assignment from the Government of India in respect of unified stamps. The present assignment does not adequately express the revenue really due to the Government of Bengal from the sale of such stamps for Provincial transactions. I do not think we shall be far wrong in expecting an increase of Rs. 10 lakhs over the figure for the current year.

Mr. Donald added that proposals for expenditure for which provision had been inserted in the Budget contemplated expenditure of Rs. 11,44,11,000, which is Rs. 1,30,00,000 beyond the revised estimate of the current year and about Rs. 89 lakhs over and above their revenue. "These figures," he said, "may astonish the Council, Rs. 136 lakhs more than the current year and Rs. 89 lakhs beyond our income." Proceeding, he said that the Police Budget was about Rs. 3 lakhs in excess of the revised estimate of the current year. The additional expenditure was due partly to increase in pay consequent on the report of the Lee Commission and partly to the rather large provision for travelling allowance, but chiefly to the increased expenditure required for additional temporary

establishments which it was found necessary to maintain to deal with the great increase in work that resulted from the activities of the Revolutionary Party.

Continuing, he said the Council would doubtless be more interested in seeing what was to be done in the Transferred Department. His Excellency had no Ministers, but they might again be appointed and be responsible with him for the administration in 1925-26 of funds provided for Transferred subjects. They would remember that last year Mr. Das put forward a constructive proposal of development and they were subsequently informed that he (Mr. Donald) was in touch with Mr. Das over one particular proposal. That proposal had reference to the Public Health establishment of local authorities in districts, primarily district boards. The proposal was in its essentials on the lines which were worked out some time ago by the Director of Public Health. He at once put Dr. Bentley on to Mr. Das's suggested scheme and when the members of the Council looked into the Budget they would find under the head "Public Health" the sum of Rs. 1,25,000 recurring item for subsidies to district boards for the creation of Public Health organisations.

"I have mentioned this particular question of Public Health organisation here as a separate item," said Mr. Donald, "as an indication that we are not slow (although working out may be a slow process) to consider proposals which are put before us by members of this Council and that we are not unmindful of the Transferred Departments and are fully anxious to do what we can to meet their wants. It will be evidenced from the various schemes for which we have made provision."

"May I here interject that of the new expenditure proposed Rs. 9 lakhs is recurring and the balance non-recurring. We cannot provide more recurring expenditure until the remission of our annual contribution is assured. It may be difficult to meet even this expenditure if we were to pay our contribution and the matter may demand re-examination. Now, with two trifling exceptions, the whole of this recurring expenditure is for the benefit of the Transferred Departments. If we take the expenditure for the year 1925-26 the only figures are as follows:—Reserved, Rs. 20 lakhs; Transferred, Rs. 29 and half lakhs; or, excluding Civil Works, Reserved, Rs. 7 lakhs; Transferred, Rs. 17 and half lakhs. On these figures we may, I think, claim credit that the Government have been attending to the needs of the Transferred Departments."

### Bengal Budget—General Discussion.

The Council met on the 26TH FEBRUARY when general discussion of the budget was taken up. Mr. Nurul Huq Choudhury (Swarajist), who spoke first said that this year 63 lakhs had been provided for contribution to the Government of India. For the last four years this contribution was suspended. Bengal had a growing expenditure but without increased revenues. Out of a total income of 11 and odd crores 8 crores were going to be spent on the Reserved Department and a paltry sum of three crores on the Nation Building Departments. Education came the third best. The Police Department came first with a grant of one crore 93 lakhs, or 20 per cent of the Revenues of Bengal. Then came general establishment. The proposal now before the Government was that this year there ought to be four and not three or two Ministers to spend three crores. "The poor rate payers would think themselves saved if there was one or no Minister at all."

Mr. Bijoy Kristo BOSE (Swarajist) in the course of his speech said that the idea of increasing the number of Ministers to four instead of giving effect to the recommendations of the Retrenchment Committee for reducing the number of the Cabinet to a strength of two Executive Councillors and two Ministers was only a sheer waste and a hollow mockery calculated to lend enchantment to the view where the White-Brown block and semi-White bureaucrats would dazzle respondent within the colours of variegated hue.

Sir P. C. MITTER said the Retrenchment Committee recommended the retrenchment of Rs. 98,25,900 in reserved departments, but the Government

made a reduction of only 11½ lakhs. He asked : " Was it fair to a body of co-operators who were members of the Retrenchment Committee ? If the Government did not look at the problems from the peoples' point of view then was it any wonder that those who were for non-co-operation would have the upper hand to-day ?" He also urged remission of the contribution of 63 lakhs to the Central Government.

On the 27TH and 28TH FEBRUARY the House was thinner when general discussion of the Bengal Financial Statement was resumed. Twelve speeches by non-officials were made urging more grants for the nation-building departments and every speaker pressed for undoing the Meston award. Mr. Sudarsan Chakravarti urged repeal of three new taxes which he described as the illegitimate children of Diarchy. A Government that had to impose new taxes from ordinary activities of life must be in a helpless state of bankruptcy and remission of provincial contribution could not save it. Mr. F. E. James said that the Indian Government's argument at Geneva had been that opium was largely used for medical purposes in rural districts where there were few doctors ; but a surprisingly large proportion of opium consumption in India was consumed in Calcutta and its environs where that argument did not hold good.

On the 2ND MARCH Mr. Nalini Ranjan Sarker (Swarajist) suggested that the Government should immediately raise a loan of five crores in the course of a period not exceeding five years for purposes of primary and technical education, sanitation and public health, agriculture and industry. The proceeds of such a loan, he said, should be administered by a trust or trusts comprised specially of elected representatives of the people, with their powers and functions defined by a special statute for recoupment of such a loan on a thirty years basis and at six per cent. interest. An annual provision of 36½ lakhs would be necessary to meet the interest and sinking fund charges. Japan had recently floated loans for education, continued the speaker. The Council of England had followed the same policy. In a larger view education was not only productive, but created the only true basis of all productions. Mr. Sarker assured that the loan he proposed would ultimately be more profitable to the Government than any number of grand trunk canal schemes, by increasing the taxable capacity of the people to a more vital sense of their true interests and thus making them more law-abiding.

Mr. Villiers, in asking for money for Co-operative Circle Inspectors, said that he realised that it was difficult to stir a country which would sit down under the insult given it by Sir Basil Blackett the other day when he practically said that an Indian could not stand up against a European on his merit but needed the dice loaded in his favour. Nothing more gratuitously insulting than that it was difficult to conceive and yet he had not heard one word of protest in the House.

The Finance Member replying said that remission of provincial contribution by Rs. 63,00,000 resulted in a surplus of Rs. 30,00,000 and they would be able to meet the needs of the Transferred departments. He promised assistance to schemes that would be framed by the Ministers when appointed.

A supplementary grant of Rs. 7,80,000 was voted without discussion.

The Council then adjourned till the 17th. March.



## Swarajists and Bengal Ministry.

For some time past there had been going on a persistent and palpably false report that the Swarajists were about to give up their policy so far followed in the Bengal Legislative Council and that they were thinking of accepting office as Ministers. This ran to such an extent that a public denial became imperative and on the 26th February Mr. J. M. Sen Gupta with some prominent Swarajist Members left Calcutta for Patna to confer with Mr. C. R. Das on the situation. Day after next *i.e.*, on the 28th February, Mr. C. R. Das issued the following statement with regard to the position of his party in the Bengal Council :—

### Mr. C. R. Das's Manifesto.

As there seems to be some misconception as to the future policy of the Bengal Swarajya Party, I hasten to declare that there will be no change in our policy or programme. We shall neither accept office nor shall support the formation of any Ministry. On the contrary we shall oppose by every means the formation of any Ministry, stable or otherwise, unless and until the present system of Government is altered, or there is a settlement between the Government and the people of this province based on a real change of heart, without which there can be no guarantee for complete self-government.

As regards the members of other parties, I cannot conceive how any Indian with any self-respect can think of accepting office, or help in the formation of a Ministry, when a large number of our young public men, including two members of the Council, have been imprisoned without an opportunity being given to them to prove their innocence in an open court of law.

In the meantime activities of parties other than the Swarajists, in connection with the constitution of a Ministry in Bengal, continued unabated. Several meetings of Hindu and Moslem members of the Council who supported the Govt. resolution for Ministers' salaries were held from 26 Feb. to 2nd March. Those Moslem & non-Moslem members who supported the Govt. motion on the 17th February and who called themselves Liberals made no secret of their intention of opposing the Ministry if it was formed from members of the Independent Party who did not vote for Dyarchy. As to the Independents, some of them made no secret of their intention of accepting office provided it were offered and if a coalition with the Liberals could be formed.

The proposal to have two Moslem and one Hindu Minister or *vice versa* seemed unpopular in all quarters and the opinion was expressed that a stable Ministry in Bengal depended on the representation of the two communities being equal.

Sir P. C. Mitter, an ex-Minister, who as the president of the Non-Mahomedan Liberal Party of the Bengal Legislative Council was authorised by the Party to subject the views of the Party to H. E. the Governor regarding the formation of a stable Ministry in Bengal, said that he was not willing to accept office, his principal reason for refusal being that under the present financial adjustment it was exceedingly difficult for a Minister to do useful work. He felt that he would be more useful to the country if he did not in the present political condition accept office.

While meetings were being held and speculation was rife as to who will win the laurel of ministership, on the 9th March it was officially announced that His Excellency the Governor of Bengal had appointed Nawab Bahadur Sayid Nawab Ali Choudhury, Kban Bahadur, C.I.E., M.L.C., and Raja Manmatha Nath Ray Chaudhuri of Santosh, M.L.C., to be Ministers. The Nawab Bahadur will have charge of the Agriculture and Industries

and Education Departments and Raja Manmatha Nath Ray of the Local Self-Government, Medical, Excise and Public Works Departments.

In announcing it His Excellency issued the following statement :—

#### H. E. the Governor's Statement

In announcing the names of those whom he has appointed as Ministers in Bengal, His Excellency desires to explain the principles on which he has proceeded in making his selection, and at the same time to clear up certain points affecting the relations between Ministers and the Legislative Council. The normal constitutional procedure is for the party or group which has secured the approval of the electorate to its political programme by winning the majority of elected seats to take office, and carry out the programme on which the election was contested and won. At the last general election not one political party or group secured a clear majority over all others, but the Swaraj party secured more seats than any other single group, and were entitled, therefore, to be consulted first regarding the formation of a ministry. They not only refused to accept office themselves, but have repeatedly announced their determination to vote against any Ministry, however composed, at the present time. It was useless, therefore, to consult them a second time.

His Excellency, however, invited the opinions of every other group in the Council, and of several representative individuals as well. The opinions he received showed no unanimity, although there was a large measure of agreement on certain points. It was agreed that to ensure the stability of the Ministry the Hindu and Mahomedan communities should be equally represented in it, some recommending two Ministers and some four. His Excellency decided that the work to be done would not justify the appointment of four Ministers. For the first six months of last year two Ministers found it quite possible to administer the Transferred subjects, and for the last six months the administration of these subjects had been undertaken without difficulty by His Excellency himself with the assistance of the members of his Executive Council. During this time, however, the work of the Ministers outside their departments had not been carried on at all, and His Excellency recognises that two Ministers cannot be expected to administer their departments efficiently and at the same time evolve new schemes of policy and attend to their duties in the Legislative Council and in the constituencies.

#### Council Secretaries.

In order, therefore, to provide sufficient staff for all this work to be performed adequately, His Excellency proposes to appoint in addition to the two Ministers two Council Secretaries, and to ask the Legislative Council to provide them with suitable salaries out of the provision in the Budget for the salary of a third Minister. One will be a Mahomedan and one a Hindu, and their names will be published as soon as they have been approved by the new Ministers. There will thus be both a Mahomedan and a Hindu member associated in the administration of each Transferred subject.

As this is the first time that Council Secretaries have been appointed in Bengal, it is necessary to explain the status and functions it is proposed to assign to them. It is intended that they should have the status assigned in England to a Parliamentary Under-Secretary. They will be wholetime officers, and will deal with such subjects as the Ministers may decide to allot to them. They will be responsible to the Legislative Council in the same way as the Ministers and will stand or fall with the Ministry as a whole. At the same time they will not relieve the Ministers of their responsibility for the general policy of the departments which may be assigned to them.

In selecting the two Ministers whom he has appointed His Excellency has been influenced by two considerations : (1)—That the late Ministers, although they enjoyed the complete confidence of the Governor and of the group to which they belonged, failed to secure the confidence of the Legislative Council as a whole when they were in office, and are therefore ineligible for reappointment at the present time ; (2) that as a result of the advice which he has received the Ministers whom he has selected out of those who were available appeared likely to receive the largest measure of support from the various groups, which, on the 17th February last, declared themselves in favour of the re-establishment of a Ministry.

#### Ministers and Council.

It is necessary to add some explanation of the relations between the new Ministers and the Legislative Council. The members of the Council will probably wish to know what opportunities will be available for them to express their confidence or otherwise in

the new Ministry. There are three ways in which the Legislative Council can record its approval or disapproval of Ministers. The first is by a definite motion of censure, which would have to take its chance in the ballot at the beginning of each session with other motions and resolution. The second is by moving the adjournment of the House in order to express disapproval of the acts or policy of the Ministers. This is an unsatisfactory method, as such a motion can be talked out unless a two thirds majority of the Council can be obtained for a closure. The third and most satisfactory method is on the motion for the grant for Ministers' salaries in the Budget of each year. All that is required to test the opinion of the Council on this point is a single motion for the reduction of the demand by a nominal sum such as Rs. 100. If this is carried, it will indicate that the Ministers do not possess the confidence of the Council and the present Ministers have accepted office on the understanding that if such a motion is carried against them they will resign. The power of refusing the whole of the demand for Ministers' salaries is a necessary feature of the Constitution, and is designed to provide the Council with a means of enforcing their wishes in the event of the Ministry refusing to resign after the Council has demonstrated in other ways that it does not possess their confidence. This power, however, should not be used to indicate a vote of censure, except in the last resort, because the effect of refusing all salaries is not only to force the resignation of the existing Ministers, but to prevent the appointment of any successors. This has been demonstrated in the last session of the Council. The number of Ministers is not primarily the concern of the Legislative Council, but is the prerogative of the Governor. It is, however, open to the Legislative Council to indicate by means of a resolution their desire for either a larger or a smaller number.

One right is definitely granted to the Council by statute. That is the right of fixing the rate of remuneration of all Ministers within the maximum prescribed by the Act. Up to now Ministers in Bengal have been paid the maximum salary allowed by the Act, and a demand for this amount will be made in this year's Budget. In the event of the Council wishing to fix a smaller amount, this can be done by a motion to reduce the demand to the figure desired. In order that there may be no misunderstanding, it is perhaps desirable to explain in advance what view the Government will take of the action of the Council in certain eventualities.

(1) If the demand for the Ministers' salaries is again rejected in toto, the Government will regard this as an indication that the Council refuses to provide salaries for any Ministers. In that case His Excellency will apply to the Government of India to re-transfer all Transferred subjects under Devolution Rule 6, and if this is done Bengal would thereafter be governed by the Governor-in-Council. Any motion to reduce the salaries of Ministers to less than Rs. 3,000 a month will similarly be regarded by the Government as a refusal on the part of the Council to provide adequate salaries for any Ministers, and if carried will have a similar result.

(2) If a motion to reduce the amount payable to a Minister by any sum between Rs. 1,000 and Rs. 2,000 a month is carried, this will be accepted by the Government as the figure at which the Council desires to fix the remuneration of the Ministers.

(3) If a motion to reduce the amount payable to Ministers by a nominal sum between Re. 1 and Rs. 100 is carried, this will be regarded by the Government as indicating a vote of censure on the Ministers, who will then resign and others will be appointed in their place. The opinion of the Council on their successors can be expressed either by a nominal reduction of Rs. 1,000 in one of the demands for the Transferred subjects which has still to be voted, or later when a supplementary demand is made in the next session for the nominal sum which has been reduced.

#### The Swarajist View.

With reference to the appointment of the two Ministers above named and two paid Council Secretaries, Mr. J. M. Sen Gupta, Secretary, Bengal Swaraj Party, said that the Ministers were unsafe unless they had two paid Secretaries. It was the belief of the Government that by such an arrangement the Ministry would be saved in return for that patronage. Mr. Sen Gupta characterised the proposal as smacking of bribery and said that in no country would such conduct be tolerated for the purpose of supporting a Ministry of minority. In his opinion the Ministry would be thrown out again.

### Voting on Demands for Grants.

The Bengal Legislative Council re-assembled on the 17TH MARCH to consider demands for grants. The newly appointed Ministers, Nawab Nawab Ali Chaudhuri and Raja Manmatha Nath Roy Chaudhuri of Santosh took their seats on the Treasury benches. When the Raja of Santosh took the oath of allegiance, there was cheering from official side and cries of "Shame" from the Swarajist benches. The president welcomed Mr. C. R. Das back after his recent illness.

The Hon'ble the Maharaja of Nadia moved that Rs. 35,47,000 be granted for expenditure under Laud Revenue. There were 92 motions for refusal or reduction. The first eight amendments relating to Land acquisition establishment were lost.

Of the 92 motions for reduction or refusal in Laud Revenue only one urging reduction of the demand of Rs. 20,05,000 under Survey Settlement by Rs. 2,50,000 was carried by 78 votes to 41. 23 motions were lost and others were withdrawn or not moved.

The Raja of Santosh, Minister, moved that Rs. 25,77,000 be granted for expenditure under Excise. He assured the Council that he would do his utmost to further the cause of temperance. All possible reduction in the superior staff had been effected and a further would be effected consistent with efficient administration of the department. There had been a strong feeling against the excise policy of the Government. The situation had been to some extent aggravated by opinion of the Conference at Geneva. He would not be sparing in his efforts to take all possible and practical steps to further the cause of Temperance and to hasten the advent of various reforms they had in view, but unless new sources of taxation could be found, it would be dangerous to launch a scheme of total prohibition.

Several motions for reduction were lost and one urging demand of Rs. 25,680 under Superintendence be reduced by one rupee was carried by 58 votes to 51 votes.

On the 18TH MARCH discussion of amendments on the excise demand was resumed. One amendment refusing the demand of Rs. 10,000 for rewards given to excise officers resulted in a tie. The cut was declared lost by the President's casting vote. The next amendment reducing the same demand by Rs. 5,000 was carried, 62 voting for and 59 against it.

Maulvi Wahed Hossain (Swarajist), criticised the opium policy of the Government in moving a reduction under the demand of Rs. 14,00,000 under head 'cost price of opium' supplied to Excise Department. He said that the excise policy of the Government was responsible for the wide distribution of intoxicating drugs in the country. So long as opium and its derivatives were produced in excess of medical and scientific needs of the world, so long would that excess be used for vicious purposes. The conclusion arrived at by the Opium Conference was that the solution of the problem lay not in the regulation of consumption, but in the limitation of production. The Indian representatives at the Conference accepted this principle with reservation which was not justified. The distribution of opium worth fourteen lakhs of Rupees was nothing but exploiting the vices of the people.

Mr. F. E. James hoped that the Government and the Minister would take early steps to institute an enquiry into the consumption of opium among the industrial population of the country. Now that the matter was being

discussed in the Legislative Assembly he suggested an impartial enquiry into the whole question.

The Minister in reply said that in spite of the responsibility shouldered on him he was still a great friend of the temperance cause and he would always try his level best to do what he could during the tenure of his office.

The amendment was negatived.

The demands under forests and stamps were granted without any cut. The Council was considering the registration demand when it adjourned.

On the 19TH MARCH the Council resumed discussion of the remaining fourteen motions urging reduction of the demand of Rs. 19,19,000 for Registration. The first recording of votes was on a motion moved by a Swarajist refusing the demand of Rs. 5,000 for a new Sub-Registry office. It was pointed out that the Bengal Retrenchment Committee has suggested the abolition of 12 existing Sub-Registry offices; but the Minister instead of giving effect to this recommendation wanted a new officer. It was negatived by 54 for and 68 against. This demand was granted without any cut.

The Hon'ble the Finance Member then made a demand of Rs. 15,000 for expenditure under the scheduled taxes. This amount was required for the Calcutta Turf Club to make collection for taxes on racing. The motion for refusal was negatived.

#### The Ministers' Salaries.

There was a prolonged discussion on the point of order when the Hon'ble Sir Hugh Stephenson moved that a sum of Rs. 96,17,800 be granted for expenditure under the head General Administration. This demand included the salaries of Ministers and the Council Secretaries. In his speech Sir Hugh Stephenson referred to the amendments on the agenda on Ministers' salaries. This gave an opportunity to several members to raise various questions on the points of order.

The first point was whether the Hon'ble Member could refer to and discuss on the amendments which had not been moved.

After a lengthy discussion the President gave a ruling that he could not shut the Hon'ble Member from mentioning or referring to the amendments on the agenda; but the Hon'ble Member could not prejudice them and discuss them.

The second point related to the fixing of the salaries of Council Secretaries. Mr. J. M. Sen Gupta said that these were new appointments. Their appointments rested with the Governor, but their salaries rested with the Council. He asked whether the Hon'ble Member was entitled to make a demand for the salaries of Council Secretaries before they were appointed and referred to Section 80-B of the Government of India Act.

The President gave a ruling against Mr. Sen Gupta.

The Hon'ble Sir Hugh Stephenson in making this demand said that as regards Ministers' salaries they had fixed the amount as originally fixed by Lord Ronaldshay and which the previous Ministers had drawn. There had been a good deal of confusion and confused issues with regard to the Ministers and the Ministry. The Council had already decided on the 17th February that there should be Ministers. What the Government wanted to know was whether the Council still maintained that decision, what was the suitable salary of Ministers and whether the Council had confidence in the present two Ministers.

As regards the Council Secretaries the Government had fixed their salary at Rs. 2,000. They should be wholetime men like Parliament Secretaries. If the Council did not want such men, it could reduce their salaries. The Hon'ble Member then referred to the Governor's household expenditure and said the demand was necessary to maintain the recognised standard of dignity of the Governor.

The Hon'ble Member had not concluded when the Council adjourned.

On the 23RD MARCH the House was full when the Council re-assembled and seats on both galleries were occupied. A large crowd also assembled outside to know the result of voting on the Ministers' salaries. Before that item there were 20 motions of reduction or refusal of various demands, but none of them were moved.

Babu Nalini Ranjan SARKAR moved that the demand of Rs. 1,28,000 on the Head "Ministers—pay of officers—2 Ministers" be reduced by Rs. 1,27,998. In the course of a lengthy speech he said that no advance had been made under dyarchy. The ex-Ministers even gave evidence before the Muddiman Committee lamenting their lot. Under dyarchy the Government was going on by arresting many young workers and crushing the manhood of the nation. There was no justification for the continuance of dyarchy. As before brute force alone still ruled with all its nakedness. No famine ration would satisfy the politically famished people of Bengal.

Dr. Kumud Sanker RAY said that by refusing the pay of the Ministers they were showing their dislike for dyarchy.

Mr. J. M. SEN GUPTA, supporting, referred to the charges made against those who voted against the Ministers on the last two occasions. The first charge was in respect of the communal question. So far as the Swarajists were concerned they were not actuated by communal or party question. This question had been raised for catching votes. The real point was that those who brought this charge were themselves guilty of it. It had also been said that in attempting to kill dyarchy they were following an evil genius. It had been further said that the obstruction policy was based on hatred. The Swarajists were fighting against the hateful non-co-operation with Indians. All superior services were reserved for men coming from England. Raw youths coming from English Universities were put on the top of Sir J. C. Bose and Sir P. C. Roy. There could not be good will without equality. It could not be, so long as there was race arrogance on one side and subservience on the other.

Mr. Travers said the Europeans as a party were opposed to the policy of obstruction. The result of that policy would be remote possibility of revolution. Secondly, the British people might give complete independence but the Europeans here wanted stable Ministry. Kumar Shibsekhareswar by supporting the motion wanted to put a check on extravagant expenditure of the Government and to give expression of no-confidence to Ministers. Mr. Campbell said the present constitution should not be condemned until better proofs were produced to prove that it was unworkable.

Mr. Fazlul Huq, an ex-Minister, in supporting the motion said there was no possibility of getting a Ministry under the conditions prevailing and suggested a conference among all parties to disarm opposition.

Mr. Villiers said that Dyarchy was a test of India's capacity for self-government. The Europeans would join Swarajists in killing Dyarchy if in

fulness of time it was found wanting and unworkable. But so long it was not so proved they were not going to kill it.

#### MR. C. R. DAS'S SPEECH

Mr. C. R. DAS said : Mr. President,—Sir, in spite of my ill-health I feel constrained to say just one or two words on the motion before the House. Mr. Fazlul Huq's speech has been criticised very severely by some of my friends. His point of view is entirely different from mine, but I fail to understand why his position should be regarded as so unintelligible. I can understand his position although I differ from him. All arguments that I have heard to-day in favour of Dyarchy is that the nation-building departments must be worked, something must be done for the good of the people, for the good of the masses and so on. Mr. Fazlul Huq's position is that unless there is a stable Ministry, unless the condition which can make that little good possible, it is no use trying for it. (Cries of hear, hear). The ground upon which I support the motion is different, as I shall explain immediately, but I can understand Mr. Huq's position. I respect it and do not see any reason why such severe criticism should be levelled against him.

#### Sir Provash Mitter's Position.

But if I can understand Mr. Huq's position I must say that I cannot understand Sir Provash Chandra Mitter's. (Hear, hear). What, after all, is his position? Mr. Huq believes in Dyarchy; Sir Provash does not believe in Dyarchy. Sir Provash has said it so often and he repeated it to-day. Let me quote from his evidence before the Muddiman Committee. He says: "I am definitely of opinion that Dyarchy has failed. I am further of opinion that the difficulties of running Dyarchy will grow more and more in future. And in his oral evidence he said that he had always condemned Dyarchy. He has repeated the same thing to-day. He has referred to something which he calls principle, but may I ask on what principle can one say "I have always condemned Dyarchy, I do not believe in Dyarchy. Dyarchy is unworkable and yet I undertake to work it? (Cries of hear, hear). If you undertake it, it must be on a footing that some good may come out of it, and if some good may come out of it, why call it unworkable? I fail to understand the logic of his position. If you really condemn it, condemn it not only in words, but in action also. The vote that will be cast to-day will be taken by the Government as an indication as to what you think. If you say I condemn dyarchy why say I must work it out for what it is worth? If it is worth anything at all you have got no right to condemn it. Why do you then condemn it? You have no right to condemn it, but if you condemn dyarchy stand up like a man and say, I condemn it. I refuse my co-operation because I condemn it because it is the system which can bring no good to the country. I could have appreciated Sir Provash taking up the position.

#### The Swarajist View

With regard to the Swarajist view, much criticism has been levelled not only to-day, but ever and ever again. My surprise is that my friends do not get sick of such criticism. It only shows that they are thoroughly ignorant of the Swarajist literature. It has been said that our only point is destruction. It betrays such utter ignorance of the Swarajist position that it is difficult to reply to it. We destroy. Why do we want to destroy? What do we want to get rid of? We want to get rid of this system which does no good, which can do no good. We destroy it because we want a system which can be worked with success. It is because we want a system which will enable us to do good to the masses. Can you lay your hands on your breasts and say that you can do anything for the masses under the present system? What have you yourself done? It was tried for three years and Sir Provash Chandra Mitter was one of the Ministers. May I ask in what way the condition of the masses had been improved? Has there been more education, have they grown into anything, has their position been better off financially? No, you have not got power. You know you have got no power. You cannot do any good to the people in the present circumstances. This is sham business altogether. On the one hand the Ministers are responsible to the people, but without funds they cannot do anything. So the nation-building departments may be made over to the Ministers, but funds are in the hands of the reserved side and when people say nothing has been done for them in the way of nation-building schemes, the Government can always turn round and say, there are your Ministers. It is a beautiful system. (Cries of hear, hear). A threat has been held out to us that the Transferred Departments will be taken back by the Government. What I want to know is what harm will that do to you if these departments are taken up and run by the Govern-

ment? They can only do as little as could be done by Ministers and when the people get dissatisfaction they have to look to the Government. We transfer along with these departments responsibilities also on the Government. It will be for them to answer the question that will be put to them which is now being answered by the Ministers. They cannot do it. They cannot do anything. They have not got money to do anything. They have not opportunity to do good to the people and yet they are entrusted with "the nation-building departments," a big phrase, "nation-building departments." Under circumstances in which it is impossible to build up anything, my answer to those who ask why I want to destroy is this: I want to destroy because this is occupying a place in this rotten structure, so that a beautiful mansion may be erected on it. (Applause). May I ask how else a beautiful building can be built up without pulling down a rotten structure which has already occupied the place? You cannot. Therefore, there is no sense in that criticism, Destruction. We do not want to destroy merely. It is a gross libel on the Swarajist Members to say that we want only to obstruct. We want to destroy in order that we may be able to build up. We want to obstruct because we may get opportunity of construction. It is to my mind a principle as simple as it can be; but what is the difficulty in my friends to realise it, I cannot make out.

Look at the history of any country, look at the history of England. This sort of thing has gone on there, and no people has ever come to power without obstruction. It is a wicked and pernicious system; but one thing and one method was good for England, because it brought freedom for the English people. But that very thing is bad for this country because wicked Swarajists apply it. Then I have been asked one question: I will not take much of your time because I feel already exhausted. One question has been put to me. First of all it is this: the principle of co-operation has been extolled by Sir Provash and other speakers. May I point out for the last time (I think it is the thousand time that I am speaking on it) that I am not opposed to co-operation, but co-operation is not possible under this system. (Cries of hear, hear). If you drop the prefix "co" then I can understand it. Otherwise I do not understand how it is possible to co-operate under these circumstances. Does co-operation merely mean submission? Does the Government give up anything? No, they must have everything in their way. Co-operation means that you people of India must follow them and submit to them. I never understood the word 'co-operation' in that sense and I say that I want to co-operate. Put me in the way of honest co-operation. Co-operation, honest co-operation, cannot be offered now to-day. It cannot be because your system does not allow it. It can be done when you have improved your system, when there is real give and take, when there is anxiety on the part of the Government to relieve distress of the people, when there is anxiety on the part of the Government to recognise the rights of the Indian people. But what do we find now? There is no such desire at all. Every cry for freedom must be checked. Every attempt to make ourselves free must be carried on. Every effort on our part to work our salvation must be treated as criminal offence and under those circumstances you ask for co-operation of the people. What co-operation can they give you, those who say that they want to co-operate with you? Do you think so? I do not believe that sincere co-operation is possible under the circumstances; but I will not allow you to say that the Swarajists are against co-operation. They want to co-operate as honourable men. They want to co-operate with a Government which is honourable, which is for the people, (applause), which is bent upon doing good to the people. That is the kind of government with which the Swarajists are willing to co-operate.

Another friend has asked me what will be the effect of killing dyarchy. Well, it reminds me of a question which was put to an Indian sage in ancient times. He was a follower of God Krishna and one of his disciples asked him what is the good of seeing Krishna. His answer was seeing Krishna is the good of seeing Krishna. Here it is that we want a little constitution, a free constitution, a constitution in which honourable men can work with honourable friends and we say that the whole field is not covered with sham constitution. The effect of killing Dyarchy is to enable that beautiful mansion to be constructed. It is not very difficult to understand if you leave out your race prejudice, if you take the good of the country to heart, if you put yourselves the simple question that after all the Government must mean a Government by the people, for the people, and for the good of the people. If you accept that it will be easy to understand what the effect of killing dyarchy will be.

A further question has been put to me. What are you going to do, after killing dyarchy, that is as circumstances develop. What we want, we will do and what we want not to do will not do. We make no secret of it. Even if the House decides it to-day against this motion we the Swarajists will always adopt this attitude. This system is bad. This system is wicked and as honourable men, as honest men, we cannot co-operate with the



Government under this system. That is the position of the Swarajists. We are asked what we will do next if this motion is passed, if it is accepted. There are only two courses open to the Government, either to take back the Transferred Departments for which I shall be glad. Then all the iniquities of this system, the responsibility of this system will be on the Government who started it. If on the other hand they order a dissolution I shall also be equally glad because that means as I believe and on that point I am in entire agreement with the Government of Bengal, namely, that the Swarajists would come back in overwhelming majority. (Cries of hear, hear.) So, that would be to our advantage also. One of these two things must follow and then there is the country behind. My friends who put the questions to me think that the Council is everything in this country. It is not. I have been told that the Conservative Government will not be coerced. I do not know that. I do not want them to be coerced. I do not want any number of honourable men to be coerced by anything; but surely even the Conservative politicians must see that there is such a thing as the will of the people and that in the end the will of the people must be carried out. I do not care whether it is Conservative Government or the Liberal Government or the Labour Government. These are empty words so far as I am concerned. I am for giving effect to the will of the people. That will must be declared often and often and in as many ways as the will of the people may be declared and I venture to think that no Government in the world, Conservative or Liberal or Labour, can for ever despise the will of a great country like India. (Loud applause and prolonged cheers).

On behalf of Government the Hon. Sir H. Stephenson said that he did not propose to follow the argument of Babu Nalini Ranjan Sarkar or to comment on Mr. Sen Gupta's hymn of hate. As regards the speeches of Rai Harendra Nath Chaudhuri, and Kumar Shibshekareswar Rai, they both agreed on a certain salary for the Ministers. The Kumar might or might not get an opportunity to pass a vote of censure on the present Ministers but in fact the Kumar himself had shown that he had no grievance against them. With regard to Mr. Fazlul Haq's speech he had endeavoured to find even one small reason why Mr. Haq had changed his mind since February 17. The only reason was the old saying that those whom the gods love die young. Mr. Fazlul Haq's only reason for killing dyarchy now was that he loved it so much. Government had tried to put before the House a clear issue but Mr. Fazlul Haq had tried to cloud the issue. Mr. Haq said he would vote against the Minister's altogether not that he did not want Ministers but because he thought that something might turn up. That brought him back to Babu Nalini Ranjan Sarkar's speech in which the latter said there was considerable doubt as to the consequences of the vote and he used the words "backward province." Whether that was meant as a red herring or whether it arose out of ignorance, he (Sir Hugh) did not know but there was no question of declaring Bengal to be a backward province.

#### Motion Carried.

The amendment for the total refusal of the Ministers' Salaries was then put to vote and the President declared in favour of the Noes. Hardly had he pronounced "The Noes have it" many of the Nationalists stood up and demanded a division. Amidst echoing cheers and intense jubilation on the part of the Nationalists—some European members also joined in sport—the President declared the result of the division, "69 for the amendment and 63 against—the amendment is carried."

Sir Hugh Stephenson next withdrew the demand of Rs. 4,800 made for salary of the Council Secretaries. The original demand of Rs. 96,17,800 for General Administration as amended by making reduction of Rs. 2,18,000 was carried.

Next day, the 24TH MARCH, the Ministers did not attend the Council, apparently as a result of yesterday's resolution. Several Councillors were absent, and the galleries were almost empty.

The Hon. Sir Abdur Rahim moved that Rs. 84,30,000 be granted under Administration of Justice.

Mr. Nur-ul-Haq Chowdhury moved that the demand of Rs. 2,000 under the head High Court Judges' Travelling Allowance be refused. He discussed the general policy followed in the High Court, and said that the Council had no control over the Court. It was part and parcel of the Government of India, but being within the jurisdiction of Bengal, the Province had to provide the money. The motion was negatived.

Mr. Nur-ul-Haq also moved that the demand of Rs. 42,000 for the Solicitor to the Government be reduced by Rs. 18,000. His object was to Indianise the appointment, which had been held by a European firm of solicitors. The motion was carried by 52 votes to 45.

In the debate on the Police Budget, which came up for discussion after dusk, the Government were defeated in every motion moved by the Swarajists. The debate was dull, and many European members and officials had left the Council Chamber. The Swarajists succeeded in effecting seven reductions in the Police demand of Rs. 1,70,12,000. The demand of Rs. 72,400 for the pay of Deputy and Assistant Commissioners, Calcutta Police, was reduced by Rs. 10,000, the demand of Rs. 2,40,700 for Superintendents was reduced by Rs. 2 lakhs, the demand of Rs. 1,73,900 for the pay of Inspectors was reduced by Rs. 10,000 and the demand of Rs. 25,600 for the temporary force was reduced by Rs. 20,000. Another demand of Rs. 86,000 for travelling allowance was refused, as also a demand of Rs. 4,000 for supplies of arms and accoutrements. In all these motions the voting was 43 for and 41 against. The reductions totalled Rs. 3,40,000.

On the 25TH MARCH, the remaining Budget demands under Police was considered. The success of the Swaraj Party at the rising of the Council last evening owing to the absence of the European and official members served as an object lesson, and the Government benches were full to-day from the commencement of the meeting.

The first three amendments referred to the River and Dock Police, and were negatived. Two amendments in regard to the demand for the Police Training School were also rejected by 56 votes to 43. Another motion refusing the demand of Rs. 31,65,000 under Presidency Police was negatived, as also one urging a reduction of the demand of Rs. 1,64,000 under Superintendence by Rs. 82,000.

#### SWARAJISTS AND NATIONALISTS WALK OUT.

There was an unfortunate incident during the discussion on the Police grant on this day. The Swarajists and Nationalists walked out and the Police grant and seven other demands were consequently passed without discussion. There were over 250 amendments to those demands, but the members were not present to move them and the Council, which then consisted mainly of officials and European and nominated members, agreed to the demands.

Mr. A. C. Banerjee (Nationalist), in moving that the demand of Rs. 2,91,000 for the temporary district intelligence staff be refused, said that the detective department was not liked by the people for whose benefit it was

maintained. The people did not want it, because they thought that it was a useless department. It was a department the ostensible object of which was to detect crime, but they found that in some cases at all events its activities were identified in manufacturing evidence more than detecting crime.

Sir Hugh Stephenson asked whether it was a Parliamentary expression to say that their activities were concerned in manufacturing evidence.

The President said that he did not hear what Mr. Banerjee had said, but if he had used that expression he (the President) could not allow it.

Mr. Banerjee: I did not make any general charge. All that I said was that in some cases at all events their activities were concerned in manufacturing evidence.

The President: I cannot allow that Mr. Banerjee, you must withdraw it.

Mr. Banerjee said that he was not going to withdraw it, because it was not a general charge, and, secondly, he was in a position to substantiate it from judgments of the High Court.

This was followed by loud cries of "Obey the Chair," from the European members, to which the Swarajists retorted by loud cries of "Stop howling." While this was going on the President again told Mr. Banerjee to withdraw his remark. Mr. Banerjee refused, and while the President was standing he began to argue.

The President: Mr. Banerjee, will you obey the Chair?

Mr. Banerjee: I will not sit down. I would rather walk out of the House. But I beg of you to be more courteous to me.

Mr. Banerjee then left the hall. After this several Swarajist and Nationalist members simultaneously asked the President's ruling as to whether they could support their observations with facts and figures. While the President was answering another member rose.

The President: If the hon. members will try to respect the authority of the Chair, we shall get on much better.

Mr. Akhil Chunder Dutt: May I have your ruling.

The President: You are interrupting me. I shall not give any ruling so long as the House cannot conduct proceedings in an orderly manner. When I am on my legs replying to a point of order another member rises and interrupts me. That is a most disorderly proceeding, and I cannot allow it.

The Nationalists and Swarajists then walked out of the Chamber in a body and came back after 10 minutes amidst ironical cheers from the opposite side, which were received with cries of "Shame on you" from the Swarajists benches.

Mr. Nishit Sen asked the President for a ruling on the point raised before.

The President: I must have an apology from those who interrupted me before I give any ruling. The first thing that is learnt in any legislative assembly is respect for the Chair, and if the Chair is treated with disrespect, as was done by Mr. Banerjee, there must be an apology.

Mr. Banerjee: I know how to respect the Chair; at the same time I expect courteous treatment from the Chair.

The President: That is not the apology that is due to the Chair. You stood up in the middle of my reply to a point of order and shouted at the Chair.

Mr. Banerjee: If I shouted at all it was because there was an attempt to howl me down from the other side of the House.

A heated discussion regarding the President's ruling as to the point of

order raised then followed and the President refused to give a ruling so long as the Chair was not obeyed. In the end the Nationalists and Swarajists again walked out. Messrs. C. R. Das, B. Chakravarti and J. M. Sen Gupta were not present in the Council Chamber on this day.

On the 26TH MARCH the Hon. Mr. Donald, Finance Member, replying to a question regarding the proposed building for the Bengal Legislative Council said that the sketch plans prepared by Mr. Greaves, architect, in 1922 were accepted by the Government of Bengal. The approximate cost of the building would be Rs. 22,06,000. The question of proceeding with the project had been kept in abeyance pending an improvement in the financial situation.

In answer to another question regarding the passing of films by the Bengal Board of Censors the Hon. Sir Hugh Stephenson said that the practice in Calcutta was that when a film which had been passed by another Board in India was to be shown the Inspector of Films or one of the Board was deputed to see it at the earliest possible moment, which was usually the first public exhibition of the film. If the Board had previous intimation of its unfitness for exhibition in Calcutta, the Board required the exhibition to show the film to their Inspector before it was publicly exhibited. In the opinion of the Board this practice was working satisfactorily. In the event of a film passed by a licensing authority in another Province being found objectionable in Bengal, it was open to the Commissioner of Police or the District Magistrate to suspend its exhibition, and for the Local Government to prohibit it, and this action had been taken in some instances recently. The Government of Bengal had been examining the question of strengthening the staff of the Board of Film Censors in Calcutta with a view to improving the control exercised by them.

A few more demands were next voted and the Council was prorogued.

#### Swarajists' letter to the President.

After last evening's incidents in the Bengal Council the Swarajists and the Nationalists did not attend the Council on this day but sent the following letter to Sir Evan Cotton, the President :

Dear Sir,—It is apparent from what took place yesterday that it is impossible for the members of the Council to do their duty by their electorates, as they are not permitted legitimate freedom of debate. It appears that Mr. A. C. Banerjee in the course of his speech said: "It is a department (referring to the District Intelligence Staff) the ostensible object of which is to detect crimes, but we find that in some cases at all event its activities were more identified in manufacturing evidence than in detecting crimes." Sir Hugh Stephenson having objected to that statement, you ruled that you could not allow it without having heard yourself what Mr. Banerjee had said, and without asking Mr. Banerjee as to what he had said. It is clear that Sir Hugh Stephenson made a misrepresentation, and although Mr. Banerjee re-stated to you what he had actually said, you called upon him to withdraw the statement. It is further clear that your ruling subsequently given shows that your first ruling was wrong. We cannot but regard your order calling upon Mr. Banerjee to withdraw as an infringement of the liberty of speech, to which every councillor is entitled, and we find it extremely difficult to discharge our duty as members of the Council if rulings are given in this manner, and if members who insist on their right are treated with such scant courtesy. We have further to observe that this is not the first time that the members of our parties have taken exception to the offensive tone in which they are addressed and the temper displayed by you—(Sd.) B. CHAKRAVARTI, on behalf of the Nationalist Party, and C. B. DAS, on behalf of the Swarj Party.

## Governor's Certification.

H. E. the Governor of Bengal finally certified the rejected budget grants by a Communique issued on May 5th. It says:—

In the session which has just closed the Legislative Council made certain reductions in the Budget demands for reserved subjects. The rejected items of expenditure, which the Governor has certified as essential to the discharge of his responsibility for the subject, are explained below in the order of the major heads of the Budget,

The demand of Rs. 20,05,000 under the head "5—Land Revenue—Survey and Settlement" was reduced by Rs. 2,50,000.

The increase in the estimated cost of survey and settlement in 1925-26 was mainly due to the provision for the minor settlement operations in the Chittagong district. These are necessary because the term of the present settlement expires in 1924-25 and the new settlement must be made within five years. Postponement of any part of the programme would cause loss, not only by the prolongation of the operations but also by the postponement of the increase in revenue expected on the completion of the settlement. The same remark applies to the operations in the Bakarganj district where Government and temporarily settled estates are being resettled. No reduction under the head of minor settlement operations is possible . . . His Excellency is responsible for seeing that economy is observed in these settlement operations, in the interest of the landlords and tenants, who bear three-fourths of the cost, as well as the general taxpayer. He does not consider that it would be consistent with the discharge of that responsibility if he were to agree to a temporary reduction which would result in an ultimate enhancement of the cost by Rs. 2,70,000. His Excellency has, therefore, certified that the expenditure provided for by the demand of Rs. 20,05,000 under the head "5—Land Revenue—Survey and Settlement" is essential to the discharge of his responsibility for the subject.

### General Administration.

The Legislative Council reduced the demand for the grant for His Excellency's Band from Rs. 82,000 to Rs. 42,000. His Excellency has considered the position created by this reduction and has ascertained that in order to give effect to it, it would be necessary to reduce the strength of the band to one director and 12 musicians. A band of this size would be unable to fulfil the functions which the present band performs on ceremonial occasions. On the other hand, it would be larger than is absolutely necessary for smaller functions. His Excellency is satisfied that a director and twenty musicians is the minimum strength required for a band capable of rendering music of the class performed by the present band, and such a band could be maintained at an annual expenditure of Rs. 70,000. The men engaged in the band are all enlisted soldiers and are paid according to their rank; reduction in the cost of the band cannot therefore be effected in any other way than by reducing the strength. If the Council is not prepared to vote the sum of Rs. 70,000 to maintain the band at its minimum strength, His Excellency will be obliged to dispense with the band altogether and to substitute for it a small orchestra. Provision would then have to be made for the occasional hiring of outside musicians for ceremonial occasions.

As His Excellency is of opinion that these facts were not within the knowledge of the Legislative Council when their vote was recorded on the 20th March, he has certified the expenditure of Rs. 14,000 required for a period of six months to cover expenditure at the rate of Rs. 70,000 per annum, and has directed that the matter be re-submitted to the Legislative Council during the monsoon session by means of a supplementary demand for the expenditure of the second half of the year.

### Administration of Justice.

The demand of Rs. 42,000 for the allowance to the Solicitor to Government has been reduced by Rs. 18,000. The present Solicitor was appointed, with the sanction of the Government of India, with effect from the 14th January, 1923, for a term of five years on a contract allowance of Rs. 3,500 per month. The Government Solicitor, in addition to the legal business of the Government of Bengal, is required to conduct:—

- (a) The civil legal business of the Government of India at Calcutta. (b) Criminal work of an advisory nature for the departments of the Government of India located at Calcutta.
- (c) The civil legal business of the Government of Assam at Calcutta. (d) Advisory work

in cases connected with conveyances and leases of a complicated character referred to him by the Legal Remembrancers of the Government of Bihar and Orissa and Assam. The Government of Bengal recover Rs. 1,500 a month, *i.e.*, Rs. 18,000 a year, from the Government of India and the other Local Governments on the amount of the work done on their behalf. The actual cost to the Government of Bengal is therefore Rs. 2,000 a month, Rs. 24,000 a year, which is the figure suggested during the debate in Council as the correct amount for the allowance payable to the Government Solicitor. The above facts do not appear to have been within the knowledge of the members of the Council when they recorded their votes on the 24th March.

His Excellency, while agreeing to explore all possibilities of reducing expenditure under this head, if and when a suitable opportunity occurs, does not at present think that the business of the Solicitor can be conducted efficiently at a less cost than Rs. 3,500 a month. His Excellency has, therefore, restored the full amount.

#### Police.

Of the demands under the head "Calcutta Police," those for travelling allowance, Rs. 86,000, and for "Supplies and Services—Arms and Accoutrements," Rs. 4,000 were refused, while that for "Superintendence" was reduced from Rs. 2,40,700 to Rs. 40,700. In none of these instances was it asserted that the work of the department could be carried on without the provisions in question, and the cuts appear to have had no definite object. The Governor has therefore restored these demands.

A demand of Rs. 25,600 on account of temporary force for the Calcutta Police was reduced by Rs. 20,000. The arguments for the reduction in this case appear to have been based on a comparison with the actuals for the preceding year. The increase over the actuals for the preceding year is due to the employment of an additional temporary force. His Excellency has satisfied himself that the employment of this is inevitable in the present circumstances, and find it necessary therefore to restore the provision.

In two other cases reductions of Rs. 10,000 each were made in the demand for Rs. 72,400 for the pay of Deputy and Assistant Commissioners, which is included in the demand of Rs. 2,40,700 for superintendence under Presidency Police, and in the demand for Rs. 2,50,000 for the pay of sergeants. These were both "lump cuts," not being directed against any particular post the work of which could be dispensed with or otherwise carried out. The reduction in the latter case is small in comparison with the total demand, but Budget provision for each of these heads was so finely cut on the basis of actuals and of the sanctioned force, that the reduced provision is not likely to cover the expenditure for the year. His Excellency has, therefore, restored these two items. In the case of a similar reduction of Rs. 10,000 in the provision of Rs. 1,73,900 for the pay of Inspectors in the Calcutta Police, His Excellency is not satisfied that it will be impossible to meet the pay of the staff out of the reduced provision, and has therefore not restored this item.

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## Suspension of Transferred Subjects in Bengal

On the 13th June 1925 the Government of India 'Gazette Extraordinary' announced, with the sanction of the Secretary of State in Council, the decision of the Government that the transfer of all transferable subjects in Bengal (under Section II of the Devolution Rules) is suspended, with effect from that day till January 21, 1927—that is, for the life time of the present Council.

This does not mean that suspension may not be terminated on an earlier date, should the existing Council indicate its desire to secure reconsideration of the position or should its terms of office be brought to a close earlier.

The resolution announcing this said :—

"The decision that the transfer of all transferrable subjects in the Province of Bengal shall be suspended from June 13, 1925, until January, 1927, has been announced, and the Governor-General-in-Council takes this opportunity of stating the reasons which have led the Government of India and the Secretary of State-in-Council to the decision.

### Council And Salaries

"The present Bengal Legislative Council met for the first time on January 21, 1924. On March 24, 1924, the Council rejected the demand for the salaries of Ministers by one vote. A motion which was equivalent to a vote of censure had, however, been moved in the same Council on February 20, 1924 and had been rejected. The Ministers accordingly did not consider the vote of March 24 as a vote of censure, and they were prepared to continue in office without salary.

"His Excellency the Governor of Bengal also accepted the view that the decision of the Council on March 24 did not necessarily represent its considered opinion, either in regard to the personnel of the existing Ministry, or in regard to the question whether any Ministers should be appointed at all. It was therefore decided to re-submit the matter for the re-consideration of the Council at its next meeting and meanwhile, Ministers continue office.

### Supplementary Demand

"A supplementary demand for the salaries of Ministers was placed before the Council on August 26, 1924 and was rejected by 68 votes to 66. The Ministers then resigned, and His Excellency the Governor assumed charge of the administration of the transferred subjects under the Transferred Subjects (Temporary administration) Rules.

On February 17, 1925, the Council by a majority of 75 to 51 votes carried a resolution recommending that a provision be made for the salaries of Minister in the budget for the year 1925-26.

### Position Defined

"Nawab Bahadur Nawab Ali Chaudhuri, Khan Bahadur, and Raja Manmatha Nath Ray Chaudhry were appointed to be Ministers on March 14, 1925 and at the same time, an official announcement was issued to the Press of which the following is an extract :—

"In order that there may be no misunderstanding it is perhaps desirable to explain in advance what view the Government will take of the action of the Council in certain eventualities. If the demand for Ministers salaries is again rejected in toto, the Government will regard this as an indication that the Council refuses to provide salaries for any Ministers. In that case His Excellency will apply to the Government of India to re-transfer all the transferred subjects, under Devolution Rule 6, and if

## SUSPENSION OF TRANSFERRED SUBJECTS

this is done, Bengal would thereafter be governed by a Governor-in-Council. Any motion to reduce the salaries of ministers to less than Rs. 3,000 a month will similarly be regarded by the Government as a refusal on the part of the Council to provide adequate salaries for any Ministers and, if carried, will have a similar result.

"If a motion to reduce the amount payable to Ministers by any sum between one thousand rupees or two thousand rupees per month is carried, it will be accepted by the Government as a figure at which the Council decided to fix the remuneration of Ministers.

"If a motion to reduce the amount payable to Ministers by a nominal sum, between one rupee and one hundred, is carried this will be regarded by the Government as indicating a vote of censure on the Ministers, who will then resign, and others will be appointed in their place."

## Again Rejected

"The opinion of Council on their successors can be expressed, either by the nominal reduction of one hundred rupees in one of the demands for transferred subjects which has still to be voted, or, latter when a supplementary demand is made in the next session, for the nominal sum which has been reduced. On March 24, 1925 the Council by a majority of 69 to 63 again rejected the demand for the salaries of Ministers though, during the discussion of the motion for the demand, the Hon. Sir Hugh Stephenson made it clear that the total rejection of the demand would be interpreted as indicating that the Council did not desire to have any Ministers at all.

The Ministers then resigned and on March 25, His Excellency the Governor again resumed charge of the administration of the transferred subjects, under the Temporary Administration Rules.

"The present Bengal Council has, therefore, on three occasions, decided to provide no salaries for Ministers, though the issue was very definitely put before it on the last occasion. It is clear that the administration of the transferred subjects by the Governor, under the temporary Administration Rules, cannot continue indefinitely, as such an arrangement is neither suitable nor intended as a permanent form of administration.

"In these circumstances the Government of India and the Secretary of State have no alternative but to accept the thrice expressed desire of the existing Legislative Council that there shall be no transferred subjects in Bengal. For this reason suspension of transfer has been directed for the life time of the present Council, that is up to the 21st January, 1927, which is three years from the date on which the Council first met.

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# The Legislative Assembly

Jan.—June 1925.

# The Legislative Assembly

DELHI—JANUARY-MARCH SESSION 1925

The Winter Session of the Indian Legislature was opened in State at Delhi on January 20, 1925 by H. E. the Viceroy in the presence, amongst others, of the Prince and Princes Arthur of Connaught and a large and distinguished gathering. Lord Reading addressing the members of both Houses of the Legislature reviewed the main events affecting India of the past year and made the following announcements :—

The Government will soon send an officer to examine the lowlands in Kenya for Indian settlement.

Lord Southborough's Committee on East Africa has agreed to hear a representative of India.

It is the Government's intention to appoint an authoritative Currency Committee, and if the present movement towards more stable conditions continues, the Committee should be appointed not later than a year hence.

In view of the Assembly's opinion, the Government will appoint a small committee to report on material existing for an Economic Enquiry.

His Excellency said he fully approved of Lord Lytton's action in certifying the Bengal Ordinance Bill and, taking what he described as a wholly exceptional course, mentioned that the necessity for the Ordinance had been approved of unanimously by both European and Indian members of the Bengal Government and the Government of India.

## The Viceroy's Opening Address

The Viceroy spoke for forty-five minutes, his speech covering the whole ground of Indian political affairs, overseas, beyond the Frontier, and within India itself. It was full of the usual platitudes, quite non-committal in such important questions as the Natal anti-Indian Ordinance and the Muddiman Report, while the only matter which warmed up Lord Reading was the Bengal Ordinance which he had suddenly sprung upon an unsuspecting people. His Excellency referred to the friendly relations with Afghanistan, improved conditions in Waziristan, signs of a trade revival, the position of Indians in Africa where the pendulum had swung against Indian interests in South Africa and in favour of them in East Africa, the Government's hope of finding a solution of the delicate problem of the Natal Ordinance, further protection of the steel industry, the proposed increase in the Government's power to ensure the supply of currency on an adequate scale, the Exchange question which an authoritative Committee will be appointed to examine not later than twelve months hence if the movement towards more stable conditions in the world at large continues, the labours of the Muddiman Committee, and the need for promoting good feeling between the Hindu and Moslem communities. The longest and the most important passage in his speech—of which it formed about one-third in length—was about the affairs of Bengal, and the Ordinance. The Viceroy did not traverse ground which had been covered before in Calcutta by himself and Lord Lytton. (See *Register*, 1924, Vol II.) He wished to refer to certain aspects of the Ordinance and he greatly warmed up as he described the activities which, unchecked, would place helpless citizens at the mercy of a pitiless criminal organisation.

### THE SITUATION IN BENGAL

Lord Reading's tone rapidly became one of grave and weighty monition. He could not believe that the members of any political party would deny that it was the Government's duty to prevent such a condition of affairs. He vehemently denied that the terrorist activities could be checked by the

ordinary law. It was in complete disregard of the facts. He proceeded to take what he described as a wholly exceptional course in informing the Houses that both the European and Indian members of his Executive Council had arrived at the unanimous conclusion that the Ordinance was the only remedy. Lord Olivier and the Labour Government in England had concurred. This part of his Excellency's speech is given in full below by reason of its obvious importance.—

Said his Excellency :—

"It may also become necessary for my Government to introduce to the Legislature a measure to define the powers of the High Court in relation to tribunals and to proceedings under the special Bengal criminal legislation. You are aware that His Excellency the Governor of Bengal has exercised the powers conferred upon him under the Government of India Act and has certified and signed the Bill. I take this opportunity of stating that His Excellency's action in this respect has my full approval, and that I shall support both him and his Government to the extent of my powers in meeting what I regard as a serious emergency. Inasmuch as I have decided to reserve the Act for the signification of His Majesty's pleasure, I do not now propose to discuss its detailed provision or the Bill which my Government may eventually seek to introduce, should His Majesty-in-Council signify assent to the Bengal Criminal Law (Amendment) Act.

'Nevertheless as this legislation had its origin in the Ordinance which I, as Governor-General in the exercise of the special responsibilities laid upon me, promulgated, let me refer to certain aspects affecting the issue of the Ordinance. Very full explanations have already been given to the public. In spite, however, of the full ventilation which the question has received, some important aspects of it appear to be still clouded by the mists of misapprehension in the minds of some sections of the public, and the necessity both of my action and of the course adopted by the Government of Bengal has repeatedly been challenged.

'I shall not travel again over the ground covered in my Calcutta speech. As the result of public discussions it is now admitted on all sides, even by the most convinced opponents of special measures and special legislation, that a terrorist movement exists in Bengal and that widespread conspiracies for violent crimes have been established. The objects which these conspiracies have in view as a result of their crimes are also not disputed. It has been proved by sad experience that the ordinary law, even when reinforced by the use of Regulation 3 in cases to which it can be applied, is ineffective to stop the movement or even to check its growth, and that the progress of the movement involves loss of life not only among officials but among innocent citizens unconnected with Government or with the activities of any political party. Yet, in spite of this knowledge of these facts, there has been bitter criticism of the measures adopted to check and cure the evil.

'I find it hard to believe that those who indulge so freely in criticism have ever seriously attempted to think out the eventual implications of the movement or earnestly endeavoured to consider the responsibilities of Government or of the Governor-General in the case. It is hardly conceivable that any thinking man can approve of the spread of activities which seek to terrorise the population by breaking down established authority through a campaign of murder of officials and do not hesitate to destroy innocent victims who cross their path or to exact reprisals in the form of the lives of those who give evidence or information of contemplated outrages. It is obvious that those activities can only end, if unchecked, in the paralysis of Government and of law and order and may place the lives and properties of helpless citizens at the mercy of a pitiless criminal organisation.

#### DISREGARD OF FACTS

'I cannot believe that any member of any political party in India, even if he is opposed, and vehemently opposed, to the Government as now constituted in India, would deny that it was the duty of Government as now constituted to pass of such a condition of affairs. But it is urged that the Ordinance was not necessary. It is argued that these criminal activities could be adequately

checked by the efforts of the police and the prosecution of the malefactors before courts of justice. I wholeheartedly wish that I could subscribe to this argument, but I cannot accept it because it is in complete disregard of the true facts. It is essential to remember that we were not dealing with criminals who could be arrested and tried for crimes on evidence freely given by persons with nothing to fear from their action in giving testimony. We were not dealing with the violent and open insurrection of a mob, which could be fought with its own weapons. We were on the contrary dealing with widespread secret societies with many ramifications, which had taken the greatest care to conceal their insidious organisations and nefarious plans and were prepared to exact, swiftly and secretly, terrible reprisals upon members of their own society or members of the public giving information as to their actions. You will doubtless remember that I addressed you on this subject at the opening of the proceedings of the Legislature in January of last year. Thereafter the Government of Bengal and my Government were for a long time in anxious consultation in regard to measures and every effort was made to cope with the danger by the ordinary law, reinforced by such special action as lay within our power. Regulation III was used for reasons and in a manner I have previously explained to this Legislature. These measures, however, proved ineffective and finally after exhausting all the weapons in their armoury, the Government of Bengal made a request to my Government. The members of my Government, Europeans and Indians, after careful consideration of the evidence and with full knowledge of the history and character of the local situation, were unanimous in applying to me to issue an ordinance giving special powers to deal with this dangerous emergency. The investigation of the situation did not rest there.

Notwithstanding that it was for me to determine whether the Ordinance should issue, it is for the Executive to assist in administering its powers. Moreover I have, during my term of office, learnt to value the advice of the members of my Council and I have always derived the greatest help from their considered opinions. I therefore consulted them. I am well aware that I am taking a wholly exceptional course in giving you this information, but I do it advisedly after careful thought. The whole question was then studied in all aspects by the members of my Government, both Europeans and Indians, who arrived at a unanimous conclusion that the Ordinance was the only remedy available. The situation was then laid before the Secretary of State, including the proposals for the promulgation of the Ordinance. The whole matter was submitted to careful examination by Lord Olivier and His Majesty's Government as then constituted. They agreed with the course suggested as the only possible method of dealing with the dangers facing the peace of Bengal.

You will thus observe that my action was not only due to my personal conviction of the necessity for it, but that the view taken by me and also by His Excellency the Governor of Bengal has the support and approval of high and experienced authorities, both European and Indian, and was approved by the then Secretary of State. I have already explained elsewhere why the members of the Legislature were not consulted in September last. It has since been urged that the Legislature should have been summoned again before I took the step of promulgation. In my judgment this course was neither in the circumstances desirable nor indeed was it possible, if the means devised were to prove effective. The responsibility was of a nature which could not be shared and it would not be right or proper for me to try to share it with you or to place it on your shoulders. Consultation with the Legislature would have meant publicity. The aim was to prevent crime and to paralyse the activities of the conspiracies.

#### TWO ESSENTIAL FEATURES.

Past experience in the Government of India and the conclusions of the Rowlatt Committee point to the fact that to check conspiracies of this nature with success two features are essential. In the first place, the organisations must not know that general action of a special nature is under contemplation against them, and in the second place, the method of working and the sources of information must not be endangered, directly or indirectly. Any rashness or careless-

ness on these points may make future action entirely fruitless and completely nullify the object to be secured. If discussions in this Legislature had taken place, these conditions could not have been fulfilled and the Ordinance would have proved futile as a remedy for the disease.

There is, I regret to say, a tendency among some sections of public opinion in India, to confuse all administrative acts with influences having reactions on desires for political progress. The repression of violent crime has, however, no affinity with the treatment of aspirations for advance. They have no resemblance in kind or degree and they are phenomena existing on entirely different planes. Terrorism no doubt may sometimes batten on a section of political thought. It may expand like some foul parasite growth deriving strength from living sources outside its own entity. It may flourish for a time in this conjunction if it can cajole or frighten a political party into acquiescence or into encouragement of its activities.

But no political party can continue to live with terror for a friend. The parasite will kill the host. True political progress can have no lot or part with terrorism. Whatever differences of opinion may exist between me and my Government and sections of public opinion regarding the Ordinance, I trust that the members of the Indian Legislature will realise that my action was taken only after the most careful examination of the whole situation and with the sole object of preventing violent crime."

#### THE ASSEMBLY—DELHI—JANUARY 22, 1925

The Assembly first met for formal business on the 22nd January. About sixty questions were asked of which the most important were the following: Questions were asked regarding the reasons for the resignation of Sir D. M. Dalal as High Commissioner in London, but Sir Charles Innes declined to answer and furnish information because he said it would be against public interest! Questions were also asked about the Taxation Committee and the way the Government was flouting the Assembly's vote on the matter to which the Finance Member replied by drawing attention to the Viceroy's speech wherein a Committee was proposed. The personnel was announced of the Economic Enquiry Committee which consisted of Sir M. Visveswarayya as Chairman, and Pt. Harkishen Kaul and Prof. Burnett Hurst of Allahabad as members. The object was to "examine the material at present available for framing an estimate of the economic income of the various classes of the people of British India, to report on its adequacy, and to make recommendations as to the best manner which it may be supplemented, and as to the lines on which a general economic survey should be carried out, with an estimate of the expenditure involved in giving effect to such recommendations." But what the Assembly and the country desired was that the Economic and the Taxation Enquiries should be conducted by the same Committee. The Government however, as is its wont, flouted the Assembly and appointed two distinct Committees for obvious reasons.

The House then agreed to the Commerce Member's motion for election of a panel of 8 members of whom 5 shall be selected to sit on the Central Advisory Council for Railways.

#### REGISTRATION OF TRADE UNION BILL

Sir Charles Innes then introduced a little Bill to permit the levy of fees for the inspection of wireless installations on ships, and Sir Bhupendranath Mitra a more important one to provide for the Registration of Trade Unions. Sir Bhupendranath outlined the purpose of the Bill intended to encourage the development of Trade Unionism in India on healthy lines. It was a simple measure, he said, and it broke new ground in India. The Bill was prepared in response to a resolution adopted by the Assembly some four years ago.

#### THE PAPER CURRENCY BILL

The Finance Member's Paper Currency Bill was then introduced. By the device of substituting the words "one thousand" for "eight hundred and fifty" in the Currency Act of two years ago, the Government will invest in the Paper Currency

Reserve up to the maximum of Rs. 100 crores in order to meet seasonal demands for additional currency and so guard against shortness of money and an unduly high Bank rate. This measure had been "gazetted", so Sir Basil could introduce the Bill and forthwith ask the House to take it into consideration. He gave the Assembly a lecture on India's financial problems and on the effect of the War on world prices, but he was not able to obtain immediate approval of his substantive motion. After the luncheon interval, which was taken on the conclusion of Sir Basil's 35 minutes' speech, Sir Purshotamdas Thakurdas, in a critical mood, moved the adjournment of the debate until another day which was adopted.

#### DELHI—23 JANUARY, 1925.

Next day, after some 20 questions have been put and answered, Sir Shivaswami Iyer moved a message of condolence on Mr. Montagu's death. There was feeling speeches and touching sympathy expressed from all sides of the House and the President undertook to convey the message to Mr. Montagu's family. The President next announced that Mr. K. C. Neogy, Mr. M. A. Jinnah, Sir P. Thakurdas and Mr. D'arcy Lindsay would form the panel of chairmen for the session.

There were three resolutions on the agenda: (a) transfer of the districts of Sylhet and Kachar from Assam to Bengal; (b) appointment of a Currency Committee, and (c) Constitution of a Supreme Court in India. Only the first two were moved but the discussion of both was adjourned. The first resolution was moved by Mr. Aney of Berar instead of by Mr. Chanda, who was the main spirit behind the movement. Mr. Aney referred to the resolution passed by the Assam Council last July that the two districts be re-transferred to Bengal. After Government members had opposed the motion the discussion was postponed till the September Session at the suggestion of Mr. Ahmed Ali Khan,

#### APPOINTMENT OF A CURRENCY COMMITTEE.

But adjournment was also the fate of Mr. Venkatapati Raju's resolution recommending the immediate appointment of a Currency Committee with an Indian non-official majority and an Indian chairman. After the mover and several others had spoken, it was apparent that the debate would drag on till a late hour and as in that case, owing to an Executive Council meeting, the House would be without the Finance Member, the debate was adjourned and the House rose.

Sir Campbell RHODES sympathised with the desire for a Committee but he wanted experts on it, Indians if you like, but as experts not Indians. There should be no attempt to form a packed Committee to register the pre-conceived ideas of the Cotton Green of Bombay or the authors of political diatribes disguised as economic treatises. The restrictions imposed by the mover would, he said, squeeze out the Finance Member from membership of the Committee, for the Imperial Bank of India and the Exchange Banks must be represented, and others as well. Sir Campbell criticised Sir Basil Blackett's mention of a period within which the Government would move to appoint a Committee. That had been done no doubt to conciliate certain opinion.

He was sorry that in spite of their past experience the Government contemplated legislation by the calendar. Sir Campbell agreed that it was wrong for India to be at the mercy of the Finance Member in the matter of Exchange. They would not always be certain of having so brilliant a holder of that office as Sir Basil Blackett, but the time was not ripe for a committee. The mover wanted to say it was. It was coming, declared Sir Campbell, but he counselled a waiting game. He himself was still on the fence between the advocates of a sixteen penny and an eighteen penny rupee. Incidentally, he rebuked the mover for the statement that it was only in subject countries that token coinage was treated as unlimited tender. What about England? If the rupee were to-day fixed at sixteen pence, five crores of additional taxation would be necessary.

The Finance Member briefly recapitulated the reasons which made the Government still delay appointing a committee. He had to oppose the motion, but the difference with Mr. Venkatapati Raju was mainly one of words. The

experts whom the Government wanted would certainly include men who knew Indian conditions. He himself disliked gold currency and ventured to differ from Lord Meston on that point, and he pointed out that it was not necessarily a feature of a gold standard, which would exist without there being a single gold coin in circulation. He would like to see India importing more useful commodities than gold.

Sir Purshotamdas THAKURDAS crossed swords with Sir Campbell Rhodes, and expressed the opinion that in the past Indian currency problems had been badly handled because their solution had been arrived at with too much reliance on the opinion of London and Calcutta, and not enough attention to the views of Bombay. He did not mind Sir Campbell twitting him with having used the arguments of the Bengal Chamber of Commerce. He hoped that that body, which apparently was seeing the light at last, would continue to express views which a man from Bombay could quote with approval.

Pandit Madan Mohan MALAVIYA followed with a brief speech, fervently declaring that what India wanted was gold, more gold and the reversal of the heavy wrongs inflicted on her by past mistakes. The Pandit did not want to impute motives. He believed those mistakes had been honestly made, but he wanted the Committee to be appointed forthwith, to be mainly Indian, and he did not care whether the Chairman was an Englishman or not. Probably he ought to be, so that the Committee could have the best expert advice available to guide their deliberations. He did not think Mr. Venkatapati Raju would trouble about that, if only the Government would reconsider their attitude on the main issue.

Sir Alex. Muddiman at this stage proposed an adjournment which was accepted and the House rose for the day.

#### DELHI—26 JANUARY, 1925.

The Assembly met again on the 26th when the main business on the agenda was the Resolution of Sir Charles Innes for the grant of a bounty of 50 lakhs to the Steel Industry for a year and a Supplementary grant of Rs. 25 lakhs as bounty up to 30th March 1925.

Sir Charles INNES had quite an easy task in proposing that in order to give effect to the declared policy of the Assembly and afford adequate protection to the Indian steel industry a bounty should be paid at the rate of Rs. 20 a ton on 70 per cent. of the total weight of ingots manufactured monthly from pig iron made in India from Indian ores, and that the total amount of the bounty should not exceed Rs. 50 lakhs in the 12 months ending the 30th September next. The question of the merits of Protection, he held, could not be discussed, for the Assembly was committed. The point was that the policy enshrined in the Steel Protection Act had broken down owing to the heavy drop in the price of Continental steel, which, as in England itself, was a serious competitor with British steel and, therefore, a serious competitor to Tata's whose output had been based on British specifications. The Tariff Board's warnings of possible violent fluctuations in the price of imported steel had been fulfilled. Moreover, as always happened when a Government talked about protection, there had been unusually heavy imports made with the view of forestalling the new duties. These had created large stocks which tended to depress prices. The Government put forward the solution of the problem by means of bounties because the Tariff Board's recommendation of increased duties would throw on the consumer an extra burden of Rs. 2 crores, and the benefits accruing to Tata's on that account were incommensurate therewith. Last year the Government had refused to resort to bounties because they had no money. Now the surplus revenue derived from the new duties, partly because importers had not been completely successful in their race against time and partly because they expected the imposition of further duties had been greatly in excess of the estimates. This decided the Government in resorting to a bounty rather than increased Protection, especially as the latter would have to be on a high scale if it were to be effective.

The bounty was to be assessed on production and not on sales as they did not want to encourage forced sales at ruinous prices. Their proposal was more

generous than that put forward by the Tariff Board. The Government felt that the steel industry had reached a very difficult stage in its existence. It was really a national industry and he left sure that the Assembly would support a measure intended to help that industry to win its way through to assured prosperity. The Commerce Member did not forget to give the shareholders of Tata's a piece of advice. It was public property that a scheme of reconstruction had been recommended by the directors. If the Company was assisted by the Government it was the duty of the Company to do what it could to help itself. Sir Charles did not pretend to express an opinion on the merits of the scheme proposed, but he pointedly observed that some form of reconstruction was admittedly necessary, and as the country was making some sacrifices for Tata's it was only fair that the shareholders should themselves be prepared to undergo the same process to put the Company on a firm basis. When the Commerce Member sat down amid applause there was a distinct pause and it seemed that all that the Chair had to do was to put the motion to the vote. Mr. Joshi, however, had an amendment or two on the paper.

#### MR. JOSHI'S OPPOSITION.

These were ruled out of order as the President pointed out that he could not discuss the merits of Protection and the Indianisation of Tata's capital, Tata's labour and Tata's directorate, but Mr. Joshi succeeded in getting in most of his points and, indeed, was actually admonished for exceeding the time limit. Nor was Mr. Joshi less ingenious in his respectful and friendly arguments with the Chair. Sir Charles Innes had admitted that the bounty proposal was made because the policy of Protection had broken down, as Mr. Joshi had said it would last year. Why, therefore, could not Mr. Joshi discuss that policy and show that the real remedy was nationalisation of the steel industry? Sir Charles Innes asked for protection of Tata's, which included protection of the shareholders and their capital. It was, in the view of Mr. Joshi, quite relevant to discuss the protection which should be afforded to Tata's workmen who had invested their lives in the industry. Seventeen hundred of them had been dismissed and was the Assembly going to sit with folded hands and take no steps to make the grant of the bounty conditional on proper treatment of labour? Otherwise, when the matter came up for review in September next they might find that 5,000 more workmen had been dismissed. But the Chair, admitting the cleverness with which Mr. Joshi dressed up the word "Protection" in many guises, was adamant and reminded him that the House was discussing the protection of Tata's against Belgian competitors, not the protection of the Jamshedpur workmen against the Tata Directorate.

The following is the resolution moved by Sir Charles Innes :—

"This Assembly recommends of the Governor-General in Council that a bounty should be paid on steel manufactured in India between the 1st October, 1924, and the 30th September, 1925, subject to the following conditions :—

- (1) The bounty should be paid only to firms or companies manufacturing mainly from pig-iron made in India from Indian ores, steel ingots suitable for rolling or forging into any of the kinds of steel articles specified in Part 7 of Schedule 2 to the Indian Tariff Act, 1894.
- (2) The bounty should be paid on steel ingots manufactured by such firms or companies and the bounty should be paid at the rate of Rs. 20 a ton on 70 per cent. of the total weight of the ingots manufactured in each month.
- (3) The total amount of the bounty payable under this resolution in the 12 months ending the 30th September, 1925, should not exceed Rs. 50 lakhs."

#### THE RESOLUTION CARRIED.

Sir Charles Innes's resolution was put and carried.

The Commerce Member then moved that a sum not exceeding Rs. 25 lakhs be granted to the Governor-General in Council to defray the charge which will fall for payment during the year ending the 31st March on account of the bounty recommended in the previous resolution.



Mr. CHAMANLAL at this stage opposed the grant of protection to the Tatas. He severely criticised the management of the Tatas which lavishly distributed dividends to shareholders four years ago without taking into account that a depression might come. The company had broken every promise even in respect of their labourers. Incidentally he asked the President's ruling whether shareholders of the Tatas who were members of the House could vote. The President, following the procedure in the House of Commons, ruled that such members could vote as matter of right, but as a matter of propriety, it was left entirely to the member's personal judgment.

The second motion of Sir Charles was then agreed to.

The Bill to amend the Merchant Shipping Act 1923 for levy of fees for inspection of Wireless installations of vessels was agreed to without discussion.

DELHI—27 JANUARY, 1925.

Next day the Assembly met to discuss non-official resolutions including the adjourned debate on the resolution on the Currency Committee. An interesting feature of this day's sitting of the Assembly was the explanation by Sir Basil Blackett of the Government's opium policy with particular reference to the session of the Opium Conference and a regular volley of supplementary questions which followed from non-official benches.

#### THE OPIUM QUESTION

Mr. Campbell, the Government of India delegate to the Geneva Opium Conference, had declared again and again at Geneva that he represented "India", and had resented openly and obtained a record on the minutes to the effect that he claimed not merely to represent the Indian Government, but the Indian people. At the Conference itself when the American delegates attempted to bring forth their proposal for the limitation of opium cultivation, in accordance with the medical requirements of the world, Mr. Campbell himself put in, on behalf of the Indian Government, a definite claim, that this issue should not even be discussed, because the Government of India had made a reservation on behalf of "India", and therefore even the discussion of such a remedy for the opium evil might endanger the domestic liberties of the Indian people, which the Indian Government was safeguarding. For nearly three years Mr. Campbell had been manoeuvring at Geneva in order to prevent the American proposals from being accepted. He fought against them on the Advisory Committee and in the Assembly itself; and now again he was contending to the last limit of decency at the last plenary Opium Conference, which was summoned finally to decide the whole question. The Hon. Stephen Porter and Bishop Brent of America both indignantly disclaimed this pettifogging dealing and claimed in their turn a full and frank discussion of the whole position, giving the Government of India official permission at the end of the discussion, to object and to make reservation, if he so decided, on behalf of his own Government. But even this would not satisfy Mr. Campbell, and by his obstinacy and obstruction he brought the whole Conference to a dead-lock, and threw back for the present the progress of opium restriction throughout the world.

For three years, this obstructionist policy has been going on. Most unfortunately, Indians themselves who have gone to Geneva officially under order as commissaries of the Indian Government, have become involved in it. One of those, who was most involved in 1921, was Mr. Srinivasa Sastri; and Mr. Hasan Imam was hardly less involved in the year 1923, along with the Jam Sahib of Jamnagar.

Original questions on this subject were now tabled by Dr. S. K. Datta. Sir Basil Blackett's written answer stated: "Mr. Campbell's replacement by Mr. Walton is due to the fact that he was called to London and Greece in connection with certain matters requiring his presence there. Mr. Campbell is the British representative on the Greek Refugees Settlement Commission and came to assist us in the Geneva Conference only for a short period. Mr. Campbell did not fail to give full satisfaction to the Government of India. Mr. Walton is Assistant Secretary to the Economic and Overseas Department of the India

Office which deals with opium matters and as such is fully conversant with the details of the Government of India's policy. The appointment of Mr. Walton as an Indian delegate was made by the Secretary of State for India and, so far as the Government of India are aware, apart from being asked to pursue the accepted policy, he was not given any specific instructions. The Government of India have seen the newspaper reports. The official reports of the proceedings of the Conference have not yet been received. The Government of India will consider the question of placing copies thereof either on the table of the House or in the library as soon as they are received.

"The Government of India have nothing to add in regard to the deliberations of the first Conference, viz., that convened to consider the continued use of prepared opium in the Far East. Burma is the only province in India in which opium is smoked to any large extent, but arrangements for rationing and registration are so complete and check against the spread of the habit to the younger Burmans so effective as not to leave any room for outside criticisms. As regards the second Conference the position is as below. The Government of India welcome this opportunity of explaining the facts. The resolution of the Council of the League of Nations under which this Conference was summoned had in mind not restriction of the production of raw opium and cocoa leaf to amounts required for medicinal and scientific purposes only, but the limitation of their export for medicinal and scientific purposes, i. e. for the manufacture of drugs. The American Delegation, however, placed before the Conference a redraft of the Hague Opium Convention an article of which requires the contracting parties to confine the production of opium to medicinal and scientific purposes. Mr. Campbell raised the question of competence of the Conference to discuss a matter which was not on the agenda. This had not been in the mind of the Government of India in taking part in the Conference and in respect of which therefore he had not received specific instructions and though the Conference decided against him he reserved the right of the Government of India to raise the question again before the Assembly of the League.

#### GENERAL POLICY OF GOVERNMENT

"The general policy of the Government of India is clear and well known. As regards exports they have no intention to export any drugs or raw materials for manufacturing them to countries that do not want them. In fact the Government of India have gone further and refused or restricted exports in some cases. As regards imports, drugs and raw materials for their manufacture cannot be imported except under a license issued by the Excise authorities and in practice except *charas* (a hemp product) no drugs or raw materials are imported into India otherwise than by smugglers, except for medicinal or scientific purposes. As regards internal consumption the Government of India consider that it is an internal question essentially for each country to settle by itself and that it is not a matter which could be regulated for India by international conventions. Excise is in Governors' provinces a provincial transferred subject and it is for Ministers in consultation with their Legislative Councils to determine the policy. Then there are the Indian States, the rulers of which have to settle their own internal policy. Mr. Campbell was instructed to secure the addition of a proviso to Art. I of the redraft saving the rights of the Government of India to regulate the domestic consumption of raw opium and the Hon'ble Member must have seen from newspaper reports that the Indian Delegation acted accordingly. The second Conference has recently resumed its sittings after an adjournment and it will be convenient to postpone any further statement to a later date."

#### RESOLUTION ON CURRENCY Committee

The debate was then resumed on Mr. Raju's resolution on the Currency Committee. The debate itself was not remarkable for any new argument. Indeed the resolution was well on its way when Mr. Ramachandra Rao toned it down by an amendment to the effect that a Committee be appointed without any avoidable delay and with adequate and effective representation of Indian interests thereon. The general sense of the House seemed to be against this milk and water proposition, but all the same Mr. Jinnah and others supported it in order to help in the Committee being appointed at an early date. Sir Basil Blackett refused to accept even this generous offer of non-officials.

for in speaking on this amendment he said that the Committee which the Government contemplated to bring into existence as soon as trade conditions permitted would be enough to meet the demand. Then up rose Mr. Patel who saw through the game of the Government and asked his Madras friend whether in face of the Finance Member's equivocation he would still adhere to his amendment. Mr. Jinnah was now confirmed of the Government's delaying tactics and hinted to Dewan Bahadur Ramchandra Rao in terms of Mr. Patel's request. Mr. Ramachandra Rao unhesitatingly withdrew his amendment amidst applause.

Sir Basil Blackett then realised the mistake, but it was too late. To add to his discomfiture there was the speech of Mr. Jamnadas Mehta, who had a fling at Sir Malcolm Hailey, a former Finance Member, now Governor of the Punjab. Mr. Mehta, whose amendment in favour of the adoption of a gold standard and the establishment of a State Bank had been ruled out by the President, severely condemned the Government policy in regard to currency and in a ringing voice he declared, much to the dismay of the Treasury Benches, that the Government was committing a fraud on India when under pressure from Whitehall they spent 40 crores by the sale of reverse councils. A person who committed fraud went to jail, but the Finance Member who committed the fraud to the extent of 40 lakhs was now on a provincial gadi! The House applauded Mr. Jamnadas Mehta while Sir Basil Blackett tried to cover the Government weakness by remarking that Mr. Mehta's speech was too strong even for the Assembly, but the tide was turned against the Government. The Assembly by a majority of 14 votes carried Mr. Raju's proposition.

#### RAILWAY GRIEVANCES

The other resolution moved in the Assembly was for the appointment of a Committee to make an enquiry into the grievances of subordinate servants of the railways as to their wages, hours of work, etc. The speech with which Mr. M. K. Acharya initiated the debate was a strong case for the appointment of a Committee and would have evoked sympathy in any quarter. Mr. N. M. Joshi, in whose hands the interests of labourers are safe, encouraged Mr. Acharya with a strong indictment of the Government policy towards labourers. He rightly asked, was it just that when civil servants who were drawing fat salaries got their service conditions confirmed by the Secretary of State and by the British Parliament, the railway servants in India should enter their service on terms which were considered to be temporary and that they should be deprived of even a Committee of enquiry into their grievances? But these appeals made no impression on the mind of Sir Charles Innes who viewed the resolution as an appeal of discord thrown by Mr. Acharya in order to divide the railway administrations from their employees. He deprecated politicians entering the sacred field of railways which, he said, should be free from politics if there was to be efficiency. The horror of the Commerce Member at the growth of a democratic Assembly which was slowly prying into the details of the railway administration was great, but this did not change the Assembly's mood. Further discussion on the subject was adjourned and the House rose for the day.

### DEBATE ON THE BENGAL ORDINANCE

*DELHI—28 JANUARY 1925*

The Assembly met on the 28 January for the great debate on the Bengal Ordinance. There was a tense excitement and the public galleries were packed to the full. Immediately after question-time which was rather dull—

Mr. DORAISWAMI IYENGAR moved his resolution urging Government "that steps be taken forthwith to supersede by an Act of Indian Legislature the Criminal Law Amendment Ordinance 1 of 1924 made and promulgated by the Governor-General for and in the province of Bengal."

Mr. Doraiswami Iyengar said he came from Madras and could not therefore be charged with bias or excitement in dealing with the subject. He referred in turn to the various speeches of Lord Lytton in justification of the Ordinance.

He said that Lord Lytton, in declaring that he was not prepared to give the protection of law to those who worked outside the law, was thereby only proving the public charge that he had enacted a lawless law. Then again the Governor had said that the High Court Judges were not willing to act in the executive capacity. On the other hand, H.E. the Viceroy, in addressing this imbecile Assembly wrongly called Parliament, had assured that judicial opinions of the High Court Judges were being taken.

The PRESIDENT called the member to order for having called the Assembly an imbecile body. The President said that he could not allow such an epithet to be used regarding this body so long as he presided over it.

Continuing, Mr. Doraswami Iyengar said that the Viceroy's speech in Calcutta purported to show that the anarchists had nothing in common with political parties whom His Excellency for the first time credited with constructive work. He asked whether Mahatma Gandhi and thousands of others who were sent to jail were not charged with the same intentions which were now fastened on anarchists. Further, the speaker maintained that between 30th September when the Assembly session ended and 26th October when the Ordinance was issued no political cyclone had occurred. He did not believe any harm would have been done by discussion of the situation in the Assembly. The speaker quoted the special provision of the Ordinance about witnesses, that, in case witnesses were murdered or disappeared in the interest of the accused, then a mere scrap of paper obtained by a special magistrate would be enough to condemn the accused. He asked whether legislation which contained such a provision could stand the light of the day in any civilised country. The single murder of Mr. Day had moved the Government to these extraordinary actions as if the heavens were about to fall. As to the Viceroy, they knew how lawyers were trained to produce facts against the accused (laughter). They knew therefore what to expect from a lawyer-administrator. Mr. Doraiswami Iyengar admitted that the announcement about the unanimity of Indian members was a revelation but one of them had already left the shores of India. Another had retired, and a third was on the eve of retirement. The speaker further asked how a person like Mr. S. C. Bose about whose innocence and character both Indian and European opinion was unanimous was arrested. He felt that the Assembly ought to have been consulted. As for the recrudescence of crime, he said it was due to the removal of the great moral force of Mr. Gandhi by imprisoning him. It was Mr. Gandhi's creed of non-violence which had checked the movement. He suggested to the Government to put Mr. Gandhi in charge of Bengal and see the results. (Laughter and applause).

Mr. Doraiswami Iyengar took his seat after speaking for three quarters of an hour.

[The PRESIDENT, reminded the House of the existence of a Standing Order which restricted them from reflecting upon the actions of the Governor-General or the Governors. No doubt on an occasion like this it would be a little difficult to comply with the Standing Order without deflecting the course of debate, but if the members kept on to the standard observed by Mr. Doraiswami Iyengar there would be no necessity for the intervention of the Chair.]

Sir Alexander MUDDIMAN said that he had desired to state the Government position as precisely and clearly as possible but the mover had made his task somewhat difficult. He had said that the whole action was taken because of a single murder of Mr. Day and had ignored that there was a bristling history of crime behind the Government's action. The fact had been fully given in the statements issued by the Viceroy and the Government of Bengal. The conspiracy existed for a long time from 1908 onwards till it was finally crushed and the movement was broken by action of the kind which was now being taken against a similar movement. The germs of the movement which were there though paralysed took foot in 1923. During this year attempt on the life of Mr. Tegart, the Police Commissioner, was discovered; a series of outrages, dacoities and murders including that of Mr. Day showed there was an organised conspiracy behind the movement and that it was in possession of dangerous type of revolvers and bombs. In March a bomb factory was discovered by accident and the discovery of bombs at Faridpur showed that the bomb-making was not confined

to Calcutta. In July "Red Bengal" leaflets were distributed at the town hall meeting. He read the text of a leaflet which threatened to "despatch forthwith" all those who took part in the prosecutions. That the men who led this red leaflet movement were not ignorant but worked with great intelligence, was shown by the discretion they used in issuing these leaflets. These were, for instance, served on the Judge, Standing Counsel and witness who took part in the Manikola Bomb case trial. Later the body of a youth who had become approver was found murdered, mangled and mutilated on the railway line. There were then a series of outrages which showed that the terrorists did not hesitate to murder men like dogs who stood in their way or disclosed their secrets.

The assassin, the Home Member warned the House, was an extraordinarily difficult man to deal with. It was impossible to protect even the highest in the land. Under such circumstances to have come and asked the Assembly to sanction the measures necessary would have paralysed the course of Government activity against terrorist associations. He also informed the House that between July and the issue of the Ordinance six further attempts at murder were made but they were frustrated either by the timely action of the police or purely by accident (he would say, by the hand of Providence). It was in the highest interest that he should not disclose the name of these six persons, whose lives were in danger. It was when the situation was thus deteriorating that the Government decided to act. "Some say we were premature in taking action. I say, you may gamble with your own life, but is it justifiable to gamble with the life of others? At least the Government, whose spokesman I am, does not think so".

As for provisions of the Ordinance, the Viceroy had already assured them that it would not in any way touch the liberty of citizens so long as they did not take part in the terrorist movement. The Home Member confessed surprise at criticisms of the mover against special provision about the evidence of those who might be murdered or might disappear in the interests of the accused. This, he thought, should have been least objectionable. As for locking up the accused without bringing them for trial, his own training was against such action. The Governor of Bengal, a man of Lord Lytton's ability and understanding, could not like it. As for the Viceroy, he, an ex-Chief Justice of England, liberal in politics, liberal in ideas and trained in the best school of the English bar and one who was not a bureaucrat dried up by the sun of India (laughter), could not have liked such a course. Indeed no one among the members of the Government liked it. He would put it on the lowest ground: they could not have liked to see an agitation against their action if they could have avoided it.

Then there was the charge that the Government action was directed against parties. He read from the provisions of the Ordinance showing that it was aimed only at those who were connected with the party of violence. The Home Member regretted the remarks made by the mover about the Session Judges who examined the cases. He asked whether the history of British administration justified the charge that men of the position of Session Judges should, with out satisfying themselves, sign a death warrant which had already been prepared by the Executive. Continuing, he said: "If the argument is that under no circumstances and under no conditions are power of this nature to be given to the executive, I entirely differ from that. There comes a time when the safety of the State is the only law and that time was coming close in Bengal. There is a time when the State must either grapple with the forces of terrorism or go under." Could any one in his senses think that before dealing with these conspiracies the Government must have come to the Assembly and discussed the proposed arrangement?

Mr. Rangaswamy IYENGAR :—How do they do it in England, Sir?

Home Member :—Such occurrences there are rare. It was a reasonable question for them to ask when were the accused to be brought to trial. That was the question he asked himself, but as every lawyer member would know, the most effective witnesses in such cases were approvers, but if the approvers were to be produced they would be either murdered or they would have to be perpetually expatriated to save their lives. The Home Member added: "If

I were an approver, I would hesitate under these circumstances before taking any risk'. Whenever possible the accused would be brought to trial.

The next question, he said, might be as to how long these men were to be kept in jail. His reply was that, so long as it was in public interest to do so and not a day longer. (Laughter in non-official benches.) The Home Member emphatically declared that the Government action had already given terrorists a rude shock. It had dislocated their organisation and had gone far to crush the movement. Unless the terrorism was terminated, he could not let his police officers and men come forward to give evidence to share the fate of the man whose corpse was found mangled at the railway line.

The Home Member next paid his tribute of admiration to the police of Bengal, particularly that in Calcutta, for their work. He also recognised the assistance rendered in Bengal by the public including coolies in arresting culprits, which spoke well of the citizens of Bengal.

The Home Member further asked : "Do you think repressive measures will arrest political progress ? Look at the Irish State where they had to resort to measures at which people in the country might have revolted".

Mr. GOSWAMI :—They forced the Government by the use of arms.

Concluding, the Home Member pleaded that even if the Assembly repudiated that Government's action "You must agree with us that political progress will be obstructed by terrorism, that the most criminal enemy of the country is the man who advises terrorism to be the path to political progress". (Loud and prolonged applause.)

Mr. BEPIN CHANDRA PAL was the first to speak after the Home Member. He admitted that in Bengal there was a movement of revolutionary patriotism. It owed its origin to the partition agitation. It owed its existence to two forces, namely, the will of the people to freedom and the will of domination of representatives of the Imperial power in India. The Government adopted certain harsh and unnecessary measures and these irritated the youthful intelligentsia of Bengal. Honourable gentlemen like Aswini Kumar Datta and Krishna Kumara Mitter were arrested and kept in jail without trial or any other process of law. There could have been no reasons of State to keep them in jail. If such was the past experience, how were they to believe that there were reasons of State against those now arrested and imprisoned without any evidence having been mentioned against them, except of course the statement of the Government ? Mr. Pal referred to the evidence brought by the police in connection with the Kona Murder. Every one knew that the man who confessed that he had driven some motor car from the place of occurrence to a certain village was asked to drive a car which he failed to handle. (Laughter.) This was the kind of evidence brought by the police against those whom they suspected. Mr. Pal, however, admitted that there had been murders and dacoities, but where was the evidence, he asked, that they were actuated by political motives. No doubt the murder of Mr. Day convinced him that there was real recrudescence of crime in Bengal. Mr. Das frankly admitted it. Sir Alexander Muddiman said they knew the existence of conspiracy long ago, but what were the Government doing at that time to suppress the crime ? Why did the Government give latitude to anarchists to carry on their propaganda ? Why did they not take measures to prevent the circulation of poisonous literature ? What then was the use of promulgating this Ordinance now ? "Were you trying to make up a case so that you might take into your hands these extraordinary powers not only to put down real political murder, but also prevent development of propaganda for legitimate freedom in this country ? We are anxious to put down this political anarchism but you make it very difficult to do so, for by your Ordinance, you have created widespread sympathy for anarchists. It is public sympathy which feeds criminals and your unstatesmanlike action has added to that sympathy."

Proceeding Mr. Pal said it was true that the Government of Bengal feared that the lives of some of their officers were in danger, but, asked Mr. Pal, what public men were there in India, or in England, or any part of the world, who were not threatened with these things at some time or other. In fact he

was actually shot at during the days when the Age of Consent Bill caused agitation in the country. He was one evening writing something and from another street a shot was fired which struck the gas post near him and he did not know where the bullet went (laughter), but he kept a cool head.

Sir Alexander MUDDIMAN :—Why did not you give information ?

Mr. PAL : I did not know the murderer. What was the use of giving information to the police who would give me trouble and inconvenience (laughter) ?

Proceeding Mr. Pal said that if the murders were committed by men in the street, murders which clearly could not be said to have any political object behind them, then, surely, those who had power in their hands should take all these things as part of their day's work and not take extraordinary laws with a view to protect themselves from these occasional and accidental criminal acts. He appealed to the Government to release those men who have been arrested and thus bring peace to Bengal which she badly needed in the great task of the building up of the nation. Let the ordinance be repealed, or at any rate let there be an assurance that the measure would not be worked in the spirit in which Bills of this kind were enforced. Let these persons be released and then there would be peace in Bengal. The Government should without delay fulfil the political aspirations of the people and then the situation would be such that no anarchical conspiracies would find any place in India.

At this stage Mr. Jinnah said that there was a strong feeling on this question in the House that full opportunity should be given to the debate. He appealed to the Home Member to allot another official day or at least to agree to have this discussion carried over to a non-official day.

Sir. Alex. Muddiman expressed difficulty to allot an official day, but he had no objection to a non-official day being utilised.

Sir B. N. MITRA, Member for Industries and Labour, said, he was one of the young members of the House who joined it after the Ordinance had been promulgated. Mr. Doraiswami Iyengar had insinuated that two members of the Viceroy's Executive Council subscribed to the policy of the Government with out giving the subject the care which it demanded because they were about to leave the Cabinet.

Mr. Doraiswami IYENGAR ;—That is more than what I meant. (Laughter.)

Sir B. N. Mitra :—I wish Sir Mahomed Shafi were here to defend his action, but I feel it incumbent upon me to repudiate the insinuation. I have not the slightest doubt that Indian members subscribed to the policy after due consideration of the facts of the case. Sir Alexander Muddiman has already told you about the existence of the terrorism movement in Bengal. Mr. Pal himself admitted it, but I may be pardoned if I say that Mr. Pal was somewhat inconsistent. First of all, he accused the Government for their not taking action against those who spread leaflets and then he accused the Government for taking this action. This is inconsistency. Mr. Pal wants to know the evidence which compelled the Government to take this extreme step. Disclosure of that evidence would lead to more murders. The reign of terror was there in Bengal and it was necessary to protect innocent people, especially the innocent youths, from being terrorised into imbibing revolutionary ideas. I don't see how the Assembly can take exception to that action. Mr. Pal has a suspicion, not about the measure itself, but about the machinery which will work the measure. If that is so, the discussion really becomes one of improving the subordinate police in Bengal and not a discussion on the merits of action taken by the Government !!

Mr. RANGACHARIAR supporting the resolution objected to the use of the expression "revolutionary patriotism" to describe the anarchists. It was neither revolution nor patriotism. Crimes which were brought to light were secret anarchical assassinations. It was the duty of every right-thinking man to dissociate himself openly, publicly and unambiguously in this matter. There was no right-thinking man who had any secret inward or outward sympathy with this movement. He was glad to hear Sir Alexander Muddiman saying that ignorant masses were helping the Police to arrest crimi-

nals and in suppressing crime. That was also the disposition of the people in other parts of India. But Lord Reading and Lord Lytton had unfortunately lent their hand to a misguided course of action and thereby they were undoing the good work begun when the Montford Scheme of reforms was inaugurated by the Duke of Connaught with the words "autocracy is dead". The Government had deliberately chosen to distrust and mistrust the legislature in the matter. This House should not have been ignored in such an important matter and the Repressive Laws Committee had advised the Government that it was far better to trust the legislature and take the risk than ignore that body. The Government could at least have consulted the standing advisory committee attached to the Home Department of which he (Mr. Rangachariar) believed he was a member. He asked why this committee was not consulted when they were in Simla last September and at which time correspondence must have passed between the Government of India and the Secretary of State on the situation in Bengal. The action of the Government was therefore a slight, an undeserved slight, to the Legislative Assembly. Had any member of the Assembly at any time disclosed the secrecy which was confided in him? He (Mr. Rangachariar) was a member of the Frontier Committee and privileged to see several secret documents. Could it be said that he had abused the confidence reposed in him? The action of the Government was, Mr. Rangachariar complained, un-British and safeguards provided in the Ordinance were illusory. Was Bengal so honeycombed with anarchical organisations that without such an objectionable measure they could not carry on the administration? Mr. Rangachariar thought that this could not be so. If the Government ignored the Assembly, then this Assembly also should ignore them. (Loud Non-official applause.) If the Government would give all facts concerning the serious nature of the anarchist movement in Bengal, then he (Mr. Rangachariar) would go beyond the bounds of party discipline and support Government in their measure.

Col. CRAWFORD, the representative of the European Association, speaking on the resolution said that the grant to the executive of extraordinary powers of the nature of the Ordinance was more repugnant to his community, with their long tradition of freedom and personal liberty, than it could ever be to any other member of this House who had but learnt the meaning of freedom under the protection of the British flag. The community took special steps to assure themselves that the measure was essential for the protection of freedom and personal liberty. The danger to freedom and personal liberty from the terrorist movement was far greater than any that could come from the hands of the Government. Those who pleaded for the rights of criminals could not surely realise the results that must arise should that pleading prove successful. The feeling amongst his constituents in Calcutta at the failure of the Government to take action against those who would interfere with the lawful liberties of citizens has run very high, though sober counsels had prevailed. The Government of India should realise the strength of public feeling and not ignore dangerous possibilities arising from the reckless murder of innocent Europeans in public streets, but of greater importance were the dangers that arose from attempts by Russian Bolsheviks to exploit the revolutionary movements in India wherever found!!!

After rolling on such rigmorole and referring to the Cawnpore Bolshevik conspiracy case and the leaflet issued by two members of the All-India Congress Committee at Belgaum over the signature of the Communist M. N. Roy, Col. Crawford said that if the resolution was accepted, then this House would be deliberately playing into the hands of Russian Communists!! Much lip service had been paid to non-violence. Many resolutions had been passed condemning anarchy and terrorism but the authors of the notorious Serajung resolution and those who supported it at Nagpur and Ahmedabad could not escape responsibility which history attached to them.

Col. Crawford said the Government of India was not wise in appointing the Repressive Laws Committee and in acting on their advice in the repeal of measures introduced for the special purpose of dealing with the menace of this nature, before they had taken steps to provide themselves, under the new constitution and through this House, with powers adequate to cope with such



emergencies. The vacillating policy of the Government of India and the late Secretary of State had much to answer for. (Laughter.) As one who had some experience of intelligence work, Col. Crawford emphasised that secrecy was essential to success in such cases and pointed out that there were proper safeguards provided in the Ordinance against possible miscarriage of justice, and further, the Government of India were going to introduce a Bill enabling those arrested under the Ordinance to appeal to the High Court.

The voting in the Bengal Council, said the gallant Colonel, on the Criminal Law Amendment Bill was unconvincing. Sir P. C. Mitter, who opposed the introduction of the Bill, did so on grounds that were so illogical as to ruin once for all his reputation as a statesman (laughter). There was a large volume of public opinion in Bengal, if not exactly vocal, silently grateful that the Government had at last seen fit to take action against anarchists. If it was true, as the Home Member himself admitted, that Mr. Subash Chandra Bose was connected with the revolutionary movement, both prior to and subsequent to his appointment as Chief Executive Officer, then he could not understand how the Government could have given its sanction to his appointment.

Proceeding, the Colonel said, none of his community believed that the Government could be run continuously by use of emergency powers of this nature. The Government must take early steps to remove the real cause of the trouble and every one must help to bring about such a state of affairs that would shorten the life of the Ordinance. The root cause was discontent arising from economic causes. He appealed to Indian leaders to change the course of activities of Indian youth into channels that would benefit India.

Mr. JINNAH, who spoke after Colonel Crawford, referred to the Viceroy's speech justifying Government not having consulted the Legislature over the Ordinance and said that if the responsibility of administration could not be shared with the Legislature, the position of this House was worse than that of an advisory body. He could not conceive of any country where a measure of this description would be tolerated and the guilty were put in one category. Under this Ordinance, if he were to be a citizen of Calcutta, he should have to owe his allegiance not to His Majesty, but to Mr. Tegart, Commissioner of Police. Mr. Jinnah also objected to the Ordinance on the ground that no evidence had been put forward showing that a state of emergency had arisen. If the Government wanted to get rid of violent crimes then there must be good Government, i.e., Government responsible to the representatives of the people. If they in the Assembly were not considered as interlopers and if the Government would like to follow their advice, then he would say "revise your policy, come down from your high pedestal, discuss with us on equal terms as to what India wants and meet us reasonably and then this terrorism will be destroyed."

Mr. AMARNATH DUTTA declared that Government's action clearly showed that it was directed against the Swaraj Party. He spoke of his experience in his district of Burdwan where Government officers exercised influence by threats against the Swarajist members being returned to local boards. What was true of Burdwan was true of other districts. He asserted that the Government had taken Mr. Das's diagnosis of the disease, but did not accept his remedy.

The debate was at this stage adjourned and the House rose.

DELHI—30TH JANUARY 1925

On the 30th January, after interpellations, some exchange of views took place about the day for the continuance of the debate on Bengal Ordinance. Eventually the President agreed on the suggestion of Pundit Motilal Nehru to dispense with the question hour on Thursday, the 5th February, and thereby allow the House to resume debate on the Bengal Ordinance.

#### Non-Official Bills

Sir. H. GOUR then moved his motion to recommit his Age of Consent Bill to the Select Committee. This was agreed to.

Sir. H. GOUR next moved for a Select Committee on his Bill to provide for the better management of Hindu religious and charitable trust property, and for ensuring the keeping and publication of proper accounts in respect of such properties. The motion was carried by 53 votes against 39.

Dewan CHAMANLAL moved that his Bill, making provision for the weekly payment of wages to workmen, domestic servants and other employees, be referred to the Select Committee.

Sir B. N. MITRA moved that the Bill be circulated for eliciting public opinion. Mr. Chamanlal had no objection to public opinion being ascertained.

Mr. NEOGY then moved for the consideration of his Bill to amend the Railway Act in order to prohibit the reservation of compartments in Railway trains for the exclusive use of persons belonging to any particular community, race or creed. Eventually, the motion for consideration of the Bill was carried, fifty voting for and thirty six against it. The Bill was also passed.

Mr. N. M. JOSHI then moved for reference to a Select Committee his Bill regulating the employment of women in factories, mines, etc., sometime before and sometime after confinement, and to make payment of maternity benefits. Sir B. N. Mitra wanted an adjournment of the discussion which was granted.

DELHI—2ND FEBRUARY 1925

A heavy official legislative programme appeared on the agenda when the Assembly met on the 2nd February. The majority of questions were put by Dewan Chamanlal, Mr. Gayaprasad Singh and Mr. Amarnath Dutta. The questions mostly asked for information on Railway matters and the position of Indians in Mauritius.

