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1922

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IN
1921-22

**A Report prepared for presentation to
Parliament in accordance with the
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BY

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Government of India*



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FOREWORD.

THE period reviewed in the following pages embraces the introduction and early progress, amidst exceptionally difficult conditions, of the Montagu-Chelmsford Reforms. Whether the constitutional experiment undertaken by the Government of India in conformity with the orders of His Majesty's Government will justify the hopes of its designers, by bridging the gulf between autocracy and responsibility, time alone can decide. That there are good reasons both for hope and for apprehension is plain even from the brief scope of this Report. On the one hand the work achieved by the Reformed Governments in face of all the energies of a movement so formidable and so determined as non-co-operation cannot but reveal the solidity of the foundation upon which the administrative structure is set. On the other hand, unrest in the moral, social and economic spheres, together with an acute, but it may be hoped transitory, outbreak of racial feeling, has constituted, during the period under review, a serious menace to ordered progress. At the moment of writing, political agitation is less intense and the activities of the non-co-operating party have lost, whether temporarily or permanently, the militant fervour characteristic of the early phases of Mr. Gandhi's movement. This relative calm, succeeding so many months of storm, seems to indicate the close of one epoch in the campaign against the new constitution. Accordingly, the narrative of political events comprised in Chapters II, III and IV has been extended beyond the close of the calendar year 1921, in such manner as to round off the record of a well-marked and very critical period.

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Erratum on page 273, line 2, *omit* quote "transferred" unquote.

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General.

Statistical Abstract relating to British India (Parliamentary paper).
Statistics of British India :—

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Vol. II.—Financial.

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Vol. IV.—Administrative and Judicial.

Vol. V.—Educational.

Census Reports (Decennial), India, Provincial, and Native States.

Administration Reports : Madras, Bombay, United Provinces, Punjab, Bengal, Central Provinces and Berar, Burma, Bihar and Orissa, Assam, North-West Frontier Province, Delhi, Coorg, Andaman and Nicobar Islands, Civil and Military Station of Bangalore, Ajmer-Merwara, Baluchistan Agency.

Legislation.

Acts and Proceedings of the Central and Provincial Legislatures ; India's Parliament, Vols. 1, 2, 3.

Justice and Police.

Report on the Administration of Civil Justice for each Province.

Report on the Administration of Criminal Justice for each Province.

Report on Jails for each Province.

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Report on the working of the Criminal Tribes' Act (Bombay, Punjab and United Provinces).

Finance.

Finance and Revenue Accounts of the Government of India.

East India Financial Statement (Parliamentary Paper).

Return of Net Income and Expenditure for eleven years (Parliamentary Paper).

Accounts and Estimates : Explanatory Memorandum (Parliamentary Paper).

Home Accounts (Parliamentary Paper).

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Loans raised in India (Half-yearly Parliamentary Paper).
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 Paper Currency Department Reports, India and Bombay.
 Statistics compiled from the Finance and Revenue Accounts.

Land Revenue, etc.

Land Revenue Administration: [Provincial Reports for Lower Provinces (Bengal, Bihar and Orissa, Assam), United Provinces, Bombay Presidency (including Sind), Punjab, Central Provinces and Berar, Burma, and Madras.

Report on Land Revenue Administration, Land Records, Settlement Operations, Alienation of Land Act, etc., for North-West Frontier Province.

Madras Survey, Settlement and Land Records Department Report.

Reports of Land Records Department for Bombay, Burma, Bengal, United Provinces, and Punjab.

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Reports on Operations of the Land Records and Settlement Departments, Central Provinces and Berar.

Report of the Talukdari Settlement Officer, Bombay.

Provincial Reports on the Administration of Estates under the Court of Wards.

Report on the Punjab Canal Colonies.

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Report on the Progress of Agriculture in India.

Report of the Agricultural Research Institute and College, Pusa.

Bulletins of the Agricultural Research Institute, Pusa, and of the Provincial Department of Agriculture.

Memoirs of the Department of Agriculture.

Proceedings of the Board of Agriculture.

Agricultural Journal of India (quarterly).