#### Paper Currency Act Amendment Bill

Further consideration of the Paper Currency Act Amendment Bill was resumed by Mr. J. MEHTA who moved for the appointment of a Select Committee. He said that newspaper report during the past week including Mr. McKenna's speech in favour of a Gold Standard must have afforded unpleasant reading to the Finance Member. Mr. Mehta said that since 1920, when the Government fixed the 2 shillings ratio, there had been a contraction of currency to the extent of 50 crores. Added to this was the loss of another thirty crores of currency, and such a position had been characterised by the Finance Member as healthy. It was, no doubt, healthy from the point of view of the importer from Manchester. It was healthy for Government remittances, and for those who wanted to remit salaries to England. It was healthy for foreign interests; but it was ruin to the producers of the country. Then

again, Indians had always protested against the Secretary of State keeping more funds than he needed. The proposed Bill suggested a remedy which would only put that Whitehall Moghul in still greater funds than he needed. The remedy proposed was, therefore, wrong.

Sir Campbell RHODES moved the following addition to clause 2 of the Bill :

“ Provided that the value of created securities included in the said securities at the price at which they were purchased shall not exceed 500 million rupees.”

Mr. V. J. PATEL, who had also given notice of an amendment on the lines of Sir Campbell, urged the Finance Member not to repeat his recent practice of utilising the interest on securities for balancing his budget. This interest, he said, should be utilised for righting off created securities.

Sir Campbell Rhodes' amendment was adopted, and the Bill, as amended, was passed.

#### Official Bills

Sir Charles INNES next moved that the Bill to provide for the better regulation of cotton ginning and cotton pressing factories be referred to a Select Committee. The motion was passed, with the addition to the Committee of Mr. Fleming.

On the motion of Sir Alexander MUDDIMAN, the Bill to repeal certain enactments whereby breaches of contract by laborers were made punishable under the criminal law was taken into consideration and passed without discussion, Messrs. Joshi and Chamanlal thanking the Government for this salutary measure.

#### Salary of Assembly President

Mr. GRAHAM introduced the Bill to determine the Salary of the President of the Legislative Assembly. The Bill proposes a salary of Rs. 4,000 per mensem. Mr. Graham pointed out that this was a tentative figure, proposed as a basis of discussion. The Legislative Assembly would, in considering the measure, see that the President of the Assembly got more than what Presidents of local Legislatures might get.

Sir Basil BLACKETT then introduced the Bill to amend the Income-tax Act of 1922. He said that difficulty had been felt in assessing individually supertax partners in registered firms where there had been a change in the constitution of the firm owing to one or more of the partners retiring, and new partners being taken into the firm, or a change for any other reason in the share of profits to which individual partners are respectively entitled.

#### DELHI—3RD FEBRUARY 1925

On the 3rd February, after interpellations, Mr. JOSHI resumed his speech on his motion for a Select Committee on his Bill to confer maternity benefits to women laborers employed in factories and mines and on those estates to which the Assam Labour and Emigration Act, 1801, applies.

Sir B. N. Mitra moved for the circulation of Mr. Joshi's Bill. This was put and carried.

#### Non-Official Bills

A somewhat prolonged legal discussion took place on Dr. Gour's motion for a Select Committee of his Bill amending the Special Marriage Act.

The object of the Bill, said Dr. Gour, was to remove an anachronism. He said that the Majority Act fixed 18 as the age of majority, while, under the Special Marriage Act, no person could marry upon the age 21 without the consent of the father or guardian. Thus, a person who attained 18 years, but had no father or guardian, could not marry until the age of 21. He wanted to remove this anomaly.

Mr. Tonkinson moved for the circulation of the Bill. This was put and carried.

Dr. GOUR also introduced his Bill to declare the right of Hindus to make settlements of property by way of trust in favor of their families, children and descendants.

Mr. Kumar Sankar RAY next introduced his Bill to amend the Medical Degrees Act with a view to confer on the Provincial Legislatures the power to permit Universities, Medical Corporations, examining bodies and other institutions to confer any title or qualification signifying fitness to practice Western Medical Science.

### Repeal of Repressive Legislation

Mr. PATEL asked for leave to introduce his Bill to repeal certain special enactments supplementing the ordinary criminal law. The enactments his Bill proposes to repeal are the Bengal Regulation of 1818, the Madras Regulation, 1819, Bombay Regulation, 1827, the State Prisoners' Act, 1850, the Punjab Murderous Outrages Act, 1867, and the Prevention of Seditious Meetings Act, 1911. Mr. Patel said that a convention had been established that ordinarily the introduction of a Bill should not be opposed, and he hoped that the Home Member would observe that convention. He said that the Assembly had recommended the repeal of repressive measures, but when the Government brought forward no Bill, he thought he might assist the Government by bringing forward his repealing Bill. (Laughter).

Sir A. MUDDIMAN, the Home Member, in a speech full of warmth and vigour opposed the introduction of the Bill. He said that he was surprised that Mr. Patel included in the Bill the Punjab Murderous Outrages Act, which gave the Executive power to restrain homicidal maniacs. Would Mr. Patel also withdraw the regulations giving the North-West Frontier Government power to protect their officers who were daily risking their lives for the safety of India on the Frontier against fanatics with murderous tendencies? Mr. Patel would use the ordinary law. Of what use, asked the Home Member, was the ordinary law in such circumstances?

Then turning to the Bengal Regulation and similar measures the Home Member said that he did not like the Regulations which give power to the Executive to take away a man's liberty without bringing him to trial; but ruling a country of 300 million people the Executive could not afford at the present time to dispense with that power which had been used for the benefit of the peaceful inhabitants. His predecessor, Sir Malcolm Haily had prophesied the present situation in Bengal. At one time when he was away from the Government he pooh-pooched some of the fears of Government officers. But when he himself entered the Home Department he fully realised the reality of the menace. He referred to the inflammatory leaflets which were being circulated all over the country. With considerable force Sir

Alexander said that he did not believe that anybody in the House looked forward to winning freedom by overthrowing the existing social system by wading through blood to a bank which could never be reached. But there were people trying to raise such a movement in India with help from outside, and he was surprised that the Government was asked to deprive itself of the power to deal with these enemies of India. "Let us have our own quarrels in our own way," exclaimed Sir Alexander, "but let us be united against the enemy from without."

He (Sir Alexander) would read to the House a pamphlet which was being circulated widely among the students. At this Mr. Ranga Iyer shouted that he had received it, too, and saw nothing objectionable in it. Perhaps Mr. Iyer had circulated it, humorously suggested the Home Member. There was jeering from the Swarajist benches when Sir Alexander read to the House some of the passages from the document in his hand. He quoted one which in the name of India's freedom incited Indians to revolt by making the inflammatory suggestion that the English and Indian officials of a "foreign Government" were committing outrages on the women of India. The passage led to the merriment of the House and the Swarajists ironically cheered and jeered. In the midst of the uproar Mr. B. C. Pal asked whether Sir Alexander could prove that the pamphlet was published by the revolutionaries and insinuated that it was circulated by other sources. The Home Member indignantly challenged the Bengal member to make his insinuation clear. Did he suggest that the Government had issued the pamphlet? "Not the Government, Mr. Pal retorted, "but, as Sir Reginald Clarke had recently stated, the *agents provocateurs*, who are the servants of the Government." With the utmost indignation Sir Alexander Muddiman repudiated the monstrous suggestion. The uproar increased but it was quickly stilled by the President.

The motion was then put and the Bill was introduced by 50 against 40 votes.

#### Other Bills.

Sir Purshottamdas THAKURDAS asked for leave to introduce his Bill to amend the Indian Coinage Act with a view to restore the exchange ratio of 1-4 and reverse the legislation of 1920. The Bill was introduced.

Mr. V. J. PATEL next introduced, without discussion or opposition, his Bill to amend Section 124.A. I.P.C., with the object of making punishment under this Section and omitting the punishment of transportation for seditious offences.

Sir Harisingh GOUR introduced two Bills for amending the Transfer of Property Act. The object of one is to define the word "attest", and the other Bill proposes to remove certain doubts as to the right of a person to effect a transfer of property otherwise than provided by the Transfer of Property Act.

Mr. Harichandrai VISHINDAS introduced his Bill to consolidate and amend the law relating to arbitration in British India.

Sir Purshottamdas THAKURDAS introduced his second Bill to amend the Paper Currency Act with a view to revert to the exchange ratio of 1-4.

#### Amendment of Cr. P. C.

Mr. V. J. PATEL next asked for leave to introduce his Bill to amend the Code of Criminal Procedure. In his statement of objects and reasons,

Mr. Patel says, "There is no reason why the inhabitants of the British Colonies should receive the same privileges as the inhabitants of the United Kingdom, when, as a matter of course, Indians are treated as an inferior race in the various Colonies. Similarly, Americans and Europeans should not get privileged treatment unless they modified their laws to give special reciprocal treatment to Indians."

Mr. LINDSAY opposed the motion of Mr. Patel and advised the Assembly to show a spirit of tolerance and greater dignity. The motion was pressed to a division and carried, 49 voting for and 41 against it.

#### Repeal of Repressive Laws.

Mr. PATEL then moved for the consideration of the Bill to repeal certain special enactments supplementing the ordinary criminal law, which was introduced a few minutes before. In making this motion Mr. Patel said that a number of respectable persons had been imprisoned without trial. Even the Home Member had admitted that the Government had not found it necessary to apply the Seditious Meetings Act for some time. Why, then, should the Government still cling to this measure, which was enacted only as a temporary measure? The Government could not put down anarchy by repression, which would only drive discontent deep underground. If anyone was responsible for the present situation in Bengal, it was the policy adopted by the Government. If there were bomb factories and if people took to revolutionary steps, then it was the Home Member and his Departments and his over-zealous subordinates who were responsible and not the leaders in the country. Continuing, Mr. Patel observed that Indians detested anarchy more than the Government, because it afforded an opportunity to the Government to suppress legitimate political aspirations and movements.

Mr. Patel had not concluded when the House rose.

DELHI—4TH FEBRUARY 1925.

#### Trade Union Bill.

On the 4th February the Assembly devoted itself to the consideration of officials Bills. Sir Bhupendranath MITRA moved for a Select Committee on the Trade Union Bill. He again stressed the salient object of the Bill. The Government, he emphasised, was not out to create Trade Unions; it only aimed at fostering the development of those which cared to take advantage of the protection afforded by the proposed Bill. It was feared that it might defeat the objects of the Bill to the extent of the protection of the Bill to unregistered unions. He defended the Government of India's decision against making registration of Unions compulsory.

Mr. W. S. J. WILSON moved that the Bill be referred to a Joint Committee of both the Houses.

Mr. JOSHI, Labor representative, opposed Mr. Wilson's motion and criticised at length the provisions of the Bill. He said that when he moved the resolution asking for Trade Union legislation, he wanted a sound Bill, but not the Bill that the Government had drafted. He wanted bread, but was given bread mixed with stone. The views of the employers on the Bill showed that they favored compulsory registration, and asked for suppression of unregistered Union groups. He was not surprised to receive this opinion from European employers; but he was surprised to see it also emanate from

the Indian Merchants' Chamber and Millowners' Association. If this was the attitude of the Indian capitalist towards freedom of labor, then why should the masses be called upon to sacrifice 50 lakhs, given in the form of bounty? Why should the cotton excise duty be abolished, and why should the masses suffer by the adoption of the Exchange ratio at 1-4.

Mr. Joshi also objected to the section of the Bill which restricted the use of Union funds to Trade Union purposes only. He felt that a trade union would not be worth having if it was not permitted to use its funds for running its candidates for elections and for assisting another trade union in distress. Mr. Joshi asked the Government not to hurry with the Bill, because trade unions were not sufficiently educated yet to realise fully the effects of the proposed Bill, and should be given time to consider the Bill further. He urged the Government to grant to Indian labor the real freedom granted to labor in England. Concluding Mr. Joshi moved that the proposal that the Select Committee should report within a fortnight be dropped. This was accepted by Sir B. N. Mitra.

DELHI—5TH FEBRUARY 1925

On February 5th the House resumed discussion on Mr. Acharya's resolution for the appointment of a Committee on the grievances of subordinate Railway employees.

Mr. JOSHI moved for the addition of a clause to the resolution urging the Committee to consider the question of representation of Railway employees on the Railway Advisory Committee.

Dr. DATTA moved an amendment that the grievances referred to in the resolutions be enquired into by the Central Advisory Council or by any Special Committee elected by that body from among its members.

Dr. DATTA's amendment was put and carried. The original resolution, as amended by Dr. Datta and Mr. Joshi, was also carried without a division.

### Adjourned Debate on Bengal Ordinance

After this, in accordance with the arrangement made on the 30th January last, the adjourned debate on the Bengal Ordinance was resumed by Pandit Motilal Nehru who spoke for more than an hour.

In rising to support Mr. Doraiswami Iyengar's resolution against the Bengal Ordinance, Pt. MOTILAL said that he did not propose to trouble the House about the primary duty of the State to protect the rights of the people. "I know the utter futility of basing any argument upon the rights which, in spite of royal proclamations and repeated assurances, we know we do not possess, and cannot enjoy under an alien Government, the sole sanction of which lies, not in the will of the people, but in naked, brute force". The Pandit said that he would, therefore, confine himself to examine the material placed before the House by the Home Member, and to expose the hollowness of those grounds, he would go direct to the facts, or rather, the mixture of fiction placed before the House, and show that there was no justification whatever for the promulgation of the Ordinance.

#### The Government's Case.

The Government's case, he began, was that there was a widespread and deep-seated movement of a revolutionary character which aimed at the overthrow of the British Government by the murder of its officers and terrorism. It might be freely admitted that there was a revolutionary movement, and that there was some organisation which directed its operations. The question was whether that movement was so deep-seated as to call for any extraordinary action and the suppression of the ordinary criminal law. He hoped to show that no such case had been made out by the Home Member. The

Government case had been tersely put by Lord Lytton in a Resolution explaining the reason for issuing the Ordinance. The Bengal Government said: "The terrorism of witnesses and juries, the failure of juries, through fear, to return verdicts in accordance with the evidence, the murder of witnesses and persons who have confessed or turned King's Evidence, the fear of witnesses to disclose the facts within their knowledge, all these combine to render justice unobtainable under the existing law. These have already operated in more than one recent case." Pandit Motilal said that he would proceed to test the accuracy of this statement and would refer, one by one, to the string of cases quoted by the Government in justification of the Ordinance.

#### "An Unscrupulous Police"

In May, 1923, a dacoity was committed near Howrah, and this was stated to have marked the opening of the campaign of terrorism by the revolutionaries. This case was entirely false. It was fabricated by the Police, and was supported by perjured evidence. *The Calcutta Weekly Notes* showed that the dacoity was based on a family quarrel, and that the approver, who said that he had driven a car, when asked to drive a car, could not do so. This was the case which was made out by the Police to show that there was a revolutionary movement in Bengal. Mr. B. C. Pal had referred to this point rather playfully. Pandit Motilal considered it a serious matter. "It shows what was the genesis of this terrorist movement in Bengal after 1919. It shows that your Police is unscrupulous. It shows that it has so far gone the depths of depravity that it will let go the assassin who has nothing whatever to do with anything political, but in order to bring a movement into discredit, will go the length of manufacturing cases and implicating persons whom it does not like. This is the case which, they say, marks the beginning of terrorism."

#### Ultadingi Post Office Case.

The next case quoted was the Ultadingi Post Office case. He did not find this as having been dealt with independently, but found it included in Alipore Conspiracy case. In this case, the so-called approver broke down, and the Judge and Jury agreed after a protracted trial, and acquitted the accused. "I ask, in the name of commonsense, could any Jury in the world have committed persons of a conspiracy when the evidence of the most important witness before them was clearly fabricated and clearly perjured?" What happened after, as soon as these persons were acquitted and they came out into the Court verandah? They were again arrested under Regulation III of 1918. The Police Court knew something about Regulation III, and wanted the sanction of the Governor-General and of the Governor. It was not there. These persons were therefore, arrested under Section 54, Cr. P. C., and, in the meantime, the Governor-General's order under Regulation III were available.

#### Sankaritola Murder Case.

Next came the Sankaritola murder case. How could this be connected with the revolutionary movement? Loot, in this case, appeared to be the principal objective. Did these murders reveal the state of affairs described by the Bengal Government in the extract he had read? "It was not the Police, but the private citizens of Bengal who captured the assailants in both these cases and brought them to justice. What happened then? Witnesses came forward, and gave evidence fearlessly, upon which the jury and Judge convicted the accused, who were sentenced to death, the highest punishment provided by law. Is there here any ground for the pretence that justice was miscarried?"

#### A Railway Robbery

Continuing, Pandit Motilal said that next occurred a robbery in December, 1923, when property worth Rs. 17,000, belonging to the Bengal-Assam Railway, was robbed. The robbers, as usual, had not been traced by the Police, and the property had not been recovered, but while the police were engaged in their investigation, they struck upon some persons possessing pistols. These were arrested by villagers, or by the help of villagers. In one case, said the Home Member, a Police Sub-Inspector was shot like a dog. It was true a Sub-Inspector was shot down. The witnesses in this case gave evidence, and the accused were convicted and sentenced. "Even taking the case to have been prompted by some revolutionary organisation, where, I ask, is the justification for showing that the ordinary law has failed, and for justifying the promulgation of the Ordinance?"

#### Discovery of a Bomb Factory

Then, by sheer accident, the police, while engaged in manufacturing some other cases against innocent persons, came across a bomb factory. The men were arrested, tried, convicted and sentenced. What more did they want? There was no witness in the case



who showed any fear in giving evidence against any one of the accused, and the jury did not feel shaken.

#### Mirzapur Bomb Case

Then followed that Mirzapur bomb, which was thrown into a Khaddar shop, and a person was killed and another seriously injured. The Police were not there. It was one man in the shop who chased and captured the assailant. The Police, as usual, turned up later. There was the case, and one man was convicted.

Sir Alexander Muddiman : There was no conviction.

Mr. Goswami : The Government withdrew the prosecution.

Resuming, Pandit Motilal said that a great deal had been made out of the murder of an acquitted person, whose dead body was found on the railway line. It was said that he had made a statement to the Police. "Here was a man who was unanimously acquitted by the Jury. I want to know when he made that statement to the Police, implicating himself and others, would he have gone and said soon after acquittal, 'I am very sorry that the jury has acquitted me. Please take down my statement.'" How can a man believe that a person acquitted that way will go to the Police and make a statement? I should like to know before whom that statement was made. I should also like to know through what processes this man passed before he came to make that statement."

#### "Government's Case not Proved"

"These then are all the cases quoted by the Government. There are some which undoubtedly show anarchical crime. I have admitted its existence from the outset but where is the case where the approver has been murdered, where witnesses have failed to come forward, where juries have failed to return a verdict of 'guilty'? What has been established, on the other hand, is that wherever there has been a case in which it was possible for the private citizens of Bengal to help in the capture of criminals, in the prevention of crime, they have come forward readily to assist even at the risk of their lives. Are you going to reward these men who have served the public in that way by putting them in the hands of the Police, in the way you have done by this Ordinance? What is more serious is the reckless way in which the Police are manufacturing these cases. Look at the history of crime in other countries. You will find that many more cases of this character have occurred. Crime there was put down by the ordinary law, by the Police. Here, the Police proved wholly incompetent, and has miserably failed in the discharge of its duty. The only case which stands to the credit of the Police is the accidental discovery of the bomb factory (Laughter). The real fact is that all those phrases, those murders of witnesses, intimidation of juries, and all the rest have been borrowed from the Rowlatt Report." Whatever justification there was in the murder of a prisoner by his co-prisoners in 1908, as a Royal amnesty has been granted to all prisoners in 1912, the Government would be stultifying itself by referring to pre-1919 cases. Lord Lytton's Government had said that difficulties had arisen in "more than one recent case." "Show me", said Pandit Motilal, "one single, solitary instance of the difficulties encountered about witnesses, juries, and Judges, and threats to approvers of the nature referred to in the extract."

Continuing, Pandit Motilal said that the extent to which these fictions could go was proved by Earl Winterton's reply to Mr. Scurr in the House of Commons when the noble Earl stated that there were cases in which there was the murder of witnesses. The Home Member had said that prosecutions would be undertaken when witness would come forward, and there was a sense of security. The speaker maintained that witnesses had come forward already and given evidence.

#### The Case of Messrs. Dutta and Mitra

Proceeding, Pandit Motilal said that the Home Member had stated that there were about to occur five attempts at murder of officials in October and July, and proudly stated that the vigilance of the Police saved them, and he also piously added that they were saved by the hand of God. The speaker was amazed at the credulity of the Government. They knew that all these were cases fabricated by the Police. He would give another example. Mr. B. C. Pal had referred to the case of two worthy sons of India—Mr. A. K. Dutt and Mr. K. K. Mitra. Sir Hugh Stephenson, in the Bengal Council, in defending the Police, had stated that he personally knew Mr. K. K. Mitra, and entirely acquitted him of sympathy with terrorist crime. In the case of Babu A. K. Dutt Sir Hugh Stephenson said that Mr. Dutt was proceeded against under Regulation III. "because of his whirlwind campaign of anti-Government speeches." "At this moment," added Pandit Motilal, "I am making anti-whirlwind speeches. Why not take action against me?" (Laughter). Sir Hugh had admitted that, in the cases of both these

men, the activities for which they were restrained were open and public. "You do not get hold of honest men whom you believe to be working in the interests of the country." Pandit Motilal, at this stage quoted from Lord Morley, and said that history repeated itself. Lord Morley wrote to Lord Minto, that though the latter observed that detention would frighten evil-doers, the former held that such a policy did not work out brilliantly in Russia.

#### "Agents Provocateurs"

The Home Member had, the other day, expressed his indignation at the mention of agents provocateur. This was what Sir Reginald Clarke, ex-Commissioner of Police, Calcutta, had written to *The Times*; "I have had much experience of these agencies in the East, and often wonder whether they do not raise more devils than they lay. One has to use them (Police informers) to fight anarchy, but their inevitable concomitants, the *agents provocateur* and the *lettre de cachet*, alienate public opinion to such an extent that they can never be continued for long."

There was another point to be noticed. Mr. B. K. Dutt and Mr. J. L. Chatterjee had forwarded through the Government of India a memorial to the Secretary of State. Of these persons who were arrested, one of them was to be the Editor of *Forward* newspaper, and the other, the Manager Editor of a vernacular newspaper which had declared its policy to be Swarajist. They had been granted an amnesty in 1918, and were arrested again under Regulation III. The charges against them were; (1) you were arrested and detained as State prisoners and released under the Royal amnesty; (2) you were conspiring with certain persons to overthrow the British Government; (3) you started and maintained Ashrams which were centres of revolutionary recruitment; (4) you were directly connected with the collection of fire arms; (5) you were connected with Indian agents of the Bolshevik M. N. Roy; and (6) you were privy to the murder of Police officers. "Who is there," asked Pandit Motilal, in this House, who can defend himself against such charges? If I were charged with them now, what can I say?

Pandit Motilal further quoted from this memorial, stating that a certain *agent provocateur* was locked up in a gaol and gave secret information from the gaol that, during Non-co-operation days, this person was trying to incite young men to form a party of violence. The Memorialist believe that whatever violence had been committed in Bengal was due to innocent men being duped by this *agent provocateur*, and further, that this agent's name leaked out in an identification parade in connection with the Alipore Conspiracy Case, and it came out in Court, and that his name had been penned through and that of an accused put instead for obvious reasons. The point was not pressed by the Counsel for the defence. Pandit Motilal asked whether, in the face of these facts, the Home Member would feel any indignation at the mention of *agents provocateur*. People in this country thought that there were such agents.

Continuing, Pandit Motilal referred to the remark of the Home Member, that because the Viceroy, who was an ex-Chief Justice of England, had examined the cases, therefore, they must accept his decision without further going into the matter. "If the Viceroy were again to take his seat on the Bench and had the same evidence placed before him, he would be the first man to throw it out as wholly unreliable. Leaving aside the ex-Chief Justice, even if there were angels examining these materials, the conclusions would be unreliable. The materials placed before you is tainted and unreliable. Some one said that a Judge did not make a good administrator. I do not agree with that. The Judge when he becomes an administrator, is like a boat cut off from its moorings. There must be evidence which should stand the test provided by Law."

The Pandit saw absolutely no justification for the issue of the Ordinance, but when the Ordinance was promulgated by the Governor-General, it was wrong to say that the responsibility was solely that of the Governor-General in keeping it in force. "I deny, Sir, that His Excellency is solely responsible for keeping it in force. I say that this House has the constitutional right and responsibility, undivided and unshared by any body, to decide, when it meets in session, whether the ordinance is to continue or not. With this object, I submitted a Bill, but His Excellency has disallowed it. Firstly, His Excellency had no justification for exercising the right of promulgating the Ordinance; secondly, His Excellency has no say in the matter, which is for this House alone to determine, whether the Ordinance should be confirmed or withdrawn. He admitted that one section made the introduction of Bills subject to disallowance by the Governor-General, but this power could only be exercised in very exceptional circumstances. If there was, for instance, a rebellion in India, he might have disallowed the introduction of

his Bill. There was no rebellion on foot. On the other hand, dinner parties were going on (laughter), and they were going to have Baby Weeks as well (renewed laughter). Pandit Motilal said that the Home Member had told them that the Government was not devoid of political foresight. He was sorry to say that commodity had never been found to be available in the bureaucratic shop.

Mr. Doraiswami AIYENGAR said that since the last debate, Mr. Subash Chandra Bose had been removed some where to Rangoon, and another man, who was arrested, had not been allowed to see even his father on his deathbed. This was the kind of treatment which, we were told, was admirable. It was really vindictive. It appears that the Bengal Ordinance was promulgated for the peace of mind of Mr. Tegart. He did not agree with either Mr. Das, or Pandit Motilal Nehru, or with the Home Member, that there was an anarchical conspiracy in Bengal, because no evidence had been put forward to show its existence. The Home Member had said that ammunition had been smuggled from foreign countries. What was the Police doing when this was going on? What a sad commentary was this on the criminal administration of Bengal? The Ordinance was *ultra vires*, and he feared that the Government were only chasing a will o' the wisp in attempting to trace the real revolutionaries, who did not exist.

Sir ALEXANDER MUDDIMAN, in winding up the debate, made a short speech. He congratulated Mr. Doraiswami Iyengar on his eloquence, and Pandit Motilal, on his carefully reasoned speech, but it was left to Mr. Doraiswami Iyengar to put forward the plea that there was no revolutionary organisation at all. The Home Member did not want to go on with the constitutional point raised. If Mr. Doraiswami Iyengar meant that there was no moral sanction behind the Ordinance, then, that was not a constitutional point. But, Mr. Iyengar had referred to the attempt on the life of Mr. Tegart as an alleged attempt. The Home Member assured the House that attempts had been made to murder Mr. Tegart, and this fact was borne out by the statement of the young man who was hanged for shooting Mr. Day.

Proceeding, the Home Member said: "I have given the House all the information to show that a conspiracy does exist, and in my previous speech, had given all the facts to prove that the ordinary law was not sufficient. I have read the pamphlets to show that propaganda is widespread, and if anyone has still any doubts, then let him peruse the judgment of the Allahabad High Court on the Cawnpur conspiracy case. I did not hear Pandit Motilal suggest that this Ordinance was made and promulgated for the purpose of suppressing any political party. In that matter, at least, I am glad the Assembly has come nearer to the facts.

"In conclusion, let me say that in regard to this Ordinance, we did act constitutionally. We brought this before the Bengal Legislative Council. That is the legitimate and proper place for special legislation for Bengal, and that legislation, the Bengal Council rejected; and now the matter is before the House. I have no desire to suggest that any member of this House will vote otherwise than in accordance with his conscience, and according to the needs of the country. I do ask you to consider seriously what the effect of an adverse vote on this question will be. Will you not be sending a message of encouragement to the revolutionaries? (Cries of "no, no") You may not, but I ask you to consider it. It is not for me to advise you that on the decision of this House are written, *persumt et imputantur*, (i.e., they perish and are written down).

Mr. T. C. GOSWAMI asked why nothing incriminating was found during the house searches made in Bengal, if really the Ordinance was meant to enable police officers to take anarchists by surprise. Then Mr. Goswami asked the Government to produce any incriminating document, found in these searches. The fact of the matter was that there was nothing incriminating, but Lord Lytton had explained the position away by saying that the police were so busy in finding these persons that the weapons escaped their notice. (Laughter). The Viceroy, in his opening speech last year, had stated that the alleged evidence collected against the accused persons, i.e., the Regulation prisoners, would be sifted by two High Court Judges, and as Mr. Das so ably put it, Judges could not be found by the Government to sift the evidence. This fact showed the nature of the evidence which the Police brought up against the accused persons. The Ordinance was devoid of even the academic merits of a well-presented case, and the principle which had been challenged by this Ordinance was a principle of elementary law, no matter what the ex-Lord Chief Justice had said to the contrary.

The resolution of Mr. Doraiswami Iyengar for the supersession of the Bengal Ordinance by an Act of the Legislature was pressed to a division and carried, amidst loud non-official applause, by 58 against 45 votes.

DELHI—9-10TH FEBRUARY 1925.

On the 9th February the Assembly held one of its shortest sittings. After a few interpellations the House passed without discussion the Indian Soldiers' Litigation Act Amendment Bill as amended by the Select Committee. This Bill proposed special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions.

#### Repeal of Repressive Laws.

Next day, Feb. 10th, further consideration of the Special Laws Repealing Bill of Mr. V. J. Patel was taken up.

Mr. RANGACHARIAR moved for the reference of the Bill to a Select Committee. He was making this motion with considerable diffidence, which arose from the fear that like the proverbial peace-maker, he might come to grief in trying to appeal to irreconcilable and impatient forces on both sides. On one side sat a mandated majority thirsting to purge the Statute Book of these special laws; on the other side sat the Home Member, entrenched behind the Council of State showing an implacable opposition to these measures.

Sir Alexander MUDDIMAN said that, when he opposed the introduction of the Bill, it followed that he could not accept any other motion relating to the Bill. He admitted that he spoke with warmth the other day. He would avoid it to-day. He had sufficiently spoken on the previous occasion on the Bengal situation. He had pointed out the danger from outside to the foundations of the Government. As for the Repressive Laws Committee, whose recommendations for the repeal of the Regulations the members had referred to, the Home Member drew attention to the footnote written by the Committee before the ink of the report was dry. This footnote opined that in view of the Malabar Rebellion, the action taken was justified, since the Committee reported that an emergency had arisen. To those who argued that the Legislature should be depended upon for arming the Executive with emergency powers, the Home Member recalled the failure of the Bengal Legislature even to allow the introduction of the Ordinance Bill. Mr. Rangachariar's motion for a Select Committee showed at least that Mr. Rangachariar realised that there was much to be said on the subject, and had recognised that before taking away the weapons of the Executive, they must act advisedly. If he were to agree to the motion for a Select Committee, he would be accepting the principle of repeal of all these measures.

Continuing, the Home Member said that the fact was that once the Government had appealed to the Legislature without success. He felt that it would be difficult to convince this or any Legislature about the necessity for special measures unless the conditions had gone very far.

Mr. Jinnah asked whether the Home Member was opposed to the repeal of every one of the Acts included in the Bill.

The Home Member replied: "I am, as at present advised". The Home Member added that if he had been put that question under normal conditions, the reply of the Government might have been different. To-day, conditions in India, particularly in Bengal, were such that he must oppose the motion for a Select Committee. He appealed to the House to co-operate in preserving law and order. "It is not merely a political necessity, it is a social necessity and on it depends your life and my life and the whole of the social fabric."

Mr. Rangachariar withdrew his motion for a Select Committee in view of the Government's attitude.

#### Adjournment Proposed.

Sir Sivaswamy IYER moved for an adjournment of the debate for a few days in order to enable non-officials to discuss informally with Government members, understand the actual position, and come to some arrangement on this question. On Mr. Patel favoring an adjournment the debate was adjourned.

#### Amendment of Cr. P. C.

Mr. PATEL next moved for the consideration of his Bill to amend the Cr. P. C. with a view to remove those special privileges which Colonials enjoyed under the Code. He said that his object was not to disturb the compromise arrived at, but only to give effect to the recommendation of the Racial Distinctions Committee. It was well-known that the last Assembly accepted the inclusion of Colonials in the term "European British Subject" as the result of pressure from the British Government. Personally, he (Mr. Patel) did not agree with the compromise which that Committee had arrived at, because there were even now several galling distinctions between an Indian and an European in the matter of procedure and sentences. An Indian could be sentenced to 7 years, whereas an European could be sentenced to two years. An Indian British subject could be tried by Second and Third Class Magistrates, whereas Europeans could be tried only by First Class Magistrates. There was also the distinction in the case of obtaining a writ under the Habeas Corpus Act. These were some of the distinctions which he wanted to be removed, but for which he had not brought any proposal. His Bill was only a limited measure, and confined to Colonials. He did not see why British Colonials should enjoy more rights than Indians.

Mr. LINDSAY, in opposing the Bill, said that it was entirely opposed to the spirit of good fellowship with which Europeans joined in the deputation to the Viceroy on the South African question. He would like to know what had happened during the last 18 months for this amendment to be brought before the Assembly. If they threw out this Bill, then it would have a great effect on South African public opinion. He moved that the debate be adjourned *sine die*.

Pandit Motilal NEHRU, in supporting Mr. Patel's motion and opposing the motion for adjournment, said that much had been said about the spirit of compromise under which the Racial Distinctions Bill was passed. Thanks to the Heavens, neither he nor his friends of the Swaraj Party were a party to that compromise. If anybody entered into any compromise, he did so in his own personal capacity, and not after consulting the feelings of the general public in India. He, for one, treated the compromise as a scrap of paper and would not touch it with a pair of tongs. Every minute that this House passed by without removing the distinctions that existed between an Indian and a European or a Colonial or American was a disgrace to them. The feeling of every true Indian was, and ought to be, not to put himself the question as to why this legislation was allowed to pass on to the Statute Book, but when it should be removed from that Book (Applause).

Ultimately, Mr. Lindsay's motion for adjournment of the discussion *sine die* was put and carried, 44 voting for the adjournment and 42 against.

## President's Salary Bill

Important Official Bills appeared on the order paper on this day. Mr. GRAHAM opened the debate by moving for the consideration of the President's Salary Bill.

Mr. Ahmed Ali moved for a reduction of the proposed salary from Rs. 4,000 to Rs. 3,000. This was put and lost by a majority of only one vote, the division being 46 against 45.

Mr. Hussanally then moved an amendment that the President should devote his whole time to the duties of the Assembly.

Mr. Wilson supported the principle of Mr. Hussanally's point, and he wished that the Government assisted in making a proper draft to statutorily debar the President from undertaking any other work.

The President (Sir Frederick Whyte), addressing the House, agreed that the President should be a whole-time officer, and should not take any part in public activities which might possibly impair the impartiality of the Chair. If the House was desirous of providing this statutorily, and provide that the President should not accept remuneration of any other kind, then the best thing would be to postpone the passage of the Bill till another day. In the meantime, the Government draftsmen would be able to draw up a proper proviso.

This being agreed to, Mr. Hussanally's amendment was carried and all the clauses passed, but the final passage of the Bill was deferred.

## Other Official Bills

Sir Basil Blackett's Bill amending the Income-Tax Act by legalising certain department of super-tax was passed without discussion.

Sir Basil Blackett next introduced, on behalf of Sir Charles Innes, a Bill to amend the Tariff Act.

Sir Alexander Muddiman next introduced his Bill to define and limit the power of certain Courts in punishing contempts of Court.

DELHI—12TH FEBRUARY 1925.

## Indians in Tanganyika

On the 12th February, owing to the unavoidable absence of Sir Purshotamdas Thakurdas, Mr. Shanmukham CHETTY moved recommending to the Governor-General in Council to instruct representatives of the Government of India at the next meeting of the League of Nations to ventilate there the grievances of Indians in Mandated Territories, especially in Tanganyika, and to seek immediate redress thereof. Mr. Chetty said that the crux of the Indian grievance was that Indians in Tanganyika, who formed 90% of the commercial community in the territory, were asked to keep accounts in English or in Swahili character, and those who did not keep their accounts in such a manner had to pay for the translation of the accounts. This was very hard on the Indian merchants, who were generally Gujerathis.

Then, again, the Pedlars' Ordinance was very hard on the Indian pedlars. He recalled the prolonged hartal observed by the Indian commercial community in protest, and the representation made by the deputation to the Colonial office. When the Government of India was approached, it

replied, as usual, that it was paying "due attention and had called for a report from the Trade Commissioner in East Africa."

Mr. Chetty read from the provisions of the Covenant and said that the British Government was acting merely as agents of the League, and that, as India was paying 11 lakhs towards the upkeep of the League. India had a right to submit grievances to that body. He also pointed out that though Indians formed 90 per cent of the trading class, four Belgian traders were able to secure the right of keeping their accounts in French. Mr. Chetty suggested that Tanganyika was observing the Boer spirit which was manifesting itself in Kenya and other neighboring places.

Mr. GRAHAM, Legislative Secretary, opposed the resolution in the interests of Indian settlers in Tanganyika. He deprecated the loose terms in which the resolution was couched. He emphasised that the Mandatories undertook the mandate only in the interests of civilisation. In imposed on them a heavy burden and great responsibility, without any compensation advantage or profit.

Perhaps, 400 languages were spoken by the members of the League, and it would be impossible to recognise every language. French had been allowed in Tanganyika because it was the recognised official language of the League. They could, therefore, claim only a concession and not a right. He further quoted from the Articles of the Covenant, showing that any dispute should first be settled by negotiation, and only if it was not settled should it be brought before the International Court for adjudication. He also quoted from the provisions of the Covenant regulating the action of a mandatory and granting rights of administration and legislation. His main ground for opposition was that the Government had already been making vigorous representations, and hopeful negotiations were proceeding. This resolution wanted them to break up those negotiations and go before the League. Moreover, before they took the case to the League, they must be sure of the strength of their facts and case, but should they take that step when negotiations had been explicitly provided for, and were bearing good results?

Mr. RANGACHARIAR, who was a Member of the Colonies Committee, in supporting the resolution, claimed elementary justice. He admitted from knowledge that the Government of India had made protests and representations; but they had been negotiating and negotiating. He recalled that when years ago, a deputation waited on the Viceroy, he assured that as Tanganyika was being taken over as a Mandated Territory by the British Government, the interests of Indians there would be duly safeguarded. What happened in practice? Even the right which Indians had enjoyed for long long years under the Germans, to maintain their accounts in Gujerati, had been taken away. When the law was originally passed, French was not recognised as an official language, and the French Government protested, and within five minutes, French was recognised. The Government of India, in charge of 300 million people, was still negotiating, and had referred to fancied difficulties. The fact was that the Secretary of State for India went from one room in Whitehall to another to the Colonial Secretary and knelt before him for the Indians' claims. There was no firm stand. He recalled that Sir D. P. Sarvadhikari, when a member of the last Assembly, had moved that India shall cease to be a member of the League. If the Government did not secure redress from the League, this tendency to give up

membership of the League would be strengthened. The fact of the matter was that the Mandatory Powers were also "Trustees" of India, and therefore did not listen to the Indian protest.

Mr. BHOPE, Secretary, Education Department, which deals with Overseas questions, said that the first grievance of Indians in Tanganyika was about licences. The Government of India, as a result of their representations, had now got an assurance from the Colonial Secretary that the renewal of the licences would be a matter of course on payment of fees. What more satisfactory assurance was wanted?

As for the language requirement, the Government of India represented that it would be particularly hard on small traders. The Colonial Secretary therefore agreed to exclude all persons from this requirement whose profit was below £160 a year. Then, again, they secured the postponement of the Ordinance till April, 1926. The Government pursued the matter further, and he announced that the Colonial Secretary has agreed to re-examine the whole position. They might be charged with having been unduly patient; but did not this patience pay? I can conceive of no more inopportune moment for pressing this resolution, and hope the mover will not press it."

Resolution Carried.

The Resolution was put to vote and carried, the Government not claiming a division.

#### Postal Grievances

Mr. B. C. PAL moved: This Assembly recommends to the Governor-General-in-Council that a Committee, to enquire into the grievances of the Postal staff be constituted, to be composed of nine members, of whom three shall be chosen from among the non-official members of the Legislative Assembly, three to be Government officials, and three to be elected by the Executive Council of the All-India (including Burma) Postal and R. M. S. Union, the Chairman of the Committee being a non-official member of the Assembly.

Mr. Pal said that when he signed the notice of this resolution along with other members, he felt that the postal employees should have a hearing. The Government might say that a Committee was appointed five years ago, and the postal people might reply that they had no representative on it, and that its report dissatisfied them. Then, again, the telegraph employees had been treated better. They had one Committee in 1920, and another in 1923. Mr. Barton, General Secretary of the Telegraph Association, was represented on it, and had secured almost all that the Telegraph employees wanted. Mr. Pal admitted that the Postal employees were not so well organised, but declared that they were the most efficient, the most honest, the most hard worked, and the most deserving among public servants in India. They were also the least paid. Prices had gone up. The Government should hold an open enquiry.

Mr. JINNAH, who was the President of the Postal Conference held some time ago, in speaking on the resolution, appealed to the Government to recognise the existence of grievances among the subordinate employees in the Postal Department. The grievances had been enumerated by the Conference. They wanted an enquiry into (1) suitable scales of pay for all



classes of officials, (2) number and pay of supervisory staff, (3) duty and local allowance, (4) house accommodation, (5) increase of staff and reduction of hours of duty, (6) increase of holidays, (7) suitable buildings for post offices and rest houses, (8) overtime allowances, etc. The Government could not say that they had not heard of these grievances. There were distinctions made between the rates of pay to Postal employees and rates of pay to Telegraph employees. If the Government could give an assurance that they would themselves look into the matter with a view to meeting the legitimate and real grievances of the employees, then he would appeal to Mr. Pal to have the discussion adjourned till the September session.

Sir B. N. MITRA, replying to Mr. Jinnah, said that the Government were willing to examine, in consultation with the representatives of the subordinate employees of the Postal Department, all their grievances. Beyond this, he was not prepared to commit the Government to anything. The question bristled with difficulties, and they must find money. He feared that there was a deficit of about ten lakhs in the Postal and Telegraph Department budget in the coming financial year. Replying to Mr. Ramachandra Rao, Sir B. N. Mitra said that he was agreeable to receive a deputation of employees' representatives.

#### Debate Adjourned.

Mr. JINNAH moved an adjournment of the debate till the September session on the understanding that the Government was willing to discuss and consider the grievances of Postal employees and would give them an opportunity to send their representatives on deputation to wait upon the Government members and that the grievances would be considered sympathetically, and not in the spirit that everything that could be done had already been done. This was carried.

DELHI—16TH FEBRUARY 1925.

#### Supplementary grants.

Quite a heavy list of business appeared on the order paper of the Assembly on this day. The first 23 motions were demands for Supplementary grants under various heads totalling about one and a half of crores of rupees. Some official bills were also introduced.

#### Govt.'s Opium Policy

After interpellations regarding the purchase of Natal Coal for the Sukkur Barage in preference to Indian Coal, the House proceeded to discuss supplementary grants. All these demands were passed without reduction. A little discussion, however, took place on the demand under Opium. Mr. Ramachandra Rao and Dr. Datta raised a number of points, to which Sir Basil Blackett replied. General discussion of the opium policy was postponed till the budget discussion. The Finance Member explained the view taken by the Government of the commercialisation of the accounts of the Opium Department. Replying to Dr. Datta's charge about the gross miscalculation of their estimates, the Finance Member showed how difficult it was to form estimates about the crop at the time the budget was presented. He assured Dr. Datta that increased production did not mean that there was increased smuggling. He did not agree with Mr. Rao's suggestion that to

finance opium production by borrowing money would in any way help the Provinces.

A discussion took place on another motion of Mr. Ramachandra RAO when he pressed the Government to state whether it was contemplating participation in the Empire Exhibition. He hoped that India would be saved the burden this year.

Sir Charles Innes said that he could not add to his previous statement on the subject. He hoped to make a fuller statement when the budget demands came. He opined that it was not likely that the Government of India would take part officially, and that there was no chance, so far as he could see, of making any demands for grants in this year's budget.

The HOME MEMBER next moved the House to agree to the election of Standing Committees to be attached to the various departments. This was carried by 90 votes against 38.

#### Official Bills

The Home Member introduced a Bill to amend the Prisons Act. This Bill proposes, *inter alia*, to give effect to the following recommendations of the Gaols Committee, which have been accepted by the Government.

(1) That the maximum period of separate confinement should be reduced from six to three months ;

(2) that solitary confinement should be abolished as gaol punishment ;

(3) that change of labour as a punishment should be restricted to a stated period ; and

(4) that the following additions should be made to the exception to the combinations of punishment enumerated in Section 47 of the Prisons Act, 1894, (XI of 1894): (1) penal diet in combination with standing hand-cuffs; (2) cross-bar fetters, in combination with standing hand-cuffs or with bar fetters; (3) awarding combination for separate offences of punishment, which may not be combined in the case of a single offence.

Mr. BURDON, Army Secretary, next introduced the Bill to amend the Cantonments Act with a view to remove certain minor defects which have come to light in the first year's working of the Act, as amended last year.

The Home Member moved the circulation of the Contempt of Courts Bill. The House agreed to it.

DELHI—17TH FEBRUARY 1925.

#### India's Public Debt.

On the Assembly meeting on the 17th February, Mr. Jamnadas MEHTA moved: "This Assembly recommends to the Governor General in Council to appoint, in consultation with the Assembly, a Committee, consisting of four members of the Assembly, with power to co-opt two men from outside, to investigate the public indebtedness of the country and to report before the next budget as to the steps to be taken to bring the debt position of the country more in keeping with the capacity of the tax-payer."

Mr. Jamnadas Mehta compared India's debt in the past with that of to-day. It had risen from 100 crores at the time of the mutiny to about a thousand crores to-day. In comparing India's debt with that of England, he warned that they must keep in view the wealth and development of the two countries. Mr. Mehta declared that the railways were in no sense productive.

They had incurred on the railways a loss of 84 lakhs of pounds, and they called them productive. Then, again, he criticised what he described as the exorbitant rates of interest paid by the Government in raising sterling loans of 7 per cent in England and the 6½ per cent Bombay Development Loan in India. The Bombay Development scheme was proving a failure, and the association of Sir George Lloyd's name with the Sukkur Barrage would also mean the failure of that scheme. (Laughter). The Post Office Cash Certificates rates were also high. The small investor did not invest in them. It was only the middle class men who resorted to them. The Government had thus actually competed with trade and industry by taking away money in cash certificate deposits. The total interest India was paying every year stood higher than 40 crores, and still, the Government was borrowing at a rate almost double the pre-war interest. Was India so flourishing? Then, again, taking the railways, what did they find since 1914? The fare had gone up by 54 per cent, and the railway rates, by 33 per cent. Over and above all other burdens came the handsome contribution of a hundred million pounds, without the consent of the Indian people, towards the prosecution of the Great War, thereby swelling India's unproductive debt. He quoted from an independent authority which held that English Ministers deliberately burdened India with the debt to the benefit of their country, and that the Indian debt of 100 millions would have been held anywhere as English liability. Not content with this, said Mr. Jamnadas, the Government had imposed a burden of 40 crores of taxation on the post-war period. He demanded that before the tax-payer was burdened any further, the whole position should be examined by a Committee. This was the first part of the enquiry. The second part would be to examine the scheme of debt redemption. He regretted that the Government had adopted a most haphazard scheme. The Assembly was not consulted, and even before the Council of State discussed it on the inspired motion of a friendly member (Sir Mavekji Dadabhoy), the Government was in correspondence with the Secretary of State.

Sir BASIL BLACKETT opposed the resolution, but welcomed the opportunity afforded by it to take the House and the country into the Government's confidence in the matter of the maturing debt and the new capital requirements. He began by giving the figures of our gross debt of all kinds, which amounted, on the 31st March 1914, to 551.29 crores, on the 31st March 1924, to 984.34, and on the 31st March 1925, to 1,028.53. These figures include the debt of the Provincial Governments, which, on the 31st March 1925, amounted to 125.87 crores.

He then compared the productive debt with the unproductive debt on the three dates. He considered the provincial debt almost wholly productive, and therefore, excluded it from the comparison. The unproductive debt was 26.58 crores on the 31st March, 1914, 295.24 in 1924, and 281.45 in 1925. Between 1914 and 1924, the unproductive debt thus increased by 268.66 crores. It was, no doubt, an undesirable feature of their debt, but when compared with the experience of every other Nation, belligerent or neutral, during these 10 years, the very moderate nature of India's unproductive debt was a matter for satisfaction. The productive debt, during 1924-25, had increased by 45.18 crores, being almost entirely due to railway capital expenditure, and the taking over of the E. I. Railway Company's debentures, amounting to 18.5 million pounds. The unproductive debt had decreased by 13.79 crores during the current year. The decrease would have been still larger but for the conversion of a large amount of the 7 per cent sterling loan into 3 per cent stock, which reduced the annual interest payments.

The Finance Member next compared the internal with the external debt which stood respectively on the 31st March, 1919, 1924, and 1925 as follows: 107.80 and 371.50, 384.43 and 485.84, 390.85 and 511.81. This was calculated at a pound equivalent to rupees fifteen. It was, he said, satisfactory to note that the increase since 1914 has been more in the internal than the external debt, and if the provincial debts were included,

then the internal debt exceeds the external. Apart from a nominal increase in the external debt, they had reduced the external debt during the current year by nearly two and a quarter million pounds.

The Finance Member next dealt with the interest charges, which Mr. Jamnadas Mehta seemed to think, were immense. The gross charges of interest on all debts amounted in 1923-24 to 41.06 crores, and came down in 1924-25 to 40.54 crores, partly due to re-borrowing at a lower rate, and mainly, due to the rise of exchange. But it was not by the gross charges of interest that the burden on the tax-payer was to be judged. What concerned the tax-payer was the amount paid as interest out of taxation, because a greater portion of the interest was paid out of income from productive assets.

Replying to Mr. Jamnadas Mehta's criticism regarding what Mr. Mehta said was the unproductive Railway debt and the increase in Railway rates and fares, the Finance Member said that the average of prices in India had gone up comparatively higher than the increase in rates and fares, thereby proving how well Indian Railways had been managed. (Laughter). As for their unproductiveness, Mr. Mehta, in the latter part of his speech, had himself confessed that it was productive, because he had opposed the repayment of the Railway annuities. The productive net interest paid by the taxpayer on the unproductive debt amounted in 1923-1924 to 15.86 crores, and in 1924-25 to 13.82, but this was also an over-estimate, leaving aside the interest on the Gold Standard and the Paper Currency Reserves. They earned in 1923 21.57 lakhs, and in 1924-25, sixty-three lakhs as interest on the Secretary of State's cash balance. Then, again the tax-payer received from the Railways 6.44 crores last year, and is expected to receive approximately 5.64 crores in the current year. The final figures, therefore, for the net burden of interest on the debt which had to be met out of taxation amounted to 8.85 crores in 1923-24 and 7.54 in 1924-25. These figures showed that the problem of paying interest out of taxation was not alarming. He mentioned that the interest on the unproductive debt paid by the taxpayer in England amounted to £ 300 millions a year, apart from the sinking fund. The Indian taxpayer might therefore consider himself comparatively fortunate.

The Finance Member said that it was not necessary for him to go deeply into the question of the burden on India of remitting money to London to pay the interest on the external debt. It was a question of exchange, of surplus, of export and balance of payments, and not a question of the tax-payer's burden in meeting interest charges. He had shown that this burden was 7.54 crores in 1924-25. He had no time to-day to say much on the question of the amortisation of the debt, recently dealt with by a Government resolution. The annual charge involved was, no doubt, an addition to the amount required to be met from taxation, but there was the solid satisfaction that now that their budget was balanced, not only was the sum reinvested for productive capital purposes, but was an essential and valuable contribution towards solving the problem of our early maturing debt and the programme of capital expenditure during the next decade.

Mr. JINNAH asked whether the Finance Member would be prepared to meet an informal Committee of the House and discuss the subject, and that discussion be, in the meanwhile, adjourned till the Simla session.

#### Debate Adjourned

Sir B. BLACKETT accepted Mr. Jinnah's suggestion. Mr. Jamnadas Mehta also accepted Mr. Jinnah's proposal as the best under the circumstances. Consequently, Mr. Jinnah's motion for adjourning the debate till the Simla session was put and carried.

#### Supreme Court in India

The next resolution was moved by Sir H. GOUR for the establishment of a Supreme Court in India. He gave the history of the issue, which was also raised in the first Assembly. He considered that when the reforms granted them a federal constitution, then the establishment of a Supreme Court became essential. It existed in other Dominions. India had enough legal talent now. The Privy Council had recognised this talent. Moreover, it was in the interests of India herself that a supreme judiciary be set up to interpret constitutional law when differences of opinion arose. The Supreme Court would cost only six lakhs a year, but the advantages to the country would be immense.

Pandit Motilal NEHRU opposed Dr. Gour's resolution. He hoped that Dr. Gour's dream would materialise before long, but till then it was premature. He feared that Dr. Gour was watering the tree from the top, and not at the root. The whole judicial system of the country required overhauling from top to bottom. A country where Executive and Judicial functions were united, where a controversy was raging for years over racial discriminations in administrative and criminal justice, for that country to think of the establishment of a Supreme Court within its own borders was indeed a high ambition. The establishment of a Supreme Court would not promote the cause of justice so long as Executive and Judicial functions remained united, as they were now, and racial discrimination continued. The distance between England and India was not too great. For, after all, it must be remembered that appeals to the Privy Council were resorted to only by rich classes of litigants, and he did not see why the poor taxpayers in India should be asked to pay for the maintenance of a Court in India to which also only the rich classes of litigants would go.

Proceeding, Pandit Motilal said: "I have known of cases in which the grossest injustice had occurred in the Indian Courts, whose decisions were reversed in the Privy Council at a reasonable cost to litigants. Appeals have been successful in the Privy Council even in small cases, in which from the Munsiff's Court right up to the High Court, the litigants had lost in India, and there are reports laying down most important principles of law in these cases. In my opinion, whatever the inconvenience which the litigants are put to by having to go to London, it is not a too very high price for the justice that is to be obtained in the Privy Council. (Applause)."

Sir Alexander MUDDIMAN, Home Member, in opposing the resolution, emphasised how the Government's position, as enunciated on the last occasion, was strengthened by the speeches made on that day in the Assembly, and how there was wide divergence of opinion on this question, and that several High Courts had considered the proposal inopportune. It was not only in cases where rich men were concerned, but also to the litigants who were poor that the judgments arrived at by the Privy Council had established very important points of law, besides securing justice to them. The merits of the Privy Council as a final Court of appeal had received full recognition in many parts of India. If it was argued that the Indian side of the Privy Council in England ought to be enlarged, then, something could be said on that subject, but that was not the question raised by Dr. Gour, who wanted to establish a Supreme Court in India, regarding which there were differences of opinion. The Government agreed with the view expressed, that when, in the fullness of time, Dominion Status was acquired by India, that would be the time for the consideration of this proposition and not until then.

Sir Hari Singh GOUR, in a spirited reply to the debate claimed that there was a substantial body of public opinion in favour of his resolution. He said that the decision of the Privy Council have been far from satisfactory. He felt that those who opposed the resolution did so out of diffidence in the power of themselves and of their own fellow-countrymen.

#### Resolution Lost

The resolution of Dr. Gour was pressed to a division and lost, 15 voting for and 56 voting against it.

## An Indian Military College

Mr. B. Venkatapathi RAJU moved a resolution that early steps be taken for starting a well-equipped military college in a suitable locality to train Indians for commissioned ranks in the Indian Army Service, and the necessary amount be sanctioned to start preliminary work. Discussion on this resolution was adjourned on the motion of Mr. Rangachariar on the 19th February.

DELHI—18—19TH FEBRUARY 1925.

## Official Bills

The Assembly met on the 18th Feb. to consider official Bills. Sir Charles INNES moved for the appointment of a Select Committee on his Bill amending the Tariff Act. This was passed.

Mr. GRAHAM next moved the following proviso, to be added to clause 2 of the President's Salary Bill: "The elected President of the Legislative Assembly shall not, during his tenure of that office, practise any profession or engage in any trade or undertake for remuneration any employment other than his duties as President of the Legislative Assembly."

Sir Alexander MUDDIMAN moved for the consideration of the Obscene Publications Bill in the light of the report of the Select Committee. An amendment of Mr. Rama Iyenger was carried and the consideration of the Bill was deferred till another day.

## Military College for India.

Next day, the 19th February, a full dress debate took place in the Assembly on what all sides of the House regarded as a matter of vital importance to India. It was raised by Mr. Venkatapathi RAJU, who urged that necessary funds be set apart for the establishment of a Military College in India. He took his stand on the fact that the Government already stood committed to start a College, according to the resolutions accepted by the Government in 1921 and 1923, and that, as for funds, the House would not mind any expenditure on such a vital necessity.

Mr. BURDON, Army Secretary, said that his early intervention in the debate was to place before the House the practical aspect, on which the majority of members naturally did not possess the information available to his Department. It was desirable, and indeed, essential, that they should get the utmost out of the debate. The question of the proper training of the officers of the Army was of vital consequence to every country. It had special importance, as well as special difficulties, in the case of India, where they were seeking to replace the British Officer, who has been of such value to India, and had been extremely successful in one of the arduous fields of human enterprise. The members, he realised, were looking forward to the time when India would obtain Responsible Government, and be increasingly independent of military assistance derived from Great Britain. The task was of no small responsibility. The mover re-called the resolution adopted by the Assembly in March, 1921. Mr. Burdon explained that the original resolution only asked the Government to keep in view the desirability of establishing a Military College in India, but towards the end of the day, an amendment to it of a far-reaching character was adopted urging the setting apart of funds for establishing a Military College, without either the Commander-in-Chief or Sir Godfrey Fell getting the opportunity to explain their position with regard to the proposed departure.

Continuing, Mr. Burdon re-called that Indians were, for the first time, made eligible to King's Commissions in 1912. The grant of this privilege was without reserve, and Indian Officers holding King's Commissions were granted equal rights and privileges with British Officers, and possessed the right to command British troops. This equality

has been adhered to unswervingly. The question of an Indian Sandhurst, said Mr. Burdon, was considered and rejected in 1917-18, when it was decided that Indians be granted King's Commissions. It was equally essential that they should receive the same training as British Officers, with whom they were to serve side by side as equals. It was also considered essential that, with a view to eliminate racial prejudice and to create mutual understanding between Indian and British officers holding King's Commissions, they should be associated together from an early stage at Sandhurst. Moreover, what was required from the Officers was the capacity for leadership, strong personal character, and personal influence for good. This the Indians could best acquire only in an institution which had been for years cultivating those qualities successfully.

Continuing, Mr. Burdon said that they had only five years' experience of the present policy, and it would be acknowledged that that was a very short time in which to determine the basis of building up a National Army by establishing an institution for training National Officers. It would be premature to abandon the present policy. The Government decided in favor of sending Indian cadets to Sandhurst in 1917-18, and nothing had since occurred to alter the judgment of the Government regarding the advantages of Sandhurst, and the disadvantages of an Indian Sandhurst. In the first place he warned the House that if it was definitely proposed to His Majesty's Government that an Indian Sandhurst be established, there was the possibility of the question being raised whether such Indian cadets were eligible for King's Commissions, and whether they should not be granted local or Dominion Commissions. "I will put it like this. Will it be a reasonable or unreasonable proposition for India to ask His Majesty's Government to agree to the establishment of an Indian Sandhurst, and to bind themselves to give King's Commissions in the Army, carrying with them the power of command over British troops on this basis of a separate Indian course of education, conducted under Indian conditions and according to methods necessary to be determined to a very large extent by the ideas held from time to time by the Indian authorities." Mr. Burdon said that it had been argued the Dominions had their own Military Colleges. There was a flaw in this argument. There were no British troops in the Dominions, and the boys trained there held Dominion Commissions. Indians receiving such Commissions would be in a position of definite inferiority to the British officers with whom they would serve. Assuming, however, that Indians trained in an Indian Sandhurst were to receive King's Commissions, then distinctions which would only be regarded as racial would be introduced. It would be a distinction to the disadvantage of Indians, because the Officers trained in Sandhurst would be regarded as superior to those trained in India, where they could not reproduce the conditions of Sandhurst. During the War, Officers were trained in Wellington and Quetta to meet the exigencies of that period, but these Officers were never regarded as in any way equal to the Officers of Sandhurst.

Mr. Burdon next referred to the Dehra Dun Military School, where a preliminary course of training was being given. One great advantage now was that while, previously, Indian cadets were altogether unfamiliar with military conditions, they would now get the preliminary training at Dehra Dun, and could not be altogether unaware of the nature of their course at Sandhurst. Mr. Burdon, concluding, said that he had not tried to argue the case in any contentious way. They were really pursuing the same object. The question was to find out the best method. As he had shown, they would lose the benefits which they were deriving from the Sandhurst training if they were to establish a military college in India. He believed that the House would agree with him that the Government was doing what was best for India. They must not take precipitate action. The Dehra Dun institution had provided a basis to go on, and they must wait for the full course of preliminary education to be completed there. The question was of vital importance. It was not one which could be settled by the House, or even by the Government of India. In it, His Majesty's Government must have a loud voice. "So long as His Majesty's Government are responsible for the defence of India, they will have a great deal to say as to the method of training Indian Commissioned Officers. They must have almost the sole voice in deciding as to what the course of education should be of those who are to be trained to hold King's Commissions in the Army".

Pandit MALAVIYA said that Mr. Burdon had indulged in special pleading without convincing any one. He said that so long as the King was the Emperor of India, the training in India should make no difference about the grant of King's Commissions. He admitted that Sandhurst was an institution of which Englishmen were rightly proud, and that they in India could not produce it at present. He hoped that honest Englishmen and earnest Indians would agree upon one matter, namely, that India must have in a few years' time full Responsible Government. When they agreed to this, it was clear

that ten Commissions a year were insignificant. He would not have even training at Sandhurst if that was to be a permanent feature. He strongly advocated an Indian Sandhurst, but agreed that so long as they were the King-Emperor's subjects, every Indian should also go for training to Sandhurst in England, say for six months or even two years, but he was emphatic that the main training for holding King's Commissions should be given in India. Pandit Malaviya contested the view of Mr. Burdon, that conditions in India were not equally good for training. The Pandit asked, where in the world had they such wonderful Cantouments as they had in India. There was the Rawalpindi Cantonment, for instance. These places would provide full scope for training cadets in ideas of warfare. India had given 150 crores as her contribution towards the War. India could have built a Sandhurst out of that money, and he believed that every Member of the House would vote for any sum required for a Military College.

Sir Sivaswami AIYAR said that he had not been able to find out whether Mr. Burdon's attitude was one of opposition or willingness to accept, or inertia, or what else. (Laughter). As for Mr. Burdon's explanation about the resolution adopted in 1921, he made enquiries about what effect had been given to his resolution. Then, Mr. Burdon did not choose to correct the position. To-day, after five years, that explanation was given. He did not believe that Mr. Burdon was opposed to the spirit of the resolution, but he did not say how far exactly he was prepared to go. Sir Sivaswami Aiyar made it clear that when they wanted Sandhurst in India, they did not want to import through it training of an inferior character. They wanted to reproduce the conditions prevailing in England, and the same standard of training. As for equality of status in respect of King's Commission, if an Indian Sandhurst was established, Sir Sivaswami Aiyar said that the ideal of India was to model her army on the Dominion basis. He thought that Mr. Burdon had stressed too much the question of superior training at Sandhurst. Indian Officers would be "content with leading the Indian Army, and would not mind if they were not allowed to lead British troops. Moreover, an Indian Officer did not exercise authority over British troops in any other part of the world. The point raised was, therefore, obviously one of theory.

Dewan Bahadur RANGACHARIAR moved an amendment to Mr. Venkatapathi Raju's resolution, that a Committee be immediately appointed, including non-official Indians, for investigation and report upon a comprehensive scheme, including the financial commitments involved therein. Mr. Rangachariar said that necessity knew no law and necessity was the mother of invention. An Indian army officered by Indians was a prime necessity, and Indians would not mind any expenditure on this matter. India was even prepared to tax herself so that, in a reasonable time, there might be an Indian Army to defend India. Let the principle of the resolution be accepted by Lord Rawlinson, and then they could immediately appoint a Committee on the lines indicated by this amendment and for drawing up a comprehensive scheme. He feared that the Government were not in earnest. He would not say, as Mr. Jinnah, that they were not *bona fide* in their intentions.

Pandit MOTILAL Nehru supported the resolution. Indian India, he said, was solidly behind it. What Indians wanted was only a well-equipped College, so that Indian youths might get training in the same manner as English youths. Three days ago, the Pandit had opposed the establishment of a Supreme Court in India at present on the ground that there was no Responsible Government, but this was a question which they must take up and solve, for otherwise they would be moving in the same vicious circle, namely, that without defence, there would be no Responsible Government, and without training, they could not have an Indian Army. The British Government had disarmed Indians, and not given Indians an opportunity for military training, and now, to say that there were practical difficulties in the way of accepting this resolution, was unfair, because these difficulties were of the Government making. The mere carrying of the resolution would not help Indians. The resolution must be given effect to in a sincere spirit. Let, therefore, the principle of this resolution be accepted by the Government, and then they could appoint a Committee which, in collaboration with experts, could draw up a scheme. That was possible in the present circumstances in order at least to make a beginning. He maintained that among



those who had received general education, there was a large number of men anxious for military training, and who belonged to martial classes. There was no such thing as non-martial people in India.

Sir Alexander MUDDIMAN moved that the following be substituted for the original resolution: "The Assembly recommends to the Governor-General-in-Council that a Committee, including Indian members of the Legislature, be immediately appointed to investigate and report: (a) whether it is not practical to establish a Military College in India to train Indian Officers for Commissioned ranks of the Indian Army; (b) if so, how soon should a scheme be initiated, and what steps should be taken to carry it out; and (c) whether, if a Military College is established in India, it should supersede or be supplemented by Sandhurst and Woolwich so far as the training of Indian Officers is concerned."

The Home Member said that a National Army was of vital importance to India. He repudiated the suggestion that the Government was not serious about its promises. The amendment moved by him disproved it. He heartily commended it to the members. The House had professional advice as to whether an Indian Sandhurst was a good thing or bad thing. A thorough enquiry must precede the reforms necessary in their present military institutions.

Pandit MALAVIYA moved an amendment with a view to ask the Committee to report as to what steps be taken to establish a Military College, instead of considering whether it was practicable to establish a Military College. He also wanted the omission of clause (b) and the addition of clause (d), urging steps for the acceleration of the Indianisation of the Army in order to attract Indian boys to military careers. He emphasised that Indians must have King's Commissions.

The COMMANDER-IN-CHIEF said that he could not accept the amendment proposed by Pandit Malaviya. Commenting upon the change proposed by Pandit Malaviya in asking the Committee to report on the steps to be taken for the establishment of a Military College instead of examining its practicability, he said that he could not accept it with its implications. He admitted that, in 1921, he was caught napping, because he was not aware of the practice of the House (Laughter). As for the addition proposed by Pandit Malaviya about acceleration of Indianisation, this extended the purview of the Committee and made it of a much wider character. He could not, therefore, accept it.

At this stage, closure was moved and accepted. Pandit Malaviya's amendment to the Home Member's amendment was put in two parts. The first part was carried by 59 votes against 37. The second part was adopted without division. The resolution, as finally passed by 58 votes against 37 votes, reads as follows: "This Assembly recommends to the Governor-General-in-Council that a Committee, including Indian members of the Legislature, be immediately appointed to investigate and report (a) what steps should be taken to establish a Military College in India to train Indian Officers for the commissioned ranks of the Indian Army; (b) whether, when a Military College is established in India, it should supersede or be supplemented by Sandhurst and Woolwich, so far as the training of Indian Officers is concerned; (c) to advise at what rate Indianisation be accelerated, so as to attract Indian youths for a military career."

## THE RAILWAY BUDGET

*LEGISLATIVE ASSEMBLY—FEBRUARY 20, 1925*

The Railway Budget for 1925-26 was presented to the Indian Legislative Assembly at Delhi on February 20, by Sir Charles Innes, the Commerce Member. On this day was inaugurated the new procedure which the separation of Railway finances from General finances rendered possible under the convention to which the Legislature agreed last September.

Sir CHARLES INNES, in his opening remarks, considered the occasion important as they were inaugurating the new budget procedure which separation of railway finance from general finance had rendered possible. The House, he said, would get solid advantages from the new procedure. The budget itself was not a departmental compilation. The Railway Finance Committee elected by the House had examined it in detail and approved generally of it. The House would now get more days to discuss the railway budget. It had been split up to facilitate discussion and enable the House to keep an intelligent watch not only on the development of the railway system but on each railway. Information they were supplying to members in the form of memorandum would, he hoped, clear away the last vestige of suspicion that the object of separation was to weaken control of the Assembly over the budget.

Presenting the revised estimates for 1924-25, Sir Charles Innes placed the gross receipts from commercial lines at 98 crores 1 lakh and the total charges at 86 crores 77 lakhs. It was therefore hoped to make a profit from commercial lines during the current year of 11 1-4 crores. Last year, he recalled, they spent 89 crores 16 lakhs to earn 93 crores 18 lakhs. Thus, though this year they earned nearly five crores more than last, they spent only 2 crores 14 lakhs more, though rise in exchange helped them to the extent of 25 lakhs. The profit still reflected great credit on the Railway Board and the administration. The Incharge Committee wanted them to aim at earning five and a half per cent. on the capital at charge. If revised estimates for the current year proved correct they would earn 5.46 per cent. Owing to floods the railways lost about three quarters of a crore but in other respects they had a very good year. Prospects for 1925-26 were promising. They were therefore budgeting for a gross receipt of 101 crores or three crores in excess of the current year. The working expenses of the commercial lines are put at 65 crores 79 lakhs which is three and three quarter crores more than that of the current year. But if they deduct one and a quarter crore of windfall received this year due to Privy Council's decision that customs duty was not leviable on stores imported by Companies' lines, then the excess in the estimated expenditure next year was only 2½ crores. Reasons for this excess were that they were budgeting for 70 lakhs to provide automatic couplers from which important economies were anticipated. Fifty lakhs have been provided to speed up repairs of rolling stock and fifty lakhs to get rid of the surplus and unserviceable stores. He also mentioned that 26 lakhs were provided to extend to the Railway officers the Lee Report's concessions. But in spite of these special allotments, the anticipated profit next year would be about the same as this year but for the refund of customs duty. As for contributions to the general revenue, they are expected to be 564 lakhs this year which was more than a crore above Sir Basil Blackett's budget estimate next year. 524 lakhs are budgetted as contribution to general revenue. The drop of 40 lakhs is due to the increase in the current year's receipt of 125 lakhs of windfall. He emphasised that the real gross contribution would be much more if they included the loss on strategic lines. The gross contribution would be 685 lakhs during the current year and 645 next year. Touching the capital expenditure, Sir Charles Innes said they would be spending 18 ½ crores this year which was much the same as last year, but the new capital outlay this year was only 12.85 crores out of 30 crores sanctioned. The agents had estimated an expenditure in 1925-26 of 32 crores on approved works, 6½ crores were being set aside for new construction and 16½ crores

for open line works. This programme provides for an ultimate addition of over 2,000 miles of line of which 348 will be opened in 1925-26. He hoped the House would thoroughly approve of this bold policy of remunerative Railway Development so essential for India's prosperity.

He mentioned that, apart from spending 1½ crores for bettering lower class vehicles, 30 lakhs have been set aside for the convenience of third class passengers. Local Governments, he said, thoroughly approved of the new policy of the Railway Board undertaking the construction of remunerative branch and Feeder Railways. They expected large economy both on compensation claims and on fuel in spite of much larger traffic.

He showed the advance made towards Indianisation which compared favourably with any other department. The question between Indians and Anglo-Indians was not racial but communal. He was for giving chance to Indians in the subordinate Railway Service at present largely manned by Anglo-Indians. For purposes of training a school at Chandausi will be opened on 1st March. As for the purchase of stores, he challenged anyone to show that orders had gone abroad which could reasonably have been placed in India. Orders for waggons have been placed in India to the full capacity of the firms. They hoped to place in Railway reserves 410 lakhs during the current year and 328 lakhs in next year; but these were estimates which might or might not materialise. It was not therefore proposed to use the Railway Reserve.

The first and second class fares have been reduced because of the progressive decline both in passengers and earnings while in the case of third class there has been progressive increase on both. Moreover to reduce the third class fares even by half a pie would cost four and a half crores a year. The question was however under constant examination. Two hundred and ten lakhs are expected to be placed to the depreciation fund this year and 123 lakhs next year.

Concluding, Sir Charles said the real importance of the current year lay in the evidence it afforded of the real advance towards a live efficient business management of the Indian Railway. Someone said in the Central Advisory Council that a new spirit was abroad in the Railway Board. Credit for this was due to Mr. Hindley and Mr. Sim and ultimately to the Railway Agents and the staff.

*The following are the principal figures in the Railway estimates which Sir Charles Innes presented to the Legislative Assembly.—*

	Actuals 1923-24 (Rs. 1,000)	Revised Estimate 1924-25 (Rs. 1,000)	Budget Estimate 1925-26 (Rs. 1,000)
Gross Traffic Receipts	... 928,733	976,500	1,006,500
Shares of subsidised Companies profits.	2,364	2,950	3,077
Interest on Fund balances	... Nil	Nil	3,235
Miscellaneous receipts	... 704	662	644
Total receipts	... 931,801	980,112	1,013,456
Working expenses	... 591,560	630,075	657,927
Surplus profits paid to Indian States and Railway Companies	... 11,446	14,900	13,350
Interest charges	... 227,674	229,959	238,182
Miscellaneous charges	... 2,080	3,720	3,430
Charges	... 632,760	867,054	912,899
Profit from Commercial lines	... 99,041	112,458	100,557

In accordance with the terms on which the Railway Finances were separated from the general finances, the contribution from Railway to General Revenue in both 1924-25 and 1925-26 is based on the results of the year 1923-24. It amounts in both years to a sum of Rs. 6,30,42,000 gross (of which Rs. 5,40,42,000 represent 1 per cent of the capital at charge of commercial lines and Rs. 90,00,000 one fifth of the surplus in 1923-24) and to a sum of Rs. 5,09,52,000 net, after deducting the loss on strategic lines borne by the railway revenues in 1923-24. The loss on strategic lines is estimated

at Rs. 1,50,58,000 in 1924-25 and Rs. 1,53,40,000 in 1925-26 and the final result of the estimates is therefore as follows:

(a) Revised estimate 1924-25 (Rs. 1,000); (b) Budget estimate 1925-26 (Rs. 10,000); profit from commercial lines 1,12,458, 1,00,557 respectively. Deduct (1) contribution to general revenues 50,952; 50,952 (2) loss on strategic lines 15,058; 15,340. Surplus: 4,64,48; 3,42,65 respectively.

One third of the excess of the surplus over three crores in each year, or Rs. 5,483,000 in 1924-25, and Rs. 12,22,000 in 1925-26 also goes to the general revenues under the terms on which the Railway Finances were separated, making the total revenues expected to accrue to general revenue from the Railways Rs. 5,64,35,000 in 1924-25 and Rs. 5,23,74,000 in 1925-26. The balances Rs. 4,09,65,000 in 1924-25 and Rs. 3,28,43,000 in 1925-26 are placed to the Railway Reserve.

#### LOSS OWING TO FLOODS

Owing to the floods in Southern India, during the summer, and in parts of Northern India during the autumn, the Railway lost about three-quarters of a crore either by a reduction in their receipts or an increase in their expenditure on repairs, but in other respects they have had a very good year. The gross receipts of commercial lines in 1924-25 are now estimated at Rs. 9,77,66,20,000 or 4,77,25,000 more than in 1923-24.

On the whole, there has been no more than a normal expansion of passenger traffic, but with excellent crops in most parts of India and better trade conditions generally, railways have been called upon to move a much larger volume of goods traffic, especially in coal, jute and food grains. In the first eight months of the year the East Indian Railway (with the Oudh and Rohilkhand Railway) and the Bengal Nagpur Railway succeeded in carrying over one and three-quarter million tons more coal than in the corresponding period of 1923-24.

The working expenses of the commercial lines are expected to amount to Rs. 62,00,15,000, or about two hundred and fifty five lakhs more than in 1923-24. Owing to a decision of the Bombay High Court, upheld by the Privy Council, that customs duty was not leviable on stores imported by the Companies lines, prior to the 1st of April 1924, a refund of about a crore and a quarter (out of a total refund of some two hundred and fifty lakhs) is expected in reduction of the working expenses, but by the separation of railway from general finance it has been possible to constitute a depreciation fund and set aside the correct amount representing the depreciation of the year which on commercial lines is about two and three quarter crores in excess of the expenditure on replacement and renewals in 1923-24, and in addition over a quarter of a crore more than last year has been spent on the repairs and maintenance of Railway lines and their equipment apart from the repairs of flood damages. In spite of increased traffic there is a small decrease in the cost of fuel owing to a revision of the coal tracts of various railways and the lower price which now obtains for coal and it is expected that about eleven and a half lakhs less than last year will be needed for payments in compensation for lost and damaged goods 1925-26.

With prospects at present promising the gross traffic receipts of commercial lines next year are estimated at Rs. 1,00,71,44,000 or about three crores more than in the current year. The working expenses of the commercial lines are put at Rs. 65,79,37,000, or about 3<sup>3</sup>/<sub>4</sub> crores more than in the current year of which a crore and a quarter is due to the absence of this year's refund of customs' duty. Special allotments of 70 lakhs are made for the commencement of the scheme for introducing automatic couplers from which important economies are anticipated, of 50 lakhs for speeding up repairs to rolling stock, and of another 50 lakhs for writing down the value of stores to the present market levels, and thus facilitating their disposal. Though a considerable increase of traffic is anticipated the cost of fuel is owing to the lower price placed at a figure 19 lakhs below that of this year. It is also hoped that about 20 lakhs less will be required in compensation for lost and damaged goods. It is to be remarked that in spite of the special allotments aggregating 170 lakhs, which have been made for improving the equipment of the line, the anticipated profit

from commercial lines in 1925-26 would be about the same as in 1924-25 but for the refund of customs duty in the earlier year.

The net capital outlay in 1924-25 is now estimated at 12.85 crores, but the total expenditure of the year's capital expected to be considerably greater since the outlay is reduced to the extent of 155 lakhs by the refund of customs duty, and a reduction of four crores is also expected in the capital locked up in stores balances. The estimated total capital expenditure of the year is therefore 18.5 crores, a figure approximating to the expenditure of last year. Next year a further reduction of one and a half crores in stores balances is anticipated, and additional capital expenditure of 23 crores is proposed, over six and a half crores of which are for the construction of new lines. The programme in this direction provides for the ultimate addition of over 2,000 miles of line of which 438 miles will be opened in 1925-26. Of the new projects, that for connecting Raipur with Vizagapatam by a Railway 260 miles in length to Parvatipur is the most important, and it is hoped to undertake it at an estimated cost of 536 lakhs simultaneously with the development of the Vizagapatam harbour. Considerable progress is anticipated with the Central Indian Coalfields' Railway and with other lines in the Bengal Nagpur Railway area which will serve the coalfields. The allotments are made for a large number of new projects in Burma and Southern India and a small amount is provided for preliminary expenditure on relieving the congested state of the downward coal traffic into Calcutta by providing better railway communication between the coalfields and the docks.

### General Discussion on the Railway Budget

The debate on the Railway Budget was taken up in the Assembly on February 23rd. It was begun by Sir Campbell Rhodes.

Sir CAMPBELL RHODES thanked Sir Charles Innes and Mr. Hindley for preparing a number of papers explaining the details of the budget. While adversely criticising the Acworth Committee, he admitted that the Assembly must now accept State management as an accepted fact. He laid special stress on the need for Railway development. Between 1912 and 1921 increase in mileage has been only 10 per cent compared with 37 per cent. of increase on passengers and 27 per cent. of increase in goods carried. Thus the Railways were overburdened and Railway development has been inadequate. He gladly noted the estimated reduction in compensation payments which meant that the Railway facilities were improved. The Commerce Member had addressed the House as the Chairman of a Company. The House was in the position of shareholders and members of the Central Advisory Council were directors. He emphasised therefore that members should save the Railway administration of criticism in minor details and that questions of the kind which had been asked in such large numbers should cease.

He then addressed a warning to the Railway Board about whose growing strength he was becoming suspicious. Agents were to be merely located as State officials biding time until they retired and were not allowed to undertake original experiments and initiative. Then they would not get the future agents of the type of the past. He perceived the danger to the progress of Railway development from over-centralisation which was indicated by Mr. Hindley's speech in the Council of State, where the Chief Commissioner had referred with pride to the standardisation that was being effected. The speaker urged that both the Railway Board and the House should take their hands off local management. Here Sir Campbell Rhodes entered a mild protest against the cavalier way in which Sir Charles Innes had referred to private enterprise in the past in building branch and feeder lines. This enterprise, he said, came into the field when the Government itself was not prepared to act and did a vast deal of pioneering work.

Sir Campbell Rhodes congratulated the Government on having at last started the opening of the Raipur-Parvatipur branch line, which would open up the Vizagapatam harbour. This would return 5.81 per cent on capital. The speaker thought the return would be much more by giving a safe harbour on the

long coast-line between Calcutta and Madras. He hoped the Government would press on earnestly with this scheme.

Sir Campbell Rhodes next referred to the new orders passed by the Government about construction of branch lines. Here, instead of the old sound branch line terms, they had the proposition "Heads I win, tails you lose." (Laughter.) He also urged electrification of the Calcutta Suburban lines as soon as possible and strongly spoke on the question of the Howrah Bridge. He held that the Railway Board ought to contribute largely to the construction of the bridge.

Sir PURSHOTTAMDAS THAKURDAS criticised the observations made by Sir Campbell Rhodes about the attitude of Sir William Acworth. He held that if there was any confidence left in the minds of Indians that the people brought out from England could take an impartial view, it was due to Sir William Acworth who, instead of blundering into the wrong lobby, showed a great sense of conviction and courage by going into the right lobby. Nor did he agree with Sir Campbell in describing the House as shareholders who have been addressed by the Commerce Member as the Chairman. The shareholders were represented by the Finance Member, but they were sleeping partners (laughter). Although he was a member both of the Advisory Council and the Finance Committee, he hoped the Commerce Member would agree that the Committee had also to work against time, and had very little time to consider the budget in detail.

Sir Purshottamdas objected to the position with regard to the disposal of surplus stores and showed that according to the position described by the Finance Member last year, the Government had not taken up a consistent attitude. Sir Purshottamdas next referred to the accumulation of 7.58 crores in the Railway Reserve and 3.03 crores in the depreciation fund. This latter in the depreciation fund was in excess of what would have been debitable to the revenues. They would thus have in reserve over ten crores. The question therefore they had to ask themselves was whether any reduction was due in the fares and rates at this juncture and whether any use was to be made of this reserve. The railway fares since the outbreak of the war had gone up by between 33 to 50 per cent. and railway rates by 15 to 35 per cent. Now the rates and fares being what they are, reduction in the cost of material, coal, etc., would surely mean that the railways must work at a profit, unless any unforeseen disaster overtook them. He therefore thought that after six months the Commerce Member should review the situation and if the conditions were normal he should try to declare a dividend to the sleeping partner and to the benefit of those who used railways. He did not advocate action in a hurry, but felt that a constructive scheme should be put forward as to the directions in which concessions and remissions should be made out of Railway Reserve.

Sir Purshottamdas, proceeding, pointed to the delay of no less than three years which had taken place in the constitution of the rates tribunal recommended by the Acworth Committee. He recalled that the Industrial Commission had also laid particular stress that rates charged be equitable in the interest both of local industries and agriculturists. The delay was making the Indian public suspicious of the Government's intentions. When they were to find out a system of scientific taxation and debt redemption, why not also have a system of scientific rates. No delay should therefore occur in the establishment of the rates tribunal. Sir Purshottamdas said Sir Campbell had welcomed the prospective reduction in payment of compensation. Here Sir Purshottamdas uttered a note of warning. He said that the real criterion should not be the amount paid in compensation, but the number of claims put in for compensation. There was the danger of legitimate claims being ignored as very often happened. At present, he said, the Postal Department was honest and when an article or letter was handed in, one felt sure that it would reach its destination, but that confidence was not inspired by the railways.

Touching the question of railway development, Sir Purshottamdas observed that attention should also be directed to find out whether there was not cheaper means of transport which could better serve the purpose than extension of Railways.

Mr. RAMA IYENGAR referred to the detailed criticism of the Railway Budget which he had published in the press and was circulating to the members. He criticised the large variations in the estimate figures and actuals during the normal period like the present. He quoted figures to show that the Assam Bengal, Eastern Bengal and one or two other Railways were working at a loss and maintained that the recommendations made by the Inchcape Committee for cuts in the working expenses had not at all been carried out. He did not therefore agree with the previous speaker that there was any cause for rejoicing. There had been no real saving except under fuel.

Mr. RAMCHANDRA RAO endorsed the remark of Sir Campbell Rhodes that it was necessary, that it was desirable in public interest, that members of the Railway Advisory Council and Railway Finance Committee should continue to sit on those Committees. Mr. Rao emphasised the desirability of securing continuity of policy of the Committee and wanted to guard against yearly election. It took members time to learn business and by the time they were able to grasp fully the various issues, another election took place at the end of the year. He suggested for consideration of the Government that the rules be altered with a view to provide for election for three years for the Standing Finance Committee and the Railway Finance Committee, provided one third of the members retired every year and were replaced by those freshly elected. He agreed with Sir Campbell that there should not be over-centralisation, but he held that powers of the Railway Finance Committee be enlarged with a view to bring within its purview various contracts, a number of which were at present being entered into by agents. The question of powers of the Financial Commissioner should also be gone into. He thanked the Railway Board for paying attention to South India after several years' representation.

Mr. C. S. RANGA IYER said that the Budget was not a poor man's Budget. Where was the proposal to reduce third class fares? First and second class fares were reduced and further conveniences were being sanctioned for these passengers at the expense of third class passengers. He strongly criticised the absence of Indianisation in Railways. The fact, he said, was that Indian Railways were administered autocratically by the Railway Board in British interests and on British ideals. He did not want a sympathetic speech but substantial progress.

Mr. K. C. NEOGY made some plain-speaking. He said that Sir Charles Innes had described himself as Chairman of a Company, but the members of the House were helpless and could not remove the Chairman if they liked. Already the powers of the House were very limited. The Railway Board, whom he contemptuously referred to as 'companywallas', continued supreme and, from Sir Charles Innes down to a large number of officers, were all Europeans. They were all birds of passage and had no community of interest with Indians. There was therefore danger of the devolution of power to the agents going too far. They must guard against accepting the convention which the Commerce Member had asked them to establish, namely to prevent the members from keeping watch over the manner the railway authorities discharged their duties. Then again all Railway officials, the Railway Board and Sir Charles Innes, have been opposed to State management. How could they be expected to put much heart in making it a success? Proper control by the Assembly was therefore essential. The railway was one of the few departments under the charge of the Central Government which maintained personal contact with the masses. They could vividly bring to the mind of the people the existence of the Central Government by benevolent administration of railways.

Mr. JOSHI held that the Railway Policy was bound to fail if it was run on commercial lines. He opined that the management should be placed on a footing for the convenience of the public. Sufficient representation should also be given to the Railway employees who formed an important part of the Railway Administration. He suggested that every railway should be taken over by the State when its contract expired. He said that the first principle of commercialisation was that the customers who paid most should get the best attention.

Was that so in the case of third class passengers? On the other hand new coaches were to be constructed for the first and second class passengers, though the number of such passengers was falling. Mr. Joshi differed from the Commerce Member that the Anglo-Indians alone had hereditary liking to the Railway Service. He urged full opportunity for Indians.

Mr. JAMNADAS MEHTA characterised the separation of Railway Budget as a landmark in the history of the Railway. He told Sir Charles Innes that unless he liberated himself from the shackles imposed by the Secretary of State's control, he would not be really in the position of the Chairman of the Company. Mr. Jamnadas Mehta held that no less than sixteen crores were charged to the Railway Revenue without justification and in violation of the canons of Commercialisation. No wonder that there was no reduction in the rates and fares. The foremost was the contribution of more than six crores to the general exchequer. The House had been crying against tax on transport and high rates and fares, but the members had done nothing to relieve trade and the passengers. On the other hand, they had agreed to take away six crores from the railway revenues. He reminded the Commerce Member that 150 crores of capital expenditure was sanctioned by the House on the understanding that the convenience of the third class passengers would be kept paramountly in view. This undertaking the Government had not fulfilled. Nor had the Government helped the local railway industry by spending in India as much as possible out of 150 crores. He made several suggestions to improve the form in which the Budget should be presented and demands drawn up. He held strongly that the Assembly should not touch petty details, but should control the policy, both administrative and financial. On this matter he was at one with Sir Charles—a matter which evoked sarcasm.

Mr. Mehta objected to the Government proposal to set aside 37 lakhs to grant the Lee concessions to Railway Officers. He urged that 70 lakhs for provision of automatic couplers should be charged to capital and not to revenue.

Mr. B. C. PAL said that there were some who did not like the introduction of railways into India. Many villagers whom he had come across disliked the railway which took away their produce for export, but now that the railways had come to stay, they must make the best of them. Slightly glancing across to Pt. Motilal Nehru, Mr. Pal had a fling at the Swarajists; he reminded the house that there were some people who condemned such innovations as Railways and preferred the picturesque bullock cart. He was in favour of opening new lines which were essential and asked that the railway development should not outstrip industrial development. He protested against the Europeanisation of railway services, and particularly objected to the Indianisation figure being divided into Muslims and non-Muslims. "We are sufficiently divided, why divide us further? (Laughter). Why separate us as Muslims and non-Muslims. Why not put us all down as Indians?" He wanted railway workshops to be used as training ground for Indian engineers and urged the Government not to look into the Government House Visitors, Book and the honours list to find the members for the local Advisory Committees, but to select men who really understood the needs of the passengers.

Mr. N. C. KELKAR said that they had seen how the Retrenchment Committee's proposals had been whittled down. He warned the Railway Board that the Assembly was determined to exercise reasonable control, and that if State management failed, the Railway Board would be held responsible for its failure. The railways had not been a paying proposition till recently.

Pandit MALAVIYA said that he could not congratulate the Commerce Member on his Budget. He applied the tests, firstly development of Indian Railways, and consequent development of the Railway industry; and secondly progress in Indianisation. Judged by both tests the Railway Administration had failed. He showed that the working expenses of the Railways were very high, and that in the case of some railways, such as the Assam Bengal, it was particularly high. He urged that the working expenses be brought down to 50 per cent of gross receipts and objected to the grant of the Lee Concessions to the



officers, because already large increase had been given to salaries of officers. In fact, higher officers' salary should be reduced and Indians should be trained and recruited at lower rates of salary. There was a surplus shown in the Budget, but it was no real surplus, for it meant that the passenger was being taxed to add to the general revenues. Until the recent increases in the rates and fares were reduced there could be no real surplus. He urged therefore reduction in the fare by utilising the expected surplus.

#### SIR CHARLES INNES' REPLY

Sir CHARLES INNES replied at length to the various points raised by the speakers and maintained the position he took up in his speech. He said the Government was about to address the Secretary of State regarding the modification of the control of the India office over the Railway Board. He said more had been done for the convenience of the 3rd class passengers during the last five years than during any other similar period. He maintained that the increases in rates and fares were overdue and were urged by the Acworth Committee. They must first build up the reserve. To reduce the third class fare now would mean dead loss, because the Railways were not ready to meet the additional traffic which the reduction would bring about. He hoped to discuss the numerous points like Rates Tribunal, District Board lines; etc., when the demands for grants were discussed. He assured them that like true Englishmen, he and the members of the Railway Board would do their best to make the State management a success and hoped that the Assembly would restrict itself to the question of policy only.

The general discussion of the Railway Budget thus closed and the House rose for the day.

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DELHI—24TH FEBRUARY 1925.

## Official Bills

On the 24th February, after interpellations, Sir Basil BLACKETT presented the final report of the public accounts committee. The House then proceeded to elect panels for five standing advisory committees to be attached to various departments.

The House next passed without discussion, Sir Alexander Muddiman's Bills amending the Prisons Act and Mr. Burdon's Bill amending the Cantonments Act.

Mr. BHORE moved for the consideration of the Bill amending the Indian Merchants Shipping Act, with a view to provide for compulsory deposit of return tickets in the case Haj pilgrims. Dr. Jeelani supported the bill and the motion for the consideration was carried by 53 against seven.

Mr. SHAFEE moved deletion of clause 5 as the clause would have the effect of killing small shipping companies and make the fares run high by the disappearance of competition. This was rejected.

Mr. Mohamed YAKUB moved an amendment providing that the return ticket deposit should not be enforced on any one who had made a declaration on oath before an authority appointed by a local Government in this behalf that he did not intend to return to India within three years of the date of this declaration.

Mr. BHORE, on behalf of Government, accepted Mr. Yakub's amendment on the distinct understanding that if the working of this change negated the essential object of the Bill, Government might have to reconsider it. All other amendments moved were rejected. On the motion of Mr. Bhore clause 9 was deleted. Some more formal amendments moved by Mr. Bhore were carried.

## Legislative Council for Ajmere Merwara.

Mr. Harbilas SARDA moved—'The Assembly recommends to the Governor-General in Council that he will be pleased to establish a Legislative Council for Ajmere Merwara.'

Mr. Harbilas asked the House not to think of Ajmer Merwara as a small province. Its political and strategical importance was great. It was the heart of Rajputana and had glorious historical associations. Ajmer was the last capital of the Hindu Empire in India. This little province sent the largest average of fighting men in the war. In intellectual and moral evolution Ajmere Merwara was not behind other provinces enjoying Legislative Councils. If literacy was the test of capacity for government, then Ajmere-Merwara's figures of literacy were 113 per thousands as compared with 37 in U. P. and 25 in the Punjab. Then, again, the highest percentage of voters in India, namely, 75 per cent. of voters went to poll in electing their representative to the Assembly. He complained that the municipal and other regulations applied to his province were very old. He showed that the province was administered as a scheduled district, not because it was backward but because it was held necessary for the furtherance of the Government of India's policy in dealing with Indian states in Rajputana. But now the goal of British policy in India had changed and his province must enjoy the benefit of the Reform.

The HOME MEMBER said that Ajmere was occupying the position which it had always occupied, namely an appendage of the Imperial Govt, and Mr. Harbilas ought to be proud of it. Although the speaker did not attach great importance to the population test, yet there was a line below which he could not go. The population of Ajmere-Merwara was only five lakhs. But a weightier consideration was that it was a deficit area. The Government of India, who were anxious to extend to it the benefits of the Reforms had proposed to the United Provinces Government that they should take it up, but the United Provinces refused it as it was not a paying proposition. If Ajmere-Merwara began to pay U. P. might reconsider its attitude. He admitted the argument about Coorg having been granted a Legislative Council was a weighty one, but in the case of Coorg the district was paying and other circumstances were favourable. He did not come prepared to give an answer as to whether Ajmere Merwara should cease to be administered as a scheduled district. His position to-day was that constitutionally it would be difficult for the Assembly to make a grant whose disposal would be discussed elsewhere. He saw no hope in the near future of Ajmere-Merwara becoming more than an Imperial appendage.

The resolution was put to the House and rejected by 31 votes against 26.

## Voting on Railway Grants.

DELHI—25TH FEBRUARY 1925.

### Rejection of Demand re. Ry. Board.

On the Assembly meeting on the 25th. the debate on voting on Railway grants was initiated by Pandit Motilal NEHRU who moved the omission of the demand for the grant of Rs. 9,86,000 for the expenses of the Railway Board. His motion, he said, was based upon grievances as old as the Railway Department itself, and the persistent disregard by the authorities of the best interests of the people. "I know, Sir," declared Pandit Motilal, "that I am inviting a storm of opposition not only from the Treasury Benches, but also from more friendly quarters. "We are a little perturbed by the rise and fall of the official barometer. When the centre of disturbance is shifted to other parts of the House, it becomes a matter for serious consideration. Let me assure the House that we have given the matter the most anxious and serious consideration, and nothing but a compelling sense of duty to the country induced us to take this extreme constitutional course". Continuing, he said that the grievances of the people had accumulated for the past three quarters of a century, and they had now reached a stage when complete refusal of supplies alone would meet the situation, and not small bits of cuts here and there, nor mild censures. It had been urged that Railway matters were commercial matters, and that Railway policy should be discussed detached from all political and constitutional considerations. He said: "I beg to differ from that point, and submit that the Railways are the biggest political machine in this country. The Railway policy has a far-reaching effect upon not only the commercial but the political conditions that prevail in the country". Now that the Railway Budget was before

the House and they wanted to raise a constitutional issue, how could they raise it without treating the Railway Budget in the same way as the General Budget? "It is the inherent right of this House to refuse supplies, on a proper case being made, and I hope to establish it." The only proper occasion to raise the question was when a demand was made relating to the central administrative authority, namely, the Railway Board. It was well-known that the Railway Board was a wholly irresponsible body. The salaries of the Agents and officers were non-votable. It was obvious that the House was not the master so long as it could not vote on the salaries of the Agents. He said: "Let us have either a Railway Board responsible to the Legislature, or no Railway Board at all."

Pandit Motilal then proceeded to illustrate how this irresponsible Railway Board had acted against India's interests. First of all, they must remember that the railways were built to enable the Government to keep fuller control over their territory, and whatever benefits Indian users of the Railways drew were drawn because the Railways were there, and had to be used. But what bad treatment of Indian interests! Was there a single Indian member on the Railway Board? He denied that Indians were not capable to be its members. There was that capable person, Sir M. Visvesvaraya. He asked what Railway training had been received by Mr. Sim, who was the Blackett of the Railway Board (Laughter). The whole Railway policy had been one of exploitation, which began with the system of guaranteed railways. This exploitation had been sufficiently exposed by Mr. Dutt's *Economic History of India*. Then, again, they all remembered the treatment that Indian passengers had. The speaker was a good athlete in his younger days, (laughter), and had many a tussel with overbearing Europeans. Then, again, the railway policy had been directed to helping the export of raw material and import of foreign manufacture. Even the Fiscal Commission admitted that this complaint was not entirely without basis. There was the sleepers scandal. The locomotive industry had been absolutely destroyed by the Railway Board not fulfilling its pledges. The Tariff Board has shown that the stores purchase policy was no better. Between Continental and British steel, the Government, in the past, always preferred the British even at a higher cost, but now, though the steel industry in India had been given protection, the East Indian Railway and the B.-N. Railway had sent orders for Continental steel, because the competition was between Indian and Continental steel. Could they not adjust the prices?

Sir Charles had told them of the Government proposal to grant 26 lakhs as the Lee concessions to Railway officers. Though a decision had not been reached, the grant had already been set apart. Why, he asked, should these officers be granted these concessions? Would they have got it if they had remained in the employ of the Companies? Then, there was the age-old complaint regarding the Indianisation of the Services. The fact should have been that after three quarters of a century of working the Railways, the whole of the staff should have been Indian. On the other hand, Sir Charles Innes had told them that "a new spirit was now abroad in the Railway Board". The speaker was thankful for this, but he felt that this new spirit should have by this time become old. There was no paucity of competent Indians. He saw that there were two hundred motions for reductions. They were really two hundred arguments in support of his motion. (Laughter). If the members believed in their motions, then they must all

vote with him (renewed laughter). He continued: "We want that the present Railway Board must go and give place to a more responsible one. If, however, you vote against my motion, you will be voting approval to the general policy of the Railway Board."

Independents: no, no.

Swarajists: Yes, yes.

Pandit Motilal: I should like to hear the reason for this "No". The Railway Board's policy, to me, calls for the severest condemnation. Every single vote cast against my motion will be a vote for the approval of the railway policy. (Independents, no no). If that is so, then those who say 'no' appear to me to be most ridiculous. I propose to take up a big stick, I admit, but the Railway Board deserves it (laughter).

Mr. Pal: Will you be able to crush it.

Pandit Motilal: Let us try. I have no intention of engaging in this desultory conversation. Sir, I ask the members seriously to consider and weigh carefully all the consequences which flow from an adverse vote on my motion. (applause from Swarajist benches).

Mr. JOSHI asked the Chair whether an amendment could be moved to the Pandit's motion for a reduction of one rupee as a vote of censure on the Railway Board's policy. He agreed with the Pandit's censure, but not with his method.

The President said that the Pandit have given the Assembly an opportunity of taking the extreme course, and if Mr. Joshi approved of the Pandit's arguments, he would no doubt vote with him.

Sir Charles Innes said that they had been treated to a speech by the Pandit speaking against his own conviction.

Mr. Chamanlal asked whether any member of the House could question the *bonafides* of another.

The President said that he did not exactly hear what the Commerce Member said, but he did not think he was out of order.

Sir Charles INNES: Sir, all I want to say is the impression which the Pandit's speech left on my mind. It reminded me of "his sounds had little meaning, but his words were very strong." It was with a considerable sense of disappointment that he had received notice of the Pandit's amendment, because, if the House accepted it, it would be receding from the position it took up last September by agreeing to the separation of the Railway Budget. By this arrangement, the House agreed to treat the Railways as a commercial proposition and took upon itself the task of considering in detail the various demands for grants under the Railway Budget. The Board had done its best to prepare the Budget in a form which would facilitate discussion. The Hon. Pandit said that he did not require the Railway Board. The speaker reminded the House that H. E. the Viceroy last year described the Railway Board as a general staff at headquarters. The Hon. Pandit proposed to cut off the supply for that general staff. The Pandit had mentioned certain grievances, but what would be the effect of this motion, if carried? It would deprive the House of an opportunity of discussing the various grievances set down on the paper. He said: "I, for one, want to protest against the strongest Party using its powers to deprive this House of liberty of speech by adopting a policy of redress of grievances before supply for purely political reasons." The Pandit had

complained that the salaries of the members of the Board were not votable. Was that the fault of the Railway Board, he asked? Why drag politics into this Railway question? "As for grievances before supply, if that is to determine your vote, then throw out every one of the demands for grants and let us of the Railway Board go back and do our job. We should not make a farce of discussion of the Railway Budget, and that is what the Pandit wishes us to do. If the Hon. Pandit were consistent he would refuse supplies to every department of the Government of India. Then he would end the Constitution, retire to Allahabad, collect his Swarajist forces, and fight a battle with the Commander-in-Chief."

#### Interruptions.

At this stage, a mild uproar was caused by interruptions and shouts from Swarajist benches. The President said that he did not object to reasonable interruptions, but if these were frequent, a member could not proceed with his arguments. The Hon. Pandit, as the leader of a great Party, ought to extend tolerance towards the Member of the Government.

Pandit Motilal: I rise for a personal explanation, Sir. The Hon. Sir Charles Innes is hopelessly misrepresenting me in everything I have said. I never said I will do without the Railway Board. I said that I shall do without the irresponsible Railway Board.

Resuming, the Commerce Member said that the Hon. Pandit thought that by carrying this resolution, he would force the Governor-General to restore the provision. "This gesture is purely meaningless. Its only effect will be that this House will have deprived itself of the legitimate and proper opportunity of criticism of the details of our Administration."

Pandit Motilal: That is nothing.

Sir Charles Innes: Many of the motions are of great importance, and we in the Railway Board were looking forward to healthy and proper criticism on the floor of this House. We cannot discuss them on a motion of this kind. I appeal to this House, let those who believe in meaningless gestures of this kind go with the Pandit into his lobby. Every member of this House who believes that he is responsible to the people of India, and who wishes to have a free discussion on matters of administrative importance, and everybody who believes in the right of the minority and liberty of speech, all those will, I hope, follow me into the Government lobby."

Mr. CHAMANLAL said that he had never heard in the House a more provocative and more meaningless and more absurd speech than that delivered by the Commerce Member. Sir Charles had talked through his hat when he said that the Pandit was depriving the House of an opportunity for discussion. Sir Charles had told the Pandit to go to Allahabad, raise an Army, and fight with the British Government, led by the C-in-C. "Is that the view you take of the debate we have raised? Is not this an encouragement you yourself are giving to the revolutionaries in India (hear, hear)? Do you not ask for a fight?"

Mr. Goswami: They will have it one day. I say, you are all revolutionaries sitting on the Government benches. (Laughter.)

Touching Indianisation, Mr. Chamanlal complained that nothing had been done in this direction. He said that the Government's interest in the question was proved by the fact that Mr. Hindley, in the Council of State, where the Government was sure of its majority, had not said in his speech a

word about Indianisation. Sir Charles had said some words because he was faced with the Assembly, having a non-official majority. Mr. Chamanlal concluded: You are gagging us merely because we have raised this constitutional issue. Our argument is that you should be thrown bag and baggage out of this irresponsible position.

Mr. JINNAH, the Leader of the Independent Party, regretted very much that there were differences of opinion between them and their Swarajist friends. The Independents, he assured the House, have examined the question very carefully. Pandit Motilal supported his motion by first bringing forward the principle of redress of grievances before supply, and then he gave the details of the grievances. Mr. Jinnah continued: Now, are we going to apply the first principle of grievances before supply on its true constitutional basis? We feel, Sir, that in order to enforce that principle historically, constitutionally and logically, we shall have to answer the questions put to us by Sir Charles Innes.

Pandit Motilal Nehru: Why did you do it last year?

Mr. Jinnah: I do not want to import excitement into this, Sir. Supposing we thought we were wrong last year (official benches, applause), are we committed to the same mistake this year? I think we all make mistakes, including my friend, Pandit Motilal, but I am here to humbly proclaim that I made a mistake.

Mr. Jamnadas Mehta: This might be another. (Swarajist laughter).

Mr. Jinnah: Mr. Mehta, Sir, has never made a mistake, and ought to be exported to a higher place (renewed laughter).

Continuing Mr. Jinnah said that the Independents discussed this question, and thought that refusal of supplies was not a proper course, because they were not prepared at present to carry out that policy to its logical consequences. Mr. Patel had told them last year that they would go to the country and start a campaign of non-payment of taxes. Had he done it? Mr. Jinnah said that it had been suggested that his party men should be allowed to vote according to their individual conviction. Had the Pandit done it?

Independents: No.

Swarajists: We all agree to a man.

Pandit Motilal Nehru: I am prepared to release my Party from all Party obligations. Will you? (Laughter).

Mr. Jinnah: That is only when it suits, Pandit Motilal (renewed laughter). Mr. Jinnah said that his Party felt that they must have the courage of their convictions, and make the issue a party question.

Mr. Doraiswami Iyengar: Can the Hon. Member make references to party proceedings?

President: The Hon. Member ought to have raised that question when Mr. Ranga Iyer was doing it. (Laughter).

Resuming, Mr. Jinnah said: Pandit Motilal had not only raised a constitutional issue, but had also referred to a number of grievances.

Pandit Motilal: On a personal explanation, Sir. I put my case entirely on constitutional grounds, and showed how the irresponsible Railway Board was conducting itself, by giving illustrations of irresponsibility.

Mr. Jinnah said that he understood the Pandit's argument. The Pandit

had raised objections to the constitution of the Board. Now, the Board was responsible to the Government of India.

Pandit Motilal : So are the Provincial Governments.

They had grievances which had not been attended to, which, in the words of Pandit Motilal, had accumulated. Therefore the Pandit said that they must dismiss certain servants of the Board. There was a fallacy in that argument. If they were going to consider the various grievances, the best way to discuss them was on a motion tabled for the purpose. The Assembly was a party to the Convention of September last, and had agreed to commercialisation. The question of Indianisation and other problems were discussed only last September, and the Government gave its answer. Mr. Jinnah assured the House that he was not satisfied with the administration, its policy, or programme. There were innumerable grievances to be redressed. Pandit Motilal wanted to spur the Railway Board to redress. So did Mr. Jinnah want, but there was a fundamental difference in their methods. (Applause).

Mr. PATEL, said that when the Budget was discussed last year, Mr. Jinnah joined the Swarajists in throwing out the demands for grants under the heads Customs, Salt, Income-Tax, and Opium, but now he said that the Railway Budget must be separately treated, and at the same time, held out the promise that he would do something in the matter of the general administration. What was that something, Mr. Patel could not understand. "My friend Mr. Jinnah does not know what to do. He is puzzled. I am not surprised. Even last year, he was against this obstructionist policy. Somehow or other, he was taken to the slaughter house, (loud laughter) as he said at that time. This time, he tried to escape from that situation, but the Nationalist Party, by its very constitution and programme, is bound to a policy of obstruction in case the Government does not give a satisfactory response to the National demand, made through this Assembly. The Nationalist Party waited for a reasonable time, and when the demands for grants came, they had to launch on a policy of obstruction. That was the rule of the Nationalist Party, and that rule holds good even to-day, and the case for throwing out the Budget is ten times stronger than it was last year.

Mr. Jinnah : But it is not correct to say that that rule holds good to-day. Let it not be forgotten that the Nationalist Party rules have been recently revised, so that the Independents and Swarajists are free to decide as they please, unless there is an agreement between them.

Mr. Patel : I quite agree that there is the revised rule. You changed the rules in order to get out of its operation, but I still affirm that we are bound, in honor, to go by the original agreement. The Government have not given any response to our National demand. I wonder how any member from Bengal with any conscience can vote against this motion of Pandit Motilal.

Mr. Pal : I would follow your conscience.

Mr. Patel : I shall just quote you, my friend (Laughter). Mr. Pal, speaking on the Budget discussion last time, said that there was extreme unreasonableness on the part of the Government and equally extreme unreasonableness on the side of the Nationalists.

Mr. Pal : Not on the Railway Budget.

Mr. Patel : I want to know if the Government has become less unreasonable. Don't you know that several Bengalees have been brought under



Regulation III and the Ordinance? I admire my friend Mr. Jinnah, who admits that he has made a mistake, and now wants to rectify it. But I cannot understand—

Mr. Pal: I say you cannot make a distinction between the Railway Administration of other departments of the Government.

Mr. Jinnah: I surrendered my judgment when I joined that Party.

Mr. Patel: Mr. Jinnah belongs to the Independent Party without surrendering his conscience (applause), and now he is the Leader of the Independent Party, and he wants every member of that Party to surrender his judgment. (Cries of No, No) Yes, you have made this a Party question whereas my leader, the Pandit, is even prepared to release us from the obligation.

Mr. Jinnah: Mr. Patel knows perfectly well that the Independent Party cannot make it a Party question unless there is a clear majority for it, and on this we have had a majority.

Mr. Patel: All the same. Mr. Jinnah was able to surrender his judgment last year, and now he would not surrender, and therefore, wants to separate from the Swarajists. Very good of him. If you are really a member of the Nationalist Party, you must vote for Pandit Motilal's motion.

To come to the main point, the Government have been guilty of several acts of omission and commission. They have treated resolution after resolution of the Assembly with contempt. The integral part of the Convention about railways is that an Indian must be appointed on the Railway Board, and the Government have not appointed one. If there was a case for throwing out the demands for grants last year, it exists ten times stronger now. I would obstruct the Government at every stage, and throw out every demand, not only on the Railways, but all Departments, and finally throw out all bills and resolutions of the Government, and compel them to resort to certification, and show to the whole world that the Government is being carried on, not with the consent of the people of this country, but against their consent. This persistent coming into grips with the Government by the Swarajists day after day and session after session will make the people ready for the non-payment of taxes and civil disobedience. That is the only way of bringing round this bureaucracy.

Mr. Jinnah: What direct action do you propose?

Mr. Patel: The rejection of the Budget must necessarily lead to a mass movement. It is the first stage in that direction. The great struggle is coming, and we Swarajists are rejecting this item as the first stage of that struggle, (Hear, hear.)

Mr. B. C. PAL regretted the turn the debate had taken, and thought that the Government must be exceedingly comfortable at present at seeing both wings of the Nationalist Party standing in opposition to each other. He also regretted the irrelevant references to party correspondence which had not been published, and which were meant to be confidential. What the Independents wanted was that they must work with reason and conscience, and not be tied to the chariot wheels of the Swaraj Party. It had been said that grievances must be redressed before supplies were given. In this Railway Board, there was not a single member who was a responsible member of the Government. They were all subordinate servants. No member of the permanent Civil Service in England would be refused his salaries on the ground that the Foreign Minister had administered wrongly.

Mr. Rangaswami Iyengar : Does not my friend know that the Chief Commissioner's salary is non-votable ?

Mr. Pal : Yes, I know that, and that is why we went to get the right of vote on these items as well. We do want greater representation of Indian talent on the Railway Board, but the issue here is not whether we are to have the Railway Board or not (Cries, of oh, oh.) We want to proceed constitutionally from precedent to precedent, and create Conventions, so that it would be difficult for the Viceroy to certify any Bill rejected by this House. "I have been asked why I did not vote for the rejection of expenditure under the head "Customs" on the last budget occasion. You will remember that I then said, "for goodness' sake, let us throw out one item only."

Mr. Motilal Nehru : What became of your conscience then ?

Mr. Pal : My conscience is in my keeping in the morning, in the mid-day, and at night also (loud laughter and prolonged applause), whether in Delhi or in Calcutta, or even in Simla. My conscience was in my keeping last time in Delhi, and from the June session at Simla. I ask where was the consistency of Mr. Patel and his party when they bridged between the opposition and Sir Charles Innes over the Tata Steel Industry's Protection ? (laughter and loud applause). Where was their consistency when the supplementary demands were sanctioned ?

Mr. Rangaswami Iyengar : The Swaraj Party, as such, never participated in any debate on the supplementary demands.

Mr. Pal : The expression "as such", like charity, covers a multitude of sins. (laughter).

Pandit Motilal : No member of the Swaraj Party, either as such or something else, took part in voting on any supplementary demands.

Mr. Pal : I consider the Steel Protection Bill as a money bill and you voted for it.

Pandit Motilal : Don't dabble in law.

Mr. Pal : I will dabble, not in law, but in politics. Now, Sir, I shall not introduce any more heat. We have had enough of it. (Laughter). I am prepared to embarrass the Government if that embarrassment will lead me to my goal. This embarrassment will not lead us to our goal. It will not weaken the position of the Government. It will only weaken our position, the position of the non-officials and the people.

Motion Rejected.

The motion of Pandit Motilal Nehru was put and lost, 41 voting for and 66 against. The result was received amidst loud Official and Independent cheers and amidst cries of "shame" from the Swarajist benches.

#### Reduction of Grants.

When the Assembly met after lunch, the discussion was resumed on the detailed demands for grants. Mr. PATEL moved for the reduction of the demand under the Railway Board by Rs. 77,000. He explained that the Swarajists had had their fight on the general question. They were defeated, but now they would, through these reductions, fight the Government inch by inch. (Laughter). The Swaraj Party proposed to fight the Government wherever they found them going wrong. Hence, he moved for the reduction of this item by 77,000. He considered that the Railway Board was very extravagant, because they had provided for two lakhs more than last year in spite of the fact that on account of the decentralisation which was proceeding,

more than half the work of the Railway Board had been reduced. He explained how he pitched upon this figure of Rs. 77,000, and referred to the fact that in the non-votable items, they had provided for nearly Rs. 50,000 more as the pay of five Directors.

Mr. Ramchandra RAO, who had tabled an amendment for reducing the Railway Board's demand by only Rs. 50,000, supported the motion of Mr. Patel. He understood from the newspapers that the Government was going to appoint a Director of Finance on the Railway Board. Mr. Rao asked what was the necessity for this post when there was already a Financial Commissioner.

Mr. HINDLAY explained that the Assembly could not expect the Railway Board to carry out the great task of renovating the Railways and effecting improvements with a reduced staff. The Acworth Committee had not considered as to how the Directors in the Railway Board were to carry on their work. It was difficult to carry on the work with the junior and senior technical staff. They had already taken the East Indian Railway under State control. They could not do all this without increasing their staff. Mr. Sim had to tour in several places in order to carry out the decentralisation work.

Motion Carried.

The motion of Mr. Patel was pressed to a division and carried, 59 voting for and 41 against it.

Indian Member on Railway Board.

A lively discussion then ensued on the motion of Mr. V. N. MUTALIK for the reduction of the Railway Board demand by Rs. 100 as a vote of censure on the Government for not having appointed an Indian member on the Railway Board in spite of the promises made, that one would be appointed as early as possible. The motion was put and carried by 58 votes against 40.

DELHI—26—27TH FEBRUARY 1925

Reduction of Fares.

Next day, Feb. 26th, the Assembly considered further demands for grants. Mr. Joshi moved a cut of Rs. 1,000 to raise the grievances of third class passengers and urged a reduction in third class fares.

The motion was put to the House and carried by 50 votes against 48.

Corruption in Railway Service

Lala Dunichand then moved for a cut of Rs. 100 from the demand under the head "Railway Board." He raised the grievances of third class passengers, like lack of adequate water supply, and absence of sheds and waiting rooms. He considered that third class passengers were being treated as worse than animals. It was the attitude and policy of the Board which were responsible for the grievances of the general public. He specially complained about bribery and corruption on Railways, and the bad manners of the Railway staff.

The Motion was lost by fifty votes against thirty-six. The reduced grant of Rs. 9,07,900 for the Railway Board was approved.

On the 27th February, before the Assembly resumed discussion on demands, the Secretary of the Assembly read a message from the Council of

State announcing that the Council had rejected Dr. Gour's Bill to repeal the Criminal Law Amendment Act and Mr. Neogy's Bill to prohibit the reservation of Railway compartments for Anglo-Indians and Europeans. This announcement was followed by cries of "shame" from the non-official benches.

#### Railway Inspectors

Mr. V. Raju moved the first motion for reduction. He moved that the Railway Budget be reduced by Rs. 20,000 under the head "Inspection." He complained that the confidential reports of Inspectors of Railways were not available to the members of the Assembly. If the Central Advisory Board were to be useful, they must be fully taken into confidence. He quoted the opinion of the Acworth Committee,

#### Lee Concessions.

The next motion was by Mr. Kelkar, Member of the Swaraj Party, that the demand under the head "Working Expenses" be reduced by 37 lakhs. This sum was provided by the Government to meet the cost of the Lee Commission's proposals (for two years) on the East Indian and G. I. P. Railways, and on Company lines, subject to the decision to be arrived at whether the proposals be conferred on officers of the Company Railways in whole or in part.

The House agreed to the demand being formally reduced by 37 lakhs.

#### Indianisation of Services.

A somewhat heated debate ensued on Mr. M. K. Acharya's motion to effect a cut of 20 lakhs in order to censure the Government for not having sufficiently Indianised the Railway Services. He showed with the help of statistics that Indians had not been given adequate encouragement, and emphasised that those who were superannuated ought to be sent away in order to encourage Indians. As regards salaries also, there was a great deal of disparity which ought to be removed.

Dr. Wali Muhammad Hussainally supported the demand for Indianisation, and suggested a nominal cut of one hundred rupees.

Mr. Acharya accepted this amendment. The reduction of Rs. 100 was carried by 51 against 39 votes.

#### London Board's Charges.

Mr. Patel then moved a cut of two lakhs in the London Board's establishment charges of Rs. 20,24,000. He did not understand why so much should be spent even when the G. I. P. and E. I. R. were to be under State management. The motion was carried by 47 against 38 votes.

### DELHI—28TH FEBRUARY 1925

#### Over-Crowding in Railways

Mr. Ganganand SINHA moved a nominal reduction of Rs. 100 to call attention to the unsatisfactory arrangements for traffic concerning third class passengers. He urged that provision be made for more carriages.

Sir Charles INNES: This year, we are providing for 725 third class trains, and we are considering whether we cannot add to this stock. As regards over-crowding in the suburban lines of Bombay and Calcutta and Madras, the right remedy is the electrification of the lines. We have already

opened one line in Bombay. We are shortly attempting more there. Some are getting ready for Calcutta, while we are awaiting details from Madras before electrifying the suburban lines in Madras.

On this Mr. Ganganand Sinha withdrew his motion.

#### Training of Indians

Mr. RANGACHARIAR raised a discussion on the question of the absence of facilities for the training of Indians as railway officers and superior subordinate officers.

Mr. HINDLEY regretted that India being such a large country, it was not possible always to keep members in touch with what was being done by the Railways. There was misapprehension on the point which he hoped to clear up. He pointed out that though they were taking under the Lee proposals 75 per cent of Indian recruits in future, the flow of recruits must be slow. For instance, in State Railways, the annual requirements were not more than ten officers a year in the Transportation Department, 16 in the Engineering Department, and 9 in the Locomotive Department. A costly central organisation for the training and recruiting of this small number was not justified. The Railway Board was not, however, keeping quiet. He regretted that large number of Indian youths went to England for training. Training in England was not of much practical use in India. The Railway Board was anxious to see all these lads get training in India in Indian requirements. In the case of the Locomotive Department, however, it was felt that in order to keep them in touch with modern developments, training in India be supplemented by that in England. There was no difficulty in finding enough number of trained men for the Engineering Department, while, so far as transportation was concerned, a school at Chandausi was being opened on the 1st March, and would form the basis of the central organisation. Chandausi was chosen because it was previously the headquarters of the railway district, and some buildings were vacant. In future, it might be considered desirable to select a more suitable place where they would build newly a school and hostel, according to their needs. He trusted that the House would not mind this expenses on new buildings. In the meantime, Chandausi would provide the place for recruitment. He emphasised that the most essential requirement was the efficiency of recruits. He did not believe in a course of theoretical lectures making for a railway officer. Practical training should be followed by a theoretical course.

Replying to a remark of Mr. Rangachariar, Mr. Hindley said that both Indians and Europeans would be trained at Chandausi because, at present, both Indians and Europeans were in their employ, and would be selected for training. As for South India, he told Mr. Rangachariar that he was not fully aware of the conditions, but a workshop was being constructed at Trichinopoly, and if not already arranged, he would see that a training school was established there.

On this Mr. Rangachariar withdrew his motion.

After some minor motions had been disposed of, Sir Basil Blackett rose to present his Annual Budget Statement.

THE GOVERNMENT OF INDIA'S  
**Financial Statement for 1925-26**

**Speech of the Finance Member**

*DELHI—28TH FEBRUARY 1925*

In Introducing the Budget for 1925-26, the Hon. Sir Basil Blackett, the Finance Member said:—

**Review of the Year 1924-25**

Our hopes of a steady revival in trade, which were disappointed in 1922-23 and 1923-24, have at last been fulfilled in 1924-25. The characteristic feature of the year has been movement of a greater bulk of commodities both for export and for home consumption. The first ten months of 1924-25 show once again a consideration in the expansion in the exports of grain and pulses. The price of tea has been advancing and our exports for the year constitute a record. The cotton trade had been adjusting itself to smaller margins, but an encouraging feature of the year is the steady expansion in the export of Indian-made piece-goods, especially noticeable under the head of grey piece goods. In the last months of 1924, some of our chief exportable commodities, notably, jute, tea and wheat, rose markedly in price. Cotton, on the other hand, was falling in price and has been slow in coming to the market. The hopeful prospects entertained by the cotton industry have not as yet fully materialised, but with a large crop in sight and indications of a steady internal demand, there are legitimate grounds for hoping that the delay in their realisation is only temporary.

The total value of the exports of Indian merchandise for the first ten months of the financial year was 297 and half crores, which is over 60 crores in excess of the figures of 1922-23, and 24 crores in excess of those of 1923-24. Imports have advanced similarly, and the balance of trade in merchandise in India's favor up to the end of January, 1925, was exactly the same as at the end of January, 1924, namely, 103 and half crores. After allowing for a total import of bullion during the first ten months in question of 61 and half crores, there remains a net balance of 42 crores in favour of India, as against 63 and half crores a year ago.

**Revenue—Customs**

The welcome recovery in trade is clearly visible in the figures of gross Customs receipts. We budgeted for a gross revenue under this head of 46·02 crores and a net revenue of 45·02 crores. The present figures indicate that the gross receipts will be 48·74 crores—an increase of 2·72 crores. There is a falling off in receipts under the heads tobacco, matches, and machinery, but nearly every other head shows an increase, specially the revenue from import duties on cotton piece-goods and sugar, and that from the cotton excise duty, now estimated to yield 2·10 crores in 1924-25. Metals other than iron and steel, and export duties also show noticeable increases. The protective duties imposed in last June are expected to bring in about 2·25 crores, of which about 1·10 crores may be regarded as additional revenue.

**Taxes on Income**

I referred a year ago to the experimental nature of our estimate of receipts under the head of Taxes on income. The figure included in our Budget for 1924-25 was 18·22 crores. Our latest estimate is 1·75 crores less. As the House knows, the Income-tax demand is based on the results of the preceding year, but while trade conditions in 1923-24 did not appreciably differ from those of the previous year, the total yield of 18 and one-fourth crores in 1923-24 include large arrear collections. The year 1924-25 consequently opened with comparatively lighter arrears, and our receipts are reduced accordingly. Thanks to the efforts of the Central Board of Revenue, I have reason to hope that our estimates of Income-tax will henceforward contain a smaller element of conjecture. I am also confident that with improvement in our machinery of collection, there is a considerable margin for increase in future years under this head of revenue.

## Salt

Under the head of Salt, we expect to receive 1.31 crores less than our Budget estimate of 9.05 crores. This is exactly the amount by which the actual receipts from salt in 1923-24 exceeded our expectations as set out in the revised Budget of that year. Our estimates allowed for a rapid replenishment of stocks following upon the reduction of the duty. But we under-estimated the rapidity. The rush by dealers to replenish stocks took place in such volume during March, 1924, that the receipts in that month exceeded the estimate by 1.31 crores, and the receipts in 1924-25 are correspondingly reduced.

## Opium

There is a considerable decline in our estimated receipts from Opium. Our revenue under this head is derived in great parts from fixed sales to external Governments both within and outside the British Empire with whom we have definite agreements, but in addition we have for some years been offering 3,000 chests a year for sale by auction at Calcutta. These chests are bought by traders for export to foreign countries with whose Governments we have not concluded any agreement for direct sales. All such exports are dependent on the grant of an import certificate by the Government of the country to which the opium is being exported, and no export is allowed without such a certificate. Recent international discussions regarding opium have introduced much natural uncertainty in the opium trade, and since October last we have sold very few chests by auction, in February we sold none at all. The consequence is that we now expect a reduction in revenue of 65 and half lakhs, and it is not improbable that our Opium revenue will continue its progressive decline in the next few years.

The position will be better understood if I give figures of net revenue instead of gross receipts. Our net revenue from Opium since the year 1921-22 has been as follows:—

1921-22	...	...	...	1.27	crores.
1922-23	...	...	...	1.92	"
1923-24	...	...	...	1.66	"

For 1924-25 we originally estimated for a net receipt of 2.25 crores. Our revised figure is 1.31 crores, the gross receipts being 3.68 crores and expenditure 2.37 crores. In addition to a reduction of 65 and half lakhs in our receipts there is an increase of 28 and half lakhs in our Opium expenditure, due to the high out-turn of the crop. In our forecast for the year 1925-26, which it is convenient in this instance for me to anticipate here, our Opium expenditure is expected to be reduced by 57 lakhs as the result of a reduction of the price paid to cultivators and restriction of the cultivated area. This has become necessary since our stocks in reserve are growing beyond our requirements and would otherwise have become unduly high, particularly in view of the possibility of a progressive reduction in demand. In consequence of this and of the inclusion in our excise opium receipts of a special non-recurring item of about 20 lakhs to which I shall refer later, our net revenue for 1925-26, in spite of a reduction in sales, is expected to be 1.76 crores, which is 46 lakhs higher than the revised figure for 1924-25.

## Railways

I need say little at this stage in regard to our Railway receipts and expenditure. The net credit to general revenues anticipated in the Budget was 4.58 crores, a figure arrived at without reference to the prospect of the separation of Railway Finance from General Finance. The fixed contribution to general revenues in accordance with the arrangement approved by this House last September is 5.09 crores; and in addition, we are entitled to one-third of the excess over 3 crores of the net balance shown by receipts over expenditure. The figures for 1924-25 can best be summarised as follows:—

	Crores.			
Net receipts from Railways after deducting all payments, including working expenses, but before adjustment of contribution and transfer to Railway Reserve	...	...	...	9.74
Contribution to general revenues	...	...	...	5.09
Balance	...	...	...	4.65
Central Government's share, representing one third of the excess of this balance over 3 crores	...	...	...	0.55
Net transfer to Railway Reserve	...	...	...	4.10
Net credit to general revenues 5.09 + 0.55	...	...	...	5.64

## Posts and Telegraphs.

I have already given the Revised estimates for the posts and Telegraphs Department in dealing with the introduction of the new system of commercial accounting. The actual out-turn of the year on the old basis, as now estimated, differs very little from our anticipations at the time when the original budget was framed. There is a reduction in the net receipts amounting to 16 lakhs, which is more than fully accounted for by the fact that we have agreed to increase by 23 lakhs the assignment to Provincial Governments on account of their share of the receipts from unified stamps.

The only other variation of importance in the revenue for 1924-25 is under the head of Interest, where we expect an improvement of 51 lakhs, exclusive of exchange, owing larger balances.

## Expenditure—Exchange.

On the expenditure side, one of the most important variations between the Original and Revised estimates were based on the assumption—for which I was careful to disclaim any prophetic value—that the average rate of exchange of the year would be 16 and three-fourth pence. I was accused in more than one quarter of rashness, but the sequel shows that I was unduly cautious, for the average rate of exchange for the year is now put at 17 and half pence exclusive of Railway transactions, which affect our general financial position only indirectly, the resulting net saving in our expenditure amounts to 2·15 crores, of which 70 lakhs occur under Military Services and 5 lakhs under posts and Telegraphs.

## Military Services.

Our estimates provided for a net Military expenditure of 60·25 crores. This estimate was framed on the basis of the Budget of the previous year, modified by such information as was available at the time when the original estimate for the current year was prepared regarding the progress of expenditure during 1923-24. We have now before us for our guidance the actual figures for 1923-24, which give us for the first time since the War a basis of calculation which begins to approximate to the normal. Aided by this experience and by the recorded figures of expenditure during 1924-25 up to date, we now find ourselves justified in adopting a net figure of 56·33 crores as the Revised estimate for the current year, a figure which is nearly 6 crores better than the original estimate. Shortage in the authorised establishments of the various services and further economy, in several directions account for a reduction of 1·70 crores. Exchange accounts, as I have already said, for 70 lakhs. Surplus stores have been consumed or otherwise disposed of to the extent of 1·10 crores, or 45 lakhs above the original estimate, while gratuities to surplus officers and other payments to the War Office for the British forces in India are expected to require 33 lakhs less. There is a saving of 15 lakhs under the head Military Works, and various other savings in expenditure amount to 50 lakhs. On the receipt side, arrears from adjustments of war expenditure have brought us 42 lakhs more than we anticipated. On the other hand, we have had to provide for an increase in the cost of the Army owing to recent rises on the prices of forage and other supplies, for which I have allowed 15 lakhs. An addition of 11 lakhs has to be made in our estimate for non-effective charges. The revision of the pay and allowances, including free passages to officers of the Army within the current year, involves the provision of an additional 29 lakhs in the Revised estimate. I shall return later to our Military expenditure in dealing with the figures for 1925-26.

## Civil Expenditure.

I have already mentioned the excess of 28 lakhs under the head of Opium expenditure, required for additional payments to cultivators. Under all the other heads of our civil expenditure, taken together, and excluding the saving under the head of Exchange already mentioned, there is a net excess of 29 lakhs. The bounties under the Steel Protection Act have cost us 37 lakhs, and the additional bounties recently assented to by this House will cost us a further 25 lakhs, making 62 lakhs in all. In addition, we have to meet the cost of improvements, following the Lee Commission's recommendations, in the pay, pensions and allowances of the Superior Services under the Central Government, amounting to about 25 lakhs. Of this figure, however, about 5 lakhs fall to be paid out of the Railway Budget, and 2 lakhs have already been included in the figures for the Posts and Telegraphs Department. It is satisfactory to observe that, in spite of these additional charges, the net excess in the Revised estimate for other Civil expenditures over the original Budget amounts to 29 lakhs only.

The House will observe from these figures that in place of a modest surplus of 18 lakhs allowed for in the original Budget, we now hope to end the year with a surplus



of just under 4 crores. This improvement is mainly attributable to the substantial savings in Military expenditure, to the savings in Exchange, to improved Customs receipts, and to the increase in the contribution from Railways to general revenues. The improvement under these items is more than enough to counterbalance the reductions in our revenue; the refunds of Customs duties to company-managed Railways are covered by the amount set aside in suspense from last year's windfall; and the savings under general Civil expenditure, for which as well as for the reduction in Military expenditure the steady vigilance of the Finance Department may claim some credit, have all but met the extra charges, not anticipated in the Budget, for bounties in connection with the iron and steel industry, and the cost of the Lee Commission's recommendations.

#### Expenditure for 1925-26.

##### Military Services.

I will now deal with the estimated expenditure for the year 1925-26 and begin with the largest item, Military expenditure. We are providing in our Budget for a gross Military expenditure of 56·26 crores. The House will not fail to observe the close approximation between the figures for our net military expenditure in the last three years which have come under review to-day, namely, the actual expenditure for 1923-24, the revised Budget for 1924-25, and the Budget estimate for 1925-26.

But in order to bring out the continuous and substantial reduction which has taken place in our expenditure on Military services, I propose to go back for a moment to 1920-21. Our net Military expenditure in 1920-21 was 87·38 crores; in 1921-22, 69·80 crores; in 1922-23, 65·27 crores; and in 1923-24, 56·23 crores, a figure, it will be observed, well below the figure proposed for that year by the Retrenchment Committee. These are the actual ascertained figures. The expenditure in 1920-21 was inflated by heavy outgoings in connection with the special operations in Waziristan and the North-West Frontier, while in 1921-22 similar abnormal conditions continued, but on a reduced scale. The Budget estimate for Military expenditure in 1922-23, which formed the basis for the examination conducted by the Retrenchment Committee amounted to 67·75 crores. After an exhaustive examination of all the various branches of Military administration, that Committee recommended that the net Budget estimate for 1923-24 should be fixed at 57 three-fourth crores, subject to such addition as might be necessary on account of delay in carrying out the proposed changes and of any special expenditure that might be necessary over and above the established charges. The committee recognised that in the near future, there would be a considerable falling off in expenditure in consequence of the liquidation of liabilities arising out of the war, such as gratuities to demobilised officers. They expressed the opinion that the adoption of their recommendations would enable the estimates in subsequent years to be reduced to about 57 crores, and ultimately, should a further fall in prices take place, to 50 crores. But, as stated by the Committee, the Commander-in-Chief was unable to subscribe to the latter expression of opinion.

I have already explained to the House that the actual expenditure in 1923-24 proved to be 56 one-fourth crores. To this, there must be added 3 crores, representing the utilisation of stocks without replenishment. For 1924-25, the revised figures point, as I have explained to the House, to a total expenditure of 56·33 crores; but here, again, there is additional expenditure in kind due to the using up of stores without replenishment, amounting to 1·10 crores. For the purposes of comparison with the current year, therefore, the true expenditure of 1923-24 should be taken at 59 one-fourth crores, and the true expenditure of 1924-25 at 57·43 crores. Once again, in 1925-26, we hope to be able to utilise stores without replenishment to a total of 70 lakhs. The estimate of net cash expenditure for the year is 56·25 crores, making a total of 56·95 crores for expenditure in cash and kind, taken together.

In compiling the budget for 1925-26, we have to take the actual figures for 1923-24 and the latest revised figures for 1924-25. These give us a basis of compilation which may be regarded as reasonably normal. The estimate for 1925-26 have been under consideration since July last by a Sub-Committee of the Executive Council appointed for this special purpose by His Excellency the Viceroy. As I foreshadowed in my Budget speech a year ago, specially heavy provision is necessary in 1925-26 for terminal charges on account of gratuities to demobilised officers. The amount required for this purpose is 1·71 crores, nearly a crore more than the Revised estimate in the current year. We are, however, approaching the end of these abnormal terminal charges, and we anticipate that in 1926-27 the final balance required to liquidate our total liability will amount to a few lakhs only.

If all abnormal items are excluded, the estimates for the established charges of the

Army for 1925-26 amount to 55 crores. These estimates include not only 27 lakhs on account of the item introduced for the first time last year in respect of Customs duty on imported stores, but also an entirely new item for charges for stationery and printing for the Army, amounting to 13 lakhs, transferred from Civil expenditure in accordance with the recommendations of the Public Accounts Committee. The provision for anticipated additional charges on account of the revision of pay and passage allowances for the officers of the Army in India in 1925-26 amounts to 45 lakhs. A special provision of 43 lakhs is included for buildings for the Royal Air Force and for the continuation of building schemes in Waziristan, now approaching completion. The expenditure on the purchase of army stores in India and in England has been reduced by about 1.70 crores. In spite of the large and continuous reductions which, as I have shown, we have been able to effect in Army expenditure since 1920-21, and of the further appreciable reduction shown in the estimates for 1925-26, I am happy to say that, subject always to our being spared the necessity for expenditure on those active military operations which are the nightmare of every Finance Member, I confidently look forward to a further important reduction in 1926-27.

Before leaving the Military estimates, I wish to draw attention once more to the stores account of the Army. At the time when the Retrenchment Committee sat, the amount of money locked up in Military stores was estimated at 20 and half crores. This figure has now been reduced by 4 crores to 16 and half crores on the 31st March, 1925. If our Budget anticipations for 1925-26 are realised, there will be a further reduction by 70 lakhs to approximately 15 and three-fourth crores on the 31st March, 1926. This sum represents mainly working and mobilisation reserves and the actual balance of stores surplus to requirements will not be of any considerable extent.

#### Civil Expenditure

I have already dealt with the provision to be made for 1925-26 for the reduction or avoidance of debt, and with the reduction of 57 lakhs in Opium expenditure expected to result from restriction of the cultivated area and reduction of the price to be paid to cultivators of opium. The net expenditure on account of interest on debt and other obligations will be less than in 1924-25 by 97 lakhs owing to a large increase in the amount of interest due on Railway investments and on loans to Provincial Governments. A provision of 16 lakhs is being made for new civil works, and a somewhat higher scale of expenditure has also been allowed for under the heads of ordinary maintenance and repairs. This head, however, shows a large decrease owing to a reduction in the special expenditure in Waziristan.

I feel particular satisfaction in drawing the attention of the House to the fact that we have been able, concurrently with the reduction we have made in Military expenditure, to provide additional sums quite appreciable in aggregate amount, for education, research and other beneficial services both in the General Budget and in the Budgets for the areas directly administered by the Central Government. By way of example, I may mention in particular the restoration of 3 lakhs out of the 5 lakhs for the Indian Research Fund which was suspended two years ago on the recommendation of the Retrenchment Committee; the provision of increased grants for the Islamia College in Peshawar and other colleges in the North-West Frontier Province; additional expenditure for the Forest Research Institute at Dehra Dun; increased grants to the Department of Agriculture for erecting a sugar-cane breeding station at Coimbatore; and a larger provision for the Agricultural Institute at Pusa.

In connection with the prevention of over-budgetting, I draw attention to the fact that we have for the first time this year adopted, as an experimental measure, the system of making lump reductions in some of the more important heads of expenditure to allow for probable savings. The total cut thus made in the estimates of Civil expenditure amounts to 15 lakhs. A similar cut of 20 lakhs has been made in the Military estimates. We hope that the system can be so developed as to provide an effective check against the possibility of over-estimating, to which the Public Accounts Committee has this year devoted considerable attention. When departmental officers frame their Budgets, they naturally provide for the full sanctioned strength, but small savings invariably occur under individual heads of expenditure, due mainly to accidental causes such as a temporary shortage of staff, smaller expenditure on leave, salaries, and the like. It is impossible to foresee and allow for such savings individually, but in the aggregate, they may be considerable. It may be that the particular cuts we have made will not be justified by results, but have no doubt that on the whole the total reduction will be fully realised. This course is not altogether convenient in that it restricts, and possibly unduly restricts, the opportunity for re-appropriation which is frequently necessary in order to meet small casual excesses, and it may have the further inconvenience of forcing us to come before

this House for supplementary grants. But the Finance Department will certainly do its best to secure that such supplementary grants shall not be necessary if it can possibly help it, and when they are really necessary, I feel sure that the House will recognise the fact. I believe the principle is a sound one in itself; it has recently been adopted on the recommendation of the Public Accounts Committee in England in respect of the British Army Budget, and I confidently hope that it will in the end lead to more accurate budgetting.

#### Revenue—Customs

I now turn to the estimates of our revenue. In 1924-25, if we ignore the non-recurring refund of 2·80 crores, our net Customs revenue is now estimated at 47·56 crores. We cannot count on a repetition in 1925-26 of the unusually high receipts from cotton piece-goods, sugar and cotton excise duty, as well as from protective duties. I accordingly place the estimate for 1925-26 at 46·35 crores, or 1·21 crores less than in the current year.

In this figure I have made allowance for the effect of the adoption of some minor proposals for reduction in our Customs tariff. These are, in the main, on the same lines as the proposals which were made in the Finance Bill as originally introduced a year ago, but fell out when the Finance Bill was revised. They include the abolition of the import duty of two-half per cent on grain and pulse, the reduction from 15 per cent to two-half per cent *ad valorem* of the duty on reeds, healds and various other articles, chiefly used in power looms, and finally, the modification of the duties at present imposed on petrol in such a way as to fix the duty to be paid by all petrol alike, whether imported or home produced, at 4 as a gallon in place of the existing duties of 6 as a gallon for home produced petrol and eight-half as a gallon for imported petrol. These proposals are recommended by the Government in the interests of trade, and the House will have an opportunity of considering them in detail when the Finance Bill is taken into consideration. Their effect on our revenues is inconsiderable. I may mention here that we do not propose to invoke the assistance of the Provisional Collection of Taxes Act either in order to bring these proposals into effect before the Finance Bill becomes law or for any other purpose in connection with the Finance Bill this year.

#### Taxes on Income.

On the whole, the year 1924-25 has been better for trade than the previous year, though the cotton mill industry has continued somewhat stagnant. But as I have already observed, our original estimate of revenue from Taxes on Income for 1924-25 proved unduly sanguine. For 1925-26 I put the total yield at 17·35 crores, which is 88 lakhs higher than the Revised estimate for the current year, but still 87 lakhs below the original Budget estimate of that year, and I trust, considerably below the figure which our receipts from Taxes on Income will reach in a year following a period of really good trade.

#### Salt.

In my Budget speech last year, I spoke of a prospective reduction of 2·16 crores in 1925-26 under the head of Salt as compared with the figure of 1924-25. We are justified in assuming that the yield of the salt duty will be a normal one in the coming year, and I now put the revenue at 6·95 crores. This is less by 79 lakhs than the revised figure for 1924-25, which was swollen by collections at the higher rate of duty in force in 1923-24 under the system of credit sales. The fact that the reduction amounts to 79 lakhs only is due to the fact, which I have already explained, that 1·31 crores of Salt revenue originally expected to accrue in 1924-25 were thrown back into 1923-24.

#### Opium

I have already dealt with our estimates of Opium revenue, which amounts to 3·56 crores gross and 1·76 crores net. Our receipts include a non-recurring amount of about 20 lakhs under excise opium, resulting from a change in procedure under which Local Governments will take over from us on payment the stocks of excise opium held in treasuries on the 1st April, 1925, and will in future make payment to us on receipt instead of, as at present, only at the time of sale to the public.

#### Railways

The fixed contribution from Railways to general revenues will, as in the present year be based on the figures of 1923-24, and amounts to 5·09 crores. In addition, as the House is already aware, we expect to receive some 15 lakhs, representing one third of the excess over 3 crores expected to be transferred to the Railway Reserve. Our total receipts from Railways for 1925-26 are therefore put at 5·24 crores, as compared with 5·64 crores in 1924-25.

## Posts and Telegraphs.

I have explained the estimates of the Posts and Telegraphs Department for 1925-26, but there is one important consequence of the change in our accounting procedure in connection with the treatment of postal and telegraphic stores which I must mention here. Hitherto, such stores have been paid for from Revenues at the time of original purchase and credited to a Suspense account within our Revenue account which is cleared when the stores are actually issued either for revenue or capital purposes, a corresponding credit being taken to Revenue. This has been found very inconvenient in practice, and our Revenue accounts have been affected by considerable fluctuations in the amount of these stores balances. In some years when stores were purchased for special reasons in larger quantities than usual, our expenditure has been inflated. In the last few years, when purchases have been restricted and we have lived on accumulated stocks, the large credit to Revenue was taken as a reduction in our expenditure. This made comparisons over a series of years difficult. We have now decided, on the advice of the Auditor-General, to keep these transactions outside the Revenue account. The immediate effect of this procedure will, however, be that there will be a large credit to Revenue in the course of 1925-26, in respect of the value of stocks held on Revenue account on the 31st March 1925, which is estimated to be 1.24 crores. New stores purchased during the year will, however, no longer be debited to Revenue. The actual addition to Revenue caused by this change of procedure in 1925-26 amounts to about 69 lakhs, which represents the estimated value of the net new purchases, as we anticipate that the amount of stores in stock and in workshops will be reduced to that figure by the 31st March, 1926. But it is clear that in the first year in which the change is made the result must be a non-recurrent receipt of 1.24 crores which will not reappear in the following years.

## Other Revenue Heads

Under other heads of Revenue, I have allowed for a reduction in interest receipts owing to smaller balances being available for temporary investment, but the Currency receipts are expected to exceed those of 1924-25 by 25 lakhs, chiefly because of the larger discount on Treasury Bills issued to the Paper Currency Reserve during the current year.

We are now in a position to strike a balance. The total estimated revenue for 1925-26 amounts to 133.58 crores as against an estimated expenditure of 130.44 crores, disclosing a surplus of 3.24 crores. But before considering the nature of this surplus and the use to be made of it, I must turn to the subject of Ways and Means.

## Ways and Means.

The following statement summarises the Ways and Means position in India and England, taken together, during 1924-25 and 1925-26 :

	[In crores]	
	Revised 1924-25	Budget 1925-26
Railway capital outlay ... ..	12.9	23.0
Delhi and Posts and Telegraphs capital outlay ... ..	3.0	3.7
Discharge of funded debt, debentures, etc. ... ..	4.5	11.0
Discharge of Treasury Bills with the public ... ..	2.1	...
Loans to, and drawings by, Provincial Governments, ... ..	12.0	14.0
Miscellaneous outgoings ... ..	7.7	...
	<hr/> 4.22	<hr/> 51.7
Revenue surplus ... ..	4.0	0.7
Rupée loan ... ..	13.2	12.0
Cash Certificates ... ..	4.6	4.2
Savings Bank deposits and other unfunded debt ... ..	5.1	5.6
Appropriation for reduction or avoidance of debt (including sinking fund payments) ... ..	3.8	5.0
Railway Reserve Fund and Posts and Telegraphs depreciation funds ... ..	6.2	4.9
Miscellaneous receipts ... ..	...	1.4
Reduction of cash balance ... ..	5.3	17.9
	<hr/> 42.2	<hr/> 51.7

In 1924-25, our total liabilities were considerably less than the Budget estimate. The reduction is mainly due to the failure of the Railways to spend the sum provided for capital outlay. The continued issue of Cash Certificates on the improved terms introduced in April, 1923, is estimated to give the satisfactory net receipt of 4.60 crores instead of 1.50 crores as estimated, and our revenue surplus for 1924-25 is better by 3.62 crores. The sum raised by our rupee loan was nearly 7 crores less than the figure assumed in the Budget. It was estimated a year ago that we should close the year 1924-25 with a balance of 18.68 crores. We now anticipate that the balance will be 46.19 crores. Though our balance is larger than we originally anticipated, it nonetheless shows a reduction of about 5.3 crores as compared with our opening balance.

For 1925-26, Railway capital outlay is estimated, as the House is aware, at 23 crores. We have also to provide during the year for the maturity of about 3 and half crores of 1925 War Bonds, Loans to Provincial Governments mainly for capital development purposes are put at about 14 crores, and about 1 and half crores are required for the new Imperial Capital at Delhi. I may mention that the gross outlay to the end of 1924-25 on new Delhi is estimated to amount to 11.26 crores, and the net outlay, to 10.94 crores. The first step towards the occupation of the Secretariat was taken in the autumn of 1924, when the Accountant-General, Central Revenues, and the Taxation Enquiry Committee were given office accommodation there. The work is now well within sight of completion, and after a year or two, this special form of capital expenditure will disappear finally from our Budget.

Our position at the end of 1924-25 in regard to balances will be a strong one both in India and in London. In India, I anticipate that the maximum amount of new money that we shall require to raise by a rupee loan in the open market will be 12 crores, a figure which is well within the amount of the annual savings of India available for investment in Government securities. But, as I recently explained to the House, the question of beginning operations for the conversion of early maturing bonds is one which is engaging the close attention of the Government of India. I am not in a position to make any statement on the subject at present, but it is not improbable that when we approach the market for our new rupee loan we shall also put before the public a conversion offer.

The last external loan which we issued was in May, 1923, when £20 millions sterling of India 4 and half per cent Stock was offered to the public at 90. We were fortunate in our choice of date for this issue as generally speaking, the price of gilt-edged securities on the London market stood at a higher level at that period than they have done at any time since. In 1924-25 we were able to avoid new external borrowing altogether, and I am glad to be able to say that we have every expectation of repeating this happy abstention again in 1925-26. This will be a particularly satisfactory achievement in that we have to provide in the summer of 1925 for paying of about £2 and half millions of Great Indian Peninsula Railway guaranteed stock when that Railway is taken over by the State. Apart, therefore, from the ordinary sinking funds which are operating to repay the sterling debt, we shall thus be converting this amount of India's capital obligations abroad into an internal liability. The nominal total of our external debt will, however, be increased in 1925-26 in consequence of the taking over of the debenture stock of the Great Indian Peninsula Railway to the amount of £3.5 million, just as it was increased in 1924-25 by taking over the debenture stock of the East Indian Railway, increases which, as I have already pointed out, do not represent additions to India's external liabilities, but simply a change in the form of an existing debt.

There has been a strong and continuous demand for rupee exchange throughout the year and we anticipate that our total remittance during 1924-25 will amount to £42 millions. We have already remitted about £40 millions, of which about £33 millions have been obtained by the purchase of sterling in India. It has been necessary in view of the general cash position in India to transfer the equivalent of £6 millions from the Paper Currency Reserve in India to treasury balances against a corresponding transfer in London, and for the purposes of the Ways and Means statement, we are assuming that the total of such transfers during 1924-25 will amount to £6 millions. For 1925-26, we have taken a figure of £31-half millions for remittances from India.

#### Final Proposals

I remarked in my Budget speech a year ago—and subsequent events fully justified me—that although a Finance Member always desires above all a Budget surplus, he frequently finds it the cause of more embarrassment to him than any other part of his Budget. Once again, in 1925-26, we have a surplus to dispose of amounting, as I have already said, to 3.24 crores. The first necessity is to examine the nature of this surplus carefully

and see how far it can be regarded as a true recurrent surplus. Thanks to the separation of Railway Finances from General Finances, we are no longer in doubt regarding the permanence of that part of our revenue which represents to the contribution from the Railways to the general tax-payer. We have made a satisfactory provision out of revenue for a regular programme of reduction or avoidance of debt, and though there is, as always, much new expenditure which might be regarded as desirable or even urgently necessary out of Central revenues, we have at any rate been able to provide this year for some of the most valuable of the beneficial items of expenditure which had to be dropped during the period of special stress. On the other hand, if it is urged, as it well might be that an unfavourable monsoon cannot be regarded as an improbable event in this year or next, I can reply that the separation of Railway Finance reduces the influence of the monsoon on our General Budget figures, that our estimates are not dependent for their realisation on the monsoon proving an exceptionally good one, and that if we take a reasonably wide view of the general prospects, we are entitled to hold that India is not altogether without a reservoir of financial power stored against a rainless day.

But there are three times on the receipt side of our account which are definitely of a non-recurrent character. I refer to the 1.24 crores credit to Revenue from the issues of postal and telegraphic stores, the final credit of 13 lakhs from enemy ships and about 20 lakhs non-recurrent Opium revenue, to all of which I drew attention earlier in the evening. In our Military Budget also we have to take allowance for the fact that the process of eating down our stores is still continuing during 1925-26, and that approximately 70 lakhs of such stores are expected to be consumed during this year without replacement. To the extent of 2.27 crores, therefore, the surplus, as shown above, is swollen by receipts of a non-recurrent character. But, on the other hand, we have in our Military Budget 1.71 crores of expenditure in connection with the disbandment of surplus officers, which represents a non-recurrent item of expenditure, and to this extent our surplus is made to appear less than it otherwise would be. Taking all these items together, we are justified in concluding that in any case, 2.68 crores of the surplus represents a true recurring surplus. I shall no doubt be reminded that the position in regard to exchange introduces a further doubt. The House must, however, remember that now that the Railway Budget is separated from General Finances, exchange transactions in regard to Railways do not affect our General Budget to any appreciable extent. To that extent, exchange fluctuations are of less moment to our finances than previously. Moreover, we do not overlook the possibility—I hope the probability—of a continued reduction in our Military expenditure, and we are justified also in looking forward hopefully to a considerable improvement as time goes on in our receipts from Taxes on Income. The Government of India have therefore come to the conclusion that they are justified in making proposals for giving up 2 and half crores out of the surplus in favor of whatever claimant or claimants may be held to be deserving.

Are there any such claimants, and who are they? It is too late, I fear, for me as Finance Member to put in a claim on behalf of the taxpayer of the future and ask that the sum should be devoted to the reduction of debt. But there are many members I know who would like to see the charges for letters and postcards reduced. I sympathise entirely with the importance which is attached to the cheapening of communications of all kinds, but are we in a position this year to do anything in regard to postal rates? The dictum that taxation of communications is bad taxation applies to the Posts and Telegraphs Department quite as much as to Railways. The Department undertakes some tasks which in many countries are undertaken by private enterprise, paying taxes and royalties to the State in return for the concessions granted. There may therefore be some justification for claiming a small contribution to general revenues from the Posts and Telegraphs Department, but it should in no circumstances be more than a small one. The converse, however, is also true. I see no justification for making the general taxpayer pay heavily for the cost of facilitating private correspondence. The Posts and Telegraphs Department is emphatically a business concern which should pay its way. If once we depart from this principle, there is no end to the possible burden which might be imposed on the taxpayer, and the task of keeping working expenses down and securing economical and efficient management is made immensely more difficult. The figures which I have given to the House show that both in the current year and in the next, the revenue of the Department does not quite balance the expenditure under the system of commercial accounting. It may be that better trade and further improvement in the direction of economical and efficient management within the Department may enable us to take a different view a year or two hence, but it is clearly impossible to-day to contemplate any reduction in postal charges.

Moreover, any such reduction could only be made at the expense of our general revenue

surplus, that is, at the expense of the other claimants, and whatever else may be said, it is clearly unjust that the Posts and Telegraphs Department should be subsidised at the expense, not of the general tax-payer, but of the tax-payers of particular Provinces. And this is what is involved in 1925-26, if we devote any part of our surplus to a reduction of postal charges, since such action would limit our capacity to reduce the Provincial contributions.

#### Provincial Contributions

This brings me to the one claimant whose claim, by common consent, must come first. There is really no room for uncertainty in regard to the position. The Government of India have repeatedly said that their financial policy has been, is being, and will be directed to the reduction and eventual extinction of the Provincial contributions at the earliest possible date. So long as any of the Provincial contributions are outstanding, we cannot devote our surplus to reduction of postal charges (unless this cannot be done out of the surplus of the Posts and Telegraphs Department's Budget itself) or to the reduction of Central taxation, without failing to live up to this promise which has been given to the Provinces without qualification. The Provinces were disappointed a year ago. We cannot disappoint them again.

#### Bengal Contribution.

At this point, I must refer to an item of 63 lakhs, representing the contribution from the Government of Bengal which automatically falls due to be paid from 1925-26 onwards, unless the three years' moratorium previously granted is now extended. I have not included this item in the figure of 3.24 crores given as the amount of the surplus. My reason for omitting this is that it could hardly be regarded as part of our normal revenue in 1925-26 by any one who is familiar with its previous history. If the Government of India were still in the position in which they were in 1921, of being unable to balance their Budget without extra taxation, or even if their Budget just balanced but left no surplus over for the reduction of the contributions of other Provinces, the claim of Bengal to an extension of the period of remission of its contribution might not perhaps have been a very strong one. But in view of Bengal's special claim for consideration, emphasised by the Joint Select Committee of Parliament, and in view of the fact that we are now in a position to begin the reduction of the contributions of other Provinces, the Government of India, after a careful and detailed study of the case, have come to the conclusion that Bengal must be given some further respite before being brought into line again with the other Provinces.

The Government of India, therefore, propose that 74 lakhs out of the surplus of 3.24 crores should be kept in hand as a margin against possible disappointments or misadventures during 1925-26, and by way of security against any deterioration in the position of the Central finances in 1926-27; that the remainder of the surplus, namely, 2 and half crores, should be devoted to the reduction of Provincial contributions and should be applied in accordance with the order of priority between the Provinces definitely established under the Devolution Rules; and that in addition, the contribution of 63 lakhs due from Bengal should be remitted for a further period of three years. The Provinces entitled to a share in the 2 and half crores in accordance with the Devolution Rules are:

Madras, whose contribution of 348 lakhs will be reduced by 126 lakhs,  
 United Provinces, whose contribution of 240 lakhs will be reduced by 56 lakhs,  
 Punjab, whose contribution of 175 lakhs will be reduced by 61 lakhs, and  
 Barma, whose contribution of 64 lakhs will be reduced by 7 lakhs.

It is desirable that I should mention a minor point arising in connection with the proposed reduction of the Provincial contributions. When, a year ago, we passed the Act abolishing the proviso to Section 20 of the Sea Customs Act enabling Government stores to be imported free of duty, we entered into a temporary arrangement, partly because we were pressed for time, under which, in 1923-24, we are repaying to the Provincial Government the duty on Government stores imported by them. This arrangement is admittedly unsatisfactory. Considerable administrative inconvenience is involved in this system, and it is open to the grave objection that it defeats an essential purpose of Indian policy, which was one of the main justifications for the passing of the recent Act, in that, whatever procedure is adopted, it still pays a Provincial Government to buy stores in England and get the duty refunded by the Central Government rather than to buy them in India at the import price *plus* duty. This is unavoidable so long as any refund of duty is permitted. The Government of India are not bound by any promise to continue such refunds, and they propose simultaneously with the reduction or remission of the contributions in the case of the five Provinces concerned, to discontinue the refund of duty in

their case as from the 1st April, 1925. The amount involved is trifling, and does not amount to more than about 20 lakhs for all the nine Provinces together. The only Province to which the arrangement is of real importance is Bombay, to whom about two-thirds of the 20 lakhs falls to be paid. It might be thought inequitable in the present circumstances to refuse to continue the refund of duty in the case of Bombay, but the Government of India propose to take the question up with the Bombay Government as well as with the other Governments to whom refunds will still be payable, with a view to arriving at some solution which will obviate the objections to the existing arrangement.

In order to give the House a convenient opportunity of considering the important subject of the reduction of the Provincial contributions, the Government of India propose to bring forward a Resolution inviting the concurrence of the Assembly in the proposals set out above. This Resolution will be taken directly after the Finance Bill has been considered and passed.

#### Conclusion.

Those whose memory carries them back to the Budgets introduced in the first Assembly in March, 1921, and March, 1922, and those who have as vivid a recollection as I have of the Budget discussions of March, 1923, cannot fail to be impressed by the contrast between them and now. The members of the first Assembly co-operated unhesitatingly with the Government in the unpopular task of making heavy additions to our taxation in 1921 and 1922. Two years ago, when the Budget for 1923-24 was introduced, not only had we to contemplate the picture of five successive years of deficits, aggregating nearly 100 crores, but we had still to face a serious gap on the revenue side of the account between our revenue and our expenditure in the year then ahead of us. In spite of drastic retrenchment involving the sacrifice of many useful and desirable objects of expenditure; in spite of the postponement of many items ultimately unavoidable with the certainty that the necessity of meeting them would add to the difficulties of succeeding years; and in spite of the heavy increases in taxation in 1921-22 and 1922-23, we found ourselves once again compelled to ask for the imposition of a further burden. Last year in presenting the Revised estimates for 1923-24, I was able to assure the House that our sacrifices had not been without reward, but it was still not possible to say with certainty that the year would end with an actual surplus of ordinary revenue over ordinary expenditure.

To-day we are in a happier position, and can look back with quite satisfaction on the realised surpluses of substantial amounts both in 1923-24 and 1924-25, the latter secured in spite of the reduction of the salt tax to the figure at which it stood before the increase made the year before. Better still, for the year now ahead of us we have not merely the prospect of securing a realised surplus once again, but we are also taking a real and substantial step forward towards the eventual extinction of the Provincial contributions, and are thereby giving new hope to those who are working the Reformed Constitution of India in the Provinces and fresh encouragement to devote their energies to the task of building up a new India without the exasperating restrictions imposed by financial penury. For this result, we must pay the tribute of thanks which is so justly due to those who went before us. We are now able to appreciate in better perspective the value of the achievements of those who carried the burden in the dark and difficult years immediately succeeding the War. We are reaping to-day some of the fruits of the labors of the first Assembly of Sir Malcolm Hailey, my predecessor in the Office of Finance Member, and of the members of the Retrenchment Committee. I feel sure that all of them will feel, on seeing our position to-day, that if the realisation of their hopes has been long deferred, their labors have not been in vain.

But if, by contrast with the past, our position now seems a brighter one, we cannot be blind to the vastness of the work still to be done. Apart from the Bengal contribution, there are still 6 and three-fourth crores of Provincial contributions between us and the day when the Central Government's Budget can be balanced without assistance from Provincial sources, and the task of reducing the level of Central taxation actively begun. In all countries of the world the war and its aftermath have raised the level of taxation high. Few countries have escaped as lightly as India, but the level of taxation here is nevertheless much above the pre-war figure. Our disposable surplus in 1925-26 takes us only a step towards our immediate goal. The steep hill which we have painfully climbed has but brought us within distant view of the higher peaks towards which we aspire. We have grounds to-day for sober satisfaction: we have none for premature elation or for any slackening in our endeavour. I can offer India no better motto to-day than my own old family device: *nous travaillerons en esperance*, "we will work in hope."



### Attitude of Parties towards the General Budget.

Soon after the Budget speech, the Swaraj Party of the Assembly held a meeting on the 2nd March at Delhi to discuss the attitude they will adopt in connection with the General Budget. After a prolonged discussion, it adopted its Sub-Committee's recommendations to reject all demands under several heads of "General Administration" and the Secretary of State's expenditure besides the provision of Rs. 77,000 for the cotton excise establishment.

The Independent Party also met on the same day. From the speeches made at the meeting, it indicated doubt in the minds of some members whether, in view of the Swarajists having taken up their own line of action over the Railway Budget, it was necessary for the Independents to join them in connection with the General Budget.

The Madras Members of the Central Legislature met on the same day at Mr. Rangachariar's residence at Raisina and the sense of the meeting was in favour of supporting the Govt. of India's proposals for the remission of the provincial contributions. The feeling among the Bombay members appeared to be very keen over the excise duty on cotton and it was understood that the Swarajists and Independents would both press upon the Government for at least a substantial reduction of this duty, if not its abolition.

### General Discussion of the Budget.

*DELHI—3RD MARCH 1925.*

The Assembly met next on the 3rd March and, after a few interpellations, proceeded to the general discussion of the Budget. Mr. Amarnath DUTT in opening the discussion complained of the immense poverty of the people, which had never been the subject of serious consideration by the rulers. He criticised the high rate of military expenditure and said that if the Government had really the good of the people at heart, they would have drawn soldiers for the army from the tillers of the soil. The White army sat like a vampire on the hearts of the people. Unless the grievances of the people were redressed, they could not give their assent to the budget which, instead of lightening the burden, had agreed to it, and instanced the non-remission of the salt tax and giving effect to the Lee Commission proposals as examples to the point. The duty of every patriot was to refuse all demands for grants until the Government was responsible to them.

Mr. COCKE congratulated the Finance Member on his budget and on the excellent work he has been doing since he took up his duties in India. This tribute was borne out by the knowledge that, compared with the deficit of 27 crores and 15 crores in 1921-22 and 1922-23, they had a surplus of two crores and four crores in 1923-24 and 1924-25. He hoped that next year they would get a better surplus than that budgetted now. He particularly referred to the substantial reduction in the Military budget. Coming to the tariff changes, he urged that before the next budget was presented, the Finance Member should see his way to reduce the existing high duties, particularly on motors. As for the cotton excise duty,

he wished the Finance Member had at least made a beginning this year by reducing by half, if not full. Mr. Cocks considered that the income-tax was not equitable. Mr. Cocks also raised objections to super-tax. Now that England had taken off the Corporation Tax, they in India should also take up the remission of this tax. The speaker did not think that postal rates could be reduced this year in view of the loss on the working of the Postal Department.

Sir Purshottamdas THAKURDAS welcomed the surplus budget, but felt himself unable to congratulate the Finance Member. He said the budget and the revised estimates showed that the Finance Member had been over-cautious in his outlook and that the surpluses disclosed were without parallel, compared with recent year. He heartily congratulated the Provinces granted remissions of contributions, which were overdue to them (applause). But he could not congratulate Bengal, which was not self-supporting and was still living on the taxes of the Government of India. (Laughter). He thought Bengal and Bombay were treated alike by the Meston award and had similar grievances, but Bombay had been left out and Bengal again granted three years' remission, and Sir Basil had gone to the extent of saying that if the 63 lakhs from Bengal were included, it would be quite an extra-ordinary receipt. Sir Purshottamdas Thakurdas then compared the budget figures as estimated and as revised during the last two years.

Summing up the position, Sir Purshottamdas Thakurdas said that, including about ten crores which were being taken to the Railway Depreciation and Reserve Fund, the revenues of India had shown since 1923-24, including the budget for next year, a total surplus of about 22 crores. These 22 crores were being utilised for some purpose or other, but not to the relief of the taxpayer. The Finance Member had in three years put this huge sum to create confidence in India's credit, but did Sir Basil realise that the contentment of the people was a bigger factor in maintaining confidence in the market?

The Government was continuing on the Statute Book one duty which marked not only the inferiority, but the humiliation of India. Every Viceroy had stood committed that it should go. The Government of India, by Lord Hardinge's undertaking, stood committed to its abolition as soon as the finances permitted, and now, as soon as finances became available, the question of the excise duty was being mixed up very wrongfully with the question of provincial contributions. Provincial jealousies were being created. He, for one, if he were a Bengalee or Panjabee or Madrasi, would not have hesitated for a moment to vote against the cotton excise duty.

Mr. GOSWAMI took the Government to task for not appointing a real Economic Enquiry Committee with a view to ascertain the economic conditions of the people. He asked his friends to remember that the Government had given effect to the recommendations of the Lee Commission, thereby flouting the considered decision of this House. The military budget still stood at 56 crores, which the country could not bear, and he feared that the Government had only reduced the figure from last year's provision by manipulation of figures.

He said that there was every justification for a portion of the Telegraph Department's expenditure being placed under the military expenditure. As for the exchange, Mr. Goswami considered the Government's policy as disastrous, and whatever profits India got were only adventitious. Conclu-

ding, he considered the Meston settlements as one arrived at in a hurry, and it should therefore not be regarded as sacrosanct.

Mr. Kasturbhai LALBHAI pleaded for the abolition of the cotton excise duty, and criticised the Government for keeping the exchange at such a state as to enable foreign countries to import their piece-goods and undermine the great national industry in India. The cotton merchants in India were not only losing ground in the Indian market, but their export trade was seriously handicapped.

Mr. ABHYANKAR said that, far from complimenting the Finance Member, he should censure him for the budget, the object of which was to exploit India for the benefit of the foreigners. The voluminous volume presented to the members was not worth the paper on which it was printed if the members could only view it from the National point of view. What was the use of having Railways, Post Offices, and Telegraph Offices and all those other departments, said to be of public utility, unless Indians had a full hand in them, and the money spent for their maintenance was spent in India? On the other hand, crores and crores for their maintenance were being spent far across the seas, beyond the possibility of even salvage. The whole object of this budget was the enthronement of the bureaucracy in the name of the people of India. India was being administered as an estate, and not as a country. Otherwise, could they ever believe that India, whatever its past, could be so emasculated and denationalised as it was to-day, after 150 years of British rule? India wanted not only Indianisation of the Army, but that rifles used in war should also be produced in India.

Mr. Shunmugam CHETTY said that the Budget this year gave the final accounts of 1923-24, which proved that Sir Basil Blackett was absolutely wrong in proposing the imposition of the salt tax, and having it certified against the verdict of the Assembly. It was now clear from the surplus of 1923-24 that the Indian critics of Sir Basil Blackett were right, and they properly understood the financial position. The speaker complained that Sir Basil, by over-estimating the expenditure, particularly the army figures, had deprived the Provinces of a reduction in the contributions last year. Mr. Shunmugam welcomed the proposal for the establishment of the Provincial Loans and Railway Loans Fund.

Mr. N. C. KELKAR said that the budget showed signs of rehabilitation. A number of reforms were discernable, but others still remained to be adopted. Mr. Kelkar felt that salt need not remain a State monopoly, and that the tainted excise revenue should be given up. He dealt at some length with the debt redemption scheme, which, he said, set apart a greater sum than was needed. He pleaded for the abolition of the cotton excise duty, though he had many grudges to square up with the methods of the millowner. He also urged the remission of the contribution from Bombay, as his Province was budgetting for a deficit. He condemned the Government's exchange policy in the past, particularly the sale of Reverse Councils, which was a wanton attempt at the liquidation of the financial resources of India.

DELHI—4—5TH MARCH 1925.

Next-day, the 4th March, on the Assembly re-assembling, Mr. RANGA-CHARIAR initiated the discussion. The budget, he said, showed that

they had now turned the corner. The speaker perceived that the original pessimism of the Finance Member had given place to optimism. He said that unless the heavy additional taxation of 40 crores during the recent years was taken off, they could not consider any surplus real. There was a regrettable tendency noticeable of increasing expenditure under almost every head. He thanked the Commander-in-Chief for economy in the army estimates, but felt that steady reduction of the military expenditure must continue until at least it was brought down to fifty crores. Further substitution of British troops by Indian troops would result in economy. He saw no reason in view of the falling prices for additions to the emoluments of army officers.

Continuing, Mr. Rangachariar referred to the difficulty with which the Legislatures were faced in having to face an irresponsible and unresponsive Executive.

An important and comprehensive review of the Army in India and a frank expression of opinion on the question of Indianisation of the Army were given by Lord RAWLINSON. The Military budget, he said, within the last five years, had been brought down by more than 30 crores, which was over one-third of the total. Within his term of office, he could carry out no further reduction in the combative branches of the army. Economies in other directions would not, however, cease. He mentioned the difficulties he had to face in the reconstruction of the army in the light of the experience of the war, along with carrying into effect drastic economies. The result of training and instruction was that to-day, the efficiency of the army must be considered satisfactory. The lessons of the war had generally helped them. "Indeed, I can say without hesitation that the army in India had never been either better commanded or staffed (applause). From this, I must eliminate the personality of the Commander-in-Chief. (Laughter). When the time will come for me to lay down the reins of office, my greatest regret will be to sever connection with the magnificent body of officers and men who form the army of India."

The Commander-in-Chief opined that the present policy in Waziristan was successful, and that they were maintaining a reasonable standard of law and order in that turbulent frontier. Relations with Afghanistan, despite Soviet machinations and the activities of propagandists, were similarly normal. It would be foolish to shut their eyes to the indications of a re-approachment between Russia and China. Russian policy in Central Asia was developing on some new lines.

Touching the army administration, Lord Rawlinson testified to the success of the scheme of decentralisation in the form of creation of four commands. He explained that as modern warfare was becoming daily more and more technical and scientific, they were keeping a programme of education in the army at their forefront.

After giving an account of the substantial provisions which had been made in improving the conditions of employment of the Indian soldier, H. E. the Commander-in-Chief gave his opinion on Indianisation, to which he gave his most earnest attention. He said that the first difficulty was that India was not a Nation. (Some voices : question.) He did not see how, for many many years to come, India could do without a large percentage of British officers to defend India. (A voice : How many ?)

H. E. the Commander-in-Chief : I leave you to guess. (Laughter).

The experiment of Indianisation of eight units must be carried through, and not plucked out by the root. He warned that what was needed was quality and not quantity. Any attempt to force the pace would imperil the whole scheme. The Territorial Force Committee had made far-reaching recommendations. The Dehra Dun College, the Kitchener College, and King George's School would provide grounds for education for those who have in view the military profession. He would insist on having the best Indian officers and nothing but the best. The problem was so full of conflicting interests, complicated by racial and religious differences, and so intimately connected with political development, that it would be dangerous in the highest degree to risk the consequences of a rash step. If the House regarded the problem from a wider aspect and got away from minor details and racial competitions, it would be more likely to win the confidence of those responsible for any scheme of Indianisation, and with whom the final decision of this vexed question must ultimately and inevitably rest.

Mr. CHAMANLAL condemned the Commander-in-Chief's pronouncement regarding the Indianisation of the army. He said that the reasons against speedy indianisation were that India was not a Nation, and that they could not have a National Army. There were too many languages, castes and creeds. Here, the speaker argued that Germany also was not a Nation in that sense, and yet there was a German army. The Government, he said, did not Indianise the army because they did not want it for India, but for the Imperial policy of maintaining Britain's supremacy in the East.

Mr. Chamanlal quoted a Despatch of the Indian Government sent in 1896, which runs: "Millions of money have been spent on increasing the army in India, on armaments and fortifications, to provide for the security of India, not against domestic enemies or to prevent incursions of the warlike people of adjoining countries, but to maintain the supremacy of the British power in the East. The scope of all these great and costly measures reaches far beyond Indian limits, and the policy which dictates them is an Imperial policy." He asked the Government members honestly to confess that this Imperial policy had not been the cause of India's unfitness, and stood in the way of Indianisation.

Mr. PATEL welcomed the frank speech of the Commander-in-Chief who had told them that the Government thought that India was not a Nation, that they would have no Indian Sandhurst, that Indianisation of the Army must wait for a long time, and that they should not expect substantial reduction in the military expenditure.

Sir Basil BLACKETT rose to reply. He first met the argument that the majority of items were non-votable. He told the House that in England, out of 790 million pounds in respect of debt interests, 385 millions were non-votable. In India, 118 crores were votable and 97 non-votable. This year, out of 118 non votable, 47 crores represented intersets, which, even in England, was non-votable. Of the remaining 71 crores, 56 crores of the military Budget were non-votable. In the case of the Provincial Governments, the figures for 1923-24 showed that out of a total of 76 crores of revenue, only fifteen crores were non-votable. Thus, both in the Centre and in the Provinces, a very large proportion was votable.

Sir Basil Blackett, continuing, said that regarding the claims between the Government of India and the War Office, they were making considerable

advance towards a satisfactory agreement at a fairly early date, and as soon as this was effected, there would be a sufficient amount as surplus. The Persian debt had been advanced before the war and the early part of the War, jointly with the United Kingdom. The East Persian claim had nothing to do with other matters appearing in the Budget.

As regards the profits of the Gold Standard and the Paper Currency Reserves, the Finance Member said that when Government security held in the Paper Currency Reserve was covered for note issue, whatever form it took, it became nothing but I. O. U. The question as to how much security they should hold in the Currency Reserve was quite another point. The question of one form of Government security or another form of security did not alter the position. He, however, agreed with Mr. Patel that to issue *ad hoc* securities and spend money out of it was a wicked thing. He agreed also that a raid on the sinking fund would be thoroughly unsatisfactory from every point of view, because the result of so doing, from the point of view of creditors, would be damaging. The action of the Assembly in supporting the Government of India's resolution on debt redemption would enable their schemes to materialise, and they would be enabled to obtain additional money at favorable rates.

He (Sir Basil) had been accused of a special grudge against Bombay, because there was no remission of Provincial Contribution for that Province. They might not like the Meston Award and the Devolution Rules, but he, as Finance Member, had to accept them for the time being, and therefore, he could not be accused of doing what the Rules laid down. He had also been accused of not relieving the tax-payer, but reduction in provincial contributions was, from the point of view of the Central Government, equivalent to reduction in taxation. The Government of India kept in hand only eighteen lakhs as reserve against possible difficulties next year. They could not, therefore, be accused of being unduly cautious.

The discussion of the Budget thus ended. The Assembly then adjourned till the next day to consider official Bills.

#### Official Bills

Next day, MARCH 5TH, Sir Basil Blackett introduced the Bill amending the Income-Tax Act.

Mr. Bhole moved that the Bill about the Haj Pilgrimage be passed as already amended by the Assembly. This was passed by 56 votes against 13.

The Bill amending the Cantonment House Accommodation Act and the Bill amending the Indian Port Act were passed. Sir Charles Innes' motion to take into consideration the Select Committee's report on cotton ginning and cotton pressing factories was also passed.

Mr. Bhole moved the House to agree to the request of the Governing Body of the Lady Hardinge College for the nomination of two members of this House to sit on the Governing Body. He said that the College came into existence as the result of the magnificent generosity of private individuals, but the Government was making annual grants to the institution. The Governing Body had welcomed the interest taken by the members of this House in the College, and considered that the representation of the House on the body would be of very real value.

Mr. Rangachariar moved that the resolution be not proceeded with. This was agreed to.

## Voting on Budget Grants.

DELHI—6TH MARCH 1925.

### Cotton Excise Duty

Voting on demands for grants by the Assembly commenced on this day. After interpellations the majority of which related to Railway and other matters Mr. Kasturbhai LALLBHAI, Millowners' representative, moved the omission of the provision of Rs. 77,000 for covering the expenses of the establishment for collecting the cotton excise duty. His motion, he said, was a logical corollary to the decision of the Assembly in September last. Sir Charles Innes did not defend the duty in September, but let the cat out of the bag by observing that the proper thing was not to take off the cotton excise duty, but also to reduce the import duty. Thus Lord Hardinge's pledge and the Fiscal Commission's recommendations must go as chaff before the wind, and the cotton mill industry must take its chance with imported cotton goods from Japan and elsewhere.

The losses of the Bombay mills alone for 1923 amounted to Rs. 117 lakhs. He had ascertained that during the year just closing, the losses would not be less than 150 lakhs, and if the present depression continued, he did not know where the industry would be landed. But the case for abolition did not entirely depend upon the condition of the industry. Imports in cotton manufactures went up from 68 crores in 1923 to 83 crores in 1924, while the total exports did not exceed even ten crores.

Pandit MOTILAL said that his motion wanted a reduction of Rs. 79,300. It included the expenses of Rs. 2,300 in respect of the cotton excise duty in the Central Provinces. He wanted to abolish the tax not only in Bombay, but in every part of India. This obnoxious tax had disgraced the Government and humiliated India for the past 30 years. In spite of the ceaseless fight of the National Congress, in spite of the promise made by the Viceroy and even the Finance Member, and in spite of the vote of this House last September, Sir Basil Blackett was unmoved, and had not a word to mention in his long budget speech about the duty. Worse still, though speaker after speaker condemned this duty during the General Budget discussion, Sir Basil, in his reply, made no serious reference to the duty. The speaker admired this feat of Sir Basil, which required great courage.

Sir Campbell RHODES opposed the motion of Mr. Kasturbhai. He stood by the conclusions that the Fiscal Commission had arrived at; but they could not run away from the economic effects of abolishing the cotton excise duty. This point was forcibly brought forward by Dewan Bahadur Ramachandra Rao in the September session when, representing the agriculturists, he had said that the reduction of the duty would not necessarily mean a reduction in the price of cloth, and therefore, to that extent, he was in agreement with the view Sir Charles Innes expressed on that occasion. Mr. Kasturbhai Lallbhai would have been on stronger ground if he had suggested a corresponding reduction in the import duty. The political issue was a dead one, and when the duty ceased to be a countervailing duty, then it became purely an economic issue. Here, he (Sir Cambell) was at one with Mr. Kasturbhai, that the Government must give effect to the Assembly's wishes. The fact that he was not able to support the motion as it stood did not affect

his view that if it was carried, the Government must at once give due consideration to the wishes of this House (applause). The only point was that the Assembly must fully understand what it was doing.

Mr. Ramachandra RAO supported the motion of Mr. Kasturbhai. He made it clear that the Madras members would not be a party to any change in Sir Basil Blackett's scheme of remission of Provincial Contributions. He had the support of the Bombay benches for this statement. There was no member from Bengal, U. P., Bombay or Madras who would accept any change in the scheme for the remission of Provincial Contributions, and see the Transferred Departments in his Province starve. Sir Campbell Rhodes had quoted him (Mr. Rao) from the speech he had made in September; but he would find a little lower in that speech the passage, that if it was decided to remove this duty, then there must be a tax on those companies which made profits. His suggestion now was that this duty should be abolished.

Mr. PATEL remarked that both sides of the House agreed that the duty must go. It was only a question of funds, and the speaker felt that the Finance Member had so much money at his disposal that he could not only abolish the excise, but also reduce the postage and salt-tax (laughter). There was already with him a surplus of 74 lakhs. Then, again, why should not the 80 lakhs of discount charges be spread over a number of years?

Pandit MALAVIYA supported Mr. Kasturbhai's motion. He said that according to the admission of the *London Times*, this tax was politically, morally and economically indefensible. Its continuance was an open sore, and was neither in the interests of the consumer nor of the trader. The interests of the consumer lay in developing the national industry. It could not develop if the handicap of this duty continued. It was a reproach that three-fifths of the cotton produced in this country should go out of India, to be converted into piece-goods for the use of India. It was a pity that the Government, which had all along promised to remove this duty, should, since the September debate, have shown a somewhat different attitude.

Sir Purushottamdas THAKURDAS took particular objection to the speech of Sir Campbell Rhodes, who represented an interest opposed to the interests of the mill industry. He felt that Sir Campbell Rhodes had tried to rouse provincial jealousies, and that he had tried to put capital against labor by sounding the clarion call to Mr. Joshi to come and stand under his banner. Sir Campbell Rhodes had done all under some guise or other in the interests of Lancashire to maintain a duty which Lancashire thrust down the throat of India. Mr. Ramachandra Rao had asked for a categorical declaration that nothing would interfere with the remission of provincial contributions. Sir Purushottamdas assured him that he did not want the cotton excise duty to take precedence over provincial contributions (applause). He would support the remission of provincial contributions, first, second and last. He was told that the Madras Government feared that support of the cotton excise might endanger the remission to the Provinces. The speaker did not know the secrets of Sir Basil Blackett; but he did not see how it should. He deprecated members thinking that the cotton excise duty was a concern of Bombay alone, because the industry was mainly situated in that Presidency. The speaker felt that the industry was of vital importance to India as a whole.

Sir Basil BLACKETT, in reply to the debate, said that the motion of Pandit Motilal for reduction of Rs. 79,300 would have been more logical,



as it would remove all provisions for the collection of the cotton excise duty all over India. By passing the motion the House would be expressing the view that the Government should not collect this duty as from the 1st April, 1925. He had estimated a receipt of Rs. 215 lakhs from the duty; but if Sir Purshottamdas's figure of 160 lakhs was more probable, then, it would straightway reduce his surplus of 74 lakhs by 55 lakhs. However the Finance Member stood by his own estimate. We have to find 215 laks if this motion is accepted. I say quite clearly to this House that these 315 lakhs do not exist. We cannot get that money either without budgeting for a deficit.

"I want to put the position perfectly straight. By voting the motion, the House is endangering the 250 lakhs set aside for reduction in Provincial contributions. It is voting that any further surplus we may have this year, or indeed, in future, should first go to the reduction of the cotton excise duty, and only thereafter, to provincial contributions. This is perfectly clear and logical. I cannot, naturally, state at this stage what decision the Government would arrive at in the face of that vote. The Government are necessarily awaiting in this matter the discussions that will take place on the demands for grants and on the Finance Bill. The Government would be put into a very difficult position by the carrying of this motion. In spite of what Pandit Motilal and Mr. Ramachandra Rao have said, the Government will take it as an expression of opinion by this House that the cotton excise duty should be abolished in preference to Provincial contributions. (Voices: "No, no, this is not the opinion of the House.") I know, and I am sure that is not what the House wants, but the conclusion which I have mentioned is unavoidable."

#### Adjournment Carried

After some members had spoken, Pandit MALAVIYA, amidst cries of "No, No", moved for an adjournment of the debate till Thursday, the 12th. His reason was, whether the Government agreed or not, that during the voting of demands for grants, they would be able to show to Sir Basil Blackett that the saving required to abolish the cotton excise duty was available.

Pandit Motilal opposed the motion. He said that his case was based on an entirely different ground from that put forward by Pandit Malaviya.

Sir Alexander Muddiman said that the Government would support the adjournment, but it committed the Government to nothing. Thereupon, the House divided, and carried Pandit Malaviya's motion by 62 votes against 49. The minority consisted of the Swarajists and some Independents, while the majority consisted of the Government, Independents, and others.

#### DELHI—7TH MARCH 1925.

##### Income-Tax Grievances

During the voting of grants on this day, Lala Dunichand moved that the demand under the head "Taxes on Incomes" be reduced by Rs. 100. This was rejected.

An interesting discussion then ensued on Mr. Neogy's motion for a cut of Rs. 100 in order to draw the attention of the Government to the operation of Devolution Rule No. 15, under which both Bengal and Bombay, the two industrial Provinces, were hit hard in that they obtained practically no share

of the income-tax collected in those two Provinces, whereas other Provinces obtained more than was expected. The cut was carried by 63 to 41 votes.

Mr. Rama Iyengar moved for a cut of 3½ lakhs under "Taxes on Income". He quoted figures to show that there was no necessity for additional provision in various Provinces. Indeed, it had been found that, in some Provinces, the money provided last year had not been spent.

Mr. Rangaswami Iyengar, who had given notice of a cut of one lakh, supported Mr. Rama Iyengar's motion, reserving the right to move his if Mr. Rama Iyengar's was lost. The motion was lost, the voting being 60 against 48. The budget provision, with the cut of Mr. Neogy (Rs. 100), was accepted.

#### Salt Industry in India

A demand for the encouragement of the salt industry in India, and revival of the salt industry in Orissa, was made by non-officials, headed by Mr. Venkatapathi Raju, who moved a cut of Rs. 100 in the demand under the head "Salt".

After discussions the motion was carried by 56 to 33 votes. The Assembly then adjourned.

#### DELHI—12—13TH MARCH 1925.

On the 12th MARCH, soon after the Assembly met, Pandit Motilal's motion to adjourn the House to discuss a matter of definite and urgent public importance, namely, the action of the Government in failing to provide an opportunity to the House to discuss the Reforms Committee Report during the current session, was ruled out of order by the President, firstly, on the ground that it would anticipate discussion on the substantive motion of which notice had been already given by Mr. Rangaswami Iyengar and secondly, because the matter referred to the Governor-General and not the Governor-General-in-Council. The House would, however, have an opportunity to discuss the Report while voting on demands under the Home Department and the Executive Council on this day and the next day.

Discussion was then resumed on the demand under "Salt." Mr. Doraiswamy Iyengar's motion for a reduction of 50 lakhs was rejected without discussion. Mr. J. Mehta's proposal for a cut of about 15 lakhs was also rejected. After some further discussion, the demand under "Salt" was passed, and the House proceeded to resume the adjourned discussion on the motion of Mr. Kasturbhai Lalbhai for the omission of Rs. 77,000, which represents the cost of the collection of the cotton excise duty.

#### Cotton Excise Duty

On behalf of Government Sir Basil BLACKETT announced the Government of India's decision regarding the Cotton excise duty. He said :—

The House will remember that, on Friday last, after spending the whole day in the discussion of a motion to omit from the Customs grant the provision required for the staff which collects the cotton excise duty, we finally postponed further consideration of the motion till to-day, in order to give time for further consideration of the points which had arisen. It emerged clearly from last Friday's debate that there was complete unanimity in the view that the only obstacle to the repeal of the cotton excise duty was the question of funds, and almost complete unanimity that the sum earmarked in the Budget for 1925-26 for the relief of the Provinces must not be encroached upon. It was pointed out on behalf of the Government that the motion before the House, if carried and accepted, involved the non-collection of the cotton excise duty as from 1st April,

1925, and that the loss of revenue could be made good only by reducing the sum set aside for the Provinces. It was further pointed out that even if the money were really available, it ought logically to be devoted to increasing provincial relief. If, in the words of Sir Purnshottamadas Thakurdas, the priority of the Provincial claims first, second, and last is conceded, the reduction or abolition of the cotton excise duty this year must, in any case, be at the expense of the Provinces hereafter. Various suggestions for a solution were thrown out in course of the discussion. Sir Campbell Rhodes urged that the Government should agree to accept the vote of the House on this motion, and if it were carried, should abolish the cotton excise duty, even if it involved encroaching on the funds available this year for provincial relief. Pandit Motilal Nehru expressed his readiness to vote for alternative taxation if a suitable alternative could be found. Pandit Madan Mohan Malaviya, in moving for an adjournment of the debate, expressed his expectation that cuts could be made sufficient to enable the duty to be repealed without diminishing the sum available for the Provinces. Finally, Mr. Jinnah made the interesting suggestion that if the whole duty could not be abolished this year, a beginning might be made as an earnest of the Government's expressed desire to honor to the full the pledge given by Lord Hardinge.

All these points required, and have since received, careful and prolonged examination and re-examination by the Government, who were, and are most anxious to give full weight to the views of the House on this very important question, and welcome the opportunity offered by an adjournment. That opportunity has been used by the Government, who have given the most careful and sympathetic study to the whole subject, and I have now to explain to the House the conclusions at which they have arrived. A re-examination of the Estimates confirms the Government in their view that there is no legitimate possibility of both maintaining their proposals for provincial relief in tact and abolishing the cotton excise duty. They cannot budget for a deficit, and they are convinced that no important cuts can be made if the budget figures are to remain, as they must, a true estimate of the amount likely to be required for the service of the State in 1925-26. The Government are unable, for the reasons stated last Friday, to recommend any form of substitute taxation, since this inevitably means imposing a new tax, the proceeds of which will be paid to the millowners. They must also rule out at once any idea of encouragement on the sum earmarked for provincial relief. It is obvious that this latter course is not desired by the House, and even if the House were to pass this motion, which, I hope, it will not, and even if that motion must logically be taken to mean giving priority to the cotton excise duty over Provincial contributions, Government feel that they would be failing in their duty if they were to consent to deprive the Nation-building services of funds they so badly need in order to repeal a duty at the moment preponderantly political.

There remains Mr. Jinnah's suggestion that a beginning might be made this year by some reduction, necessarily small, in the duty, as an earnest of the Government's good intentions. Our recurrent surplus amounts only to 18 lakhs, and it is clear that a recurrent loss of revenue ought not to be financed out of non-recurrent receipts. Even a reduction of half a per cent. in this duty, from 3 and half percent to 3 per cent, requires, as we estimate, about 30 lakhs, and would, therefore, involve risk when we come to the Budget for 1926-27.

But at first sight, the proposal has some obvious attractions. Its adoption would, it is claimed, finally dispose of the suspicion that the Secretary of State, or Lancashire, or some obstacle other than lack of funds, stands in the way of the Government carrying into effect those pledges which the Government have once again declared their intention of honoring in letter and in spirit. I repeat once more that there is no obstacle other than the question of funds. But I recognise that there will always be those who demand that a sign be given unto them, and who will not be convinced except by ocular demonstration. If a reduction by half-a-per cent. this year would really be regarded as an ocular demonstration, it would obviously have a real political value.

A further suggestion has been made, that to make a convincing demonstration, the initial reduction ought to be accompanied by a plan for progressive diminution and ultimate extinction within a few years. This clearly involves an unjustifiable speculation as to the budgets of these years as well as a mortgage of any future surplus, with a definite preference in favor of the cotton excise duty over Provincial contributions after 1925-26.

The Government have had the advantage, since last Friday, of discussing the whole matter with the representatives of the millowners. The Government recognise that the industry is passing through a difficult phase which, we trust, however, is a temporary one, and we are ready and anxious to give a sympathetic and favorable hearing to the

millowners' case, and to do all that we can to help the industry in a practical form. But it is abundantly clear, and this is not disputed by the millowners, that a reduction of the excise duty by half-a-percent would not touch the fringe of the problem which now faces the industry. I am inclined myself to doubt whether even the complete abolition of the duty would really get at the heart of the trouble, though it would give some temporary encouragement. We are, therefore, met once again by the fatal objection that such a reduction of the duty by half a percent would merely put 30 lakhs a year out of the pocket of the taxpayer, strictly, of the Provincial taxpayer, into the pockets of individuals, without in any way helping the industry to surmount its difficulties. This 30 lakhs a year would cease altogether to be available towards these further reductions of Provincial contributions, which the Government and the Assembly are anxious to effect indeed, and have promised to effect at the earliest possible moment. The Bombay Government which, besides favoring the abolition of the cotton excise duty, has also represented strongly its claims to relief, would, so far from being helped, see the date of its relief *pro tanto* postponed, and the same is true of other Provinces. Objections from this point of view to a reduction of more than half a per cent. are, of course, all the greater.

The Government of India's conclusion, therefore, is that if they were to recommend a reduction of the duty this year, they would be yielding to a political temptation without adequate justification for their action, and that the only right course is for them again to recommend to the House and to the country the proposals which they originally put forward after careful consideration in the budget statement, proposals which, in the existing circumstances, are, in their opinion, those best calculated to serve the interests of India as a whole.

PANDIT MATILAL said that his case was based on an entirely political ground, and he stood for the total abolition of the duty and not its reduction by half a per cent or so. The disgrace must go, and he was not aware of the mathematical calculations which extracted percentages of disgrace. It was for the Government to find out the funds for the purpose, and if it did not find the funds, the responsibility for the continuance of the duty must rest solely on the Government. He did not in the least suggest that the remission of the provincial contributions be interfered with in any way.

Sir PURSHOTTAMDAS said that the Government had no will to help the cotton industry. There was Calcutta, which was granted another moratorium for three years. He did not feel jealous, but why did the Finance Member show such great regard for Bengal, and continuously ignore for interests of the cotton industry? Then, again, on the one hand, the Government had been acclaiming its credit in the money market. On the other hand, it had laid no less than 11 crores for debt redemption to create confidence in the market. Why could not the money be spared for helping the cotton industry? He vigorously asserted that the fact was that, as there was no will, there was no way.

Motion Passed.

Eventually, Mr. Kasturbhai's motion was put and carried by 70 votes against 41. Thus, the provision of Rs. 77,000 for the establishment for collecting the excise duty was refused.

#### The Government's Opium Policy.

After two motions on 'Customs' had been refused, Mr. C. Doraiswamy IYENGAR initiated a lengthy discussion on the Opium policy of the Government of India, by moving for the total abolition of the provision for the expenditure of the Opium Department. Mr. Iyengar referred to the telegrams from London about the questions put in the House of Commons on this question. Earl Winterton had replied that the view of the Government of India was based on the findings of the Royal Commission on Opium of 1895,

that centuries of experience of the people of India showed discretion, and that the use of prepared opium was, for the most, without injurious consequences, and that the Provincial Governments were exercising control in the distribution of opium. Mr. Iyengar objected to the use of this language. If the Government admitted their opium policy to be a disgrace, then that disgrace must go at once, and not by gradations, unless, of course, it was the intention of the Government to keep the people emasculated. Of course, the Government had been adopting in Conferences and Conventions the language of slow and gradual extinction of the use of opium. It was the same language which the bureaucracy used in respect of Indianisation and the Reforms. He was not altogether surprised at the language, but the figures of the consumption of opium tell their own tale.

Dr. DATTA, in a forceful speech, moved an amendment for reduction of the demand by Rs. 100. He quoted the execrable and demoralising effect of the use of opium, and said that the appointment of a Royal Commission in 1895 was due, not to the action of the Government of India, but to the action taken by certain philanthropists in the United Kingdom, and the pressure of public opinion there. Indeed, the view of the Government of India had always been based on the effect of prohibition on public revenues. As one member of that Commission tersely put, the evidence before the Commission was this, that while wealthy landlords considered opium good, the lawyers, professors and those really interested in the welfare of the people were against the policy of the Government of India in 1895. Lord Hardinge's despatch of 1911 considered opium as a specific against malaria, and as necessary in the case of ailments to children. Dr. Datta did not agree with these views, and proceeding, quoted figures to show that one-third of the total amount of opium was used in Bengal, and consumed by one million people in Calcutta. Incidentally, Dr. Datta questioned the view that was made to prevail during the last two years, that opium habit was pernicious to whites and good for brown and colored people. He informed the Government that there was a good deal of illicit traffic in opium going on the borders of the Indian States, and that the Government should institute enquiries. The policy of the Government, instead of spreading the area of cultivation, should be to concentrate it so that the chances of eventual extinction might be real.

After a number of members had spoken the Assembly adjourned.

Next day, the 13TH MARCH, Sir Basil Blackett resuming the debate on opium policy said that no one who listened to Dr. Datta's speech could fail to be impressed with his sincerity and moderation. It was most desirable that Indian public opinion should be in possession of the figures and facts on which it can arrive at an independent judgment on the subject of opium.

Sir Basil Blackett explained that throughout British India, apart from certain inaccessible tracts of the Burmese Frontier, the cultivation of opium, as regulated by the Act was permitted only under license. The total area to be sown was fixed by the Government from year to year, and with the exception of the Punjab, where the people were allowed to plant a small area with poppy and sell opium direct to licensed vendors, the cultivator was bound to sell the whole of his produce to the Government at a fixed rate. Crude opium received from the cultivator was sent to the factory at Ghazipur, where it was made into raw opium in two forms—firstly, opium meant for

export, consisting purely of Benares opium, and secondly, excise opium, consisting of one part of Benares to three or four parts of Malwa opium, supplied by Indian States in Central India and Rajputana. The cultivation, manufacture, and export of opium was a central subject, and the sale proceeds went to the central revenues.

Summing up the attitude of the Government of India on internal consumption, Sir Basil said that the Local Governments had been recently addressed to examine the question of internal consumption. If the Local Governments came to the conclusion that there was *prima facie* evidence making it desirable to review the conclusions of the Opium Commission of 1893, the Government would consider that suggestion. The subject being transferred, the Local Government's views must have considerable weight. His personal view agreed with that of Mr. Cosgrave, and he saw no reason, unless there were very strong reasons to the contrary, why there should not be an enquiry to review the conclusions of the 1895 Commission.

Pandit MALAVIYA, in a vigorous speech, attacked the Government of India's policy. It was the duty of the Government of India, said the speaker, to adopt a new policy which would be followed by the Provincial Governments, who were their agents.

Sir Basil Blackett: No, they have provincial autonomy.

Pandit Malaviya: When we have provincial autonomy, I may not have to waste my time in reviewing the Government's policy. The evil which opium has wrought on men, women and children is so great that the situation calls for urgent reform. Already, improvement has set in Assam by Mr. Gandhi's visit and the Non-Co-operation movement, as the figures of 1922 show.

Sir Basil Blackett: The reduction that year was due to the reduction by the Assam Government of rations by a very considerable amount, and by increase in the issue prices.

Pandit Malaviya: Thank you. Making allowance for that, I still say that nobody, not even Sir Basil Blackett, will dispute that the visit of Mr. Gandhi gave great impetus to the anti-liquor movement in Assam. If consumption had been brought down in Assam and in three other Provinces, the same could be effected in all the Provinces of India as well.

Proceeding, the Pandit quoted the statement of Mr. Andrews, that the opium sent out to India went to the Straits Settlements, where it was sold in dens under Government monopoly. If that statement was correct, it was the duty of the Government of India to stop the export. It was no argument to say that, if India did not export, other countries would. Concluding the Pandit urged that the use of opium, except for scientific and medical purposes, be made a penal offence.

Pandit MOTILAL, on behalf of the Swarjya Party, associated himself in the strong condemnation of the Government policy by Dr. Datta and others in the debate. He, however, advised Mr. Doraiswami Iyengar to withdraw the motion for a total cut of the provision under opium, because they must provide for the cultivation and manufacture of opium for medical and scientific purposes.

#### Nominal Cut Effected

Mr. Iyengar withdrew his motion. The nominal cut of Rs. 100 was carried by 60 against 52 votes. The reduced grant was then carried, but

before the Assembly gave sanction to it, the Finance Member, replying to Mr. Rangachariar, stated that the statement of Pandit Malaviya, that a greater part of the export of opium to the Far East went to British Colonies, was entirely contrary to facts. He also pointed out that the statement that the Government of India had in any way fallen short of the full obligations under the Hague Convention was also incorrect. It was well known throughout the world that India had done more than any other country to carry out the provisions of the Hague Conventions.

Pandit Malaviya : Has the Finance Member seen the statement of Mr. Andrews, that the American Delegation left the Conference in disgust as India and the British Government did not carry out the contract of 1920 ?

Finance Member : If that is what is stated, it is not correct.

Pandit Malaviya : Does the Government know that it was the action of the Government of India and Great Britain which led President Coolidge to call back the American representatives from the Conference ?

Finance Member : No, I do not know.

#### Stamps—Forests—Post and Telegraph

The House then proceeded to discuss the demand under 'Stamps,' Mr. Rama Iyengar moved a cut of 17 lakhs in order to ask the Govt. to charge to capital instead of revenue, the expenditure in connection with the construction of Security Printing Press Works. The motion for cut was passed.

The next demand was under "Forests." This was agreed to.

The next head was Postal and Telegraph Department. No cut was made in this demand, but Sir Purshottamdas and Mr. Ramachandra Rao raised interesting points which elicited satisfactory reply from Sir B. N. Mitra.

#### Interest on Debt.

Mr. Jamnadas MEHTA in moving the omission of the demand under the head "Interest on debt," drew the attention of the Government that certain items in the budget, though of a votable character, were put in the non-votable list. He said that the Government of India Act laid down what items could be non-votable, and he thought it improper for the Government to take away certain items from the scrutiny of the House. He thought a test should be made to find out how far the Assembly could be deprived of its power of scrutiny of Government expenditure.

Mr. PATEL moved an amendment to Mr. Jamnadas Mehta's motion, reducing the demand to over one crore and thirteen lakhs. He explained how he arrived at the figure. Although he agreed with Mr. Jamnadas Mehta that if the figures were properly arranged by the Government, there ought to be a higher figure entered under the votable item, the scheme was never announced in this House except in the Budget, and since then, after Mr. Jamnadas Mehta's resolution the other day, there had been informal discussions with some Committee of the House. This House was entitled to know what had become of the labors of that Committee before agreeing to vote this huge sum. It was wrong to enter as non-votable items those items which were votable.

Sir Basil Blackett, in winding up the debate, defended the scheme as necessary in the interests of Central and Provincial Finance, and to develop Railways and Irrigation and other capital requirements.

## A Cut of 77 half lakhs.

Eventually, Mr. Patel's motion was lost by 43 to 47 votes. Among the neutrals, were Mr. Jinnah, Mr. Ramachandra Rao and Mr. Venkatapathi Raju and Mr. Rangachariar, all Independents, besides Sir Sivaswami Iyer and others. A few minutes later, Mr. Shunmukham Chetty (Whip of the Independent Party) moved for a reduction of the Budget provision by 77½ lakhs. The motion was put to vote and pressed to a division. This time, the Swarajists, in a body, headed by Pandit Motilal Nehru, remained neutral, while a few independents who had remained neutral on the previous occasion, also did not go into the division lobby. These included Mr. Rangachariar, Mr. Ramachandra Rao and Mr. Venkatapathi Raju. The result was that only fourteen voted for Mr. Shunmukham Chetty's motion, while, on the Government side, there were 46. When the result was announced, the Swarajists vied with the Government in loud cheers and thumping on the table, lasting for several minutes. Finally, the main demand was put and again pressed to a division and carried by 54 against 39 votes, amidst loud official applause. The neutrals on this occasion included Mr. Jinnah, Sir Purshottamdas Thakurdas, Mr. Shunmukham Chetty and Mr. Kasturbhai Lalbhai.

DELHI—14TH MARCH 1925.

## Demand for Executive Council

When the Assembly met on this day for the fifth and last sitting on the voting of the demands for grants, Pt. Motilal NEHRU moved the omission of the whole demands for the Executive Council. Pt. Nehru said this motion was a very comprehensive one and covered the whole field of administration. It was a motion of censure on the Government of India, and the Swaraj party would vote for it on the ground of the refusal of supplies before redress of grievances.

He knew there was a difference of opinion among the Nationalists. What the Swarajists would term as obstruction and refusal of supplies the Independents might consider merely a protest against the actions of the Government, but the fact remained that they were all thoroughly dissatisfied with the administration. He knew that they had not the power really to refuse supplies and that they could not force their decisions. His motion went to the extreme limit that was permissible under the constitution.

Pt. Nehru then hurriedly referred to the important events which had taken place since 1912-20 in order to show the cause and effect. In 1919 the Government declared a general amnesty. Then came the Special Congress which in view of the special circumstances adopted the creed of Non-co-operation. This movement continued and as admitted by the Government there was a lull in the activity of revolutionaries. The Swaraj party was formed in 1923 with the object of either mending or ending the Councils. Now, what followed this declaration of their policy? The Government brought up the Alipore conspiracy and other cases, which, he declared without hesitation, were absolutely false. In September, 1923 the Council entry was permitted by the Congress and it was in September that a number of Swarajists were arrested under Regulation III including the proposed Editor of the "Forward"



and other vernacular Swarajist papers. The election manifesto of the Swaraj party was issued in October, 1923, offering an open battle to the bureaucracy, and was followed by the entry of the Swarajists in various Councils. The Assembly by an overwhelming majority passed the resolution for a Round Table Conference and failing a satisfactory response thereto rejected the various demands and threw out the Finance Bill last March. Similarly in Bengal the salaries of Ministers were twice rejected. Then, in the last September session, the Assembly passed resolutions about the Lee Report and the Taxation Committee which were ignored. Soon after the Assembly dispersed the Ordinance was enacted in October and practically all the persons arrested under it were Swarajists. In this session the Assembly had censured the Ordinance and further the Government denied them even an opportunity to discuss the Reforms Committee's report on the plea that it had not yet formulated the provisional policy on the report. The Viceroy was going to England to discuss the situation in India and with him would be present a galaxy of Indian administrators, Sir Harcourt Butler, Sir Henry Wheeler, Sir Frank Sly, Sir William Vincent and his hon. friend Sir Basil Blackett.

The speaker summed up by observing that he had shown that the Government had introduced a reign of terror by indiscriminate arrests to crush the spirit of freedom. Pt. Nehru concluded, 'you want to crush the spirit of freedom. Remember the spirit of independence once born can never die. Do what you like. Repression will only recoil on your head. Go on trying it so long as you like. We shall never be tired of opposing that repression and of suffering whatever suffering we might have to undergo and in the meanwhile all we can do is to speak out our mind clearly as I have done.'

After a prolonged discussion the motion was carried by 65 to 48 votes amidst loud non-official applause.

#### Other Demands.

The next item on which division was challenged was in respect of the Viceroy's household allowance. This was, however, carried by 65 against 51 votes, some of the Independents remaining neutral, while the rank and file of the party voting with the Swarajists against the Government.

On the Army Department grant the House divided with the result that the amount was sanctioned by 62 to 51 votes. There was another division over the Secretary of State's expenditure in England. This was also carried by 53 against 51.

Other items of demand were agreed to without division, Swarajists crying "no" in respect of each of the items. The amount which the Assembly reduced in the whole budget excluding Railways was Rs. 18,39,300.

## The Finance Bill.

DELHI—16TH MARCH 1925.

The final stage of the Budget was reached on the 16th March when the Assembly met to consider and pass the Finance Bill. About 45 amendments were tabled urging, among other, reductions in Postal rates and Salt Tax and opposing proposed reduction in petrol duty. Sir Basil BLACKETT moved the

House to take the Finance Bill into consideration. He did not think he should make any speech at that stage.

Mr. V. J. PATEL, on behalf of the Swarajists, opposed the taking of the Finance Bill into consideration on the ground that nothing had happened since last March to justify a change in the policy of the Assembly. On the other hand matters had gone worse. He felt that the Assembly must refuse to be a party to expenditure of taxation so long as it had no control over them. Not only they had no such control, but what had been the Government's treatment to the Assembly? It had followed consistently the policy of ignoring resolutions passed by the Assembly. He narrated at length one by one important resolutions of the Assembly which had not been carried out. Even Mr. Jinnah had doubted the Government's bonafide in respect of the Indianisation of the Army. Repressive laws had not yet been repealed. The Lee concessions costing about two crores annually were granted and even made non-votable. The Bengal Ordinance was being kept on. Then, again, the Taxation Enquiry Committee had not been dissolved.

Mr. Patel, continuing, observed that Cotton Excise Duty had not been abolished and was being kept on in the interest of Lancashire despite what Sir Basil Blackett told them the other day.

The motion that the Bill be taken into consideration was then put by the President.

Pundit Motilal urged its postponement till the next day but after some discussions the President maintained that he had met the wishes and convenience of the House by putting the motion. The House then divided and agreed to the consideration of the Finance Bill by seventy-six votes against forty.

#### DELHI—17TH MARCH 1925.

#### The Budget Position—Govt. Statement.

The Assembly met on this day and continued discussion of the Finance Bill. After interpellations, Sir Basil BLACKETT rose to make a statement on behalf of the Government in regard to the budget position. He said the Budget as introduced showed a surplus of Rs. 74,00,000 of which only eighteen lakhs could be regarded as a recurring surplus. The Government had been impressed by representations made by the House as to the undesirability under present circumstances, when they were relying on contributions from provinces, to carrying forward so large a surplus even if it was non-recurring and they had given the most anxious thought to the question in what manner they could meet the wishes of the House without doing anything that could be regarded as financially improper. The difficulty had been that they could not use the non-recurring surplus in order to finance the recurrent loss of revenue. After very careful consideration and after consultation with the Secretary of State and formal consultation with the Provincial Governments, the Government of India had decided that they would propose in the House that out of the surplus the sum of Rs. 50,000 should be set aside for the purpose of making a non-recurring grant to relieve contributions of these provinces—Bombay, Central Provinces, and Assam—which received no benefit from the recurring relief and also to Burma which got only seven lakhs out of a total contribution of 64 lakhs.

Objections to any such proposal were of course considerable. They did not want to get back to the system of doles to Provincial Governments. At

the same time the Government of India thought that in the first year in which recurring relief was being given under the Devolution Rules to some of the provinces, and when they had non-recurring surplus, the distribution of such non-recurring surplus might be regarded as on quite a different footing from the Devolution Rules. He made it clear that the proposed non-recurrent reduction would be for one year only and would be without prejudice to the distribution of future surplus, whether recurrent or non-recurrent. The Government of India therefore proposed, if the House so desired, that the non-recurring grant should be out of the surplus as follows :—Bombay 22 lakhs, Burma 13 lakhs, Central Provinces 9 lakhs, and Assam 6 lakhs. These figures must necessarily be arbitrary. These had been arrived at after taking into consideration amount of contributions paid by the Provincial Governments concerned and, on the other hand, all non-recurrent expenditure included in the Budgets of those provinces. The Government has ascertained that in all cases the non-recurrent expenditure included in the provincial budgets was greater than the proposed relief, so that the provinces might not be tempted to finance recurrent expenditure out of the non-recurrent grant. They had informally consulted the Provincial Governments and all of them expressed their views on the subject. Most of them expressed gratitude; the Punjab Government, however, regarded the objections against this non-recurrent grant as very strong and desired it to be known that it had not given its assent. The Finance Member said he proposed to circulate to the Members soon the amendment to his original resolution regarding remission of contributions to include these further remissions. He hoped the House would not mind short notice.