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Reports on Agricultural Stations, Experimental Farms, and Botanic Gardens for each Province.

Season and Crop Report for each Province.

Agricultural Statistics of India.**Area and Yield of certain Principal Crops.****Report on Production of Tea in India.****Report of the Imperial Agriculturist (1920-21).****Report on Tea Culture in Assam.****Reports of the Civil Veterinary Departments for each Province.****Statistics compiled from the Reports of the Provincial Civil Veterinary Departments.****Report of the Camel Specialist.****Report of the Imperial Bacteriologist (Veterinary).*****Co-operative Societies.*****Statements showing Progress of the Co-operative Movement in India.****Reports on Co-operative Societies for each Province.****Reports of Conferences of Registrars of Co-operative Societies, India and Provincial.*****Fisheries.*****Report of the Fisheries Department, Bengal, Bihar and Orissa, Madras and Punjab.*****Forests.*****Annual Return of Statistics relating to Forest Administration in British India.****Report on Forest Administration for each Province.****Reports of the Forest Research Institute and the Imperial Forest College, Dehra Dun.****Quinquennial Forest Review.****Indian Forest Memoirs.****Indian Forest Records.****Forest Bulletins.*****Industries.*****Journal of Indian Industries and Labour.****Bulletins of Indian Industries and Labour.****Reports of Provincial Directors of Industries.*****Mineral Production and Inspection of Mines.*****Review of Mineral Production (in Records of Geological Survey).****Report on Production and Consumption of Coal in India.****Report of the Chief Inspector of Mines.*****Trade and Manufactures.*****Annual Statements of Sea-borne Trade and Navigation, India and Provincial (Madras, Bombay, Sind, Bengal, Bihar and Orissa, Burma).****Review of the Trade of India (Parliamentary Paper).****Tables of the Trade of India (Parliamentary Paper).****Provincial Reports on Maritime Trade and Customs (including working of Merchandise Marks Act) for Bengal, Bihar and Orissa, Bombay, Sind, Madras and Burma.**

Accounts relating to the Sea-borne Trade and Navigation of British India (monthly and for calendar year).

Accounts relating to the Trade by Land of British India with Foreign Countries (Monthly).

Annual Statement of Coasting Trade of British India.

Report on the Trade and Navigation of Aden.

Accounts of Trade carried by Rail and River in India.

Report on Inland, Rail-borne, or Rail-and-River-borne Trade for each Province.

External Land Trade Reports for Bengal, Bihar and Orissa, Assam, Burma, United Provinces, Punjab, North-West Frontier Province, Sind, and British Baluchistan.

Indian Trade Journal (weekly).

Statistics relating to Joint-Stock Companies in British India and Mysore.

Report on the working of the Indian Companies Act for each Province.

Report on the working of the Indian Factories Act for each Province.

Report of the Chief Inspector of Explosives.

Public Works.

Administration Report on Railways.

Reports on Public Works (Buildings and Roads) for Madras, Bombay, Punjab, North-West Frontier Province, and Burma.

Review of Irrigation.

Report on Irrigation Revenue for each Province (except Madras).

Administration Reports on Irrigation, Madras and Bombay.

Report on Architectural Work in India.

Posts and Telegraphs.

Report on the Posts and Telegraphs of India.

Report of Indo-European Telegraph Department.

Scientific Departments.

Report on the Operations of the Survey of India.

Records of the Survey of India.

Records and Memoirs of the Geological Survey of India.

Report of the Indian Meteorological Department.

Indian Weather Review, Annual Summary.

Rainfall Data of India.

Memoirs of the Indian Meteorological Department.

Report of the Meteorologist, Calcutta.

Report of the Director-General of Observatories.

Memoirs and Bulletins of the Kodaikanal Observatory.

Report of the Board of Scientific Advice.

Report of the Archæological Survey of India, and Provincial Reports.

Report and Records of the Botanical Survey.

Education.

Education Reports for India and each Province.
 Quinquennial Review of Education (Parliamentary Paper).

Local Self-Government.