Mr. A. Rangaswami IYENGAR in reply said :—

We are thankful to the Finance Member for such a bit of information that he has given as to the state of the budget on subsequent information. What the House would have liked to know yesterday and what it would like to know to-day is what happened to the cuts which have been made by this House on demands for grants. So far as I recollect of the Railway Budget there was a sum of Rs. 37 lakhs already withdrawn by the Commerce Member himself in consequence of his withdrawing the proposals for giving effect to the Lee Commission's recommendations. There was a sum of 85 lakhs which this House cut out in regard to money set apart on account of stores depreciation account. There was also a sum of about 20 lakhs in capital borrowing which the House cut out which would in all amount to an annual recurring saving of one lakh. I want to know (a few voices : one crore and not one lakh), I mean one lakh by way of interest on that borrowing programme, being less than the total amount available every year. On account of that the borrowing from out of the revenue will be about one lakh. Therefore I expect that as a result of this total net revenue on Railways the Budget would be a sum out of which one-third ought to go in aid of the general revenue under Part II of the Budget. Nothing has been said about it. Before considering the Finance Bill this House is entitled to know what the Government have done with it before they begin to deal with the new taxation proposals which are embodied in the Finance Bill and I think the House has not been treated fairly by the Hon'ble the Finance Member in this matter.

Sir Basil BLACKETT replied that as regards Railway cuts the first cut actually made was Rs. 78,100 under the Railway Board, 35 lakhs under Rail-

way working expenses voted for and 20 lakhs under Railway expenses. The House will remember that it was stated that they were made on the understanding that supplementary estimates would have to be introduced if necessary. It is obvious as I have already stated in the House some little time ago that you cannot take those cuts as representing at this stage an estimated reduction in expenditure of the Railway for the year. The cut in regard to the Capital expenditure does not appreciably affect the annual budget so far as regards the Railways. Therefore I do not think that we can take any additional credit to the general budget in respect of cuts which at present are in such a position that they will have to be brought back to this House for supplementary estimates.

Mr. A. Rangaswami Iyengar : That is not our view.

Sir Basil Blackett : That was the statement I had made as regards other cuts. There is a cut of Rs. 77,000 under Customs. Rs. 100 under taxes on income, Rs. 100 on salt, Rs. 100 under Opium, Rs. 17 lakhs under stamps and Rs. 62,000 under head of the Executive Council. The Government of India have not yet taken a formal decision as to the action that they proposed in regard to these cuts, but it is obvious that the only cut which seriously affects the budget position is the cut of Rs. 17 lakhs under stamps that was made not because it was desired that expenditure should not be incurred, but because it was proposed that the expenditure should be transferred from Revenue to capital. In view of the fact that the Government of India have not had time to decide as to what action they will take in regard to that particular cut, there is a possible doubt, perhaps not a probable doubt, as to the size of the surplus. If that cut were to be met from the capital some part of it under that would be met from this year's note, some part of it would go to increase the expenditure of future years. The surplus therefore stands at 74 lakhs as in the budget, subject to some possible addition, perhaps not probable in respect of 17 lakhs, but under the head Stamps for the Security Printing Press at Nasik.

#### Reduction of Salt Duty.

The discussion of the Finance Bill then commenced. There were two motions for reduction—one of Mr. Rama Iyengar to reduce the Salt Tax from one rupee four annas to one rupee and another of Mr. Doraiswamy Iyengar to reduce it to twelve annas. The latter in moving the reduction said that the Government had no right to tax the poor man's breakfast. If the salt tax was reduced, its consumption would go up thus making good the loss that the revenues would suffer by the reduction. Increased consumption of salt would improve the health of the Indian people. The cost of production of a maund of salt was two annas, and a duty of one rupee and four annas was a tax more than thousand per cent. The Indian salt was in no way inferior to the foreign salt, and he suggested a duty of Rs. 2 on imported salt. He regretted that the policy of the Government was to restrict the production of salt in India, while encouraging importation of foreign salt. It was in the hands of the Finance Member to refuse the salt tax and balance the Budget.

After a heated discussion the motion of Mr. Rama Iyengar for reduction of salt tax to Re. 1 per maund was put and carried by 61 votes against 56.

#### Duty on Motor Spirit

Mr. Devaki Prasad SINHA then opposed reduction of duty on motor spirit. He said petrol was produced by trusts and monopolists and monopoly

prices were not determined by equation of supply and demand but by the sweet will of the monopolist. Lowering of the duty might not reduce the price of motor spirit and thus might not benefit the consumer at all. Due to the regulation of prices by monopolists, Indian petrol was sold cheaper outside India than in India. He urged that some measure of control might be exercised by the Government over monopolists and trusts.

Mr. JINNAH agreed that motor trade was depressed, but relief should not be given this year. The present excise duty of six annas must therefore remain. At the same time he agreed with Sir Charles Innes that the additional duty of two and a half annas on imported petrol must disappear. Petrol locally produced was in the hands of the monopolist concern and did not require any protection. On the other hand, when imported petrol would compete on equal terms with local petrol, there was a chance of its cheapening.

Mr. Jinnah's amendment was put and lost by 50 votes against 38. The Government proposal about reduction of duty on petrol was then passed without change.

#### Paper Currency Reserve

Mr. Jamnadas MEHTA, while opposing retention of Clause VI of the Finance Bill, said that the Paper Currency Reserve was not safe to the extent of fifty crores as contained in the Government of India securities. Thus holders of notes to the extent of fifty crores were not safe. The Government was endangering the safety of noteholders to that extent. He criticised the Government policy to use money out of the Gold Standard Reserve if it exceeded the limit of 40 millions. He said it was not revenue proper.

The motion was lost without division.

#### Postal Rates

Mr. Dunichand moved that the postal rates be reduced so that the post card be charged quarter anna, reply card half anna, letters not exceeding two and half tolas weight half anna, and for every two and half tolas or fraction thereof exceeding two and half tolas half an anna.

#### DELHI—18TH MARCH 1925.

On the Assembly meeting on this day several amendments to the Finance Bill were disposed of. After that Sir Basil Blackett moved that the Finance Bill as amended be passed.

Pandit MOTILAL opposed the motion. He felt that great confusion about the constitutional position had arisen among some members. Some had told him that by throwing out the Finance Bill he would be also throwing out the amendment reducing salt tax. (Laughter). He admitted that no Government in the world could be carried on without supplies; but he also said that no Government in the world was entitled to supplies if it did not remove the grievances before it asked for supplies. Mr. Jinnah speaking the other day had stated having once made a constitutional protest it would be less dignified and less effective to repeat it. That was not the speaker's position. Where was the dignity in making one protest and then meekly submitting themselves to pass all demands? In that way an action taken in 1894 might have sufficed for the whole life of the Assembly. Indeed, it appeared to him that sometimes

wisdom outstripped his Independent friends and sometimes they outstripped wisdom. There was a time last year when Mr. Jinnah agreed to throw out all supplies: but unfortunately that was not so this year. Mr. Jinnah had said that he was wrong last year.

Sir Alexander MUDDIMAN said the facts of the situation were simple. He heard Pandit Motilal with great attention and found that the Pandit was struggling with an unconstitutional position. (Hear, hear.) The Pandit had repeated the previous arguments; but his position was logical and consistent though not altogether, because while admitting that the Government must have supplies he proceeded to refuse them. The Pandit's position was, however, clear. He wanted to break the Constitution and to force the Government to certify the Bill. Now fortunately there were in the House members who did not take that point of view, who recognised that they had a responsibility to them (voices: what responsibility?), that they had a constitutional position exercising the powers which they considered should not be used. They wanted to save the Government from using those powers now. The King's Government must be carried on. Did the Pandit by his speech desire that the King's Government should not be carried on?

Mr. ABHYANKAR, supporting the rejection of the Finance Bill, said that the King's Government of India to which Sir Alexander Muddiman had referred was quite a different Government from that in England. It was the duty of the Swaraj Party to refuse supplies to the Government so long as it was carried on against the wishes of the people.

Mr. JINNAH opposed Pandit Motilal's motion to reject the Finance Bill. He was glad to see Pandit Motilal and his party in true colours. It was clear that the Swarajists were here in the Assembly for the purpose of wrecking the present constitution from A to Z.

Pandit Motilal: Mending or ending.

Mr. Jinnah: I don't want any ambiguity on this question. I want to know whether Pandit Motilal is trying to mend the constitution.

Pandit Motilal: Yes, to mend or else to end.

Mr. Jinnah: If you succeed in ending the constitution and if the country supports you then no man will be more pleased than myself. If the country wants this Legislature and Government ought to be wrecked, then it may be —, although you may not have the majority now, you may come in larger numbers next time and achieve your object.

Pandit Motilal: We have already a distinct and clear mandate from the country to destroy this Legislature.

Mr. Jinnah: I deny that. I say that the Pandit and his party are not in the majority here.

A voice: Wait and see. Let us both reign and see in the elections.

Pandit Shyamlal: We, Swarajists, are in a large majority.

Mr. Jinnah: I am prepared to wait and see. I don't want to be sidetracked by these interruptions. I am afraid in this controversy between Swarajists and Independents the real culprit has escaped. The question we have got to consider is: Can you make this Government impossible?

After a prolonged passage-at-arms and discussion the motion for the passage of the Bill was passed amidst loud Official and Independent applause by seventy-five to forty votes.

The House then proceeded to discuss other legislative business.

Dr. GOUR moved the appointment of six members to sit on the Joint Committee on Mr. Sethna's Bill amending the Succession Certificate Act.

Then followed an interesting discussion on Sir Charles INNES' motion that the Bill amending the Indian Tariff Act as amended by the Select Committee be taken into consideration. This Bill imposed a specific duty on sugar and cigarettes among other minor changes.

Sir Basil BLACKETT next introduced his Bill amending the Stamp Act. The Bill was immediately taken into consideration and passed without discussion.

Sir Basil Blackett's next Bill amending the Income Tax Act to authorise collection of Income Tax on Overseas Pay was also considered and passed.

DELHI—19TH MARCH 1925

### Repeal of Repressive Laws

On this day the business of the Assembly related to non-official Bills. Mr. V. J. PATEL moved that his Bill repealing special enactments (Repressive laws) be taken into consideration.

Mr. RANGACHARIAR moved several amendments. In doing so he emphasised that his object was not to obstruct the Bill but to smoothen its passage. He wanted to make it so reasonable that the Council of State should accept it in the interest of the country. He took his stand on the Repressive Laws Committee's report. He had not heard any complaint against the use of Regulation III, in relation to foreigners and to maintain alliance with foreign states and security and tranquility against foreigners. Where the Regulation had been outrageously used was in the detention of persons on the plea of safeguarding against internal commotion. He, therefore, proposed that provision of Regulation III be amended to restrict the power of detention in respect of internal commotion only to the frontier province, Baluchistan, and Dera Ghazi Khan District of the Punjab.

The other object of his amendments was that repeal of the Punjab Murderous Outrages Act and State Prisoners' Act, 1850, should not be included, that Madras and Bombay State Prisoners' Regulations should be repealed, but that it provided the Bengal Regulation III, which he proposed to retain in an amended form, should be extended to Bombay and Madras when necessary. He also would provide for a High Court to send for confidential records of a case against a person detained under the Regulation and to order his release if the High Court was satisfied that detention was not justified. He would allow the Government six months time before the persons arrested under Regulations, Acts and Provisions proposed to be repealed were released.

Mr. Rangachariar moved his amendments one by one and he moved the provision enabling the Government to have six months period before releasing prisoners. This was rejected.

His next amendment restricting the application of the Bengal Regulation in respect of internal commotion to the Frontier Province, Baluchistan, and Dera Ghazi Khan District and also amending the preamble of the regulation was also defeated.

Another amendment of his was also rejected. Clause 3 of the Bill was

then put and carried by 70 against 30, the Government being opposed to the clause.

Mr. Rangachariar next moved that the Punjab Murderous Outrages Act be omitted from the list of laws proposed to be repealed. The House unanimously agreed to it.

Mr. Patel then moved that the Bill as amended be passed.

Sir Alexander MUDDIMAN opposed the Bill. He asked those who said the Government could ask foreign characters to leave India as to how they would deal with their own bad characters sent back by other countries. Mr. Ranga Iyer had alleged that the Government was following a policy of repression to break up the Swaraj Party. If that was the Government's policy, certainly then it had been applied very inefficiently. (Laughter). So far as Mr. Patel was concerned, he had told them that he would soon bring forward a Bill repealing even the Punjab Murderous Outrages Act. Mr. Patel's position was perfectly clear. He wanted to deprive the Executive of all power whether by refusing supplies or by repealing the Bill. He must strongly oppose the Bill.

The House divided and passed Mr. Patel's Bill by 71 against 40 votes.

#### DELHI—21ST MARCH 1925

##### Salt Duty Restored

On this day Sir Basil Blackett moved the Assembly to agree with the Council of State in maintaining the salt tax at Rs. 1/4.

Pandit Motilal Nehru, Swarajist, Mr. Shunmukam Chettiar, Independent, and Mr. Joshi, Labour Representative, opposed Sir Basil Blackett's motion.

Ultimately the motion of Sir Basil Blackett, that the amendment made by the Council of State in the Finance Bill be taken into consideration, was put and carried by 68 votes against 50 amidst the loud applause of a majority and cries of "Shame" from the Swarajist benches. The next motion asking the Assembly to agree to the amendment of the Council of State restoring the Salt Tax to Rs. 1-4 was then carried by 70 votes against 50.

##### Official Bills

Mr. Bhore moved for leave to introduce the Cotton Cess Amendment Bill. This was granted and passed without discussion.

On the motion of Sir B. N. Mitra, Mr. Clow was appointed to the Select Committee on Registration of Trade Unions Bill.

##### PROVINCIAL CONTRIBUTIONS

Sir Basil BLACKETT moved that this Assembly recommends to the Governor-General-in-Council that he be pleased (a) in pursuance of sub-rule (1) of Rule 18, of the Devolution Rules to determine the sum of Rs. 733 lakhs as the total contribution to be paid to the Governor-General-in-Council for the Financial year 1925-26 by the Local Governments mentioned in Rule 17 of the said rules, (b) to take the necessary step to amend the sub-rule (2) of Rule 18, Devolution Rule, in such a way as to secure to the Local Government of Bengal, remission of contribution payable under sub-rule (1) of Rule 18 of said rules by that Government to the Governor-General-in-Council in Financial years 1925-26, 1926-27 and 1927-28, and further to provide that for the financial year 1928-29, the last previous annual con-



tribution of the Local Government of Bengal shall be deemed to be remitted contribution for the year 1927-28, (c) further to amend Devolution Rules in such a manner as to provide that out of a sum of Rs. 733 lakhs recommended to be determined by the Governor-General-in-Council as the total contribution to be paid by the Local Government to the Governor-General-in-Council for the year 1925-26, the following remission be made, namely, to the Government of Bombay, 13 lakhs, to the Government of Central Provinces, 9 lakhs, to the Government of Assam, 6 lakhs, and further to provide that the sum determined by the Governor-General-in-Council as the total amount of contribution for the year 1925-26 shall include amounts so remitted and that for the year 1926-27 last, previous annual contributions of the said Local Government shall be deemed to include in each case amounts remitted as aforesaid.

Sir Chimanlal SETALVAD moved an amendment to Sir Basil Blackett's resolution of financial relations between the Government of India and the various provinces by independent authority with a view to avoid in future the necessity of action by way of a temporary relief of the character contemplated in clause (b) and (c) of the resolution of Sir Basil.

Sir Basil BLACKETT, replying on behalf of the Government, said that the difficulties of inter-provincial settlement when each province thought she was in the position of a milch cow was very difficult. The Joint Select Committee itself had realised the exceptional difficulties of arriving at a solution acceptable to all local Governments. He was not sure if the Government of India had not also suffered from the Meston settlement, because the Government of India which was supposed to have balanced its budget, had deficit budgets for four years after the Meston settlement and had to embark on taxations and retrenchments to make both ends meet. The provinces were not only milch cow. The difficulty of re-opening the case was that there was only a certain amount to go round according to the award. For the present the surplus was distributed in a certain way in which neither the Government of India nor the local Governments were satisfied. If they altered the arrangement, then the redistribution must lead to taking money from some one to pay some one else. He saw no solution of financial relation, the question being settled satisfactorily until the time when the Government of India were in a position to give something to each Provincial Governments out of its surplus. Now, however, the Reforms Enquiry Committee had recommended revision of the Meston settlement when a suitable opportunity arose. The Government of India had not arrived at any provisional conclusions on the recommendations of the Muddiman Committee on that particular question. In these circumstances, it was clearly impossible for the Government of India to accept the amendment of Sir Chimanlal Setalvad. He hoped Sir Chimanlal Setalvad would withdraw his resolution.

The amendment of Sir Chimanlal Setalvad was put to vote and lost by 44 against 27 votes. The Council then adjourned.

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## The Bengal Criminal Law Amendment Act.

DELHI—23RD MARCH 1925.

On the 23rd March, Sir Alexander MUDDIMAN moved the introduction of the Bengal Criminal Law Amendment Act Supplementary Bill. He said the Viceroy had previously indicated that supplementary legislation would be necessary. After the local Act had been laid on the table of Parliament for 8 days, His Majesty's assent was given and was received only on the 18th Mar. This explained why the Bill was being brought so late in this session. It was not possible, in view of the procedure required by law, to bring the Bill earlier. Certain Provisions of the Bengal Ordinance were beyond the scope of the Bengal Legislature, such as those affecting jurisdiction of the High Court and affecting territories outside Bengal. Hence the need for supplementary legislation.

Clause III of the Bill was in favour of the subject, as it provided that any person convicted on trial by Commissioners under the Local Act may appeal to the High Court and further that death sentences shall be subject to confirmation by the High Court. The fourth clause enabled the local Government with the previous sanction of the Government of India to direct detention in Jails outside Bengal. Clause V was merely a construction clause. Clause VI took away from the High Court the power to interfere in the matter of *Habeas Corpus*. He mentioned that provisions of a similar nature had always been inserted in the Acts which conferred special powers on the executive. This clause was an exceptional part of the procedure deliberately set up by the Government and was an integral part of the scheme embodied in the original Ordinance.

There was no opposition to the introduction. The Bill was then introduced. Sir Alexander Muddiman next moved that the Bill be taken into consideration.

Pandit MOTILAL rose to explain the position of the Swaraj party. He looked upon the Bill as a vicious measure designed to achieve the Government's purpose by underhand methods and not by straightforward course. It was a trick, and a well-prepared trick, offering a tempting bait which no lover of justice and fairplay could find easy to desist. Where it pretended to concede to the accused the right of appeal to the High Court it really helped the bureaucracy to tighten its hold upon those unfortunate victims who were deprived of a little protection they still enjoyed. The Government had been convicted out of its own mouth. He recalled that the Ordinance was issued just after the Assembly finished its September session. The Government next cheated the House of its statutory power to discuss this Bill to supersede the Ordinance. Then again it was a debatable constitutional point whether, when the Ordinance was still in force, the enactment of a parallel legislation in the Bengal Council was in order. He would leave it to the Calcutta bar and the Calcutta High Court to decide that question. Then again the Government did not come before the Assembly with the main Bill that was presented to the Bengal Council and was thrown out by that Council. It had been now enacted with the assent of His Majesty. The Assembly was asked to supplement the local Act which had been denounced in unmeasured term and yet they could not say anything about the main Bill. Here was an indirect attempt to seek some sort of approval of a measure based on the Ordinance which had been disapproved by the House.

The speaker then discussed the Bill clause by clause. The third clause conceded a very valued right of appeal to the High Court. Clause IV empowered custody in a province outside Bengal. Clause V was not a mere construction clause as the Home Member had stated. It deprived every Civil and Criminal Court of its jurisdiction in dealing with the misdeeds of the bureaucracy under the Bengal Ordinance Act. Clause VI refused right to the accused to claim trial. It denied the right which cost England the heads of its kings. Thus, while the Bill on the one hand conceded the right of appeal to the High Court, it, on the other hand, suspended *Habeas Corpus* and denied the accused right to claim a trial and thereby struck at the very foundation of men's rights. The Government had power to detain the accused indefinitely and to put on trial only those whom the Executive chose to try at its sweet will. "I challenge the Government here to say whether they had the heart and the courage to try all those who have been arrested under this Ordinance. What is the value of a right of appeal when there is no right to claim trial". He admitted that in a case like this when hundreds were taken there was undoubtedly some crime; but which country in the world was free from crime? It must be in the very nature of things that some would be found guilty and conviction of these would be used as a pretext to arrest hundreds of others. "If there is one unfortunate man who has the chance of having his case placed before the highest tribunal of the land that chance no reasonable person will deny. While we must recognise that there is some value, however little, in the right of appeal in those circumstances, there was some chance, however slender, of the condemned man getting justice from the High Court. On the other hand, we are asked to barter away all rights of others for claiming trial for this little concession." Mr. Goswami had the other day characterised the Government as a devil's Government. The speaker felt that the Government's attitude appeared to be "hang in haste and try at leisure". His part would be to oppose and refuse with all his strength the grant of exceptional powers while he would remain neutral on Clause III.

Mr. JINNAH, speaking on behalf of the Independent Party, regretted that the Bill should have been in the hands of Sir Alexander Muddiman. It was only adding insult to injury. When the Governor-General promulgated the Ordinance there was universal condemnation from one end of the country to the other.

Mr. Calvert (Punjab official): Certainly not.

Mr. Jinnah: Except for some degenerate members of the bureaucracy. Have you lost all sense of what Englishmen are proud of?

Mr. Calvert: We have not lost sight of truth.

Mr. Jinnah: It is nothing else but a disgrace to any civilised Government to resort to a measure of this character. (Hear, hear). I suppose Mr. Calvert has been absent from Great Britain too long. I will quote to him the words of a great man, of whom every Englishman is proud, Lord Morley. I do not care a straw for Mr. Calvert's opinion which is absurd and which is absolutely demoralised, degenerate and not worthy of an Englishman. I repeat that this Ordinance was condemned universally by the people of India. In the face of public opinion the Government had obstinately gone to such a length that, instead of coming to this Legislature, it took shelter behind the local legislature. (A voice: Shame.) The Bengal Legislature rejected the Bill. It was certified. He was shocked that

this abhorrent measure, this abomination should have been placed on the table of the British Parliament and that it should have passed there without scrutiny and resentment. As an admirer of the British Parliament he said that by this omission the Parliament had lost the title of the Mother of Parliaments. Lord Winterton had admitted to Mr. Lansbury that there was no limit to which a man might be detained without trial. The speaker did not plead for the cause of the guilty. He was opposed to the Bill because the Government was not giving protection to the innocent who were likely to be prosecuted and said that the enactment was an engine of oppression and of repression of legitimate movements in the country. What was its justification? Was there war in the country? Was there a national peril? Was the safety of Bengal endangered? The Government's ground was petty, namely, that a few lives of officials were endangered. If the speaker were an official whose life was endangered, if he was going to be shot down like a dog he would never be a party to a measure which would endanger the liberty of the innocent. (Applause.)

Mr. Wilson: He jests at scars who never felt a wound.

Mr. Jinnah: But rather I would stand and be shot down by that wicked gang than give power to the Executive which can be abused! (Applause.) He appealed to the bureaucrats, to Englishmen, to rise higher, not to be nervous but to uphold Englishman's noble, magnificent principles of justice. He recalled that the Government followed the same policy in 1909. It did not benefit by it. It enacted the Rowlatt Act and had to repeal it without ever using it. He had warned the Government when it was enacting the Rowlatt measure. He would warn it again. That policy was wrong. Could the Government think that the House would agree to the supplementary Bill before the House? He quoted thrice from Lord Morley who, when replying to Lord Minto, had observed that the argument that "by packing off train loads of suspects to Siberia we will terrify the anarchists, out of their wits and all will come out right" was a Russian argument and did not work out successfully there. As regards the Bill before the House, although the subject would be tried by special tribunals and special rules of evidence, he would be guilty of the gravest injustice if he deprived him of the right of appeal to the High Court. He would not, therefore, oppose clause III, but would not be a party to its enactment and would let the Government carry it if it desired. As regards the other clauses of the Bill which would facilitate carrying out of the abominable Bengal Act, he would not be a party to their enactment. He asked the Home Member whether the House could be a party to indefinite detention of any person and a party to deprive him of the right to claim the most priced writ of Habeas Corpus. He appealed to every member who had an iota of sense of justice and fairness to vote against these clauses. He again made it clear that he was not in favour of protecting the guilty. He had no mercy for the guilty, but he maintained that no grave peril had arisen to justify this exceptional enactment.

Concluding, he appealed to every English non-official member to vote with him. The Government policy was wrong. "I appeal to the Treasury Bench not to persist in this policy. If you really wish to get rid of this danger then the only and proper course is reconciliation."

#### Consideration of the Motion

The motion for consideration was then agreed to. Clause 3 was also

passed. When clause 4 empowering detention outside Bengal was put to vote, it was rejected by 74 against 37 votes. Clause 5 suspending jurisdiction of Civil and Criminal Court was next put and was rejected by 73 against 37 votes. Mr. Acharya and Mr. Doraisami Iyengar did not move their amendments on these clauses.

Clause 6 was then taken into consideration. The President ruled that amendments urging deletion of a clause need not be discussed and that a vote could be taken on the motion and that a clause stands part of the Bill.

Mr. GOSWAMI had, however also given notice of an amendment to this Clause. He said the sting was at the tail. His observation the other day, that the devil's Government must cease, had come in for a good deal of notice. He declared that the promulgation of the Ordinance and the action of the Government during five months had made him believe that, in view of the sins of the Government, his description was not with justification. He quoted from Lord Morley and also from Buchan's life of Lord Minto. The Government, he said, had been taking so many drastic steps in the interest of the State. In a letter Lord Minto admits that he was keeping persons interested to rally the Moderates and let them have a bright chane at the election. (Laughter).

The president put clause 6 to vote and it was rejected by 73 to 39 votes.

In the next division for the retention of Clause V Sir Hari Singh Gour remained neutral and the result was the loss of one vote by non-officials where there was no change in the Government votes.

In the third division for the retention of Clause VI, Sir Basil Blackett and Sir Charles Innes who were absent in the two previous divisions voted with the Government. Raja Raghunandan Prasad Singh also voted with the Government and Mr. Raj Narain remained neutral. Thus the result of this division was 39 for and 73 against the motion.

#### The Bill "Mutilated".

Sir Alexander Muddiman said the Bill has been mutilated and he would not, therefore, move that Bill as amended. He said he wanted time to consider the situation and would make a final motion the next day.

The Assembly then discussed Dr. Gour's Age of Consent Bill together with the report of the Select Committee. This Committee proposed that the age of consent be raised from 12 to 14 in the case of unmarried girls and from 12 to 13 in the case of married girls. On the motion of Mr. Chanda the House by 65 to 22 votes (Government remaining neutral) fixed the age of consent at 16 in the case of unmarried girls.

Regarding married girls the Assembly, despite opposition from the orthodox section voiced by Pandit Malaviya and Mr. Rangachariar and others and opposition from the Government on the ground of possible serious agitation in the country, passed Dr. Datta's motion by 45 to 43 votes fixing the age of consent at 14.

#### DELHI—24TH MARCH 1925.

The last sitting of one of the most strenuous sessions of the Assembly was held on this day. After the Home Member had announced that the Simla Session will commence by August next the House heard, all standing, a

message from Lord Reading asking the Assembly to pass the Bengal Criminal Law Amendment (Supplementary) Bill as recommended by him.

The Home Member first moved the re-instating of Clause 4 without any speech.

Mr. RANGACHARIAR strongly opposed the motion and declared that no occasion had arisen for the Viceroy to exercise the emergency power. The Assembly was not a party to the passing of the Bengal Act. The Bengal Council had also rejected it. The Bengal Act was thus really the Bengal Governor's Act. Now, he asked, what extraordinary situation had arisen in Bengal to justify the exceptional measure? Why should power be required to detain any person outside Bengal? Were not the numerous Bengal jails enough for the purpose? Then, again, Section 491 of Cr. P. C. only authorised the High Court to call for records and see whether a detention was legal or illegal. This was not a very big power. Why should the Government be afraid of its own High Courts? The Viceroy, Lord Reading, had recommended the Bill though no necessity had arisen. This recommendation of the Governor-General was not a mere recommendation of the kind made by the Assembly's resolution. The Viceroy's recommendation was a mandate and if the Assembly did not agree, then the Viceroy's signature would make it law. He warned of the seriousness of the step they proposed to take. He contended that no civilised Government could act as the Government of India was acting. He had no hesitation in asking the House to refuse to accept the Governor-General's recommendation. (Applause.)

Mr. JINNAH quoted from the Viceroy's opening speech wherein he had said that the responsibility in dealing with the Bengal situation was solely his and could not be shared or put on other shoulders. Why then, asked Mr. Jinnah should Lord Reading be now desirous of placing that responsibility on the shoulders of the Assembly and was this the manner in which His Excellency was going to place that responsibility? It was, declared Mr. Jinnah a flagrant misuse of Section 67 (B). He was sorry that this should happen when two great men, one ex-Lord Chancellor and the other Ex-Lord Chief Justice, were in charge of the affairs of India. The Bill was intended to carry to its logical conclusion the nefarious plan of the Government to detain a person indefinitely and to strike at the root of the right of a person to claim the writ of Habeas Corpus. "I see Government persists in its policy obstinately, I say once more that you will regret it. You will create more trouble by it than you would suppress."

Pt. MATILAL said he should have preferred not to speak. He would only say that now that a loaded pistol was being directed to the head of the Assembly, no self-respecting person could go back on yesterday's vote. In his statement of objects and reasons attached to the Bill and in his speech the Home Member had attempted to emphasise that the right granted to the accused to appeal to the High Court was the main provision of the Bill and that others were only subsidiary. The House passed the clause and rejected the subsidiary ones. Then came the cat out of the bag and the Bill came back to them with the Viceroy's recommendation. The fact was that under pretence of getting certain shadowy right to the accused, the Government was taking away whatever little right the accused proposed at present and such a Bill was now attempted to be forced down the throat of the Assembly.

Mr. B. C. PAL said that as he represented the City of Calcutta he should have a say. The political criminalism and revolutionary patriotism was an

old story, 20 years' old one; brute force was pitted against another brute force and humanity between them was being crushed. The irresponsible Government was trying to repress a legitimate movement for political freedom of a dependent nation. Repression would not frighten Bengal. "People may lose nerve for a while, but the more you try to frighten them, the more they become reckless." As regards the Bill it was a lawless law depriving a person to claim the writ of Habeas Corpus. He knew the Government's threat of certification was there. "Go ahead and certify, rule this country not by constitution, but by certification," Mr. Pal shouted at the top of his voice. These caused tremendous applause and laughter.

Pandit Madan Mohan MALAVIYA recalled that when, after fierce opposition the Rowlatt Act was enacted, Lord Chelmsford told him "You have killed the Bill, I am not going to put it into force." There was still time for the Government to retrace its steps. By its action to-day the Government had only exposed the constitution in its nakedness. He felt that the Ordinance was enacted because of the action of the Swarajya Party in the Bengal Council.

Sir Alexander MUDDIMAN said that Mr. Jinnah put his finger on the right spot. This legislation might be good or bad. If the Government wanted it, it must have the whole law or not at all.

#### Rejected Once Again

All the three clauses proposed to be reinstated were then put together and rejected by 72 to 41. Thus the House declined to accept the Viceroy's recommendation.

Sir Alexander Muddiman then asked the President to send the Bill with certificate that the House had failed to pass the Bill in the form recommended by the Governor-General.

Mr. Rangaswamy Iyengar took a technical objection saying that the Assembly had not refused to pass the Bill as recommended by the Viceroy. It had only thrown out certain clauses.

The President said the implication was apparent.

The Home Member observed that in any case it was for the Governor-General to decide whether a certificate should be applied or not.

#### Viceroy's Certification to the Council of State

After it was thrown out twice by the Assembly the Bengal Criminal Law Amendment Act Supplementary Bill was placed on the table of the Council of State on the 25th March with a message from the Governor-General certifying that it was essential for the tranquillity of Bengal and recommending that it be passed in the form as originally introduced in the Assembly. The Bill was taken into consideration by the Upper House on the next day, the 26th March, and was passed.

#### Age of Consent Bill.

The Assembly then considered Dr. Gour's Age of Consent Bill.

Mr. Tomkinson moved that the authority to try cases of relations between man and his wife not being under 14 years be the court of Sessions, Chief Presidency Magistrate or District Magistrate instead of court of Sessions, Presidency Magistrate or Magistrate of first class. The motion was agreed to.

The Bill as amended was put to vote and rejected.

The Assembly then adjourned 'sine die.'

## The Viceroy's Certification.

(BENGAL CR. LAW AMEND. ACT SUPPLEMENTARY BILL 1925).

The following statement by H. E. the Governor-General of the reasons which moved him to pass an order for the certification of the Bill to Supplement the Bengal Criminal Law Amendment Act 1925 was issued in the "Gazette of India", Extraordinary, dated Delhi, the 1st April 1925.

"When on the 26th October 1924, I made and promulgated an Ordinance to supplement the ordinary criminal law in Bengal, I published a statement recording in a concise form the circumstances which in my judgment rendered this measure indispensable. I do not consider it necessary to recapitulate or amplify that statement further than to say that the grave recrudescence of anarchical and terrorist crime in Bengal and the organisation of conspiracies to this end can no longer be a matter of controversy. I intimated at the same time that measures of a more permanent character would in due course be presented by the Government of Bengal in the local Legislature. In pursuance of this intimation a Bill was introduced in the Bengal Legislative Council the object of which was to continue the provisions of the Ordinance for a period of five years. This Bill having been enacted under the provisions of Section 72B. of the Government of India Act, has received the assent of His Majesty-in-Council.

"Certain of the provisions of the Ordinance were, however, beyond the competence of the local Legislature, partly as affecting the jurisdiction of the High Court of Judicature at Fort William in Bengal and partly as operating in one particular and in certain contingencies beyond the territorial limits of the Presidency of Bengal. The object of the present Bill is to supplement the local Act in these respects. The provisions for an appeal to the High Court by any person convicted on a trial held by Commissioners under the local Act and for submission to the High Court of any sentence of death passed by Commissioners constitute, in my opinion, important safeguards for the just and equitable operation of the special procedure instituted by the Act. Circumstances may arise in which it will be desirable that persons committed to custody in jail under Section 11 of the local Act should be, for such time as may be needful, removed from an environment in which their presence might be a source of danger to the public security. This is a precaution which I consider necessary.

"I also consider it indispensable, in order that the preventive and precautionary powers, vested by the Act in the Executive Government may be made effective, that orders of arrest or of committal to or detention in custody should not be subject to the directions under Section 491 of the Code of Criminal Procedure, 1898. Moreover, if proceedings of this character were taken, the Government might be obliged to reveal information of a most dangerous character and to compromise and render powerless their measures of precaution and intelligence which constitute, in dealing with secret conspiracies, one of the most important practical safeguards of public security. This would clearly frustrate some of the most essential purposes of the Act. For these reasons I have decided and certified that this Bill is essential for the tranquility of the Presidency of Bengal. Inasmuch as the Bengal Criminal Law Amendment Ordinance 1924 expires



on the 25th April and time does not allow of a Bill being submitted for His Majesty's assent, in accordance with the procedure laid down in sub-section (2) of Section 67 B of the Government of India Act I have made a direction that the Act shall come into operation forthwith".

(REJECTED BUDGET GRANTS).

His Excellency the Viceroy finally certified the rejected Budget grants by a communique issued in the "Gazette of India" Extraordinary, dated Delhi, the 1st April, 1925 :-

*Declaration by the Governor-General-in-Council under section 67-A (7) of the Government of India Act regarding certain demands refused by the Assembly.*

*In pursuance of section 67 A (7) of the Government of India Act, the Governor-General-in-Council is pleased to declare that the following demands, which have been refused by the Legislative Assembly are essential to the discharge of his responsibilities :-*

Railways, Capital, open line works Rs. 10,00,00; Cotton Excise establishment, Rs. 77,000 and Executive Council, tour expenses of Members of Council, Rs. 62,000.

*The following resolution was also published :-*

The statements relating to the revised estimates for 1924-25 and the Budget estimates for 1925-26 which were presented to the Legislative Assembly and the Council of State on the 20th and 28th February 1925, have now been revised with reference to the changes made by the Legislative Assembly when voting demands for grants, the restoration by the Governor-General-in-Council of certain demands refused by the Assembly, and the decision to remit in part the contributions of certain provinces, in accordance with resolutions passed by the Legislative Assembly and the Council of State on the 21st and 23rd March, 1925, respectively.

Certain alterations not affecting revenue and expenditure have also been made in the estimates in the light of more recent information. Revised statements are now published for general information.

*The following reductions were made by the Legislative Assembly in the course of voting of demands :-*

Expenditure Charged to Revenue.

1. Railway Board, Rs. 78,100.
4. Working expenses, administration Rs. 39,00,100.
5. Working expenses, operation and maintenance, Rs. 35,00,000.
16. Customs, Rs. 77,000
17. Taxes on income, Rs. 100.
18. Salt, Rs. 100.
19. Opium, Rs. 100,
20. Stamps, Rs. 17,00,000.
28. Executive Council, Rs. 62,000.

Expenditure Charged to Capital.

8. Railways, open line works, Rs. 20,00,000.

Of these the Governor-General-in-Council has, under Section 67-A (7) of the Government of India, Act, decided to restore the reductions under demands Nos. 16 and 28 and also Rs. 10,00,000 out of the reduction of Rs. 20,00,000 under demand No. 8. For the rest it is considered that an allowance should be made for supplementary grants in respect of the reductions under demands No. 1, 4, 5, 8, and 20 as follows :

Expenditure Charged to Revenue.

1. Railway Board, Rs. 40,000.
4. Working expenses, administration, Rs. 39,00,000.
5. Working expenses operation and maintenance, 35,00,000.
20. Stamps Rs. 17,00,000.

Expenditure Charged to Capital.

8. Railways, open line works, Rs. 10,00,000.

The net result of these changes is that the total revenue and expenditure charged to revenue for the year 1925-26 are now estimated at Rs. 130,87,97,100 and Rs. 130,43,83,600 respectively, leaving a surplus of Rs. 24,13,600.

# PROVINCIAL CONFERENCES

Jan.-June 1925.

# The U. P. Legislative Council.

LUCKNOW—26TH—31ST JANUARY 1925.

After over a month's adjournment the United Provinces Legislative Council assembled on the 26TH JANUARY with the Hon. Mr. Keane in the chair.

## Technical Education.

After the usual long list of questions Babu SITARAM (Swarajist) moved :—

(a) "That this Council recommends to the Government to recognise the principle that technical education, by which is meant education in some industry such as agriculture, carpentry, smithy, spinning, weaving, dyeing, etc., is an essential part of education in all Vernacular and Anglo-vernacular schools in this Province, and to issue directions to the Board of Vernacular Education and to the Intermediate and High School Examination Board to so frame their curricula of studies as to give sufficient scope for imparting technical education to all scholars according to their respective tastes, and to revise the text books and other courses of studies accordingly.

(b) That this Council further recommends the Government to direct that a sufficiently large number of representative Indians be associated with the members of the Boards in framing the curricula of studies and selecting text books to give effect to the above resolution.

Kunwar JAGDISH PRASAD, Education Secretary, opposed the resolution and mentioned that there were already 13 technical schools in existence in the province where technical education was imparted. The Government were cognisant of the importance of technical training, but they did not think any good purpose would be served by giving effect to the resolution, and changing so drastically the curricula of studies. Apart from that there were practical difficulties in the way of teaching the numerous subjects mentioned by the mover of the resolution. Firstly, it was undesirable to teach too many subjects to boys of a tender age; secondly, the time-table for schools would not allow such a variety of subjects; and lastly there was the question of cost. Continuing, the Education Secretary pointed out that technical education should supplement general education, and not take the latter's place altogether. He feared the demand for industrial training was not so great as to justify such a drastic change in the curricula. With the growth of industry in the province the Government would undoubtedly lay greater stress on industrial education.

The resolution was then put and carried without a division.

## High School Examinations

Maulvi SAHABUDDIN next moved that the courses of study be made easier, and the number of subjects prescribed for middle and high school examinations be reduced.

Mr. MACKENZIE, in opposing the resolution, pointed out that the selection of the courses of study for the high school examination was primarily a duty of the Board of High School and Intermediate Education, a statutory body, and he as President of that body objected to this attempt to infringe its rights. He would ask the members how they would appreciate an attempt by a higher legislature to dictate to them in regard to their own business. It was perhaps a fact that the examinations here were more difficult to pass than in some neighbouring provinces, and it was true that boys who failed to obtain their School Leaving Certificate here were known to have passed creditably similar examinations held in other provinces, but the Director of Public Instruction doubted if that were a discredit to this province.

The resolution was put to the vote and pressed to a division, and was declared lost by the casting vote of the President.

## Subordinate Services and Corruption.

On the 27TH JANUARY Pandit Sri Krishna Dutt PALIWAL moved :—"That this Council recommends to the Government that a Committee, two-thirds of whose members shall be non-officials elected by the non-official member of the Council, be appointed to inquire into and report on the extent to which corruption is prevalent among the public servants in the various departments of the Government and to recommend steps for its removal. In recommending his resolution for acceptance the mover said that it was known to one and all that public servants, more especially subordinate servants of the State, were in the habit of taking illegal gratification. The disease was most prevalent in the

police, the process-serving and patwari departments. As a matter of fact, patwaris did a brisk trade in it, and in many departments these malpractices had assumed a semi-legal character, since they were carried on under the very noses of the superior officers.

Tbakar MASHAL SINGH moved an amendment disapproving the appointment of a committee but requesting the Government to take energetic measures through the heads of departments to eradicate this evil. The appointment of a committee, he said, would not only mean an additional expenditure to the Government but would also involve delay and detailed investigation.

The FINANCE MEMBER opposed the resolution but was agreeable to accept the amendment. A committee, Mr. O'Donnell remarked, would serve no purpose. He admitted a certain amount of corruption existed in the lower ranks of Government servants, but a committee would be worse than useless in checking it. What was needed most was the growth of a strong public opinion against bribe-taking and bribe-giving. The Government was extremely anxious to check this system of taking of bribes. Instructions had been issued to every department to keep a strict watch, but the Government could not dismiss any of its servants on suspicions alone. Any charge of corruption had to be proved in a court of law, but because of the reluctance of the public to give evidence in such cases the Government very often had to deal leniently with a suspected offender.

Pandit GOVIND BALLAB PANT, in opposing the amendment, said that in spite of repeated instructions acceptance of illegal gratification still continued. It was time to make other attempts to check it. He referred to the acceptance of "dalis" by high officials and remarked that in itself it was not serious, but it had an adverse moral effect on subordinates.

Thakur Maashal Singh's amendment was put to the vote and defeated by 42 votes to 26. The resolution of Pt. Paliwal as it stood was carried.

On the 28TH JANUARY the business of the Council was resumed on the resolution of Babu Prasad Narain Anand recommending more frequent meetings of the Council at fixed periods. The mover and his supporters complained that the time allotted for non-official business was very brief, and many resolutions of public interest could not be discussed.

#### Proposed Technical University.

Rai Bahadur Babu VIKRAMAJIT SINGH moved: "That this Council recommends to the Government (a) to establish at an early date a technical university of a federal type in Cawnpore, comprising the faculties of Technology, agriculture, Commerce, Arts and such others as may be necessary, and (b) in order to give effect to this recommendation, to appoint the following committee to draft a Bill: Rai Bahadur Lala Sitaram, Raja Jagannath Baksh Singh, Babu Sangam Lal, Pandit Baijnath Misra, Hafiz Hidayat Hussain, Mr. Ashiq Husain Mirza, Babu Narayan Prasad Aurora, the Director of Public Instruction, the Principal, Agricultural College, Cawnpore, the Principal, Technological Institute, Cawnpore, the Principal, Sanatan Dharam College of Commerce, Cawnpore, the Principal, Dayanand Anglo-Vedic College, Cawnpore, the Principal, Textile School, Cawnpore, the Principal, Dyeing School, Cawnpore, the Director of Industries, United Provinces, Cawnpore, the Director of Agriculture, Cawnpore, and Rai Bahadur Babu Vikramajit Singh.

The mover said the idea of founding a technological institute originated with Sir Harcourt Butler, and a committee had been formed to look into the feasibility of establishing a university at Cawnpore. Cawnpore was a most suitable site for a technological university, since there were seven colleges, including the Technological Institute, and the college for Agriculture. Those two institutions were at present affiliated to the external side of Allahabad University, but since, in view of the proposed university at Agra the external side of Allahabad University was going to be abolished, it was desirable that Cawnpore should have its own university, of which those colleges should form part. In regard to funds, there would be no serious difficulty, since no fresh heavy expenditure would be called for. The colleges, as at present, should finance their own teaching and other expenses, and should only be affiliated to the proposed university. An honorary Vice-Chancellor would be appointed and the only extra expenditure would be the salary of the registrar and his staff.

Kunwar JAGDISH PRASAD, Education Secretary, said that during Sir Harcourt Butler's regime Mr. Chintamani, then Minister of Education, enquired into the feasibility of founding a university at Cawnpore, but at that time there was no talk of Agra University. The acceptance of the Agra University project had necessarily changed the view of the Government.

The resolution was defeated by 36 votes to 23.

## Arms Act Restrictions.

On the 30TH JANUARY Pandit HARGOVIND PANT (Swarajist) moved : " That this Council recommends to the Government to liberalise the rules governing arm licenses and in particular (a) to lower the qualifications entitling a person to get a licence ; (b) to grant a licence to every applicant belonging to the entitled classes on the presentation of the application without making an inquiry except where and if necessary to find out whether the applicant does or does not possess the qualifications alleged ; (c) not to withhold a license for the protection of crops, or for destruction of wild beasts, from any agriculturist, except where he has been convicted of a serious offence, or there is a likely apprehension of a breach of the peace by him ; (d) to issue instructions to Magistrates to give an opportunity to an applicant for a licence to appear to show cause why his application should not be rejected for reasons specified by him before rejecting it."

The mover narrated the ravages of wild animals in his own district Almora, where annually many human beings and a large number of cattle were killed by leopards and tigers. Owing to the lack of fire-arms the villagers had most often to look passively on such devastations by wild animals. The speaker regretted that on account of their political views many respectable gentlemen were not granted arms licenses. If there were an adequate number of guns in every village in Almora he was sure so many men could not be carried away by tigers.

Lala MATHURA PRASAD moved an amendment deleting clauses (a) and (b) from the resolution. He pointed out that in many cases although qualified persons were not granted licenses undesirable elements of society managed to get them and misused them. The amendment was opposed and rejected.

Mr. MUKUNDILAL in supporting, made a fervent appeal to the House to accept the motion. He drew attention to the fact that the submontane tracts of the Province were all a belt of dense jungles, and not only those parts but the Province as a whole was full of wild animals. In his district, Garhwal, 74 persons were killed by a single leopard in one year, 64 persons were killed in Almora by tigers in the same period, and to get the country rid of these pests all the help Government rendered was to cancel or withhold licenses. The primary function of the State was to protect the lives and property of the people and not to jeopardise them. He wanted to know what the Government feared in issuing more licenses. A national army could not be fitted out with breach loading and muzzle-loading guns.

The Raja of MAHMUDABAD said that the Government much regretted these ravages by wild animals and district officers were doing their best to get man-eaters killed. Liberal prizes were offered to attract professional shikaris to go tiger-shooting in Almora and Garhwal. Government were alive to their duty in protecting life and property but the Home Member regretted Government could not accept the resolution. The rules relating to the issue of licences were framed under an Act of the Government of India and they could not be altered until the Act was amended. The fittest place for alteration in the Arms Act was the Assembly. In regard to the rejection of applications for licences by district officers, the applicant, the Home Member pointed out, had the right of appeal to higher quarters. Concluding, he drew attention to one factor which was biasing Government's decisions in regard to such a proposal. A year before the Government might have been more sympathetic but now things were different. During the recent communal riots fire-arms were freely used by licence holders. The Government could not consent to make a free distribution of such deadly things.

Pandit Sir Krishna Datta PALIWAL moved an amendment to the effect that every voter of the Legislative Council should be entitled to the grant of a licence for firearms. Amidst laughter the speaker declared : " It is our birthright to carry arms in order to protect life and honour." The amendment was accepted.

Babu NEMI SARN moved an amendment adding two clauses to the original resolution to the effect that the grant of license should not be refused on the ground that the applicant held certain political views and that the district authorities should give specific reasons for rejecting applications for a licence in order to give the applicant an opportunity to appeal.

Both the amendments were accepted by the Council. The resolution as amended was carried without a division.

On the 31ST JANUARY, after interpellations, the House agreed to a motion of the Finance Member that the Bill further to amend the Oudh Estates Act of 1869 be re-circulated for the purpose of eliciting further opinion thereon within two months.

## Oudh Court Bill.

The Home Member next moved that the Oudh Courts Bill, as amended by the select committee, be taken into consideration. There was a very large number of amendments on the agenda. Before these amendments were taken up, the Home Member narrated the history of the Bill and felt sure that it was the desire of the Council that the Oudh Chief Court should be established now and it rested with the Council to see that the Bill was passed in a form acceptable to Government.

The Finance Member moved that the debate on this Bill be postponed for a month from this date. The House agreed to take up further consideration of the Oudh Courts Bill in February and the President adjourned the session.

## LUCKNOW—25TH FEBRUARY 1925.

## The Budget Session

The budget session of the United Provinces Legislative Council commenced on the 25TH FEBRUARY with the hon. Mr. Keane, President, in the chair.

## Committee Reports.

The Finance Member presented to the Council the seventh report from the committee on public accounts as well as the report of the select committee on the bill to provide for the salary of the President elected by the Legislative Council.

## Excess Grants.

Demands for excess grants aggregating Rs. 12,73,786 in the financial year 1922-23 were then presented to the Council in accordance with the recommendation made by the committee on public accounts. These demands were presented to regularize expenditure already incurred in excess of the voted grants. The grants were made without any reduction.

## Supplementary Demands.

The House next proceeded to consider demands for supplementary grants in the budget for the financial year 1924-25.

## Arms Licenses.

Mr. Mukandilal in moving a nominal reduction of one rupee from a supplementary grant under the head 'Administration of Justice' criticised the illiberal policy of Government in granting licenses to people in hill districts like Almora where they were a prey to wild animals. This was rejected by 44 against 19.

## Restoration of Canal Works Destroyed by Floods.

Another demand for capital outlay not charged to revenue was for Rs. 12,25,000 which was sanctioned by the Government of India as an advance in the current financial year for the restoration of the canal works destroyed by the floods of the last year. This sum was made up of (1) Rs. 1,25,000 for reconstruction of the main training works on the Kosi river and Gaula weir in the Tarai and Bhabar Government estates and; (2) Rs. 11,00,000 for reconstruction of Dhanauri dam, Dun canals, and headworks of the Eastern Jumna canal.

The vote of the Council was asked to transfer these two items from revenue account to loan account. The Council agreed to this transfer being made.

## Land Record Operations.

On the 27TH FEBRUARY Khan Bahadur Maulvi Fasihuddin moved:—

'That this Council recommends to Government to be pleased to appoint a committee of members of this Council with a non-official majority to inquire into and report on the necessity of incurring further expenditure on the land record operations in the Province.'

In moving the resolution Khan Bahadur Fasihuddin referred at length to the policy of Government in regard to land records and settlement. The settlement staff was actually being strengthened and the expenditure on this head was actually increasing from day to day when the province was still suffering from the effects of the most serious and disastrous floods that had ever visited it within living memory.

The resolution as amended by Lala Mathura Prasad Mehrotra for the deletion of the words 'with a non-official Majority' was put and carried without division.

## Higher Hindi and Urdu Examinations.

Babu Saugamlal moved that this Council recommends to the Government to advise the

Board of High School and intermediate Examinations and the external side of the Allahabad University to institute higher Hindi and Urdu examinations corresponding to the High School, Intermediate, B.A. and M.A. examinations.

In moving the resolution Babu Sangamal explained that his intention was that the medium of examinations should be Hindi and Urdu, and said his resolution would help the University to solve the existing difficulty of the medium of instruction. There might be difficulties in giving effect to his resolution, but a beginning ought to be made and the difficulty solved. Proceeding, the speaker pointed out that it would entail no great expenditure and urged that this Council should have a voice in matters of policy and principle regarding the affairs of the University.

Kunwar Jagdish Prasad, Education Secretary, in opposing the resolution, congratulated the mover on the consistent irrelevancy of his speech (laughter) and said that the obscurity of his resolution had grown valuably thicker after his speech. His one point had been that these examinations should be confined to students who did not know English. The High School and Intermediate Education Board, the Education Secretary pointed out, was only concerned with Anglo-vernacular education. If the Ministers were to ask the board to institute such examinations they would surely say they had neither the power nor the jurisdiction to do so under the existing Act.

Rai Bahadur Thakur Hanuman Singh moved an amendment that means of study for such examinations be provided. The resolution and the amendment were then separately put to the House and declared lost.

#### The Budget for 1925-26.

On the 28TH FEBRUARY the Hon'ble Mr. S. P. O'Donnell, Finance Member to the Government of the United Provinces, presented the budget for 1925-26. The estimated revenue and receipts for the budget year amount to Rs. 16,08,41,000 and the disbursements total Rs. 16,24,42,000. In other words there is a net deficit of Rs. 16,01,000 and as there was a balance of about 12 lakhs in the Famine Insurance Fund in the current year, the total deficit in the ordinary resources of the province would be approximately Rs. 28 lakhs or 35 lakhs. If the Stamp Act is not extended for another year it is proposed to take a loan of 43 lakhs from the Government of India. The Government of India, it was stated by the Finance member, had agreed to give this loan. In concluding his statement Mr. O'Donnell said :-

"It is clear that if we are to rely on our own resources there is little chance of any radical improvement of our finances. Our revenues are highly inelastic and do not admit of any large or rapid expansion. Relief can only come through remission of our contribution. Fortunately in this respect omens seem to be more propitious than they had been in any preceding year. I need not conceal my hope that the first fruits of the Government of India's policy in regard to the remission of contribution will be visible in the budget which they will present to-day, that we shall secure a remission which will wipe out the loan of 43 lakhs that at present appears on the receipt side of our budget and that this remission will be followed by others in subsequent years."

Mr. O'Donnell in his statement first referred to the financial position of the current year. The budget of 1924-25 as presented to the Council provided for a revenue amounting to Rs. 12,81,30,000, receipts under debt heads amounting to Rs. 2,09,45,000, making with an opening balance total receipts amounting Rs. 16,37,44,000. On the expenditure side provision was made for Rs. 12,69,11,000 under civil heads and for Rs. 2,62,75,000 under debt heads and the closing balance was estimated at Rs. 10,558. The budget as passed by the Council provided for the decrease of revenue of Rs. 18,49,000 and decrease of expenditure of Rs. 18,59,000 so that the closing balance was increased by Rs. 10,000. The revised figures of 1924-25, however, showed a decrease in receipts amounting to Rs. 9,88,000 and civil disbursements were higher by Rs. 25,90,000 and under debt heads by Rs. 5,23,000, a total increase of Rs. 31,13,000. The net result was that the closing balance had fallen by 41 lakhs. The fall had been the effect of a single cause namely the floods. The total burden imposed on the province by the floods is about 127 lakhs, of which 75 lakhs fell on the current year and some 52 lakhs on the next.

The estimate of expenditure under civil head for the budget year 1925-26 is Rs. 12,94,98,000, that is to say, an increase of Rs. 30,29,000 over the corrected figure of 1924-25. Of this increase Rs. 8,25,000 is due to revision of pay and allowances of the All-India services. Under debt heads the budget figure for disbursements is Rs. 3,29,43,000 or in other words Rs. 90,63,000 above the corrected budget figures of 1924-25 and 86 and half lakhs revised figure of that year. The total disbursement thus amount to Rs. 16,24,42,000.

In the revenue side the estimate for the budget year is Rs. 12,89,42,000, receipt under debt heads amounts to Rs. 2,46,24,000. Adding to these the opening balance of Rs. 72,74,000 the total on receipt and revenue side comes up to Rs. 16,08,41,000. In other words there is a net deficit of Rs. 16,01,000 and as there was balance of 11,92,000 in the Famine Insurance fund the total revenue deficit is Rs. 27,93,000.

On the 4TH MARCH only two non-official resolutions were discussed and both of them were from the Swarajist benches. A resolution recommending that Hindi and Urdu should be the medium of instruction in schools up to the High School standard was passed after a prolonged debate. Mr. Mukandilal moved the other resolution recommending to the Government that Standing Committees elected by the Council should be appointed for every department of administration. The resolution was opposed by the Hon. Mr. O'Donnell who maintained that Standing Committees would be superfluous in some departments. The Government was anxious to associate itself with the legislature in matters of administration to the best extent possible and the Government had appointed Standing Committees and Advisory Boards in departments in which they were found necessary. The resolution was after a lengthy debate passed by the House.

On the 5TH MARCH the Council passed the Bill providing a salary of Rs. 2,000 per mensem for the President elected by the Council who should be a whole time servant of the Council. In the course of the debate on this Bill, the hon'ble Mr. O'Donnell, leader of the House and Pandit Govind Ballab Pant, Swarajist leader, delivered speeches appreciating in glowing terms the services rendered by the Hon'ble Michael Keene, the present President of the Council.

#### The Oudh Chief Court Bill.

The debate on the Oudh Chief Court Bill, which was postponed in February owing to some technical difficulty, was resumed on this day.

Babu Shankardayal moved for the omission of clause 7 of the Bill, conferring original jurisdiction on the proposed Chief Court. There was no practical need to vest the Chief Court with original jurisdiction. The Oudh people at large did not demand this concession for their Chief Court. The Allahabad High Court had no such original jurisdiction, and even the Presidency High Courts had original jurisdiction only over the Presidency towns.

Babu Sitaram, who had given notice of a similar amendment, strongly supported the motion. He maintained that the conferment of original jurisdiction would necessitate an increase in the number of Judges, and make the proposed Chief Court very costly. People at large would not derive any benefit commensurate with this costly concession.

Lala Mathura Prasad Merhotra emphatically opposed the amendment, remarking that the conferment of original jurisdiction would benefit litigants greatly since their suits would be disposed of speedily.

Hafiz Hidayet Hussain wanted to know if the Government had established any case for the conferment of original jurisdiction on the Oudh Chief Court. He feared they had not, and were they to get up one it would have no legs to stand upon.

Maulvi Sahabuddin pointed out that cases of large valuation of Rs. 5 lakhs and over were more frequent in Oudh than at Allahabad, and that was the reason why original jurisdiction was found necessary for the Oudh Chief Court.

Nawab Yusuf said he had to oppose the amendment simply because he had found out from discussions with Oudh Taluqdars that the conferment of original jurisdiction would benefit them greatly.

Raja Jagannath Bux Singh assured the House that the extra cost involved investing the Chief Court with original jurisdiction would not be ill spent.

The Hon. Raja of Mahmudabad, the Home Member, assured the Council that the cost of conferring original jurisdiction on the Chief Court would not be exceedingly high. The clause had been included in the Bill with the advice of one of the most prominent lawyers of this Province. The inclusion of the clause would benefit the people of Oudh generally, and Oudh taluqdars in particular. Under the present arrangement, the Oudh Taluqdars had to expend large sums in suits involving a succession or transfer of estates. The creation of original side would relieve them to some extent. The landholders of Oudh richly deserved this concession from the Council.

The Home Member, in conclusion, regretted that the House had opened a fresh question of original jurisdiction. The principle that the proposed Chief Court should have the original side had already been recognised by the Council.

Babu Shankardayal's amendment that clause 7 of the Bill should be omitted was defeated by 47 votes to 20.



## Question of Appointment

Babu Shankardayal moved another amendment to the effect that the Chief Court Judges should be appointed by the Governor-in-Council, and not by the Governor-General.

The Hon. the Raja of Mahmudabad, opposing, pointed out that in the existing Chief Courts in India these appointments were made by the Governor-General.

Mr. Shankardayal's amendment was then put and rejected by the House.

## Lawyer Judges

Babu Bindeswari Prasad moved an amendment to clause 4 of the Bill to the effect that the Chief Judge of the proposed Court should always be a Lawyer Judge. Babu Bindeswari Prasad pointed out that all the Chartered High Courts in India were presided over by Lawyer-Chief Justices, and following that precedent the Oudh Chief Court also should have a lawyer as its Chief Judge. Further, a lawyer had a better knowledge of the law than Civil Servants.

Mr. Mukundilal, who had given notice of a similar amendment, maintained the same view. He added that section 101 of the Government of India Act clearly laid down that in Chartered High Courts at least one-third the number of Judges, including the Chief Justice, should be recruited from the legal profession. If lawyers alone were deemed fit to preside over High Courts, it needed no arguments to prove that they also were fit to hold the office of Chief Judge. Further, there was the question of confidence. An Indian Civil Servant was primarily an administrator, and as such even as a Judge he was always aware of the difficulties of administration. His judgment was apt to be biased by that knowledge. He ran the risk of judging a case not always on its legal merits, but sometimes from an administrative point of view. Moreover, the Bar had more confidence in a Lawyer-Judge than on a Civilian.

Mr. Aslam Saifi said there was nothing to say against Civilian Judges. They administered justice as ably as any other class of Judges. It was, however, a fact that lawyers had more confidence in a Judge recruited from their number than in a Civilian Judge.

Mr. Moss King, Legal Remembrancer, opposed the amendment on three grounds: firstly, the proposition was unprecedented; secondly, it was unfair; and last but not least, it was contrary to public interest. He did not know why there should be a legal reservation in regard to the office of Chief Judge in favour of the legal profession. There was no such practice in the Chief Courts and the Judicial Commissioner's Courts. Why should this Council adopt the custom of the High Courts and not of the existing Chief Courts and Judicial Commissioner's Courts? Such reservation would be grossly unfair to Judges recruited from the Imperial and Provincial Civil Service. It was in the interests of the public that the field of selection should be extensive, and not restricted to one group of Judges. Concluding, Mr. Moss King remarked that he failed to understand why lawyers wanted to shirk competition and not rely on their merits.

Thakur Hanuman Singh, Thakur Masbal Singh, Raja Jagannath Bux Singh, and Lala Mathura Prasad Merhotra spoke in support of Mr. Moss King's views.

The Hon. the Raja of Mahmudabad, the Home Member, said there were many difficulties in the way of the Government in accepting this amendment. Some of the reasons had already been given by the Legal Remembrancer. Such reservation would react on the recruitment of the best type of Service men to the Judicial Department. The Governor-in-Council in making recommendations to the Governor-General for any appointment always considered the merits and fitness of a particular candidate to hold that office. They could not restrict their choice to a particular group only. He failed to understand why there was this suspicion that the proper claims of Lawyer-Judges would be ignored. He pointed out that more than one Lawyer-Judge had been appointed Judicial Commissioner of Oudh, though that post was not reserved for any class of men.

After some further discussion the amendment was put to vote and pressed to a division. It was rejected by 45 votes to 25.

Babu Bhagwati Sahai Bedar moved an amendment that Lawyer-Judges should be recruited from Barristers, Advocates, Vakils, etc., of "ten years' practice in India," and not of "ten years' standing," as proposed in the Bill. The amendment was negatived.

Two other minor amendments were also discussed and negatived.

Next day, the 6TH MARCH the discussion on the Oudh Chief Court Bill, was resumed in the Council. Amendments to clause 4 of the Bill, relating to the constitution of the Court were first taken up.

Thakur Hanuman Singh moved the addition of the following provision: "Provided that the number of Indian judges appointed to the Chief Court shall not be less than three-fifths of the total number of Judges constituting the said Court." At Pandit

Nanakchand's suggestion the words "at no time" were later substituted for the word "not."

Thakur Hanuman Singh, Pandit Nanakchand, Mr. Mukundilal, Lala Mathura Prasad Merhotra, Dr. Jaikarnath Misra and several others urged that Government should carry on the policy of Indianising the superior services. The Government could prove their professed policy by appointing three Indians as judges of the proposed court.

The Finance Member said that the Government was not opposed to Indianisation of the services but he failed to see why it was desirable to include that distinctly racial qualification in the statute. It was one thing to urge the appointment of officers recruited in India, and quite a different thing to insist on appointing Indians only. He would take a concrete instance. Supposing at any time a member of the Indian Civil Service had to be appointed to a judgeship of the Chief Court, and, taking it for granted that there were already two non-Indian judges, would it be fair on the part of the Government to supercede the senior non-Indian judicial officers and appoint a less qualified Indian, just because he happened to be an Indian. That would not only be unfair but undesirable in the public interest.

Further, would the Government be justified in totally ignoring the claims of deserving non-Indian members of the legal profession in the event of a vacancy taking place in the cadre of lawyer judges, simply because there were already two non-Indian judges, and simply because that gentleman happened not to be a statutory Indian, although perhaps he had spent the best part of life in an Indian law court? It would be grossly unfair.

The amendment was carried by 43 votes to 29.

#### Power of Judges

Mr. Moss King moved an amendment adding the following proviso to Clause 10 of the Bill relating to the exercise of jurisdiction by judges of the Chief Court, "Provided that except in the exercise of original jurisdiction, a single judge of the Chief Court shall not be competent to hear and decide a case, whether of a civil or criminal nature, which cannot ordinarily be heard and decided by a single judge of the High Court of Judicature at Allahabad. The amendment, it was explained, would bring up the powers of a single judge of the Allahabad High Court. The amendment was carried without opposition.

Clause 11 of the Bill was also adopted.

Clause 12 of the Bill relates to appeals from the original civil jurisdiction of the Chief Court, and provides that such an appeal against the order of a single judge shall lie to the bench of two other judges of the Chief Court.

On the motion of Mr. Moss King, the Council agreed to add the following sub-section to this clause. "Except as otherwise provided by any enactment for the time being in force an appeal from any appellate decree made by a single judge of the Chief Court can lie to a bench consisting of two other judges of the Chief Court if the judge who makes the decree declares that the case is a fit one for appeal." The original clause was remembered as sub-section (1) Clause 12 and was adopted as amended.

The Raja of Mahmudabad, Home Member, in moving that the Oudh Courts Bill be passed, expressed his thanks to the Council for their attitude in dealing with this Bill. They were conferring a real boon on the people of Oudh, and the Home Member, being one of them, expressed his grateful thanks to the non-official members on behalf of Oudh. Concluding the Raja thanked his esteemed friends, the Finance Member and the Legal Remembrancer, for the valuable help they had extended to him in framing the Bill and getting the measure passed.

Hafiz Hidayet Hussain, while seconding the motion, felt unconvinced of the necessity of giving the Chief Court ordinary original civil jurisdiction. He regretted that the amendment in regard to the appointment of a lawyer Chief Judge had been rejected by the Council.

Nawab Mahomed Yusuf, in supporting the motion, said the Bill was sure to help the better administration of justice in the province of Oudh.

Raja Jagannath Baksh Singh said that the people of Oudh would be very grateful to the Council for the passage of the Bill.

Mr. Mukandilal congratulated the Raja of Mahmudabad on the introduction and passage of the Bill. In his opinion the Government had, in the course of the debate on this Bill, given wrong interpretations to Sections 80-A, 101 and 96 of the Government of India Act. He challenged the Government to dispute his statement that under Section 80-A, once the Government of India had given permission to the Local Government to take a certain Bill into consideration, the local Council had every power to propose any amendments and discuss them without further reference to the Central Government. From Section 101 (4) it was clear that the Chief Justices of a chartered High Court should always be lawyer Judges.

Rai Bahadur Shankar Dayal thought it was unfair on the part of the Government to have changed the date of discussion of the Bill from the 6th to the 5th March without giving due notices. By carrying the Bill through the Government would achieve a victory which should lie on their conscience. The conferment of original jurisdiction on the Chief Court was certain to ruin the practice of the junior mofussil pleaders of Oudh and fill the pockets of Lucknow lawyers. The change of the date for discussion had helped the passage of the Bill and had infringed the rights of individual members, who in his opinion could legally sue the House. (Laughter). He had lost every faith in the sense of justice of the Council and he thought he had better discontinue his connection with it.

Rai Bahadur Thakur Hanuman Singh and Rai Bahadur Thakur Mashal Singh supported the motion for the passage of the Bill.

On the motion of the Legal Remembrancer the House next agreed to certain consequential amendments to the Bill necessitated by amendments accepted the day before.

Babu Mohanlal Saxena, criticising the Bill, asserted that in the Select Committee on the Bill there had not been a single representative of the mofussil pleaders.

Pandit Nanakchand thought the Bill owed its origin more to the sentiment of the Oudh people than to any real demand for a better judicial system in Oudh. If original jurisdiction was necessary for the Oudh Chief Court, it was equally necessary for the Allahabad High Court in the interest of Agra landholders. The Pandit wanted an assurance from the Government that they would not make it a precedent to get in future the sanction of the Government of India for amendments on every Bill which might come up for consideration before the Council.

The Finance Member explained that he had moved for the adjournment of the debate on the Bill on the 31st January not to secure any tactical advantage, as had been suggested by some members, but to get the sanction of the Government of India for amendments which were intended to make radical changes in the Bill.

The motion that the Bill be passed into law was put to the House and carried by 52 votes to 2.

#### Bill to Control Opium-smoking

The Nawab of Chattari, Minister of Industries and Excise, moved that the Bill to provide for control of the practice of opium-smoking in the United Provinces be taken into consideration.

There were several amendments to the different clauses of the Bill, all of which were rejected. The only other important amendment which was accepted by the House was the addition of the following new clause to the Bill on the motion of Mr. Mukundilal:—  
“Whenever two or more persons are prosecuted for any offence under this Act, the magistrate may, if for reasons to be recorded by him he thinks fit, tender to any accused a pardon on condition of his making a full and true disclosure of all the facts connected with the offence. Such accused person will become a competent witness in the case and will not be liable to punishment so long as the pardon remains in force and a conviction may legally be based on his testimony. The Bill as amended was passed.

#### Town Area Bill.

Lala Mathuraprasad Merhotra introduced a Bill to amend the United Provinces Town Area Act (2 of 1924) and on his motion the Bill was referred to a Select Committee composed of nine members. The Council then adjourned.

#### The General Discussion of the Budget

After six day's adjournment the Council re-assembled on the 13TH MARCH. The general discussion of the Budget was initiated by Mr. H. David, who referred to the United Provinces Development Loan. He asked what was the present balance in the hands of the Government out of a development loan of about Rs. 4 crores. He was surprised to note that the Budget estimate of the revenue from excise was Rs. 8 lakhs better than the Budget estimate of 1924-25 under the same head. He feared the Finance Member had been over sanguine.

Rai Bahadur Babu Vikramjit Singh said that this year's Budget would have been a surplus Budget but for two calamities. One was the devastating floods, the dispensation of Providence over which the Government had no control, and the other the extravagant recommendations of the Lee Commission, the dispensation of an unsympathetic Government against which the Provincial Government should have strongly protested. He had still some hopes that the members of the Superior Services drawing salaries from the revenue of the Province would not, in consideration of the financial plight of the Province,

avail themselves of the numerous concessions made to them by the Lee Commission.

Mr. Mukundilal criticised the general policy of the Government. In regard to the Budget he could not but notice that the total receipts under debt heads amounted to nearly Rs. 3 crores, an unusually large amount considering that the total revenue receipts of the province was less than Rs. 13 crores.

Lala Babulal thought that the Budget had not provided sufficient money for the expansion of primary education. Pandit Yagnanarain Upadhya regretted that no money had been budgetted for grants to the Benares Hindu University and the Aligarh Moslem University.

Pandit Govind Ballabh Pant (Swarajist leader) said this was the only province in India that had budgetted for a deficit. The Governor in opening the Council in March last year had forecasted a prosperous year, but all calculations had been upset by the floods, and the province had passed through a year of gloom and loss. Even the remission of the provincial contribution would not go far to make up the losses.

Two other members from the Swarajist benches, Babu Sitaram and Thakur Har-Prasad Singh, urged that sufficient provision should be made in the Budget for the improvement of rural areas.

Next day, the, **14TH MARCH**, Mr. O'Donnell (Finance Member) resuming the Budget discussion thanked the members for the compliments they had paid him for the lucidity of the Budget. These generous references, he added, were more due to Mr. Blunt and his two deputies, Messrs. Bajpal and Teyen than to himself. Proceeding Mr. O'Donnell referred to the various criticisms made during the debate and pointed out that if the financial situation was not as good as he and His Excellency hoped it would be, it was not due to any fault of the Government. He would not, however, admit that the situation was as serious as some members thought it to be. This year there would have been no deficit but for the floods. The borrowings of the Government could not be said to be excessive.

In regard to the increase of salaries of the Superior Services, resulting from the Lee Commission recommendations, personally he was of opinion that the concessions made were neither excessive nor disproportionate. In view of the rise in the cost of living the present scale of pay was only a fair rate of remuneration to the members of the All-India Services. He would remind the House that the Lee Commission had recommended not only this rise in the salaries of some officers, but there was the other recommendation of the Commission, which was the rapid Indianisation of the Superior Services. The Commission's recommendations might benefit certain officers to some degree, but would not, in the long run, involve extra expenditure to the administration.

### Voting on Budget Grants

#### Administration of Justice

On the **16TH MARCH** the Council met for the voting of demands contained in the budget. The hon. Mr. S. P. O'Donnell, Finance Member, moved the first demand for Rs. 55,88,000 under 'Administration of Justice.'

There were several motions for reduction under this demand most of which were withdrawn or rejected on this day. Next day, when discussion was resumed under this head, the total demand of Rs. 55,88,000 minus Rs. 17,110 which had been reduced, or Rs. 55,70,890 was granted.

#### Demand for Education

The hon. Rai Rajeshwar Bali moved the demand under Education for Rs. 1,67,60,600.

Pandit Govind Ballabh Pant moved a reduction of Rs. 50,000 from the grant of Rs. 4,65,785 for the Civil Engineering College, Roorkee.

The Education Secretary accepted a reduction of Rs. 25,000 only. The House agreed to this amendment and it was carried.

#### General Administration

On the **18TH MARCH** the demand of Rs. 1,06,06,119 under head "General Administration" was considered. As many as 133 notices of motions for reduction were received and tabled, but only 54 motions could come up before the House for discussion when the Council adjourned.

The motion for reduction of Ministers' salaries occasioned a breeze between the Swarajists and Ministerialist benches. Babu Bhagwati Sahai Bedar, Swarajist, who moved the reduction, and Pandit Govind Ballabh Pant, Swarajist leader, wanted to know if the Ministers belonged to any political party, whatsoever; if so, what was the strength of that party in and outside the Council. The Swarajists further maintained that the Ministers had achieved little during their tenure of office and had no fixed programme of work before them. Ministerial supporters maintained that the present Ministers had done well enough to earn the thanks of the Council and of the Province at large, that they belonged to the Majority Party inside and outside the Council, the party of land-holders which had the greatest stake in the country. The reduction motion was negatived without division.

#### General Administration.

On the 19TH MARCH discussion was resumed under General Administration. Pandit Govind Ballabh Pant moved the reduction of the demand in respect of Commissioners by Rs. 2,00,000. He said the Commissioners' Committee, appointed in 1922, had unanimously recommended a reduction in the number of Commissioners of Divisions from 10 to 5. The Government had in a way accepted that recommendation, and yet, year after year, the Government approached the Council to vote for provision for the salary of those 10 Commissioners and their establishments. The Government's usual explanation was that the matter was being considered by the Government of India. That Government, it would appear, was taking an unusually long time in considering a unanimous recommendation. The only way to force the hands of the Provincial and Central Governments was to cut down the supply.

Mr. Mukundilal proposed a reduction of Rs. 16,393 on account of the same item, saying that apart from the question of principle, the supply for Commissioners should be reduced in the interests of economy.

Rai Saheb Jagdish Prasad proposed a nominal cut of Rs. 100. He said he would not press for a reduction of the demand by Rs. 2,00,000 for fear lest all the clerks and menials in the Commissioners' offices were dismissed.

The motions by Pandit Gobind Ballabh Pant and Mr. Mukundilal were rejected without a division, but the motion proposed by Lala Jagdish Prasad was carried.

After some minor motions which were withdrawn, Thakur Manjit Singh Rathor moved that the total demand under the head General Administration be reduced by Rs. 100. He referred to an incident during the Ramlika celebration at Muzaffarnagar when Mr. Darling, the District Magistrate, was alleged to have behaved in a high-handed fashion with some prominent local residents and enlisted them as special constables. He proposed the reduction as censure motion on the Government for not having dealt properly with the District Magistrate.

The Finance Member said that he had already expressed to the Council the view of the Governor in Council in regard to the incident. The Governor in Council had disapproved of the manner in which the District Magistrate enrolled special constables and had conveyed to him their disapproval. It would have been wiser had he refrained from enrolling a number of prominent men as special constables. In other respects the Government was of opinion that the action of the District Magistrate was justified, and therefore there was no occasion for any further action on the part of the Government.

Pandit Nanak Chand seconded the motion, which was carried without a division.

On the motion of the Finance Member, the Council adopted two minor reductions in the demand. The total demand under General Administration amounted to Rs. 1,06,06,119. The Council adopted reduction motions aggregating Rs. 16,178. The total demand, less Rs. 16,178, was put before the House.

Pandit Govind Ballabh Pant opposed the total grant, maintaining that no supplies should be voted unless the Executive was subordinated to the Legislature. The Executive was flouting the opinion of the Council inasmuch as the judicial and executive functions were not separated, and the number of Commissioners had not been reduced, in spite of repeated demands of the Council.

The Finance Member said that at least the Swarajist leader had put forward before the House a wrecking motion. The Council had gone into the details of the demand and had made reductions wherever found desirable. The Government was not entrusted with the framing of a new Constitution for India. Its task was to carry out the principles embodied in the Government of India Act. He would ask the Pandit to go to the Assembly to redress his grievance. The total demand was voted by the Council.

## Civil Works

The Nawab of Chattari moved the grant of Rs. 47,44,108 under Civil Works. He referred to the re-organisation scheme in the P. W. D.

Babu Mohanlal Saxena moved the reduction of the demand by Rs. 1 lakh in respect of the item regarding the Public Health Provincial Institute of Hygiene.

The motion was adopted by the House and the total demand less Re. 1 lakh was voted.

## Medical Grants.

On the 20TH MARCH, the demand for grant of Rs. 22,84,587 under head "Medical" was voted by the Council. In moving for the grant of demand the Hon'ble Rai Rajeshwar Bali, Minister in charge of the Department, briefly surveyed the activities of the Department during the year 1924-25. The Minister referred to the Women's Medical School at Agra which had been separated from Men's School since 18th April, 1924. The separation of two schools, the Minister added, was proving advantageous to girl students. In the Budget under discussion greater provision had been made for the extension of Maternity and Child Welfare work than in any preceding Budget. In the interest of rural sanitation the Government intended to subsidize qualified medical practitioners to help them to settle down in rural areas. The Budget provision on this account was half a lakh and the Government hoped they would get 100 medical men to avail themselves of this subsidy. Further the Government had introduced a sort of grant-in-aid system for new dispensaries that might be opened in villages. Provision of half a lakh had been made for four such dispensaries and if there was more real demand for grant on this account and if funds were available, the Government was agreeable to spend more money on this head. There were altogether 65 motions for the reduction of the demand under the head "Medical" of which only one effecting a nominal cut by Re. 1 was adopted by the Council, the rest of the motions being withdrawn.

## Mussoorie Hospital Scandal

There was considerable heat in connection with the reduction motion by Thakur Manjit Singh Rathore, Swarajist, who urged that the demand be reduced by Rs. 100 in respect of the item regarding grants to hospitals and dispensaries. Thakur Manjit Singh referred to the incident that took place in Mussoorie last year when a certain patient Mr. Lubeck was removed from the operation table of the European Hospital because he was not a pure European. He was surprised to see that the Government had the check to come to this Council to ask for a grant to such hospitals of which the doors were closed to dying men simply because all the blood that flowed in their veins was not from Europe.

Mr. David, in seconding the motion, strongly criticised the action of the hospital authorities who in his opinion had ignored all Christian principles of charity and humanity. Hospitals which were *ipso facto* humanitarian institutions should not so rigidly apply colour bar in emergent cases.

Col. Cochrane, Inspector-General of Civil Hospitals, admitted that the incident referred to was bad and regrettable; but it would not help matters to exaggerate the event. The patient was refused treatment in the European Cottage Hospital on the ground of his drawing a certain scale of pay. It was the rule of that hospital that persons drawing salaries beyond a certain scale would not be admitted as indoor patients. The question of colour never arose. He was removed from that hospital to the nursing home only about 200 yards distant. The prevalent custom in European Hospitals is to admit patients adopting a European style of living.

Mr. Mukundlal expressed dissatisfaction with Col. Cochrane's reply and said no grant should be made to that hospital until its rules were so amended as to avoid recurrence of such incident.

Dr. Ganesh Prasad stigmatised the action of the Hospital authorities as callous and inhuman. The Minister must give details of the incident that led to the death of Mr. Lubeck. If he had not dealt with the Hospital authorities properly, the Council would make it a question of confidence in him.

Mr. Muir, Secretary to the Government, informed the Council that Mr. Lubeck's operation was delayed by nearly four hours due to removal from the European Cottage Hospital to the nursing home. He died of heart failure two days after. The hospital was a private institution and though the Government regretted the incident, they could take no further action.

Nawab Yusuf agreed with the previous speaker that the circumstances that led to Mr. Lubeck's death were unfortunate; but he failed to see how the Minister came in for blame. A censure motion on such an incident was out of question.

The Hon'ble Rai Rajeshwar Bali and the Hon'ble Nawab Chattari both regretted the incident and assured the Council that unless the hospital authorities amended their rules in such a way as to avoid similar occurrences in future, the grant would be suspended.

Thakur Maujit Singh's motion was thereupon withdrawn. The Council voted the entire demand under the head "medical" less one rupee.

#### The Oudh Chief Court Bill.

On the 21ST MARCH as soon as the Council re-assembled for voting of demands the Hon'ble Mr. Keane, President, read to the Council the following message received from H. E. the Governor, who, having taken into consideration the Oudh Courts Bill passed by Council on the 7th March and presented to him for assent on March 18th, has decided to return the Bill to the Council for reconsideration on a single point. The Governor finds that the last proviso to clause 4 requires that three-fifths of the total number of Judges constituting the Court shall be Indians. It is difficult for him to assent to this racial prescription proviso which so far as the Governor knows is unprecedented. Attempt was made, he believes, to introduce similar qualification into Section 36 of the Government of India Act and was unhesitatingly rejected. Nor is there any analogous provision in Section 101. The Legislature, both in England and in India, has hitherto consistently refused to recognise race as a qualification or disqualification for public office. The proviso is in practice not indeed to secure adequate representation of Indians in the Chief Court, because under other provisions of the Bill it is certain that as a general rule three Judges will be Indians. But it is easy to see that the enactment of the proviso taken in conjunction with other prescriptions of clause four might in certain contingencies have the result that the three Indian Judges who are not the best three Indians available might be appointed. The proviso in the Governor's opinion constitutes a dangerous precedence. If such prescription can be made in respect of 60 per cent. of Judgeships it can be made in respect of 80 per cent. or 90 per cent. and if it can be made on behalf of Indians it can be made on behalf of any community which happens to be dominant in the legislature to the prejudice of the minority communities. The Governor believes that the proviso runs directly counter to the principles of the constitution which he is required to administer. He cannot reconcile it with the letter or spirit of the Queen's Proclamation of 1858 or Section 96 of the Government of India Act or Para 7 (sub-Section 3) of his own Instrument of Instructions. Anxious as he is to see the Oudh Courts Bill become law, the Governor, for the reasons given, conceives that he has no alternative but to return the Bill for re-consideration upon this point. He earnestly recommends that the following amendment of the Bill be passed by the Legislative Council that the last proviso to clause 4 of the Bill be omitted.

[Clause 4 of the Oudh Chief Courts Bill relates to the number of Judges and their qualifications. It provides that the Chief Court shall consist of a Chief Judge and four or more Judges, at least two members of the Indian Civil Service, and at least one member of the Provincial Judicial Service. There was one proviso to this Clause in the original Bill and at the time of passing this Bill the Council added a second proviso to the effect that at no time the number of Indian Judges of the Chief Court shall be less than 60 per cent. of the total number of Judges. The Governor's message relates to this second proviso.]

#### The Police Grants.

The Hon. Raja Mahmudahad, Home Member, then presented the demand of Rs. 1,55,37,011 under head "Police." In asking for the grant of this demand, the Home Member paid a tribute to the services rendered by Mr. A. D. Ashdown, Inspector-General of Police, who, he regretted, intended to retire from service towards the close of this year. Altogether 119 notices of motions for reduction of the demand were received but no sooner had the Council voted on the 64th motion than the guillotine was applied. Total cuts made by the Council in the Police Budget amount to Rs. 1,38,717. This amount includes salary of two D.I.G.'s including D.I.G. in charge of C.I.D.

#### Public Health.

On the 23RD MARCH the hon. Rai Rajeshwar Bali, Minister for Education, in moving the demand for Rs. 12,89,967 under the head of Public Health, referred briefly to some of the activities of this department during the year. The chief purpose of the Public Health department, he said, was in the first instance to adopt measures for the prevention of epidemic diseases. Secondly it was the object of this department to educate people to adopt better sanitary conditions of living. In these provinces the chief epidemics prevalent were as they all knew plague, malaria, cholera and small pox. The department

did not feel their ground so strong with regard to plague as they did with regard to the other three epidemics.

On the motion of the hon. Minister the House agreed to reduce the demand of Rs. 2,46,975 under Public Health by Rs. 11,272 in respect of expenses in connection with bubonic plague. The Minister pointed out that this sum was included in the demand by mistake. After some more motions were disposed of, the total demand as reduced, Rs. 12,75,531 was made.

#### Industries Department.

On the *24TH MARCH* the hon. the Nawab of Chattari, Minister for Industries and Agriculture, moved a demand for Rs. 10,05,327 under the head Industries and referred at some length to the activities of the department. Government were going to start three more weaving schools in the province and convert three of the district board schools into model schools this year. The only two divisions where there were no industrial schools were Fyzabad and Kumaon and Government hoped to open one school in each of these two divisions as soon as possible.

The Minister moved a reduction of Rs. 4,885 from the total demand, which he said was included in the budget by mistake.

The hon. Minister next accepted a motion of Lala Mathura Prasad Mehrotra, to reduce the demand of Rs. 4,957 in respect of an item regarding allowances, etc., by Rs. 1,457. The demand as reduced was voted.

#### Jails and Convict Settlements.

The hon. the Raja of Mahmudabad next moved a demand of Rs. 32,03,569.

Babu Bhagwati Sahai Bedar, in moving a token reduction of Re 1 from the demand of Rs. 66,840 in respect of the item of superintendence, denounced the administration of jails and particularly referred to the bad treatment of political offenders and delay in the nomination of jail visitors. The speaker graphically described several inhuman and indecent practices prevalent in jails and appealed to the Home Member to try to reform his administration of the jails.

The motion for reduction was eventually pressed to a division and carried by 53 against 21. The announcement of the result was received with loud and prolonged non-official applause. The total demand minus Re. 1 was put and granted.

#### Land Revenue Demand.

On the *25TH MARCH* the hon. Mr. S. P. O'Donnell, Finance Member, moved the demand for Rs. 86,85,080 under Land Revenue.

On the motion of the Finance Member the House agreed to reduce the demand of Rs. 9,92,532 in respect of an item regarding kanungo inspectors and other kanungos by Rs. 660.

On the *26TH MARCH* the discussion of the Land Revenue demand was resumed by the Council. The total demand less Rs. 7,42,166, was voted.

#### Agriculture.

The Nawab of Chattari next moved the grant of the demand for Rs. 23,13,820 under Agriculture. That sum, the Nawab explained, included Rs. 19,12,000 for Agriculture, and Rs. 1,98,000 for the co-operative department. The demand was voted.

#### Forest Demand.

On the *27TH MARCH* the hon. Home Member moved the demand for Rs. 36,20,026 under the head of forest (excluding interest) and miscellaneous railway expenditure.

The House agreed to reduce three other allotments and finally granted Rs. 33,84,926 under the demand of forests.

The next demand was for Rs. 3,51,000 under forest outlay charged to capital. This was in respect of an item regarding the construction of the Landhaur valley tram line in the Haldwani division. The demand was granted without much discussion.

#### Irrigation Demand.

The Finance Member next moved a demand for Rs. 48,59,525 under Irrigation works for which capital accounts are kept (excluding interest), other irrigation expenditure and construction of irrigation works. No reduction having been effected the demand was granted.

#### Famine Insurance.

On the *28TH MARCH* the Finance Member moved a demand of Rs. 32,39,690 under the head "Charges Against the Famine Insurance Fund." It was voted without reduction.



The Finance Member next moved a demand of Rs. 1,43,16,312 under the head "Irrigation outlay not met from Revenue," which was voted in its entirety.

After a short discussion a demand of Rs. 3,52,076 under the head "Miscellaneous", was voted. A demand of Rs. 16,01,000 under the head "Loans and advances by the Provincial Government" was also voted.

#### Indian Students in England.

The Finance Member then moved a demand of Rs. 3,62,790 under the head "Expenditure in England charged to revenue under the control of the High Commissioner for India." This was voted.

#### The U. P. Stamp Act.

On the 30TH MARCH, the Finance Member introduced the Bill to extend the duration of the United Provinces Stamp (Amendment) Act of 1923 and moved that the Bill be taken into consideration. Mr. O'Donnell explained that the Act had been in force for the last two years and the Council was familiar with its details. He was aware that some members doubted if it was at all necessary to extend the operation of this tax, but he would remind the members of his Budget speech in which he made it clear that the province was budgetting for a dangerously low closing balance. The situation had been altered to some extent owing to the remission of the contribution to the extent of Rs. 56 lakhs. Not only would the loan of Rs. 43 lakhs from the Government of India be wiped out, but the closing balance also would be increased from Rs. 15 lakhs to Rs. 28 lakhs.

Proceeding, the Finance Member said the enhancement of the rates under the Stamp Act was very small. During the last two years that it had been in operation there had not been a single complain or protest against this measure.

Babu Sangam Lal opposed the motion for consideration of the Bill. He said that at the time of presenting the Budget it was the intention of the Government to borrow Rs. 43 lakhs from the Government of India. They received a remission of their contribution to the extent of Rs. 56 lakhs instead, and in addition to that, at the time of voting the Budget demands, the Council made amendments effecting cuts in the Budget to the extent of over Rs. 10 lakhs. Even if these cuts were partially restored by certification, there would be a sufficient balance in the hands of the Government to provide Rs. 7 lakhs more for the Transferred Departments, without this fresh taxation.

The motion was put to the Council and rejected by 53 votes to 22.

#### Govts. Excise Policy.

On the 31ST MARCH, Mr. Mukundilal, Swarajist, moved that this Council recommends to the Government to accept and declare that total abstinence is the aim and object of the excise policy of the Government, and to give effect immediately to the recommendations of the Provincial Excise Conference with a view to achieve this end, and to adopt measures including local option and rationing and registration for speedy attainment of the said object.

The Hon'ble Minister in charge of the Excise Department assured the Council that the Government were doing their best to further the cause of temperance. He was, therefore, agreeable to accept the first part of the resolution regarding the aim of the Government. He would not, however, accept the resolution as a whole because the Government had no time to consider the proposals of the Excise Conference. He hoped the mover of the resolution would withdraw it for the present.

The resolution was not, however, withdrawn, but was amended before its passage. The amended resolution passed by the Council, read as follows:—

This Council recommends to the Government, to accept and declare that total abstinence is the aim and object of its Excise policy, and to favourably consider the proposals of the Excise Conference with a view to achieve that end.

#### The Oudh Courts Bill

On the 1ST APRIL there was an excited debate in the Council when the Oudh Courts Bill was returned for consideration with the recommendation from His Excellency the Governor, that the last proviso of clause 5 of the Bill be omitted.

The proviso to which the Governor had taken objection ran as follows:—"Provided that the number of Indian Judges appointed to the Chief Court, shall at no time be less than three-fifths of the total number of judges constituting the said Court."

An amendment for deletion of this proviso was put before the Council from the chair.

#### Swarajist Amendment

The Swarajists moved an amendment that the following be substituted for the existing

proviso in clause V—"Provided also that not less than 3-5th of the total number of judges constituting the Chief Court shall always be persons who have resided in India for a period of at least thirty years."

The Swarajists made it clear that the proviso suggested by them now was in spirit the same as the existing proviso, but they desired to substitute one set of phrases for another just to eliminate racial prescription in order to enable the Governor to give his assent to the Bill without any pricks of conscience. They further maintained that it was solely by way of qualification that they had laid down this prescription which had nothing to do with the racial question. Negation of the Queen's proclamation was a common custom with the Government of India. The entire British administration had been marked by racial arrogance in every field, whether in hospitals or in railway stations. Racial differences are made and easily tolerated by the Government. Racial prescriptions existed in the Criminal Procedure Code and in regulations regarding recruitment to the Police, to the Bengal pilot service, to the Royal artillery and the air force. The Queen's proclamation was intended to secure and safeguard the rights of Indians and not of aliens in India.

The Hon'ble Mr. S. P. O'Donnell, Finance Member, replying appealed to the Council to deal with the question in the light of reason. He emphatically repudiated the suggestion that the amendment recommended by the Governor was designed to defeat the just claim of Indians. Personally he admitted, and he had always admitted, that there had been just ground for complaint in the past regarding the policy pursued in regard to the services. He had more than once said that in his opinion a great mistake was committed and that the recognition accorded to the claims of Indians was tardy and inadequate. It was however fairly plain that at any rate during the last five years, a good deal had been done to remedy that mistake. A big step was taken into 1920 and a bigger advance was about to be made now. In any case, the amendment recommended by the Governor was not to defeat the claims of Indians, for it was certain, that even without the proviso as a general rule three judges would be Indians. The Bill had been returned for consideration solely on a question of constitutional principle.

The amendment recommended by the Governor deleting the last proviso to clause 4 of the Oudh Chief Court Bill was carried by the House by 51 votes for and 33 votes against.

The Swarajist amendment was negated by 50 votes against 36.

#### The Muddiman Report.

On the 3RD APRIL, after two day's prolonged debate, the Council, on the motion of Dr. Ganesh Prasad, passed the following resolution: "That this Council recommends that the Government be pleased to convey to the Government of India the considered opinion of the Council, that the Muddiman Committee's report and recommendations are highly unsatisfactory and that immediate steps should be taken to revise the constitution in conformity with the wishes of the people."

About twenty members took part in the debate and in one voice insisted that Diarchy was unworkable and must go. Some members urged the formation of a second chamber in the provinces, transfer of more departments to the control of Ministers and appointment of a Royal Commission for immediate revision of the constitution. Some members were of opinion that some sort of educational qualifications should be laid down for Council members.

Every Mussalman member expressed the view that the interest of minority communities should be adequately safeguarded previous to any change in the present constitution. Indian Mussalmans, they insisted, were as anxious to attain Swaraj as members of any other community. They wanted their community to be regarded as part and parcel of the Indian nation. Whereas Dr. Ganesh Prasad and other Independents and Swarajists favoured wide extension of the franchise, Dr. Ziauddin and some other speakers, were opposed to any further extension of the franchise without extension of education among the electorate.

The Swarajists characterised the Majority Report as a waste paper document. They pinned no faith in Acts or Royal Commissioners, but in the faith and determination of Indians to attain Swaraj.

The officials took no part in the debate, the Hon'ble Mr. O'Donnell declaring at the outset that this Government was neither responsible for the appointment of the Committee, nor did the Committee submit its report to them. The matter was one for the consideration of the Secretary of State and the Government of India.

Dr. Ganesh Prasad's resolution, as amended by Mohanlal Saxena, was passed unanimously so far as non-official members were concerned.

The Council then prorogued.

# The Punjab Legislative Council

LUCKNOW—JAN.—MAY 1925.

The Punjab Legislative Council met on the 16TH JANUARY in the Council Chamber Lahore, Mr. Casson, the outgoing President, presiding for the last time. There was almost a full attendance of members and the visitors' gallery was crowded. There was an air of excitement and bustle in the chamber owing to the election of the first non-official President. Only two members were nominated as candidates for the office of President. They were Khan Bahadur Sheikh Abdul Qadir, the present Deputy-President and Dr. Gokal Chand Narang, leader of the Swaraj Party in the Council.

Ballot papers were distributed to the members and the voting resulted thus :—

Khan Bahadur Sheikh Abdul Qadir 41 votes. Dr. Gokal Chand Narang 32 votes.

Sheikh Abdul Qadir was then duly elected President of the Council.

Legislative business was then taken up and disposed of speedily. The Punjab Municipal (Amendment) Bill and the Punjab Small Towns (Amendment) Bill were introduced and referred to Select Committees. A number of Government demands for supplementary grants were voted without much discussion.

## Compulsory Land Acquisition

Next day, the 17TH JANUARY the resolution that occupied most of the time of the Council was one moved by Sardar Partap Singh recommending to the Government that it should invariably offer land in exchange for any land acquired in future under the Land Acquisition Act and that compensation should be awarded only in cash where the persons concerned refused to accept land in exchange.

Mr. King, Financial Commissioner, defending the official point of view, said that an undertaking had already been given by Mr. Casson, his predecessor as Financial Commissioner, that land would not be acquired unless it was unavoidably required for an urgent public purpose, and it was difficult for Government to give an undertaking that it should invariably offer land in exchange for land, unless it was available.

The resolution, on being put to the vote, was carried by 27 votes to 21.

## Trial of Revenue Cases

The winter session of the Punjab Legislative Council was concluded on the 19TH JANUARY after an hour's sitting in which the Council disposed of a non-official resolution recommending to the Government that Revenue Officers be directed not to take up and try in camp Revenue Court cases of any description. The resolution which was moved by a Khilafatist member, was debated for about half-an-hour, and was eventually withdrawn on an assurance by the Government that the Finance Member would issue instructions to all Revenue Officers that no case should be tried except at the headquarters of a district or at some place nearer to the land where the cause of action arose, and unless inspection at the spot was absolutely necessary, appeal cases should be heard at headquarters.

*The Council then adjourned sine die.*

## The Budget Session

The Budget Session of the Punjab Legislative Council commenced on the 28TH FEBRUARY when Sir John Maynard, Finance Member, presented the Budget for the year 1925-26 which showed a total revenue of just over 11 crores, the largest in the history of the Province and exceeding the revised estimate of 1924-25 by 45 lakhs and the total budgeted expenditure of 10 crores 92 lakhs against 10 crores 17 lakhs, the revised figures for the current year. Thus there was an anticipated revenue surplus of 10 lakhs over expenditure. "It is only one per cent of our revenue," said the Finance Member, "a narrow margin which any untoward incident such as rise in prices of food grains, involving grant of grain compensation allowance, would at once be obliterated. The most important item of revenue is irrigation. The next important item of income is land revenue. Stamps have shown a gratifying revival, while forests show no remarkable variation. On the expenditure side, the cost of civil administration has increased by 2 lakhs. The general administration shows no change. The expenditure under

Police has decreased largely as compared with the revised Budget, which contains some extra-ordinary charges and slightly as compared with the original Budget. But the administration of justice is expected to increase by 4 and half lakhs over the original and 2 lakhs over the revised budget, and there is a slight increase over jails."

Turning to the capital side, the Finance Member said that the capital expenditure was as usual on the construction of the Sutlej Valley Project. This and the capital expenditure on open canals account for one crore and 99 lakhs. The Hydro-Electric Project takes up 35 lakhs. The capital expenditure on civil works requires 37 lakhs. Closing ways and means, the balance is 3 lakhs.

Concluding, Sir John Maynard said that the deficit from which the province suffered in the first two years of the reformed administration was due to the increased cost of establishments which included 87 lakhs for subordinate establishments, 16 lakhs for provincial services and 20 lakhs for All-India services, including 9 lakhs, the cost of the proposals of the Lee Commission, increased working expenses in irrigation and a great fall in the excise revenue. "Three years of good rain fall, careful economy and the proceeds of fresh taxation have floated us out of our difficulties. My no ill-luck or indiscretion or extravagance, no wasteful expenditure and no sentimental sacrifice of revenue, take us back again among those shoals and shallows among which we lay grounded" (Cheera.)

After the Budget speech was over the Select Committee's report on the Punjab Borstal Bill was presented and the Council adjourned.

#### Removal of the Lawrence Statue.

On the 2ND MARCH the Council devoted 2 and half hours to the discussion of a non-official resolution recommending to the Government that immediate steps be taken to remove the Lawrence statue from its present site on the Mall at Lahore. A non-official member who supported the resolution said that the inscription "Will you be governed by pen or sword" and the pose of the statue wounded the feelings and susceptibilities of Indians and humiliated them before the eyes of the world. The oppositionists maintained that the statue should not be removed from its site, but that the inscription should be erased. There should be no objection to the statue as Lord Lawrence was a great administrator and a statesman whose name was respected by every Punjabee.

Mr. Craik, speaking on behalf of the Government, defended the official point of view and removed misapprehension of the Council saying that the statue was not the property of the Municipality but was kept as trust with them. The Government took charge of the statue only when the Local Municipal Committee in a resolution passed in October 1923 entrusted the statue to the Government. He was never told by his Indian friends that this was a subject which stirred the hearts of millions of Indians and he believed that all agitation in this matter originated with the Non-co-operation movement and by the Lahore Municipality when it was captured by Non-co-operators in 1921. What did the pen represent except the rule of law? The agitation was nothing more than sentimental, which did not do much credit to those who cherished it. The Englishman has also feelings as well as Indians, said Mr. Craik, but he does not speak much of it. Giving effect to this resolution would be felt by every Englishman as an insult to the memory of one of their greatest heroes. Would any member of the House accept such indignity to a dead hero? He trusted that the House would reject the resolution.

When the Council met on the next day, the 3RD MARCH, the adjourned debate on the resolution regarding the removal of the Lawrence Statue from its present site on the Mall, Lahore, was resumed, and, after two hours' lively discussion, the motion was put to the vote and rejected by 38 votes to 24.

#### A Question of Indemnity

The Council then discussed another non-official resolution, which recommended to the Government that the indemnity realised from the inhabitants and the Municipal Committee of Gujranwala under the Police Act in 1919 might be refunded. The mover said he did not understand why the indemnity of Rs. 2,50,000 should not be refunded in the case of Gujranwala, when the same had been refunded in the case of Kasur and Amritsar, where similar disorders took place in 1919 as in Gujranwala.

Sir John Maynard and Mr. Dunnett opposed the resolution on behalf of the Government, saying that the cases of Kasur and Amritsar were not analogous with Gujranwala, where the railway station, post office, and church had been burnt by the mob during the riots in 1919.

The resolution when put to the vote was, however, carried by the narrow majority of one, despite Government opposition, 30 voting for the motion and 29 against.

### Voting on Budget Grants

On the 5TH MARCH, the Council unanimously elected Sirdar Mohindra Singh as Deputy President. The Council also accepted a resolution moved by a member of the Government recommending acceptance by the Government of an annual guarantee of Rs. 11,770, subject to revision, when the actual cost of construction was known, for a period of five years on account of the proposed extension of the Lahore-Multan trunk telephone line to Karachi. Several demands for supplementary and additional grants were voted without much discussion.

#### Press Libel on Officials

The only item which evoked some discussion and opposition from the non-official benches was the demand by Sir John Maynard in respect of the Administration of Justice, for a grant of Rs. 1,250 as travelling allowance to the Public Prosecutors, which was required for counsel engaged by the Government for Rai Sahib Jamna Das, ex-Jailor of Multan Jail, for conducting the case against the "Bande Mataram" newspaper of Lahore for alleged libel.

Lala Bodhraj moved an amendment that the grant be reduced by Rs. 2, and criticised the institution of such cases against newspapers as interfering with the freedom of the Press. Members who followed and supported the amendment characterised the case instituted against the "Bande Mataram" as a pure piece of extravagance, and pointed out that if the Government went on helping its servants and officers with public money, then on the least pretext every Government servant would bring defamation suits against newspapers, and it would become difficult for newspapers to ventilate public grievances and criticise the actions of officials.

Sir John Maynard, who opposed the amendment, asked the Council what the officers of the Government were to do when their characters were attacked in a public manner. How were they to find out whether the attacks were true or false? There was only one method, he said, and that was to procure a judicial investigation into those facts.

The amendment being put to the vote was lost, and the grant was voted.

The Opium (Punjab Amendment) Bill, the Punjab Excise Bill, and the Municipal and Small Towns Amendment Bills were then passed, and the Council adjourned.

On the 9TH MARCH there was a general discussion of the Budget in the Council and in a four hours discussion, non-official members from all parts of the House congratulated the Finance Member on the surplus Budget and thanked the Government of India for the remission of the provincial contribution of Rs. 61 lakhs.

#### Hydro-Electric Projects

On the 13TH MARCH after two day's prolonged discussion the Council rejected the amendment moved by Professor Ruchiram to reduce the total grant of Rs. 34,62,000 hydro-electric schemes in the Punjab by Re. 1. The debate centred on the question whether the Mandi Hydro-Electric Scheme, initiated and prepared by the Government and its experts, was better and cheaper than the Madhopur Scheme, prepared by a member of Indian engineers, and whether the Council should adopt the former and sanction the necessary amount of money, or reject it in favour of the latter, which the mover of the amendment and his supporters characterised as an infinitely better and cheaper scheme than the Mandi project.

The Council then voted all the demands for grants relating to Industries, Agriculture and Public Health, and adjourned.

#### The Police Grant

On the 16TH MARCH fifteen amendments were moved in the Council by non-official members for the omission or reduction in the Government demand for a grant under Police, and after four hours discussion all of them, except two, were either withdrawn or rejected. The two amendments that were carried related to the Border Military Police and the Railway Police respectively, and the movers of the amendments advanced the same principle in both cases, namely that the expenditure should be borne by the Government of India, and not by the Provincial Government.

#### Arrest of Akali Jathas

Next day, the 17TH MARCH, discussion was continued on the demand under Police, and after three hours discussion the demand was voted with nominal reductions. In moving a reduction of Rs. 100 Sardar Gurbaksh Singh criticised the general policy of the Government in regard to the arrest of Akalis and Akali jathas. Other Sikh members also condemned the policy of the Government in their dealings with Akalis.

They complained that the jathas were not arrested but innocent villagers and the public of the province were arrested and harassed. The Government were afraid to arrest the jathas in their own territory in the Punjab, and allowed them to proceed beyond the boundaries of the Punjab in order to avoid filling the Punjab jails. It was enjoined by the Sikh religion that all jathas that passed through the villages must be fed and entertained by the Sikhs in those villages, and it was highly unjust of the Government to arrest people for entertaining these jathas.

Mr. Craik asked the Sikh members who had spoken in support of the amendment what it was precisely that they wanted the Government to do.

Sardar Jodh Singh: Arrest the jathas as they start from Amritsar.

Mr. Craik said that the Government would not do that as that would give them an opportunity for a first class morcha on an enormous scale with all their supplies close at hand with every possible disadvantage to the Government. Amritsar was a city with a considerable number of people who were not interested in the Akali movement, and there was a considerable section of the community in the business world whose peaceful avocations would be seriously disturbed by the activities of the Akalis. Would those communities welcome a morcha of first class dimensions at their very door with arrests by thousands daily in Hall Bazar?

Sardar Jodh Singh: Then take them outside Amritsar and arrest them.

The amendment was, however, pressed to a division but was lost by 36 votes to 18.

The demand under Police was then voted. The Council discussed the demands under Jails and Convict Settlements, and voted the total demands without any reduction.

#### Muddiman Committee's Report

On the 18TH MARCH, the Council re-assembling, Mr. Mazhr Ali Azhar moved that "This House be adjourned to discuss a matter of urgent public importance, namely, the unsatisfactory and retrograde nature of the Majority Report of the Reforms Enquiry Committee." In the course of a lengthy speech in Urdu he characterised the majority Report as unsatisfactory and intended to retard the progress of the country. Dyarchy had failed. They had given it a trial for four years but found it wanting. He urged a unitary form of government. The only way out of the trouble was complete self-government.

Sardar Jodh Singh (leader of the Sikh party in the Council) said that the Majority Report was unsatisfactory and the whole question of the reforms should be thrashed out anew with a wider scope of reference. Speaking for the Sikhs, he said that whatever form of government there might be in future, there should be no sort of religious rule in the Punjab. The Sikhs in the Punjab would not tolerate a religious rule. Under the present Reforms they had been relegated to a position of perpetual minority. Even if full responsibility were granted to-day members of the majority community might form a Government and the Sikhs would be relegated to the back ground.

Mir Maqbool Mahmud (Ministerialist) said that dyarchy had utterly failed, and it must go. They could not remove the defects in the administration without removing dyarchy. Unless they could force their Executive to accept the decisions of the Legislature, they would not be satisfied. He urged the repeal of the Government of India Act at the earliest possible date.

Dr. Gokal Chand Narang (leader of the Swaraj party in the Council) gave his full support to the motion and said the ideal that the Indians had in view so far as the constitutional advance was concerned, was freedom of person, speech and the Press, right of free association, a self-contained Legislature entirely elected, and an Executive entirely responsible to the Legislature and removable on a vote of "no confidence." The difference between that and what the Majority Report had recommended was too painful to contemplate. The report did not take them an inch further than where they were to-day. He, however, wanted to make it clear that there were serious misapprehensions in the minds of the minority communities in the province that a hasty advance might injure their interests. Considering the peculiar position of the Punjab, special safeguards should be taken, so far as the province was concerned, if communal representation could not be totally abolished.

Chaudhri Sahabuddin also supported the motion which was carried, all non-official members, both elected and nominated, supporting it.

#### Demand Under General Administration.

On the 20TH MARCH discussion on the Government demand for grant relating to General Administration (reserved) was taken up. Sardar Tara Singh moved an amendment that the total grant be reduced by Re. 1 and raised a lively debate on the question of separation of judicial and executive functions. The majority of non-official members spoke and heartily supported the motion reminding the Government in this connection

about the resolution which was passed by the Council in 1921 which recommended the appointment of a Committee to go into the whole affair and submit a report.

The amendment being put to vote was carried without any opposition from the Government. The total demand under "General Administration" (reserved) was then voted with only a nominal cut.

#### Debt Services.

The Government sustained a defeat in its next demand for grant of Rs. 4,000 in respect of debt services. Mr. Macbool Mahomed moved an amendment that the total grant be reduced by Rs. 100 and in doing so said that when the Government had a surplus they should not spend it in productive debts, but on beneficent departments.

The amendment was supported by a large number of non-official members and when put to vote was carried despite Government opposition.

#### Irrigation.

The next demand was in respect of "Irrigation" and the House was discussing amendments on this when the Council adjourned.

On the 23RD MARCH discussion on the Government demand for grant in respect of irrigation was continued. Chaudhri Duli Chand moved that the total grant be reduced by rupee one and in doing so he criticised the water taxation policy of the Government and urged remission as expenditure on canals had gone high. They were entitled to take more out of the profits. The Zemindars were earning through increased produce due to canal water supplied by the Government.

Sir John Maynard made some announcements before the motion was put to vote and said that certain resources of the province in 1925-1926 will be increased by remission of provincial contribution by a nett amount of 56 lakhs and this will be recurring again and, as announced in November last, the Government will now reconsider the whole financial position, rural as well as urban taxation, including water rates. In order to give the Council an opportunity of passing judgment upon the result of that recommendation, it had been proposed to hold another session of the Council in the month of May when the Government will place before the House supplementary demands for non-recurring expenditure upon 15 lakhs of the current year's surplus. It will also give the Council opportunity of discussing concrete proposals for application of the addition made to recurring resources of the provinces by remission of part of the Provincial contribution, although it seemed improbable that the proposals would be complete in May. They would be so advanced as to give the Council sufficient material in regard to definite recommendations on the general issues involved. Additional expenditure, if undertaken out of these additional resources, will be spent on non-recurring objects of a beneficent character.

In view of the announcements which were received with applause, the amendment was withdrawn and the total demand under Irrigation was voted upon.

As this day was the last day of the Budget discussion the guillotine was applied by the President at 5 p.m. and five remaining demands under Registration, Forest, Stamps, Excise, and Land Revenue were put from the chair. Four of these five demands were voted without division, but the last demand under land revenue for the grant of Rs. 45,81,600 when put by the President was opposed by a non-official who pressed for a division which resulted in the rejection of the total grant by 25 voting for the motion and 29 against. Thus the general discussion of the Budget and the voting on demands was concluded on this day.

The Council held its last sitting on the 24TH MARCH and devoted three hours to the disposal of official business. The consideration of the Select Committee reports on the Punjab Borstal Bill and on certain proposed amendments to the Standing Orders were postponed on the ground that a majority of the members were not prepared to discuss the questions owing to want of time.

The Punjab District Boards (Amendment) Bill, as reported by the select committee, was taken into consideration amidst some opposition and eventually passed.

The Lahore Terminal Tax Validating Bill was the last item on the agenda paper. The Bill, which is intended to rectify certain errors in a notification issued by the Local Self-Government Department which has given rise to the question of the validity and legality of the terminal tax in Lahore, was the subject of a debate in which several Hindu and Sikh members joined. They condemned the constitution of the Lahore Municipality and questioned its competence to collect taxes and spend money in the name of all classes of the people, while Municipal Committee was actually run by one particular class, the other two important communities having boycotted it as a protest against its constitution. The Bill was however passed without opposition.

*The Council then adjourned sine die.*

## The Gurdawara Bill.

LAHORE—7TH MAY 1925.

Much to the surprise of members and visitors Sardar TARA SINGH introduced the Sikh Gurdwaras and Shrines Bill at the Punjab Legislative Council on the 7th May, after the Government demands for additional and supplementary grants were disposed of.

Sardar Tara Singh, who introduced the Bill without any discussion or division, next moved that the Bill be referred to a Select Committee consisting of Sardars Gurbakhsh Singh, Jodh Singh, Mangal Singh, Narain Singh, Raja Narendra Nath, Mr. Gokal Chand Narang, Chaudhri Chhott Ram, Mian Mahomed Shah, Nawab Firoz Khan, Mr. Craik, Mr. Beatey, Sir John Maynard, Sir Fazi-i-Hussain, Mr. Bhide, Sirdar Mahindra Singh and the mover, and that the Council direct the Select Committee to submit its report by the 15th June, 1925.

Sardar Tara Singh made a lengthy speech, dealing with the Gurdawara movement, the "sacrifices" made by the Sikhs to achieve their purpose and the efforts that had been made in the past to solve the problem by evolving some legislation. The mover then dealt briefly with the important sections of the Bill and, concluding said :

From the Sikhs' point of view it was not an ideal Bill, as it was a compromise measure, necessarily accompanied by shortcomings of a more or less important nature. One of the chief defects was patent, and that was the absence of female franchise. Another deficiency was that the central body was not at once designated as the S. G. P. C. This has been left to the Board, subject to the approval of the Government. Here, too, although it was a matter of principle and deep sentiment to the Sikhs, a compromise has been made out of deference to the hesitating official mind. The reasons advanced from the official side were not at all convincing, but the Sikhs were prepared to accept the challenge and to show by returning suitable members that the whole of the Sikh Panth loved the S. G. P. C.

Before resuming his seat Sardar Tara Singh recorded his deep appreciation of the assistance rendered by Messrs. Emerson and Puckle in framing the Bill and thanked Mr. Coldstream, who had sacrificed all his comforts to expedite its presentation in this session. He also expressed his deep gratitude to the Governor in particular and his Government in general for all the expert assistance that he got for the solution of this complicated difficulty. Sir Malcolm Hailey's personal touch with him and others among the Sikh Councillors' Sub-Committee had changed their views and Sir Malcolm commanded his admiration and respect. To him the mover felt specially indebted.

The motion was then welcomed and supported by members from all sides of the House who congratulated the mover on his efforts in solving the difficult problem. An amendment for the addition of four more names to the Select Committee was unanimously carried and the motion, as amended, being put to the vote was carried amidst applause.

## History of the Reform Movement.

In moving that the Sikh Gurdwaras and Shrines Bill be referred to a Select Committee Sardar Tara Singh said that the Sikh religion was mainly a congregational religion and was founded with temples which were the life and soul of a nation. To the Sikhs the progress, prosperity and very existence of their community depended upon the purity of their Gurdawaras; upon their freedom from all evils and corruptions. These places of worship were controlled by local people known as the "Sangat." In the Sikh religion the "Sangat" was the paramount power and it had greater respect than even the Gurus. With the lapse of time and change of circumstances things grew from bad to worse till, under the present rule and policy imperceptibly and by gradual process important Gurdawaras came under Government control and, on account of the neglect and deterioration, the Mahants became absolute masters and looked upon the properties of the Sangat as their own. With such huge incomes at their disposal they began to defy the wishes of the community, so much so that dances of prostitutes and drinking parties were held in the very precincts of these temples.

Rituals and ceremonies began to be entirely neglected and conducted in a spirit hostile to the teachings of Guru Granth Sahib. Things went so far that the worshippers of reduced views were not allowed admission into these holy places. This deplorable and hopeless state of affairs awakened the community and it revolted against the present incumbents. The reform movement assumed serious proportions during the last few years. The object of this movement was to (1) bring these places under the control and management of the Panth; (2) to do away with the permanent position of the Mahants by ending their irresponsibility; (3) to utilise the property and income of the Gurdawaras for the purposes for which they were founded and save it from being wasted in luxurious-



and immoral living ; and (i) to conduct rituals and ceremonies according to the teachings of Granth Sahib.

#### No Interference with Non-Sikhs.

Proceeding, Sardar Tara Singh said that the reformers entertained no idea whatsoever of interfering in any way with non-Sikh temples, nor did they contemplate touching even those Sikh places of worship which belonged to the Udasis, Nirmalas, or to any private individuals. Nor did the reformers mean to achieve any secret political purpose under the garb of religion. The allegations that violent methods had been used to obtain the object of Gurdawara reform were partly based on misconception and mainly due to an effort at misrepresentation. If the people had any idea of the zeal and pain which filled the heart of the awakened Sikh community they would give credit to the Shiromani Gurdawara Prabandhak Committee for exercising such rigorous restraint in regulating the efforts of the community to fulfil its firm determination to reform its temples. It was the greatest credit to this august and much revered body that under extremely provoking circumstances, extending over a period of four long years it had successfully kept the deeply stirred community within the iron walls of complete non-violence.

In the beginning the Government kept aloof and only watched the movement from a distance. Soon after the tragedy of Tarn Taran and Nankana Sahib it shook off its neutral attitude and started on a campaign of repression, not diagnosing the disease from which the Sikhs were suffering. Repression having failed to crush the spirit of the Sikhs, several attempts were made for a compromise, or to secure a satisfactory piece of legislation, but they were of no avail. One Bill was passed in 1922, but it remained a dead letter. The negotiations conducted by Sir William Birdwood also failed, till in November, 1924, on certain interpretations of the speaker, negotiations were started resulting in the present Bill which he had introduced that evening.

Sardar Tara Singh then dealt in detail with the various sections of the Bill and referring to the position of the Mahants, said that except for the termination of irresponsibility and the bar against the restoration of undesirable expropriated office-holders the Mahants had been treated with the greatest consideration. Sufficient and satisfactory provision had been made for securing compensation to the Mahants who were not restored, or did not choose to remain under the new management. The "chelas" of the Mahants could also claim compensation if they were so appointed before December, 1924.

The complaint of the Udasis and Sahajdharis that they were not enfranchised in the constitution of the S. G. P. C. also had been removed. The apprehension of the Udasis and Nirmalas that their "akharas" and "deras" would be usurped by the reformers, had been set at rest by excluding such institutions from the operations of the Tribunal, except with the consent of the majority. There was no other party affected by the Bill.

Concluding, Sardar Tara Singh appealed to the House to support the measure and end the sufferings of the Sikhs. To the Sikhs he said: Do not magnify the defects of the Bill. Give it a trial and then later on try to amend it in the light of practical experience. Give proof of your statesmanship and do not lose this substantial measure which concedes most of your fundamental demands.

#### Hindu Support

Raja NARENDRA NATH, speaking on behalf of the Hindus, welcomed the Bill and congratulated the mover on the preparation of this important measure. They were living in a democratic age and everywhere they saw agitation for the transfer of power from individuals and classes to the hands of the people. He hoped that the Bill would achieve the desired result, but a great deal depended on Schedules I and II. The Gurdwaras mentioned in Schedule I had to be treated as on a different footing from Gurdwaras mentioned in Schedule II. The Select Committee had a very important duty to discharge and he requested the Government to place at their disposal a short history of each Gurdawara.

#### Official Welcome.

Mr. CRAIK extended a hearty welcome to the Bill from the official benches and he did so with great pleasure. He was intimately connected with the movement. He welcomed the Bill not only because it was framed in a spirit of compromise and moderation, but because he was sanguine to hope that in this Bill they had the dawn of a happy era in the history of the Sikhs and their relations with the Government and with other communities. He did not deny that there had been some opposition to the Bill, but the Press as a whole had examined the Bill with care, and its verdict had been favourable. He welcomed it, because it was based on two sound democratic principles. The first of these principles was

that the temples of any religion were the properties of the adherents of that religion, and that the ministers, or mahants, of those temples were not owners, but were trustees of the people. In a matter of this kind, in which the feelings of a whole community were deeply stirred, the will of the majority must in the end prevail, no matter at what cost of interference with vested rights, or with the prescriptive rights of the property concerned.

There was no one in the House who was probably more loath to disturb vested rights than himself, but he recognised that in this instance they were up against a situation where nothing else was possible, and where, to put it bluntly, the weaker must go to the wall.

Continuing, Mr. Craik said the Bill embodied four main principles, the most important of which was that the revenues of these shrines were to be administered for certain specified purposes and for no other, that is, for religious, charitable, or educational purposes. Their accounts should be properly kept and audited and open to inspection, and that very wise provision would do away once and for all with the fear and risk that temple funds were being misappropriated or misapplied. As regards the Mahants, who will, to a great extent, lose their position under the Bill, he thought that was a result which was practically inevitable. The Bill, however, gave statutory provisions that a person dispossessed will be entitled to financial compensation.

Concluding, Mr. Craik said:—One point which I would like to give to the promoters of this Bill. You are now within sight of the goal for which you have been striving for some years, and it looks, and I think we all hope, that a successful and generally acceptable solution of the problem is within our sight. May I be forgiven if I express the hope that at the moment when this long-deferred goal is being reached the promoters of the Bill exhibit that spirit of magnanimity and tolerance which is so essential in the settlement of all religious questions. Let not this Bill be marred by the spirit of fanatical intolerance. Those religions are sound whose principles were based on broad-minded tolerance. The more the sectarian, the narrow the religion becomes, and the smaller and the less sure is the foundation on which it rests.

That was an observation which was based on historical experience and he therefore appealed that the great majority of Sikhs who would be benefitted by the Bill would not seek to exclude the lesser sects from the fold of orthodox Sikhism.

Rana Firoz-ud-Din and Syed Mahomed Hussain welcomed the Bill on behalf of the Mahomedans and congratulated the mover and the Sikh community on the success they had achieved in framing this Bill. The latter remarked that it was time that a similar Bill was introduced by some Mahomedans for the management of Mahomedan shrines.

Dr. Gokal Chand Narang (Swarajist) welcomed the Bill and hoped the Hindus would approach it in a brotherly spirit and would also wake up and try to have a similar measure so that property worth millions might be used for the education and social uplift of Hindus.

Subedar Major Farman Ali Khan, on behalf of the Indian Army, heartily supported the Bill. He recalled the days of the Great War when the Sikhs gave up their lives in thousands for upholding the honour of the King and the Empire and said that in the regiments the Mahomedan soldiers had every sympathy with the Sikhs in their Gurdawara movement, and they would be highly gratified to hear that such a Bill had been introduced which contemplated satisfactory management of Gurdawaras and brought to an end the unhappy state of affairs in which the gallant Sikhs were involved.

Mian Sir Fazl-i-Hussain, Minister for Education, congratulated the mover of the Bill, and the community to which he belonged and also congratulated the Council on having the first important and elaborate private Bill which was the first effort of a private member. The Minister proposed to hold the first meeting of the Select Committee on the 18th May and after that the meeting should go on meeting day after day. He suggested that any objection that might be made regarding the schedules should be intimated to the Secretary, Transferred Department, who would inform the members of the Select Committee.

#### An Amendment

Sardar Buta Singh then moved an amendment that the names of Sardar Sundar Singh Majithia, Rana Firoze-ud-Din, Professor Ruchi Ram and Lala Sewakram be added to the list members of the Select Committee, which was unanimously adopted, and the motion as amended was put to the vote and carried amidst applause from all sides of the House. A special session was held in Simla during the third week of June to proceed with the next stages of the Bill and for its final passage.

## Select Committee Report on Gurdwara Bill

SIMLA—20TH JUNE 1925.

On the 20TH JUNE the Report of the Select Committee on the Gurdwara Bill was presented to the Punjab Legislative Council by Sardar Tara Singh. The Committee altogether held 15 sittings. An official note explained the principal changes made in the Bill. The object of the Sikh Gurdwaras and Shrines Bill as introduced in the Legislative Council, was to secure to the community control of Sikh Gurdwaras and the provisions of the Bill were directed to determine :

- (1) How it should be decided whether a particular place of worship was or was not a Sikh gurdwara ;
- (2) how it should be decided what property belonged to a gurdwara found to be a Sikh gurdwara ;
- (3) what compensation if any should be paid to persons suffering from the transfer to the system of control provided in the Bill of gurdwaras found to be Sikh gurdwaras ; and
- (4) how control of gurdwaras found to be Sikh gurdwaras should be secured.

As regarded the first of these points, the Bill provided three methods by which a gurdwara could come to be declared to be, or to be treated as, a Sikh Gurdwara, subject to the system of control provided for in Part I of the Bill.

In the first place 232 gurdwaras, which appeared to be undoubtedly Sikh places of public worship founded by or in memory of one of the 10 Sikh gurus, or of some incident connected with one of them, or in memory of a Sikh martyr, saint or historical personage were placed in Schedule I, and it was provided that any office-holder of, or a Sikh having interest in any of these gurdwaras might, within 90 days of the commencement of the Act, forward to the Government a list of the properties which he claimed to belong to that gurdwara. The Government was thereupon required to issue a notification declaring the gurdwara to be a Sikh Gurdwara.

Secondly, in the case of a place of worship not specified in Schedule I, any 50 or more Sikh worshippers of the place of worship, resident in the police station area in which it was situated, might petition Government for the place of worship to be declared a Sikh gurdwara. The Government was then required to give notice of this petition, unless the place of worship was a dera or akhara specified in Schedule II, in which case the petition was not to be entertained, unless a majority of the Udasis or Nirmalas connected with the place of worship had signed the petition. Any office-holder or any ten or more worshippers of the place of worship might then, within 90 days of the publication of the notice, send in a counter-petition objecting to the place of worship being declared to be a Sikh gurdwara, in which case the question whether the place should be declared to be a Sikh gurdwara or not was to be referred for decision to an independent tribunal, for the guidance of which certain criteria were laid down by which it was to judge whether the place was or was not a Sikh gurdwara.

If the Tribunal found that the place was a Sikh gurdwara according to one or other of these criteria, and its decision was not upset on appeal to the High Court, or if no counter-petition was received objecting to a place being declared to be a Sikh gurdwara, the Government was required to issue a notification declaring it to be a Sikh gurdwara.

The third method by which a gurdwara could come under the system of control provided for in Part III of the Bill was by a suit instituted with the consent of the Deputy Commissioner of the district in which the gurdwara was situated, in an ordinary civil court, praying for the application of the provision of Part III of the Bill to the gurdwara. This method was not, however, to be operative until the expiry of one year from the commencement of this Act.

### Select Committee's Changes.

The Bill, as amended, by the Select Committee, makes no change in the general principles of these methods by which gurdwaras can come under the control of the community. As regards the first method the only change is in the composition of Schedule I. 17 of the gurdwaras originally placed in the schedule having now been omitted, while 28 gurdwaras not previously specified have been added.

In connection with the second method, an important change has been made. No petition for the declaration as a Sikh gurdwara of an institution specified in Schedule II can now be entertained by the Government whether a majority of the persons connected with the institution sign the petition or not.

On the other hand the number of institutions specified in Schedule II has been reduced, 95 of those originally specified having been omitted out of a total of 224 and only three new institutions added.

A further change which has been made in respect of the second method is that the minimum number of persons who may submit a counter-petition against the declaration of a place of worship as a Sikh Gurdwara has been raised from 10 to 20 and the same qualifications in respect of age and residence are now required of them as of the 50 Sikh worshippers who may petition the declaration.

#### Property Question.

In the third method no change has been made. As regards methods by which it was to be decided what property belonged to a gurdwara, the original Bill provided for lists of property claimed on behalf of a gurdwara to be published by the Government, and permitted any person within 90 days of such publication to claim any property included in such a list. If any such claim was made the matter was to be referred to a tribunal for decision, and if the person making the claim was a past or present office-holder of the gurdwara the Bill provided that there should be a presumption in favour of the gurdwara on proof of certain facts *e. g.*, an entry in any settlement record in favour of the gurdwara, even though in subsequent records the entry might have been in favour of the individual. When the claims had been decided by the tribunal the tribunal was given power to enforce its decision and to give possession of the disputed property to the gurdwara.

In the Bill, as amended, several important changes have been made. In the first place provision has been made for the entry in the lists of property claimed for a gurdwara of the names of the persons in possession of that property, or of their legal or natural guardians, and Government is now required to send individual notices of the claims made to the persons shown as in possession. In this manner the interests of third parties have been safeguarded. On the other hand, provision has been made for more than one list of property claimed on behalf of a gurdwara to be submitted to Government, and in this way the interests of gurdwaras have been protected, for under the original Bill any ill-disposed person might have put in a defective list and thus debarred claims to the greater portion of a gurdwara's legitimate properties. Again the original Bill made no provision for putting a gurdwara in possession of property, the claim to which on behalf of a gurdwara had not been objected to. Persons in adverse possession had, therefore, only to keep quiet and the gurdwara would have been compelled to resort to the ordinary courts in order to obtain possession. In the Bill, as amended, the Government is required to publish a notification of all properties claimed for a gurdwara and not objected to and the Committee of Management may subsequently sue for possession of the property on a Rs. 5 court fee and the notification is to be deemed to be conclusive proof that the gurdwara's claim to the property was not contested.

#### Disputes as to Property.

In connection with disputes as to property, attention may be invited to the amendment of Clause 27 of the Bill with regard to trust properties. The intention of the original clause was not clear, and it has now been provided that when a property has been dedicated or gifted to a gurdwara, and a trust has been created for management of the property and the distribution of the income, partly to the gurdwara and partly to another institution, or person, the trustees may apply to the Tribunal for an order that they should continue to manage the property and distribute the income according to the terms of the trust. If the Tribunal finds that the major portion of the trust income has not been allocated to the gurdwara it has to pass orders in accordance with the prayer of the trustees. The amendment of this clause thus safeguards the interest of beneficiaries under a trust not primarily intended to benefit a gurdwara.

As regards payment of compensation to persons suffering from the transfer of Sikh gurdwaras to the new system of control, the original Bill provided in the case of successors of existing or recent office-holders only for the payment of compensation to persons who would have succeeded as *chelas* to *mahants*. In the Bill, as amended, however, provision is made for the payment of compensation also to persons who would ordinarily have succeeded by hereditary right.

#### Female Suffrage

In the provisions of Part III of the Bill relating to the methods by which control of Sikh gurdwara is to be secured no changes of principle have been made, but certain important changes of detail deserve notice. In the first place female suffrage has been definitely recognised and the provisions of the original Bill, under which only male

Sikhs were eligible as voters at elections for the Board or for Committees of Management unless the Government, in pursuance of a resolution of the Legislative Council, should otherwise notify, have been struck out.

The second most important change made relates to the management of Akal Takht Sahib at Amritsar and the Takht Kesgarh Sahib at Anandpur. In the original Bill these were to be under the management of committees constituted for all the gurdwaras at Amritsar and Anandpur, respectively. In the Bill, as amended, the Board itself in general meeting is made the Committee of Management of these Takhts.

The only other changes worth mentioning are the addition of two members resident in the Kapurthala State to be co-opted as members of the committee of Muktsar Gurdwaras, the provision of three instead of two members from the Municipal area of Lahore on the committee of the Lahore Gurdwaras, and of two members instead of one to be co-opted to represent residents of the North-West Frontier Province on the committee of the Panjab Sahib and other gurdwaras at Hassan Abdal.

#### NOTES OF DISSENT.

Notes of dissent have been appended by Raja Narendra Nath and Dr. Gokul Chand Narang. Though the notes are separate, their main purpose is the same. Both Raja Narendra Nath and Dr. Narang welcome the principle of the Bill but lay strong emphasis on the need for ensuring that the bodies controlling the gurdwaras become representative of every class of Sikhs. They particularly deprecate the exclusion of persons described as "petits" (meaning fallen) because, says Dr. Narang, the word is too elastic, and he has known cases where one party condemned another as apostate and was in its turn condemned as such by a more orthodox party. They are anxious that the mode of worship of the various sects was not interfered with under the Bill by the other sect which might be in the majority. As regards gurdwaras included in the Schedule, Raja Narendra Nath feels that the entries have been made after only a summary enquiry by executive officers without a proper opportunity to the mahants to represent their case. Dr. Narang appeals to Sikhs not only to be fair but liberal in this hour of victory. As it was better that some guilty persons should escape than that the innocent should suffer, so it was better that some gurdwaras were left than that those were included which ought to be brought in. Raja Narendra Nath urges representation to the conservative Sikhs on the gurdwara bodies and a provision to maintain the graves of Udasi saints and for allowing access to those interested in them to pay homage to them.

The Council adjourned till the 6th July, when the Select Committee's Report on the Gurdwara Bill was taken into consideration.

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# The C. P. Legislative Council

NAGPUR—3RD MARCH 1925.

The Central Provinces Legislative Council met on the 3rd March after one year. There was fairly a good attendance of members and the visitors' gallery was full. Sir Montagu Butler, the Governor, arrived in state and in the course of his opening address said :—

“It would be idle to pretend to you that during the last year the relations of the Legislative Council with the Government have been normal. I impute no blame to anyone and recognise the good faith of those who have been responsible for the prevailing abnormality. Last March the Council refused to vote supplies or to provide reasonable salaries for Ministers. The dominant party amongst you also refused to accept their constitutional obligation to form the Ministry or to let a minority function as a stop gap. As a result the Governor was compelled to certify the existence of an emergency and this emergency still continues. But though the Council has not met, the Government has not ceased to function. Indeed, on its reserved side it has been more vigorous, while on the transferred side it has been possible only to keep the machinery going and several nation-building projects were allowed to be held in abeyance. My Government has considered very carefully what its duty is and we have decided to give the Council a further opportunity to declare its intentions. We have decided to ask it again to vote supplies and to provide salaries for Ministers and accordingly we have prepared the Budget on lines which would have been followed if the normal conditions prevailed. We have also set aside a large sum for new projects largely on the transferred side of the Government. It will be now for the dominant party in the Council to decide what action they will take and the decision will rest with them. There is an English proverb which says that you may take a horse to the water, but you cannot make him drink, and as a sensible man, such as I hope I may claim to be, I have taken account of this basic fact when dealing with equine companions. I shall not attempt to offer you advice, but I do ask to consider the wide aspect of the question as to how refusal to modify your last year's decisions will react on the hope of this Province of securing a further measure of Reforms when account is made up of the progress achieved in working the existing instalment. For the past few days, reports have reached me as to what your decision was likely to be, but I have preferred to take no notice of them. I shall watch with special interest how you translate it into action during the coming session. I have been associated with self-governing institutions in India and my interest in such development is real and sincere. Anything which can be done properly to promote responsible Government as an integral part of the British Empire will always have my sympathy.”

His Excellency then offered a high tribute to the Hon. Sir G. M. Chitnavis and said: “There are those I know who think it is easy to be a president. I know full well that it is not, particularly where some precedents have to be formed and suitable conventions established. You yourself at the proper time will surely pay him that tribute for his devotion to duty towards your interests, often at the sacrifice of his own.”

On the 4TH MARCH when the session commenced at 12 o'clock the Hon'ble Sir G. M. Chitnavis presiding Dr. Moonje, leader of the Swara Party in the Council, raised a very important point of order as to whether any work transacted before the election of the new president takes place would be in order.

Dr. Moonje wanted to speak before the oath of allegiance was administered to three new members, but the Hon'ble Sir G. M. Chitnavis ruled that the oath will be first administered. After the oaths were administered, Dr. Moonje said that, according to the rules and standing orders, that day was the first day of the new session and as such the election of the president should take place before any other business was transacted.

The Hon'ble Mr. B. P. Standen, Leader of the House, opposed this point of order and said that the word "until" means in any official document during the course of the day and that unless and until it was decided what salary the president will get, and whether he will be a whole time servant or not, it is not possible to know whether any one will accept the post of presidentship.

Mr. Mitchel, Legal Secretary and Mr. R. R. Jayavant, Liberal Member, opposed vehemently the point of order raised by Dr. Moonjee and the Hon'ble President ruled that, in accordance with the interpretation given by the Legal Secretary business as fixed on the paper would stand.

#### Question About Official Propaganda.

After this several questions were put and answered, important being those concerning the sensational Government communication, published in several papers, including THE HINDU of Madras, FORWARD and A. B. PATRIKA of Calcutta on 2nd May 1924, purporting to contain Government instructions issued to all Deputy Commissioners to fight out Swarajists' tactics throughout the Province. Mr. B. G. Khaparde put several scathing supplementary questions in reply to which Mr. A. E. Nelson, Chief Secretary, tacitly admitted the truth of the said document and since the said communication was already published in several newspapers, Government did not propose to place the same document and its enclosures on the table.

#### Lee Commission's Proposals.

To another question Government gave out that an additional burden amounting to nearly four lakhs of Rupees would fall upon these Provinces on account of the acceptance of the recommendations of the Lee Commission during the current year and that those charges will be met out of the revenues of the provinces.

#### The President's Salary Bill.

After interpellations were over the Hon'ble Mr. Standen introduced the Central Provinces President's Salary Bill and moved that the same be taken into consideration.

Mr. K. P. Vaidya, Swarajist, proposed an amendment suggesting that the said Bill be referred to a Select Committee consisting of seven Swarajists and the Member in charge of the original Bill on behalf of the Government.

The President put Mr. Vaidya's amendment to vote which was carried by an overwhelming majority.

The Hon'ble Mr. Standen, then presented the Central Provinces President's Salary Bill as amended by Select Committee, making the President a whole-time official and voting Rs. 1,500 as his salary per month. Mr. R. R. Jayavant, Liberal, strongly protested against the constitution of the Select Committee made on that day and moved that since fifteen days'

clear notice was absolutely necessary to consider the Select Committee's report, he moved that consideration of the said report be postponed for fifteen days.

The President ruled this objection as out of order and put the Select Committee's report to vote which was carried by an overwhelming majority. The motion was pressed to a division and it was declared carried by 37 votes against 4, all officials and nominated members remaining neutral.

When the Bill was voted upon part by part Dr. Moonjee, the Swarajist leader, moved an amendment that instead of Rs. 1,500 per mensem, the salary of the President be fixed at only ten thousand per year. The amendment was carried by a huge majority, Government members opposing it, but did not press the voting to a division.

#### Mr. Tambe Elected President

Mr. K. S. Naidu having withdrawn his nomination for the presidentship, there were only two candidates—Mr. S. B. Tambe, Swarajist and Mr. Syed Abdul Rahiman, Liberal. Mr. Tambe was elected president by 41 votes amidst Swarajist jubilation, his opponent Mr. Syed Abdul Rahiman getting only 20 votes.

#### Swarajist Tributes to Sir Gangadhar Chitnavis

After Mr. S. B. Tambe was elected President, the Hon'ble Mr. B. P. Standen spoke at great length eulogising Sir Gangadhar's great services rendered to the Council during his tenure of office as President during the rather stormy days. After Mr. Standen had spoken, Doctor Moonjee made the following stirring speech which was very much appreciated throughout the House:—

Dr. Moonjee said: "I have great pleasure in giving expression to feelings of thankfulness for the kind and respectful words in which you have been pleased to describe the relation that has subsisted in this Council between yourself as President and my party which is known as the party in opposition. Here I have no hesitation in pulling the deliberate opinion of myself and my party that you, as a politician, have always belonged to the school of thought essentially different in many respects from the school to which I and my party have the honour to belong, and though yourself and I have often during nearly the last quarter of a century had occasions to range on opposite sides and measure swords on opposing battle fronts with varying success, and now particularly, though you had been appointed as President by the party known as Government, to whom we pledged to oppose and determined to oppose until that Government itself is so radically reformed as to be able to assimilate us in itself. I have no hesitation to say, and here I voice the opinion I believe not only of my own party, but that of the whole House, that you have scrupulously held the scale even between those two mutually contending parties, the Government on the one hand and the People's party on the other hand, on occasions when our interests were mutually contrary. We sincerely regret in having to part with you to-day. I assure you that you are leaving behind pleasant memories of many a crisis, having been tied over by your pleasant manners, bound in common sense and tactful handling of essentially difficult situations, and above all by your deliberate and scrupulous care to be strictly impartial to all contending parties. I wish you long life and health and with a heavy heart I wish you good-bye as my President in this Council."

The Hon'ble Sir G. M. Chitnavis then made a long speech and heartily thanked the several members for having helped him as President and then every member went to the dais and shook hands with Sir Gangadhar.

#### Interpellations—Propaganda Against Swarajists

Relating to Government's instructions to its officers to engage them-



selves in propaganda against Swarajists, Mr. Nelson replied that instructions were issued to District Officers to explain to the people the effects of the action of the Council in voting nominal salaries to the Ministers and refusing to vote supplies for schemes of developments in Transferred Departments.

In reply to Mr. Gupta enquiring whether the various leaflets directed against the Swarajists, issued from Nagpur without any signature and any mention of their source, were issued by the authority of the Government or by their permission, Mr. Nelson stated that the member's question was vaguely worded and did not admit of a precise answer. But he might say that certain leaflets were issued by the publicity department to explain to the people the effects of the action of the Legislative Council in voting nominal salaries for the Ministers and in refusing to vote supplies and the total expenditure was Rs. 8,298 for printing paper and postage.

On the 5TH MARCH the Council met under the presidentship of the Hon'ble Mr. S. B. Tambe, the newly elected President. At the outset the Hon'ble Mr. B. P. Standen, Finance Member, handed over to the new President the letter of approval of His Excellency Sir Montagu Butler, Governor, which was read out to the House. On behalf of the Council the Hon'ble Mr. B. P. Standen welcomed the new President and expressed the hope that the Hon'ble Mr. Tambe, while maintaining the dignity of the House, will hold even the scales between the different contesting parties and would give due protection to the rights of minorities.

Dr. Moonje on behalf of his party, heartily associated himself and his party with everything that fell from the lips of the Hon'ble Finance Member.

#### The New President's Speech

After these mutual tributes, the Hon'ble Mr. S. B. Tambe, in thanking the members for having elected him the President of the House, remarked: "My predecessor in office referred to me in very flattering terms. I wish I were deserving half the praise bestowed on me. His Excellency the Governor, in his address, remarked that the work of a President was not so easy as some thought it. I never under-estimated the responsibilities of that office, particularly of that office in this Province at this time. There are several political parties amongst the honourable members of this House and I happen to belong to a party which, though in the majority, is not in office for reasons which are known to you, and which I need not repeat. My task is not very enviable. I cannot cease to hold the political opinions of one shade or another. I shall try my best to forget that I belong to any party during the period of holding this office.

"I hope I shall not, be misunderstood if I say that the responsibility of the Hon'ble Members in this respect has increased as they have now for the first time exercised the right of electing one of them to occupy the presidential chair."

After expressing his hope that the honourable Members, irrespective of their political opinions, would allow him to smoothly run the machinery of this House, the Hon'ble Mr. S. B. Tambe concluded his opening speech.

#### The Budget for 1925-26.

After a few interpellations the Hon'ble Mr. B. P. Standen, Finance Member, introduced the annual provincial Budget.

He said the revised estimate for 1923-24 showed that the surplus of revenue over expenditure in the current year had been larger than expected which was largely due to the fact that in consequence of the rejection of the budget last year, it became necessary to omit a number of items provided for new schemes and works in the Transferred Departments totalling about

11 lakhs. The probable actuals for 1924-25 are more favourable to the extent of 15 lakhs under the Revenue heads and about 8 lakhs under debt heads, thus leaving the provincial balance at the end of this year at 232 lakhs, of which 113 lakhs will be in the Famine Insurance Fund and 119 lakhs will be the free closing balance. The improvement under debt heads was mainly due to the failure of the Irrigation department to spend its allotments. The improvement in revenue was mainly under the Excise, but from this must not be assumed, said Mr. Standen, that the quantity of liquor consumed has increased.

Turning to the budget for 1925-26, the revenue is estimated at about 557 lakhs and expenditure chargeable to the revenue at 567 lakhs, under capital and debt heads including a loan of 15 lakhs from the Government of India. About 77 lakhs receipts are expected. The amount allotted to the Reserve departments will be 446 lakhs and that to the Transferred departments 201 lakhs.

Mr. Standen said that the voted expenditure has increased by 17 per cent. since 1921-22 and non-voted by only one per cent and that since the Reforms were inaugurated, expenditure has been increasing on the voted and Transferred items at a much greater rate than on non-voted and Reserved subjects. On the expenditure side the pay of the All-India services including a lump provision of 4 and half lakhs in connection with the Lee Commission's recommendations will total about 50 lakhs. It is estimated that at the close of the year the total balance will stand at 218 laks, of which 155 lakhs will be in the Famine Insurance Fund and 63 lakhs will be the free balance.

The Finance Member concluded :—“ I am sure one thought cannot be absent from the mind of the Hon'ble members at this moment. It was a complaint of those who see in Dyarchy an instrument for the attainment of full responsible government that for lack of funds the Ministers had not a fair opportunity of demonstrating the fitness of the country for representative Government in the Transferred departments. If financial stringency has in this province prejudiced the success of Dyarchy it must be admitted that this hindrance will be withdrawn in the coming year. With the 34 lakhs provided for new expenditure in the Transferred departments the Ministers will have scope for development of a progressive policy and may expect to identify themselves and their party with important projects which will direct and stimulate intellectual and material progress.”

#### General Discussion of the Budget.

On the 6TH MARCH Mr. Y. M. Kal, Swarajist initiated the discussion on the Budget and accused Government for not preparing this year's Budget in accordance with the recommendations of the Retrenchment Committee. After him came Mr. R. M. Deshmukh, another Swarajist, who delivered the most forcible speech calling in question Government's policy in holding divisional and district durbars which, according to the speaker, were simply a stupid farce and the money spent in enacting these useless farces was simply wasted and Government had no justification whatever to incur such a large expenditure.

The Hon'ble Mr. B. P. Standen rose to object to this direct reflexion on Government, but Mr. Deshmukh with double force and emphasis reiterated his full conviction that such durbars were nothing more than stupid farce. He strongly deprecated the attempts made by the Hon'ble Home Member to influence electorates by undertaking extensive tours in the Province.

The Hon'ble Mr. B. P. Standen again wanted to correct the speaker on the analogy of England where Ministers' duty also consisted in going

about the country delivering lectures, to which Mr. Deshmukh emphatically replied that conditions which existed in a self-governing country like England had absolutely no bearing on the Indian situation. Mr. Deshmukh then vividly showed how during the last year, when the present Council was not functioning and when Government officers were free masters to do anything and everything they liked, the Province had not made any progress and all solicitude which Government attempted to show was mere mockery. The speaker sarcastically accused Government of evasive tactics which they displayed while replying to questions put by Councillors and if such tactics were followed outside the Council almost every kind of enquiry made with a view to elicit information would be quite ineffective and the reply thus given would fall under the stereotyped category generally followed by official members.

#### Sir M. V. Joshi's Defence

On the 7TH MARCH, in the course of a vehement speech lasting over half an hour, the Hon'ble Sir M. V. Joshi, Home Member, answered to the general criticism levelled by several members against the Government. Sir M. V. Joshi in the course of his speech said :

"With a view to utilise the services of all people in accordance with the resolution of the Council passed for disposing of criminal cases the Government had increased the number of Honorary Magistrates. We are charged with some ulterior motive in doing this, and it is said they were appointed with a view to carry on propaganda against the Swarajists".

Mr. Kane questioned as to when the said resolution was passed and the Home Member was much puzzled and had to correct himself that it was not a resolution but a recommendation of the Judicial Committee appointed by the Government.

Mr. Kolhe questioned if there was no limit for fixing the number of such magistrates to which Sir Joshi answered the Government increased the number whenever they deemed it necessary.

Another member from Berar interrupted the Home Member who had to admit that some of the Magistrates were not even literate. He however added that illiteracy was not a disqualification. To this Mr. Khaparde retorted that Magistracy was a business of law and not of common sense.

The Home Member was silent to a question put by Mr. R. S. Shukla as to whether it is open for the Magistrates to get their judgments written by others.

#### Propaganda Against the Swarajists.

As regards his own tour as Home Member, Sir Joshi said that though members were perfectly right to refer to the tour expenses, he wanted to inform the House that no Member of the Government, high or low, had acted beyond the actual executive instructions of the Government of India. The position created in this Council was abnormal and also exceptional, for reasons best known to the members themselves. The Government thought it proper to take up the matter, not with the idea of carrying on propaganda against any particular party, but to lay bare the actual effect of throwing away the whole budget. The electorates were raw people, having no political consciousness and the Government thought it its duty to educate these electorates. The Home Member admitted that the grave issues present before the C. P. Government cannot be understood by the ordinary electorate. Proceeding he said :

"When the Government found that neither Swarajists nor any other organised party went to the electorate to explain the actual position the Government took upon itself this work and had asked its officials to place facts before them. When I had my tours and lectures in Berar I had made it quite clear at the meetings that the Government did not want to fetter

the Electorate in their choice of selecting agents, but all that they wanted was that the electorate should understand and realise the position created by their agents, which it was for them to approve or disapprove".

At this stage Mr. Gupta, Swarajist, elicited an answer from the Home Member that he toured in Berar only and if occasion arose he would tour in C. P. also.

The Home Member continued:—" I was not stating my views as a member of the Liberal Party in the meetings addressed, but on behalf of the Government".

Mr. Rao questioned : " Is there no other Indian Government servant in the rest of India who, either as a representative of the Government of India or of the Provincial Government, thought it his duty to explain to the people the so-called evil effects of Swarajists' tactics and taken measures to avert the same?"

Sir Joshi answered : " If there was one, it was a sad thing. Every true Government servant, and more so if he be an Indian, when he sees the existence of the Government in danger has a right to adopt a policy to avert such catastrophe."

Mr. Rao again asked whether the policy pursued by the Central Provinces Government was or was not a departure from the policy adopted either by the Government of India or other Provincial Governments.

Sir Joshi : I don't know what policy is followed by these Governments but the policy pursued by our Government had the approval of the Government of India.

Mr. Rao again questioned ; Is it not a fact that either the Government of India or other Provincial Governments, especially the Bengal Government, wherein Swarajists have practically achieved the same results as in C. P., has not thought it fit to carry on a similar propaganda against the Swarajists "

The President . The Home Member has replied to the question.

Sir Joshi concluded thus :—The situation created by the dominant party in this House made the Government to take up this propaganda work and this was the reason why the Government issued leaflets and pamphlets. I once more repeat that this propaganda was not directed against any party as such, but the Government was bound and I agree with the Government view, that it was necessary to place facts and explain the situation before the public.

#### Voting on Budget Demands

On the 12TH MARCH the Council met to vote on demands for grants. The Hon'ble Mr. B. P. Standen, Finance Member, then moved, on behalf of Government, several demands for grants.

Mr. Y. M. Kale, proposed a motion for reduction for Rs. 24,000 and odd under the land revenue demand for twenty-six lakhs. This was defeated by 8 votes against 26, all Swarajist members from C. P. Marathi and Hindi Provinces having remained neutral.

Another cut amounting to Rs. 75,190 under Land Revenue, proposed by Mr. B. G. Khaparde was put to the vote and carried by 39 votes against 22, Swarajists belonging to the three groups solidly voting for Mr. Khaparde's amendment.

On the 13TH MARCH the Hon. Mr. B. P. Standen, Finance Member, moved that the demand under the head Land Revenue as reduced by the Council at yesterday's meeting be assented to and the motion was carried by 30 votes to 27.

The Finance Member then announced that at the conclusion of yesterday's proceedings the Governor invited Dr. Moonjee and Mr. Kagbavendra

Rao to see him and discuss with him the existing situation. His Excellency also asked the Hon. Mr. Tambe to be present. In course of the conversations it became clear that Dr. Moonje and his section were opposed to the formation of any Ministry; whilst Mr. Rao and his section did not desire to form one without the support of Dr. Moonje and his section. In order to get at the sense of the Council with regard to having a Ministry at all it was agreed that as soon as the Land Revenue demand had been disposed of the President should be asked to take the vote for the Ministers' salaries. If the Council decided that Ministers should be appointed, His Excellency undertook to endeavour to form a Ministry from any party or group of parties able to concede a majority in the Council.

Several members requested an adjournment till 3 p.m. and the President granted their request.

### Ministers' Salaries Refused

Amidst lively scenes and acute tension prevailing throughout, the Council reassembled at exactly 3 p.m. to discuss once for all the much vexed question regarding the Ministers' salaries which were fixed on behalf of the Government at Rs. 3,000 per month each, plus travelling allowance amounting to Rs. 3,000 annually.

Mr. Sita Charan DUBE Liberal, raised a point of order that Ministers' salaries should be in accordance with rules and standing orders which provide that those salaries should be equal to those which were paid to the Executive Councillors of the Provincial Satraps. On behalf of the Government the Hon'ble Mr. B. P. Standen, Finance Member, changed his original motion and put the Ministers' salary at Rs. 4,000 per month each.

Mr. K. P. VAIDYA, Swarajist, who had moved last year the motion fixing the Ministers' salaries at Rs. 2 annually, moved the same motion reducing Ministers' salaries to Rs. 2. The mover in the course of his speech said:—

“As there has been no change in the political situation during the last year, since the time the Budget was thrown out, and particularly as the Muddiman Committee's Report is not only disappointing and unsatisfactory, but in some respects positively retrograde, I see no reason why we should vote for the salaries of Ministers.” The mover then moved his amendment formally.

Mr. Salpekar from Chindwara and Mr. G. S. Gupta, both Swarajists, supported Mr. Vaidya's amendment with stirring speeches making out a strong case against the dyarchical form of Government, whose death-knell was already wrung last year, and whose funeral was solemnly performed recently by the publication of the Reforms Enquiry Committee's Report.

The Hon. Sir Moropant JOSHI in a vehement speech stated that the placing of the motion of Ministers' salaries for the consideration of this House on that day was with a view to ascertain the sense of the House, whether the House was in a mood to carry on the administration of the Transferred subjects. The Home Member thought that the Swarajists were too much eager to press questions and also several resolutions before the dyarchical form of Government which they wanted to put an end to. Sir Joshi said that Swarajists who wished to kill Dyarchy should not have fought out their battles on the floor of this legislature. The fact that there are clear cut-divisions in the Swarajists conclusively proved that there was now a real change of front, so far as the Swarajya Party's policy was concerned.

The Home Member then attempted to bring home to the House the evil effects due to the absence of any Ministers last year and concluded his speech with an appeal to realise those effects and duly weigh them and adjust themselves to the changing circumstances and varying environment.

Dr. KHARE another Swarajist, in rising to support Mr. Vaidya's motion said : " It is a known fact all over India that our party, the Swarajya Party, came to this House with a fixed political purpose. They did not come here to work the Reforms but to wreck them. This is known all the world over. Well, they succeeded in the Central Provinces as well as in Bengal to some extent. The result was that Dyarchy was killed or, if not actually killed it was almost in a state of suspended animation (laughter). Seeing this fact, the bureaucracy in their wise mind thought that unless they revived it it was of no use. Therefore, to revive it from that corpse-like condition or that of suspended animation, they appointed a committee of Doctors, commonly known as the Muddiman Committee. The Doctors themselves differed and presented their separate reports, the Majority and the Minority Reports, and the result is that the patient is suffering. Now, Sir, before the Muddiman Committee every body of importance or consequence who gave any evidence has clearly and emphatically condemned the system of Dyarchical Government. The Minority Report favours Provincial Autonomy with some reservations and the Majority Report is not only unsatisfactory, but it is retrograde and I think it is a great camouflage.

" Now, Sir, is it open to any member of our party to consent or to be a willing party in this bureaucratic attempt to revive Dyarchy? Only recently, only to-day, what has Mr. Sastry said about the Muddiman Report. He says that, even they, the Mahomedans and the Moderates, have got no case for confidence in the Government. Every Party in the country, the Non-Brahmins, the Swarajists, Liberals and Independents, they all condemn it. Nobody wants it. I cannot realise the position in which anybody says " we do not want Dyarchy " and votes for the salaries of the Ministers. It is simply inconsistent. Some allegations have been made of defections from our party. There may have been or there may not have been defections from our party. Propaganda work was done in Berar. Perhaps I do not know, my Berar friends may have been victimized by it, but I warn my friends here not to be victimized by such propaganda made here in this House. We certainly did not come here to reap the benefits of the Reform. We came here with a clear political mission. Well, Sir, this question of Ministers' salary is placed before us in this budget in the shape of a bucket of water. This bucket of water is placed before the horse and I leave it to the good sense of the horse with the full confidence that he knows whether to drink the water or to kick the groom."

Mr. B. G. KHAPARDE next addressed the House and all eyes turned towards the speaker with curiosity. Mr. Khaparde emphatically contradicted the statement that the Hon'ble Sir Moropant Joshi's propagandist tour in Berar had changed the angle of vision of Berar Swarajists, but on the other hand the Home Member's tour had only brought about additional strength and sodilarity in the Swarajya Party. Mr. Khaparde thought that Dyarchy in all its tempting colours stood condemned to-day as ever before. As regards the way in which his friends from Berar would vote on the present motion for reduction, the speaker very guardedly suggested that his colleagues would keep their minds perfectly open.

The Hon. Mr. STANDEN replying to the debate said that it was the wish of His Excellency the Governor which he was authorised to communicate that, in case reasonable salaries were voted, His Excellency would undertake to form the Ministry from amongst those who His Excellency thought would command the confidence of the House.

The Hon. President then put the motion to vote and declared it carried. Dr. Khare claimed a division which was granted. The motion was carried by 37 votes against 28 amidst great jubillation among the Swarajists.

On the 14TH MARCH, after interpellations were over, Dr. Moonje moved the adjournment of the House to discuss the Reforms Enquiry Committee report, and as the House granted leave, the President announced that the motion would be taken up at 4 o'clock, if His Excellency the Governor permitted it.

The Council then proceeded with voting of demands. Demands under the heads 'Stamp and Forest' both reserved, "Registration," transferred, "Irrigation works" reserved, were voted without any division.

Mr. Khaparde moved a reduction of rupees five hundred under "Travelling allowances." He said that he moved this reduction as a vote of censure on the Government carrying on propaganda against the Swarajists.

Dr. Moonje and Mr. Raghavendra Rao supported Mr. Khaparde's amendment, and explained that they must insist on reduction, as they objected to paid servants of the Crown carrying on propaganda against the constitutionally constituted predominant party in the Legislature. It was not on any personal ground against the Hon'ble Sir M. V. Joshi, that they did so, but they wished to stop this bad system, which contributed to indiscipline among Government servants.

The motion for reduction was put to vote, and declared carried by 36 to 23 votes.

Mr. G. M. Kale next proposed a reduction of Rs. 4,600 under "Civil Secretariat," "special pay of Under-Secretaries." The motion was put to vote and declared lost, seven to twenty-four votes.

There was another motion to reduce by Rs. 16,600, the demand under the head "Commissioners" relating to Commissioners' establishments. In spite of Government opposition the motion was carried without division.

### Muddiman Report Condemned.

The Council re-assembling after lunch at 4 p. m., Doctor MOONJE, moved his motion for the adjournment to consider the Muddiman Enquiry Committee's Report. He said:—

"The publication of this monumental document is bound to affect the vital interests of the people of India. This report is absolutely disappointing, most inadequate and in some important respects definitely retrograde. If looked purely from the constitutional point of view, the soul of the Reform Act consisted in two important halves, one concerning the Governor's powers, and the other regarding the powers of Ministers. So far as I have been able to go through this report I may at once say that the very soul of the Government of India Act's constitutional position has been set at naught and the Governor has been still retained in all the true colours of a Bureaucratic hard master. The powers of the Ministers, according to the report, have been vitally curtailed. The expressions used in the report regarding the Minister's relations with the interests and classes are too vague and wide and will cover almost everything we can dream of.

"On general review the report is almost an attempt to see the interests of the Services safe-guarded. An example of the fine discipline which our rulers aim at will be found in the way in which mere secretaries working under the Ministers should catch the ears of the Provincial Satraps behind the back of the Ministers, their real masters. It is the privilege of the people to choose their own Ministers and to do away with this most important right is to kill the very soul of the Reform Act. The committee has miserably failed to provide any remedy regarding the responsibility of Ministers. Hence it was that we Swarajists in the C. P. have deemed it our solemn duty to exercise our rights in voting our own salary to the Ministers with a view to compel the Government to satisfy our legitimate demands and aspirations. When the real atmosphere of co-operation was

created then alone we would take care to maintain the dignity of Ministers by voting a reasonable salary. Until then we will certainly vote only rupees two and not a pie more."

After this stirring speech Mr. Joshi, Mr. Chhedilal, Mr. Sitacharam Dube, Mr. S. M. Chitnavis, ex-Minister to the C. P. Government and Doctor Khare delivered splendid speeches in condemning in no mistaken terms the most retrograde report of the Enquiry Committee. The speech of Mr. S. M. Chitnavis was much appreciated, especially when he condemned Dyarchy in the clearest possible terms.

After an hour's discussion the Honourable Mr. B. P. Standen, on behalf of the Government, stated that the attitude of officials will be absolutely neutral and that they will not take any active part in the debate and will simply watch with interest the trend of the debate that was going on and would be prepared to give their view when called upon to do so by the highest authorities who were alone responsible for appointing this Committee of Enquiry.

After few more speeches the motion was put to vote and carried un-animously.

### Narasingpur Mal-administration.

On the 18th MARCH the Council met in the Council chamber at 12 noon, the Hon'ble Mr. S. B. Tambe presiding. The visitors' galleries were rather crowded in view of several non-official resolutions, including one regarding the long-standing rule of alleged terrorism of Mr. Bourne, Deputy Commissioner, Narasinghpur. Mr. Ravishankar SHUKLA Sawarajist member from Raipur, in place of Mr. Chandra Gopal Mishra who was absent moved the following resolution :

"This Council recommends to the Governor in Council that as Mr. Bourne's administration of Narasingpur District has been unsatisfactory, he should no longer be kept in charge of the executive administration of the district".

While moving this important resolution Mr. Shukla referred to several constitutional attempts made by the people of Narasingpur to expose in glaring colours the innumerable acts of high-handedness, terrorism and virulent campaign against the Congress and Swaraj party movements launched upon by Mr. Bourne and his minions. Mr. Shukla narrated to the House vividly the different mischievous and most questionable methods resorted to by Mr. Bourne to launch upon an open campaign against the non-co-operation movement. Mr. Shukla proved with the help of figures and facts and also documentary evidence how Mr. Bourne published a paper "Narasinha" to fight out Swarajists at the time of the last Council elections. He also published the most poisonous anonymous articles all directed against the Congress and the Swarajya Party activities. The recent darbars held at Gadrawada and other places in his jurisdiction in which Mr. Bourne moved from place to place like a great Moghul autocrat on backs of lordly elephants, the huge subscriptions collected and wasted in parties and dancing concerts, the incentives given to terrorising and looting of the people, constant persecution of leading non-co-operators including those like Mr. Maneklal Kocheri, pleaders and others, all these things, the speaker stated, had made Mr. Bourne's administration the blackest spot in the whole of British India and the sooner this mal-administration was put a stop to the better it would be for people of Narasingpur who were simply ground down under the iron hands of Mr. Bourne.

Mr. G. S. GUPTA in supporting the resolution stated that it was the supreme prerogative of this Council to bring to light several acts of zooloom by Mr. Bourne and urge the Government to remove such an



autocratic agent of His Majesty the King Emperor, from the Executive Administration of a district where the iron hand was hanging heavily over the helpless people.

Mr. DAULATSINGH, Member from Narasingpur and against whom Mr. Bourne had carried a persistent campaign of vilification, and despite which he was returned at the head of poll during the Council election, narrated concrete instances showing beyond the shadow of doubt, several acts of high-handedness of Mr. Bourne.

The Honorable Sir Moropant JOSHI, Home Member, defended Mr. Bourne's district administration and his regime as a settlement officer with a very passionate speech. In the course of his speech the Home Member admitted the authenticity of Mr. Bourne's vanity, which was not quite sufficient justification for Mr. Bourne's severe impeachment at the hand of the House and appealed to them to discuss the resolution on its merits, and not prompted with any hostile attitude. Sir Moropant Joshi was heckled with several questions from Swarajists member during his speech.

Mr. KHAPARDE made a very spirited speech in supporting Mr. Shukla's resolution. In the course of his speech he proved to the hilt how public opinion, expressed in most unambiguous terms on vital questions like Rowlatt Act and other black measures, was actually flouted by the Government, who supposed themselves to be the so-called custodians of Law and Order, and how long-standing were the grievances regarding several acts of terrorism of Mr. Bourne, which the Government had utterly failed to remove. Mr. Khaparde pertinently asked "Could not all C.I.D.'s paraphernalia or other agents of the Government give even an inkling into the whole melodrama of which Mr. Bourne had so long acted as the chief moving hero? He urged the Home Member to defend Mr. Bourne not as an advocate of Law, but as a member of the Government.

Doctor KHARE, while supporting the resolution thought that all Government officials and especially District Officers like Mr. Bourne should be above suspicion. The fact that the Government still persists in retaining Mr. Bourne as Deputy Commissioner was simply to spite the people's wishes and if Mr. Bourne had been an Indian he would have seen his worst days long ago.

Mr. Raghavendra RAO made a very vehement speech in the course of which he proved with concrete instances how Mr. Bourne observed in its very breach the well-understood maxims of morality and good Government. Mr. Bourne as Sub-Divisional Officer at Khamgaon even went to the length of insulting a leading member of the Nagpur Bar, Mr. M. V. Abhyankar, M. L. A., (Swarajist) and had to apologise to him subsequently, Mr. Rao then traced Mr. Bourne's administrative history, and showed how Mr. Bourne's administration of Narshingpur has actually brought the British administration and also the Civil Service throughout India into ridicule. Mr. Rao regretted that Sir Frank Sly, ex-Satrap of the Province should have failed to tackle with the Narsinghpur question with adequate tact. H. E. Sir Montague Butler had sought the co-operation of this House in his address to the Council and if His Excellency was really sincere and honest in his moves for co-operation, this question of Narsinghpur administration was simply a touchstone and the speaker would watch with keen interests to what His Excellency would do in the matter. When it is the policy of the Government to send honourable Indians to jail on a mere suspicion, such as the Chief Executive Officer of the Calcutta Corporation, it was of no use to place any judicial evidence before the Government who would never be prepared to be convinced. If Sir Montagu Butler was really wanting to do

justice and nothing but justice to the people of Narsinghpur, he should immediately remove Mr. Bourne from Narsinghpur administration.

Doctor MOONJEE, in the course of his speech, called in question the very propriety of retaining Mr. Bourne as the head of the Narsinghpur District after such well based calumnies against his administration, which was carried more by zeal than by discretion. Doctor Moonjee asked why was there not a complaint against any other Deputy Commissioner except Mr. Bourne. He fervently appealed to all his Swarajist and other friends to vote over the resolution purely from the merits of the case and put a straight question to the Government members on the opposite benches if they could agree to institute a Committee of Enquiry to go into Mr. Bourne's administration. If they were unable to accept this suggestion on behalf of his party he would at least expect to get a straight answer to his another straight question as to whether the Government would transfer Mr. Bourne to Nagpur or to Bilaspur where his friend, Mr. Raghavendra Rao, would take proper care of him. Dr. Moonjee wanted an answer from the Government then and there and after requesting his friends not to speak on the resolution before getting some definite answer to his questions put, he demanded the closure of the debate.

The Hon'ble Sir M. V. Joshi, Home Member, stated that the questions put by Dr. Moonjee could not be answered unless and until the Governor-in-Council considered the whole question and as such he was not prepared to meet with the wishes of Dr. Moonjee.

Doctor Moonjee asked if the Home Member would agree to postpone taking of the votes on the resolution till to-morrow during which interval the Governor-in-Council may consider this question.

The Hon'ble Sir Joshi expressed his inability to do so and wanted to dispose of the question at once.

When these reasonable suggestions were not at all paid any heed to, the original resolution was put to vote and was declared carried by 37 votes against 14, even the nominated members having solidly voted in favour of the resolution and thus effecting a most crushing defeat on the Government.

#### Other Resolutions.

Mr. Y. M. Kale moved his resolution recommending that instructions be issued to all the Deputy Commissioners that they should take active steps to encourage the establishment of Village Panchayats under Act V. of 1920 and should render all help to non-officials working in this direction. After some discussion the resolution was carried without any division.

Thakur Chedilal moved the third resolution recommending to H. E. the Governor-in-Council to appoint a Committee to enquire into the allegations of maladministration and report within thirty days and narrated in a fine speech what peculiar circumstances have driven the mover to urge this resolution for consideration of the House. After Thakur Chedilal's most comprehensive speech, the Council was adjourned at 6-10 till next day.

On the 19TH MARCH the Council meeting Thakur Chandilal moved a resolution for the appointment of a committee to enquire into the allegations of maladministration in the district of Bilaspur and quoted several instances of alleged maladministration. Mr. E. Raghavendra Rao supported the resolution and quoted also several such instances.

Mr. E. E. Nelson, Chief Secretary, said that the Government entirely dissociated itself from any vote of censure that may be involved in the administration of the present Deputy Commissioner who is an Indian with an unblemished record of 30 years' service. Government refused to throw its servants to the wolves on the slightest sign of popular clamour.

The Home Member and the Hon'ble Mr. Standen said that no case has been made out for the appointment of a committee. After some more speeches, the Hon'ble Sir M. B. Joshi gave an assurance that the local Government was anxious to get information and may make enquiries and it was their bounden duty to do so and he hoped that in view of his assurance the mover would withdraw his resolution.

Thakur Chandilal then withdrew his resolution.

The Council then discussed other non-official resolutions. A resolution was passed asking the Government to constitute the Amraoti Camp Municipality into an elective body. There was a discussion on resolutions relating to revision of settlements in Malkapur and Khamgaon taluks in Berar.

#### Students' Shooting Clubs

On the 20TH MARCH, Dr. Moonjee moved his resolution recommending the composition of a non-official committee of elected members of the Council to frame proposals for facilitating the establishment of shooting clubs, particularly in connection with High Schools and Colleges. In the course of his speech Doctor Moonjee said that young men of India must be prepared to shoulder up the responsibility of National defence. The speaker accused the Government of racial bias when he offered to provide for fifty thousand recruits at the time of the last European warfare.

Mr. Dharmadhikari while supporting the resolution thought that without national defence self-rule would be a myth and there was a fine material in India to constitute national army. Mr. G. R. Joshi also supported the resolution with a good speech.

Mr. S. M. Chitnavis, ex-Minister to the C. P. Government strongly supported the resolution making out a strong case in favour of giving immediate effect to the recommendations contained in Doctor Moonjee's resolution. Mr. Chitnavis thought that public life in the country ought to be a mirror of the education, but that mirror at times did not reflect the highest ideal. A civic sense of responsibility must be also engendered among young men along with the formation of character, which was very much neglected.

The Hon'ble Sir M. V. Joshi while opposing Doctor Moonjee's resolution requested the mover not to press his resolution till the next session of the Council which the Home Member said would meet in July next and by which time the local Government will be in a better position to chalk out its definite policy in accordance with instructions from the Government of India which were anxiously awaited.

The resolution was then put to vote and carried without division.

Mr. Thakur's resolution asking the Government to compulsorily establish municipalities in tahsil towns and towns having more than five thousand population was acceded to on behalf of the Government by Mr. Mathais, Finance Secretary.

After one more resolution was carried without division the Hon. President prorogued the Council in accordance with instructions received from H. E. the Governor.

### Governor's Certification

Sir Montagu Butler, Governor of the Central Provinces, restored a number of demands which were rejected by the Central Provinces Legislative Council.

In the March session of 1925 demands totalling Rs. 5,23,97,353 were presented to the Legislative Council. These demands were met subject to reductions amounting in all to Rs. 12,02,633. Some of these reductions related to particular items considered in themselves unnecessary. Others were made, not so much with a view to effecting economies, as to indicate to the Government that the Council desired a change of policy. In many legislative bodies it has been found convenient, when reductions of the latter kind are made, to reduce only a token sum and not the whole grant, and it would have saved His Excellency the Governor from having to exercise his powers under Section 72-D of the Government of India Act if that procedure had been followed by his Legislative Council. As it is, he has been obliged to certify certain items in order to keep going the machinery of the administration. In such cases, however, out of deference to the views of the Legislative Council he has certified the demands, less a token sum so as to leave on record the fact that his Government has taken note of the opinion given, and as an assurance that the matter will be looked into further.

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# India in Parliament

Jan.—June 1925.

# Lord Olivier's Articles on India

The following are the four articles referred to before which Lord Olivier contributed to the columns of *the Statesman*.

## No. I.

### Labour's Policy

I am asked to communicate to *'The Statesman'* my views on certain points just now of particular interest in Indian public affairs.

First, what has been the attitude of the late Labour Government towards the constitutional difficulties?

Very clear declarations as to that attitude were made by Mr. MacDonald, Mr. Richards and myself on public occasions. If, however, the character of our policy has been obscured for public opinion in India to anything approaching the degree in which it has been travestied and misrepresented in some leading newspapers in this country, it is no wonder that a clear understanding should be still to seek. The line which has been consistently taken by the Conservative Press for the purpose of discrediting the Swarajist Party, discouraging the advocates of the democratization of Indian Government, and incidentally disparaging Labour Government, is no doubt accountable for what the *Statesman* has described as the "solemn nonsense" talked by Mr. Baldwin in the speech in which he opened his election campaign, imputing responsibility to Labour policy for recent outbreaks of religious faction fighting between Hindus and Mohammedans.

#### LABOUR'S AIM.

I feel quite sure that if Mr. Baldwin had been cross-examined as to what he meant by the "nerveless and vacillating policy" of the Labour Government in regard to India, he could have given no explanation, having any relevance to the facts, of what the vacillations of that policy, pursued in absolute harmony with the Viceroy, had actually been. That phrase was doubtless culled bodily from one of his own Party journals by those who gave him the notes for his speech. One special correspondent of one of those journals, I remember, attributed with similiar sapience the Akali campaign in the Punjab to my repetition of an obvious political truism as to the anti-democratic character of communal representative institutions. (I see that Sir M. Hailey has just been expressing the same pernicious doctrine).

My late ministerial colleagues and I myself have consistently sought to assist in the development in India of democratic self-governing political institutions, building on the foundations and with the scaffolding of the Montagu-Chelmsford reforms; to work with the Government of India towards the purpose of which all politically-minded Indian reformers, whether they call themselves Swarajists, Independents or Moderates, appear to us unanimous in aiming; that is to say, the establishment of a self-governing Indian Dominion within the British Commonwealth of Nations.

I say "politically-minded," because, whether wisely or mistakenly, those who have desired to advance this development have worked on lines prescribed by the belief that for large and complex States, and such as those which must compose any future federation of India, the elective Parliamentary political form is the best practicable working machinery. We do not believe that an Indian Dominion can be governed by the British Parliament, or by a Secretary of State for India in Council, or by a steel frame of selected British supermen eternally guaranteed against being controlled by Indian Ministers, Indian Heads of departments, or Indian Legislatures, or by a Fascism representing a limited learned or intellectual or military or propertied class, or by the dissolution of centralized institutions and the adoption of a scheme of society in which Government is not organised into any higher complex than the village community. We ascribe no divinity or spiritual unction to the elective Parlia-

mentary form with a wide franchise, but we know of no better organ of political liberty.

#### SWARAJIST MANIFESTO.

When we came into office we found that the strongest organized Indian political party aiming at this common end had refused, and was refusing, to have any dealings with the scheme of the Montagu-Chelmsford constitution as a workable apparatus. They had, indeed, moved from non-co-operative Council-abstention to obstructionist Council-entry. The Swarajist manifesto for last autumn's election campaign went, however, much further than this, and in our opinion quite unjustly, if not without some elements of excuse, asserted that the whole scheme of the Montagu-Chelmsford reforms was a dishonest sham, designed to maintain the economic exploitation of India by Britain, and to keep the Indian nation in subserviency to British control. How could anyone who knew anything of Mr. Montagu or Lord Chelmsford pretend to believe such a representation? That manifesto was, in my opinion, not only inept in its programme of political tactics, but, in the character of its premises, an untrue, misleading and poisonous document. Not more untrue, misleading and mischievous, no doubt, than are the political manifestoes of party politicians constantly in all countries, and not least in Britain, but, if it were to be judged as an expression of the beliefs of serious minded and rational leading Indian politicians, discreditable to their temper, their intelligence and their political sagacity. There was, as I have said, some excuse for it. The irritation which prompted it was, in a great degree, explicable and natural, but it was not a manifesto which some of the highly intelligent men who endorsed it could possibly have believed to have been a sound presentation of political fact; any more than intelligent Conservative statesmen in the recent British general election could possibly have believed a good deal of their Party pamphleteering.

#### MONTFORD CONSTITUTION.

Whatever opinion, however, the Labour Government might have of the Swarajist manifesto, the fact remains that the Swarajists, and not only the Swarajists but practically most of the Independents or Moderates, impugned the suitability, even as a transitional form, of the "Montford" Constitution; and anyone who had, as I had, the opportunity of talking to liberal-minded and friendly critics, disposed to make the best of that Constitution, could hardly fail to recognise that there are essential difficulties in its practical working, and that it has worked with least friction where its formal provisions have been least rigidly adhered to.

We could not, merely on the faith of its general repudiation by the Swarajists or others who had repudiated it from the first and had never given it any trial, agree that it needed revision; but if there were indeed inherent impracticabilities in it, it would plainly be ridiculous, out of mere obstinacy and to assert the inflexible will of Britain, to try to drive the Indian State in a galling harness by the refusing to modify those defects. We therefore took the logical and obvious line. We said: This scheme of Government, devised after exhaustive consideration by well-wishers of Indian self-government, holds the field. It has, beyond question, merits as compared with what preceded it, and a good deal of good work has been and is being done by responsible ministers under it. It is, *in fact*, the only machinery at this moment available for carrying on the Government of India.

#### REVISION OF THE ACT.

Political constitutions exist for the purpose of carrying on government; it is not physically possible, even if you yourselves are prepared to recommend it, (which you are not), suddenly and immediately to substitute a completely democratic constitution suitable to a self-governing Dominion. The Act of 1919 provides for modifications of its own arrangements, without repeal or amendment of the Act itself. Let us ascertain definitely in what respects it is that the Act is working badly or cannot be worked well and whether, in these respects, the machinery or the mode of handling it can be improved within the powers provided for that very purpose. If and when such examination produces conviction that the provisions of the Act itself are unsuitable for carrying on the operations of Government satisfactorily to those who have, as

responsible Ministers or as elected Council members, to work them, and to those for whose benefit and convenience they are to be worked, then the question whether any revision of the Act should be taken into consideration will present itself as an entirely open and unprejudiced one. For the moment, there is no substantial *prima facie* presumption with which to approach Parliament for authority to revise its decisions of 1919.

Meanwhile, in any case in which, as in the Legislative Assembly, in the Government of Bengal, and in the Government of the Central Provinces, a Council conducts its business in such a manner as to disable the proper functioning of Government in the interests of those whom its functions primarily affect, the Act itself will operate automatically as was intended, to enable those public services to be carried on. The Government of India and the Provincial Governments, finding themselves by historical process actually clothed with public duties in regard to the welfare of the community, are not exonerated from discharging those duties by the fact that a political party, elected by a very small minority of the persons affected by good or bad administration of public services, desire to use the machinery of the Constitution providing for those services as a means of putting pressure upon the Government to effect constitutional change.

#### MINISTERS' SALARIES.

The Legislative Council of the Central Provinces, and later, though not at first, the Legislative Council of Bengal, took a perfectly legitimate and constitutional mode of protesting against the form of the Constitution in refusing to vote salaries for the Ministers whose responsible appointment that Constitution provides for. I do not think that they acted either cleverly as political tacticians, or reasonably or public-spiritedly as Legislative Councillors, in throwing out the votes for Ways and Means for the Health and Education Services in Bengal. Mr. C. R. Das and his followers indeed acquired the greater intelligence, when the matter was brought up again for consideration, to redress this blunder, and themselves to take the responsibility of providing for those desirable public services, which, in the absence of their authority, the Provincial Governors could and would have carried on in so far, but in so far only, as the provisions of the Government of India Act gave them the power so to do. Many of my party colleagues, like myself, always thought Mr. Gandhi's policy and its modified outgrowth in the Swarajist programme a deplorable mistake; and it has certainly proved so from the point of view of constitutional progress. The Councils, notwithstanding their incomplete powers, offered the best possible field for promoting what useful work could be done, and protesting against and exposing really substantial grievances, administrative or constitutional.

#### CONSISTENT POLICY.

The political policy, on these premises, of the Labour Government, in concert with the Government of India, has been perfectly clear and undeviating; it has consistently proceeded on the basis of the established "Montford" Constitution which leaves to the Provincial Governors or the Governor-General as may be, the ultimate responsibility of declaring what public services it is necessary in the public interests to maintain and provide for. The Swarajists and the Progressive Parties generally desire, of course, to supersede that system, and to vest the whole responsibility in the Councils. Whether, and in what degree, any advance can be made, is a question for the future which had not become ripe for decision during the tenure of office of the Labour Party, because we had not got before us any reliable materials for forming a *prima facie* judgment in favour of modification of the existing constitution. These materials should very shortly be in the hands of the Government of India for report, and of Lord Birkenhead for consideration. The Government of India, and not the Swarajist Party, are meanwhile responsible for carrying on the government of the country. That may come to be altered: the Swarajists desire to alter it, but until it is altered the Government cannot abdicate to clamour. It can only, and it is bound to, listen to reason.

#### THE LEE REPORT.

Many British Conservative politicians and journalists entertain and ventilate very remarkable notions as to the manner in which the Government of India



can or should be carried on. The moment that Lord Lee's Commission on the Indian public services had reported, it was publicly assumed and asserted that it was within my power, and was my duty as Secretary of State, immediately to announce that His Majesty's Government accepted the Report in its entirety and to give directions that its provisions should forthwith be given effect to. Up to the end of my tenure of office, I was repeatedly attacked and reviled for not having taken this course, both by public men who ought to have known better, and by journalists who might perhaps not have been expected to know better—or, if they did, to say anything different. The Secretary of State had not the power to bring the Lee Commission Report into operation forthwith. All its most important recommendations required the passing of rules with the approval of Parliament. Some of them, if they are to be carried out, will require amendments of the Government of India Act. My predecessor had agreed that the Legislative Assembly should have an opportunity of criticizing and commenting on the Report before action was taken on it. No reasonable politician could fail to recognise the necessity, the propriety, or at any rate the practical advantages of following this course. The Viceroy followed it at the earliest practicable opportunity. The recommendations of the Report, as one might have supposed would be obvious, could not possibly be assented to by the Secretary of State until the Governor-General in Council and the Provincial Governments had advised upon the recommendations made and the effects of their application. All this was done with the utmost possible promptitude on the part of the Government of India on its side, whilst in the India Office the examination and interchange of views with India were carried on by a special committee under the Chairmanship of Sir William Vincent, and including other Members of Council and the leading permanent officials qualified to deal with the subject. The official advice of the Government of India on those points which had to be discussed and which could be dealt with without more prolonged consideration, reached the Secretary of State at just about the date of the dissolution of Parliament. Save on certain minor points, the recommendations of the Commission were agreed to in these discussions, and Lord Birkenhead, I see, has announced that he and his colleagues propose to give effect substantially to them.

## No. II.

### The Reforms Scheme

Another very surprising example of the sort of assumptions which are made in England with regard to the powers of the Secretary of State was the insistent suggestion made by Lord Peel in the House of Lords in the last debate on Indian affairs, that His Majesty's Government ought to take proceedings against Mr. C. R. Das on account of some statement made by him and repeated in the *Forward* newspaper in connexion with the "Serajganj Resolution." I had twice to point out to Lord Peel that the question whether anyone in India has infringed the criminal law, and, if so, what action (if any) should be taken against him, was a question for the Government of India (I might have said, the Government of Bengal), and not for me.

"Simla," again, was represented by the same ingenious press correspondent, who had so remarkably diagnosed the cause of the Akali *Jathas*, as having been relieved by and seen political significance in the fact that Lord Chelmsford, and not the Secretary of State for India, replied for the Government at the end of that debate—"Simla" being doubtless supposed by him to be as ignorant as himself of the fact that no peer can speak twice on a motion except its mover. (See *Register* 1924 Vol. II. p. 318)

#### TRANSITIONAL FORM.

I am asked whether I think the Reform Scheme of 1919, "if worked out to its logical end, is a sufficient concession to the Swarajist," or if not, that there should be any early remodelling of it. The 1919 Constitution was never intended by its framers to be more than a transitional form, so that I do not feel sure what is meant by its "logical end." If the logical end of the dyarchical constitution is that it should be worked as a dyarchy, and stereotyped in

the form in which a dyarchy can best be worked, I should certainly hold that that was not sufficient.

As I have already observed, the dyarchy appears to have worked most successfully where it has been worked least logically in relation to its ostensible form. Further, the dyarchy was not established with a view to the final stereotyping of its form, but as a scaffolding for building a wider, and ultimately complete, responsible machine of democratic control. As to hastening the remodelling of the scheme, I am a practical administrator, and I never indulge in the luxury of advising that things should be done until I am prepared to show why and how they should be done.

If I had remained in office, I should have expressed an opinion on both these subjects as soon as I had considered the Report of the Committee of Inquiry into the present constitution, which was set up to provide material for judgment. I may have formed some judgment; in fact; I have formed several pretty decided ones.

#### WORKING OF DYARCHY.

But I could not, during my term at the India Office, make myself responsible for expressing them before I was prepared to support them by sifted evidence, and the opinion of the Government of India, for, on almost every aspect of the working of the dyarchy, differences of opinion and testimony have been given to me. This much I may say; that in the great number of conversations which I have had with representative members of all classes of public men interested in these questions, I have never heard one eulogy of, or expression of satisfaction with the dyarchy.

So far as I have been able to follow the evidence given before the Inquiry Committee, the criticisms and admissions of its defects which were volunteered to me have been fully elaborated, and, I gather, pretty convincingly established in the proceedings there. And I see a press forecast, which I hope may be well-inspired, that it is understood that all parties now recognize the expediency of some modifications, and see their way to agreement as to proposals that can usefully be made. If this is so, it is possible that, with a Conservative Government in office, their supporters may be a little less vociferous than they would have been under the late Government in their outcry that any kind of modification would be a concession to faction, and would be regarded as an exhibition of weakness on the part of the British Raj, discouraging both to the Moderates and to the Services. What appears to me to be at present chiefly endangering the credit of the British Raj in India is not so much doubt of its firmness as despair of its intelligence.

I am asked whether the demand for a Round Table Conference with the object of obtaining immediate Home Rule for India is the sort of claim that I should support. In the first statement that I made in the House of Lords on Indian affairs, I quite clearly expressed my conviction, which I adhere to, and which moreover I believe to be that of most Indian reformers, that no scheme for immediate Home Rule for India can possibly be imagined to be practicable. I use the word "immediate" in its natural sense.

Mr. Nehru's motion carried in last January's Assembly, recommended "that steps should be taken to have the Government of India Act revised with a view to establish full responsible self-government in India," and the summoning of a Round Table Conference to recommend "a scheme of constitution for India" to be placed before a newly elected Indian Legislature for its approval," and submitted to the British Parliament "to be embodied in a statute." Assuming that the whole of this process might have taken about twelve months, I should regard the result as a scheme of "immediate Home Rule" for India, and I should unhesitatingly say that no such programme is sanely practicable. And I agree with the Government of India, and with what Lord Curzon said last February in the House of Lords as to the difficulty of expecting any satisfactory agreed proposals from any "Round Table" Conference constituted as was proposed. It may, however, quite reasonably be argued, as it is argued by Europeans for whose experienced judgment on Indian affairs I have the highest respect, that the time has already come for a further modification, at least in some provinces, of the Montagu-Chelmsford constitution. Where there is good

reason for finding this, it would be mischievous pedantry to insist that nothing should be done until 1929 because of the provisions of the Act of 1919.

The Labour Government repeatedly expressed its desire to find means of getting English political intelligence into a closer touch with Indian national aspirations. Very few people in England, even among the handful who pay attention to Indian affairs, recognize the character, far less appreciate the reasonableness (and for men of spirit) the inevitability of the preliminary objection that is made by Indian Nationalists to the preamble of the Act of 1910 and still more to the implication that is sometimes read into that preamble—that, if the Swarajists do not behave themselves, even that measure of democracy may be withdrawn.

#### LABOUR RESOLUTIONS.

On the other hand, resolutions of Labour Party Conferences demanding the immediate grant of Home Rule to India mean very little except sincere good will, and would be recognized by any one of their supporters to mean nothing tangible if he could have three months' administrative contact with the ingredients of the problem, both in British India itself and as between British India and the Native-ruled States. I should like to see a confrontation of half a dozen responsible Englishmen of Cabinet rank—say two from each political party—with representatives of the various sections and interests of the Indian community, including, of course, the Native States, to deal open-mindedly with the whole situation and lift the consideration of it once and for all out of the arena of Imperialist Die-hardism, embittered intransigence, and of official traditionalism.

Meanwhile, if this effort that is now being made by constitutional reformers in India to produce a draft scheme of constitution, acceptable alike to Swarajists, Moderates, Moslems, and Mr. Gandhi's followers, succeeds in its aim, that cannot fail to be a most important achievement, and may well mark the start of new developments.

#### PROVINCIAL AUTONOMY.

Do I think "provincial autonomy" would be a way out? I am sorry to say that that phrase always strikes me as being, as "Mesopotamia" was for the old lady, rather of the nature of a "blessed word." Indubitably, the progress of democratic institutions will elaborate provincial autonomy with regard to internal provincial affairs, and, where certain subjects have been devolved from the Central to the Provincial Government in some Provinces and not in others, it is quite safe and easy to say that this progress may and will be completed. But when you come to close quarters with the question that is involved in this idea of increased provincial autonomy, you will find that devolution has, in fact, already gone so far that, in making any proposal for further devolution, you raise very difficult and crucial questions indeed. Do you mean by provincial autonomy that every province shall have its own system of customs duties, its own army, and the coastal provinces their own marine? Do you desire that the railway system shall be provincial?—and so on. It cannot, I fear, be said that the words "Provincial Autonomy" give the clue to the solution of the difficulties of the Indian Government.

#### PRACTICAL PRINCIPLE.

The only practical principle to follow is simply this: That in all matters which directly concern, either exclusively or chiefly, the people of any district or province, local self-government is the most healthy way of providing for public business; but where the administrative policy of any province may affect other communities, that policy should be centrally administered on behalf of the whole federation, so as to produce as far as possible equality of sacrifice and equality of profit from the operations of Government.

But perhaps "Provincial Autonomy" is to be understood to mean that the subjects "devolved" to the provincial Governments shall all be "transferred" and administered by Ministers responsible to the electorate. That is what all democratic politicians look forward to, and I among them. But I do not see how further advance can be embarked on until you have settled what extensions of the franchise you are prepared for, and whether or not you are going

still further to embarrass yourselves with communal franchises. The more you do so, the more dissatisfaction and friction will your constitution inevitably produce.

It is difficulties of this character that convince me that the progressive adaptation of the present reformed constitution, and its loyal use as an engine of administration according to its possibilities of good social service, and as a training-ground and sphere of experience in what is in India an unfamiliar and nowhere an easy, art—that of Parliamentary responsible government, with an uneducated and factious electorate—is the best practicable line to follow at present.

### No III.

#### The Bengal Ordinance.

I am asked, do I approve of the present policy of dealing with seditionists? I am glad that the question is put in these terms because I want to emphasize the need of precision of language. Ever since the Indian National Congress movement was born, the aspirations and propaganda of Indian Nationalists have at all stages been branded as "seditious." Mr. John Morley and Lord Minto in their time were denounced as pandering to sedition. I had thought that that condemnation of Lord Morley was by this time dead, but, in reading Colonel Buchan's "Life of Lord Minto," I am reminded that many people are still disposed to gird at him for his belief in the possibilities of Indian Nationalism.

As for Mr. Montagu and Lord Chelmsford, the denunciation of them is still, especially in Conservative circles in England, quite virulently active. There are still among us men who pass for authorities on Indian affairs who would like to draw back from or "stiffen" the "Montford" Constitution, and govern India by the "strong hand," and who denounce the Reforms as having destroyed the public services of India. "Sedition" still figures as an offence under the Indian Criminal Code. It is a dangerously indefinite term for a Code. Since the lapsing of the Defence of India Act, a good deal of the powers of the Government of India to act rigorously against what they may regard as sedition have lapsed; the principal special power that the Government still possesses to deal with what may properly be called sedition is that of Regulation III of 1818.

#### BENGAL ORDINANCE.

I notice that in London newspapers, as in many Indian utterances, it was assumed, or represented, that the Bengal Ordinance recently promulgated by the Governor-General was aimed at "sedition." Mr. Baldwin and Lord Birkenhead have both been careful to correct this misrepresentation. The English Die-Hard Press persistently confounds the Bengal Secret Murder Societies with the Swarajist Party; and habitually refers to that party as "seditious." Public political agitation for a change of constitution and the recruiting of votes with that aim is not sedition; nor is the hostile criticism of unsatisfactory forms of government or of unwise government actions, sedition. A political party may be revolutionary; secret terrorist organizations may also be revolutionary in their designs on the Constitution; but it is a confusion of thought—a confusion frequently used for mischievous political purposes, both in India and in this country—to identify political revolution with anarchic terrorism.

#### CRIMINAL ORGANISATIONS.

The Bengal criminal organisations aim at interfering with the stability of the Government of India by means of the murder of Government officers. They wish to cripple the machinery and to intimidate its administrators. This they aim at doing by assassination, by assault, by destruction, by the use of explosives, and by threatening and terrifying private citizens into assisting or acquiescing in their proceedings. The immediate object of their operations is not the peaceful boycott, not even the rendering ineffectual, by obstruction, of the constitutional machine, but the actual killing and hurting of individuals by physical violence.

The Labour Government—Mr. MacDonald, I myself as Secretary of State and

my colleagues in the Cabinet—have always taken this view. Acts of violence must be prevented. The ordinary mode of preventing them in civilized communities whose methods are based on British institutions, is by punishing those who commit them, after trial by jury in accordance with the Criminal Law. This is not always a completely effectual method, but in societies in which the ordinary citizens are prepared to do their civic duty by one another, and to co-operate in punishing violence against individuals, the provision of punishment under the Criminal Law is generally considered to be a sufficient deterrent. In Bengal, those methods of violent terrorism have been resorted to, and murders have been committed. The ordinary machinery for trying offenders and punishing them does not, for local reasons which are familiar to all readers of the *Statesman*, act effectually for their repression. The Government of India, in the persons of the Governor-General in Council and the Governor of Bengal in Council, liberal-minded, just-minded and constitutionally-minded men, most jealous for public liberties and their constitutional safeguards, and fully alive to the dangers of entrusting the repression of crime to police and officials, have witnessed the occurrence of outrages and have had information satisfying them that further such outrages were being plotted by persons whom the police had under observation.

If an executive officer knows that a murder, an assault, or any other form of outrage is intended to be committed and that preparations for it are being made, and that, owing to the intimidation of witnesses and jurymen by the fear of similar action, convictions cannot be obtained, it is his absolute duty to prevent such outrage occurring, whether or not he thinks that if it were allowed to occur its perpetrators could be convicted and punished. It is the elementary common-law duty and right of every citizen, and not only of a policeman, to do the like. It is one of the curses of bureaucratically-ruled communities that this common obligation is not recognized. It shows confusion of thought, if not insincerity, to cry out about the liberties of the subject, and to accuse a Government of opposing political propaganda and organization because, when it has reliable information that outrages are being planned by certain individuals it does not hesitate to lay its hand upon those individuals and prevent the maturing of their intended crimes.

#### SWARAJ AND TERRORISM.

I fully recognize that the Swarajists have a good deal of excuse in the language which has been used in anti-Swarajist circles, and, in the British Conservative press, for asserting that the Bengal Ordinance is aimed at the Swarajist Party, because the hostile critics of the Swarajist Party have persistently used language which would indicate that they regard that party and the Bengal terrorist conspirators as intimately and consciously associated with one another. I myself am convinced that any such general identification is quite unjustifiable. If the Government of Bengal has put its hand upon some individuals who, in their constitutional, political activities, belong to the Swarajist Party, that is not because they are Swarajist politicians or henchmen of Mr. C. R. Das, but because the Government has evidence that they are active members in the terrorist organization.

This brings me to the question put to me as to what is my view of Mr. C. R. Das. I am not personally acquainted with Mr. Das, and feel a natural diffidence in criticizing a man of his ability and obvious public spirit. I endeavoured, in a speech in the House of Lords, to indicate very precisely what I did think about him; I see that a newspaper which ought to be more circumspect, speaks of me as having "amused a whole sub-continent by calling Mr. Das a Saint." As anyone who had heard or read my speech should know, I did not do any such thing. What I said has been misrepresented, *ad nauseam* for political purposes in this country, by the journals who manufacture opinion for our unintelligent public. My language was carefully framed. I believe the whole of what I said to have been just and sound. I feel sure that Mr. Das and other leading Indian public men are much too intelligent to misunderstand it, as our Die-Hard journals here and some in India have professed to misunderstand it.

## MR. DAS'S SAINTLINESS.

I expressed my personal admiration of Mr. Das's high ideals "on behalf of his country," and of the eloquence and vigour with which he had uttered them, an appreciation in support of which I referred to Lord Ronaldshay's article in the *Nineteenth Century Review* for July. With regard to Mr. Das's "Saintliness" my words were: "I am informed by a high authority on Indian politics that Mr. Das has the reputation of being a particularly upright and scrupulous politician, second only to Gandhi himself in saintliness of character." The authority from whom I made this quotation *verbatim* was not (since I am now asked the question for the first time) the Viceroy, but was a person quite as well acquainted with Mr. Das's activities and reputation.

When a candidate for election to the British Parliament, not known to his club friends as narrowly orthodox, habitually goes in a high hat and a frock coat to the principal church of his constituency, I am not entitled to judge whether a reputation which he may thereby acquire for being a pious man is well founded or not. When Mr. Das shows himself such a passionate defender of the Hindu religion as to proclaim that he will vindicate with his life his right to perform his devotions before the image of a divinity which has been discovered after many years' oblivion in the house of the Mahant of Tarakeshwar, I am not entitled to pronounce whether he is a seeker after holiness or not. I expressed no judgment. Personal admiration of his patriotism I did express. But I dissociated myself from that quotation as to his reputation for saintliness in a manner which any schoolboy appreciative of English grammar and syntax could hardly have failed to detect.

Nothing, however, is unfortunately more certain than that a politician may actually be notorious for devotional unction, and be regarded by his political opponents as highly unscrupulous, and having made my preamble with regard to what I had heard of Mr. Das, I devoted the rest of my references to exhibiting him, not only as an unscrupulous politician, but as mistaken in his ideas as to what are effectual political methods. I expressed the opinion which I held, and had reason to hold, from the views which had been uttered to me by other Indians less imaginative than Mr. Das, that he was really convinced, in view of the record of British Government policy in Ireland and in Kenya, that the British statesman will not yield to demands for justice, but will yield to threats of force; and further, that he was under the impression that the Indian and British Governments could be driven to constitutional concessions, not by political and constitutional organization and action, but by the murder of policemen and the bombing of higher officials. I quoted and emphasized, as I had done on a previous occasion, the explicit warning which Mr. MacDonald had given before he came into office, that any such imagining was entirely mistaken and futile.

## NOT TO BE INTIMIDATED

Mr. Das had apparently not understood that we meant what we said, and that neither the Indian Government nor the British Government was ever likely to be intimidated by this kind of action, or to abstain from the best practicable methods of preventing it. Had he not the repeated assurances of the Noodle Press that the Labour Government was "weak-kneed"?—had tried to force the Viceroy into commitments towards revision?—was refusing him the powers he was pressing for to save Europeans from massacre?—that, if murders occurred, the blood would be on the Secretary of State's head—because he had encouraged terrorism—had unnerved the services by revoking (?) the Lee Report?

What I said was that "operations of secret murder societies are detestable," but that "it was not necessary for the British Government to assume an attitude of high moral condemnation of Mr. Das as a politician, because of his believing it expedient that the British public should be a little frightened" by such demonstrations as the support of the Serajgunj Resolutions, or because his party had organized bribery and intimidation in the Bengal Council. Why did I say this? First, because the official expression of moral indignation is, obviously, entirely idle, addressed to those who are in such a state of mind as to resort to these methods, and secondly, because, as I stated, "*it has been the*

*continual policy of the party to which I belong to repudiate all such forcible methods*", quite independently of their moral turpitude, on the ground of their folly and futility. In the face of which words our anti-reform Press here, and their jackals in India, had the impudence to proclaim that the Secretary of State had not only "canonized" Mr. Das but had approved of political murder.

The egregious Mr. Landon outdid himself in canting twaddle, and announced in the *Daily Telegraph* that "Simla" was rejoicing in the assurance that I was about to be forced to resign. Is it any wonder that, as I have said, Indian politicians are coming to despair of British intelligence, to say nothing of honesty? I think it probable that a great many more Indian Nationalists now recognize the truth of what I then said than did so when I said it. Mr. Das himself has lost "respect and influence," as I expected he would.

#### MURDER OF OFFICIALS

The young man who murdered Mr. Day acted wrongly (the advocate at his trial even pleaded that he was mad). No matter what may have been the character of his motives, and quite independently of the damage which resort to such action does to the internal moral and prospects of successful progress of any political reform party, the cruel murder of public officials is wrong, from the common standpoint of both Christianity and Hinduism; and as Mr. Gandhi pointed out, its agent ought not to have been publicly eulogized. I imagine that Mr. Das committed himself to acquiescence in a demonstration which the majority of his countrymen instinctively condemned, not because he himself thinks of assassination as a venial action, or because he believes that a free and stable Indian Government can be attained by exterminating British officials and British residents, as the Soviet Government in Russia conceived that a healthy Russian community could be established by exterminating the ruling propertied classes, but because he mistakenly and suicidally thought an offer of constitutional concessions could be extorted from the Government of India or from the British Government by the fear that, if no such concession was promptly made, more Government officers would be murdered.

To any British Government, and most especially to a British Labour Government which definitely condemns all methods of violence—disbelieves in that reliance on force which the "Diehard" party-scribes are continually clamouring for as the only method of governing India—the threat of outrage appears quite irrelevant to the question: "What is the best form of constitution for India?"

#### No. IV.

#### The British Outlook

It is quite true that, so long as one nation is arbitrarily governed by another and cannot follow out its determination towards self-government by constitutional political means, there will constantly be a danger that passionate hatred may be created in the minds of individuals which may overpower their reason and patience, and produce such horrors as the assassination of Sir Curzon Wylie; and that no amount of repressive police industry will permanently choke the springs of criminal action so long as the provocations continue.

#### IMMEDIATE REACTION.

But the first and immediate reaction to such outrages on any Government is necessarily that it should take steps actually to prevent their occurrence, and there is no interference with the legitimate liberty of the subject politically or otherwise, in its doing so, provided that the intention and organization of outrage actually exists. As I have said, there is always danger in leaving to the police and to officials the responsibility of judging whether such intentions do actually exist, and no one, I am convinced, is more sensible of this danger than the present Viceroy of India, a former Chief Justice of England, a political Liberal, and a member of a race which itself has suffered injustice and oppression in all centuries and all over the world. But, so far as such Governors, so far as the British Labour Party and Government, so far as British Liberals, and so far as the general feeling of the majority of Englishmen are concerned there is no need for any such

warning signals. Their will to promote the realization of Indian political freedom is as sound as that of any Swarajist. This is why I feel the attitude of the Swarajists, in that Election Manifesto to which I have referred, to have been so regrettable.

#### DEPLORABLE ATTITUDE.

At the same time, I blame equally, and I equally deplore, the attitude towards Indian questions which obtains publicity in some leading organs of British public opinion, and which is commonly expressed by those in England who are most vocal on Indian political questions. The sort of stuff that is sometimes telegraphed from India with regard to European and official opinion there, can, I think, impose on very few people in India; it does not impose on great numbers of readers in England.

Articulate commentary on India's public affairs is influenced chiefly by that quite small class of our community which is especially interested in Indian affairs. This is a class consisting principally of retired Indian public servants, civil and military, their families and their relations, who have never freed their minds from the tradition and ideal of a splendid British administration of India for India's good, through the finest public service that the world has ever seen. From none of the many men that I have interviewed, civil servants, judges, Indian officials and others, European clergy, have I heard anything corresponding to that attitude towards Indian politics which appears most prominently as the opinion of the British aristocracy and the British popular Press—not from one single person connected with India.

#### MR. JUSTICE MACCARDIE.

I have heard nothing but expressions of regret and astonishment at the amateur impertinences of Mr. Justice MacCardie in regard to the action taken by the Indian Government and military authorities in the case of General Dyer, or in regard to the principles that should govern the forcible suppression of public disorder—the latter a question which has been the continual concern of generations of practical administrators in all parts of the Empire, and for pronouncement on which Mr. Justice MacCardie's legal and judicial training had furnished him with no qualifications. Yet the dispatch of the British Government, and the pronouncement of the Government of India on this matter were denounced in leading journals here as weak-kneed and traitorous, and as a cowardly pandering to the sentimentalities of the Swarajist party.

Such dunderheadedness does not even reflect the temper of responsible Conservative Ministers. I would ask Indians who may think so, rather to read what the present Secretary of State, Lord Birkenhead, said in Parliament on the Amritsar business.

#### UNWELCOME NECESSITY.

I regard, and I know that Lord Reading and Lord Lytton regard, the resort to special repressive methods for the prevention of crime as a most unwelcome necessity; chiefly because such methods relegate the protection of the community from outrage from the citizens themselves, to an officially controlled police, which political experience shows can seldom, if ever, be relied upon to be entirely unprejudiced and infallible, and which is always liable in the cases of some of its agents to be actuated by vindictiveness, corruption or credulity.

On the other hand, I regard the appeal which was made in the Swarajist Election Manifesto to which I have referred, whether it was made in full sincerity or not, as an appeal provocative of unjust prejudice and hostility against Englishmen who have sincerely endeavoured to co-operate in Indian liberation, an appeal made largely to passion, prejudice, ignorance and fear, because all these are effectual recruiting agents for votes in a political contest, I thought it a pernicious document, fratricidal in character and therefore suicidal to the cause and purpose which it sought to advance.

I do not exonerate Mr. Das, and I doubt if he would claim to be exonerated from having by his attitude conduced to the encouragement of the same cruel passions in the revival of the activities of the Bengal Murder Societies. When, some months ago, in an interview with a Press



correspondent he purported to warn the Indian Government that these societies were increasing their activities and were more dangerously alive than the Government understood, I doubted if he was really unaware that the Government knew a great deal more about them, and of his own moral responsibility, direct or indirect, intended or unintended, for that increased activity, than he professed to suppose.

My judgment of Mr. Das, to put it shortly, is what I and my Labour colleagues have always held with regard to the non-co-operationist boycott, or obstruction council-entry of his party, in the first and second Council periods, that the political tactics and programme of non-co-operation are not things to be declaimed against as immoral, or attacked through the laws as seditious, but are politically inept, futile and self-debilitating. The chief excuse for them is the stupidity with which Indian politics and the Nationalist movement are criticized by that school at home which is most articulate in the British Press (I except *The Times* and the *Manchester Guardian*) and which constantly disgusts and disheartens all intelligent men and women by its habit of talking about the "Strong Hand" and the "Straight Policy," and the readiness of the whole Indian people to rally to the British Raj, if only it will stick firmly to the principles of Dyarchy and Dyerism.

#### REASONABLE CRITICISMS.

May I add this? In the course of my nine months of office, I interviewed, I should think, nearly 300 persons, Englishmen and Indians of various sections of the Indian community, on Indian affairs. I was impressed with the reasonableness—notwithstanding their frequent trenchancy—of the criticisms made by Indians, and I was even more impressed (because I had had little previous acquaintance with that class) with the soundness, cheerfulness and liberality of the criticisms predominantly made by Europeans of the non-official community in India, men employed in business and industry. They showed much more sense and humanity than many of the people who speak and write most vociferously on their behalf at home. It appeared to me perfectly clear that, in these relations, British and Indians can and do get on very satisfactorily together, mutually serving the purpose of their social life; and that so far as there is exacerbation of racial feeling, it is principally the result of dissatisfaction with political subordination and the claims to maintain it.

Moreover, almost without exception—and the exceptions even then were of the kind that prove the rule—I found the public officers I interviewed fully appreciative of the cause and aims of Indian nationalism, sympathetic towards them, and obviously loyal in spirit and intention to the purpose of the Montagu Chelmsford Constitution as a means of approaching those aims. The only dissatisfying impression I received of their mental attitude arose from the quite intelligible and perhaps inevitable fact that many of them could no more suppress a tendency to regard the Swarajist political party as seditious revolutionaries, than Unionists would help regarding Mr. Parnell and Mr. Redmond in the same light, or than our honest Tories can help regarding the Labour Party as Bolsheviks. One must make allowances. They have much to put up with, quite unjustifiably, from Swarajist methods, they are constantly vilified, and their acts and policy mendaciously misrepresented in the Press and on the platform, and it is surprising that their tempers remain so good.

Finally, it is manifest that most people who write and talk about India in our Press are ten or twenty years behind the times in their knowledge of what is going on in India, and of what is possible and what is impossible in regard to that country, the principles of its future administration, and the sentiments and intelligence of its people. That has to be remedied.

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# India in Parliament

House of Lords Debate

Mar.—July 1925.

# The House of Lords Debate

## On the Bengal Ordinance.

Lord Olivier's question and motion for papers on the Bengal Ordinance, which he brought forward in the House of Lords on Tuesday, the 31st March 1925, turned out to be a very tame performance as might have been expected in view of his own share of the responsibility for that particular instrument of repression. The ex-Secretary of State has all along given us to understand that he draws a marked distinction between the Ordinance and Regulation III of 1818, of the application of which in this connection he appears to disapprove.

It is hardly surprising that Lord Olivier's performance failed to hold the attention of the House. Their Lordships are somnolent at the best of times, but even the most alert might be excused for some amount of boredom under the style of address affected by the late Secretary of State. It was a strange commentary on the importance which these "elder statesmen" attach to the affairs of the Empire that the interests of dogs (Bill introduced by Lord Banbury to prohibit the vivisection of dogs) drew a considerably larger number of peers than the elementary rights of India's vast millions.

The Government front bench was very sparsely tenanted. Lord Salisbury was in his place as Leader of the House in succession to the late Lord Curzon. The Secretary of State for India looked none too happy at the side of his less-gifted rival, but his general demeanour throughout the debate was of a kind which prompts an onlooker to ask how it was that this very non-chalant individual could have supported the dignity of the woolsack as Lord High Chancellor of England.

Two ex-Viceroy's were present—Hardinge and Chelmsford—both of them perhaps conscious of the fact that a new India has arisen since they held the reins of authority. Two or three other ex-Ministers were on the front Opposition bench, and about the same number of Liberals sailed as usual in the offing; but in no quarter of the House was any real interest displayed in a situation which ought to arouse the deepest concern of those who claim that this Parliament must always be supreme in Indian affairs.

### Lord Olivier's Poor Showing.

As far as Lord Olivier could be understood he seemed to regret the effects which had followed from action sanctioned by himself. He talked about the discrimination which ought to be made between those who are engaged in extreme political agitation and those involved in acts of criminal violence and intimidation. He ought surely to have thought of all this before and to have realised that the Ordinance, as well as Regulation III, was certain to be used against those who had made themselves objectionable to Government without any proof of their complicity in revolutionary crime.

Lord Birkenhead, when he came to make his statement in reply, was not slow to fasten upon his predecessor the responsibility for his own proceedings.

So far as there was any controversy between the two men the present Secretary of State naturally got the best of it, first because Lord Olivier's position in the matter had been so equivocal, and secondly because he was in any case no match for the nimbler wits of Lord Birkenhead.

The latter's statement, which was of considerable importance, had been well studied and was delivered with much emphasis. He spoke with very definite approval of the repressive measures sanctioned in Bengal, and he rubbed it in more than once that Lord Olivier had a very special responsibility for the adoption of these measures. He (Lord Birkenhead) acknowledged their drastic character, he was convinced of their necessity, and he congratulated Lord Olivier on their success. Lord Olivier did not look particularly happy under this treatment, and he must have felt that his position was logically indefensible. There was a sharp sting in Lord Birkenhead's remark that his predecessor was quarrelling with his own progeny.

#### Lord Birkenhead and Mr. C. R. Das.

Having proved to his own satisfaction that the measures applied to Bengal had done much to improve the situation in that province, and having reiterated his intention to continue the application so long as it should be considered necessary, the Secretary of State turned to the statement of Mr. C. R. Das, which had attracted considerable attention in England. Lord Birkenhead offered a warm welcome to the conciliatory gesture of the Swarajist leader. But he contrived to put his rather cautious sentiments in a form which seemed to suggest that Mr. Das's statement was an acknowledgment of past association with or connivance at methods of violence. There was nothing in what Mr. Das said to justify this implication, and Lord Birkenhead would have acted the nobler part if he had been less grudging in his reception of the proffered olive branch.

#### Lord Birkenhead on Co-operation.

His Lordship invited Mr. Das to take the further step of co-operating with the Government. He carefully refrained from saying what advance the Government would make in other directions. In view of the more friendly feelings which find expression in the overtures of the Bengal leader, Lord Birkenhead might have given an undertaking at least to reconsider the repressive measures which are now in operation. All he did say was that if the Swarajists would co-operate with the Government they would find the way open to the "progressive realization of responsible government in British India", which, of course, is no more than what Mr. Montagu promised eight years ago. There had latterly been very little of that real and honest partnership which the present Secretary of State professed to desire. He had a unique opportunity in the debate of doing something definite towards the attainment of that ideal. He ought to have made an immediate move in that direction without demanding of Mr. Das and his followers that they should forswear their political convictions.

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## On the Civil Service Bill.

The proceedings in the House of Lords on the 1st April on the Civil Service Bill were even more perfunctory than those of the previous day. The Secretary of State retailed to the House the main recommendations of the Lee Commission and explained the essential character of the Bill before them as a means of carrying certain of those recommendations into effect. He took up the old song about the Report of the Commission being a compromise between what he called "the Indian point of view" and service opinion and he tried to make out that as between these two opposites the Government were steering a prudent middle course. He had no difficulty in persuading the House of Lords that this was a true view of the matter, but of course the real Indian point of view was never once mentioned during the discussion. It might have been expected that the two members of the late Labour Government, who addressed the House, Lord Olivier and Lord Chelmsford, would have set out (even if they did not agree with) the reasons which led India to oppose some of the main recommendations of the Commission. But they were apparently more concerned with the task of keeping up the supply of English recruits for the services in India.

Lord Chelmsford is one of those who have been taking part in the recent crusade for re-popularising the Indian Civil Service at the various British Universities. He told the House that many of the young men at Oxford were still ready to go out to India rather in a spirit of adventure than with any idea of adequate recompense; only they were afraid of insecurity of tenure. But India surely wants something more than English adventurers to man her public services. The main point was, in fact, overlooked by each of the three Peers who addressed the House. What India demands is the right to determine the extent to which non-Indians shall be admitted to the Civil Service and also the conditions under which these non-Indians shall serve. The Bill now before Parliament is a denial of this right. Its chief purpose is to remove from the purview of the Indian Legislature some of the very limited powers already enjoyed by that body, and to that extent it must be described as a reactionary measure. Doubtless Lord Birkenhead thinks that the Bill confers a considerable benefit upon India because it will give the people of that country an opportunity of finding more money for the upkeep of a Service which British statesmen can never praise too highly. The real peril is (according to Lord Birkenhead) that insufficient Englishmen of the right type will be forthcoming to fill the gaps. In his view the problem is not whether there should be 50 percent of suitable Indians in the Service, but whether we could ensure there being 50 per cent of suitable candidates in England.

Lord Birkenhead did not for a moment realise that what he is asking Parliament in this Bill to do is to vote away £750,000 of the revenues of India every year without the consent of the elected representatives of her people. Perhaps he thinks that is one of the stages in that progressive realization of responsible government, to which he made reference on the previous day. Indeed, there was not a word in his speech to show that he has any real understanding of the Indian problem. But, of course, he had a profuse eulogy to pronounce upon the labours of Lord Lee and his disinterested colleagues. (*The Hindu*, 23rd April 1925).

### Lord Olivier's Motion on Bengal Ordinance

On MARCH 31 Lord OLIVIER by previous notice asked the Secretary of State for India for information as to the outcome of action recently taken under the Bengal Criminal Law Amendment Ordinance, 1924 and, in connection therewith, under Regulation III of 1818, in Bengal, and as to the results of the investigation of the cases of persons arrested under that Ordinance or that Regulation ; and to move for Papers.

The noble Lord said : My Lords, a few days before the late Government went out of office there was promulgated by the Governor-General of India in Council, under the authority conferred upon him by section 72 of the Government of India Act, an Ordinance entitled the Bengal Criminal Law Amendment Ordinance, a copy of which has been laid on the Table of the House, together with certain memoranda and copies of the statements made by the Governor-General in connection with the Ordinance. These statements and the Ordinance itself, sufficiently explain the grounds on which the Ordinance was introduced, but I should like to detain your Lordships for a few moments while I give you a little preliminary history as to how the Ordinance came to be introduced in the form it was.

Last July the Secretary of State for India received from the Governor-General a communication indicating that the Government of Bengal were becoming dissatisfied with the powers it had for dealing with conspiracies for criminal violence. This criminal violence was organised by one or more secret societies, and some reference has been made to it in the White Paper that has been issued. There had been a series of robberies with violence, and there had been two murders and several attempts at murder directed against the police. One of those murders was that of a police witness. Later there was another murder of a witness who had given evidence in a case brought against one of the perpetrators of a criminal outrage. The Government of which I was then a member received from Lord Reading a communication asking what were their views upon this subject and indicating his own very strong reluctance to take any action outside the ordinary law. His Majesty's Government wrote back entirely sympathising with him in that view and urging that he should assist the Government of Bengal, if necessary, to reinforce their police, and that sooner than bring in any exceptional legislation the Government of Bengal should use whatever powers they might have for dealing with this special form of crime.

There the matter rested for some weeks. Towards the end of August, however, the Governor-General again telegraphed the Secretary of State at some length stating that he was now convinced by the representations made to him by the Government of Bengal that the ordinary powers of the law and even the extraordinary powers which the Government of Bengal have by virtue of what is known as Regulation III, were not sufficient to deal with these conspiracies for criminal outrage, and that the Government of Bengal desired to bring in a special Ordinance practically, as we should say here, dispensing with the Habeas Corpus Act for the purpose of dealing with these conspiracies. He intimated that unless such measures were taken he could not find himself in a position properly to exercise his responsibilities for the prevention of crimes of this character and for the protection of his police officers and other individuals from assassination or intimidation, or from otherwise being subjected to duress and violence for the purpose of fomenting disorder in India and bringing the Government into a state of powerlessness.

Consequently, we entered into correspondence with the Viceroy, who submitted an Ordinance, as drafted by the Government of Bengal in complete accord with the Governor-General and the form of that Ordinance so settled is that which you have before you at the present time. It was agreed very precisely between the Governor-General and ourselves that the Ordinance should not aim at any kind of political activity, whether that activity might or might not be described as seditious or revolutionary or as likely to destroy public tranquillity. The Ordinance was to be carefully drawn so as to apply only to the commission of acts of violence or intimidation or the organisation of such acts, as specified in the Indian Penal Code. The whole Ordinance legislates

by reference to that Code and sets up in its Schedules only such offences as may be dealt with under the Ordinances which are already included in the Penal Code. You will find in the First and Second Schedules on Page 12 of the White Paper a number of sections, numbering thirty-four altogether, beginning with Section 148, which concerns rioting armed with a deadly weapon, and ending with Section 506 which deals with criminal intimidation; and also a reference to "any offence under the Explosive Substances Act, 1908; any offence under the Indian Arms Act, 1878; and any attempt or conspiracy to commit, or any abetment of any of the above offences." That Ordinance, as we understood from the Governor-General, was sufficient for his purpose and we authorised it to be introduced.

It was not immediately introduced, and here I should perhaps point out to your Lordships that, as those who have read the Ordinance will see, it is an Ordinance which gives very unusual powers to the police and to the Administration and which really takes away from any one who is charged or proceeded against under it any protection for liberty which the history of our Criminal Law and Jurisdiction has established for ourselves. I should like to quote—I could not put the matter more concisely—the words in which Blackstone has indicated our own position in that matter. He says :

"To bereave a man of life, or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism as must at once convey the alarm of tyranny throughout the whole kingdom. But confinement of the person"—that is precisely what this Ordinance aims at—"by secretly hurrying him to gaol, where his sufferings are known or forgotten, is a less striking, and therefore a more dangerous engine of arbitrary government, and yet sometimes, when the State is in real danger, even this may be a necessary measure. But the happiness of our Constitution is that it is not left to the executive power to determine when the danger of the State is so great as to render this measure expedient. For it is the Parliament only, or a legislative power, that, whenever sees proper, can authorise the Crown, by suspending the Habeas Corpus Act for a short and limited time, to imprison suspected persons without giving any reason for so doing."

The Ordinance provides a special Court for the trial of persons accused or reasonably suspected of any of the offences set out in the Schedule, and the special Court is constituted of three Commissioners, two of whom must be either Judges of Sessions or persons of the rank of Sessions Judges, or persons who have qualified for appointment as Judges of a High Court. Judges of Sessions in India are not judicial officers, but are only Indian civil servants, or executive officers, and I think that all of us would rather be tried by a Judge of the High Court than by an executive officer, who, however fair-minded and just he may be, is nevertheless a subordinate of the Government. Further, in this Ordinance there is a provision that persons who are interned, or directed to live under control, cannot be heard, before the two Commissioners who may be appointed to try their case, by counsel or pleader.

Further, among the many anomalies of this Ordinance, there is a provision that within one month of the issue of an order by the Local Government, enabling the persons accused to be assigned certain places of residence, or to be placed in gaol, "the Local Government shall place before two persons, who shall be either Sessions Judges or Additional Sessions Judges having, in either case, exercised for at least five years the powers of a Sessions Judge or Additional Sessions Judge, the material facts and circumstances in its possession on which the order has been based or which are relevant to the inquiry, together with any materials relating to the case which may have subsequently come into its possession, and a statement of the allegations against the person in respect of whom the order has been made and his answers to them, if furnished by him, and the said Judges shall consider the said material facts and circumstances and the allegation and answers, and shall report to the Local Government whether or not in their opinion there is lawful and sufficient cause for the order."

That is to say, these commissioners are not even confronted with the accused, but are confronted with the written statements by the police, and the prisoner's written answers, if he has made any. That cannot be a judicial inquiry.

What were the reasons for the Government of India considering that this drastic Order was required? It comes to this, that whereas under our own law any person may arrest and prevent any one whom he sees bent upon committing a crime, they had had experience that in India it was practically impossible to obtain conviction in these cases. It was also the fact that where any person was suspected of giving evidence, that person ran great danger of losing his life. Practically, the criminal law did not operate to prevent these things. They could only be prevented by such action being taken by the police as could not be justified by evidence, because witnesses would run serious danger of being assassinated. Those were the particular circumstances which justified the Government of India in making the representation which they did—that they could not prevent these acts of crime without these special powers.

However, that relates to only one part of the matter. After the promulgation of the Ordinance a question was asked in Parliament, I think in December last, as to the number of persons who had been arrested under the Ordinance, and Lord Winterton gave the information desired. I have not the statement at hand, but I think he said that fifty-nine persons had been arrested under the Ordinance and about forty-six under Regulation III of 1818. That rather surprised me, because we had been informed by the Governor-General, before we authorised the framing of the Ordinance, that Regulation III of 1818 was not sufficient to give the Government of Bengal the power which they required for preventing these crimes. Accordingly, we gave them the stronger measure which we presumed was sufficient to cover all cases: Nevertheless, a certain number of persons were arrested and interned under Regulation III.

#### WHAT REGULATION III DOES

Now I want to remind your Lordships, for a moment, of what Regulation III does. I will read the preamble. It is as follows:—

“Whereas reasons of State, embracing the due maintenance of the alliance formed by the British Government with foreign Powers, the preservation of tranquility in the territories of Native Princes entitled to its protection, and the security of the British Dominions from foreign hostility and from internal commotion, render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceedings.....”

They may in those circumstances be interned and kept under restraint, subject to a report being made from time to time to the Governor of Bengal, of any representations made by the person so interned and confined. Your Lordships will see that the scope of Regulation III only applies to the danger of internal commotion, and has been resorted to on former occasions when there has been reason to believe that it was necessary, in order to avoid internal commotion, that certain persons should be arrested under it. But, as I have said, it was not as we understood it, the desire or intention of the Government of India, in October last, to take action against certain persons for fear they were engaged in internal commotion, but solely on the ground that they were believed to be engaged in acts of physical violence or intimidation.

Reading the proceedings of the Legislative Assembly on January 28 last, I see that a question was asked of the Home Member, Sir Alexander Muddiman, with regard to the case of the men arrested under Regulation III. His reply was:—

“As regards the persons recently arrested under Regulation III of 1818, the evidence was scrutinised by two Judges of the standing of Sessions Judges, who were satisfied that there were reasonable grounds to believe that all these persons were members of a revolutionary conspiracy and that their being at large involved a danger to the State.”

But that is not the purpose of the Ordinance, nor is it at all the purpose for which the late Government, as I understand, approved of that Ordinance being introduced. “A revolutionary purpose” is a phrase very widely, or perhaps I



should say, very stringently interpreted, by persons connected with the Government of India, the Government of Ireland, and the Government of this country. Anything which aims at altering the Constitution of this country is constantly denounced as being a revolutionary purpose. But the idea of the Government to which I belonged, in sanctioning such proceedings, was solely that such proceedings should be addressed to repressing outrage and crime, definitely defined in these sections of the Code to which the Schedule of the Ordinance refers.

I see that yesterday a Question was asked in the House of Commons by the hon. Member for Mile End. He asked the Under-Secretary of State for India this Question, which I had wished to ask of the noble and learned Earl opposite:—

"Whether there is any distinction between the men arrested under the Bengal Ordinance and those arrested under the Bengal Regulation III of 1818; whether orders of detention under the Ordinance have been substituted for these under Regulation III in respect of all prisoners arrested in October, 1924; whether it is intended to use Regulation III again so long as the Ordinance or the Criminal Law Amendment Act, which takes its place are in operation; and whether all State prisoners are now under the Ordinance, with the exception of those who were arrested and detained before the Ordinance came into operation."

To this Lord Winterton replied :

"All the persons recently arrested in Bengal under the Regulation of 1818 are now treated as arrested under the Ordinance, which permits less rigid treatment of individual case, and authorises the grant of allowance to their families."

Lord Winterton's answer did not answer the Question which was put to him, a question which I want very definitely to put to the noble Earl opposite, that is to say, whether all persons who are now detained in Bengal, owing to the action taken in October last, are persons who are definitely detained under orders made within the scope and intention of the Bengal Criminal Law Amendment Ordinance, or whether there are a certain number of persons who are more or less vaguely detained under Regulation III of 1818, on the charge of their being occupied in some kind of revolutionary agitation, or some kind of intention to produce commotion, to the danger of the State, which is an entirely different thing from the purposes for which the Ordinance was sanctioned?

Very severe attacks have been made on this Ordinance in India on the grounds on which they would naturally be made in the first place, because from the political point of view, it is a very good *point d'appui* for an attack on the Government, on the pretext that it was introduced for the purpose of repressing political agitation; and therefore the late Governor was the more desirous, that any excuse whatever for saying that this was aimed at any kind of political agitation should be without foundation. The Ordinance was justified in the view of the Government of India on its merits and was justified in the view of his Majesty's Government on the recommendation of the Viceroy and of his advisers in whose judgment as to its necessity we had absolute and entire confidence.

#### ARREST OF MR. S. C. BOSE.

But when we come to the question of Regulation III, that is a little different, because I find that among those who were arrested under the provisions of Regulation III are three gentlemen who are very conspicuous politicians. One of them is Mr. Subhas Bose, the Chief Executive Officer of the Calcutta Corporation and a man who has been commonly spoken of as Mr. C. R. Das's right-hand man; Mr. Anil Baran Roy, a member of the Legislative Council and Secretary of the Bengal Provincial Congress Committee and Mr. Satyendra Chandra Mitra, also a member of the Legislative Council. The allegation against the Government of India is that these men have been arrested on political grounds under Regulation III and were not liable to be arrested under the provisions of the Ordinance. The names of one or more of these gentlemen

were mentioned to me in correspondence before the question of the Ordinance came up at all, and the operations in which it was represented that they were engaged were definitely of a character which, I should have said, fell absolutely within the four corners of the Schedules of this Ordinance and there should have been no need whatever, if these representations were correct, to go outside the provisions of the Ordinance and to arrest them under Regulation III.

Your Lordships have read the Ordinance, and you know that it provides for for certain reports to be made to the Government and the Governor-General. I want to ask the noble Earl, as I have told him I should ask him, first of all, if he can tell us what has practically been the upshot of the operations that have been carried out, either under Regulation III or the Ordinance, in demonstrating to the satisfaction of the Government of India that all the persons arrested have been actually engaged in criminal conspiracy to commit intimidation, as was intended by the Ordinance; secondly, what was the reason originally for the discrimination in the arrests, as between Regulation III and the Ordinance, and whether that discrimination has or has not yet been done away with, because, as I have pointed out, Lord Winterton's reply in another place was entirely ambiguous on that point. He simply said, they are treated as if they had been arrested under warrant under the Ordinance. I want to know whether so far as their detention is concerned, their cases are absolutely covered by the schedules of the Ordinance. And generally, I hope that the noble Earl may be able to tell us whether, to his satisfaction and to the satisfaction of the Government of India, the passing of the Ordinance has justified itself in the bringing under restraint of persons against whom criminal intentions have been proved, and in the prevention of further outrages. I beg to move for Papers.

### Earl of Birkenhead's Reply

The SECRETARY OF STATE for India (The Earl of Birkenhead): My Lords, the noble Lord, in a tone and temper of which I have no right to complain, has asked me a number of questions to which I must give some circumstantial answer, not only out of respect to the moderation with which he has asked them, but also to the responsible position which he so recently held. The noble Lord has told your Lordships and quite rightly told you, that he and his colleagues made themselves responsible for an innovation upon the ordinary methods of criminal trial in India which has seldom, in its drastic character, been exceeded either in this country by what he quite rightly called the suspension of *Habeas Corpus*, or by what, in Continental system of jurisprudence is more commonly known as the declaration of a state of siege.

The noble Lord did not in any way exaggerate the severity of the course which he and his colleagues authorised the Viceroy to take. I have been brought up as most of those who have spent their times in the profession of the law have been brought up, in these matters in an atmosphere of constitutional correctitude and I must make it plain that when I first became aware of the drastic nature of that which the noble Lord and his colleagues after the fullest possible discussion by correspondence, had sanctioned, I felt it my duty to examine with some care the justification that was alleged before powers so remarkable, almost so unprecedented in India, were authorised. I am bound to say perfectly candidly that the result of the investigation which I undertook has been to satisfy me that the noble Lord, extreme as was the course which he pursued, was absolutely justified having regard to the nature of the evidence which was before him. Indeed, I think he would have been lacking in his duty, painful as it must have been to him, shattering as it must have been to the prepossessions of some of those who were his colleagues, if he had not authorised the course that was adopted.

One or two facts must be a little more elaborately recalled, I think, if I am to give a full answer to the noble Lord. Revolutionary conspiracy existed in Bengal between the years 1912 and 1917, which was only successfully repressed when the leaders were confined under the provisions of Regulation III of the year 1818 and many of its subordinate members dealt with under the Defence of

India Act. Most of these persons were released after the Royal Proclamation of 1919. From the point of view of the psychology of sedition, it is worth while observing that many of those who were released in 1919 have since abstained from revolutionary crime. To the remainder an amnesty was gradually extended, but a large number of those speedily returned to their old methods and reorganised their old associations.

Your Lordships will ask, and are certainly entitled to know how far this had become formidable at any period which is relevant to the noble Lord's Questions. By the end of 1922 two main terrorist organisations, each of them very formidable, had been revived and new members recruited, arms and ammunition mostly smuggled from abroad were collected, a new type of bomb was manufactured, and beyond all question elaborate and carefully conceived projects for assassination were devised. During the year 1923 a series of outrages was perpetrated including a dacoity with double murder at Kona near Howrah, and the looting of the Ultadingi Post Office in May, a robbery with murder in July, the Sankaritolla murder and others which I need not more particularly mention. In January, 1924, Mr. Day was murdered in Calcutta, and an attempt was made to murder Mr. Bruce in April, in both cases, as it appears, in mistake for a most courageous and undaunted public servant, Mr. Tegart, the Commissioner of Police. In March a bomb factory was discovered, and other activities directed to the manufacture of bombs and the illicit collection of arms were detected. Other crimes were planned and projects of assassination continued to be devised.

Your Lordships may reasonably ask what steps were being taken by the responsible Government faced, as they were, by a deliberate and most formidable outbreak of crime. Here let me make the only real observation of dissent or doubt that I shall attempt upon the speech of the noble Lord. I did not follow him with the complete precision which I should have desired in the distinction which at one time I suspected him to be drawing between violent crime and revolutionary outbreaks. It seems to me that the line must be very finely drawn. I have no doubt in my own mind as to the distinction which a precise speaker would draw. If a man, merely in an abstract way, reflects favourably and indulgently upon the idea of revolution he would not fall, in my judgment, either under Regulation III of the earlier Act or under the Ordinance for which the noble Lord was responsible. If such a person, after reflecting favourably—

Lord OLIVIER: I did not say revolutionary outbreaks. I should imagine there might be outbreaks in all political affairs. The words I quoted were "revolutionary conspiracy", and I quoted them from Sir Alexander Muddiman. I was distinguishing between a revolutionary conspiracy and crime.

The EARL of BIRKENHEAD: The noble Lord is surely aware that conspiracy is a criminal offence. That must have occurred to the noble Lord in the carrying out of his responsibilities. Am I to understand that the doctrine of the noble Lord now is that a man who enters into a revolutionary conspiracy, which must mean a criminal offence, to overthrow and destroy the Constitution by means of a revolution, is not to be brought within the terms of the noble Lord's Ordinance? I assure him that the terms of his own Ordinance would cover such a case.

Lord OLIVIER: That is just my point. If it was a conspiracy the arrest should have been made under the Ordinance.

The EARL of BIRKENHEAD: I will tell the noble Lord how that arises in a moment. I was on a rather more important point, because it is fundamental. If I may refer to it, I would most earnestly advise him to study a little closely the criminal law relating to conspiracy, because it has a very great moral importance. Let us at least understand one another, because if there is no difference of opinion it is not very useful for me to waste my time in discussing it. If there is a difference of opinion, I will endeavour in a few words to show that consistently with the principles laid down by the noble Lord himself, it can not serve any impartial and competent discussion. Conspiracy is a criminal offence. A conspiracy to subvert the Constitution by revolutionary methods is a very grave criminal offence; few graver offences are known to the law. Men have been beheaded almost within the precincts

of this building for that offence in this country. If the noble Lord and I are agreed upon this point, I must honestly confess that I do not think much of his distinction between revolutionary conspiracy and those specific offences which he has alluded to more compendiously as crimes.

At the moment when I diverged upon that topic I was dealing with the view which was taken by the Government of Bengal. The Governor, a distinguished member of this House and well known to many of us, Lord Lytton, took from the first what in my judgment was an enlightened view, and I am the more encouraged to make that statement plainly by the fact that it was the view which was ultimately accepted by my noble friend who asked me this question. The view taken by Lord Lytton, who was in the immediate centre of the gravest of these events, did not immediately recommend itself either to the Viceroy or to the Government of the day. I am bound to make it plain that in my judgment Lord Lytton, who was on the spot, gave wise advice at the time when he gave it. Certain of the ring-leaders in the early part of 1924 were arrested under Regulation III of the Act of 1818. This did not in fact check the movement, and it became necessary to devise special measures which ultimately, in the circumstances quite accurately spoken of by the noble Lord, resulted in the issue of the Ordinance. Mr. Das, of whom the noble Lord has spoken, admitted, rather more than a month before the issue of the Ordinance, that there was undoubtedly an anarchist movement in Bengal, and stated that it was much more serious than the authorities realised and that it was growing increasingly difficult to suppress it.

Before passing to an account of the action taken under the Ordinance, for which the noble Lord has asked, I ought, I think, to emphasise one point and that is that one of the main necessities for employing special measures to combat conspiracies of this kind instead of resorting to the ordinary provisions of the law, is the terrorism of witness and juries, resulting in a failure of justice because the juries are terrorised from returning verdicts in accordance with the evidence, and resulting, also, as the noble Lord, I believe, would agree, in the murder of witnesses and persons who confess or turn King's evidence. This formidable fact is the real, and in my judgment in a civilised country is the only, justification for withdrawing from persons accused of crime the protection of the ordinary course of law. If it be indeed established that such is the state of feeling in the country in which this exceptional method of trying crimes is adopted, that no witness can give evidence without his or her life being endangered, that no jury can give an honest verdict without at once becoming a target for the dagger of the assassin or the bomb of the incendiary—if that, indeed, be established, you have gone a great way to justify your exceptional legislation.

#### THE ALIPORE CASE

Let me give two comparatively recent illustrations of the reality of this risk. In the Alipore conspiracy case, in which members of the revolutionary group were put on trial but were eventually acquitted, the relatives of the approver were subjected in Calcutta to various forms of harassment and boycott. During the course of the trial, his brother died. Owing to social ostracism, the family were unable to get people to carry the dead body to the burning ghat. Further, his sister, who was engaged to be married, was thrown over by the bridegroom as soon as the relatives heard that her brother was an approver in the case. The approver himself was cross-examined for weeks on end by five different counsel for the defence in circumstances which practically drove him to the verge of insanity. He was unable to sleep in the jail, and was suffering towards the close of the trial from nightmare and hallucinations. It is no exaggeration to say that from the moment that man, doing his duty as an honest and fearless citizen, gave evidence which the elucidation of the truth required, he and everyone belonging to him were treated like pariah dogs, and none of them could have gone about with any feeling of tranquillity or security in the more vital matters of life.

On August 22 last a bomb was thrown into a shop in Mirzapur Street, Calcutta, which belonged to an individual who was suspected by the conspirators

of being a police informant, and who had been indicated by one of the conspirators as the person from whom he had received a revolver for the possession of which he had been prosecuted and convicted shortly before. The suspected informant was in the shop at the time but escaped. His companion was killed. Two persons were arrested and charged with the offence, one of whom was Santi Chakravarti. These two persons were tried in September, and the jury found both not guilty. The judge agreed as regards Santi, and acquitted him, but ordered the re-trial of the other accused. On October 3, the body of Santi was found on the railway a short distance outside Calcutta, shockingly mutilated with the head entirely severed.

Let me answer the specific questions addressed to me by the noble Lord as to the action under the Ordinance and under the earlier Regulation, and as to the reasons for the discrimination, such as it was, at the time of the promulgation of the Ordinance. Not realising at that moment—and the noble Lord, I think, will agree that there was some discussion, controversy and doubt about the point in this country—that the Ordinance was so soon to receive the sanction of his Majesty's Government, those responsible in Bengal confined 27 Bengali terrorists under Regulation III of 1818. Before the promulgation of the Ordinance warrants of arrest under this Regulation had already been issued by the Governor-General in Council against 19 of the ringleaders, and were being held in readiness as it was thought it might be necessary to use them at any moment. When the Ordinance was promulgated on October 25, 1924, these nineteen were arrested, but, as a matter of convenience, they were arrested in the first instance under the warrants already in existence under Regulation III instead of under the Ordinance. But on January 19, 1925, it was decided to transfer all these nineteen to detention under the terms of the Ordinance, the provisions of which are more restricted than those of the Regulation, I believe that was completely technically accurate, but new warrants were even issued whether it was technically accurate or not: the noble Lord may rest satisfied that the persons detained—I will not say that they are in a favourable position—but they are being treated under the Ordinance and not under the old Ordinance for which he is not responsible.

That, I think, deals with the matter which probably causes anxiety to the noble Lord. He did, indeed, use one phrase or argument which I was not able completely to follow. If I understood him aright, he said his anxieties were increased by the circumstances that he noticed that the names of three very well-known politicians occurred among the list of these nineteen who were arrested under Regulation III of 1818. On this point I did not completely follow the argument of the noble Lord. Did he mean that politicians could not commit any crime?

Lord OLIVER: Not at all. I thought I made it clear that it was unfortunate if these men could not be arrested under the Ordinance, because political capital was made in India out of the fact that they were politicians and had not been arrested under the Ordinance, but under the Regulation.

The EARL of BIRKENHEAD: The noble Lord will, therefore, be content with his answer—namely, that the warrants for their arrest were already in existence, not on the ground they were politicians but that they had committed these grave offences in relation to which every requirement of his own Order had been satisfied in dealing with these very people. Among these nineteen—I had better add a word about this—three, as the noble Lord says, were persons of considerable prominence. They were Mr. Subhas Chandra Bose, Chief Executive Officer of the Calcutta Corporation and a close associate of Mr. C. R. Das; Mr. Satyendra Chandra Mitra, a Member of the Legislative Council, and Mr. Anil Baran Roy, Secretary of the Bengal Provincial Congress Committee and a member of the Legislative Council.

I have received, in the course of my duty, and have examined, the proceedings of the Government of India on which warrants of arrest under Regulation III were issued against the nineteen, including the three persons named, and also the reports of the two Judges on each of their cases, and I have personally satisfied myself that none of these men were arrested for the purpose of restraining political activities, however extreme, but because of their connection with conspiracies to commit crimes of violence or to collect arms and

explosives for such purposes. The Ordinance, as the noble Lord has pointed out, requires that two Sessions Judges should review the facts. I was not quite sure whether the noble Lord was complaining of this provision. He said that most of us would rather be tried by a High Court Judge than by an executive officer, but a Sessions Judge cannot be quite described as an executive officer. If it was indeed in the mind of the noble Lord to make any complaint that these matters should be referred only to Sessions Judges, I would remind him that this is his own provision. It was not I that provided that these matters should be referred to Sessions Judges. As a matter of fact perhaps the noble Lord has forgotten why, but he was quite right in doing so. If he had said that these matters should be dealt with by two High Court Judges, you would have been exposing yourselves to the risk of a very inconvenient conflict of jurisdiction when demands were made by *habeas corpus* to move the High Court; you would have had the fact that would have been a conflict of jurisdiction between Courts of equal authority. The noble Lord was entirely right in adopting the course he did, and I think he should speak with benevolent kindness of those to whom he gave this function.

The Ordinance requires that two Sessions Judges should review the facts and circumstances under which any order has been issued against a person under the Ordinance and report to the Local Government whether in their opinion there is lawful and sufficient cause for the order. The Ordinance then provides that the Local Government, on receipt of the report, shall consider and pass such orders thereon as appear just and proper. I have made it my business, as was my duty, to ascertain the view taken by these Judges. I have discovered that the Judges have reported, in the case of all persons against whom the Ordinance has been used, that the Government of Bengal were, in the opinion of the Judges, justified in applying the Ordinance. I have also ascertained, as was equally my duty, that the Bengal Government, after an independent examination, has satisfied itself that the Judges were right in the view they took. Therefore, we find the provision of the noble Lord functioning in every way as he must have desired and conceived if everything went satisfactorily. I can assure him, so far as I am concerned, that the dice have nowhere been loaded against these men, and nowhere has there been any critical suspicion or any tendency towards inhumanity. The only desire has been to see that the conditions which the noble Lord rightly accepted as necessary conditions to action should be completely satisfied.

The Ordinance, which was promulgated on October 25 and had force only for six months, has now been replaced by two Acts. A Bill to continue its provisions for five years was placed before the Bengal Legislative Council in January, but leave for its introduction was refused. It was certified by the Governor as being essential for the discharge of his duty for the administration of Justice, and the Act was assented to by the King in Council on March 17; after it had laid on the Table of both Houses of Parliament for eight days, during which I am sure it attracted the attention of the noble Lord. There were two clauses in the Ordinance which could not be enacted in the Bengal Council. One gave persons tried under it the right to appeal to the High Court, and another deprived the High Court of the power of issuing a writ of '*habeas corpus*' in the case of persons detained under the Ordinance without trial. A Bill containing these provisions was introduced in the Indian Legislative Assembly. It was rejected by the Assembly but passed as recommended by the Governor-General in the Council of State. The Governor-General, I may inform your Lordships, is about to bring this certified Bill into force as an Act at once.

- I have only one or two brief observations to add. As regards the general effect of the measures taken, it is significant that the promulgation of the Ordinance coincided with a marked improvement in the situation in Bengal, and it is clear that for the moment at all events the terrorists' plans and associations have been disorganised. I give the credit for that to the noble Lord, the Government of India and the Government of Bengal, but I must make it plain that attempts are still being made to recruit and collect arms and to carry on propaganda in favour of violence. These activities require, and they will receive, unremitting vigilance. The powers conferred by the Ordinance must

at present be continued. The existence of these powers, apart from their exercise, operates as a powerful preventive. One notable feature is that the *morale* of the police has been strengthened and the forces of law and order feel that they can take effective initiative. There has, as the noble Lord knows well because he had to face it when he was in office, been considerable agitation in the Press and among politicians against the Ordinance, but there are no indications of any deep and widespread resentment amongst the general public, either in Bengal or elsewhere.

#### APPEAL TO MR. DAS

It has been reported in the Press that Mr. Das has issued a statement which every true friend of India believing it to be sincere must warmly welcome. I have not had a full report of that speech, but founding myself on the fullest report which the Press has made available, I understand that he has expressly and formally disassociated himself and his Party entirely from all forms of violence and that he has given utterance to a plea to the youth of Bengal to abandon the adoption of all such methods. Mr. Das asks us, according to the fullest report I have obtained, to "lay aside undue suspicion." There is nothing which I am more anxious to do in dealing with the responsible trust which I have to some extent in my hands at this moment, there is nothing that I would more gladly do, than to lay aside any suspicion. I shall watch for the results of this appeal to those who accept his guidance and act under his advice, with hopeful interest. If I see that the revolutionary societies begin to atrophy for want of monetary and moral support and that the channels of communication between the political and the anarchical world are effectively closed, then indeed a new era in Bengal will have begun and the need for what Mr. Das calls "repression" will have disappeared.

But let there be no ambiguity about this. When Mr. Das speaks of "repression" he apparently means the repression of political opinion, and he wants to put this interpretation into our mouths also. But His Majesty's late Government, who sanctioned this legislation, and the present Government, and the Government of India, and the Government of Bengal, have constantly and justly repudiated any such intention and any such practice. The repression which the Bengal Act contemplated is the repression of crime and no one who is not a criminal is entitled to express a grievance against that legislation. I invite Mr. Das—and I have not used in the course of this debate a harsh word about him—to take a further step. He has publicly dissociated himself from "political assassination and violence in any shape or form." I make allowance for the difficulties of position, but I suggest that a conscientious citizen cannot quite stop even there. I ask him to go forward and co-operate with the Government in repressing the violence which he deprecates. If he will do that he will find that the way is open and easy for that which we all of us desire—co-operation between the British Government and Indian political parties with a view to the progressive realisation of responsible government in British India as an integral part of the Empire upon the understanding of a real and honest partnership. That road still remains open to be trodden by the population of India, but never will the goal be reached upon roads of violence attended by desperate crimes.

#### LORD OLIVIER'S SATISFACTION

Lord OLIVIER : My Lords, I am very glad to have been the occasion of eliciting from the noble Earl both the reply to my question and also the concluding part of the observations that he has addressed to you. With regard to the substance of his reply to my question, I should like to say this: He referred to my having criticised the restriction of the jurisdiction of these cases to Sessions Judges, for which I myself was, as he says, responsible. I simply pointed out that Sessions Judges do not always enjoy in India, or even here, so much confidence as members of the High Court, and that consequently it was the more necessary that we should have, and that India should have, an assurance from so high an authority as the noble and learned Earl that he personally, following the personal examination of that high judicial authority, Lord Reading, had examined these cases and was satisfied that all of them—and I take his

assurance as a personal assurance—strictly came within the intentions of the Ordinance as being cases where a criminal intention had been proved. That is what I wanted to elicit. I am only rather sorry that I cannot, I suppose, with any success, press him for facts. I would have liked some definite statement as regards the precise character of the offences that had been gone into and had, in the opinion of the Government, been proved against those arrested. I do not know whether he can give any indication—

The EARL of BIRKENHEAD: The noble Lord will realise that this is too important a question to answer on the spur of the moment. If he will write to me I will consider it.

Lord OLIVIER: I am much obliged to the noble Earl, and beg leave to withdraw my Motion.

The motion was, by leave, withdrawn.



## THE INDIAN SERVICES BILL

HOUSE OF LORDS—APRIL 1, 1925

On April 1st, in the House of Lords, Lord BIRKENHEAD, moved the second reading of the Government of India (Civil Service) Bill, which, he said, would have great consequences to India. Its Parliamentary fortunes were too long delayed by successive accidents, attended with extreme anxiety by many meritorious public servants, to whom its passage meant much. The provisions of the Bill, he said, were limited in scope but were essential in the form in which they were submitted to Parliament if Government were to carry out their decision to accept and enforce the main recommendations of the Lee Commission.

### THE LEE RECOMMENDATIONS.

The recommendations were aimed on the one hand, at removing certain anxieties—financial and others—from the Services, and on the other hand, at satisfying Indian opinion that the principles underlying the Reform scheme would be observed in Service administration. He emphasised that the recommendations were a deliberate compromise between the Indian viewpoint and Service opinion and, in approving them generally, the Imperial Government steadily kept in mind the need for maintaining the balance between the two viewpoints. Lord Birkenhead said no useful purpose would be gained by ignoring the fact that there were two viewpoints between which those responsible for the Government of India, either in India or in England, must steer through a prudent middle course.

Lord Birkenhead dealt in detail with the recommendations which would be benefiting the Services and which had been accepted. As regards the increases in pay and pensions and the grant of passages to officers of non-Asiatic domicile, he estimated the cost for this relief would be £750,000 per year—not an inconsiderable allowance.

Lord Birkenhead then dealt with the recommendations designed more particularly to bring the organisation of the Services into accord with the existing Constitution, namely, the provincialisation of certain services, the control of the Central Services by the Government of India instead of by the Secretary of State with certain reservations, and the accelerated Indianisation of the Civil Service and the Police. He said that these measures, which in the aggregate filled the opposite side of the scale in a sort of equipoise, which determined the conclusions of the Commission and, especially Indianisation, were criticised on the ground that it would swamp the Indian Civil Services and impair their efficiency. Lord Birkenhead said it was only fair to the present Parliament, their immediate predecessors and the Montford Government, to remember that if blame was to be implied in the inception of Indianisation, he certainly, holding his position, could never concede it was not of modern origin, and was not the product or the child of any one of those Governments.

### INDIANISATION QUESTION.

Lord Birkenhead pointed out that the terms of Section 96 of the Government of India Act only reproduced the provisions in India's *Magna Charta* with regard to no native of British India being disabled from holding office under the Crown in India. That had been acclaimed as indefeasible in law and unanswerable in justice for over a century, and this section which was still the governing principle of our relation with India was supplemented in the Preamble of the Act of 1919 by the express announcement that it declared that the policy of Parliament was to provide increasing association of Indians in every branch of Indian administration. Therefore, confronted by principles and traditions, which he was bound to observe, he unhesitatingly concluded that it was his duty to support the very delicate compromise reached by the Lee Commission entirely with one exception which need not disturb the generality of his statement.

Lord Birkenhead pointed out that in 1924 the Indian Civil Service had 17 per cent Indians, the Police 11 per cent. The increase of Indians in 15 to 25 years to 50 per cent was not a very violent change and should not prove too rapid a progress in giving effect to the policy of Parliament declared in the preamble to the Government of India Act. But let the House have no delusion. The possibility of maintaining that balance and relying on that balance to provide a competent and reliable Civil Administration for India must always depend upon Britain's contributing the very best young men British schools and Universities could provide.

It was equally true, though no comparative statements regarding it were desirable or possible, that the standard of recruitment in India of the Civil Service Officers must ensure that men of the best brains and the best character and calibre were supplied to represent Indian population. His very grave anxiety at present was not connected with the movements and tendencies in India, grave and menacing as some of them had been. In attempting to view the matter in its cool perspective he was not very gravely alarmed by them. His greatest anxiety for the moment was that since 1924, the best Civil Service in the world had shown signs of lack of popularity.

The number of candidates for the Indian Civil Service had distinctly and gravely declined since the war, and undoubtedly one explanation was that war had killed many of those who would have naturally competed, disabled many others, and atrophied the spirit of adventure in many others. He had no doubt that the overcrowding of other professions, the comparative security still offered by the Civil Service and the very high spirit of adventure of the British youth would redress the balance and restore the numbers of candidates. But at present the number was insufficient, and falling improvement our problem might be not to discuss whether there should be 50 per cent suitable Indians, but to ensure that there were 50 per cent suitable candidates from Britain.

He had taken such steps as he could, ably assisted by many Englishmen with special and distinguished knowledge of India, who had been good enough to visit Universities on his invitation. He had visited some Universities and contemplated further visits, and was not without encouragement from meeting students and tutors that twelve months hence, if he was still in the same position, he would be able to give the House better reassurances upon a point so vital to the future of India.

Lord Birkenhead then proceeded to deal with two measures accepted in principle by Government. Firstly, dealing with the reorganisation of the Medical Services with a view to separating the Civil from the Military Services, he said that the detailed proposals of the Government of India on the subject were expected shortly. Secondly, he referred to the constitution of a Public Services Commission, regarding which he had been closely discussing with the Viceroy for weeks, and said that a conclusion had not yet been reached. The difficulties were enormous. Firstly, they had to determine whether such a body should be subordinate to the Government of India or independent of them in its decisions, and secondly, they must decide whether it should be allowed to invade some of the functions of the Secretary of State.

Lord Birkenhead hoped he was most unlikely to allow any question of dignity of his office to collide with public interest, but he was bound most

carefully to safeguard the Civil Servant's right of appeal to the Secretary of State.

Lord Birkenhead concluded his speech by paying a warm tribute to the devoted labours of the Lee Commission and said that he and other members of the Government felt some doubt with regard to some elements in the Report but as they agreed with the Report generally, they decided to accept it as a whole believing that when its perspective was examined it would be found that the Commission had discharged its task adequately, competently and sympathetically.

#### BILL REFERRED TO COMMITTEE

Lord OLIVIER welcomed Lord Birkenhead's action in inducing Lord Meston and others to go to the Universities to recruit for the Indian Civil Service.

Lord CHELMSFORD said he had been residing in Oxford and learned the difficulties of the undergraduates with regard to the Indian Civil Service, namely, a feeling that there was a certain insecurity of tenure. He was of opinion that, as far as they could see every candidate for the Civil Service at present, could be assured that he could safely enter the service and be sure of a life service in India.

The House then passed the second reading of the Indian Civil Service Bill which was next referred to the Joint Committee on Indian Affairs.

### The Provisions of the Bill.

The following is the text of the Bill amending the provisions of the Government of India Act by exempting proposals of expenditure upon certain salaries, pensions and other payments from submission to the Indian Legislatures and enabling the rules made under the said Act relating to the Civil Services of the Crown in India to be dispensed with or relaxed in certain cases.

The Bill provides for the amendment of sections 67-A and 72-D of the Act as from 31st March 1924.

#### SALARIES AND PENSIONS

The following paragraphs will be substituted for paragraphs (3) and (4) of sub-section (3) of section 67-A :—

Paragraph 3. Salaries and pensions payable to or to the dependents of (a) persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ; (b) the Chief Commissioners and Judicial Commissioners ; and (c) Persons appointed before 1st April 1924 by the Governor-General-in-Council or by the Local Government to the Services or posts classified by Rules under this Act as Superior Service or posts.

Paragraph 4. The sums payable to any person who is or has in the Civil Service of the Crown in India under any order of the Secretary of State in Council, the Governor-General-in-Council or the Governor made upon appeal to him in pursuance of the Rules made under the Act.

The following paragraphs will be substituted for paragraphs 4 and 5 of sub-section 3 of Section 72-D :—

Paragraph 4. Salaries and pensions payable to or to dependents of (a) persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ; (b) Judges of the High Court of a province ; (c) the Advocate-General ; (d) Persons appointed before 1st April 1924 etc., as above.

Paragraph 5. Sums payable to any person who, etc., as above—

The following provision will be added at the end of sub-section 3 of each of the Sections 67-A and 72-D :

For the purpose of this sub-section, the expression "salaries and pensions" includes remuneration, allowances, gratuities, any contributions whether by way of interest or otherwise from the revenues of India to any provident fund or family pension fund and any other payments or emoluments payable to or on account of a person in respect of his office.

THE SECRETARY OF STATE'S CONTROL

The following sub-section will be inserted at the end of Section 96-B of the Act.

No rules or other provisions made or confirmed under this section shall be constructed to limit or abridge the power of the Secretary of State in Council to deal with the case of any persons in the Civil Service of the Crown in India in such manner as may appear to him just and equitable and any rules made by the Secretary State in Council under sub-section (2) of the Section delegating the power of making rules may provide for dispensing with or relaxing requirements of such rules to such an extent and such a manner as may be prescribed provided that where any such rule or provision is applicable in the case of any person the case shall not be dealt with in any manner less favourable to him than that provided by the Rule or provision.

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## Interpellations in Parliament

HOUSE OF COMMONS—16TH FEBRUARY 1925.

### POLITICAL CONDITIONS IN INDIA.

Mr. Wardlaw MILNE asked for a day to discuss the political conditions in India and the policy of His Majesty's Government in connection with the agitation for immediate alterations in the Reform Scheme.

Mr. BALDWIN replied that it was impossible to grant a day before Easter without disturbance to public business and that Government was of opinion that there was nothing in the existing situation in India warranting such disturbance.

### STEEL BOUNTIES.

Colonel WEDGWOOD asserted that the fresh assistance which the Government of India had recommended to the Assembly to be given to the Tata Steel Company was more than the Tariff Board had recommended; and he asked whether the Tata Company had accepted any State control in return for the large and exceptional State assistance; whether any recommendations on the subject came within the terms of reference of the Tariff Board; and what was the estimated annual payment of the Tata Company, both under the bounty and under the earlier protective duty?

Mr. ORMSBY GORE, for Earl Winterton, replied that the rates of duty recommended by the Tariff Board were mostly higher than the bounty voted, but for the reasons explained in the Government of India's resolution of November 27, 1924, the bounty was likely to be more useful to steel manufacturers during the year in which it had been voted than the extra duties would have been.

The answers to the second and third parts of the question were in the negative. It seemed likely that the full amount of Rs. 50 lakhs, fixed as the maximum payable as bounties, would be paid. The Protective duties previously granted did not involve any payment to steel manufacturers.

Colonel WEDGWOOD said that Mr. Ormsby Gore had not given the total additional profit that the Tata Company had made under the original protective duties, which were extra and in addition to the bounties.

Mr. ORMSBY GORE replied that it was quite impossible to say what the additional profits were.

Sir Frederick WISE asked whether the alteration was due to the rise of the rupee, and Mr. Ormsby Gore was understood to say that he did not think so.

### EXPULSION AND ARREST OF M. N. ROY

The Indian agitator, M. N. Roy was the subject of a verbal duel in the Commons between Mr. George Lansbury (Lab, Bow and Bromley), and the Hon. Mr. W. G. Ormsby-Gore (Under-Secretary for the Colonies.)

Mr. LANSBURY asked if the Indian Government proposed to arrest Roy, if and when he returned to India, what was the nature of the charges against him, and whether Roy ever actively organized a violent upheaval in India.

Mr. ORMSBY GORE replied that Roy was one of the accused in the Cawnpore conspiracy case. The charges were explained in the High Court's judgment in the appeal recently presented to Parliament. The same judgment contained particulars of Roy's advocacy of violence and directions for its organisation.

Mr. LANSBURY asked whether the Minister was able to state whether Roy ever participated in violent enterprises against the Government and whether any body else had. Mr. Ormsby Gore again referred to the High Court judgment. Thereupon Mr. Lansbury asked whether Mr. Ormsby-Gore had read the judgment and whether Roy ever said anything approaching the kind of violent language used by Sir Edward Carson, Mr. Balfour and Mr. Bonar Law in connexion with the Ulster business. Mr. Gore said that the question did not arise, Mr. Lansbury retorted that it did.

Mr. SAKLATVALA asked whether any representation had been made to the French Government in order to secure the expulsion of Mr. M. N. Roy from France. Mr. Chamberlain replied in the negative.

#### The Bengal Ordinance and Cawnpore Trial.

Replying to Mr. Lansbury Mr. ORMSBY GORE said that 303 persons in India, including 251 Moplahs, had been imprisoned, or were under surveillance under Regulation III and similar measures. He believed that 60 were arrested under the Bengal Ordinance and added that many persons imprisoned for what Mr. Lansbury called political offences had been guilty of actual violence.

Mr. LANSBURY asked whether the Government intended to publish a verbatim report of the evidence given for and against the prisoners in connexion with the Cawnpore Conspiracy trials, Mr. Ormsby Gore replied in the negative, and added that Lord Brikenhead thought that the High Court's judgment in the appeal already presented contained an adequate statement of the facts of the case.

Mr. SAKLATVALA, asked for information regarding the existence of conspiracies in Bengal. Mr. Ormsby Gore referred to a recent White Paper, and added that further information on the subject was shortly to be presented.

Mr. Saklatvala further asked if there was any satisfactory evidence to prove the existence of the conspiracies, besides the bare statement that they did exist. Mr. Ormsby Gore replied that the Government of India would give ample evidence to that effect.

#### HOUSE OF COMMONS—23RD FEBRUARY 1925

##### AKALI PRISONERS.

Mr. John SCURR declared that frequent complaints had been made with regard to the infliction on prisoners in Nabha Jails of the punishment of *Gidar and Kut*, supply of food and its poor quality, and that prisoners were kept for long periods without water. He suggested an impartial inquiry into the administration of Indian jails.

Earl WINTERTON replied that he was not sure whether Mr. Scurr was referring to the ordinary jails of the State or the temporary camps for Akali prisoners, and pointed out that the Inspector-General of Prisons in the Punjab had reported that the conditions of the latter were generally satisfactory, including a liberal scale of food and an abundance of water. Earl Winterton was not aware that the grounds of complaint suggested in the question existed in the case of ordinary jails. It was announced shortly after the British authorities took over the administration of the State that the jail administration was being thoroughly overhauled. As regards jails in British India the Indian Jails Committee of 1919-20 presented a very full report, and the answer to the last part of the question was in the negative.

Replying to Mr. Scurr with regard to the alleged punishment of "Kan Parade" inflicted on C. Ram, an ex-prisoner in Mooltan jail, Earl Winterton said that he had heard nothing about this case and that he would be glad to have an inquiry made if Mr. Scurr could give him details of the allegations. The form of punishment described was, of course, unknown to the penal code.

Replying to Mr. Scurr's question with regard to Vesawa Singh subjected in Mooltan jail to the punishment of *Gidar and Kut*, Earl Winterton said that he had seen only a newspaper report of the libel suit which apparently was still sub-judice. He understood that the prisoner did not allege that he himself was punished in this quite illegal way. The Government of India was being asked to report on the case.

#### Deaths in Prison

Mr. G. LANSBURY asked how many prisoners charged with offences in connexion with political or Trade Union conspiracy or agitation died in prisons in India during each of the years 1919 to 1924, and how many of those who died were imprisoned without trial.

Earl WINTERTON replied that statistics hitherto received from India did not relate to any year beyond 1922, and did not state the particular offences with which ordinary prisoners were charged. The reports did not discriminate between the deaths of prisoners already convicted and the deaths of prisoners still under trial. The actual rates of mortality in the years from 1919 to 1922 were respectively 26'63, 19'76, 20'36 and 22'13 per 1,000. During the three years ending with 1921 no deaths occurred among persons imprisoned or under surveillance under Regulation III of 1818 and kindred regulations, but in 1922 there were 14 and in 1923 four deaths of Moplahs detained in connexion with the rebellion of February 1921.

#### Infant Mortality in Bombay.

Mr. JOHNSTON drew attention to the fact that medical evidence showed that 98 per cent. of the children born in the industrial area of Bombay were drugged with opium so that they might sleep and not cry for food while their mothers were working in factories. He declared that infant mortality in Bombay was 666 per 1,000 compared with 80 per 1,000 in London.

Asked as to what steps he proposed to take in the matter, Earl WINTERTON replied that Lord Brikenhead had been informed that the Government of Bombay was considering the question of the administration of opium to children. According to official statistics infant mortality in Bombay was 178'11 per 1,000 and 666.

Mr. JOHNSTON declared that the figures in his question were supplied by Sir Leslie Wilson. Earl Winterton replied that the figures included in his answer were from an official report of the Government of Bombay. Mr. Johnston gave notice that in view of the unsatisfactory nature of Earl Winterton's answer he would raise the question of adjournment at the earliest opportunity.

#### Indianisation of the Army

Mr. Wardlaw MILNE asked about the attitude of the Government towards the proposal recently made in the evidence before the Reforms Enquiry Committee to Indianise the Army in India.

Earl WINTERTON said that Government of India was still considering the report of the Muddiman Committee and he was unable to make any statement at that moment.

Replying to Sir Frank Nelson Earl Winterton stated that legislation was necessary to give effect to the findings of the Lee Commission and it would take the form of an amending bill to the existing Government of India Act.

#### Trade Facilities Act.

On the 24th FEBRUARY the House agreed to a financial resolution increasing the amount of loans under the Trade Facilities Act for which Government guarantees might be given from 65 to 70 millions sterling.

Mr. Hilton Young suggested the appointment of a Sub-Committee endowed with the initiative to work in conjunction with the Colonial Office to deal with the Dominions development schemes regarding which some disappointment prevailed.

Mr. GUINNESS pointed out that the Colonial Office had a representative on the Dominions Committee. He thought that the disappointing results were due to the fact that the facilities were not fully appreciated in the Dominions from where it was hoped that applications would come.

Mr. PILCHER suggested that the India Office should take the initiative and offer its services to act in connection with schemes under project in India. He declared that such an action would incidentally remove the misapprehension among Indians that the British went to India for their own advantage, invested in clearly advantageous schemes and remained aloof when a matter primarily concerned Indians and where there was some risk. Mr. Pilcher specially drew attention to the need for railways as shown by the Ackworth Committee's Report and also the construction of a new cantilever bridge in Calcutta, the only obstacle to which was lack of mobile finance.

#### Infant Mortality in Bombay

On the 26th FEBRUARY Mr. JOHNSTON asked whether Earl Winterton was now able to give official figures of infant mortality in Bombay in 1921.

Earl WINTERTON replied that the figures he quoted on the 23rd February were misleading, in as much as they referred to the whole of the presidency and not specifically to the City of Bombay. According to the reports of the Health Officer of the Municipality, infant mortality in the city was 667 per thousand births in 1921 and 403, 411 and 419 respectively in the years 1922, 1923 and 1924.

Examining in 1922 the vital statistics from the beginning of the century,



the Health Officer had remarked that the fluctuations of infant mortality were indirectly or directly due to plague during the first decade and to influenza between 1918 and 1921. Mr. JOHNSTON asked what steps Earl Winterton proposed to take regarding the drugging of children. (Mentioned in the cable of 23rd February). Earl Winterton repeated the reply given on that occasion.

HOUSE OF COMMONS—3RD MARCH 1925

India and the Communist Scare.

On *MARCH 3rd*, on the motion proposed by Captain Geoffrey Peto (Con. Frome) condemning revolutionary propaganda in Britain and the Empire by the Communists and others; Sir FRANK NELSON, in a maiden speech, dealt particularly with India through which, he declared, the miasma of poisonous propaganda was spreading rapidly.

He said that the British had been able to protect the Indian masses from the injustice of their own superiors, but were unable to protect the Indian peasant from campaigns of misrepresentation and lies in the past years, propagated partly by the Communists and partly by certain type of Indian politicians. He continued that heavier responsibility than that of determining the time and method of each successive advance towards self-Government rested on Parliament, namely, the trust of seeing that progress was not retarded by a handful of revolutionaries, who in no way represented the people and whose sole aim was to foment revolution, riot and bloodshed for their own ulterior ends.

Sir Frank pleaded that the powers of the Viceroy and Governors to suppress revolution should in no way be curtailed, and concluded by appealing to the House, particularly the Labour Party, not to condone violence in speeches, in view of the manners in which every word telegraphed out was seized upon by every kind and type of Indian.

Mr. John SCURR moved an amendment, expressing the opinion that the ordinary process of law is sufficient to deal with acts of violence and contending that redress of grievances is the best method of rendering violence and propaganda useless. He urged the House not to be scared because a few men here and there made wild and foolish utterances. "Let us," he said, "make it impossible to say, truthfully, that seventy per cent. of the agricultural population in India is illiterate after a century of British government. Educate the people, then there need be no fear of propaganda."

Mr. THURTLÉ, seconding Mr. Scurr's amendment, said that the whole idea of Mr. Peto's motion was to stifle truth. He declared that India had been subjected recently to a very harsh measure of oppression; people were arrested and fined without proper trial. He contended that if the right spirit were behind the Government in India, the ordinary resources of criminal law there would be quite sufficient to deal with the situation. Referring to Earl Winterton's statement the day before that certain books were not allowed to enter India, Mr. Thurtle described it as an insult to the educated Indians, who had an older culture than we, to say: "These books are fit for us, not for you."

Mr. J. S. Wardlaw Milne concluding the speech in support of the

motion declared: "We do not intend to get out of India but intend to govern."

Mr. John Wheatley (Minister of Health in the late Labour Government) deprecated the members being shocked by shooting of a policeman, but not being shocked by shooting of innocent people at Amritsar.

#### Earl Winterton's Reply.

Earl WINTERTON (Under-Secretary for India) after affirming that it was the duty of every Government to protect the country against a violent revolution, declared that some of the Labour party were suspicious of the resolution as a menace to free speech. But there was no risk of that. He cited an article from the Labour publications as showing the British tolerance of free speech, and then, amid much interruption from the Labour members, joined issue with Mr. Wheatley.

He remarked that time did not allow of development of his argument, but representing the Secretary of State, he strongly deprecated the ex-Cabinet Minister using the argument that they had no right to condemn murder of a police inspector, if they held certain views on another case where the executive authority was compelled to take certain action.

He expressed the opinion that the communist party of Britain, although a pernicious body, numbered not more than three or four thousand. It did not make secret of its pernicious aims, but it would be easy to take its long winded manifestoes too seriously. There was good ground for hoping that the movement was going backwards instead of forwards. Referring to India, Earl Winterton said he understood that the terms of motion did not relate to an ordinary political controversy but only to that caused by propaganda from the Communists of outside sources, with which he proposed to deal.

Earl Winterton pointed out that the conditions in Bengal to-day were better than in 1907-8, and expressed the opinion that that was because the Government of India and the Government of Bengal had promulgated the Ordinance and taken other exceptional police measures. There was no greater justification for the Ordinance than to-day's comparative peace in Bengal.

There was very slight connection between the Akali trouble in the Punjab and the subversive propaganda. The only activity in India which could properly be traced to external propaganda, was described in the judgment of the High Court of Allahabad.

Earl Winterton thought that tunnellings and burrowings of under-ground workers, whether from Russia or elsewhere, were far more likely to fall in and bury them than harm the main structure of the society. Mr. Scurr's amendment was unnecessary. No body denied the right of free speech except the Labour supporters at election time.

#### Debate Adjourned.

Mr. SAKLATVALA (Communist, Battersea) rose to speak just before eleven, when the debate would be automatically adjourned "sine die," and Captain Peto moved closure, which was carried by 233 votes to 109. But owing to a technical mistake in connection with the action of tellers, to which the Labour members drew attention the Speaker declared the vote void and the debate was consequently adjourned "sine die."

## HOUSE OF COMMONS—9TH MARCH 1925

## Opium Traffic.

Replying to Mr. G. Buchanan (Lab.) EARL WINTERTON said that the view of the Government of India, based on the findings of the Royal Commission on Opium of 1895, was that centuries of experience had taught the people of India discretion in the use of prepared opium which was for the most part without injurious consequences. The distribution of opium was strictly controlled in accordance with the provision of the Hague Convention. Lord Birkenhead did not propose to interfere with the discretion of the Government of India and the Provincial Governments in the exercise of this control.

Replying to Capt. Wedgwood Benn (Lib.) Earl Winterton said that 1,887,000 lbs. of opium were produced in British India in 1923, when 4,954 chests (each of 140 lbs.) were sold under direct sales agreements to the Governments of the Dutch Indies, Siam, Ceylon, the Straits, Hongkong and British North Borneo. Three thousand chests were auctioned at Calcutta and exported to Macao, French Indo-China, Japan, Sarawak and Bushire; 130 lbs. of morphine hydrochlorate were manufactured at Ghazipur during the year ending October 13, 1923, when 92 lbs. valued at Rs. 10,905 were sold in India.

## Indians in the Colonies.

Mr. LANSBURY asked which British Dominions and Colonies prohibited or restricted the entry of Indians and whether India restricted the entry and domicile of Britishers.

Mr. AMERY gave particulars, whereupon Mr. Wedgwood asked whether Kenya was the only Crown Colony that restricted the immigration of British Indians. Mr. Amery replied that Kenya did not impose any restrictions.

Mr. LANSBURY asked if Indians were refused the right of domicile in South Africa, Canada and Australia. He proceeded to contend that India should have equal rights with the Dominions to exclude Whites, when the Speaker intervened, saying that it was impossible to have a debate.

## Cawnpore Trial.

Mr. George LANSBURY (Lab. Bow) asked why the city magistrate, Peshawar, violated the British principle of religious neutrality by issuing an order under Section 144N of the Criminal Procedure Code prohibiting local members of the Arya Samaj from holding a public meeting in the city from February 1 to 21, by which time the centenary of the birth of their founder, Rishi Dayananda, which the Arya Samajists wished to celebrate was over.

Earl WINTERTON replied that the order was passed because the members celebrating the centenary were displaying at public meetings objectionable lantern slides, which were causing tension between the Samajists and orthodox Hindus.

Mr. LANSBURY drew attention to the sedition trial at Cawnpore in April and May, 1924, and pointed out that the Judge differed from the Indian assessors and sentenced each of the four Indians accused to four years' rigorous imprisonment.

Earl Winterton, in reply, pointed out that the Judge, in giving judgment, was not bound to conform to the opinion of the assessors.

Mr. Lansbury asked: Was Earl Winterton aware that in the case of a trial for murder, the Lord Chief Justice sentenced an Englishman to twelve months' imprisonment; these men had been sentenced, for writing letters, to terms of rigorous imprisonment.

Earl Winterton replied that he did not see any connexion whatever in this question. He respectfully asked to be excused from commenting favourably or adversely on a judicial decision of the High Court.

Mr. Lansbury drew attention to the case of Sarbat Ali Belat Ali of Chittagong who was arrested in Rangoon by the Criminal Investigation Department officers for possessing two automatic pistols and 47 rounds of ammunition, and was acquitted after two months' custody, the magistrate pronouncing the prosecution evidence to be unworthy of belief. Mr. Lansbury asked what measures were taken against the Criminal Investigation Department and informers.

Earl Winterton replied that inquiries were being made.

#### Acting Governor of Bengal

Col. WEDGWOOD asked why Sir Abdur Rahim, Senior Executive Councillor was not appointed the Acting Governor of Bengal in view of the general practice in such matter. Earl Winterton replied that no general practice could be said to exist in respect of administration of the Act which had been in operation only for few months. Col. Wedgwood presumably had in mind the provisions relating to the filling of temporary vacancies but these did not apply to the selection of substitutes for Governors proceeding on leave.

Col. Wedgwood asked whether there was anything in the Act passed last year authorising change of practice which had been usual for the last sixty years and whether there was a single president for the place of a Governor being taken by anybody not on the spot except the Senior Executive Councillor. Earl Winterton replied that the last Pears' Act could not have possibly altered practice that did not exist, and have statutory authority to the situation which did not prevail before. No president could be found in what was done in filling ordinary vacancies temporarily.

Col. Wedgwood asked whether Earl Winterton suggested that filling of vacancies in the past never occurred and that there had never been any practice other than one indicated in the question. Earl Winterton replied that the practice of filling ordinary vacancies could not be considered analogous to the Act of the last year because it was the first time in British India that it permitted the Secretary of State and the Governor-General to give Governors leave.

Col. Wedgwood asked:—Are you importing into that Act new principle which will be permanent?

Earl Winterton:—“No.”

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# LORD BIRKENHEAD'S STATEMENT ON THE British Government's Indian Policy

HOUSE OF LORDS—7TH JULY 1925.

On July 7th, Lord BIRKENHEAD made an important statement in the Lords with regard to his conferences with the Viceroy regarding the Indian problem. He stated that no decision would be taken before the Government of India and the Legislative Assembly were consulted. The Government would not be diverted from its high obligations in India by tactics of restless impatience. The door of acceleration of the Reforms would not open to menace, still less could it be stormed by violence, but the date of a Royal Commission to review the Reforms might be accelerated when responsible Indian leaders had evidenced a genuine desire to co-operate in making the best of the existing constitution. Any Constitution produced by Government's critics in India and backed by a fair measure of general agreement among the peoples of India would be most carefully examined.

## The Bengal Dead-lock

Referring to the suspension of the Transferred Subjects in Bengal Lord Birkenhead observed that whether the Constitution was good or bad it had in any case plainly contemplated the very contingency which had happened and whether it was a weak or strong point of the Constitution that had assumed limelight in Bengal, the framers of the Constitution were entitled to point out that the Constitution still showed a reserve of strength with which it was endowed when it was drafted.

Lord OLIVIER emphasised the crucial defects of the existing Constitution in India as the training ground for responsible Government. The question was whether the defects of Councils for their actual purpose of serving as a training ground for Parliamentary responsibility could be remedied fully without further consideration of the Constitution. It was expedient in the interests of all concerned that not only should the recommendations of the Majority or Minority of the Muddiman Committee by way of altering the Rules be adopted, but that in order to ease the dissatisfaction among all parties in India with the present Constitution, the Government should immediately undertake a further examination of how the known difficulties with regard to the Constitution should be solved. He hoped Lord Birkenhead would be able to tell the House not only that he proposed to undertake with the Government of India the consideration and enforcement of the recommendations of the Majority Committee, but also give Indian reformers some hope that a beginning would be made following the lines recommended by the Minority Committee, with some further revision and enquiry with regard to the future Constitution.

### Lord Birkenhead on Govt's. Indian policy

Lord BIRKENHEAD said :—My Lords, my first duty is beyond question to express gratitude for the great patience, which both here and in another place, has enabled me to hold the important office that I have filled for eight months without making any important Parliamentary statement. For this unusual indulgence, I am indebted both to my noble friend, Lord Olivier, who has repeatedly postponed the question down in his name, and to the general body of your lordships, and not less to those in the House of Commons, who have exhibited a similar degree of patience. If I may venture to express an opinion upon the point, I think both Houses of Parliament, in this matter, have exhibited wise restraint. The responsibility for the Government of India is so vast, the problems are so novel and so complex, that no mind, however quickly acquisitive of new facts, or however industrious in its application to their mastery, can hope to make any useful contribution without months of unremitting industry. I have, I hope, not altogether misspent the time, which the indulgence of the House has made available to me. I propose to make the best attempt I can to discharge the task, which will naturally be expected from me to-day, that is, to review the general situation in India.

#### THE GENERAL SITUATION IN INDIA

Such consideration involves financial, commercial and political considerations. I shall attempt to deal with each. I must, however, make it plain at the outset that upon one, and not the least, important of the subjects to which I must address myself, there has been considerable measure of misunderstanding, both in this country and in India. There has been much speculation as to the decisions reached by agreement between the Governor-General and myself. *No decisions whatever have been reached, nor could any have been reached. Indeed, even the Cabinet, which has naturally been kept closely aware of the discussions between myself and Lord Reading, has not reached any decision.*

The Government is far too conscious of the implications of the Montagu-Chelmsford Constitution to find it possible even to think of conclusions, until certain indispensable, antecedent steps have been taken. My noble friend, Lord Lytton, who is at present head of the Government of India, has naturally been kept very carefully informed of the discussions between myself and Lord Reading. Week by week, as those discussions have proceeded, he has been made aware, both in general and in particular terms, of their scope and tendency. Such a knowledge could not properly be withheld from him, though, as I have made it plain, neither he, nor his Government is affected by any responsibility thereby.

*But before any decisions of any kind are taken, it is obvious that the consideration and advice of the Government of India must be formally invoked, and it is at least equally obvious that the opinion of the Legislative Assembly must be elicited.* We should, for reasons which are apparent, not dream of announcing, or even of forming decisions without the contribution of that very important legislative body, which we have so recently called into existence. I am not, therefore, to-day either announcing or purporting to announce decisions or conclusions. I cannot any longer resist the legitimate desire of Parliament to be informed of the result of the discussions which have taken place between the Governor-General and myself. The truest description, which I can give of the spirit in which I address Parliament, is that, having held this responsible office for eight months, I am attempting a survey of the impressions which its tenure up to the present moment has stamped upon my mind.

I address myself, in the first place, to the FINANCIAL POSITION of India. I am happy to say that, on a general survey, this position must be pronounced satisfactory.

[After making a survey of the financial situation, the Secretary of State proceeded :—]

I ought, perhaps, in any estimate of the present and the future material condition of India, to say a special word upon the subject of agriculture. No greater contrast in occupation than that between the people of Great Britain and

those of India could well be found. Whereas the former live in vast aggregation in large towns, the latter live scattered in countless communities over the countryside. In England and Wales 80 per cent of the population is returned as urban, in India 80 per cent. is recorded as rural.

#### AGRICULTURAL OUTLOOK

Unfamiliar as these topics are to me, I nevertheless venture with dogmatic certainty upon the statement that an immense increase is attainable in yield, and, therefore, in the prosperity of agricultural India. Much has already been done by agricultural department by loans, by irrigation, by scientific instruction. Nor am I unaware of the difficulties which beset the part of the reformer. He is confronted by the stubborn conservatism of the peasant proprietor, by the infinite splitting up and subdivision of ownership, even by the obstinate disinclination to be taught new ideas, or to adopt fresh methods. But making all allowances for all these difficulties, I would desire to make my opinion plain that a future of incalculable prosperity awaits India, if and when she learns full to realise and to value her agricultural kingdom. This particular subject is, as your Lordships know, a transferred subject. This circumstance does not render correlated and rational attempt to deal with it more easy, but it has been closely discussed between the Governor-General and myself, and I am not without hope that, during my tenure of office, it may be in our power to give to its further development a powerful impetus.

#### POLITICAL CONDITIONS IN INDIA.

I pass now to a general consideration of the political conditions in India, and here I naturally approach the most important of the discussions which have taken place between Lord Reading and myself. In 1919, a remarkable and an extremely bold experiment was made. It was made in the atmosphere of post-war idealism. My predecessor, Mr. Montagu, who was chiefly responsible for this experiment, must on the whole accept any censure, where it has failed, as he is entitled to all credit, where it has succeeded. He died prematurely. As one who at the time was never a particularly enthusiastic—though, of course, I was a responsible—supporter of his policy, I may be allowed, now that he is dead, to pay a tribute of respect and admiration alike to his idealism and to his courage. He was a true friend of India, and his name will not, I believe, be forgotten in that country.

*The Act of 1919 was admittedly an experiment. No country in the world has ever been confronted with problems comparable to ours in India. Of the 440 millions of British citizens, who constitute the British Empire, 320 millions are Indian. The loss of India would mean a shrinkage in the Empire from 13,250,000 to less than 11,500,000 square miles. Our problem is, in fact, and always has been, one of prodigious difficulty. It is to accommodate the minds of the East to those of the West.*

When the British nation first decisively intervened in India, there was no question of a successful and independent national destiny for this incalculable country. It was in disintegration: it could not have continued to cohere. It was in 1746 that a state of war commenced between Great Britain and France in India, from which, in the result, we were to emerge as the supreme Power in Asia, and it was not until 1765 that that supremacy was decisively asserted,

*I am, I believe, making no excessive claim when I lay it down that, whatever mistake have been made in the generations that have followed, the fiduciary obligations, which we undertook in relation to the complex peoples of India, embracing as they do a population of 320 millions, practising nine great religions and speaking 130 different speeches, have not been unfaithfully discharged.*

Certainly, it will not be disputed that we have never lagged behind the temporary world standards, by which responsibilities of this kind have been measured by those Powers, which have found themselves—never, indeed—in analogous, but sometimes in remotely comparable circumstances, and so it happened, consistently with our habit of keeping abreast with the current of modern thought, that we decided, with the full and deliberate acquiescence of both Houses of Parliament to make that great experiment which is known as the Montagu-Chelmsford Constitution.

It is extremely important that we and others should realise with all precision what was done by the Government of India Act of 1919. Its permanent and static effect is unquestionably contained in the Preamble. The Act itself was admittedly fluid and experimental. I shall not feel that I am wasting the time of your Lordships if I ask leave to remind you of the terms of the Preamble. Its language ought to be borne in mind by every instructed critic of our Indian policy, and of the actual Indian situation with which I have to deal.

#### THE PREAMBLE

- "Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the Empire;
- 'And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken;
- 'And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples :
- 'And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility :
- 'And whereas concurrently with the gradual development of self-governing institutions in the provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India which is compatible with the due discharge by the latter of its own responsibilities :
- 'Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows.:-"

These words expressed the deliberate and deeply considered decision of Parliament, conformably with the principles laid down in the Preamble. One constitution or another might, at one time or another, be attempted. Experience educating us, or informing our critics in India, might induce us to make an amendment here, or an advance, or a variation there; but the whole message, as we understand it, of our situation in India, with all that it involves in the storied past, in the critical present and in the incalculable future, is to be read in that Preamble.

*We shall not be diverted from its high obligations by tactics of restless impatience. The door to acceleration is not open to menace. Still less will it be stormed by violence.*

But there never has been a moment since the Constitution was adopted in which the Government of India, acting in harmony with the Government at Home, has not been vigilantly and attentively considering the spirit in which the present Reforms have been received in India. It has, indeed, been an imperative and urgent duty so to consider them.

Wise men are not slaves of dates. Rather are dates the servants of sagacious men. Developments have been easily conceivable to me—are still not wholly inconceivable to me—in which acceleration of the date of the Royal Commission might have been recommended even by very cautious statesmen.

*I should, however, be failing in my duty if I did not make plain my clear and definite impression that the tactics hitherto pursued by the most highly organised party in India could not have been more happily conceived if they had been subtly intended to forward the cause of reaction.*

A Constitution was given, which, whatever its defects, beyond question, afforded great opportunities to the politically-minded—if I may adopt a phrase



I do not specially admire—among Indian peoples. The opportunities not ungenerously conceded might have been made the occasion of sincere co-operation uniting the ancient and sophisticated traditions of the East with the more practical experience of the West. I suspect that a really gifted national leader would have used the Constitution with all its possibilities of extension in this sense. No such leader was forthcoming. We have been confronted everywhere, by those who are our principal opponents, with a blank wall of negation. They did not say: "You have not given us enough, but we will prove by our use of that which you have given that we are fit for more," and yet such an attitude would have been both sensible, practical and politic. What is ten years in the age-long history of the immemorial East? Our critics took a different line. They said: "We will have nothing whatever to do with your Constitution." Borrowing a quotation which they, perhaps, have been unwilling to employ they almost said: "East is East, and West is West, and never the twain shall meet". They ignored the view, and I think they were profoundly mistaken in doing so, that strange and apparently incongruous as is the partnership between the two countries, each has much to contribute to the thought and inspiration of the other. The art, civilisation, sophistication, literature and philosophy of India, though spread over an incredibly wide field and derived from many confluent streams, contain an individual quality to which in its subtlest elements Western thought has not attained, and it is equally true that the practical qualities of the Anglo-Saxon race, harnessed to a very experienced and commonsense outlook upon world politics, brings to the partnership qualities which will not be often found to the East of Suez. Commonsense and reason would, therefore, appear to suggest that men of enlightened view in India and in Great Britain should have proceeded upon lines of thought which ought almost, assuming all round allowances, to have been identical.

To talk of India as an entity is as absurd as to talk of Europe as an entity, yet the Nationalist spirit which has created most of our difficulties in the last few years is based upon the aspirations and claims of a Nationalist India. *There never has been such a nation. Whether there ever will be such a nation the future alone can show.*

One of the greatest anxieties which confronts us in India to-day is the communal differences which divide 70 millions of Moslems from the vast Hindu population. In these dissensions we have kept our hands unsullied by partisanship. *If we withdrew from India to-morrow, the immediate consequences would be a struggle, a Vourance between the Moslems and the Hindu population.*

I put on one side, for the purposes of this anticipation, the perils obviously afforded by the existence of three million turbulent and martial tribesmen living precariously between the frontiers of India and the borders of Afghanistan. The actual circumstances being, it seems to me, indisputably such as I have indicated, I have always been puzzled to understand the train of reasoning which passes through the minds of the clever men who have, unfortunately, made themselves our antagonists in India. There are many such men. I have tried with the greatest sympathy to understand their point of view. I have asked them whether they contemplate the withdrawal at an early date of British troops from India.

I have never found one who advocated such a course. Is there, in fact, a responsible leader of any school of Indian thought who will to-morrow say: "Commit to us at once the full responsibility, and we will acquiesce in the withdrawal of British troops from India?" I do not believe that such a man could be found, and if he could, my opinion of his judgment would undergo a swift diminution. I do not speak upon this point without having had many opportunities of founding a conclusion derived from very divergent sources of information.

Your lordships may, I think, take it from me, as an almost generally accepted conclusion, that an immediate repudiation of our responsibilities in India would be at least as fatal to the interests of India itself as in any year since 1765.

I have thought it desirable, by way of preface, to make these general observations before I make plain my view as to the degree in which the Montagu-Chelmsford Act has been a success or a failure. I am bound in such a matter to make my view precisely plain. In common with my colleagues in the Cabinet, I must accept full responsibility for that great constitutional change.

*But I may, perhaps be permitted to say, what is known to many of my colleagues, that I entertained greater doubts upon this Reform than most of those with whom I co-operated.*

For this reason I am, of all people, specially bound to attempt an honest and impartial review of the working of the Act. I myself was always very distrustful of the diarchical principle. It seemed to me to savour of the kind of pedantic and hide-bound Constitution to which the Anglo-Saxon communities have not generally responded and which, in my anticipation, was unlikely to make a successful appeal, to the community whose political ideas were, thanks in the main to Macaulay, so largely derived from Anglo-Saxon models.

#### REFORMS AT WORK

I am obliged, therefore, to address myself candidly to the question "Has the Montagu-Chelmsford Reform scheme succeeded, or has it failed" ?

*I cannot say that it has failed. It has been exposed to every cruel mishap, which could befall a new constitution freely conceived and generously offered. Most of the popular leaders in Indian life have abused and defamed it. It has never been given a chance.*

Mr. Montagu undoubtedly looked, and surely he was entitled to do so, to those who cherished the most sanguine expectations of Indian political capacity to co-operate in his great task. These expectations were realised. Critics of Indian capacity for self-Government would, indeed, have been helpless had wiser counsels prevailed in India. Suppose, for instance, that judicious and sagacious co-operation had been exhibited by the leaders of Indian thought, can anyone imagine that the reactionary critics of those Reforms in this country could have retarded the chariot of progress ? Had that which was given been used with cheerful goodwill to justify the gift of that which was still sought, the task of acceleration would have been easy. Indeed, unfortunately, the leaders of Indian thought contributed a different bias, and the most highly organised political party in India wasted its energies upon a futile attempt to destroy that which we had conceived, at least in its first fruits, to be a generous offer. But not all the resources of a very adroit and sophisticated party have availed to destroy this experimental Constitution, and indeed I, who was prepared to curse, am, upon the balance of the whole matter, inclined to bless. This general observation, very necessary to be borne in mind, lead me to inform your Lordships more closely of the results of the working of the new Constitution.

We are aided in the task of attempting a general survey of its workings up to the present in different parts of India by reports which have recently been presented by the Governments concerned. In the main, I accept, and am prepared to justify them.

In Madras the transitional Constitution has worked with a great measure of success. Ministers have used their influence to steady public opinion and feeling have displayed a general moderation and no small measure of statesmanship. The Governor-in-Council has stated that if an earnest endeavour to work on constitutional lines is a qualification for political advance, the Madras Presidency has shown itself fitter for an advance than any other province. In the present Council of Bombay the Swarajist Party is the strongest in numbers but does not command a majority, and it is pledged to a policy of refusal of political responsibility. The Ministers were, therefore, selected from the smaller groups, a circumstance which must obviously be a source of weakness. Lacking sufficient support from their followers, they are driven to lean upon the official vote, and so distinction between the two halves of Government has been obscured. The Bombay Government has recently pointed out that the main object at present must be to strengthen the position of the Ministers, and to encourage the organisation of parties.

#### POSITION IN BENGAL

In the first Council elected in Bengal, progress was made and some solid achievements were recorded. The Government claims with justice that the Ministers were able to influence a sufficient number of members to make it possible with the aid of the officials to carry through a considerable amount of

useful legislation. The second Council contained a large and influential body belonging to the Non-co-operation Party which is pledged to prove that the present Constitution is unworkable. This body was joined by the Independents and the combined party commands more than 60 votes in a House of a total strength of 140. The possibility is not to be excluded that at the next general election there may be the return of an absolute Swarajist majority taking office with the avowed intention of wrecking the Government from within. The Government points out that a constitution requires to be specially considered from the point of view of giving the executive power to deal with obstruction. Since this report was framed by the Local Government, the Bengal Legislative Council has indicated in no uncertain manner that it prefers to dispense with Ministers, and the diarchic Constitution, and accordingly the Government of India and I had no option but to suspend the transfer of subjects in that province.

The Government of the United Provinces say that it is constantly alleged by their enemies and critics that the Reforms have failed. If this means that the Constitution has definitely broken down, they absolutely deny the statement. Since the collapse in its original form of the non-co-operation movement, it is claimed that the internal conditions of the province have steadily improved and except for the tension between Moslems and Hindus, there is nothing to cause the Government serious anxiety. Forty-seven millions of people are living peaceably under an ordered and progressive administration and are probably more prosperous than their predecessors have ever been. The reformed Constitution has failed to satisfy both the Swarajists and Liberals and this constitutes the principal cause for anxiety. The Governor-in-Council says that diarchy is obviously a cumbrous, complex and confused system, having no logical basis rooted in compromise, and are defensible only as a transitional expedient.

In the Punjab, the working out of the scheme has driven the two main communities, Hindu and Mahomedan, into open dissension and has developed an acute antagonism between the urban and rural interests. There is not, as yet, in the view of the Government, evidence of the existence of a thinking and selective electorate in the districts capable of exercising its vote on considerations of policy. Here, too, the diarchical scheme has produced considerable anomalies and it cannot be claimed that the Punjab afforded a suitable field for the introduction of divided responsibility. So far Ministers willing to co-operate with the executive have been found who have been supported by a party which has not attempted to force them into an extreme position.

In Burma the Reforms were introduced two years later than in other provinces in India. Less than 7 per cent. of the electorate voted at the only general election held which was boycotted by the Extremists. During the 18 months, in which the Reforms have been in operation, hardly any difficulties have been experienced and hardly any defects discovered in the working of the Constitution.

The Government of Bihar and Orissa said that one may search in vain for signs that the three years of the Reforms have educated the electorate to the meaning of an election and the business of a legislature. In many districts reports of the presiding officers declared that large proportions of voters did not know the name of the candidate for whom they voted, but had only been told the colour of his box. The Government includes amongst the causes which have contributed to the non-success of the Reforms failure to create a Ministerial party prepared to support the Ministers in carrying out a definite programme. The Council still remains divided into two parties, official and non-official. Where the issue is not an anti-Government one, the Ministers have their following in the Council, but they cannot bring this to bear on political conditions, and cannot, therefore, assist the Government in times of difficulty. The Local Government adds that there is very little that can be done to ensure the smooth working of diarchy or to eliminate administrative imperfections.

The Central Provinces Government say that the value of the experiment in responsible government during the first Council was weakened, first by the lack

of connection between members and their constituents, secondly, by the absence of any party organisation which would have made the responsibility of the Ministers to the Council effective, and thirdly, by lack of funds. The fair measure of success in the working of diarchy which was achieved was due partly to the moderation of the Council and partly to the efforts made to work the scheme by members of the Government and the permanent services. Here also the province is for the time being without hope that their appointment may shortly be found feasible.

In Assam the Governor-in-Council sums up the difficulty of working the constitution as due firstly to the existence of a section of public men considerable enough in numbers and ability to influence the Council, which is actively hostile to the present Constitution, and declines to work it, and, secondly, to financial difficulties which have precluded the Local Government from undertaking any activities, other than those of carrying on the essential administrative functions on pre-existing lines. Ministers have, thus, no convincing answer to the cry of their opponents that the Reforms have bestowed no benefits on the electors.

*Enough has been said to satisfy my present purpose, which is to show that no short or dogmatic answer can be given to the question "has the constitution succeeded?" It has neither altogether succeeded, nor has it altogether failed, and it must further be noted, by way of additional qualification, that where it has succeeded, the price of success has been, at some stages, and in some districts, a considerable in-road upon the diarchical principles.*

I have not thought it proper to discourage such tendencies, holding the view that the whole matter was experimental, and afforded an opportunity to each province to work out its constitutional salvation in its own way. What then is it possible for me to say, at this stage, of the future?

*The wisdom of Parliament declared that, after a period of ten years, the Montagu-Chelmsford Constitution should be revised by a Royal Commission. It will undoubtedly require such a revision, and it cannot be too plainly stated that everything will necessarily be thrown into the melting pot. Diarchy itself is very obviously not a sacred principle. It must be decided by results.*

The conception was always doctrinaire and artificial. A great measure of success may justify it, where a smaller would not.

And now I apply myself more closely to a subject which had caused much speculation and has provoked at least an equal degree of agitation.

To those who framed the Reforms, ten years appeared to be a reasonable period for review, and in determining what was a reasonable period for the purposes of revision, it seems unnatural to suppose that Parliament presciently anticipated the very unreasonable campaign of non-co-operation which has done its best to wreck the constitution. Altogether, even assuming co-operation, it was thought that a period of ten years would be required to afford data for a reliable conclusion, and generalisation, but I do not hesitate to make clear my own view, that it was not the intention of the Legislature to attempt to shackle succeeding Governments, if a spirit of cheerful and loyal co-operation was generally exhibited on the one hand, or if, upon the other, grave and glaring defects disclosed themselves. It would indeed have been an assumption of omniscience, alien to the Anglo-Saxon tradition, for Parliament to assume so high a degree of prescience, as to declare that in no circumstances should the date of the Commission be accelerated.

*In fact, the door was never closed. It is, on the contrary, open to-day; but the condition is clear and precise: There will be, there can be, no reconsideration, until we see everywhere, among the responsible leaders of Indian thought, evidence of a sincere and genuine desire to co-operate with us, in making the best of the existing constitution.*

The Swarajist party has, in my opinion, most unhappily, so far thrown its powerful weight into the other scale. Along this road, there is no progress. That party has recently lost a capable and energetic leader, who commanded great support, and made many sacrifices for the cause in which he profoundly believed. But I should fail in my duty, if I did not make it absolutely plain,

that the advice which he gave to his countrymen was throughout unhappily conceived. It may be, I dare attempt no prediction, that his untimely death will even now afford an opportunity of reconsideration.

It has been the habit of spokesmen of Swarajist thought to declare in anticipation that no Constitution framed in the West can either be suitable or acceptable to the peoples of India. It has always seemed to me that a very simple answer may be made to such a contention. *We do not claim, in Great Britain, that we alone in the world are able to frame constitutions, though we are not altogether discontented with the humble constructive efforts which we have made in this field of human ingenuity, but if our critics in India are of the opinion that their greater knowledge of Indian conditions qualifies them to succeed, where they tell us that we have failed, let them produce a Constitution which carries behind it a fair measure of general agreement among the great peoples of India.*

Such a contribution to our problems would nowhere be resented. It would, on the contrary, be most carefully examined by the Government of India, by myself, and I am sure, by the Commission, whenever that body may be assembled. I gladly recognise that the Liberal Party, neither inconsiderable in numbers, nor lacking in the leadership of enlightened men, has refused to associate itself with the ill-starred course of Non-co-operation. It is still possible that this party, perhaps to be gradually reinforced by fresh moderate elements, may play a great part in the constitution—fashioning of the future.

#### THE MUDDIMAN REPORT

I pass now, by natural transition, to the Muddiman Report. The obligations of Government must be admitted to the experienced men who contributed so much labour and produced so competent a report. We do not anticipate, for reasons which I have already made plain, that we shall be able to accept the report of the minority at this stage. The problem of Provincial autonomy had not, indeed, been adequately thought out, by those who are to-day pressing it so strongly upon our attention. Provincial autonomy contemplates the complete transfer of law and order and it would render necessary far-reaching changes in the Central Government of India, which I have never yet seen closely analysed, and very rarely, even cursorily, examined. It is rather on the lines recommended by the majority, that any immediate action must be taken. As I have already said, we must await the formal views of the Government of India on this matter, but it will certainly be the desire of His Majesty's Government to go as far as possible in carrying out the proposals which the Government of India may make, after discussion in the Legislative Assembly. Many of the recommendations of the Committee can be carried out by regulation, and do not require an Act of Parliament. There need be no delay in making these changes. In those cases where legislation is required the matters can be appropriately dealt with as and when opportunity offers.

#### THE INDIAN ARMY

I ought next, I think, to make a few observations upon the subject which has greatly exercised Indian speculation, namely the so-called Indianisation of the army. An essential factor in India's advance towards responsible Government, is, to Indian minds, the possession of a national army. We can all see why, and we can all appreciate Indian aspirations, but here again we are in the region of experiment, and of a very delicate experiment. The method which has been adopted is that of the complete, but gradual Indianisation, as an experiment, of eight units. It is criticised as being both slow and limited in scope. The process must, indeed, necessarily be slow. The length of time which it ordinarily takes the British Officer to reach the command of his regiment is 25 years, and there is no reason to expect that an Indian Officer will take a shorter time.

*The experiment is necessarily limited in scope, if only through the paucity of material, for, apart from the fact that we cannot afford to risk lowering the efficiency of our small Indian Army, on which the security of India depends at present, we have difficulty in finding enough Indian cadets, up to the Sandhurst standard, to provide subalterns even for these eight units.*

We are doing our best to remedy this. The Prince of Wales' Military College at Dehra Dun is beginning to produce boys of a more promising type, and the Government of India have recently appointed a Committee, under the presidency of the Chief of the General Staff, to examine the whole question of training for the army. They may recommend the creation of an Indian Sandhurst, and if they do, we shall consider their recommendation with every desire to do what may appear necessary to make this experiment of Indianisation a success within its limits, but until it has been shown to be a success within those limits, it is not our purpose to go beyond them. How could we? An army exists for the purpose of fighting, and if we could not get eight units that would fight efficiently, what would be the use of trying sixteen? No sane Government will allow its army to become the toy of political parties. I know that some Indian politicians dislike this particular experiment on the ground of what they call the segregation of Indian officers in these eight units, as though some idea of inferiority were necessarily involved in it. The complaint comes ill from those who criticise the slowness of the experiment, for what is the advantage of concentrating Indian officers in these units? Just this, that the test being whether a completely Indianised unit is as good as any other, the sooner we create completely Indianised units, the sooner we shall know whether the experiment has succeeded or not, and is not that exactly what the politicians themselves want? One would almost think that those who complain of segregation are not so sure as they sometimes seem that the experiment will succeed, and shrink from a conclusive test.

He either fears his fate too much

Or his deserts are small

Who dares not put it to the touch

To win or lose it all.

But I do not wish to appear unsympathetic. I am not so. We are doing our best. No one did more for India in this matter than the great Commander-in-Chief whose loss we have recently been lamenting, and I adopt his words: 'We are experimenting with the Indianisation of eight units of the army. The experiment must be carried through. It may succeed or it may not. That remains to be seen. But whatever happens, the experiment must be tried out and not plucked out by the roots to see how its growth is progressing. India must have the best and nothing but the best for the foundations of her future army.'

#### The Services

And now I pass to the position of the Services. I do not want to say very much about this. It will be one of the subjects for the Royal Commission when the time comes. But there is one aspect upon which I must touch. One of the objections to the present constitution which is most constantly put forward is that Ministers are prejudiced in their task by the fact that not all the Services which are the instruments of their policy are under their control, and that the Bill now before Parliament tends towards accentuating this difficulty. I should be the first to welcome signs that the provisions in the Reforms Act which reserved to the Secretary of State a considerable measure of direct responsibility for the Indian Services even in the transferred sphere were unnecessary, for they would

be the best indication that Indian political opinion has realised the vital necessity to the well-being of any form of Government of giving public servants generous support and encouragement in the performance of their duties. Unfortunately, such signs are still all too rare, and until public servants, both English and Indian, can feel in India as they can elsewhere that unfair and captious criticism of their actions will be neither voiced nor tolerated by responsible public opinion, the reservations in support of the Services contained in the Reforms scheme will unfortunately remain justified and necessary.

#### Revolutionary Outbreak

I proceed now in a survey of this vast subject, which must necessarily be incomplete, to deal with one or two unrelated topics of which something should be said.

*I have already discussed in this House a revolutionary outbreak in Bengal which, in my judgment, rendered the adoption of exceptional repressive measures essential. These measures have not failed in their effect. The local situation is being constantly and vigilantly watched and when the general interest and safety of the community justify relaxation, such relaxation will immediately take place, but that moment has not yet come.*

I ought to make a passing mention of that unhappy efflorescence of communal difference which has occasioned increasing anxiety in many parts of India. These disturbances, troublesome and grave as in some districts they have been, served as a reminder that Indian problems are not simple as is sometimes superficially imagined. The presence in India of 70 million Mohamedans, martial in their traditions and virile in their qualities, contributes an immense complication to difficulties already incalculably great. This situation is being most closely watched, both by the Government of India and in my office.

I add next a word on the subject of the great Ruling Princes of India—Their generosity, their loyalty and their courage have been proved on many a stricken field and need no eulogy from me. Their rights in the majority of cases are stated and consecrated by solemn treaties. Whatever changes and developments the future may bring with it, we shall never fall short in our obligations to those who have shared our perils and never despaired of our Imperial destiny.

I must add a brief observation upon a matter of great consequence which has caused and continue to cause me grave anxiety. I refer to conditions in which many Indian Citizens of the Empire live in various parts of His Majesty's Dominions other than India. The subject is notoriously delicate and one must avoid indiscreet or unskilful language in relation to it. But I may, I imagine, without offending any interest which I am bound to consider, ask other parts of the Empire to remember how profoundly this problem affects the relations between the Empire and India. I know their difficulties: no one knows them better, I do not ask more than that in every measure which they take, they should exhaust every effort to avoid such discrimination as must deeply wound the ancient and dignified peoples of India.

#### Tribute to Viceroy

And now, my Lords, my task is nearly ended. I have had the advantage during the last few months of constant discussions with my noble friend, the Governor-General. Let me take this opportunity once for all of expressing

the obligations which I myself and, indeed, the whole country owe to His Excellency. His prudence, circumspection, judgment, patience and courtesy have all been exhibited upon a stage which demanded these very qualities at this very time. He has supported without dismay the burden of many anxieties and has maintained a high and serene composure in the face of many and various antagonism. I sincerely hope that he will return to complete his task strengthened and recreated in health.

I cannot affect to believe that the contents of this speech to which your Lordships have listened with so much patience, will bring satisfaction to those elements in India which are determined to remain dissatisfied, but I would nevertheless remind them that, while we have obligations in respect of the voters who number only some eight and a half millions, we have also obligations in respect of the two hundred and fifty millions in British India of whom we are the responsible guardian, and in a less degree in respect of the seventy millions in the Indian States.

While, as we survey the strange history which has associated the two peoples so different in origin, in civilisation, and in religion, we are conscious of many errors of judgment and even of some occasional wrong, we are nevertheless bold enough to claim that in the fair perspective we have not been an unworthy trustee of the charge which we undertook so many generations ago. We have brought to this gigantic task unstinted devotion. Many a nameless hero has spent his strength and flung away his life in grappling with the hideous spectres of famine and disease. Many an illustrious Viceroy, as the stately pages of Lord Curzon's book remind us, has mortgaged too deeply in this same task his vital resources. The terms of the Preamble are even now not incapable of realisation, but we must first expel and exercise the demon of suspicion. We ask the Indian people to day, with the deepest sincerity, for good-will and for co-operation, but my Lords, while it is an object close to our minds to create this atmosphere I should be guilty of disingenuousness if I painted the prospects in colours too vivid or too sanguine. I am not able, in any foreseeable future, to discern at a moment when we may safely, either to ourselves or India, abandon our trust.

*There is, my Lords, no "Lost Dominion". There will be no "Lost Dominion" until that moment, if ever it comes, when the whole British Empire, with all that it means for civilisation, is splintered in doom.*

It is our purpose—resolutely, tirelessly, whole-heartedly—to labour for the well-being of India as our ancestors have laboured throughout generations for that good-will, nor shall we be niggardly bargainers if we meet with generous friendship which is near and dear to our hearts. We no longer talk of "holding the gorgeous East in fee". We invite in a contrary sense the diverse peoples of this continent to march side by side with us in a fruitful and harmonious partnership which may recreate the greatest and proudest days of Indian history.

Lord OLIVIER spoke again and paid a tribute to the spirit of high statesmanship and good-will shown by Lord Birkenhead. He especially welcomed Lord Birkenhead's determination to take up with the Governor-General definitely the task of really reorganising agricultural methods in India. Unquestionably one of the most continual incitements to complaints against the Government of India was the extreme poverty of India and the little that allegedly the Government of India had done to improve the defective methods



of Indian agriculture. He was sure this would be a message of encouragement and sympathy to India for which the community would be grateful to him.

Lord Olivier concluded by asking Lord Birkenhead to take into consideration the feeling of the masses in India with regard to the Muddiman Committee's report. He would like to see the question of the future of India directly tackled with a real desire to see if there were any ways and means of developing India on the lines of provincial autonomy.

The debate then ended.

# The India Office Estimates.

HOUSE OF COMMONS—9TH JULY 1925.

In the House of Commons during the debate on India Office Estimates the Labour Party protested against Lord Birkenhead's important statement not being made simultaneously in both the Houses.

Col. WEDGWOOD on behalf of the Labour Party declared that the main object of his party was to secure for India democratic self-Government not because they believed that India was sadly governed in the past but because no human advance could ever be made except through freedom and self-respect. Their aim was not good (Ministerial Laughter). They believed no man had yet been born good enough to govern another. He agreed with Lord Birkenhead that Non-co-operation had been the curse of India but it was not all on one side. Co-operation should be increased on both sides. Col. Wedgwood paid a tribute to Das's moral courage in standing up against Non-co-operation. He expressed the opinion that the majority and minority reports of the Muddiman Committee indicated that diarchy was unworkable at any rate. The majority report was not very enthusiastic with regard to diarchy. He described as very important that passage in Lord Birkenhead's speech in which he invited Indian leaders to produce a constitution and said that it was the policy which the Labour Party would have carried out.

Col. Wedgwood continuing said it was desirable if there was to be any settlement with the Indian leaders that they put their views on paper. He hoped that Dr. Beasant's Bill would form the basis of discussion in India. He described Lord Birkenhead's offer as surprisingly liberal and wondered if the India Office quite approved of the speech or if Lord Birkenhead was stronger than his permanent officials. He said, unless the Indian people said exactly what they wanted it was impossible to help them so far as the constitution was concerned. Extension of general franchise and abolition of communal representation was essential if democracy was to have a chance in India. Col. Wedgwood pleaded for more liberal legislation for Trade Unionism in India and said India was the only country in the world where fifty thousand women were working underground in mines for fifty-four hours a week and they ought to stop it (Labour Cheers).

Sir Charles Oman asked whether Col. Wedgwood was proposing to legislate for a self-government Dominion.

Col. Wedgwood replied that were India a self-government Dominion they would not be having that debate.

Continuing, he declared that if Japan would ratify the Washington Convention it would be infinitely easier to improve labour conditions throughout the East but they wanted Britain to be the driving force in this respect and not a check. They desired to raise the standard of labour in India irrespective of its effect on the production of Great Britain. They regarded the Indian as their brother and they were responsible for his keeping (Labour Cheers.)

Sir Alfred MOND said the report of the Muddiman Committee showed such defects of Diarchy that it was time to see whether a more harmonious system of Provincial Government could not be carried out. He welcomed Lord Birkenhead's invitation to Indians to draw up a constitution. He declared that Lord Birkenhead's speech showed that no party in the State would ever go back on the Government of India Act and that all parties were agreed that steps forward should be made. He hoped the speech would induce the moderate in India to work in a more friendly manner with the Government of India.

Mr. PILCHER urged that the Ackworth Committee's programme for new Railway construction in India should be carried out in order to relieve unemployment in the Iron and Steel trades of Britain. He referred to Japanese competition with the Bombay Cotton Mills and suggested that Lancashire and Bombay should arrive at an understanding with a view to assuring Lancashire of certain sections of trade and Bombay Mills of another large section.

Mr. JOHNSTON (Labourite) urged full enquiry into Labour conditions in India. He admitted that India was about the only country in the world that literally fulfilled the obligations under the Washington Convention.

Sir Frank Nelson dwelt on the Japanese cotton competition in India and said that the Indian cotton industry was at present in the deepest and most dangerous water and Japanese competition was such that nothing was more likely than the wholesale stoppage of cotton mills. He suggested that three and half percent excise duty should be removed and also suggested that the Exchange commission, which he understood would shortly go to India, should first visit America.

Mr. H. FISHER contended that the Government of India Act had not yet had a fair trial. The case of Madras and other provinces proved that diarchical system was not impossible and if it had broken down it was owing to the opposition of Indian statesmen who wished to discredit it.

Mr. SNELL urged the appointment of a Commission of Enquiry into the Constitution in 1926 or 1927 so that we would have information in 1929 that would enable us to come to a useful and far-seeing decision.

Sir Richard LUCE suggested that the time had come to combine Royal Army Medical Corps and Indian Medical Service. He uttered a warning against leaving the questions of Medical Service and Medical Administration to young Provincial Governments under inexperienced Indian Ministers.

Mr. THURTLÉ described Lord Birkenhead as reactionary, headstrong and anti-democratic and expressed the opinion with regard to generous offer of self-Government to India because the speeches of Lord Birkenhead after the gesture of Mr. Das were in a much more generous tone than that of Lord Birkenhead's speech in the Lords.

Mr. Ramsay MACDONALD said he hoped when he read Birkenhead's speech that Government was going to pursue a policy of conciliation between Britain and India. That statement was somewhat modified by what Earl Winterton had said but he still hoped that Earl Winterton would be able to show that Government was prepared to listen to any reasonable plans submitted. He hoped that Government would lose no time in amending the Reforms so as to provide special representation to Indian Labour. He emphasised that

the action of Non-co-operators in India at the time when the Labour Government was on the threshold of office prevented from doing what they would have liked to have done with regard to India. He said the Commonwealth of India Bill was undoubtedly not final in form but the drafters of the Bill had the interest of India at heart and those who felt our aim was to make India free and happy within the system of British Commonwealth of Nations were under a great obligation to the drafters of the Bill.

Earl WINTERTON replying to the debate described Col. Wedgwood's speech as the most interesting and said statements made in some quarters that Lord Birkenhead had invited proposals for a new constitution were hardly an accurate way of describing what Lord Birkenhead had said. At some time there must be revision of present constitution as provided for in the Act. If, in the meanwhile, proposals for a constitution were submitted by Indians themselves, which carried reasonable measure of general agreement among the people of India, those proposals would be carefully considered when the time came for decision by the Government of India, Cabinet and the statutory Royal Commission. Lord Birkenhead was not referring to any specific proposal but to proposals generally. He also said that the question of special Labour representation in India was a matter for consideration in future. He emphasised there was no difference between what he and Lord Birkenhead had said with regard to constitutional invitation namely that proposals from India under the conditions laid down would receive proper consideration from appropriate authorities at appropriate time.

Earl Winterton said there seemed to have been misunderstandings in some quarters with regard to the effect of Lord Birkenhead's statement with regard to the working of Diarchy. Lord Birkenhead's recital of the present position showed that the working was not altogether smooth, but one must carefully distinguish between successful and unsuccessful Diarchy and successful and unsuccessful administrative working of Diarchy in the provinces which had not attained results which the authors had hoped it would. But its partial failure in no way necessarily entailed the failure of administration. It was a travesty of facts to assert that, owing to Diarchy, administration in the Province had generally broken down. Administration had not broken down in a single province. The fact that the administration in Bengal was proceeding smoothly, despite the regrettable failure of the people effectually to participate in the new constitution was illustrated in that recent Mahomedan festival, which when there was grave risk of communal disturbances, passed off, with a single exception, without any untoward incidents owing to the excellence of the preventive arrangements of authorities, and that every day life of people was proceeding normally.

Regarding the report of the Government of India's Economic Enquiry Committee, Earl Winterton said that it would probably show the need for wider and more specialised enquiry.

Dealing with the Lee Commission, Earl Winterton said he had no decision to announce with regard to the reorganisation of the Medical Service but considerable progress had been made towards the establishment of a Public Services Commission.

He hoped it would be possible to make the announcement shortly. He points out that the effect of the Lee Report on the Services was satisfactory.

and contentment had increased. The number of British candidates for the Civil Service had shown most gratifying increase.

The military situation in India had immensely improved during the past three years and there had been very substantial progress on the North-West Frontier. The Government of India and the Home Government in 1922 were entitled to the gratitude of the public of England and India for the policy to which they then agreed and which they carried out so successfully.

The internal situation had also greatly improved. The financial situation was satisfactory. The principal recommendations of the Ackworth Railway Committee had been carried out. Trade position was generally very satisfactory, but the position of cotton industry was serious. The Government of India did not unreservedly accept the view that the depression was due to Japanese competition and was of opinion that other factors were also working.

Earl Winterton emphasised that India led the way so far as the Asiatic countries were concerned in industrial legislation.

Referring to Mr. Johnston's contention, that we, in England, were responsible for Indian social legislation, Earl Winterton quoted the statement of Col. Wedgwood in a Bombay newspaper, in which he pointed out that the assemblies of legislatures in India now did practical work and it was time the Indian nationalists knew that and planned accordingly. Earl Winterton declared that a great deal of credit for the recent social legislation in India was due to the members of assemblies, who, in conjunction with, and supporting the Government enabled it to be passed.

Earl Winterton concluded by saying that Britain had helped India from the time she went there and had found chaos to the present day to suppose that she would abandon the task of helping India on the path of self-government owing to weariness or threats, was utterly to misjudge the inherited traditions of British policy, itself derived from British character which varied very little throughout centuries. (Cheers.)

Mr. SAKLATVALA followed and denounced the despotic and arbitrary powers of the Crown in India.

While he was speaking, a Conservative member pointed out that 40 members were not present. A count was called and the necessary number of members then entered the House but left shortly afterwards.

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# INDIA ABROAD

Jan.-June 1925.

INDIA IN THE  
International Labour Conference.

GENEVA—28 TH MAY 1925.

The following speeches were delivered by the representatives of the Indian Workers at the International Labour Conference, held at Geneva on the 28th May 1925.

Mr. N. M. JOSHI said:—

Mr. President and brother Delegates, in the few remarks that I propose to address to the Conference this morning, I wish to confine myself to questions concerning the special countries, the colonies, protectorates and mandated territories.

I greatly admire the work done by the International Labour Conference and the International Labour Organisation for improving labour conditions throughout the world, especially in Europe. I also fully appreciate the difficulties in the way of accomplishing the object with which this Organisation was started. The enthusiasm, which we saw at Washington, for improving conditions of labour, is decreasing year after year. I also fully appreciate the fact that, in spite of the difficulties, the workers in India have derived at least some benefit from the action of the International Labour Conference, and of the International Labour Organisation. But, as one who has watched the activities of the International Labour Conference and of the International Labour Organisation for the past six years, an impression is being left on my mind that the interests of the special countries, of the colonies, protectorates, and the mandated territories are not properly looked after by this Organisation. I feel that questions concerning these countries do not receive the same attention in this Conference as questions which affect the European workers. I do not propose to absolve even the members of the Workers' Group from this charge. In spite of notice, questions relating to the special countries have been relegated practically to the last day of the discussion on the Director's Report.

But, Sir, I was very glad to read in the Director's Report at least a few paragraphs regarding these territories. Although I was very glad to find that the Director had given some attention to the question, I was disappointed in reading the contents of these paragraphs. Most of the Governments which are responsible for the government of the colonies, the protectorates, and the mandated territories, state in their report to the Office either that they are still enquiring into the problem, or that the Conventions and Recommendations cannot be applied to these territories. It is now more than six years since the Washington Conference was held, and since the important Conventions regarding hours of work and other questions were passed. If these Governments could not come to a decision in six years, I do not know how much more time they want in order to consider these questions.

Where they have considered these questions, most of the Governments state that the conditions of the colonies, protectorates, and mandated territories are so different from their own that the Convention and Recommendations cannot be applied to them. I want to know, Sir, how conditions in these territories are different. Is anyone prepared to say that, simply

because the climate of some countries is hotter than the climate of Europe, the workers in these territories can work longer hours without any detriment to their health? Is anyone prepared to say here that, simply because the climate of a territory is hotter than that of Europe, women do not require to be helped during the period of child-birth?

I do not therefore understand those people who say, that conditions in colonies, protectorates, and mandated territories are different, and that the Conventions and Recommendations cannot be applied to them.

#### Factory Conditions in Indian States.

I wish particularly to point out that in India one-third of our territory is ruled by Indian Princes. These Indian Princes are represented by members of their own class in the Assembly of the League of Nations. They are not represented in this Conference. Perhaps they do not care to attend this Conference; but I want to know from the Director of the International Labour Office whether he has taken any steps to ask the Government of India for any report concerning the application of the Conventions and Recommendations in these Protectorates, namely, the Indian States. It is a matter of great regret that one-third of India should not reap the benefit of Conventions and Recommendations passed in this Conference. Already I find that some of our capitalists are starting factories in Indian States, in order that they be free from any regulations regarding hours of work and other labour questions. This is a very important question from the point of view of the Indian workers,

I should also like to know who in this Conference represents workers in the colonies, protectorates and mandated territories. Does my friend Mr. Poulton represent the workers in Ceylon, Malaya, the Straits Settlements, Mauritius and other colonies? Does the Dutch Workers' Delegate represent the workers in Java? If the workers in colonies are not represented in this conference, how is the Conference likely to know what conditions of labour are in such colonies? I suggest that the Workers' Delegates from those countries which are responsible for the Government of these colonies and protectorates should take steps to keep in touch with their labour conditions. They should take steps to bring with them at least advisers, if they will not have a Delegate, from these colonies; otherwise the workers in the colonies are likely to suffer.

#### Workers' Plight in the Colonies.

My friend Mr. Suzuki referred to the right of association. Even in our own country there are questions arising out of trade union activities which are brought under the law of conspiracy; but I do not wish to speak on that subject to-day. I wish to refer to the personal freedom of the workers who suffer on account of certain laws in the colonies, protectorates and mandated territories, and also in some special countries. Sir, in some of these colonies and special countries there are laws according to which a breach of contract of service is punished by the criminal law. There are penal sanctions for a breach of contract of service. This law is an obstacle in the way of the personal freedom of a worker. A worker is not free to dispose of his labour to whomsoever he likes and in the manner he likes. The sooner the law is repealed in all these colonies, the better it will be.

I wish to ask the International Labour Office whether it proposes to put the question of penal sanctions for criminal breach of contract of service before this Conference.

It is not only the penal sanctions for the breach of contract of service which restricts the freedom of the workers in these colonies. There are colonies in which workers are forced to work for a certain class of employers. In my own country there is a system of forced labour. Sometimes if a Govern-



ment officer is touring and wants servants, he can ask any worker to serve him, and he may pay him whatever he likes. Not only that, but if an officer has a friend touring in his district, say in the Hills of the United Provinces, that officer can force a labourer to serve that tourist also.

In the colonies that system is found in a much worse form. In Kenya the natives are forced to work for the English planters and landlords by a system of poll-taxes. I should like to know whether the attention of the International Labour Office has been drawn to this system of forced labour. I have seen certain paragraphs in the Director's Report about this; but merely mentioning these things in the Report is not sufficient. I should like to know what steps the International Labour Office and the Governing Body have taken to bring these questions before the Conference. I suggest that the Conference should establish a separate committee to investigate questions concerning the colonies, protectorates and mandated territories.

I was shocked to read in some of the Statutes of the mandated territories that penal sanctions for breach of contract of service exist in those territories. The League of Nations has been established to secure liberty for the workers of the world and if these laws restricting the liberty of the workers are found in territories governed by the League of Nations I do not know where we are to turn to find greater freedom for the workers.

#### Need for Revising the conventions.

I do not wish to take up much more of your time, but I should like to say a word about the position of the special countries. This Conference passed certain Conventions and Recommendations at Washington which were specially applicable to Japan and India. I should like to ask the Director of the International Labour Office whether he proposes to take any steps to review these Conventions and Recommendations. The Conventions and Recommendations for Japan and India do not go so far as those which apply to the European world. It is now six years since they were passed, and it is time that these Conventions and Recommendations were revised. I would like the Director of the International Labour Office to tell me whether he proposes to take any steps to review the situation with regard to these Conventions and Recommendations.

#### Japan's Attitude Towards the Conventions.

When I request the Director of the International Labour Office to review and revise these Conventions and Recommendations, I am not unmindful of the fact that certain Conventions passed at Washington have not yet been ratified by Japan. When I refer to Japan I assure you, Mr. President, and I should like to assure my colleagues from Japan, that I do not speak in a spirit of fault finding. I am speaking on this subject because we experience great difficulty in India owing to the non-ratification by Japan of Conventions and Recommendations, especially as regards hours of work and the night work of women. We look upon Japan—at least in India—as the leader of Asia. We look to Japan to show us the path, to guide us in the way of progress; and therefore, when we find that the Japanese Government does not ratify the Conventions and Recommendations, we in India are greatly disappointed.

We are not only disappointed, but for the last two years we workers in India have felt that if Japan does not ratify the Conventions and Recommendations, it will be difficult for the workers of India to secure any progress as regards their own conditions. Not only that, but we fear that it may be difficult for us to maintain even the conditions we enjoy to-day; we feel that our standards are liable to be lowered. I therefore appeal to my colleagues from Japan—and especially to my colleague of the Workers' Group—to do their best to get these Conventions and Recommendations

ratified and to get legislation passed to give effect to these Conventions and Recommendations. If Japan ratifies the Conventions and passes legislation as regards hours of work and the prohibition of night work by women, our path in India will be easier; but if Japan does not ratify, the workers in India may suffer to some extent.

When I say these things about Japan, I do not intend to suggest that labour conditions in Japan are worse than they are in India; on the contrary, I feel that in certain respects labour conditions in Japan are much better than they are in India. The non-ratification by Japan, however, of the Conventions on hours of work and the prohibition of night work for women puts a special difficulty in our way, and I therefore appeal to my colleagues from Japan to secure the consent of their Government to the ratification of these Conventions, and thus not only help their own progress—the progress of their own workers—but the progress of the workers of India.

Sir A. C. CHATTERJEE said :—

Mr. President and fellow Delegates, I wish to make a few very brief observations on the speeches which have been made by the honourable Delegates who have preceded me. I do not wish to enter into the very complicated and delicate juridical question raised by my esteemed friend, Mr. Joshi, with regard to the representation of the Indian princes in this Organisation. I think it would be extremely difficult for me to explain to this Conference the various aspects of that question, and perhaps the Director and the Conference will excuse me from dwelling on it at any length.

My friend, Mr. Joshi, made some remarks with regard to the alleged prevalence of forced labour in India. I wish to tell you that the statement he made was entirely misleading, and, a distorted version of the actual facts. The system of forced labour, if it prevails at all in India at present, is confined to certain specified tracts and exists in certain special circumstances. It was not fair, in my opinion, for Mr. Joshi to represent to the Conference that it was a matter of ordinary occurrence in India for a State official to impress anyone as his servant, when he went out on tour.

Coming now to the question, which has been referred to, of the ratification by Japan of the Hours Convention passed at Washington, I should like on behalf of the Indian delegation, to congratulate the Conference and the International Labour Organisation on the fact that we have a permanent representative of the Japanese Government attached to the International Labour Office in the person of Mr. Mayeda, than whom there are few more competent to speak on these questions. I wish to take this opportunity of congratulating Mr. Mayeda on the extremely able and vigilant manner in which he looks after the interests of his country here. I know Mr. Mayeda is most anxious to secure social progress in Japan and, with his knowledge of industrial conditions in the East as well as in the West, we hope that he will be able to persuade his Government to take important steps for the amelioration of the conditions of labour in Japan.

We understand perfectly well that the Treaty does not impose any obligations on any Government to ratify a Draft Convention passed at this Conference; but I wish to thank Mr. Mayeda for the assurance he has given us to-day that he will transmit to his Government the sentiments and the views which have been expressed here this morning. We hope he will add his own observations on the subject, and will persuade his Government to take steps for ratification.

We in India—and especially those of us who look at the matter from the point of view of the Government of India—fully appreciate the difficulties of the Government of Japan in this matter. We know that, two years ago,

Japan suffered a most disastrous cataclysm in the form of a very severe earthquake. Naturally, things must have been very difficult in Japan for a couple of years. I wish to take this opportunity of congratulating both the Government and the people of Japan on the speedy and brilliant recovery which they have made from the effects of that earthquake. I hope that the Japanese Government will now be able to address itself to the important task of social progress.

#### India and Japan.

The matter affects India very keenly. India and Japan have been acknowledged to be two of the eight chief industrial nations of the world. It is up to both Japan and India not only to demonstrate that, as chief industrial States, they are fully alive to the importance of social and economic progress, but also to demonstrate that they realise that it is their duty to lead the other Asiatic countries in this respect.

I recognise that the special circumstances of the eastern countries have to be taken into account in this matter. There are differences in climate and in social organisation which cannot be brushed aside; but at the same time we cannot lag behind and, as has already been expressed by my friends Mr. Joshi and Sir Thomas Smith in this Conference, opinion in India to-day is somewhat exercised by the fact that Japan has not yet ratified the Hours Convention. In this respect there is a curious parallel between the situation in the East and that in the West. During this debate, in the course of the speeches we have listened to during the last two or three days, we have heard the Representatives of different European countries commenting on the fact that it was difficult for them to advance so long as the countries on their borders did not advance in the same direction. The Conference knows that soon after Washington Conference we in India ratified the Hours Convention, and we have most loyally given effect to that Convention in our legislation. There is an opinion freely expressed in India nowadays that we were too premature in doing so; but if I may for a moment express my own personal opinion, I do not think we were wrong either in ratifying the Washington Convention or in giving effect to it. I do think that we acted rightly, in the interests of the Indian workers and of Indian industry, and although we may suffer to-day from Japanese, or other eastern competition, I think the steps that we then took were clearly for the benefit of the Indian workers and of India generally. At the same time, although I do not wish to enter into any of the arguments put forward by my friend, Mr. Mayeda, regarding the absence of competition between Japan and India with regard to different kinds of cotton, it is quite clear that there is competition in industrial matters between India and Japan, and also between India and China. We cannot be oblivious of the fact, and it is also clear that if Japan lags behind, it will be difficult in India to make further progress in social and economic matters. Not only that, but as Mr. Joshi has already pointed out, I hope our friends in Japan will realise that, the longer they lag behind, the more difficult it will be to bring China into line either with Japan or with India in matters of social and economic progress.

I do not wish to appeal to Japan merely on the grounds of commercial and industrial competition. I wish to appeal to Japan on a higher plane. We in the East have always taken pride in the fact that, although we might possibly be behind the West in material matters, we are in no way inferior to the West in our social and spiritual out-look. Social progress also indicates the highest spiritual standard. There has been for centuries past a noble rivalry between India and Japan and a noble emulation between India and Japan, and also China, in social and spiritual matters. Let us carry on the tradition. Let us—Japan, India and China—

demonstrate to the world that we are in no way behind the Western countries in matters of social and economic progress. I thank you, Sir.

Mr. WOLFE (British Empire) said:—Mr. President, you have very kindly permitted me to intervene in the discussion for one moment this morning to deal with a statement made in the course of yesterday morning's discussion, by Mr. Joshi, the representative of the workers of India. The statement is in the following words: "In Kenya the natives are forced to work for the English planters and landlords by a system of poll-taxes."

I regret that Mr. Joshi should have lightly made an allegation of this character in an international assembly, and I regret still more that he should not have given me an opportunity in advance of knowing that he proposed to raise this particular issue. All I propose to say this morning, in view of the shortness of the notice that I have had, is that His Majesty's Government do not accept the statement made by Mr. Joshi as an accurate representation of the state of affairs in Kenya in respect of the matters with which Mr. Joshi dealt.

#### GENEVA—30TH MAY 1925.

The following speech was delivered by Mr. CHAMAN LAL on the 30th May 1925.

I wish to thank you Mr. President, for giving me this opportunity to address the Conference on a subject about which one hears very little here. I can see the humour of the position in my making a speech which will perhaps not cover more than five minutes, about a large country like India, containing one fifth of the population of the whole world; but the occasion which compels me to rise is this.

#### Need for a correspondent in India.

A couple of years ago this Conference passed a Resolution by which it authorised the International Labour Office to send correspondents to various countries of the world. One of those countries was India. I want to know, Sir, why a correspondent has not been appointed in India and I wish to tell you of the necessity for appointing a correspondent. Yesterday, or the day before, we heard a statement from my colleague who represents the working classes of India, to the effect that the Government in Kenya was actually forcing workers to leave their little plots of land where they are free men, and forcing them to go into the plantations to work as forced labourers for the English planters of Kenya. That statement has been challenged by the Representatives of the British Government here who for reasons which I do not know, call themselves the Representatives of the British Empire. They are the Representatives of Great Britain, I grant you, but who gave them the authority to speak on behalf of the British Empire. This is what they said. Mr. Wolfe, speaking as the Representative of Great Britain, said that Mr. Joshi had made the following statement: "In Kenya the natives are forced to work for the English planters and landlords by a system of poll-taxes." He characterised that Statement as a light one, and, on behalf of His Majesty's Government, said he did not accept that statement as an accurate representation of the state of affairs in Kenya.

#### Forced Labour in Kenya,

I do not speak on behalf of His Majesty's Government. I am speaking here on behalf of the workers of India and on behalf of His Majesty the Truth. I want to challenge the statement which Mr. Wolfe made. I have in my hand an extract from the "East African Standard" of 8 February 1913,

which reports no less a person than the Governor of Kenya as saying. "We consider that taxation is the only possible method of compelling the native to leave his reserve for the purpose of seeking work. We consider that the only natural and automatic method of securing a constant labour supply is to ensure that there shall be competition among labourers for hire, and not among employers for labourers. Such competition can be brought about only by a rise in the cost of living for the native, and this rise can be produced only by an increase in the tax."

Is not that a direct refutation of the statement that the British Government does not consider Mr. Joshi's statement to be an accurate representation of the facts?

Dr. Norman Leys, who is the greatest authority on Kenya, says in his book, which was published in 1924: "The hut and poll-tax falls on old men and on women living alone, as well as on able-bodied males, and compels an increasing number not only of males over 80, but of women and children to seek employment."

I should like also to make a brief quotation from the report of the East Africa Commission, which was published in April 1925. Speaking of Nyassaland, the report states that: "In order to obtain money to pay the tax and to buy necessities, it is alleged that approximately 30,000 Nyassaland natives leave the Protectorate every year to seek work in other territories."

In a circular issued by the Administration of Kenya, and quoted by Lord Islington in the British House of Lords on 14 July 1920, occurs the following passage. "I believe there should be an increased rate of taxation on young able-bodied men." That gives you an idea of what is in the minds of those who are supporting the planters of Kenya. The passage occurs in a discussion of the labour situation.

Further, Lord Stanley, in the House of Lords on 13 May of this year—only a few days ago—said: "There is a tendency to urge the Governments who are directly responsible for the tropical Dependencies to compel labour to flow in those channels in which we consider that it is most advantageous, and that compulsion may be by means of an economic level, such as taxation, or by ordinances compelling labour to flow into a channel in which it would be unwilling to flow if it were not compelled."

The last quotation I wish to make is from Dr. Norman Leys. In a letter to *The Times* on 27 May last—a day or two ago, he says: "The facts about the hut tax are these; it is paid out of wages. The standard wages rate, which two years ago was 8—, is now from 12—to 16—a month. Direct taxation of Africans brings us in £575,000 a year. There are officially stated to be 430,000 adult males, fit and unfit, in the country, so that the average African in Kenya has to spend two months' wages each year in direct taxation alone"

#### Forced Labour in India.

The statement that colleague Mr. Joshi made here is, therefore, a very mild one. He merely said that within the territories of the British Empire you will find forced labour in existence. You will find it not only outside India, but actually inside India, I make bold to say that one third of India, which is under native rule at the present moment, is entirely under forced labour. At any moment any official of a native State can call on any worker in that State to do work for him for nothing. Those who are familiar with the Indian situation know very well that, when no less a person than the late Viceroy of India, Lord Chelmsford, went to the Hills from Simla, the States employed peasants who were dragged away from their fields and made to do forced labour in preparing the roads for His Excellency to travel over.

The problem is not only that of forced labour ; the problem is that the International Labour Office is entirely unaware of the situation in countries like India. You are ignorant of what is happening in the East. We sit here and talk about labour conditions in Europe, and the Director presents you with a Report. I have examined that Report, and I find that there are 15 lines and three words in it with reference to India, a country containing one fifth of the population of the world.

It is not the Director's fault ; the fault is in the system which prevents your getting information from countries like India. India to-day is a land of slaves ; it consists of workers and peasants who are living on the starvation line. If I were to tell you of the condition of wages in India you would be surprised. You find in the cotton mills women working ten hours a day and getting Rs. 19 a month, and a maximum of Rs. 20 a month. You find men, women and children working on the tea plantations, the men getting Rs. 8 a month the women Rs. 6 and the children Rs. 4. You find in the jute factories—and here I want to draw the attention of my colleagues who represent the workers of Great Britain to the facts—that the jute workers in Calcutta are getting Rs. 5 a week as wages, while similar work done in Dundee in similar mills for the same proprietors, is paid at the rate of £3 a week. The result is that the owners close down their mills in Dundee ; they shut up their mills there and start fresh mills in Calcutta, because there they can get cheap labour and cheap raw material.

Not only in the cotton mills and in the jute mills do such things occur ; you will find in the coal fields men and women working on a mere pittance of Annas 8 a day. This is the glorious India, the great eastern empire, which is the substratum of the system which is known as the British Empire !

As an Indian I should be ashamed to hide these facts from the world. I do not want the International Labour Office, which is meant for the sustenance of the poor of the world (if it means anything at all it means that) to hide these facts from itself or from those who come here to these Conference. If you want to ameliorate the conditions of the world, think of countries like India which need your help and your assistance. Let it not be said in the world outside, as it is being said, that the International Labour Office exists for the purpose of hoodwinking the workers of the world, and that it is trying to prevent the onward march of the workers by giving them a little here and a little there in order to prevent them from rising up and destroying the system which is keeping them in slavery.

Let us make of the International Labour Office a real supporter for the great labouring masses of the world who are at present living in conditions of abject misery and sorrow. I know that the pallor of great sorrows and here and there, perhaps, the blush of treachery, overspreads the faces of the workers of the world. Let us pray for greater visions than we have yet seen, for greater powers than we have yet used that these may raise us from the slough of despond and defeat, and set our feet on the road to victory.

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# Indians in East Africa & Kenya

The National Liberal Federation of India established in December 1924 a Standing Committee on Indians Overseas with the Rt. Hon. Mr. V. S. Srinivasa Sastri as Chairman, Sir Tej Bahadur Sapru as one of the members and Mr. S. G. Vaze of the 'Servant of India' as Secretary. The Committee published on the 27th April 1925 a Memorandum on the proposed formation of an Indian Reserve in the Lowlands of Kenya, setting forth and justifying the Liberal party's view that the offer of the Colonial Office of a special reservation for Indians was an unworthy bribe which Indians can only reject with scorn. The hypocrisy of the profession of the notorious White Paper of 1923 that the policy of his Majesty's Government is to safeguard the interests of the African natives is exposed very ably in the Memorandum. The lamentable and condemnable weakness of the Government of India in the treatment of the subject from the view-point of India's honour and Indians' interests is also brought out very impressively in it. We commend it to our readers as an informing and very useful paper giving in a nut-shell all that we need know about the disabilities of the Indians in that part of the Empire and the movement connected therewith. The following is the full text of the Memorandum :—

## The National Liberal Federation's Memorandum

In his inaugural address to the Indian Legislature on January 20, 1925, his Excellency the Viceroy referred to the offer made by his Majesty's Government to reserve an area in the lowlands of Kenya for Indian colonization and announced that the Government of India was considering the question of deputing an officer to Kenya with a view to examining and reporting upon the particular tract which the Kenya Government proposed to set apart for the purpose. Mr. J. W. Bhore, emigration secretary, added on January 27, 1925, in the Legislative Assembly that the Government of India would consult the Standing Emigration Committee of the Indian Legislature at its next meeting on this subject and would arrive at a decision only after the latter body's report was received.

### Emphatic Disapproval

It is necessary to express emphatic disapproval of this move on the part of the Government of India to arrange for the inspection of the area proposed for an Indian reserve, for this act alone will be interpreted by the outside world as evidence of the Government's willingness to waive its former objection to the reservation of the highlands for the whites. It must be borne in mind that the proposal to reserve a portion of the lowlands for Indians is made as a counterpoise to the reservation of the highlands for the whites. When in 1920 the then Secretary of State for the Colonies, Viscount Milner, expressed himself unable to remove the disabilities imposed upon the Indian community in respect of acquiring agricultural land in the highlands, he accompanied this decision to set aside the highlands for the exclusive occupation of the whites by an offer to earmark certain areas in the lowlying country in which Indians alone could settle. Now, obviously

it would be fatuous and extremely discourteous on the part of the Government of India to send a representative to examine the suitability of a region in the Kenya lowlands as a special reservation for Indian colonization unless it considered itself free to accept the proffered area, provided that the area is found otherwise desirable. The fact, therefore, that the Government of India sends an officer to Kenya in response to the invitation of his Majesty's Government will necessarily be understood to mean that if the area is found to be well adapted to Indian settlement, the Indian Government will not be averse to accepting it, at least temporarily by way of compromise. But to agree even under protest to have an area set apart for Indian colonization is for the Government clearly to give up its objection to the principle of reserving land for any of the immigrant communities of Kenya and therefore its objection to the white highland policy. After accepting a special allotment for Indians on which no non-Indian is allowed to encroach, it cannot consistently take exception to another allotment for the whites, on which no non-white is allowed to encroach. The Government of India, of course, may still object to the unequal size and nature of the areas monopolised by Europeans and proposed to be earmarked for Indians, but to the policy of segregating different races in different areas it cannot any longer raise an objection, for it will have already impliedly consented to it when it has entertained the proposal for creating a reserve for Indians and thus showed its willingness to accept it in certain contingencies. If, therefore, the Government of India is no longer uncompromisingly opposed to a separation of races but if, instead, its opposition is now limited only to the inequitable manner in which the scheme is sought to be worked out, as must be inferred from the action it is contemplating, it has really sacrificed all that is of vital principle in the Indian position. The unofficial public in India must, therefore, dissociate itself entirely from this move and must refuse even to appear willing to consider the proposal of forming an Indian reserve.

#### Source of all the Grievous Wrongs

This is by no means a far-fetched interpretation of the implications of the Government of India's plan, if it matures, of sending an official to Kenya for the above-mentioned purpose. But there is strong evidence to prove that the highest Indian authorities are weakening very considerably in their insistence on the Indian claim to own land anywhere in Kenya outside of native reserves, which fact can merely strengthen the suspicion that the Government of India has now come to acquiesce in the policy of the Colonial Office of keeping the highlands white for all time. On February 26, 1924, Lord Olivier as Secretary of State for India described the disability entailed upon the Indians by the reservation of the highlands for Europeans as a 'comparatively minor matter,' which cannot be 'considered to be in any way a really substantial grievance.' If on the eve of the Crown Colonies Committee of the Government of India going to England for carrying on negotiations with the Secretary of State for the Colonies, the Indian Secretary declared that what is really the most serious of Indian grievances, from which all other disabilities are derived, was no grievance at all and did not call for any redress. Sir B. Narasimha Sarma, member in charge in the Government of India, a few days later took a slightly different course, but he too indicated in advance that the reservation of the highlands was a matter which might not bear too much stressing. He



remarked in the Council of State on March 10, 1924: 'The Government of India has always felt that there was no need, no necessity for any restrictions in the matter of grants of land in the highlands from one community to another. They stood for the principle of free transfer, free grant, and do stand by that now. Whether it will be possible for the (Crown Colonies) Committee to secure that at the present stage or not is a matter of some doubt. But the Committee is free to negotiate with regard to the highlands if it thinks that the time is favourable or that it is possible to secure from the Colonial Office a favourable settlement with regard to the highlands.' The Committee was no doubt left nominally free to press for a reversal of the white highlands policy, but was in fact invited to look upon the abolition of the Governor's veto upon transfers of land in the Kenya highlands, which excludes both Indians and natives from the white highlands, as a matter almost outside the range of practical politics. There is reason to believe that the Committee, taking its cue from this utterance, did little in this matter beyond formally registering its objection to the reservation of the highlands for the whites. This much at any rate is certain that the Committee did not realize, and the present Government of India does not realize, that the reservation of the highlands for the whites is the *fons et origo* of all the many grievous wrongs inflicted alike upon the Indian settlers and the indigenous population of Kenya, and that so long as this fundamental injustice is not removed the African natives and Indians can never possibly rid themselves of other evils resulting from a position of racial inferiority being assigned to them.

#### The Milner Scheme

The offer of creating a special reserve for Indians in the lowlands is evidently made in pursuance of the policy outlined by Lord Milner in his despatch of May 21, 1920. It must be observed, however, that the policy as it is being followed at present is widely different from the one embodied in that despatch. Lord Milner was prepared to defend the reservation of the highlands for Europeans only on condition that land of equal quality and in proportionate quantity was similarly reserved for Indians. He refused no doubt to reverse the policy of segregation that was then in operation in respect of the disposal of land, but it was intended by him to be segregation based on the principle of equality of opportunity. Indians being opposed to the principle of segregation itself, this policy would be unacceptable to them even if equally good and ample land was made available to them in the lowlands. What they wanted was not that Europeans should be debarred from holding land in the lowlands because Indians were debarred from holding it in the highlands, but that all races should have free access to all land, with the only proviso that the native rights were not interfered with and native requirements were fully satisfied. The proposed exclusion of each race from a certain area has therefore never commended itself to Indians, but if the country was to be portioned off into two racial divisions, there was, according to Lord Milner's scheme, to be at least no unfairness or inequality in this partition. The principle of equality of opportunity on which alone Lord Milner declared that the practice of allotting separate areas to different races could be defended seems now to be lost sight of. He intended that in the lowlands Indians should be allowed to acquire land of an equally good quality and of adequate extent, considering of course the size of the Indian population. And he added: 'I think it very

desirable that there should be no doubts of our sincerity in this matter; and I hope therefore that there will be no delay in provisionally selecting at least one area for Indian settlement.' An area of land in the lowlands was thus to be immediately set aside for Indians only as an earnest of the Government's determination to carry out the policy of demarcating the country between Indian and European on a fair basis. The first area of which the selection was to be provisional, being subject to approval by a representative of the Government of India, and which was to be followed by other areas being similarly set apart, became in the Kenya White Paper of July 1923 only a 'temporary' reservation, with a view to testing the strength of demand 'for agricultural land on the part of Indians who will give suitable guarantees of their intention to develop the land themselves. After the expiration of a limited period, the reservation of this area in the lowlands will be reconsidered in the light of the experience so gained.' The consideration of adequate land being reserved for Indians has so far receded into the background at present that in his speech of January 20, 1925, the Viceroy did not even mention the point that the land that had been offered to Indian settlers would be examined from the aspect of its adequacy as well as suitability. He only mentioned suitability. But even assuming that this was an inadvertent omission on his part, the idea of a 'temporary' reservation being made for Indians that is now put forward was not contemplated by Viscount Milner. Guarantees have now been asked of the would be Indian settlers that they would develop the land to a requisite extent within a certain period. This is of course not only fair but quite essential on grounds of public policy, but since equality as between Indians and Europeans is the governing condition of the policy of race segregation and as formulated by Lord Milner, a query may be made as to what guarantees were required and obtained from Europeans when land in the highlands was reserved for them, and as to how the strength of their demand for agricultural land was tested. The public in India have not yet heard of any small area in the highlands being provisionally set apart at first for the whites with stringent conditions of development and substantial guarantees exacted from applicants for land, before all the land in the highlands which was not in native occupation (30,000 sq. miles) was finally and absolutely reserved for them. It is notorious that in the early period of European settlement huge blocks of land were alienated to land concessionaires on the easiest imaginable terms, with no obligation to turn any part of the land to account, and despite all the conditions of development since enforced the number of individual occupiers even now does not exceed 1,715, and the percentage of cultivated to occupied areas is below 7. It may perhaps be urged in defence of this ridiculously low percentage of cultivated land that a part of the land alienated is used for pastoral purposes; but, without elaborating the refutation any further, it may be simply said in answer here that most of the land thus used for pastoral purposes is well fitted for agriculture too and that there could be no moral justification for excluding the natives from this area, even on the theory on which they have been robbed of their agricultural land because, whatever may be their deficiencies as agriculturists, native tribes like the Masai are good pastoralists. The point of the argument here advanced is only this that if equality between different races is to be the ruling policy in respect of grants of land in Kenya, as it surely

was in Lord Milner's mind, it has now undergone a drastic modification, since conditions are being attached to the proposed reservation of land in the lowlands for Indians from which the whites were exempt when the highlands were reserved for them. The condition pre-requisites to the institution of race segregation (which was laid down by Lord Milner) being thus flagrantly violated, this policy of marking off some districts as those in which the whites alone can hold land and some others as those in which Indians alone can hold it, must be abandoned.

Material deviations from the policy mapped out by Lord Milner have, as set forth above, been made, but it is physically impossible faithfully to carry this policy into practice. At present land is not available in the lowlands for alienation to Indians which can at all be compared either in quality or in extent to the land in the white highlands. A competent authority on Kenya states, Dr. Norman Leys says: 'We may take it that all the land of any value in the Colony that is not in native occupations is already alienated'—that is, to Europeans, and similar testimony from other sources can be multiplied to any extent. But even allowing for any possible exaggeration in this compendious statement, it is clear that if, in compensation for the reservation of the highlands for the whites, land of equally good quality and proportionally large extent has to be earmarked for Indians in the lowlands, such land is certainly not available which can be regarded by Indians as anything like an equivalent for the loss they have sustained by their exclusion from the highlands. The offer made by his Majesty's Government is in the best of conditions and ignoring the departure contemplated in Lord Milner's principle of equality of opportunity for all races, unacceptable to Indians. In the form it has now taken it is altogether unsubstantial and must prove wholly unattractive to Indian settlers in Kenya, even if the consideration of material advantage alone weighed with them, and they were wholly regardless of the deep moral issues involved in the policy of race segregation. Their material gain by the acceptance of the offer will be very little but their moral loss will be enormous.

#### Welfare of the Indigenous People.

The policy of reserving land in Kenya for any of the immigrant communities must be considered, primarily if not solely, from the point of view of the welfare of the indigenous people of the country. This is indeed the principle by which his Majesty's Government professes its policy embodied in the White Paper of 1923 to be governed, but nothing can demonstrate the hollowness of this pretension more effectually than the continued reservation of land in the highlands for the white population. The land already owned by Europeans in the highlands, which measures some 10,000 sq. miles, embraces more than half of the best and most desirable land in the colony, and, in spite of the protestation by his Majesty's Government that nature has closed the lowlands to the whites, a very large proportion of the lands in the lowlands has passed into their hands, while the arable land allotted to the natives is estimated to be no more than 5000 sq. miles. Even twenty years after the reservation of the highlands for the whites the number of European occupiers, as mentioned before, is less than 2000, while nearly 2½ million natives, the rightful owners of the soil, have for themselves less than half of the area in the possession of 2000 Europeans. The proportion of this area to the area of land reserved for the whites is of course very much smaller. This basic wrong of the expropriation of the natives' land has led in its turn

to a system of forced labour. The system of direct forced labour has now been abolished but that of indirect forced labour through heavy taxation has been substituted in its place. Such exercise of illegitimate economic and administrative pressure can never be done away with till the whole system of landholding radically altered. On the contrary the exploitation of the natives which has already assumed gigantic proportions will be on the increase as, on account of the reservation of the highlands for Europeans who do no manual work even in this region of temperate climate, a larger proportion of the land comes to be developed by them by means of black labour, whereas if some part of the land were granted to others who do not depend upon native labour the process of turning the natives who were formerly independent cultivators into wage-earners on Europeans' farms would be arrested. It is the opinion of those who can pronounce authoritatively on the subject that the land allotted to the natives is already insufficient in the case of some tribes and certainly does not admit of enough room for the growth of population in the case of most of them. If his Majesty's Government has so scandalously violated its solemn pledge to regard the well-being of the natives as its first concern, Indians on their part must at any rate refrain from agreeing to any proposals which, if carried out, would add to the victimisation of the native races. They, therefore, cannot be consenting parties to the project of closing in upon the natives in the lowlands when the native races have already been turned out of a very large proportion of the best land in the whole country. The undoing of the white highlands policy is only the first step in the process of the development of the natives as producers on their own account. It must be followed by a legal prohibition, as suggested by the late Bishop Weston, (in an article entitled 'The East African problems' in the *Empire Review* of October 1924), of the settlement of an immigrant, of whatever race, in a district where the labour required for the exploitation of the area is not locally available.

#### An Ill-Founded Claim

It is claimed on behalf of his Majesty's Government that the governing principles of its Kenya policy are in the substance identical with the terms of the mandate article in the Covenant of the League of Nations, but it is easy to show that this claim is ill-founded. Regarded from the aspect of the natives, the white highlands policy is contrary to article 22 of the Covenant in as much as it excludes the natives from this area, but viewed from the aspect of immigrant races also, this policy must be held to be in conflict with the underlying principle of the mandate theory. For one of the principal obligations imposed upon a mandatory country is to the effect that in its dealings its own nationals shall have no privileges which are not open to the nationals of other countries, and if this test of equality of opportunity for all nations is applied to the system under which the land most sought after in Kenya is reserved to one race, it will be found that the terms of the mandates under which countries won from ex-enemy nations are administered, are violated in vital particulars. Article 7, for example, of the mandate for Tanganyika runs thus: The mandatory shall secure to all nationals of state members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, protection afforded to their own person and property, the acquisition of property, moveable or immovable,

and the exercise of their profession or trade, subject only to the requirements of public order and on condition of compliance with the local law.' The Convention revising the General Act of Berlin, 1885, and the General Act and Declaration of Brussels, 1890, has this: 'Each state reserves the right to dispose freely of its property and to grant concessions for the development of the natural resources of the territory, but no regulations on these matters shall admit of any differential treatment between the nationals of the signatory powers and of states, members of the League of Nations, which may adhere to the present Convention.' A differential treatment in the matter of grants of land such as is in force in Kenya is not permitted in Tanganyika, even in districts supposed to be suited for white colonization, and the injustice of this system is not lessened by the fact that in Kenya differentiation is observed not so much between nationals of different states as between subjects of the same state but belonging to different races. The basis of unselfishness, on which alone modern conscience can defend the rule of one race over another, is thus wholly lacking in the administration of Kenya, which is being conducted, as the reservation of the highlands for the white peoples proves, openly with the object of profiting the ruling race. The system of naked favouritism that is in force in Kenya is now sought to be disguised as one of fair play by the offer of forming an Indian reserve which, without surrendering anything of value and without substantially mitigating the justice, will, if accepted, only enable his Majesty's Government to pose as holding the scales even between immigrant races. Indians can only treat such an offer as an unworthy bribe and reject it with scorn.

#### Indians' Demand

What Indians desire is not that they should be given some exclusive privileges as the Europeans are given, but simply that no discrimination should be made in their disfavour. The claim for equality with other races cannot, therefore, be met by according preferential treatment to them as against Europeans and Africans in the same way in which preferential treatment is given to Europeans as against Indians and Africans. Two wrongs do not make a right and a preference in two contrary directions does not establish equality. The Indian demand can be satisfied only by cancelling the reservation of the highlands for the whites and leaving the whites, Indians and above all the Africans free to take up land in this area, as in all other non-native areas. It may be that there is little chance of this being secured, as Sir B. N. Sarma warns us, but Indians would still prefer to go without any reservation in the lowlands and to lay the atrocious injustice of the white highlands policy on the conscience of the British people. Indeed there is no semblance of a justification for forming an Indian reserve. The justification of native reserves is of course complete, in view of the intrusion of other races into Africa. Indians have no complaint against the policy except that sufficient land is not included in the reserves and that it is not inviolably secured to them against the encroachment of other races. A specious plea could also be advanced in favour of a reservation for Europeans, if the view currently held by the white settlers were accepted that the aim of his Majesty's Government in Kenya should be the promotion of European civilization, which is assumed to be identical with Christian civilization. If this were the aim, it would be legitimate to preserve the integrity of the life and civilization of Europeans against the disturbing

influences of an unwholesome contact with other races. But Indians do not claim a superiority for their own civilization, and at any rate they have no ambition of imposing it upon other races by such artificial means. The reservation of a region for them is therefore entirely indefensible. If only they are permitted to compete, they should be able to do so successfully with Europeans in acquiring land, and if they cannot hold their own in open competition, they do not deserve any special privileges. Public opinion in India is decidedly against the acceptance of any such privileges. All it desires is that Indians should not be discriminated against. This is not the first occasion on which the question of making a reserve for Indians is being publicly canvassed. When it arose in connection with a certain proposal in respect of Tanganyika, the Government of India, conformably to Indian public opinion, which expressed itself very forcibly on the occasion, took up the same attitude as Indians wish it to take up now. Its position then was: 'We have opposed, and will continue to oppose, unfair discrimination against our nationals overseas. We desire no discrimination in their favour. We ask for no more than equal rights. We can be satisfied with nothing less.' (p. 6, Cmd. 13:2). The very fact that the Government of India is contemplating the sending of an officer to Kenya for the purpose of inspecting the area proposed for an Indian reserve exposes the Government to a presumption that it has changed its policy. But though the Government of India may change, the people of India remain constant in their opposition to such projects of reservation. They can but urge the Government to persevere in its former policy, which is the only sound policy, and if it should fail in this, its failure at this critical juncture would be all the more deplorable after a sturdy advocacy of the cause of Indians overseas which lay to its credit.

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The National Liberal Federation's Kenya Memorandum was followed soon after by that of the Imperial Citizenship Association. The latter follows the same line as the former and being prepared by Mr. Andrews who knows the question from A to Z will be regarded as authoritative throughout India. The Memorandum, which was submitted to the Viceroy, points out how the allocation of lands of a lower quality in the lowlands for Indians can be no compensation at all for the loss of rights, hitherto enjoyed by the Indians in Kenya, of purchase and sale of lands in the highlands, and how the deputation of an officer of the Government of India to examine the land in the lowlands proposed to be set apart for Indians will be tantamount to acquiescing in the expropriation of Indians' land in the highlands.

The splendid start given by these two Memoranda was followed up in England by Dr. Norman Leys, the greatest authority on Kenya, who expressing approval of these two Memoranda said that about the land proposed for Indian occupation 95 per cent of the land between the Highlands and the sea is useless for human habitation until means are found for using

hypothetical supplies of water far below the surface for irrigation. The two rivers could not irrigate a hundred square miles even. He briefly characterised the offer as a brazen-faced humbug. Mr. Leys added that the official lie-factory in Nairobi was the finest in the world. No war propaganda approached it.

The following is the full text of the Imperial Citizenship Association's Memorandum :—

### The Imperial Citizenship Association's Memorandum.

"The following minute is written on the question of the advisability or not of sending an official of the Indian Government to Kenya for the purpose of inspecting certain territories in the Lowlands, for Indian settlement. In the Kenya White Paper it was suggested that a grant of Crown lands might be given to Indians in the Lowlands corresponding to the grant of Crown lands already made to the Europeans in the Highlands, and as a compensation to the Indians for the racial discrimination in the past in that region in favour of the White settlers.

"The present proposal of the Government of India to send an official to Kenya to find out a suitable area in the Lowlands for Indian settlement, appears to me to be an entirely wrong step, taken in the wrong direction. It will lead to consequences which will seriously damage the whole Indian cause and do harm to the moral character of India in the eyes of the civilised world.

"The proposal has evidently emanated from the India Office in closest conjunction with the Colonial Office. It is a scarcely veiled attempt to bribe the Indian people into an acceptance of the settlement outlined in the White Paper.

"I intend first to deal with the subject from the point of view of the discussion in London in 1923. At that time, I was appointed adviser to the Indian Delegation which went from Kenya Colony to England. It was at the unanimous request of the whole delegation that I was appointed their adviser; and throughout the discussion I was in closest touch with them and came to common conclusions with them on practically every point that we put forward. With regard to the Kenya Highlands, from first to last there was complete unanimity of opinion, in London, not merely between the members of the Kenya Indian Delegation and myself, as their adviser, but also between them and the deputation from India, headed by the Rt. Hon'ble Srinivasa Sastri. We all determined that, on no account whatever, was the claim to the free and open transfer and purchase of land in the Highlands, which was the legal right of the Indians in the Colony, to be abandoned. The question of some compensating area in the Lowlands came up again and again, but it was always rejected immediately by every member of both the delegations. We pointed out that it did not touch the real question at issue and that there was no room for any compensation of such a character.

#### The Right to Buy and Sell.

"We further pointed out, that our whole contention was, not that we should be allowed Crown lands of Native territory anywhere, whether in Highlands or in Lowlands, but that we should be allowed the simplest human rights of citizenship namely, to purchase land and to sell land in the Colony. We did not ask for a single acre of free land. On the contrary, the position taken up by us from the very first was this that the grant of Crown lands,

given with such a lavish hand to the White settlers, was an initial injustice, which would have to be undone sooner or later in the interests of the natives themselves. Therefore, while expressing strongly our own view, that the grant of Crown land to the White settlers had been a wrong done to the natives, we obviously neither could nor would request the Government to offer similar grants of Crown land to the Indians; for if the confiscation of 10,000 sq. miles of territory from the natives was an initial blunder, leading to serious mischief, it is obvious that the confiscation of another 10,000 sq. miles from the natives in order to give it to the Indians, would be a still more serious evil. Therefore, it was logically impossible for us to claim any compensating grant of Crown lands, and we did nothing of the kind.

"What we did was this. We asked that the legal right of buying and selling land should be allowed to Indians in Kenya in just the same way as to other people, wherever and whenever it came into the open market. If the Europeans refused to sell their lands in the Highlands to Indians, we had no complaint to make; but if a European wished to sell his land to an Indian and Government stepped in the way and said that he should not be allowed to do so, then we claimed that our rights as citizens were being taken away. To give one example. Just before we sailed for England on deputation a large area of land, which was just outside the limits of the Highlands, was offered for sale and an Indian merchant was ready to pay six times the price that any European was ready to pay. The European owner would get sixty thousand rupees, if he sold it to the Indian; but he would get ten thousand rupees, if he sold it to the highest European bidder. He wanted to sell it to the Indian; but the Government refused to allow the sale. The European, brought an action in the Law courts against the Government for damages, urging that the Government had no right to prevent the sale. The Court, however, decided that the Government was justified, because the purchaser was an Indian. This example will show quite clearly what the Indians themselves were asking with regard to the Highlands. They were not asking for any grant of Crown lands. They were simply asking for the right to what is called "open sales and open transfers." If this were allowed, they would be satisfied; and they would never ask in addition for compensation for any further injustice in this matter that might have been done to them in the past by the original grant of Crown lands to the Europeans in the Highlands. They believed, that, if once this question of open sales and open transfers were settled in their favour, then they themselves and the natives, as they gradually got more education, would be able to buy back at some future time much of the territory which had been so ruinously confiscated from the natives by Government in the earlier days. But without this right of purchase, these vast territories would remain in European hands, whether the White settlers occupied them or not. Even at present, 20 years after the allocation of these Crown lands, only seven per cent of the whole area is under cultivation. The rest is lying for the most part idle and wasted.

"Thus, from the very first, the Indian deputation took the African natives' point of view and pressed the question of native interests in Kenya. It was felt that only as the natives of Kenya prospered, the Indian position would become more and more unassailable. In every word that was said and in everything that was written to the papers with the unanimous approval of both the deputation, the interest of the natives was put forward



as the first concern and it was stated that the Indians who came to Kenya had no wish whatever to interfere with native rights and interests.

#### A Fatal Compromise

"This, then, was the position taken up quite consistently by everyone who was engaged on deputation work from the Indian side in London, in 1923. When later, in spite of all that had been said in London, and in spite of the clearest possible declaration being given, that Indians did not wish for any compensating grant of crown lands in any other part of Kenya, but only wished for the legal right of sale and transfer,—when in spite of all this, the Colonial Office issued their White paper making a tentative offer of an area in the Lowlands to be specially set apart for Indians, the leaders of both the Indian deputations protested strongly against this part of the White Paper decision and declared that they did not wish to have anything to do with it. They pointed out that it would be a misuse of power to grant such a new area of territory to Indians, since it would be necessarily confiscated from the natives. Furthermore, it would not in any way satisfy that Indian claim, because that claim had never been that the Indians might receive a compensating area of territory, but that they must be given back their legal right of purchase and transfer of land.

"It needs to be mentioned that there has always been in the background a minority both in India and in Kenya, among the Indians, who have somewhat hesitated about accepting the full implications of what may be called the "pro-native policy in Kenya." For instance, just before I first went out to East Africa the East African Indian National Congress had passed, on the suggestion of Sir Theodore Morison of the India Office, an imperialistic resolution asking for Tanganyika to be handed over to India as a "mandate" after the war. But when I had fully explained at Nairobi, that no responsible Indian leader of the first rank had taken up this suggestion of Sir Theodore Morison, and that Mahatma Gandhi himself was opposed to it, and further that I personally regarded it as a policy that would inevitably lead to an Indian imperialism no less selfish than British imperialism had often been, then the Indian leaders in Nairobi withdrew this resolution telling me that they had not really thought out the matter. Again, to-day I find that in spite of the fact that in London, in 1923, the whole suggestion of a compensating area being given in the Lowlands to Indian settlers was rejected, there is a tendency here and there among certain Indians in East Africa not to reject it, but to accept it. There is a kind of feeling that possibly some capital may be made out of the proposal and that it is not very objectionable after all. Therefore I am fully aware that some would actually favour the Government of India's proposal to send out an official to inspect the territory to be offered to India in the Lowlands. But I think it can be said without hesitation, that the foremost Indian leaders are still wholly against the proposal and feel that it would be a fatal compromise, such as would put the Indian claim for equal justice among the natives on an entirely wrong basis. Among these foremost leaders I would mention the Rt. Hon. Srinivasa Sastri and Mahatma Gandhi.

#### Implications of Accepting the Proposals

"Let me in conclusion argue out the case a little from the Indian point of views :—

- (1) To accept a large slice of territory exclusively for Indians in the

Lowlands would be a definite and formal renunciation of the Indian claim in the Highlands.

(2) The policy of accepting territory in the Lowlands would certainly involve a weakening of the present Indian friendly relations with the African natives. Indians are living in Kenya to-day on terms of friendship with the natives and not on terms of hostility. But to take this large slice of territory from the natives would inevitably lead to hostility growing up between the Indians and the natives.

(3) The policy of accepting land in the Lowlands would mean the beginning of an imperialism which would be unlike any form of Indian emigration in the past. It would not mean the occupation by Indians as colonists, of lands that were entirely useless and never likely to be occupied by the natives of the country; because it has been proved by competent authorities that the area of good agricultural land in Kenya is exceedingly small, and that there is hardly sufficiently even now for the expansion of the native races. It would mean a definite expropriation of the natives and as such would be an endless source of mischief, aggravating an evil situation.

(4) To accept territory in the Lowlands would be a reversal of the whole Indian claim; for, as I have shown, in 1923, the Indian deputation definitely rejected such a suggestion and equally definitely declared that their only wish was to recover the legal right of open sales and transfers of land anywhere in Kenya Colony. This position, which was taken up by us all formally in 1923, would obviously be thrown on one side; and it could never be taken up again if once the compromise had been made.

"These, then, are some of the main reasons why such a false step should not be taken by the Indian Government with the consent of the Indian people. The essentially moral character of Indian citizenship is at stake. Indian leaders to-day are speaking as strongly as possible against the evil spirit of Western imperialism, which has been so crushing to themselves in India and also in other Eastern countries. They assert that this form of forcible subjection and dispossession of other people from their own territory by a foreign power is wrong in principle and must not be carried out any further, but rather be undone".

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## H. E. the Viceroy on Indians Abroad

In opening the Winter Session of the Indian Legislature at Delhi on January 20, 1925, H. E. the Viceroy made references to the position of Indians Overseas which evoked an all-round protest throughout the length and breadth of India. For those references, which are full of the usual platitudes and non-committal, constitute a black betrayal of the interests of the Indian residents, not only in Kenya, but also in the various other parts of the Empire. The following is what His Excellency said on the occasion:—

When considering affairs outside India, attention naturally and inevitably turns to Indians overseas. When I addressed the Legislature in January last, the position of Indians in Kenya was critical and I foreshadowed the appointment of a committee to make representations on behalf of the Government of India regarding the Immigration Ordinance in Kenya in particular and other questions relating to Indians in the Colonies. The personnel of the Committee was announced in March last and the Committee began

their labours in London in April. They had a number of interviews with the Secretary of State for the Colonies and the officials of the Colonial office and representations regarding many important matters affecting Indians in Kenya, Fiji and the Mandated territories of Tanganyika. I cannot highly praise the thoroughness and ability with which they performed their delicate task and I am grateful for the very patient hearing which the representatives of His Majesty's Government, Mr. Thomas and the officers of his department, accorded to them. As regards Kenya the conclusions arrived at by Mr. Thomas were announced in the House of Commons on August 7th last. On the question of franchise, and the Highlands, there was no change in the position, but as regards immigration His Majesty's Secretary of State for the Colonies, after hearing our representatives, was not satisfied with the data submitted from Kenya and was unable to agree with the Kenya authorities that a case has been made out to justify the Ordinance. He therefore gave an assurance that the Immigration Legislation would not be placed on the Statute book. Further restrictions then on the point of being imposed upon the immigration of Indians were accordingly removed. As regards Indian Colonisation, Mr. Thomas announced that it was proposed to reserve an area in the lowlands for agricultural emigrants from India, but that before the scheme took final shape, an officer with experience of the needs of Indian settlers and agricultural knowledge would be sent to report on the areas to be offered for colonisation. Reports in regard to areas have been received by my Government and we are considering the question of deputing an officer to examine these areas from the aspect of their suitability for Indian settlement. They are substantial gains and our gratitude is due to the Committee for the clarity and earnestness of their representation of the Indian point of view to His Majesty's Government. Moreover these gains are not the only advantages which accrued from their visit; a better atmosphere has been created and a wider understanding of different points of view has grown up which is the outcome of personal discussion and free and frank interchange of views.

If the pendulum has swung in the direction desired by India on these questions, the position in South Africa, on the other hand, has been less favourable. Towards the end of December, news was received that the Governor-General of the Union of South Africa had given his assent to the Natal Boroughs Ordinance. This measure, while safeguarding the rights of Indians upon the electoral roll of Boroughs, will prevent further enrolment of Indians as burgesses. The serious implications of the measure on the future of Indians who have special vocational and trading connections with the towns in South Africa will readily be realised. From the outset the Government of India had recognised the effect that this measure might have upon the position of resident Indians in Natal both as regards their civic and economic status and my Government made strong representations to the Union Government as soon as a copy of the Ordinance was received in August last. At the time there was reason to hope that since a similar but more drastic measure had been disallowed previously by the Governor-General, this Ordinance would also share the same fate. To our regret, however, the Government of the Union advised the Governor-General to assent to the Bill and accordingly the measure has now become law.

The situation created is now engaging the most earnest attention of myself and my Government. We have lost no time in making representations to His Majesty's Government and in placing before them in an emphatic manner the difficulties in which resident Indians are likely to be placed by the operation of the law. Every endeavour will be made to discover a remedy, but in view of the powers of Dominion Government's in internal and domestic affairs, the position is one of delicacy, and a solution will not be easy to find. Patience will again be necessary. I may remind you that when the position in Kenya seemed most unfavourable, temperate arguments and full and frank discussions resulted in a better understanding of the Indian point of view and in a measure of relief to the disabilities felt by Indians. I hope that, as in the case of Kenya, so also in this case one remedy may be devised. I have promised to receive a deputation on this question and will discuss with them, at a later date, in the light of further information which I hope to receive, the prospects of finding a solution to the present difficulties. For the present I say nothing more on the subject of the measure which will engage the attention of the Legislature.

#### Mr. Sastri on the Viceroy's speech

A spirited protest was entered into by the Rt. Hon. Mr. V. S. Srinivasa Sastri against the abandonment by H. E. the Viceroy of his opposition to the White Highlands policy pursued by His Majesty's Government in Kenya. In an interview granted to the Associated Press at Bangalore on the 21st January 1925, he said :—

"From a brief summary, which is all I have in this place, of the speech of His Excellency the Viceroy in opening the Houses of Legislature, I gather that the Government of India is about to take steps in regard to this matter which, in my humble judgment, ought not to receive the support or indirect acquiescence of the people's representatives. I refer to the appointment foreshadowed in the speech of an Indian Officer to investigate the areas in the Lowlands of Kenya which it is proposed to set apart for exclusive occupation of Indians as a sort of compensation for their being shut out from the Highlands. The idea was first formulated by Lord Milner when he was the Secretary of State for Colonies. From that time till the other day not only our countrymen in Kenya but so far as published documents go, the Government of India and the India Office have given no countenance to the suggestion. As to the press in India and our political leaders, they have always denounced it as a bait which should be avoided and a bribe which should be unhesitatingly rejected. Throughout the weary negotiations between Mr. Winston Churchill and Mr. Montagu, this attitude was steadfastly maintained. One cannot assert what line the recent Colonies Committee took, but I have reason to believe that they firmly adhered to the Indian position. To depute an officer to examine the Lowlands with a view to Indian settlement is the same as the acceptance by the Government of India of the principle of communal segregation. Its effect on our position in South Africa and elsewhere would be disastrous.

"Luckily the Government will have to ask the sanction of the Assembly for necessary appropriation of funds. The members of that chamber will know best how to deal with the proposals of the Government in the matter. Meanwhile I would suggest that questions be asked in both the Houses to elicit information and also to intimate the popular view to the Government. Sir B. N. Sarma steadily refused to publish papers and used to claim that there was substantial identity of view between the Government and the non-official public on the overseas question generally. We have in the past gladly allowed this claim and given the Government of India full credit for firm and thorough-going advocacy of our cause. Let us hope that it will do nothing now to forfeit this claim".

### The Kenya Question in the Assembly

Sir Purshottamas Thakurdatt drew the attention of the Government in the Assembly on the 27th January to the statement made to the press by Mr. Sastri regarding the Viceroy's announcement about the proposed deputation of an officer to Kenya. Mr. Bore, the Emigration Secretary, explaining the Government position, said :—

"In the Parliamentary white paper on Kenya which was published in 1923, the temporary reservation in the lowlands of an area which did not infringe on native reserves or conflict with native requirements was foreshadowed in order to test the strength of the Indian demand for land for agricultural purposes. In their representations on this subject the Colonies Committee of the Government of India strongly emphasised that they were averse from the principle of reserving land for any immigrant race in Kenya, but suggested that, if it was decided to allot land for Indian colonisation, then before applications were invited an opportunity should be given to send an officer from India to report on its suitability from the Indian point of view. Information was received last November that an area had been inspected by the local officers. It is also understood that the East African Indian National Congress has been invited to send its representatives to inspect this area and has agreed to do so. In the circumstances the Government of India decided that the Standing Emigration Committee of the two houses of the Legislature should be consulted on the proposal to send an officer from India to investigate its suitability for Indian colonisation. The committee will consider the matter at their next meeting and until their report is received no decision on it can be arrived at. From the reservation made by the Colonies Committee on the general principle of allotting land to particular communities in Kenya to which I have already referred and in which the Government of India entirely concur, it will be observed that at no time has there been any question of acquiescence in a policy of segregation.

"Replying to a supplementary question of Mr. Rangaswami Iyengar, Mr. Bore assured that the Government would not act without ascertaining the opinion of the Standing Emigration Committee of both the houses. Mr. Rangachariar asked whether the memorandum of the Colonies Committee on the subject has been supplied to the Emigration Committee. Mr. Bore replied in the negative".

# Indians in South Africa

Readers of the Register are aware that the Natal Boroughs Ordinance was passed by the Union Government in December 1924. General Hertzog, to whom lies the credit of the passage of the Bill, justified his conduct by stating that Natal was acting within its rights in the matter of this Ordinance and that it was hardly within the province of the Union Government to interfere with those rights. By misinterpreting the constitution and repudiating responsibility for the Ordinance, General Hertzog laid the axe straight at the roots of the Gandhi-Smuts pact, the Magna Carta of the Indians in the Dominions. Protesting against this violation of the spirit and letter of the Gandhi-Smuts Pact, the *Indian Opinion* of Natal wrote :—

"We felt we had a right to ask them to safeguard our rights under section 147 of the South Africa Act which vested in the Governor-General in Council all matters specially or differentially affecting Asiatics throughout the Union. The Ministers of the Crown were the custodians of our rights, as we had not the Parliamentary franchise. But they have abandoned their trust, betrayed and sold us. The rights, which the Boroughs Ordinance deprives us of, have been guaranteed to us under the settlement arrived at between Mr. Gandhi and General Smuts after that memorable passive resistance struggle, which meant hardship and misery to our people. That settlement provided that there shall be no further encroachment upon our existing rights. We make bold to say that the Government in passing the Ordinance have committed clearly a breach of faith. What trust could we have after this in the white man's world? . . . . It is said that even a worm will turn when trampled upon. Is our community going to take this beating lying down. We hope not. Let them be up and doing. Let them leave no stone unturned to have their voice heard."

## The Deputation to the Viceroy

The above comments of the *Indian Opinion* show how keenly the Indians felt the grievous wrong done to them. On 28th January 1925 a representative and influential deputation of leading Indians waited on H. E. the Viceroy at Delhi and presented an address dealing with the question of the disabilities of Indians in South Africa. The history of the vexed question found an eloquent exponent in the Deputation, but it failed to give a true expression of the sentiments of the people which had been trampled upon by the South Africa Government, and of urging the Indian Government to take prompt steps to protect Indians' interests and vindicate India's honour and self-respect.

The personnel of the deputation was as follows:—Sir Dinshaw Petit, Bart., Hon'ble Raja Sir Harnam Singh, the Hon'ble Sahibzada Aftab Ahmed Khan, the Hon'ble Sir Arthur Froom, Kt., Nawab Sir Sahibzada Abdul Qaiyum, Sir P. S. Sivaswami Iyer, Sir Campbell Rhodes, Sir Purushottamdas Thakurdas, Sir Hormusji Adeawala, Dr. Sir Hari Singh Gour, Dewan Bahadur T. Rangachariar, Mr. Bepin Chandra Pal, Mr. M. A. Jinnah, Colonel J. D. Crawford, the Hon'ble Mr. G. A. Natesan, the Hon'ble Mr. Lallubhai Samaldas, the Hon'ble Mr. Pheroze C. Sethna, Mr. K. C. Roy, Mr. W. S. J. Wilson, Babu Ujaggar Singh Bedi, Mr. N. M. Joshi, Mr. R. K. Sanmukham Chettiar, Mr. Hussain Bhai Abdullabhai Laljee and Dr. S. K. Datta.

The following is the text of the Address read by the Deputation :—

"Many deputations have waited from time to time upon Your Excellency and your predecessors in the office in order to convey to the Government of India and through it to His Majesty's Government, the intense feeling aroused in the minds of the people of India at the treatment accorded to Indians in South Africa by the Government of the Union. We remember, with satisfaction, the sympathetic response of the Viceroy of the day and of Your Excellency to the representations made on those occasions and, in particular, we recall, with thankfulness and pride, how in 1913 when the situation in South Africa had reached a dangerous crisis and public sentiment had been outraged by the bitter persecution of Indians in the Union, your predecessor, Lord Hardinge, placed himself at the head of the peoples of India and voiced their alarm and indignation in terms that extorted universal appreciation. To-day a crisis of another kind has been reached. It is true that the circumstances of the Indian passive resistance struggle in Natal for just and equitable treatment are not actually being reproduced in South Africa. Nevertheless a veiled warfare is undoubtedly being carried on against the resident Indian population and steps are being taken and policies framed having for their object, if possible, the expulsion and, certainly the ruin and degradation of the unhappy Indian residents there, now virtually leaderless owing to the departure, death or misfortune of those upon whom they have hitherto relied for counsel, guidance and example.

#### Gandhi—Smuts Agreement

"When the settlement of 1914 was reached between the Indian community and the Government of the Union, it was generally felt in this country that Indians there had secured no more than their minimum claim and for that they had to make enormous sacrifices with the sympathy, support and practical assistance of the people of India and they had gone to the utmost limit of honourable concession by consenting unreservedly to the closest restriction of the Indian immigration into the Union in order to allay the fear and hostility of their fellow white colonists. The settlement was based upon public recognition by the Union Government of the sanctity of the vested rights of the Indian residents whether individually or as a community and Mr. Gandhi clearly intimated to the Government that, though his countrymen had accepted the terms of settlement as regards matters then actually in dispute between the parties, they nevertheless reserved the right and intended in due course to claim the restoration of the various incidents and privileges of citizenship of which they had been deprived over a long period of years by statute, regulation or administrative action until they had secured for themselves the complete status of equal citizenship throughout the Union. With the outbreak of the war the anti-Indian campaign of an important and influential section on the white population remained in abeyance, but scarcely had the armistice been signed when it burst forth again with increased violence and in 1919, in spite of definite undertaking of the Union Government five years earlier to respect Indian vested rights and interests, the Union Parliament passed legislation depriving the Transvaal Indians of the legal right indirectly to acquire and own immoveable property, which with the knowledge and encouragement originally of the South African Government, they had exercised freely for over thirty years.

## The Asiatic Commission

"Encouraged by this striking success, the anti-Indian propagandists began to extend their operations to Natal. The Union Government thereupon set up a commission presided over by Mr. Justice Lange to examine the whole Indian position in the Union. It was at this stage that Your Excellency's predecessor Lord Chelmsford who had persistently advocated the Indian cause in South Africa sought and obtained from the Union Government an invitation for a representative of the Government of India to proceed to South Africa to assist the Commission by presenting the Indian case and to confer with the Cabinet of General Smuts. Sir Benjamin Robertson's able presentation of India's case and his penetrating criticism of the evidence led by the anti-Indian party resulted in a finding of facts by the Commissioners substantially adopting the Indian point of view and discrediting, on grounds of vagueness, inaccuracy or exaggeration, the main hostile allegation. It was hoped, as a result of this effort, that the Union Government would take steps to correct popular misconceptions and correspondingly to improve the Indian status, but the insecurity of General Smuts' Government rendered it peculiarly susceptible to pressure from the anti-Indian party in the Assembly, with the result that the Natal Provincial Council was encouraged to enact certain ordinances prohibiting Indians in the Durban Municipal area from making purchases at public sales of the Municipal land, depriving Natal Indians of the right to exercise the Municipal franchise and severely restricting their already precarious trading rights. In spite of Indian protests, the first Ordinance, upon the advice of his Ministers, was assented to by the Governor-General, thus for the first time introducing in Natal the practice of racial segregation. The other Ordinances were disallowed or assent withheld. Several attempts have since been made to secure the acceptance of these or similar Ordinances by the Union Government and the news has recently reached India that in spite of repeated protests the Governor-General has now assented to the Ordinance depriving Indians in Natal of the Municipal franchise that they had exercised to the advantage of the province, ever since it was first instituted. This Municipal Franchise was solemnly assured to them by the Natal Government when in 1896 the Indians were deprived of the Parliamentary Franchise.

## The Class Areas Bill

"At the 1917 Imperial War Conference, when the question of the disabilities of the Government of India came up, General Smuts, speaking on behalf of the Union Government, expressly held out the hope that with the removal, by the enactment of the Union Immigration Act, of the fear of an Indian invasion of South Africa, the grievances of the resident Indians should be gradually remedied and at the 1918 War Conference, Mr. Burton, the South African spokesman, paid a warm tribute to the lawabiding character of the Indian population and admitted that it was entitled to humane and just treatment. The South African delegation accepted the resolution passed unanimously by the Conference recommending to the various Dominion Governments concerned the investigation of Indian disabilities with a view to their removal. The Lange Commission in 1920 reported that the allegations of unlawful Indian immigration on a large scale were not substantial and this finding was supported by the Union. Census figures in 1921 showed, not only that the Indian population, two-thirds of which was born

in South Africa, was virtually stationary, but that the white population in the Union had enormously increased in Natal, where the complaints of unfair economic competition were loudest. Though the Indian population had increased by the small amount of 5 per cent, the European population had increased by 40 per cent. In 1921 the Imperial Conference adopted a resolution recommending to the various Dominion Governments, in view of the change in the constitutional status of India under the Reforms, the desirability of conferring citizenship rights to domiciled Indians. South Africa alone dissented. At the 1923 Conference, though the Union representative sought to procure the reversal of the 1921 resolution, it was reaffirmed, South Africa dissenting. When Sir Tej Bahadur Sspru, speaking on behalf of the Government of India, recalled General Smuts' declaration at the 1917 Conference and pointed out that not only had nothing been done to remedy the Indian disabilities but that these had been steadily added to in contravention of both the letter and the spirit of the 1914 settlement, the South African statesmen fell back upon the agreement that the avowed policy of the South African Europeans throughout the greater part of the Union, was one of racial discrimination and differentiation to the exclusion of the principle of equality of citizenship amongst them. Immediately after his return to South Africa in 1923 and with the consciousness of a precarious parliamentary majority, General Smuts introduced in the Union Assembly the Class Areas Bill, providing for the commercial and residential segregation of Indians in Municipal areas throughout the Union. Owing to the fact that the Cape Indians exercise parliamentary franchise, they were able to secure the support of Cape Members of the Assembly for their demand to be excluded from the operation of the Bill and an undertaking was subsequently given by the Government that they should be so excluded. With the General election that occurred in South Africa, early last year, which resulted in the defeat of General Smuts and the advent of the office of a Nationalist-Labour Government under General Hertzog, the Bill lapsed. When the new South African Parliament met, the Prime Minister stated that it was not proposed to proceed with the Class Areas Bill, but the Government was committed to the principle of segregation in urban areas and that the Cabinet had under consideration a measure to give effect to this policy. The Minister of the Interior has since intimated that it is intended to proceed with this measure at an early date.

#### A Non-Party Conference.

“In view of the past attitude of the Nationalist and Labour Parties in South Africa, the resident Indian community is extremely alarmed at this prospect and its anxiety is shared by the people of this country. Recent statements by the South African Press correspondents indicate the probability of the holding of a Non-Party Conference with the object of agreement upon a national rather than a party anti-Indian policy. During his recent visit to the Union, Mr. J. H. Thomas, then His Majesty's Secretary of State for the Colonies, delivered a speech at Petermaritzburg, at which he expressed the hope that the Indian question would be considered, not merely in its local, but especially in its Imperial aspects and that, if, as he felt was desirable, a non-party Conference was set up, the Imperial and Indian Government should be represented thereat, so that the Indian position could be re-examined in a spirit of tolerance that might result in the finding of a solution. Whilst



recognising the economic difficulties of the situation, we feel that the position of the South African Indian population since the passage of the threatened legislation has become desperate and the present situation is fraught with such peril to Imperial relationships and in particular, those between South Africa and India, that we have no hesitation in urging upon Your Excellency's Government the immediate need of securing the Union-Government's assent to the suggestion of Mr. Thomas, which we trust will be endorsed by the present Government in Whitehall.

#### Wanted—An Assurance.

"In these circumstances and with the danger of irreparable disaster so imminent, we, citizens of the Indian Empire, feel it our duty, both to the people and the Government of this country, to approach Your Excellency with an earnest request for an assurance that your Government, mindful of the gravity of the problem and of the intensity of Indian feeling thereon, is making every effort to secure from the Union Government an undertaking that no further steps will be taken relating to Indian interests until the whole Indian position has been thoroughly re-examined in a non-party spirit of tolerance by a conference of the above-mentioned character in the presence and with the collaboration of such representatives of the Imperial and Indian Governments.

"We are authorised by His Highness the Maharaja of Bikaner, who to his regret is unable to be present to lead us owing to a religious ceremony in which His Highness's presence is indispensable, to recall in this connection the message which he, as the Chancellor of the Chamber of Princes, communicated to the Imperial Conference of 1923, through His Highness the Maharaja of Alwar. The message expressed the earnest hope of the Princes that the united efforts of all concerned at the Conference would yield some satisfactory results and secure to Indians, including the subjects of the Indian States, an honoured position in all parts of the Empire, in keeping with Indians' rightful place in the British Commonwealth and in conformity with the assiduous and constant effort of Your Excellency and your Government. His Highness wishes us to add that the princes are in agreement with the object of this deputation.

"We beg to thank Your Excellency for the patient hearing that has been given us and we pray that Your Excellency's efforts will bring about the much-needed relief to the Indians in South Africa and will tend to remove that bitterness between the component parts of the Empire which the differential treatment of one class of His Majesty's subjects in the Dominions has unfortunately generated".

#### The Viceroy's Reply.

The following is H. E. the Viceroy's reply to the Deputation :—

"Gentlemen, I am glad to have the opportunity of welcoming you here this evening. You are members of a deputation which is, to an unusual and remarkable degree, representative and influential. The composition of the deputation indeed shows how deeply stirred are the feelings of the whole country in regard to the conditions of Indians in South Africa. Although no Ruling Prince is actually with you to-day, yet I observe that you have received messages of sympathy from His Highness the Maharaja of Bikaner, the Chancellor of the Chamber of Princes and that His Highness desires it to

be known that the princes are in agreement with the objects of this deputation. I welcome also the presence of the distinguished representatives of the non-official communities and it is especially noteworthy that Indians and Europeans are associated together in this deputation and with the same purpose in view. The question before us is of the utmost importance to the future of the Empire and it is well that the British in India should show in this unmistakable way that they identify themselves with those questions which affect seriously the interests and position of India in the Empire.

"In your address you have given a concise historical survey of this complicated problem and it must be admitted that that survey leaves on the mind an impression of deep disappointment. On the conclusion of the 1914 settlement, as it is termed in your address, it appeared that the causes of future friction between the Government of South Africa and the Indians resident within its borders had been removed. At the conclusion of the negotiations of 1914, a letter was written on behalf of General Smuts to Mr. Gandhi, in which the following passage occurs with regard to the administration of the existing laws: "The Minister desires me to say that it always has been and will continue to be the desire of the Government to see that they are administered in a just manner with due regard to vested rights. In conclusion, General Smuts desires me to say that it is of course understood and he wishes no doubts on the subject to remain, that the placing of an Indian Relief Bill on the Statute Book of the Union, coupled with the fulfilment of assurances he is giving in this letter, in regard to the other matters referred to herein and touched upon at recent interviews, will constitute a complete and final settlement of the controversy which has unfortunately existed for so long and will be unreservedly accepted as such by the Indian community."

#### Present Position.

"This letter indicated at any rate, in the mind of General Smuts, a feeling of hopefulness for the future and it does not seem unreasonable to infer that at that time the Union Government did not contemplate the necessity of imposing any fresh restrictions on Indians already in the country, as I understand it was in this sense that the agreement was interpreted in India, and the speeches made by the representatives of South Africa at the Imperial Conference in 1919 and 1918, tend to support this interpretation. General Smuts, speaking at the Imperial Conference of 1917, said: "There is still a difference of opinion on administrative matters of detail, some of which are referred to in the memorandum which is before us, but I feel sure, and I have always felt sure, that once the white community in South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India, all other questions would be considered subsidiary and would become easily and perfectly soluble. That is the position in which we are. Now that the fear which formerly obsessed settlers there has been removed, the great principle of restricted immigration for which they have contended is on our Statute Book with the consent of the Indian population in South Africa and the authorities in India and, that being so, I think that the door is open now for a peaceful and statesmanlike solution of all the minor administrative troubles which occurred and will occur from time to time".

"It is not difficult therefore to understand the feeling of disappointment that have invaded the country when several restrictive enactments you have

detailed have successively been brought into effect in the last few years culminating in the Natal Boroughs Ordinance.

#### Natal Boroughs Ordinance.

"The immediate occasion of this deputation is the passing into law of the Natal Boroughs Ordinance which has received the assent of the Governor-General of the Union of South Africa on the advice of the Union Government. This Ordinance, whilst safeguarding the rights of those Indians who are already on the electoral roll of the Borough in Natal, will prevent any further enrolment of Indians as Burgesses. The next generation of Indians born in South Africa will not possess the municipal vote.

"It is stated in your address that "the municipal franchise was solemnly assured" to Indians by the Natal Government when in 1896 Indians were deprived of the parliamentary franchise, but you have not indicated the exact source of the nature of the assurance. My Government are making the necessary enquiries to verify the position and meanwhile I should be glad to be supplied by you with any further information you may possess upon this subject. It is not necessary for your case, for, apart from any question of assurance or promise and apart even from any question of sentiment, it cannot be disputed that it will be a serious deprivation to the Indian community to be excluded from any part or lot in the administration of the municipal affairs that touch their every-day lives. Moreover, the Ordinance can hardly fail to affect injuriously the economic life of many of the Indians. The Municipalities administer the Licensing Laws and I understand that a considerable number of the Indian community are small traders trading under Municipal licences and it becomes necessary to enlarge on their possible disadvantages when deprived of the influence on the surface of those who administer the licensing laws.

"For a time there seemed to be some hope that this new policy of imposing fresh restrictions on Indians in Natal would be checked by the Union Government, but the passing into law of the Natal Boroughs Ordinance appears to indicate that the provinces will be to a large extent left to deal with the Indian problem as may seem best to them. This is a position that Indians must be regarding with increasing misgiving at this moment when the action now taken in Natal following on other measures taken or proposed in Natal or elsewhere, suggests that the position of Indians in South Africa has reached a crisis. I should be unresponsive, indeed, if I did not fully appreciate the sentiment which stirs the country and is well expressed by this remarkable deputation exemplifying in a striking manner the co-operation of Indians and Europeans of varying shades of opinion and varying interests. Firm in the faith of future of India within the Empire, I am deeply concerned at the turn of events and at the possible reactions on imperial relationships. I need not say that my Government is entirely with me in the desire to obtain more favourable consideration from the Union Government for the interests of Indians resident in South Africa. From my own personal knowledge I can assure you that Sir Narasimha Sarma, when in charge of the department, laboured devotedly to represent and uphold the Indian cause and I am convinced that Sir Mahomed Habibullah will not be behind him in the earnestness of his endeavours to the same end. As a Government we have consistently and persistently striven to the utmost of our capacities for this purpose.

## Thorns in the Path

"But I must not conceal from you that the difficulties which confront us are great. Your object as practical men is to find a practical method of achieving some result, of removing the danger to the whole position of Indians in South Africa. Feelings are deeply stirred, but it is not sufficient to relieve them by resolutions or speeches. We seek, you seek, all seek, a practical solution. I therefore turn with special interest to the suggestion made by you at the end of your address. You propose that my Government should make every effort to secure from the Union Government an undertaking that no further steps will be taken relating to Indian interests until the whole Indian position has been thoroughly re-examined in a non-party spirit of tolerance by a conference in the presence and with the collaboration of representatives of the Imperial and Indian Governments who will by their knowledge and ability, possess the full confidence of the Indian people. I am not surprised, in the circumstances mentioned by you and your address, that you should concentrate upon this proposal. You will appreciate that I cannot discuss it in its full bearings in a public statement to you. The suggestion is worthy of the fullest consideration and I assure you, has already received it. I may tell you at once that my Government has been and is in consultation with His Majesty's Government upon this very subject and has been and is doing its utmost to seek a solution of the problems before us by the means suggested by you, or any other which may be presented, that is likely to yield fruitful results.

"But I should not be candid with you if I tried to belittle the difficulties in the way of obtaining assent to such a conference. You are well aware of them. We must do our utmost to overcome them. Negotiations in these matters must necessarily be of a delicate character. National susceptibilities are easily aroused not only in India, but elsewhere. The path we shall have to tread is difficult. South Africa has already full responsible Self-Government, a Dominion within the Empire and you are apprised of the strength of the feeling and of the agitation in South Africa upon these questions. Each Government has its own problems and embarrassments, each Government seeks the interests of its own people. Our purpose is to strive to reconcile these individual interests in the collective interests of the Empire. You will, I think, realise from my observations that denunciation and threats can only produce injurious consequences and embarrass us with the Union Government. Indeed the language of your address bears testimony to your views and I take this opportunity of paying my tribute to the restrained, though none the less emphatic, manner in which you have stated your case to-day. In conclusion, Gentlemen, let me assure you if it is still necessary that I and my Government are whole-heartedly with you in the desire to be of assistance to the cause of the Indians in South Africa".

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### Mahatma Gandhi on the Viceroy's Speech.

The Viceroy's speech in reply to the Deputation could not pour oil into the troubled water. Mahatma Gandhi in criticising the speech wrote the following in his *Young India* on the 5th February 1925 :—

"The Viceregal answer to the deputation that waited on His Excellency was sympathetic but non-committal. It betrays unnecessary consideration for

the difficulties of the Union Government. It is just for one Government to appreciate the difficulties of another, but the performance might easily be overdone. The Union Government observed no delicacy when it had to make its choice. The Indian Government has had many occasions to make such choices. Each time except once it has surrendered. The exception was made by Lord Hardinge who hurled defiance at the Government of South Africa and ranged himself on the side of Indians in South Africa. There were reasons for it. Indians were fighting by direct action. The method was new. They had proved their capacity for resistance and suffering and yet they were demonstrably and wholly non-violent. But at the present moment, Indians of South Africa are leaderless. With Sorabji Kachalia, P. K. Naidu and now Rustomji gone, they do not know what they should do or can do. There is ample scope for non-violent action, but it requires thinking out and vigorous working out. That seems hardly possible at the present moment. I have, however, great hope of one or two young men who are resident in South Africa. Not the least among them is Sorabji, the brave son of the brave Rustomji. Young Sorabji is himself a seasoned soldier in Satyagraha. He had been to prison. He organised wonderful receptions that were given in Natal to Sarojini Devi. Let our countrymen in South Africa realise that they must work out their own salvation; even heaven helps only those who help themselves. They will find that if they show their original grit and spirit and sacrifice they will have the people of India, the Government of India and the world helping and fighting for them.

#### The Natal Pledge

“There is a passage in the Viceregal pronouncement which needs supplementing. His Excellency says: “It is stated in your address that the Municipal franchise was solemnly assured to the Indians by the Natal Government when in 1896 Indians were deprived of the Parliamentary franchise, but you have not indicated the exact source or nature of the assurance. My Government are making the necessary enquiries to verify the position.” The statement made by the deputation is substantially correct. It was however not in 1896, but probably in 1894 that the assurance was given. I am writing from memory. The facts are these:—“It was in 1894 that the first Disfranchising Bill was passed by the Natal Assembly. Whilst it was passing through that Assembly a petition was presented to it on behalf of the Indians wherein it was stated that Indians enjoyed in India the Municipal and indirectly even the political franchise. Fear was also expressed that deprivation of political franchise was likely to be a prelude to that of the Municipal franchise. It was in answer to this petition, that the late Sir John Robinson, the Premier of Natal, and the late Mr. Escombe, the Attorney-General, gave the assurance that there was no intention to go further and deprive Indians of the Municipal franchise at a future date. The Disfranchising Bill was disallowed by the Superior Government, but another, non-racial in character, was passed. The assurance referred to by me was several times repeated by Mr. Escombe who had the charge of all Bills and who was virtually the dictator of Natal's policy whilst he was in office.”

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## The Colour Bar Bill.

In our previous issues we have dealt very exhaustively how in 1923 General Smuts, the then Premier, introduced in the Union Assembly of South Africa the Class Areas Bill providing for the commercial and residential segregation of Indians in municipal areas throughout the Union. Owing to the fact that the Cape Indians exercise parliamentary franchise, they were able to secure the support of Cape members of the Assembly for their demand to be excluded from the operation of the Bill, and an undertaking was subsequently given by the Government that they should be excluded. With the general election that occurred in South Africa early in the year 1924, which resulted in the defeat of General Smuts and the advent of the office of a Nationalist—Labour Government under General Hertzog, the Bill lapsed. When the new South African Parliament met, the Prime Minister (General Hertzog) stated that it was not proposed to proceed with the Class Areas Bill, but the Government was committed to the principle of segregation in urban areas and that the Cabinet had under consideration a measure to give effect to this policy. The Minister of the Interior also intimated that it was intended to proceed with this measure at an early date.

As soon as the Class Areas Bill was scotched, strong objection was taken by the white constituents of South Africa and there was great resentment among them. General Hertzog, in his anxiety to keep them satisfied, introduced another Bill, the Colour Bar Bill in the Union Parliament. It should be remembered here that the colour-bar imposing disabilities on Indians was brought into vogue by the regulations issued in connection with the Mines and Works Act of 1812 wherein it was provided that machinery, boilers etc., should be in the charge of competent persons who shall be white men. The legality of these regulations was, however, challenged in a court of law and in November 1923, the Transvaal Supreme Court declared that these colour-bar regulations were *ultra vires*. One of the judges observed that the deprivation of any section of the community of economic rights by reason of the colour of his skin was '*prima facie*' repugnant to the law of the land, unreasonable and even capricious and arbitrary. The new Mines and Works Bill, otherwise called the Colour Bar Bill, provides in spite of this judgment that the certificates of competency shall not be granted to natives or Asiatics.

### The Bill in the Union Assembly

In February 1925 the Colour Bar Bill came up for discussion in the Union Assembly. In opposing it General SMUTS declared that the Bill sought to give the Government power by regulation to apportion work in mines and works between the whites on the one hand and the Natives and Asiatics on the other which, he thought, was a very serious matter. He felt the Bill was not an honest dealing and it was his deliberate opinion that there was only one guarantee of security of white civilisation, namely, honest justice between man and man in this country.

Turning to the Bill, as it affected Asiatics, he said that in the days of his negotiations with Mr. Gandhi, the position which the latter took up and which had been taken up at subsequent conferences in London, was an appeal not to dishonour Indians. "We recognise," said Mr. Gandhi, "there is a difference between you and us and that distinctions must be made. But

don't cast a stigma on us in the laws of your country." But, in this Bill, they were doing the very thing they were asked to avoid. They were gathering on their heads the hatred of the whole of Asia from one side to the other.

General HERTZOG expressed the appreciation of General Smuts' attitude and said the time had not yet arrived to abolish the differentiation between the white and the coloured people, but then they must be careful to see that they did not give offence. He suggested that the question might be considered in the Select Committee for granting certificates to persons in charge of dangerous work. He admitted that there was a good deal in what General Smuts had said. The question was one in which they could not always in practice adopt what they would have liked to as far as ethical principles were concerned, but if in practice they adopted something different, they must depart as little as they could from ethical principles. It became desirable many years ago to make a differentiation between the white and the coloured people. He thought a way out could be found without giving such offence. He appealed to the House to come together and see how they could solve the problem.

#### The Second Reading of the Bill

On the 6th May 1925, after an acrimonious debate, the Bill passed its second reading by a small majority of eleven votes. It was then referred to a Select Committee.

The Minister of Mines, Mr. Beyers, deprecated the speeches of General Smuts and other oppositionists as tending to cause disaffection in the Native mind and argued that the Bill only enacted the colour bar which was previously embodied in the regulations of the Transvaal Free State, but which had been found to be *ultra vires*. He declared that he had no intention to offend Indians, and, if the Committee could find a formula satisfactorily expressing the intention and meaning of the Bill without using the specific word "Asiatics," he would welcome such a formula.

On the 2nd June 1925 the Parliamentary battle over the Colour Bar Bill was resumed when the Opposition put forward a motion to reverse the recent decision of the Select Committee which was then sitting on the Bill not to take evidence. The Select Committee had confined itself to more or less external amendments in order that the word "Asiatics" should not appear in the measure. Beyond that the Committee had refused to hear natives or Asiatics who desired to give evidence on the application of the Bill.

Ultimately the Opposition's motion was defeated by eighteen votes after one more bitter and acrimonious debate.

A week after, the report of the Select Committee on the Colour Bar Bill was carried in the Assembly by the casting vote of the Minister. The Bill had been altered in accordance with the recommendations of the Select Committee which suggested that instead of stating that certificates of competency would not be granted to natives and Asiatics, the Bill should provide that such certificates would be granted (a) to Europeans, and (b) to classes known as "Cape Coloured" or "Cape Malays."

On the 9th June by resorting to closure the Government forced the Colour Bar Bill through the Committee of the whole House.

The opposition put up a strenuous fight and moved numerous amendments. One of these was to exempt from the Colour Bar Provisions all registered voters. This would have protected the Natives and Asiatics in

Cape Province where they possess votes. Another amendment, which was significant concerning the possibility of the extension of the Colour Bar to the Cape Province by regulations which the Bill empowers the Government to make, was the proposal definitely to exempt the Cape Province from the Bill. All these amendments were rejected by the Government.

The Bill was eventually passed through the Committee stage with the amendments proposed by the Select Committee, namely, the re-drafting of the Bill so as to eliminate the specific mention of Asiatics and Natives and applying the Colour Bar to them by implication alone.

On the 25th June the Colour Bar Bill passed its third reading in the House of Assembly by a narrow majority of 44 to 31.

Commenting on this in protest, Mr. C. F. Andrews in a statement to the Associated Press on the 26th June said :—

#### Mr. C. F. Andrews' Protest.

"The news from South Africa that the Colour Bar Bill which discriminated against Native Africans and Asiatics, has passed the third reading, will be received with the deepest regret by all those who were seeking for some means of reconciliation between South Africa and India. There is no more sensitive point of honour at which India could be attacked than that of racial discrimination by name in a Parliamentary Statute. It will be remembered that General Smuts urged in a remarkable speech, a short time ago, that at least the injured feelings of Indians be spared by omitting the word 'Asiatics.' The search for such a formula has evidently failed. Nothing is left to mitigate the blow which has fallen, for it has been studied and deliberate.

"It is no consolation to find that nearly half the members of the South African Union Assembly either abstained from voting or were absent. Out of a house of 154 members only 75 recorded their votes. There were evidently grave misgivings even in Ministerial ranks, but the fact remains that the third reading of the Colour Bar Bill has been passed by a substantial majority and that all the warnings of General Smuts and others have been in vain.

"We have been told definitely that this Bill is only the beginning of the final attempts to solve the Asiatic question once for all. Other Legislative measures will be brought forward on the lines of the Class Area Bill. We must expect when the time comes a Segregation Bill even more frankly and pointedly racial than the Class Area Bill itself. The situation is not unlike the studied insult which was offered by America to Japan a year ago, when in spite of the most serious and emphatic warnings, Japan was discriminated against racially in the American Immigration Restriction Bill. Japan received this blow against her honour with a dignity that was deeply impressive. India will receive the blow which has now been struck from South Africa in the same manner, but such wounds cannot easily be healed. The words of General Smuts, about the danger to a young nation like South Africa, of only insulting the great and ancient civilization of the East, will inevitably come true."

Ultimately the Colour Bar Bill was rejected by the Senate. We reserve it to be dealt with exhaustively in the next issue of the Register.

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# Provincial Conferences

Jan.-June 1924.

# All-India Hindu Mahasabha

CALCUTTA—11TH APRIL 1925

The 8th Session of the All-India Hindu Mahasabha was held at Calcutta on the 11th April 1925 under the presidency of Lala Lajpat Rai. There was a large gathering of delegates from the provinces outside Bengal and also of Hindu leaders from all over India. The proceedings were mainly in Hindi.

Sir P. C. ROY, Chairman of the Reception Committee, in welcoming the delegates, repudiated the suggestion that the Hindu Mahasabha organisation was anti-national. It was the bounden duty of every individual, he said, who aimed at a higher synthesis of national life to liberalise his community by a wider diffusion of culture and a better understanding of human and national obligations and interests. Communal organisations which honestly worked for cultural reform were not anti-national. The Hindu Mahasabha, he said, was looked upon by some at least of our Mussalman friends as being a militant body and hostile to them. It would be a great misfortune if it was really so. He was opposed to forcible conversions and reconversions from one religion to another. He declared that what Khaddar was for the economic salvation of India, the removal of untouchability was for the national regeneration of Hindu India.

Continuing he said: "My idea is that the Hindu Mahasabha should confine its activities to the reform of internal abuses and to the consolidation of the different sections and castes of Hindu society on a common platform. I would say the same thing to our Mahomedan brethren. Let them also direct their energies to the spread of education and the reform of their social evils. These twin movements may proceed side by side without mutual distrust and bitterness. I would also say the same thing to my Christian, Buddhist and Jain friends. If the different communities that inhabit India are mindful of the interests of the country and of themselves, and pursue their activities in a broad and liberal spirit, all hindrances to the growth of a United India will disappear and India will take her place among the free nations of the world and will regain her position as the source from which culture spread throughout the globe."

## The Presidential Address

Lala LAJPAT RAI in the course of his Presidential Address said:

"The Hindus have no political aims of their own separate from those of their countrymen of other faiths. There was a time when good many of the Hindu leaders wanted the Hindus to abstain from all political activity and to engage only in religious exercises. That class has now almost disappeared. But another class has come to the front who hold out that Hindu leaders have injured the Hindu community by taking to too much anti-government political activities and by raising the standard of Swaraj, and that it is time that we should make up with the Government and give up all anti-government activities. I am afraid I cannot agree with them. I am not at all sorry for the part the Hindu leaders have so far played in the development of the movement of freedom. The future historian of India will I hope, give them credit for their activities in this direction. It must be understood that no living nation can avoid politics. Politics is the very breath of associated life and political activities of a healthy kind are absolutely necessary for social progress and national prosperity. In this respect the following quotation from the Maha-Bharata ought to be very carefully borne in mind by such Hindu leaders as preach to us political inactivity:—

"When Politics become lifeless, the triple Veda sinks, all the Dharmas (i.e., the basis of civilization) (howsoever) developed, completely decay.

When traditional State-Ethics are departed from, all the divisions of individual life are shattered.

"In Politics are realised all the forms of renunciation, in Politics are united all Sacraments, in Politics are combined all knowledge ; in Politics are centered all the Worlds". Maha Bharata Shantiparva—63-28-29.

'Political activities are of two kinds—anti-government and pro-government. It will be foolish to oppose Government for the sake of opposition. It will be equally foolish to support Government with the object of individual or communal gain. The Hindus have so far followed a National policy and, I think, they must stick to that. They will be stultifying themselves if they replace their nationalism by communalism. Yet we can not ignore the fact that there are some communities in India who want to take undue advantage of our nationalism and are pushing forward their communalism to such an extent as is injurious to the interests of the whole nation and certainly disastrous to those of the Hindu community. Such communalism we are bound to oppose as, in our judgment, it can only lead to permanent slavery, permanent disunity and a state of perpetual dependence.

#### HINDUS DO NOT WANT A HINDU RAJ

'There is some apprehension in the mind of a certain section of our Muslim countrymen that the Hindus are working for a Hindu Raj. It is to be deplored that some Hindus, too, should have taken to that line of argument in retaliation to the Mohammedan cry for Muslim Raj. We know that all Mohammedans do not want a Muslim Raj, and we also know as a fact that the bulk of the Hindus do not want a Hindu Raj. What the latter are striving after is a National Government founded on justice to all communities, all classes and all interests. In my judgment, the cry of a Hindu Raj or a Muslim Raj is purely mischievous and ought to be discouraged.

'Sometime ago I had the occasion to read in one of the Muslim papers an article on Muslim Raj. The writer dismissed the idea of establishing Muslim Raj by the help of foreign Mohammedan states, such as Kabul and Turkey. And he also dismissed the idea of establishing a Muslim Raj by deceiving the Hindus into a unity for turning out the British and then establishing a Muslim Raj. But he actually advocated the policy of co-operation with the Government which might in the course of time lead that Government to hand over their power to the Muslims as the best organised and the most powerful body of men fit to rule. It seems to me that the writer has done great injustice to the Mohammedans by this line of argument as his conclusion seems to be more in the interests of Anglo-India than of the Muslim community. I am confident that this conclusion is not shared by the whole Mohammedan community, though unfortunately the utterances and actions of some of the foremost Muslim leaders do lend colour to it. Any way, I am clear in my mind that neither a Hindu Raj nor a Muslim Raj is in the realm of possibility. The correct thing for us to do is to strive for a democratic Raj in which the Hindus, Muslims and the other communities of India may participate as Indians and not as followers of any particular religion.

'So far as Politics are concerned, the Hindu Mahasabha has no special political functions except to define the position of the community in relation to other communities. The Hindus as a community are opposed to communal representation as such in any shape or form. The preponderance of opinion seems to be that the Lucknow Pact was a mistake but it is wrong to represent, as has been done by Mr. M. A. Jinnah recently at Aligarh, that the Hindus are altogether opposed to any revision or reconsideration of the Lucknow Pact. In conversations at Delhi, the position of the Hindu representatives was that they would accept any uniform principle of representation applicable to the whole of India subject to one consideration that the electorates in all cases should be mixed and that the principle of communal representation shall not be extended beyond the legislature. In face of this to say that the Hindus as such are opposed to any compromise is not true. I do not consider that an understanding between the Hindus and the Mohammedans is impossible, but it must be clearly understood that the Hindus will not submit to any coercion whatsoever in arriving

at some settlement. No amount of riots and disturbances will make them enter into any agreement which they do not consider fair and just.

THE PROBLEM OF NORTH-WEST FRONTIER—THE FEAR OF INVASION

It is said that the Hindus are very much obsessed by a fear of the Indian Mohammedans making a common cause with the Mohammedan Powers beyond the North West Frontier to establish Mohammedan dominions in India. In this connection we have been assured by some Mohammedan leaders that the apprehension is absolutely unfounded, and is in fact a reflection on their patriotism. They are as much interested in the independence of India of any foreign control, be it a Mohammedan or a non-Mohammedan, as the Hindus. I have no doubt that this assurance is perfectly *bona fide* and sincere as far as it goes. But there is no guarantee that the Mohammedans of the North West Frontier Province, the Punjab and Sindh, are likely to take the same view if any such situation arises. If anything, the indications are to the contrary. We have several evidences of the mentality of the Frontier Mohammedans in this respect. Some Mohammedans have already suggested that all the territories which lie between Peshawar and Agra should be made over to the Mohammedans in which they might establish Mohammedan Government as a member of the Mohammedan League of Nations. At the last session of the Muslim League held at Bombay, M. Mohammad Ali actually suggested that the Mohammedans of the Frontier Province should have the right of self-determination to choose between an affiliation with India or with Kabul. He also quoted a certain Englishman who had said that if a straight line be drawn from Constantinople to Delhi, it will disclose a Mohammedan corridor right up to Saharanpur. But the most important evidence of this mentality is to be found in the statement of a very important Mohammedan leader made by him before the Frontier Enquiry Committee in 1923. The name of this gentleman is Sardar Mohammad Gul Khan who appeared before the Committee as a witness in the capacity of President of Islamia Anjuman, D. I. Khan. We take the following from the Minute of dissent by Mr. N. M. Samarth on page 122 of the Report of the said Enquiry Committee: "This witness", says Mr. Samarth, "was asked by me: 'Now, suppose the Civil Government of the Frontier Province is so modelled as to be on the same basis as in Sindh, then this Province will be part and parcel of the Punjab, as Sindh is of the Bombay Presidency. What have you to say to it?' He gave me, in course of his reply, the following straight answer: 'As far as Islam is concerned and the Mohammedan idea of the League of Nations goes, I am against it.' On this answer, I asked him some further questions to which he gave me frank, outspoken replies without mincing matters. I extract the pertinent portions below:—

Q.—The idea at the back of your Anjuman is a Pan-Islamic idea, that Islam is a League of Nations, and as such amalgamating this Province with the Punjab will be detrimental, will be prejudicial to that idea. That is the dominant idea at the back of those who think with you. Is it so?

A.—It is so, but I have to add something. Their idea is that the Hindu-Muslim unity will never become a fact, it will never become a *fait accompli*, and they think that this Province should remain separate and a link between Islam and the Britannic Commonwealth. In fact, when I am asked what my opinion is—I, as a member of the Anjuman, am expressing this opinion—we would much rather see the separation of Hindus and Mohammedans, 23 crores of Hindus to the South, and 8 crores of Muslims to the North. Give the whole portion from Raskumari to Agra to Hindus and from Agra to Peshawar to Mohammedans, I mean transmigration from one place to the other. This is an idea of exchange. It is not an idea of annihilation. Bolshevism at present does away with the possession of private property. It nationalises the whole thing and this is an idea which of course pertains to only exchange. This is of course impracticable. But if it were practicable, we would rather want this than the other.

Q.—That is the dominant idea which compels you not to have amalgamation with the Punjab?

A.—Exactly.

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Q.—When you referred to the Islamic League of Nations, I believe you had the religious side of it more prominently in your mind than the political side?

A.—Of course, political; Anjuman is a political thing. Initially, of course, anything Mohammedan is religious, but of course Anjuman is a political association.

Q.—I am not referring to your Anjuman but I am referring to the Mussalmans. I want to know what the Mussalmans think of this Islamic League of Nations, what have they most prominently in mind, is it the religious side or the political side?

A.—Islam, as you know, is both religious and political.

Q.—Therefore politics and religion are intermingled?

A.—Yes, certainly.”

Now I have reasons to believe that this opinion is shared by a large number of Mohammedans in the Frontier Province and the Punjab and Sindh. In the light of this evidence, the Hindu apprehension cannot be dismissed as entirely unfounded. The question of the Frontier is very important to the whole of India and it specially concerns the safety and security of the Hindu community. It is not right to say that the territories beyond Indus were taken possession of by the British Government from the Mahomedans. Just like Alsace-Lorraine, the territories between the Indus and Peshawar have continuously been changing hands in the historical period and have been a bone of contention between the Government of India and other Governments situated beyond Peshawar. Speaking historically, they have been for a larger part of the historical period a portion of the Indian territories than otherwise. There was a time when all the territories between Indus and the eastern boundary of Persia proper formed part of the Indian province of the Iranian Empire. Then came the Empire of the Hindu Morians which included all these territories as a part of the Indian Empire. On the rise of Islam, the Moslem Generals of the Khalifa conquered these territories from the Hindus and the several sovereigns of the Ghazni families fought pitched battles with the Hindus on the North West Frontier side to Peshawar. Since then the territories comprising the North West Frontier Province have often been changing hands. They have several times been in the possession of Afghans, at others, formed part of the Indian Empire. The Sikhs held possession of these territories as a part of their Empire, and the British Government took possession of these provinces from the Sikhs. So far as Hindus are concerned, the question is one of pure Frontier defence and should be judged purely on its merits as such. The Hindus do not desire any domination over the Mohammedan population. What they want is the safeguarding of their interests and that of India generally.

I have nothing more to say about Politics. Real politics must be left to political associations like the Congress and the Liberal League. The Hindus must not on any account give up the Congress. That would be prejudicial to the best interests of the country, and the Hindu Sabhas should make no encroachment on the province of the Congress, except so far as purely communal questions are concerned.

#### SANGATHAN

“The Hindu community is being furiously attacked on all sides on account of the Sangathan movement. I can see no justification in these attacks. Every religious community is trying to unify itself and organise itself in different ways. It is true that the Hindus have so far neglected that work, but if they have learnt the lesson from the example of other communities and are doing the right thing towards their own community, no one has a right to find fault with them on that ground. Looking at the history of Hindu Sangathan movement, it is not a new movement at all though it has taken a more tangible form now and for obvious reasons. It is the duty of the Hindus to organise themselves and bring about unity of action in their relations with other communities and the Government. The Hindu Mahasabha stands for this unity of action and I appeal to all the different sections of the Hindu community to lay aside their differences and unite under the flag of the Hindu Mahasabha. We must recognise the common dangers, both internal and external. The external

dangers I have already referred to. The internal dangers are still more formidable. We are too much dis-united on account of the divisions and subdivisions of the community into so many creeds and castes. Now I have no intention of finding fault with any creed or any caste. But we must recognise the necessity of all-round fusion for the purpose of meeting common dangers and performing common duties. The community must realise the absolute necessity of internal consolidation for the purpose of getting sufficiently strong to live its own life and not lag behind other communities in progress and in numbers. We cannot afford to lose very many of our people. The old game of throwing out people on very small pretences must be given up and occasions must be sought to bring people back into our fold without injuring anybody's scruples.

#### DEPRESSED CLASSES

I will take the Depressed Classes first. The Depressed Classes, it is said, number about six or seven crores, but these numbers are unreliable. The figures have been swelled either intentionally or unintentionally. There are many classes included under this heading who are not untouchables any way. Again there are some classes who are untouchables in one province and not so in another. If we were to take the figures of those who are untouchables in all provinces, the number will dwindle down to a very small figure. Now I beg of the Hindu community to remove the untouchability of all because it is wrong to consider any human being as untouchable, particularly when he belongs to one's own religion; in any case there ought to be no untouchability in relation to those classes who are not uniformly untouchables throughout India. There is a great deal of controversy between the orthodox people and those who favour the entire removal of untouchability about the extent to which the untouchability should be removed. Personally I am in favour of untouchability being removed altogether. Personally I will go much farther than the minimum laid down by the Hindu Mahasabha at its Special Session held at Allahabad. But with the object of conciliating my orthodox brothers, I will not urge upon the Mahasabha to go farther. I think it should be left to the Provincial Sabhas to consult Hindu opinion in their Provinces with regard to the actual steps they would sanction for the removal of untouchability and the uplift of the Depressed Classes. This should satisfy the orthodox opinion because they can do what they think best in their spheres of influence with regard to this matter. But there is a great danger in our continual neglect of these classes. There are other people out to absorb them who have greater secular influence and larger resources to take them into their own folds. For the Hindus at this stage to neglect the Depressed Classes will be simply suicidal and I will beg of them to take a broader view of the question than they may be inclined to do on the ground of their religious scruples. One glory of Hinduism consists in its adaptability to the circumstances of the times, and but for this the Hindus would have been nowhere by this time. They would have been absorbed by other communities and would have disappeared. The crying need of the time is to adapt ourselves to the exigencies of the present. We can at least all join together in providing education and economic facilities for the uplift of the Depressed Classes. In this respect all credit is due to those Hindu philanthropists who with great sacrifice and labour are working in this cause.

#### FURTHER PROGRAMME OF THE HINDU MAHASABHA.

The following in my judgment, should be the programme of the Hindu Mahasabha. But I would like the Hindu Mahasabha to select one or two items of this programme every year and to concentrate their attention on the same:—

(1) To organise Hindu Sabhas throughout the length and breadth of the country.

(2) To provide relief to such Hindus men and women, who need help on account of communal riots and disturbances.

(3) Reconversion of Hindus who have been forcibly converted to Islam.

(4) To organise gymnasiums for the use of Hindu youngmen and women.

- (5) To organise Seva Samities.
- (6) To popularise Hindi throughout the length and breadth of the country in co-operation with Hindi Sahitya Sanmellan.
- (7) To request the Trustees and Keepers of the various Hindu temples to open the halls attached to the temples where people may gather to discuss matters of social and religious interests.
- (8) To celebrate Hindu festivals in a manner which may conduce to the promotion of brotherly feelings among the different sections of the Hindus.
- (9) To promote good feelings with Mohammedans and Christians.
- (10) To represent communal interests of the Hindus in all political controversies.
- (11) To encourage Hindu boys to take to industrial pursuits.
- (12) To promote better feelings between Hindu agriculturists and non-agriculturists.
- (13) To better the condition of Hindu women by abolishing purdah, providing educational facilities and taking such other steps as will conduce to their physical and mental welfare.

### RESOLUTIONS.

Pt. NEKIRAM SARMA then moved the first resolution for the uplift of the Depressed Classes in Hindi. It said :—

"Be it resolved that this Mahasabha considers it a religious duty of the Hindus to arrange for proper education and well-being of their untouchable Hindu brethren with a view to have their sympathy and regard for their ancestral Hindu religion so that they are not misled by the people of other religions to renounce their own religion.

(a) Considering the present religious and social obstacles the Hindu community has to face and may have to face in future, this Mahasabha draws the attention of the Hindu community to those *Apathalik* (relating to time of national peril) rules of the Hindu Sastras that have been laid down about untouchability according to which on the occasion of Tirtha Jatra, procession, marriage, boat journey, war, revolution etc., this untouchability is not observed.

(b) In the opinion of the Mahasabha there should be no difficulty in admitting the untouchables for education in those schools and colleges where children of other religionists are allowed and where necessary separate arrangements should be made for them.

(c) This Mahasabha appreciates the desire of worshipping Gods of their Hindu untouchable brethren and requests the Adhikaries or managers of the temples to offer them the facilities where feasible in conformity with their Shastrik injunction.

(d) Be it resolved that with the consent of the residents of the locality, proper arrangements be made to remove the obstacle, where it exists, which the Depressed Classes experience in obtaining water from public wells and also where necessary by having special wells dug for them.

(e) In the opinion of the Mahasabha it is necessary for Hindu Sangathan and uplift of untouchables to adopt the above means for the education and well-being of the Depressed Classes. In the opinion of the Mahasabha it is against Dharma Shastra and "Lokachar" (custom) to give Jenau (Sacred thread), to teach Vedas, and to interline with the untouchables; and therefore the Hindu Mahasabha does not support such practices and declares that no one should try to do such things in the name of the Mahasabha.

A debate was raised on an amendment of Sj. Padamraj Jain that the words about 'special wells' and clause (e) be deleted. Some 'Sanatanists' opposed this, whereupon Pt. Malaviya explained that the resolution was drafted to satisfy all

classes of Hindus, the go-aheads and the Sanatanists who form a very strong opposition. The amendment was then withdrawn and the resolution passed.

Next day the following resolutions were passed :—

Sj. JAGAT NARAIN LAL (Behar) moved:—

"This Conference views with deep regret the fact that lacs of Hindus are being converted into other religions owing to ignorance, misapprehension and allurements. This Conference therefore considers it desirable to establish an association to be known as 'Hindu Rakshak Sangha' whose duty would be to strengthen the religious ideas of the Hindus in order that their firm faith in Hindu religion may not be shaken. This Conference further appeals to the Hindus in general to devote their lives and to contribute proper funds for the achievement of this purpose.

"That this Mahasabha draws the attention of the Hindus in general and the provincial Hindu Mahasabhas to the critical situation in Bengal, Behar, Assam, Gujrat and other provinces where lacs of Hindus have adopted other religions and are continuing to do so and where other religious preachers are specially trying to induce Hindu women and girls to discard their religion."

In moving the resolution the speaker narrated the downfallen condition of the Hindus in the province of Behar. The Christian missionaries went into the interior of the province long before there were any railways and spread a net-work of their proselytising organisation. Figures had been collected which showed that there were in Bihar 137 Christian Missions, 1500 doctors, 45 presses, 143 orphanages, 7,217 Missionaries, 18,776 Padris, 5 colleges, 610 schools, 48,044 teachers, 408 hospitals, 99 newspapers under Christian Missionaries. They spent annually Rs. 18,53,000 approximately. They had succeeded in converting 25 or 30 lakhs of Hindus.

The speaker then gave figures of the converts amongst the Oraons, Mundas and Sonthals of Ranchi. There were from Mundas 74,264 converts into Christianity, from Oraons 94,828, from Kharias 25,635 and from other tribes there were 1423 converts. The total number of converts exceeded 1,96,000

In Ranchi, Roman Catholic and English Missions were already working and German and American had recently arrived. There were approximately 400 Europeans and 2500 European ladies who conducted the work of the Roman Catholics. Only in Ranchi they had established 700 lower primary schools, the English Mission having established 300 lower primary schools. These were appalling figures, said the speaker, and he appealed to the Hindu public to train up large numbers of youngmen to go to the different provinces in the country to preach their own religion so that they could stop the conversion to other religions.

Sj. ANAND P IYA of Bombay, speaking on this resolution, made some startling disclosures. He said :—

"Perhaps you will wonder to find in the resolution the words that Hindus should be protected from the frauds practised on them by the religious propagandists. You will perhaps say that you have not heard of such practices but to-day I shall tell you that in Guzerat there is one mission working the literature of which is most objectionable from the point of view of a Hindu. To-day thousands of Hindus are approached by the Aga Khan missionaries with books which bear the following names :—Vedic Islam, Nishkalanka Geeta, Allopanishad, Ten Avatars, More Gayatry, Nishkalanka Shastra. Now what do these books contain? I refer here only to Vedic Islam; the front page has a photo of H. H. the Aga Khan and underneath is written the following phrase in Guzerati "The sight of Krishna in Kaliyuga"! This book contains many other things of the same nature. I read out from page 22 ;

"In Dwapar Lord Krishna said :—"When the people in India become sinful I am born to lead them to religion." According to this promise the Lord after Krishna Avatar shone in full brilliance as tenth Avatar of Ali in Arabia. At that time affairs in India were all right, but now when the people



are beginning to hate religion and India is fast becoming irreligious, that very Krishna according to his promise was born in Karachi 43 years hence in the form of H. H. the Aga Khan. His work on Hindu-Moslem unity and his book "India in Transition" are valid proof of his promise in "Geeta." This great avatar to-day is saying to the Saatanis 'O, Ye come into me; I shall lead you to salvation'."

"This is one of the samples of Aga Khani teaching. Aga Khanis preach that the ten Hindu Avatars are all right and the tenth Avatar was Ali in whose line Aga Khan being the forty-eighth descendant is the modern Avatar. They say that Atharva Veda has been translated into Quaran and the Allopanishad speaks elaborately of Mahomed as the tenth Avatar.

"Quoting a Mantra from the Atharva Veda they say that it is this mantra of Atharva Veda which clearly proves Mahomed's prophethip. Being not content with this they write Arabic "Ali" in such a fashion that almost coincides with the Sanskrit word "Om" so that the uneducated Hindus may be duped. About Avatars they say that the Ninth Avatar Buddha (and mind it was not Sri Krishna) advised the Pandavas to kill cows, for it was the only way of getting salvation from the sins of killing their relatives in battle. The book Buddha Avatar is full of deceit. The book begins with the following verse:—"That 'Hari' spoke Persian (language) in the form of Buddha" and advises Yudhisthir thus: "O Yudhisthir have faith and kill a cow, then and then alone you will succeed in your actions." - In the book "Ten Avatars" we find the following about the Tenth Avatar.

"O ye wise people in Kaliyuga, believe in Atharva Veda and remember that Lord Brahma has become Lord Mahomed.

Sj. Anand Priya further said:—

"You heard Moulavi Mahomed Ali speak in the Cocanada Congress of his friend who was ready to donate one crore of rupees for converting the Hindu untouchables. This friend of Moulana is H. H. the Aga Khan whose followers to-day are carrying on an extensive propaganda through missionaries in Guzerat by establishing various centres of work. They would have succeeded but for the efforts of Hindu Mahasabha of Bombay Presidency, and thanks to the donation of Mr. Jugal Kisore Birla of Calcutta by whose money we could work and give a strong fight to dispel ignorance prevailing among the untouchables and reconvert them to Hinduism.

"You have heard much of Christian missionaries. In Guzerat alone more than 7 Missions are working. One Mission has spent 13,000 dollars for their work. In one district they have opened something like 200 schools.

"To-day the Hindus boast of being religious. I say that our love for religion is far less than those missionary ladies who forsake their warm homes, cross several seas and wander here from village to village with banners of Christ. This is true love for one's religion."

The resolution was carried unanimously.

#### COMMUNAL REPRESENTATION.

Rai Bahadur SEBAK RAM of the Punjab moved the third resolution which was to the following effect:—

"Whereas a united Indian Nation is most essential for the attainment and preservation of peace, happiness and swarajya in the country, and whereas the Hindu Mahasabha after ascertaining the Hindu public opinion through its Committee appointed at its Belgaum Conference has come to the conclusion that the introduction of separate communal representation in the public bodies and services of the country has proved injurious to, and destructive of the growth of common nationality in the past and is bound to prove similarly harmful in the future, be it resolved that the Mahasabha is opposed to this method of representation and it earnestly appeals to the leaders of all sister Communities to educate their co-religionist to give up their demand for communal representation for the common good of the country and to co-operate with the Hindu community to form an united Indian Nation."

The next resolution condemned the Dowry system and urged for an All-India Hindu Script.

### Hindu Sangathan.

Pandit DIN DAYAL SARMA moved the following resolution which was adopted :—

“This Conference urges upon the Hindu leaders of all provinces that they should establish branches of the Hindu Sabha throughout the country and make them fit to save the Hindu community in all respects and improve the same and protect its interest. The Conference enjoins upon its Executive Committee to give special attention to it and to complete their work within a year with the help of its workers.”

The following resolution was put from the Chair and carried unanimously :—

“Resolved that this Session of the Mahasabha supports the resolutions passed at its Benares, Allahabad and Belgaum Sessions and appeals to all Hindus to make greater efforts :—

- (1) To work, so far as it lies in their power, in friendliness and harmony with the other communities in all matters of common national interest.
- (2) To promote both religious and secular education among boys and girls of all classes of the community combined with the due observance of the time-honoured system of Brahma-charya and physical culture.
- (3) To organise ‘Samaj Sevak Dals’ or Social Service Leagues, for the service of the community, which should co-operate, wherever possible, with members of other sister communities in maintaining peace.
- (4) To study the Hindi language and specially the ‘Nagari’ characters, in which all sacred Hindu scriptures are primarily written.
- (5) To take every lawful step to protect cows.
- (6) To promote the use of ‘Swadeshi’ cloth and preferably of hand-spun and hand-woven ‘Khaddar.’
- (7) To organise ‘Kathas,’ ‘Harikirtans’ and ‘Satsang’ in every Hindu Mohalla or Ward for religious instruction.
- (8) It is resolved that in the opinion of this Mahasabha, it is reasonable and proper to include those Malkhanas, whether they be Rajputs, Brahmins, Baishyas, Jaths or Gajars or any other castes, if they observe the important Hindu customs and if their marriage relation has been proper, into their Beradari (Society) after making their Shuddhi according to the Shastras.

Therefore this Sabha expresses its heart-felt satisfaction at the action of those who have taken the Malkhanas into their Beradari and hopes that all the Beradaris connected with them will gladly welcome them.

- (9) To admit into Hindu-fold such non-Hindus as may have ‘Shradha’ in Hindu religion and culture and may seek admission to it.”

## Reading of Gita.

Pandit Madan Mohan MALAVIYA moved the following resolution which was passed unanimously :—

“This Sabha hereby requests Hindus, irrespective of their caste, age or sex, to read the second chapter of the Gita in original or in Hindi translation at least on every “Ekadoshi” day. In the case of those who cannot themselves read the Gita the Mahasabha advises them to get it read to them by others. In the provinces where the people cannot understand Hindi they may read or listen to the Gita in their own provincial languages. But care must be taken and attempts must be made to understand the Hindi translation as soon as possible.

## Funds of Mahasabha.

Pandit Madan Mahan MALAVIYA then moved the following resolution :—

“This Mahasabha appeals to the Hindu Society to make a gift of Rs. 5 lacs to the Mahasabha, out of which one lac of rupees will be spent by the Sabha for Sangathan movement and the remaining 4 lakhs for the relief of Khatia Hindus, elevation of the depressed classes etc.”

## Cow-Protection.

Rai Sahib Joilal CHIRIMAR moved the following resolution :—

- “(a) This Mahasabha views with regret the enormous number of cows being killed in this country. So the Mahasabha appeals to all to save cows from the hands of butchers and to try to send the barren and old cows to such cow-slaughter is prohibited by law.
  - (b) This Mahasabha appeals to the Zemindars to keep aloof pasture lands for cows.
  - (c) The Mahasabha enjoins on every Hindu not to have any transaction with butchers and further enjoins on the Society to administer proper punishment to those who violating this injunction carry on transactions with butchers or sell cows to them.
  - (d) This Mahasabha requires those who make gift of cows to give them to proper person and appeals to the receivers of such gifts to refuse them if they have not the power to keep them properly.”
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# The Bengal Provincial Conference

FARIDPORE—2ND MAY 1925

## Presidential Address.

The following is the English version of the Presidential Address delivered in Bengali by Mr. C. R. Das at the Bengal Provincial Conference which commenced on Saturday, the 2nd May 1925, at Faridpore :—

Again and again has India asked "Which way lies Salvation?" In the dim past it was the obstinate questioning of the individual Soul weary of shadows and seeking for Reality. In the living present it is the tortured cry of the Soul of India—"Which way lies Salvation."

Let me put this question to you again so that we may obtain a clear vision as to what it is that we must accomplish.

As with the individual so with the Nation, the question is to find out the meaning of deliverance from bondage and, let me add, sin. It is a sin of those who forge the fetters of bondage. It is also a sin of those who allow the fetters to be forged.

Many items have been presented—Self-Government, Home Rule, Independence and Swaraj—but these are all names unless the full implications are vividly realized, and in the process of such realization must come a consideration of the method of attaining the object in view.

There are those who declare in favour of peaceful and legitimate methods. There are others who claim that without the use of force or violence Swaraj is impossible of attainment.

I desire to offer only a few suggestions to help you in deciding these momentous questions. Let the Bengal Provincial Conference declare in no uncertain voice what is the national ideal of freedom, and what is the method it calls upon the country to adopt for the fulfilment of that very ideal.

### Independence Does Not Necessarily Imply Swaraj

Independence, to my mind, is narrower ideal than that of Swaraj. It implies, it is true, the negative of dependence; but by itself it gives us no positive ideal. I do not for a moment suggest that independence is not consistent with Swaraj. But what is necessary is not mere independence but the establishment of Swaraj. India may be independent to-morrow in the sense that the British people may leave us to our destiny but that will not necessarily give us what I understand by 'Swaraj.' As I pointed out in my Presidential address at Gaya, India presents an interesting but a complicated problem of consolidating the many apparently conflicting elements which go to make up the Indian people. This work of consolidation is a long process, may even be a weary process; but without this no Swaraj is possible. Herein lies the great wisdom of Mahatma Gandhi's constructive programme. It is unnecessary for me here to discuss that programme as we are all privileged to-day to hear his message from his own lips. With that programme I entirely agree and I cannot but too strongly urge upon my countrymen to give it not merely an intellectual assent but practical support by working it out to the fullest extent.

Independence, in the second place, does not give you that idea of order which is the essence of Swaraj. The work of consolidation which I have mentioned means the establishment of that order. But let it be clearly understood that what is sought to be established must be consistent with the genius, the temperament and the traditions of the Indian people. To my mind, Swaraj implies, firstly, that we must have the freedom of working out the consolidation of the diverse elements of the Indian people; secondly, we must proceed with this work on National lines, not going back two thousand years ago, but going forward in the light and in the spirit of our national genius and temperament. For instance, when I speak of order, I mean a thing which is totally different from the idea of discipline which obtains in Europe. In Europe the foundation of society and Government is discipline; and the spirit of discipline upon which everything rests is entirely military; and discipline which has made England what she is to-day is also of the same military

type. It is not for me to decry European civilization. That is their way and they must fulfil themselves. But our way is not their way and we must also fulfil ourselves. Thirdly, in the work before us, we must not be obstructed by any foreign power.

What then we have to fix upon in the matter of ideal is what I call Swaraj and not mere Independence which may be the negation of Swaraj. When we are asked as to what is our national ideal of freedom, the only answer which is possible to give is Swaraj. I do not like either Home Rule or Self-Government. Possibly they come within what I have described as Swaraj. But my culture somehow or other is antagonistic to the word 'rule'—be it Home Rule or Foreign Rule.—'My objection to the word Self-Government is exactly the same. If it is defined as government by self and for self, my objection may be met, but in that case Swaraj includes all those elements.

#### Within or Without the Empire?

Then comes the question as to whether this ideal is to be realized within the Empire or outside it? The answer which the Congress has always given is "within the Empire if the Empire will recognise our right" and "outside the Empire" if it does not. We must have opportunity to live our life,—opportunity for self-realization, self-development, and self-fulfilment. The question is of living our life. If the Empire furnishes sufficient scope for the growth and development of our national life, the Empire idea is to be preferred. If, on the contrary, the Empire like the Car of Jagannath crushes our life in the sweep of its imperialistic march, there will be justification for the idea of the establishment of Swaraj outside the Empire.

Indeed, the Empire idea gives us a vivid sense of many advantages. Dominion status to-day is in no sense servitude. It is essentially an alliance by consent of those who form part of the Empire for material advantages in the real spirit of co-operation. Free alliance necessarily carries with it the right of separation. Before the War a separatist tendency was growing up in several parts of the Empire but after the War it is generally believed that it is only as a great confederation that the Empire or its component parts can live. It is realised that under modern conditions no nation can live in isolation and the Dominion status, while it affords complete protection to each constituent composing the great Commonwealth of Nations called the British Empire, secures to each the right to realize itself, develop itself and fulfil itself and therefore it expresses and implies all the elements of Swaraj which I have mentioned.

To me the idea is specially attractive because of its deep spiritual significance. I believe in world peace, in the ultimate federation of the world; and I think that the great Commonwealth of Nations called the British Empire—a federation of diverse races, each with its distinct life, distinct civilization, its distinct mental outlook—if properly led with statesmen at the helm is bound to make lasting contribution to the great problem that awaits the statesman, the problem of knitting the world into the greatest federation the mind can conceive, the federation of the human race. But if only properly led with statesmen at the helm;—for the development of the idea involves apparent sacrifice on the part of the constituent nations, and it certainly involves the giving up for good the Empire Idea with its ugly attribute of domination. I think it is for the good of India, for the good of the world that India should strive for freedom within the Commonwealth and so serve the cause of humanity.

#### The Method : the Case Against Violence

I now come to the question of method. In my judgment the method is always a part of the ideal. So that when we are considering the question of method we cannot forget the larger aspect of the object we have in view.

Viewed in this light the method of violence is hardly in keeping with our life and culture. I am not suggesting for a moment that the History of India shows no wars nor the application of violence. Every superficial student of our history knows that it is not so. But sometimes things are forced upon our life which a critical student of our history must know how to separate from the real bent of our genius. Violence is not a part of our being as it is of Europe. That violence in Europe is checked by a system of law which in the ultimate resort is also based on physical force. The Indian people have always been in the habit of following traditions and customs and thus keeping itself free from violent methods. Our village organizations were a marvel of non-violent activities. Our institutions have always grown naturally like the unfolding of a flower. Strifes there have been of the intellect. Cravings there have been of the Soul. Disputes and quarrels have always arisen but only to be settled by peaceful arbitration. Anything contrary or antagonistic to this temperament is a method which is not only immoral from the highest

stand-point but is bound to fail. I have no hesitation in proclaiming my conviction that our freedom will never be won by revolutionary violence. In the next place, apart from the special psychology of the Indian mind, how is it possible, by offering such violence, as it is possible for a subject race to offer, to contend against the highly organized governmental violence of the present day? It is no use quoting the incidents of the French and other Revolutions. Those were days when the people fought with spikes and often won. Is it conceivable that at the present moment we can overthrow any organized Government of the modern type by such method? I venture to think that any such armed revolution would be impossible even in England to-day.

In the next place, the application of violence cuts at the root of that consolidation without which as I have said the attainment of Swaraj is impossible. Violence is sure to be followed by more violence on the part of the Government and repression may be so violent that its only effect on the Indian people would be to check their enthusiasm for Swaraj. I ask those young men who are addicted to revolutionary methods:—do they think that the people will side with them? When life and property is threatened the inevitable result is that the people who suffer or who think they may suffer recoil from such activities. This method therefore is impractical. Far be it from me to say one word against the honesty of purpose or the ardour of patriotism which these young men are capable of showing. But as I said the method is unsuited to our temperament, therefore the application of it is, to quote the words of Mahatma Gandhi "waste of time and energy." I appeal to the young men of Bengal who may even in their heart of hearts think in favour of violent methods, to desist from such thought and I appeal to the Bengal Provincial Conference to declare clearly and unequivocally that in its opinion freedom cannot be achieved by such methods.

But if I am against the application of such methods, I feel bound to point out that it is the violence of the Government which has to a great extent helped the revolutionary movement in Bengal. I believe it is Professor Dicey who points out that for the last thirty years there has been a singular decline among modern Englishmen in their respect or reverence for law and order and he shows that this result is directly traceable to modern legislation which has had the effect of diminishing the authority of the law courts and thereby imperilling the rule of law. In other words, violence always begets violence, and if the Government embarks on a career of lawlessness for the purpose of stifling legitimate activities it cannot but bring into existence what Dicey calls "a zeal for lawlessness" in the subject. The history of India and particularly of Bengal supports the observation of Professor Dicey.

#### Origin of Bengal Revolutionary Movement

The Revolutionary atmosphere in India has not been created all on a sudden. In this country as elsewhere it has passed through several stages. The first period was one of unrest brought about by the cumulative effect of a *century* of administration solely maintained in the interest of England and the English people. The period of unrest was further continued and strengthened when India came under the Crown in 1858. From 1858 to the end of the century covering the better part of the Victorian era an alien bureaucracy administered the affairs of this country in complete forgetfulness of the best interest of the Indian people. This period was principally noted for the carefully studied neglect of the real Indian interest, and for the flouting of the opinion of an articulate and educated people. I do not for a moment deny that the administration in the country in the latter part of the Victorian era was sometimes punctuated by acts of benevolent despotism, such as Lord Ripon's Repeal of the Vernacular Press Act, the inauguration of the Local Self-Government, the Ilbert Bill and the Revision of the Indian Council Act 1891 during Lord Lansdowne's Viceroyalty. I call these acts of benevolent despotism because the underlying feature of most of them was the consolidation of the power of the Bureaucracy. The only measure of real importance was the Local Self-Government, but if one carefully studies it, one finds that it is not what it pretends to be. Real power was never parted with even when measures were adopted which superficially considered may be supposed to be for the good of the people. On the other side, measures like Lord Lytton's Vernacular Press Act, the contemptuous reference by Lord Dufferin to the growing intelligentsia of India as "a microscopic minority" and the niggardly grant for famine relief—now and again prepared the soil upon which the revolutionary mentality of her later day was built up.

#### The Curzonian Blunders.

Lord Curzon, however, inaugurated the second stage, or the stage of revolutionary mentality by the blazing indiscretions of his inglorious viceroyalty. He it was who for

the first time set up the fetish of administrative "efficiency" and placed it above the requirements of the people. On the one hand, he set up this fetish: on the other he began to flout Indian public opinion in a most persistent and obnoxious way. Circular after circular were issued to counteract and stifle national movements leading to the inauguration of the policy of repression and tyranny—repression and tyranny on one side and the foundation of a real revolutionary mentality among a section of the Indian intelligentsia on the other.

After Lord Curzon the third stage was reached when the revolutionary mentality induced some youth to translate their feverish anxiety for retaliation and freedom into real revolutionary activities. During Lord Minto's viceroyalty the Government showed its mailed fist and, with velvet gloves taken off, a reign of terror was started. A section of the Bengal young men attempted to reply to this reign of terror by the free use of bombs and revolvers.

One notable feature of this new psychology ought not to be forgotten or lost sight of if the question has to be studied from a broader point of view. The foundation of Indian unrest and of a revolutionary mentality has no doubt been laid by the persistent flouting of the Indian people and by a policy of repression and tyranny. But one is bound to admit that the success of the Japanese over the Russians in the bloody War about the end of the last century and the consequent reawakening of Asia, the Guerilla Campaign of the Egyptian Nationalists and the activities of the Irish Republicans and the subsequent foundation of the Soviet Russia with its world-wide Bolshevist propaganda and lastly, the success of the Angora Government in bringing the English and the Greeks down on their knees,—have contributed not a little to the conviction that India's freedom must be won by whatever means possible.

It may be tedious but it will be profitable to give a chronology of leading events in India from 1905 to 1909 bearing on this question.

#### 1905

February 8.—Lord Curzon introduced a Bill to officialize the Universities of India and got this Bill through the Council on February 10.

February 11.—Lord Curzon's speech at the University Convocation, Calcutta, impugning Indian veracity.

July 19.—Government of India's Resolution on the partition of Bengal published.

August 7.—Anti-Partition demonstration in Calcutta. Boycott agitation started in the Town Hall under the presidency of the Maharaja of Kasimbazar.

August 21.—Lord Curzon's resignation of viceroyalty announced. (Leaves India November 17).

September 1.—Proclamation of the Partition of Bengal issued from Simla.

September 2.—A general mourning observed all over Bengal on account of the Partition Proclamation.

September 22.—In connection with the Partition Agitation and the Swadeshi movement a mass meeting was held at the Calcutta Town Hall under the presidency of Mr. Lal Mohan Ghose and attended by 4,000 people.

September 25.—Anti-Partition demonstration in the Calcutta Maidan prohibited by the Police.

September 29.—A meeting of the Supreme Legislative Council was held at Simla in which the Bengal Partition Bill was passed into law.

October 8.—The leading Marwaris owing to the boycott propaganda in connection with the Partition of Bengal refuse to send forward contracts to Manchester for cotton goods.

October 10.—Mr. Carlyle of the Government of Bengal issues an anti-Swadeshi Circular prohibiting students from joining in picketing.

October 12.—Papers relating to the Partition of Bengal officially published.

October 16.—The new Province of Eastern Bengal and Assam formally inaugurated at Shillong by Sir Bamfylde Fuller, its first Lieutenant Governor. The Foundation of Federation Hall and a day of general mourning all over Bengal and the last Rakhi (Union) Day inaugurated under the presidency of late Mr. A. M. Bose.

November 1.—The people's proclamation urging on the unity of Bengal read throughout the Province.

November 8.—Mr. P. C. Lyon, Chief Secretary of Sir B. Fuller, issues a circular against the shouting of 'Bande Mataram' in open streets and parks.

#### 1906

January 12.—In reply to a deputation from the Indian Association, Lord Minto declares the Partition of Bengal to be an accomplished fact.

April 15.—The Barisal Conference is dispersed under orders of Mr. Emerson.  
 October 27.—Some gentlemen and students wantonly assaulted by the Police at Mymensingh.

## 1907

January 1.—Queen Victoria's Statues on the Maidan is tarred and mutilated.  
 May 9.—Lala Lajpat Rai is arrested and deported under Regulation III of 1818.  
 May 20.—A detachment of Gurkhas arrive at Sirajganj where great panic prevailed among the Hindu population.  
 June 17.—The Amritsar District is proclaimed under the Meetings Ordinance. The Editor of the *Hindustan* newspaper is arrested and handcuffed at Lahore.  
 July 11.—The Faridpur District Conference of which Mr. Prithwis Chandra Ray was elected president, is prohibited.  
 October 2.—Police forcibly break Swadeshi meeting at Beadon Square assaulting innocent men and in the night loot many shops in the neighbourhood.  
 October 10.—Meetings are proclaimed in all public squares of Calcutta with the exception of Greer Park under orders of the Presidency Magistrate, Mr. Swinhoe.  
 November 1.—Seditious Meetings Bill passed into law.  
 December 26.—The 23rd Indian National Congress broken up at Surat.

## 1908

February 3.—A proposed scheme for dividing Mymensingh into three districts is announced.  
 April 30.—A serious bomb outrage takes place at Muzafferpore. The bomb was thrown at a carriage containing Mrs. and Miss Kennedy.  
 May 1.—The Manicktola Bomb Conspirators rounded up.  
 May 1.—Khudiram Bose is arrested at Waini on suspicion as the murderer of Mrs. and Miss Kennedy.  
 May 2.—Hemchandra Das is arrested at 38/4, Raja Nabo Kissan's Street. Babu Arobindo Ghose, Sailendra Nath Bose and Abinash Chandra Bhattacharya, the Manager and Assistant Manager respectively of the "Navasakti" are arrested at the "Navasakti" office for their alleged complicity in the bomb conspiracy.  
 May 2.—Barindra Kumar Ghosh, Ullaskar Dutt, Indubhusan Ray and ten others are arrested with bombs, explosives and ammunitions at a garden house at 32, Muraripukur Road.  
 May 3.—Profulla Chandra Chaki, while being arrested at Mukamah on suspicion as one of the murderers of Mrs. and Miss Kennedy shot himself dead by a revolver.  
 May 5.—Narendra Nath Goswami is arrested at Srirampore in connection with Bomb conspiracy.  
 May 6.—Five Bengali Hindus are arrested at Kustea as implicated in the case of shooting Mr. Hickinbotham, a Christian Missionary.  
 May 15.—A bomb explosion takes place on the Tramway line in Grey Street in Calcutta, injuring four persons.  
 May 24.—Two bombs were discovered in a third class railway carriage of a passenger train at Howrah.  
 June 2.—An armed dacoity took place at Barrha in Dacca in which forty armed men fought with nearly 300 villagers, killing four.  
 June 8.—The Newspapers Act and the Explosives Act passed by the Governor-General in Council.  
 June 21.—A bomb thrown into a Second Class Railway Compartment at Kakinarah seriously injuring 1 European passenger.  
 June 22.—Narendra Nath Goswami, one of the accused of the Manicktola Bomb Conspiracy Case turns King's witness and makes sensational statements implicating Arobindo Ghose and several well-known men in Bengal with dacoity and attempts at murder.  
 August 2.—Of the six accused in the Harrison Road case under the Arms Act, Nagen and Dharani Gupta and Ullaskar Dutt are sentenced to seven years' rigorous imprisonment each, and the rest are acquitted.  
 August 11.—Khudiram Bose hanged.  
 August 12.—Two bombs are discovered near the Chandanagore Railway Station.  
 August 28.—Raja Narendra Lal Khan Bahadur of Narajole and eight other respectable persons are arrested at Midnapur for complicity in alleged conspiracy to kill all European officials at Midnapur. (Released on bail on September 18 and the case against them withdrawn by the Hon'ble S. P. Sinha on December 9.  
 August 31.—Narendra Nath Goswami the approver in the Alipur Bomb Conspiracy case, is shot dead in the Alipur Jail.



September 8.—Mr. Dadabhai Naoroji sends a message from Versova urging his countrymen to avoid all resort to violence.

September 20.—Mr. Tilak's conviction for seditious for 6 years' transportation is reduced to 6 years' simple imprisonment by the Bombay Government.

October 14.—The Bengal Government issues a resolution extending the order of the Chief Presidency Magistrate of Calcutta and the District Magistrate of 24 Parganas prohibiting the holding of any public meeting in any place under their jurisdiction to a further period of six months from October 22.

November 7.—At a meeting in the Overtoun Hall in Calcutta a daring attempt is made on the life of Sir Andrew Fraser, the Lieutenant-Governor of Bengal, by one Jitendra Nath Roy Chowdhury.

November 9.—Nandalal Banerji of the Bengal C. I. D. who attempted to arrest Profulla Chaki shot dead in a Calcutta lane.

November 10.—Kanailal Dutta is hanged in the Alipore Central Jail and is given a public funeral by a large crowd of Indian men and women.

November 23.—Satyendra Nath Bose, another murderer of Naren Gossain is hanged in the Alipore Jail.

November 30.—Mr. Gokhale in an address before the New Reform Club in London states that the condition in India is getting serious and declares that nothing short of the reversal of the partition of Bengal and general amnesty to all political prisoners will ever pacify Bengal.

December 1.—Mr. Bees in the House of Commons suggested the prohibition of seditious literature from France to India.

December 11.—A special Crimes Act for the summary trials of political prisoners and proscribing certain Associations and Organization is passed into law at one single meeting of the Indian Legislative Council.

December 11.—Krishna Kumar Mitter arrested and deported under Regulation III of 1818.

December 13.—Aswini Kumar Dutta, Subodh Chandra Mallik and five others arrested and deported under Regulation III of 1818.

### 1909

January 6.—Several Samities in Eastern Bengal proclaimed under the new Crimes Act.

February 10.—Babu Ashutosh Biswas, Government Pleader and Public Prosecutor of the 24-Parganas, is shot dead in the precincts of the Alipore Magistrate's Court by one Charu Chandra Basu.

March 2.—A question was put in the House of Commons by Mr. Lupton as to the difference in the Russian and Indian method of repression. The Under Secretary made no reply.

April 5.—The prohibition to hold public meetings in Calcutta Squares within half an hour of sunset is extended for another year.

May 6.—Judgment delivered in the Alipur Bomb Case by Mr. Beachcroft.

In summer a revision of the Indian Councils Act is passed in Parliament incorporating the Morley-Minto Reforms.

### 1910

The Minto-Morley Reform Scheme is inaugurated, and a drastic Press Act passed.

I have omitted to state in this chronology the principal events from 1910 to the present day as they may be fresh in your memory. The annulment of the Partition of Bengal in 1912, throwing of a bomb on Lord Hardinge at Chandni Chowk in Delhi while passing in a State procession, internments under the Defence of India Act, the Rowlatt Act, the Jallianwallabagh Tragedy and the incidents of the Komagata Maru may be remembered as the principal events of this period.

It is thus clear that repression was followed by revolutionary movement which again was followed by further repression and that even when the British Government allowed measures which may be described as benevolent, they were always attended by others of a repressive character.

With the Jallianwallabagh Tragedy was started the new era in which Mahatma Gandhi initiated a propaganda of non-violent activity as a new way to fight for India's freedom. Let us hope that the whole of India has accepted it and I would press both upon the Government and my revolutionary friends the utter futility of violence in any shape or form.

## The Injustice of the Ordinance.

The new Ordinance Act is a misguided attempt to perpetrate violence upon the people. The whole of India has with one voice condemned it and I can not trust myself to express my feeling about it in fitting terms as I desire to speak with all restraint. I shall content myself by saying that I unhesitatingly condemn it and I have given the only answer which it is possible for any Indian to give to the recent speech of Lord Birkenhead inviting me to co-operate with the Government in its repressive policy.

You will remember that Lord Birkenhead said that the Ordinance has not hurt anybody but the criminals. May I point out that His Lordship here is begging the whole question. We deny that the men imprisoned under the Ordinance are criminals and the only way to decide as to whether they are criminals or not is to hold an open trial and proceed not on secret information but on actual evidence which might be tested in open Court. The insecurity to which eminent writers of Constitutional history in England have referred is the insecurity to the public by the attempt of the Executive to arrogate to itself the position of a Court of Law.

I will not weary you by dealing with each particular case which has been brought forward by the Government as a justification for the policy of repression. Pandit Motilal Nehru in his speech in the Legislative Assembly on the Bengal Ordinance on February 25 last has dealt with it exhaustively and I ask every one of you to read that speech if you have any doubt on the point that there has been put forward no instance upon which the Government can possibly substantiate this unjust claim. I must also point out that it is difficult to believe in the statement put forward in support of the repressive measures by the Government. I shall quote only one instance and I have done. Speaking of the arrest and detention of the nine Bengali gentlemen including Srijut Krishna Kumar Mitter and late Aswini Kumar Dutt on December 11, 1908, Lord Morley, the then Secretary of State, in his letter to Lord Minto stated as follows:—

"You have nine men locked up a year ago by *lettre de cachet* because you believed them to be criminally connected . . . . with these plots."

But let us hear what Sir Hugh Stephenson has to say on the point. It is only the other day that he said from his place in the Bengal Council.

"I should like to mention three cases which have been used in the press to throw doubts on the efficiency, if not on the bonafides of our methods. The first two are those of Babu Aswini Kumar Dutt and Babu Krishna Kumar Mitra. It has been said that no one will believe that they had anything to do with terrorist crime and that, therefore, the secret information of the police must have been false and Government may equally well be deceived by such false information now. I never knew Babu Aswini Kumar Dutt, but I am glad to think that Babu Krishna Kumar Mitter is a personal friend and I entirely acquit him of sympathy with terrorist crime. But as far as I know none has ever accused him or Babu Aswini Kumar Dutt of promoting crime, still less of taking part in it. The Bengal Government asked for the use of Regulation III in the case of Babu Aswini Kumar Dutt because of his whirlwind campaign of anti-Government speeches."

## "Repression the Most Violent Form of Violence."

It follows conclusively that the discretionary power which the Government in this country enjoys of promulgating illegal laws is capable of being abused. Indeed, it must be so from the very nature of things. The history of the world shows that bureaucratic governments have always tried to consolidate their power through the process of "Law and Order" which is an excellent phrase, but which means, in countries where the rule of law does not prevail, the exercise by persons in authority of wide arbitrary or discretionary powers of constraint. Repression is a process in the consolidation of arbitrary powers—and I condemn the violence of the Government—for repression is the most violent form of violence—just as I condemn violence as a method of winning political liberty. I must warn the Government that the policy of repression is a short-sighted policy. It may strengthen its hands for the time being, but I am sure, Lord Birkenhead realises that as an instrument of Government, it is bound to fail.

## No Co-operation in an Atmosphere of Distrust.

I have so far dealt with the question of method in order to show that violence is both immoral and inexpedient,—immoral, because it is not in keeping with our life and culture, inexpedient, because it is inconceivable that at the present day we can overthrow any organised Government by bombs and revolvers. Then the question arises what method should we pursue in order to win Swaraj? We have been gravely told that Swaraj is within our grasp if only we co-operate with the Government in working the present Reform Act. With regard to that argument, my position is perfectly clear, and I should

like to restate it, so that there may be no controversy about it. If I were satisfied that the present Act has transferred any real responsibility to the people,—that there is opportunity for self-realisation, self-development and self-fulfilment under the Act, I would unhesitatingly co-operate with the Government and begin the constructive work within the Council Chamber. But I am not willing to sacrifice the substance for the shadow. I will not detain you to-day with any argument tending to show that the Reform Act has not transferred any responsibility to the people. I have dealt with the question exhaustively in my address at the Ahmedabad Congress, and if further arguments are necessary they will be found in the evidence given before the Muddiman Committee by men whose moderation can not be questioned by the Government. The basis of the present Act is distrust of the Ministers; and there can be no talk of co-operation in an atmosphere of distrust. At the same time, I must make clear my position—and I hope of the Bengal Provincial Conference—that provided some real responsibility is transferred to the people there is no reason why we should not co-operate with the Government. But to make such co-operation real and effective two things are necessary: first, there should be a real change of heart in our rulers, secondly, Swaraj in the fullest sense must be guaranteed to us at once, to come automatically in the near future. I have always maintained that we should make large sacrifices in order to have the opportunity to begin our constructive work at once; and I think you will realise that a few years are nothing in the history of a nation, provided the foundation of Swaraj is laid at once and there is a real change of heart both in the rulers and in the subject. You will tell me that “change of heart” is a fine phrase, and that some practical demonstration should be given of that change. I agree. But the demonstration must necessarily depend on the atmosphere created by any proposed settlement. An atmosphere of trust or distrust may be easily felt, and in any matter of peaceful settlement a great deal more depends on the spirit behind the terms than the actual terms themselves. It is impossible to lay down the exact terms of any such settlement at the present moment; but if a change of heart takes place and negotiations are carried on by both sides in the spirit of peace, harmony and mutual trust, such terms are capable of precise definition.

#### Offers to the Government.

A few suggestions may, however, be made having regard to what is nearest to the hearts of the people of Bengal.

In the first place, the Government should divest itself of its wide discretionary powers of constraint, and follow it up by proclaiming a general amnesty of all political prisoners. In the next place, the Government should guarantee to us the fullest recognition of our right to the establishment of Swaraj within the commonwealth, in the near future and that in the meantime till Swaraj comes a sure and sufficient foundation of such Swaraj should be laid at once. What is a sufficient foundation is and must necessarily be a matter of negotiation and settlement—settlement not only between the Government and the people as a whole, but also between the different communities not excluding the European and Anglo-Indian communities, as I said in my presidential speech at Gaya.

#### The Time for Civil Disobedience.

I must also add that we on our part should be in a position to give some sort of undertaking that we shall not by word, deed, or gesture, encourage the revolutionary propaganda and that we shall make every effort to put an end to such a movement. This undertaking is not needed, for the Bengal Provincial Conference has never identified itself with the revolutionary propaganda. I believe that with a change of heart on the part of the Government, there is bound to be produced a change in the mental outlook of the revolutionary, and with a settlement such as I have described, the revolutionary movement will be a thing of the past, and the very power and energy which is now directed against the Government will be devoted to the real service of the people.

If, however, our offer of a settlement should not meet with any response, we must go on with our national work on the lines which we have pursued for the last two years, so that it may become impossible for the Government to carry on the administration of the country except by the exercise of its exceptional powers. There are some who shrink this step, who point out with perfect logic that we have no right to refuse supplies unless we are prepared to go to the country and advise the subject not to pay the taxes. My answer is that I want to create the atmosphere for national civil disobedience, which must be the last weapon in the hands of the people striving for freedom. I have no use for historical precedent; but if reference is to be made to English history in our present struggle, I may point out that refusal to pay taxes in England in the time of the Stuarts came many years after the determination of the Parliament to refuse supplies. The

atmosphere for civil disobedience is created by compelling the Government to raise money by the exercise of its exceptional powers; and when the time comes we shall not hesitate to advise our countrymen not to pay taxes which are sought to be raised by the exercise of the exceptional powers vested in the Government.

I hope that time will never come—indeed I see signs of a real change of heart everywhere—but let us face the fact that it may be necessary for us to have recourse to civil disobedience if all hopes of reconciliation fail. But let us also face the fact that civil disobedience requires a high stage of organization, an infinite capacity for sacrifice, and a real-desire to subordinate personal and communal interest to the common interest of the nation; and I can see little hope of India ever being ready for civil disobedience until she is prepared to work Mahatma Gandhi's constructive programme to the fullest extent. The end, however, must be kept in view, for freedom must be won.

#### The Goal.

But, as I have said, I see signs of reconciliation everywhere. The world is tired of conflicts and I think I see a real desire for construction, for consolidation. I believe that India has a great part to play in the history of the world. She has a message to deliver, and she is anxious to deliver it in the Council Chamber of that great commonwealth of nations of which I have spoken. Will British statesmen rise to the occasion? To them I say, you can have peace to-day on terms that are honourable both to you and to us. To the British community in India, I say, you have come with traditions of freedom, and you cannot refuse to co-operate with us in our national struggle, provided we recognize your right to be heard in the final settlement. To the people of Bengal I say, you have made great sacrifices for daring to win political freedom, and on you has fallen the brunt of official wrath. The time is not yet for putting aside your political weapons. Fight hard, but fight clean; and when the time for settlement comes, as it is bound to come, enter the peace conference, not in a spirit of arrogance, but with becoming humility, so that it may be said of you that you were greater in your achievement than in adversity. Nationalism is merely a process in self-realization, self-development and self-fulfilment. It is not an end in itself. The growth and development of nationalism is necessary so that humanity may realize itself, develop itself and fulfil itself; and I beseech you when you discuss the terms of settlement, do not forget the larger claim of humanity in your pride of nationalism. For myself, I have a clear vision as to what I seek. I seek a federation of the states of India: each free to follow, as it must follow, the culture and the tradition of its own people: each bound to each in the common service of all: a great federation within a greater federation, the federation of free nations, whose freedom is the measure of their service to man, and whose unity the hope of peace among the peoples of the earth.

#### FARIDPORE—3RD MAY 1925.

When the Bengal Provincial Conference assembled this afternoon, Mahatma Gandhi made a lengthy speech lasting for half an hour. After his speech was over one hundred leading delegates of the Anjuman Islamia came to the Conference and took their seats on the dais amidst prolonged cheers.

#### Mahatma Gandhi's Address

Mahatma Gandhi at the outset tendered his congratulations to the Subjects Committee for finishing their deliberations in harmony. It was an open secret that there were disputes, differences and discussions in connections with some of the resolutions that came up for discussion before the Subjects Committee, but all's well that ends well. He supposed that there were constitution-making assemblies everywhere and that such differences would continue till the end of time. If they were permitted to pry into the secrets of the British Cabinet they would find even there similar differences and dissensions.

#### Need for Non-violence.

Continuing, he said that he had the pleasure and privilege of reading an English translation of Mr. C. R. Das's speech while in Calcutta. In it he found that Mr. Das had pilfered every word from him though the language was different. Mr. Das pilfered the thought but not the language from Mr. Gandhi. Some of them might think that it was not a recommendation because he had called himself a rustic weaver, a scavenger and also

a Namasandra. He did not want to read the language but the thought that was stated there. If they were true to the nation and true to the policy enunciated in Calcutta in 1920, then there was nothing in the address to cavil at. It was a re-enunciation of the policy laid down for the first time in the history of the Congress in 1920. In 1920 they chose to announce that in order to attain their goal, to attain Swaraj, they must follow non-violent and truthful means. If during the intervening period those who were engaged in shaping the national life had advocated that programme, it was because they had nothing else to offer. What more could they expect from them? They had complicated questions before them. As Hindus they had to deal with Muslims, Christians, Zoroastrians, Sikhs and the various sub-sects of the Hindus. How were they to achieve unity between those diverse elements, except means which were not open to question? The Bengalees would want to rule the whole of India; likewise the Gujratees and the Maharatees would think in the same way. The Mussalmans would like to establish a new empire. There was no escape from these diverse elements except by non-violent and truthful means, because without that, he thought, they would be sitting on a mine which was likely to explode at any moment and that was why he had advocated a policy of non-violence and truthfulness. They might do anything they liked with their country after attaining Swaraj. He knew that the Bengalee youth was eager to die for the freedom of his country and was burning with love for her, but Gandhiji yielded to none of them in this respect.

#### Mr. Das's Address

Referring to Mr. Das's address Gandhiji asked if Mr. Das said anything new in it. Did he not say the same thing in his beautiful speech at Gaya? They knew how Mr. Das had been assailed, how many detractors he had, non merely among the Europeans but amongst his own countrymen and even in his own camp. He might have sat on the fence. He was impatient for Swaraj, but he understood their limitations. He could not hurl defiance at the British Throne. He admitted his incapacity and that of his countrymen. It required a strong arm to deliver the country. They had got to evolve not merely a capacity for dying or killing, but required the courage to live even in the face of odium, censure, neglect and boycott. It required some degree of courage even to live amidst storms and strifes. How then were they to attain their freedom? Surely not by killing nor by dying, but by means of Hindu Muslim unity, the removal of untouchability and by the spinning wheel.

He prophesied that the day was drawing near and not now far off, when nobody would call him an idiot. The finest testimony that would be given to him was that he revived the cult of the charka. His future was ensured so long as he swore by the charka. Let him have the spinning wheel and he would spin Swaraj for India. They were not by nature idle, but circumstances made them idle. Not having used the wheel they considered it useless. He wanted Englishmen to read the heart of the masses, to understand their economies. The moment Englishmen began to think in terms of the masses Gandhiji would fall prostrate at their feet, because he knew their virtues and capacities. But he could not do so unless Englishmen developed along the right lines. What was the use of his speaking to Englishmen or speaking against them, if he charged them with the black crime of having robbed the country of the spinning wheel? But why should he charge them with this when his countrymen wanted to serve India through the Congress and make it a living organisation? He asked them to continue spinning and use khaddar not only on ceremonial occasions, but at home also. They should spin at least for half an hour a day. How could they attain Swaraj if they could not do this little practical thing? He reminded them that those who shirked from their duty should have no hand in shaping the destiny of the nation or in attaining Swaraj. He asked them to retain the yarn franchise, and to make it obligatory upon every man and woman.

#### Dass-Birkenhead Negotiations

He next said that some of them considered that Mr. Das was carrying on a secret negotiation with the Government. So far as he knew there was no secrecy whatever about it. Lord Birkenhead had sent no secret message to Mr. Das. If they scratched Mr. Das, he knew they would find the same man desiring deliverance for his country. That was the link that bound him with Mr. Das and which should bind the people with Mr. Das. After they had made the choice of their leader, like Sita they should fall into the fire with him and all would be well.

## Resolutions

The following resolutions were passed by the Conference on the 3rd May :—

## Self-Government Resolution

1. This Conference declares that the National ideal of Swaraj involves the right of the Indian Nation to live its own life, to have the opportunity of self-realisation, self-development and self-fulfilment and the liberty to work for the consolidation of the diverse element which go to make up the Indian Nation, unimpeded and unobstructed by any outside domination.

2. That if the British Empire recognises such right and does not obstruct the realisation of Swaraj and is prepared to give such opportunity and undertakes to make the necessary sacrifices to make such rights effective, this Conference calls upon the Indian Nation to realise its Swaraj within the British Commonwealth.

3. This Conference further declares that for the acceptance and realisation by the Indian Nation of such an ideal it is absolutely necessary for the Government (a) To divest itself to its wide discretionary powers of constraint; (b) To release all the political prisoners; (c) To immediately guarantee to the Indian Nation its fullest recognition of the right of the people to establish Swaraj within the British Commonwealth in the near future; and (d) To lay the foundation of such Swaraj immediately, so that it may be possible for the people of the country to apply the resources of the State to the real work of construction and consolidation.

## Government's Repressive Policy Condemned

4. (a) That until and unless those who are being detained under Regulation III of 1818 and the Ordinance are found guilty after public trial by the ordinary laws of the lands, this Conference expresses its conviction that they are not guilty of any violent activities; (b) This Conference condemns the recent repressive policy of the Government and declares that the Bengal Ordinance Act is a law-less law and an instance of wanton violence, unworthy of any Government which has the good of its subjects in view and an insult to the people of Bengal and destructive of this very law and order upon which it is stated to be based and expresses its conviction that not one of the prisoners arrested on the 25th October and declared to have been guilty of violent activities by Lord Reading and Lord Lytton had any connection with any violent movement.

5. That this Conference is further of opinion that it has been clearly established on the evidence of the principal incidents of the history of Bengal from 1908 down to the present day, that it is the repressive policy of the Government that has fostered the revolutionary spirit and urges that if the Government is really desirous of terminating the propaganda for violence, it should forthwith desist from the employment of *agents provocateurs* and abandon its repressive policy.

## Release of Politicals Demanded

6. For the establishment of a peaceful atmosphere in the country, this Conference considers it absolutely necessary for the Government to release all the political prisoners and to allow those who are in exile for the same reasons to return to India.

All these resolutions were carried almost without discussion.

## FARIDPORE—4TH MAY 1925.

On the 4th May the following resolutions were adopted without discussion and there were practically no speeches.

The first resolution referred to Tarkeswar and condemned the action of the Brahman Sava in continuing the Civil suit pending in the Hugli Court.

The next resolution related to village re-organisation.

The third resolution gave power to the so-called Depressed Classes to visit temples, to recite Vedas, and to draw water from wells.

The next resolution urged that the ryots should stop paying illegal exactions and be empowered to erect buildings, dig tanks and cut trees. There were other resolutions, but as it began to rain and the delegates and visitors were drenched, the proceedings terminated hurriedly.

# Maharashtra Provincial Conference

SATARA—11TH MAY 1925.

## Presidential Address

The following is an English summary of the presidential address delivered by Mr. Ramrao Deshmukh at the Maharashtra Provincial Conference held at Satara on the 11th May 1925 :—

Mr. Chairman and Delegates, I thank you gratefully for the honour you have done me. Though Berar and Maharashtra are one in their duties and one in their hearts, Berar is far from Satara and even if you had decided to bring a man from a distant province, you could have secured a fitter man than myself. Swarajist as I am, none should accept my opinions as belonging to the whole party. And as I am not a leader, the greater is the freedom with which I can express myself.

The last remnants of Maratha power and liberty are yet to be seen in Satara though the last vestige of the founders of the Maratha Empire, whose *Darshana* would have been a blessing to me, has just passed away. I think the fort of Pratapgad stands as a monument to inspire the coming generations. He whom the sight of Pratapgad and Ajinkyatara fails to stir with feelings of patriotism must really be a stone, be he a Brahman or a non-Brahman!

To my mind, the Provincial Conference is a place for discussing political matters and as such I prize the opportunity you have given me, an humble friend of Berar leaders, to take part in such deliberation. Myself being a stranger to Maharashtra, I leave to you the matters relating closely to your own province viz., your needs and your political situation and your faults without discussing them myself.

## Present Situation.

Mr. Gandhi effected unity at Belgaum and it is owing to that fact that some scope is left in the Congress and its subordinate institutions for political thought. Otherwise, our whole political work would have begun and ended in counting the Tilak Swarajya Fund and in measuring the length in miles of yarn spun, in numbering how many untouchables took their seats on the carpets along with the touchables and in inventing a metre for calculating the degrees to which the Hindu Mahomedan quarrels rise or fall. But at Belgaum Swarajya Party was recognized as part of the Congress and therefore, struggle with the Government, though it be on national grounds, remained a topic for such political gatherings; hence was it that the political colour of these bodies was maintained intact. Some one might object that struggle with Government on principles of reason cannot be the sole 'politics' of the country. True, but the whole creative power of the people depends upon ratiocination. Where there is no appeal to intellect, there can be no activity. To be brief, I feel that to restrict reasoning or to keep aloof from it, is to renounce the springs of active forces.

### Need for Co-ordination.

Before the birth of the new Reformed Indian Constitution, Indian politics was mainly sentimental and devoted to popular awakening. In those days public speeches, meetings, resolutions had great prominence. In 1920 the Reforms appeared and the electorate came into being; the majority of people's representatives in the Legislative Assembly and the Provincial Legislative Councils became a solid fact. Yet till the year 1923 the politics of India was one-sided or truncated. And it grew to its full development only when in that year the Swarajya Party saw the light of day. Some people imagined that the growth of the second half was the death of the first half, and even to-day some continue to think so. It is false to hold that the entry of Swarajya Party into Councils paralysed the other half. Swarajya Party has as much need of inside agitation as outside agitation. But it is not possible for one party to carry on both the agitations. Different mentalities of the men of light and leading in the country drove men to different parties and no one party had sufficient man-power to keep up the work. The division of workers is the only reason of the lull in politics. Thus the necessity of co-ordination of all the parties is urgently felt more than ever.

### Question of Council Entry

Swarajya Party decided to contest the Council-elections and thus, on the one hand it lost its old friends who were afraid of the sin of Council-entry and on the other it incurred the wrath of the Moderates and the Non-Brahmans. Had the Swarajya Party not been deserted by the No-changers, it would not have cared for the moderate and the Non-Brahman opposition and by dint of its joint strength it would have established its majority both in the Legislative Assembly and three or more of the Provincial Councils.

All those who gave evidence before the Muddiman Committee—and there were Ministers, Non-Brahman leaders and Mahomedans among them—were of opinion that the present diarchical system was impracticable and that, therefore, it must be replaced by another of provincial autonomy. There were a few exceptions to that, no doubt, but they do not affect the general trend of evidence before the Committee. But among them there was not a single Swarajist and yet why should the Mahomedans, the Non-Brahmans and the Moderates even, depose that diarchy was a failure with one voice and why should they have demanded a mere substantial spare of powers? Were the Hindu Mahomedan quarrels then ended? Were the Extremists and the Moderates friends? Was the Brahman Non-Brahman controversy at an end? The obstructive policy of the Swarajists drove other parties to condemn diarchy; those who called it incomplete but were not prepared to stigmatize it as disappointing and unsatisfactory, began to find fault with the same. Could this have been possible, if the Swarajists had captured the Council? It cannot be denied that the Swarajya Party succeeded in transforming other parties into Oppositionists. This alone proves the work of the Swarajist in respect of intellectual conviction and active achievement. But what is the use of arguing with those whose idea of activism is folded in the Charkha and Charkha alone? The Bengal Ordinance was perhaps another game played by Government to gauge the effect of Swarajya Party on other parties. In that, too, Government have realized that Indians can no longer submit to any yoke it might think fit to impose.



## Reading-Birkenhead Talk

Well, though the Montford Reforms have been exposed and though there remains no party in the land now to blindly lend its support to the Government, the question of the future is as insistent as ever. Every political party modifies its policy in accordance with that of the opposite party. To-day all eyes are turned towards Reading-Birkenhead discussions. For myself I do not think any thing of moment can come out of them. The maintenance of a strong army in India, the consolidation of pro-government parties and the safety of European affairs by the execution of the Lee Recommendations are the only cares of the Government to-day. The comforts of white officers were studied and supplied last year and this year attempts were successfully made to organise an Indian pro-government party. In the last year in the Indian Assembly a joint Nationalist party consisting of the Swarajists and the Independents was formed and the obstructive policy was nearly successful. But this year found the Nationalist party broken and the Independent party melted. Scarcely had all the parties joined hands to condemn the Montford Reforms, to repudiate the repressive policy pursued by Government when the policy of *divide et impera* was undertaken and this may be taken as an indication of the policy of the new age as it is called. To my mind, this policy of Divide and Rule will be still more ruthlessly followed after Lord Reading's return. My idea is that Government will decide its policy in accordance with the nature of the elections to councils in 1926. If the Moderates and the Independents are in the ascendant in the next elections, we might get Provincial autonomy. Then the Swarajists will have again to strengthen and organise themselves. It is also necessary to strengthen the hands of the Labour Party in England which may be at any time the dominant party in Parliament and which may give away any rights to Indians and thus put the Conservative Party in a false position. Thus from all points of view it is necessary for the Government to have at its back in 1927 a solid party of Indians and this alone will be the end of the so-called Reading-Birkenhead talk.

## How to Strengthen the Congress

Is the Swarajya Party, then, to allow those parties which it has rendered unemployed, to organize themselves again in 1927? If that happen we will have to content ourselves with hollow Provincial Autonomy. The feeling of nationalism that has surged up in Indian minds cannot be satisfied and realized unless and until British Parliament is made to recognize the right of Indians to self-determination. In consideration of all these facts the Congress of 1925 ought to be of great importance. The self-determination of India depends on the co-ordination of the Congress and the Councils. As the electorate of the Councils is free for all kinds of people, so must the Congress-electorate be. He who consents in writing to the aims and the methods of the Congress must be a Congress-member. He should not have to pay any kind of subscription, either in yarn or in money. Looking at the thousands of spectators gathered at Nagpur, Mahatma Gandhi exclaimed that the Congress had really become a Congress of the masses! Can the Congress not belong to the masses if Congressmen take their seats on all representative institutions ranging from the village Panchayats to the Legislative Councils? The Congress-electorate is extended and if it begins to exercise its power over all the Council and the Panchayat electorates,

cannot then the Working Committee be as potent as the Executive Council of the Viceroy? If the Congress wants to establish parallel government, its membership of only eleven thousand is absolutely insufficient. It must be broad-based and I trust you will make suitable recommendations to the Congress with a view to that. Unless endeavours are made to strengthen the Congress in 1925, it will be moribund and the Congress itself will have removed the obstacles placed by the Swarajists in the path of the Government.

#### The Yarn Franchise

When the Congress adopted the yarn qualification, it was said that workers alone are entitled to be Congress-members. For that purpose the constitutions of Russian Bolshevik bodies were drawn upon. But it was forgotten that the Bolshevik bodies were secret societies, while the Congress was an open, political organisation. The latter must include even sympathisers. How can the definition of a worker be confined to a spinner? Yarn franchise is a measure of the spread of doctrine of Ahimsa. My humble request to Mahatmaji would be that he should now go out of the Congress. May his party be triumphant after a lapse of say ten or twenty thousand years! When Shivaji, Pratapsinha, Ranjitsinha, Shri Ram and Shri Krishna fail to follow you, oh, what can miserable men like ourselves do?

#### Confusion of Ideals

Untouchability, Hindu-Mahomedan disunity and Brahman-Non-Brahman controversy—these three problems are at present closely connected with Indian politics. Before 1920 the predominant thought of the country was to checkmate the Government and hence all parties could soon unite when the necessity for the same arose. Circumstances changed after that. The eyes of the people were turned from the Government to themselves and the people themselves were advised to find their faults, instead of levelling criticism at others. The result of this was that every one began to pick holes in another coat and the process assumed alarming proportions. Patience and forbearance were preached; penance of three weeks' fast was undergone, but all was to no purpose. Hindu-Moslem unity was possible in 1916. Without penance, in one night Lok. Tilak could bring about unity between the Hindus and the Mahomedans. And then too the Britisher's Government was working here as to-day. There is none to-day who is not confused to-day by these problems. Till 1920 these question had not assumed such great importance; because the thoughts of the people were directed by leaders to the rulers and hence the people were being inspired with patriotism.

#### Communal Problem

The question of Untouchability is national in the sense that, to hold six crores of people as untouchables is to place fetters of slavery upon them. But the questions of Hindu-Moslem unity and the Brahman—Non-Brahman controversy are not national in that light. Those Mahomedans and Non-Brahmans who are actuated by national thoughts do not raise the question at all. But to-day majority of Mahomedans and Non-Brahmans do not think nationally. There are Mahomedans who feel that their interests lie somewhere outside India and this feeling has increased apace during the last four years. Even national Mahomedan leaders like Barrister Jinnah, Maulana Hasrat Mohani, Hakim Ajmal Khan and others had to advocate communal representation. At Cocanada M. Mahomed Ali demanded the

untouchables for conversion to Islam. All these movements gave national importance to the movements of Hindu Sanghatan and Shudhi. For, is it not the present temper of the Mahomedans in favour of converting the whole to Mahomedanism? Real Nationalism is not the dominance of one religion over another. Real Nationalism is not the dominance of one caste over another. Real Nationalism is the maintenance of love and amity among them all and by means of that, the upholding of the whole nation's dignity. Under these circumstances who can bear the rule of one religion over another?

### The Non-Brahmin Movement

Just as religious fanaticism has alienated the Mahomedans from Nationalism, so has social revolutionism made the Non-Brahmins somewhat anti-national. This Non-Brahmin Party think that there can be no political progress unless social reform is effected. But what social reform, in their opinion, means is difficult to comprehend. If they do not want the predominance of Brahmin priests, then that of their own priests is equally reprehensible. If they want to do away with the inequality among the various castes why should they then have the dominance of another caste instead of that of the Brahmin? Formerly there were some Lingayats and Jains in the Non-Brahmin Party. But now they have been driven away. Is it not just possible that these again might form a distinct group of their own against the Maharattas themselves? The same sin which the Non-Brahmins proclaim to have been committed by the Brahmins, will be attributed by the new Parties to the Non-Brahmins? If these Non-Brahmins really felt that there should be no caste-superiority, men like Prof. Lathe who is an educated Jain, and Mr. Chikodi who is an educated Lingayat, would not have been given over in the last Council-elections by them! Is it not clear that, had communal representation been granted to Non-Brahmins, the Jains, Lingayats, Telis and Malis would have got no share in it? Why should it then not be maintained that the Non-Brahmin Party was organised not to bring about equality of all castes, but to establish the superiority of one single group over others? No Non-Brahmin Party, in demanding communal representation, has ever maintained that at least one representative to every five or ten thousand of the other sub-castes be given. What would be the result of this arrangement if it were effected? In the Council election there will be such a confusion and so many quarrels that the Non-Brahmins themselves will decline such communal representation. It is from this despair and disgust, I think, that Nationalism will be born among the Non-Brahmin Party.

### Boycott and Swadeshi

Delegates, so far, I have considered, according to my lights the political circumstances and the problems connected therewith. I have already told you that, though I am a Swarajist, my views are my own. I will now refer to the Swadeshi Boycott question and then close my address. Boycott of British goods to the largest possible extent will not certainly and fully encourage native industries, but it will positively be an instrument for that work. But being enchanted with an Alladin's lamp that was to bring Swarajya within one year, we gave up Boycott and embraced the Charka? But why should we not practise Boycott against those who systematically destroyed our industries, showed the completest disregard of our trade and

commerce, endeavoured to suppress them so as never to rise again, and attempted to force the principle of Imperial Preference on India? If there is sin in this we must commit it and acquire the merit of national uplift. Well, keeping Boycott apart, at least Swadeshism ought to have spread under the protecting wings of love. But Swadeshism too came to be monopolized by the Charka! I want Indian industries to be developed by all means, by great and small industries. Swadeshi and Boycott form a weapon in the fight for Swarajya. But who can whisper this in the current Age of Love?

But these days, however, will pass and we will see once again harmony and peace established between the Mahomedans and the Hindus, Brahmans and the Non-Brahmins, and even the Untouchables will be actuated with feelings of patriotism. Shivaji was a Maharatta but was not born for the Maharattas alone. He was born to liberate India from bondage to effect the resurrection of Hinduism. I revered Lok. Tilak because he came into the world for the uplift of the whole Indian Nation. Who does not respect Mr. Baptista who is a Mahratta by caste, Christian by religion but national in his work? I trust that India will produce such leaders of national temperaments and the Nation will occupy a prominent place among other free nations of the world. I earnestly pray that golden time would soon dawn for us all!

### Resolutions.

After the Presidential speech was over Mr. L. B. Bhopatkar moved the following resolution:—

"In view of the adverse effect of the yarn franchise on the membership of the Congress the Conference requests the All-India Congress Committee to recommend to the next Congress the abolition of the yarn franchise and to restore the old four-anna franchise".

Mr. V. J. Patel in a vigorous speech seconded the resolution. He said the yarn franchise was absurd. It had worked havoc and the prestige of the Congress was going down. It was said that numbers did not matter. It did matter. If it were so, he wanted the Congress to say that it had ceased to represent the country. According to him, the Congress was the only representative institution and it must have a vast number behind it who should have one aim and only one Swaraj.

A number of amendments were put opposing this resolution.

Mr. N. C. Kelkar in supporting it effectively answered the opposition and the resolution was in the end carried by a majority, all amendments being negatived.

Another resolution expressed pleasure at Dr. Besant's Commonwealth of India Bill and hoped it would be crowned with success.

### SATARA-12TH MAY 1925.

At the second day's sitting of the Maharashtra Provincial Conference Mr. N. C. Kelkar moved the following most important resolution:—

The Conference deploras the present lull in the country and is emphatically of opinion that the same is due mainly though not entirely to the Congress having for some time ceased to have a political policy and programme of its own devoting itself as it has been doing exclusively to the

constructive programme which is essentially non-political and also to the absence of unity among the various political parties in the country.

"The Conference therefore recommends to the All-India Committee that in order to give fresh impetus to political life it is absolutely necessary that the political programme of the Swaraj party should be immediately taken up by the Congress as its own with such modification as necessary enabling the various political parties to join the Congress as at the time of the Amritsar Congress and thus present a united front to the Government in the present political struggle both inside and outside the Congress".

Mr. Kelkar in moving the resolution said that the Congress had a political programme in 1919 and again in 1921 but since then it became void of politics.

The resolution being put to vote was carried with acclamation.

#### President's Closing Speech

In his closing speech Mr. Deshmukh, the President, congratulated the Conference upon having carried the franchise resolution and Maharashtra on having disentangled itself from the "yarn net" and enthusiastically passing Mr. Kelkar's resolution regarding political programme and unity in the country. Referring to the no-changers' attitude he remarked that by keeping themselves aloof or boycotting the Conference they had actually practised violence. The Conference was then dissolved.

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# The U. P. Liberal Conference

CAWNPUR—10TH APRIL 1925.

The fifth session of the U. P. Liberal Conference was held on the 10th April 1925 at Cawnpore under the presidency of Pundit Hirdayanath Kunzru. A large number of delegates and visitors were present including Dr. Besant, Mr. Chintamani, Mr. Jamnadas Dwarkadas, Pundit Gokaran Nath Misra, Principal Sanjiva Rao and Sir Tej Bahadur Sapru.

## Chairman's Speech

Rai Anand Swarup Bahadur, the Chairman of the Reception Committee, in his speech after welcoming the delegates to the great city of Cawnpore referred to the death of Sir Ashutosh Mukherjee, Bhupendra Nath Basu and Sir Gokuldas Parekh. Regarding the Provincial Budget Rai Anand Swarup Bahadur thanked the Government of India for reducing by 56 lakhs their contribution to the Central Government and said that the whole amount realised should be spent towards primary education, sanitation and rural communications etc. With regard to the military policy, he considered Indianisation of the army and military training of Indians to be an absolutely necessary preliminary to the success of self-Government. Referring to the Reforms the Rai Bahadur said the Liberals recognised that the Act was a distinct advance on the old system it replaced. The Liberals had no regrets to express and no apologies to offer for their part in the discussion that preceded the passing of the Act in the events that followed it. Regarding the majority report of the Muddiman Committee, he said that it had been unanimously condemned by the press and the platform. In conclusion the Rai Bahadur exhorted the Liberals to strengthen the party, to popularise it among the classes and masses by means of propaganda work, by speeches, distribution of tracts and pamphlets and by starting Hindi and Urdu dailies.

The messages of sympathy and regret for absence were received from the Rt. Hon'ble Mr. Srinivas Sastri and many others.

## Presidential Address

Pandit Hirdayanath Kunzru then delivered his presidential address. After referring to the death of Mr. Montagu Pandit Kunzru dealt at considerable length with the question of the Reforms and traced their history during the last six years. These Reforms when initiated satisfied no political party in India. The speaker then quoted the views of Sir Stanley Reed, Lord Carmichael and Sir William Mayer who appeared as witnesses before the Joint Committee on the Government of India Bill particularly as regards the introduction of responsibility to legislature in the Central Government. The president then referred to the demands for further advance in the Reforms that led to the appointment of the Reforms Enquiry Committee. The speaker then dealt at length with the views contained in the majority and minority reports and referring to the system of dyarchy said that

strongest opponents of dyarchy were those who had experience of its working. He quoted Sir Chimanlal Setalvad who asked if he would try it with another Government replied "Certainly not." Mr. Kunzru added "It was impossible to give dyarchy another chance. Its defects were incurable and it could not live down its past."

Dealing with the working of the Reforms, Pt. Kunzru challenged the assertions of the U. P. Government that there had been deterioration in transferred subjects. He referred in details to the working municipalities in these provinces which were governed by an Act passed in the time of Sir James (Now Lord) Meston. Continuing the speaker said the Moderate deputation to England in 1919 pointed out the anomaly of allowing control over popular part of provincial executive to be exercised by a Government which remained wholly bureaucratic in character. Its demand for partial liberalisation of the Central Government was rejected on the ground that elected majority provided for in the Assembly would be able to substantial influence on the Government of India and in opening a new Indian Legislature. Lord Chelmsford and the Duke of Connaught assured them that the future would be very different from the past. The influence of the Assembly was perceptible while Mr. Montague was at the helm of Indian affairs but with his enforced resignation an unwelcome change came over the Government of India. The country has become accustomed to legislation by certification and conflicts between the Government of India and the Assembly are of frequent occurrence. An irremovable executive and an elected majority do not go together. Both to avoid deadlocks and to bring the Government of India into harmony with provincial Governments that portion of the Central Executive which deals with civil administration should be made responsible to the legislature. It has been generally suggested that until India is able to assume responsibility for her defence the Army and Foreign and Political Departments should, subject to certain safe-guards be left in the hands of the Governor-General. This reservation is, however, coupled with the condition that a scheme should be formulated to prepare Indians for defence of their motherland within a reasonable period of time. The authors of the minority report express their agreement with the proposals.

Concluding, the president said, "the situation in which we find ourselves to-day is one of no ordinary difficulty. Forces of reaction are, blocking the path of progress in every direction. The Empire which depends for its existence on the obliteration of all considerations of race is making race domination the corner stone of its policy. England is firmly declaring her resolve not to let British authority suffer any domination and is prepared to mortgage the future of India for contentment of European services. Only a United India can hope to repulse the determined attacks that are being made on her liberties and to renew its march on the road to self realisation".

CAWNPUR—12TH APRIL 1925.

### Proceedings and Resolutions

The second day's session of the U. P. Liberal Conference was held on the 12th April. Pandit Hirdaynath Kunzru presided. There was a large attendance of delegates and visitors which included Sir Tej Bahadur Sapru Dr. Annie Besant, Mr. C. Y. Chintamani, Pandit Gokaran Nath Misra,

Thakur Hanuman Singh, Mr. H. H. Hussien, Dr. Shafat Ahmad Khan, Pandit Nanak Chand, Gokulchand Naurang and Munshi Ishwar Saran. The Proceedings of the Conference lasted for six hours.

After passing a resolution referring to the death of Mr. Montague, Mr. C. Y. Chintamani, ex-Minister of Industries, U. P., proposed a resolution expressing keen disappointment with the recommendations of Stores Purchase Committee and urging that the stores purchase department be not abolished. Mr. Chintamani dealt at length with the proceedings of the Committee and said that according to his information the report bore the signature of a report but had sent a minute of dissent. The Director of Industries who was Secretary of Committee was apparently not allowed to express his views and the report was only fit to be consigned to the waste paper basket.

The president then invited Dr. Annie Besant to address the Conference. Referring to the resolution dealing with self-Government Mrs. Besant said that Indians should be allowed complete control over internal affairs. She condemned propaganda work started by Lord Sydenham's party in England and America against Indians which was gross misrepresentation of affairs and was creating serious prejudices. She wished that recruitment of Englishmen for services in India especially for Indian Civil Service be stopped and urged that it was quite unfair on the part of the Britishers to ignore protests raised against the Lee Commission recommendations.

Babu Bisesurnath Srivastva proposed his resolution dealing with the military police of the government and urging a radical reform of the present policy and for the fullest opportunity for Indians to receive training and render service in all branches and ranks of defensive forces, there being no racial disqualification whatsoever. The resolution was seconded by Mr. P. N. Das of Mirzapur and passed.

The next resolution dealt with the problem of Indians Overseas and resented the continued attempts of the South African Government to make life intolerable to Indians and urged the Government of India to take actions under the Reciprocity Act of 1924.

The Conference also resolved that emigration of Indian labour to the colonies should be stopped.

Another resolution dealt with the recommendations of the Lee Commission which were held to be incompatible with steady progress towards responsible Government.

The Conference further resolved that the campaign inaugurated in British Isles at the instance of the Secretary of State at India's expense to bring more non-Indian recruits into services as adding insult to injury.

Another resolution dealt with the Bengal Ordinance which was opposed.

Pandit Iqbal Narain Gurtu moved a resolution regarding working of Reforms in the United Provinces which ran as follows:—“(a) This Conference repudiates and protests against the allegations made by the Governor-in-Council in his despatches of 1923 and 1924 on the working of the works in these Provinces against the administration of transferred subjects and denies either that there has been any deterioration in these departments since they were placed in charge of Ministers or that their administration compares unfavourably with that of the reserved subjects by Governor-in-Council; (b) This Conference notes with appreciation that all Indian Members of Local Government have advocated complete responsible Government for these provinces”.



Pandit Gurtu quoted extracts from the despatch of the local Government dealing with the working of the transferred departments. He showed how references to the administration of Municipal Boards and District Board were unjustified and stated that reference to the lowering of the standard of education and efficiency by the Universities of the provinces was incorrect. Pandit Gurtu thought that these despatches were apparently the foundations for stifling development of the reforms when the proposed Committee of Enquiry visited India.

Dr. Shafat Ahmad Khan spoke in response to an invitation from the chair about the standard of education maintained by the Universities. The resolution after being further supported was passed.

The last resolution dealt with self-Government and read as follows :—

(A) The Fifth United Provinces Liberal Conference records its keen sense of dissatisfaction with the report of the Reforms Enquiry Committee signed by Sir Alexander Muddiman and four other members as failing entirely to satisfy public opinion in regard to the urgency of the need for a revision of the constitution. Their conclusions are not supported by the weight of evidence tendered before the Committee while their recommendations leave the position very much as it is. (B) In the opinion of this Conference the facts revealed in the despatches of Provincial Governments and the written statements and the oral evidence before the Committee justify the view that the diarchical system has not worked and cannot work satisfactory and is inconsistent with either responsible Government or sufficient administration and that the only alternative is unitary Government. (C) In the opinion of this Conference it is equally necessary that the Central Government should concurrently be made responsible to the Legislature in the field of Civil administration. As regards the Army and the Foreign and Political Departments this Conference is of opinion that (1) The statute itself should provide for a minimum of funds to be budgetted for a period of year, such minimum to be fixed and revised from time to time by a joint Committee of experts and members of the Legislature ; (2) board for the Army beyond the minimum referred to above shall be subject to the vote of the Assembly ; (3) further, in regard both to the budget and the general policy of the Army the Legislature shall have the power of discussion ; (4) that in respect of these departments there should be an inquiry after ten years by a Committee on which Indians are adequately represented, to determine whether they should be transferred to the control of the Legislature. (D) This Conference highly appreciates the valuable service rendered by Sir Tej Bahadur Sarpu, Sir P. S. Sivaswamy Aiyar, Mr. M. A. Jinnah and Dr. R. P. Paranjpye by writing their admirable report.

It was proposed by Mr. C. Y. Chintamani and supported by Mr. Naurang of Lahore, Pandit Gokaram Nath Misra of Lucknow and Munshi Ishwar Saran of Allahabad and carried unanimously.

Sir Tej Bahadur Sarpu then proposed a vote of thanks to the President and took the opportunity of expressing his views on the present political situation. The president in concluding the session thanked the Chairman of the Reception Committee, Rai Bahadur Anand Swarup and the Secretaries for successfully organising the Conference.

# The Kathiawad Political Conference.

The following is an English translation of Mahatma Gandhi's Presidential Address at the 3rd Kathiawad Political Conference held at Bhavnagar on the 8th January 1925.

Friends, the Presidentship of the Kathiawad Political Conference had been offered to me before I went to jail, but I had then refused to shoulder the responsibility attaching to that honourable position. As the reasons which then prompted my refusal do not exist any longer, I have accepted the honour now, though not without trepidation,—trepidation because there is a wide divergence between my own views and the views held by many, on political questions. Again the fact that I am President of the National Congress for the current year makes things rather awkward for me. That single burden is more than I can fairly discharge, and it would be almost too much for me during the year to undertake to guide the activities of this Conference in addition. If therefore presiding over your deliberations today implies any such responsibility, I may say that I am not at all in a position to do it justice. Moreover it would be unfair if the views which I express as President here are imputed to the Congress simply because I happen to lead it also.

It is necessary, therefore, for me to make it clear at the outset that my views about the Indian States have nothing to do with the views of the members of the Congress. My views are personal to me. They do not bear the imprimatur of the Congress.

If I have been deemed worthy to be President of this Conference, I think it is because I am a native of Kathiawad and also because I enjoy close relations with the workers in this Conference. It is only an accident that I happen to lead the Congress at present.

Before I come to the subject proper, I must place on record the demise of Bhai Mansukhlal. You all know about my relations with him. No wonder that you must feel his absence to-day; but I cannot disguise the fact that I feel it very keenly. The death of the poet Mr. Manishanker Ratnaji Bhatt is also equally a matter for sorrow to you and to me. I had not the privilege of knowing him intimately. It is no small thing that his assistance is no longer available to us. May God give to the families of both the patience to bear their loss and may the knowledge that we share their grief lighten their sorrow.

## The Congress and Indian States.

I have often declared that the Congress should generally adopt a policy of non-interference with regard to question affecting Indian States. At a time when the people of British India are fighting for their own freedom, for them to interfere with the affairs of the Indian States would only be to betray importance. Just as the Congress clearly cannot have any effective voice in the relations between Indian States and the British Government, even so will its interference be ineffectual as to the relations between the Indian States and their subjects.

Still the people in British India as well as in the Indian States are one, for India is one. There is no difference for example between the needs and the manners and customs of Indians in Baroda and of Indians in Ahmedabad. The people of Bhavnagar are closely related with the people

of Rajkot. Still, thanks to artificial conditions the policy of Rajkot may be different from that of Bhavnagar. The existence of different policies in connection with one and the same people is a state of things which cannot last for any length of time. Consequently even without any interference by the Congress, the unseen pressure of circumstances alone must lead to the unification of policies in spite of a multitude of separate jurisdictions. Our ability to reach unity in diversity will be the beauty and the test of our civilisation.

But I am firmly of opinion that so long as British India is not free, so long as the people of British India have not attained real power, that is to say, so long as British India has not the power of self-expression,—in a word so long as British India does not obtain Swaraj, so long will India, British as well as Native remain in a distracted condition. The existence of a third power depends upon a continuance of such distraction. We can put our house in order only when British India has attained Swaraj.

#### The status of Indian States under Swaraj

When Swaraj is attained what will things be like? There will be a relation of mutual aid and co-operation, and destructive conflict will be a thing of the past. British India under Swaraj will not wish for the destruction of the Indian States, but will be helpful to them. And the Indian States will adopt a corresponding attitude towards British India.

The present condition of Indian States is in my opinion somewhat pitiable. For the princes have no independence. Real power does not consist in the ability to inflict capital punishment upon the subjects, but in the will and the ability to protect the subjects against the world. Today Indian States do not have this ability, and consequently by misuse the will also is as good as gone. On the other hand their power to oppress the subjects appears to have increased. As there is anarchy in the Empire there is anarchy in the States subordinate to the Empire. The anarchy in the States is not so much due to the Princes and the Chiefs as it is very largely to the present condition of India.

The present condition of India being opposed to the laws of Nature, that is of God, we find disorder and unrest all over the country. I definitely hold that all will be well if one of the component parts of India becomes self-governing.

#### Who must begin?

Who then must take the first step? It is obvious that British India must lead the way. The people there have a consciousness of their horrible condition and a desire to be free from it, and as knowledge follows in the wake of desire, so those people only who wish to be rid of their peril will find out and apply the means of deliverance. I have therefore often said that the liberation of British India spells the liberation of the States as well. When the auspicious day of the freedom of British India arrives, the relation of ruler and ruled in the Indian States will not cease but will be purified. Swaraj as conceived by me does not mean the end of kingship. Nor does it mean the end of Capital. Accumulated capital means ruling power. I am for the establishment of right relations between capital and labour etc. I do not wish for the supremacy of the one over the other. I do not think there is any natural antagonism between them. The rich and the poor will always be with us. But their mutual relations will be subject to constant change. France is a republic, but there are all classes of men in France.

Let us not be deluded by catch-words. Every single corruption which we notice in India is equally present in the so-called highly civilised nations of the West if under a variety of names. It is distance that lends enchantment to the view; hence things Western become invested with a sort of

glamour in our eyes. In fact there are perpetual differences even in the West between the rulers and the ruled. There too people seek for happiness and suffer misery in return.

#### About the Indian States

Many Kathiawadis complain to me against the Princes and Chiefs of this beautiful country and take me to task for what they imagine to be my indifference. These impatient friends will perhaps not understand me when I say that I have not been indifferent, but have been seeking for and applying the remedies for the present disorders. I have staked my all in the movement for Swaraj in the hope that Swaraj is a certain cure for all our maladies. As darkness vanishes at sunrise, so when the sun of Swaraj rises the dark anarchy of rulers as well as of subjects will disappear in an instant.

#### Visits to Europe

The administration of Indian States is the subject of constant criticism from which this small province has not been free. There is one common complaint about the Princes and Chiefs. Their fondness for visits to Europe increases day by day. One can understand their going to Europe on business or for the acquisition of know'edge. But a visit to Europe in the search of mere pleasure would seem to be intolerable. When a prince passes most of his time outside his State, there is chaos in his State. We have seen that in this age of democracy and dissemination of knowledge no state or organisation which is not popular or beneficial to the people can continue to exist. Indian States are not immune from the operation of this law. Their administration will always be compared with that of the British now, and of the Swaraj Government when Swaraj has been established. King George cannot leave England without the consent of his ministers. And yet his responsibilities are not so great as those of Indian Princes. Indian Princes retain all power in their own hands. They make the appointment even to minor posts. Their permission is needed even for the construction of a bridge. In these circumstances their visits to Europe are very distasteful to their subjects.

The expenditure incurred on these visits is also intolerable. If the institution of kingship has a moral basis, Princes are not independent proprietors but only trustees of their subjects for revenue received from them. It can therefore be spent by them only as trust money. It may be said that this principle has been almost completely carried out in the English Constitution. In my humble opinion the lavish expenditure incurred by our princes in Europe is absolutely indefensible.

Sometimes this expenditure in Europe is sought to be justified on the plea that Princes go there for the benefit of their health: This plea is perfectly ludicrous. No one need, in the search of health leave a country where Himalaya, the king of mountains, exercises undisturbed sway, and which is watered by such mighty rivers as the Ganges, the Indus, and the Brahmaputra. A country where millions of men enjoy perfect health should be enough to supply the Princes' needs on that score.

#### Imitation of the West.

But perhaps the worst disadvantage of these excursions is the shallow imitation of the West by the Princes. We have much to learn and receive from the West, but there is also much in it which must be rejected. There is no reason to suppose that what suits the climate of Europe will equally suit all climates. Experience teaches us that different things suit different climates. The manners and customs of the West could be but ill-digested by the East, and VICE VERSA. Among Western nations men and women dance together, it is said, with restraint and, as report goes, do not over-

step the bounds of decency although they indulge in spirituous liquors during the intervals of their dances. I need scarcely say what would be the consequence if we were to imitate this custom. How shameful to us is the case of an Indian prince which is being discussed in the newspapers just now in all its hideous detail ?

#### Unchecked Expenditure.

Another complaint is made in connection with the unchecked expenditure of Princes and Chiefs. Much of this is difficult to defend. Princes may have the right to spend money on luxuries and pleasure within limit. But I take it that even they do not wish for unrestricted liberty in this matter.

#### Revenue System.

The revenue system in the States is also not free from blame. I am confident that their imitation of the British system has done a great injury to their subjects. The British revenue system may have a shadow of justification if we grant that it is morally right for a handful of Englishmen to maintain their hold over our country in any and every circumstance. There can be no such plea of compelling necessity in the case of the Indian Princes. They have nothing to fear from their subjects as their existence is never in danger. They do not need a large military force ; no Prince has got this and the British would never permit it. Still they levy a taxation far beyond the capacity of the subjects to pay. I am pained to observe that our ancient tradition that revenue is intended only for popular welfare has been receiving but scant respect.

#### Abkari

The Princes' imitation of the British Abkari Department in order to increase their revenue is particularly distressing. It is said that Abkari is an ancient curse in India. I do not believe it to be so in the sense in which it is put. Princes in ancient times perhaps derived some revenue from the liquor traffic, but they never made the people the slaves of drink that they are now. Even granting that I am wrong that Abkari in its present form has been in existence from times immemorial, still I do not subscribe to the superstition that everything is good because it is ancient. I do not believe either that anything is good because it is Indian. He who runs may see that opium and such other intoxicants and narcotics stupify a man's soul and reduce him to a level lower than that of beasts. Trade in them is demonstrably sinful. Indian States should close all liquore shops and thus set a good example for the British administrators to follow. I congratulate the Kathiawad States which have tried to introduce this reform and I trust the day is not distant when there will be not a single liquor shop in our peninsula.

#### Special Cases

I constantly receive complaints against particular states for publication and criticism in YOUNG INDIA and NAVAJIVAN, but I do not propose to refer to them just now, nor have I referred to them in those journals. I prefer to be silent so long as I am not in possession of all facts and have not heard what the States in question have to say. I hope to be enlightened about these things in the Subjects Committee and if then I find it proper to say or to do anything, I would certainly move in the matter.

#### Khadi and the Spinning wheel

There are two items in which we can expect full co-operation from the Indian States. At one time our national economics was this that just as we produced our own corn and consumed it so did we produce our own cotton, spin it in our homes and wear the clothes woven by our weavers

from our own yarn. The first part of this description is still true while the latter part has almost ceased to hold good. A man generally spends upon his clothing a tenth of what he spends upon his food; hence instead of distributing ten per cent of our income among ourselves we now send it to England or to our own mills. That means that we lose so much labour, and in the bargain spend money on our clothing and consequently suffer a twofold loss. The result is that we stint ourselves in the matter of food in order to be able to spend on clothing, and sink into greater and greater misery day by day. We are bound to perish if the twin industries of agriculture and spinning as well as weaving disappear from our homes or our villages. I will leave it to the members of the Conference to imagine what would be the consequence if all the villages under Bhavnagar were to order out their food and clothing from Bhavnagar. Still it is this unnatural procedure which we have adopted about our clothing. We either import our clothing from foreign countries or else get it from our mills. In either case it spells decay of our rural population.

Let us not be deluded by the example of the other countries which import their clothing from outside and still do not suffer economically. In the other countries if people give up spinning and weaving they take to some still more remunerative industry instead. We on the other hand gave up spinning and partly weaving and had nothing else to occupy the time thus left vacant.

For Kathiawad it is very easy to escape from the economic catastrophe. Our Princes can encourage the people by personal example, and induce them to re-instate khadi in their homes and thus arrest the progress of the ever deepening poverty of Kathiawad. In my view the starting of mills and ginning factories in Kathiawad will not make for the people's prosperity, but will be in the nature of a disaster. It is not a healthy sign that the middle class people are compelled to leave the peninsula in search of a livelihood. There is no harm if a few enterprising men leave Kathiawad in search of fortune; but it is shameful and disgraceful for the States that their subjects being reduced to poverty should feel compelled to leave the country from pure helplessness. Whenever I have returned to Kathiawad after staying outside for sometime I have found that the people have been losing instead of gaining in stamina.

Fortunately the art of handspinning and handweaving are being received day by day and the importance of khadi is being realised. Will not the Princes and Chiefs help this movement? It will reflect no small credit on them if they educate the cultivators to stock cotton sufficient for the requirements of Kathiawad, and spread the use of khadi by wearing it themselves. All khadi need not be coarse. The Princes by encouraging handspinning and hand weaving can revive many arts and crafts connected with weaving. Royal ladies can spin fine yarn on wheels artistically painted and adorned with silver bells, get it woven into fine muslin and deck themselves with it. I have personally seen delicate varieties being woven in Kathiawad. That art has now nearly died out. Is it not the special duty of Princes to encourage such arts.

#### Untouchability.

Another extremely important question is that of untouchability. The suppressed classes perhaps suffer more in Kathiawad than in other parts of Greater Gujarat. They are harassed even in railways. To succour the distressed is the special mission of Princes. They are the natural champions of the weak. Will they not come to the aid of the suppressed classes? Princes live by the blessings of their subjects. Will they not enrich their own lives by earning the blessings of the suppressed? The Scriptures proclaim that there is no distinction between a Brahmin and

a Scavenger. Both have souls; both have five organs of sense. If they wish, the Princes can do much to ameliorate the condition of these classes and can remove untouchability by association with them in a religious spirit. Let them found schools and sink wells for the suppressed and find a throne in their hearts.

#### Why I have Criticised ?

I have not criticised the States for the sake of criticism. I know the Gandhi family has been connected with them for three generations. I have myself been witness to ministership in three States. I remember that the relations of my father and my uncle with their respective States were perfectly cordial. As I believe that I am not devoid of the sense of discrimination, I am anxious to see only the good points of the States. As I have already said I do not desire their destruction. I believe that the States can do much good to the people. And if I have embarked upon criticism it is in the interests of the Princes as well as of their subjects. My religion is based on truth and non-violence. Truth is my God. Non-violence is the means of realising Him. In passing criticisms I have endeavoured to state the truth and have been actuated purely by the spirit of non-violence or love. I pray that the Princes and Chiefs may understand and accept my remarks in the same spirit.

#### Rama Rajya

My ideal of Indian States is that of Rama Rajya. Rama taking his cue from a washerman's remark and in order to satisfy his subjects abandoned Sita who was dear to him as life itself and was a very incarnation of pity. Rama did justice even to a dog. By abandoning his kingdom and living in the forest for the sake of truth Rama gave to all the kings of the world an object lesson in noble conduct. By his strict monogamy he showed that a life of perfect self-restraint could be led by a royal householder. He lent splendour to his throne by his popular administration and proved that Rama Rajya was the acme of Swaraj. Rama did not need the very imperfect modern instrument of ascertaining public opinion by counting votes. He had captivated the hearts of the people, He knew public opinion by intuition as it were. The subjects of Rama were supremely happy.

Such Rama Rajya is possible even to-day. The race of Rama is not extinct. In modern times the first Caliphs may be said to have established Rama Rajya. Abubaker and Hazrat Umar collected revenue running into crores and yet personally they were as good as FAKIRS. They received not a pie from the Public Treasury. They were ever watchful to see that the people got justice. It was their principle that one may not play false even with the enemy but must deal justly with him.

#### To the people

In my humble opinion I have done my duty to the Princes in saying a few words about them. A word now to the people. The popular saying, as is the king, so are the people, is only a half truth. That is to say it is not more true than its converse, as are the people so is the prince. Where the subjects are vailful a prince is entirely dependent upon them for his status. Where the subjects are overtaken by sleepy indifference, there is every possibility that the Prince will cease to function as a protector and become an oppressor instead. Those who are not wide awake have no right to blame their Prince. The Prince as well as the people are mostly creatures of circumstances. Enterprising princes and people mould circumstances for their own benefit. Manliness consists in making circumstances subservient to ourselves. Those who will not heed themselves perish. To understand this principle is not to be impatient, not to reproach Fate, not to blame others. He who understands the doctrine of self-help blames

himself for failure. It is on this ground that I object to violence. If we blame others where we should blame ourselves and wish for or bring about their destruction, that does not remove the root cause of the disease which on the contrary sinks all the deeper for the ignorance thereof.

#### Satyagraha

We then see that the people themselves are as responsible as and even more responsible than the Princes for the defects pointed out by me. If public opinion is opposed to a particular line of action, it should be impossible for the Prince to adopt it. Opposition here does not mean merely inaudible murmur. Public opposition is effective only where there is strength behind it. What does a son do when he objects to some action of his father? He requests the father to desist from the objectionable course, i. e. presents respectful petitions. If the father does not agree in spite of repeated prayers, he non-cooperates with him to the extent even of leaving the paternal roof. This is pure justice. Where father and son are uncivilized, they quarrel, abuse each other and often even come to blows. An obedient son is ever modest, ever peaceful and ever loving. It is only his love which on due occasion compels him to non-cooperate. The father himself understands this loving non-cooperation. He cannot endure abandonment by or separation from the son, is distressed at heart and repents. Not that it always happens thus. But the son's duty of non-cooperation is clear.

Such non-cooperation is possible between a prince and his people. In particular circumstances it may be the people's duty. Such circumstances can exist only where the latter are by nature fearless and are lovers of liberty. They generally appreciate the laws of the State and obey them voluntarily without the fear of punishment. Reasoned and willing obedience to the laws of the State is the first non-cooperation.

The second is that of tolerance. We must tolerate many laws of the State, even when they are inconvenient. A son may not approve of some orders of the father and yet he obeys them, it is only when they are unworthy of tolerance and immoral that he disobeys them. The father will at once understand of such respectful disobedience. In the same way it is only when a people have proved their active loyalty by obeying the many laws of the State that they acquire the right of Civil Disobedience.

The third lesson is that of suffering. He who has not the capacity of suffering cannot non-cooperate. He who has not learnt to sacrifice his property and even his family when necessary can never non-cooperate. It is possible that a prince enraged by non-cooperation will inflict all manner of punishments. There lies the test of love, patience, and strength. He who is not ready to undergo the fiery ordeal cannot non-cooperate. A whole people cannot be considered fit for ready for non-cooperation when only an individual or two have mastered these three lessons. A large number of the people must be thus prepared before they can non-cooperate. The result of hasty non-cooperation can only lead to harm. Some patriotic young men who do not understand the limitations noted by me grow impatient. Previous preparation is needed for non-cooperation as it is for all important things. A man cannot become a non-cooperator by merely wishing to be one. Discipline is obligatory. I do not know that many have undergone the needful discipline in any part of Kathiawad. And when the requisite discipline has been gone through probably non-cooperation will be found to be unnecessary.

As it is, I observe the necessity for individuals to prepare themselves in Kathiawad as well as in other parts of India. Individuals must cultivate the spirit of service, renunciation, truth, non-violence, self-restraint, patience etc. They must engage in constructive work in order to develop these



qualities. Many reforms would be effected automatically if we put in a good deal of silent work among the people.

#### The Politicals.

Kathiawad is famous for its political class. This class affects an exaggerated politeness and consequently it has developed hypocrisy, timidity and sycophancy. They are an educated body of men and therefore they must become the pioneers in reforms. They can do much for the people if they wish. We find contentment among the people in places where these political officials are men of character. Needless to say that my remarks apply to the politicals as a class. I do not wish to suggest that they apply to every member of that class. On the contrary, I know that some of the best of workers are drawn from this. Hence I have never lost hope about this class. Much good might result if only it serves the States not for making money but for pure service.

#### Other Classes.

Again constructive service is easy for those who not serving the States have adopted an independent profession. I am anxious to see them develop the qualities mentioned above. We want silent workers and pure fighters who would merge themselves among the people. Workers of this description can be counted on one's fingers. Is there even one such worker for every village in Kathiawad? I know the answer is in the negative. The class of people who will read this will hardly have any idea of rural life. Those who have some idea of it will not like it. Still, India and hence Kathiawad lives in the villages.

#### The Spinning Wheel.

How is this service to be rendered? Here I give the first place to the spinning wheel. I have heard much against it. But I know the time is near when the very thing which is being abused to-day will be worshipped as Sudurshon Chakra. I am confident that if we do not take it up voluntarily the force of circumstances will compel us. The study of Indian economics is the study of the spinning wheel. It is the *SINE QUA NON* for the revival of our languishing village industries. I do not look upon hand-spinning as an occupation but as a duty incumbent upon followers of all religious sects and denominations.

An American writer says that the future lies with nations that believe in manual labour. Nations are tired of the worship of lifeless machines multiplied ad infinitum. We are destroying the matchless living machines viz. our own bodies by leaving them to rust and trying to substitute lifeless machinery for them. It is a law of God that the body must be fully worked and utilised. We dare not ignore it. The spinning wheel is the auspicious symbol of Sharir Yajna—body labour. He who eats his food without offering the sacrifice steals it. By giving up this sacrifice we became traitors to the country and banged the door in the face of the Goddess of Fortune. The numerous men and women in India whose bodies are mere skeletons bear witness to this. My revered friend Mr. Shatriar says I am interfering even in the people's choice of their dress. This is perfectly true. It is the duty of every servant of the nation to do so whenever it becomes necessary. I would certainly raise my voice against it, if the nation takes, (say), to the pantloon. It is wholly unsuited to our climate. It is the duty of every Indian to raise his voice against the nation using foreign cloth. The opposition really is not to the cloth being foreign but to the poverty which its importation brings in its train. If the nation gives up its Jawar and Bajri and imports oats from Scotland or rye from Russia I would certainly intrude into the nation's kitchen, would scold it to the full and even sit dharna and make the agency of my soul heard. Such

intrusions have even happened within recent times. During the late diabolical war in Europe people were compelled to raise particular crops, and the States controlled the food and drink of their subjects.

Those who wish to serve in the villages cannot but take up the study of the spinning wheel. Hundreds and even thousands of young men and women can earn their livelihoods by its means and doubly repay the nation for it. This work means organisation and familiarity with every villager to whom one could easily impart a rudimentary knowledge of economics and politics. The work might also include the true education of the village children and give one an insight into the many wants and shortcomings of villages.

Not only is there no conflict possible between a Prince and his subjects in this khadi work, but on the other hand their relations might be expected to become cordial. The fulfilment of this expectation is conditional on the workers humility. I am therefore neither ashamed nor do I hesitate in asking this Political Conference to give prominence to the spinning wheel.

#### The Suppressed Classes

Such also is the work among untouchables. It is the bounden duty of all Hindus to remove untouchability. Here also no interference need be feared from any Prince. I firmly believe that Hindus would regain the strength of soul if by serving the suppressed and receiving their hearts' blessing they carried on a process of self-purification. Untouchability is a great blot on Hinduism. It is necessary to remove that blot. The Hindu who serves the suppressed will be a saviour of Hinduism and will enshrine himself in the hearts of his suppressed brothers and sisters,

Power is of two kinds. One is obtained by the fear of punishment and the other by arts of love. Power based on love is a thousand times more effective and permanent than the one derived from fear of punishment. When the members of this Conference will prepare themselves by loving service they will acquire the right to speak on behalf of the people and no Prince will be able to resist them. Then only is there an atmosphere for non-co-operation, if it ever becomes necessary,

But I have faith in the Princes. They will at once recognise the force of such enlightened and forceful public opinion. After all the Princes too are Indians. This country is all in all to them as it is to us. It is possible to touch their hearts. I for one do not think it difficult to make a successful appeal to their sense of justice. We have never made an earnest effort. We are in a hurry. In conscientiously preparing ourselves for service lies our victory, the victory of Princes as well as the people.,

#### Hindu-Muslim Unity

The third question is that of Hindu-Muslim Unity. I have one or two letters from Kathiawad which show that this question is exerting some minds even in Kathiawad. I need scarcely say that there must be unity between Hindus and Musalmans. No worker dare ignore any single part of the nation.

#### My Field of Labour

I know that to many my speech will appear incomplete and even insipid. But I cannot give any practical or useful advice by going outside my province. My field of labour is clearly defined and it pleases me. I am fascinated by the law of love. It is the philosopher's stone for me. I know AHIMSA alone can provide a remedy for our ills. In my view the path of non-violence is not the path of the timid or the unmanly. AHIMSA is the height of Kshatriya Dharma as it represents the climax of fearlessness. In it there is no scope for flight or for defeat. Being a quality of the soul

it is not difficult of attainment. It comes easily to a person who feels the presence of the soul within. I believe that no other path but that of non-violence will suit India. The symbol of that DHARMA for India is the spinning wheel as it alone is the friend of the distressed and the giver of plenty for the poor. The law of love knows no bounds of space or time. My Swaraj, therefore, takes note of Bhangis, Dheds, Dublas and the weakest of the weak, and except the spinning wheel I know no other thing which befriends all these.

I have not discussed your local questions of which I have not sufficient knowledge. I have not dealt with the questions of the ideal constitution for the States as you alone can be its fashioners. My duty lies in discovering and employing means by which the nation may evolve the strength to enforce its will. When once the nation is conscious of its strength it will find its own way or make it. That Prince is acceptable to me who becomes a Prince among his people's servants. The subjects are the real master. But what is the servant to do if the master goes to sleep? Everything, therefore, is included in trying for a true national awakening.

Such being my ideal there is room for Indian States in Swaraj as conceived by me and there is full protection guaranteed to the subjects for their rights. The true source of rights is duty. I have therefore spoken only about the duties of Princes as well as the peoples. If we all discharge our duties, rights will not be far to seek. If leaving duties unperformed we run after rights, they will escape us like a will o' the wisp. The more we pursue them the farther will they fly. The same teaching has been embodied by Krishna in the immortal words: 'Action alone is thine. Leave thou the fruit severely alone.' Action is duty; fruit is the right.

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