Reports on Municipalities for each Province and for Calcutta, Bombay City, Madras City, and Rangoon.
 Reports on District and Local Boards or Local Funds for each Province.
 Reports of Port Trusts of Calcutta, Bombay, Madras, Rangoon, Karachi, and Aden.

Medical, Sanitary, and Vital Statistics.

Report of the Sanitary Commissioner with the Government of India.
 Report on Sanitary Measures in India (Parliamentary Paper).
 Report of the Sanitary Commissioner for each Province.
 Vaccination Report for each Province.
 Report on Civil Hospitals and Dispensaries for each Province.
 Report on Lunatic Asylums for each Province.
 Report of the Chemical Examiner and Bacteriologist for each Province.
 Scientific Memoirs by Officers of the Medical and Sanitary Departments.
 Reports of the All-India Sanitary Conferences.
 Reports of the Imperial Malaria Conferences.
 Indian Journal of Medical Research (Quarterly).

Emigration and Immigration.

Calcutta Port Emigration Report.
 Bengal Inland Emigration Report.
 Assam Immigration Report.

Prices and Wages.

Prices and Wages in India.
 Variations in Indian Price Levels.
 Reports of Provincial Wage Censuses.

Political Writings.

Sir Sankaran Nair : *Gandhi and Anarchy*. Alfred Nundy : *Indian Unrest. Revolution or Evolution (in the press)*.

APPENDIX II.

The Report of the Press Act Committee.

In accordance with the instructions contained in the Home Department Resolution no. 534, dated the 21st March 1921, we the members of the Committee appointed by the Government of India to examine the Press and Registration of Books Act, 1867, the Indian Press Act, 1910, and the Newspapers (Incitements to Offences) Act, 1903, have the honour to report for the information of Government and such action as they may think desirable, our conclusions on the questions referred to us for examination.

2. These conclusions have, we may state, been reached after a careful survey of the political situation, an exhaustive examination of witnesses who appeared before us, and a scrutiny of voluminous documentary evidence including the valuable and weighty opinions of local Governments placed at our disposal by the Government of India as well as of memoranda submitted to us by various members of the public. Many of these memoranda were sent in response to a general invitation issued by the Government of India to those interested in the subject under discussion to communicate their views to Government for the information of the Committee. We have examined orally 18 witnesses, all connected with the Press, and we also invited eight other prominent journalists to give evidence. To our great regret they were, however, either unable or in some cases unwilling to accept our invitation.

The Indian Press Act.

3. Of the Acts referred to us for examination, the Indian Press Act, 1910, is by far the most important and it will therefore be convenient, if, in the first place, we record our conclusions in respect of that Act. This is the more desirable because our recommendations in respect of the other two Acts referred to us must be largely dependent on our findings regarding this measure.

It is necessary to discuss in this report the reasons which induced the Government of India to place the Indian Press Act on the statute book. Those who are interested in the subject will find the facts fully explained in the reports of the discussions on the Bill in Council. It is apparent, however, that the main object of the Act was to prevent the dissemination of incitements to violence and of sedition, although the scope of section 4 of the Act is much wider. Since 1910, however, circumstances have changed very materially and we have to consider the necessity for the continuance of this law in the light of a political situation entirely different from that in which it was enacted.

The Chief Questions.

4. The chief questions that have to be examined in our opinion are, firstly, whether the Act has been effective in preventing the evil against which it was

directed; secondly, whether legislation of this character is now necessary for the maintenance of law and order; and, thirdly, whether, on a comparison of the advantages and disadvantages which the retention of the Act would involve, its continuance is desirable in the public interest. We may say at the outset that on a careful consideration of these points we are of opinion that the Act should be repealed.

5. As to the effectiveness of the Act, it is generally admitted that direct incitements to murder and violent crime, which are specially referred to in Section 4 (1) (a) of the Act, are rarely found in the Press to-day. This was not the case in 1910, so far as a certain section of the Press was concerned, and it is the view of at least one local Government that the Press Act has contributed to the elimination of such public incitements. We are not, however, satisfied that the cessation of such incitements is due solely or even mainly to the act or that, in present conditions, the ordinary law is not adequate to deal with such offences. Further it must be admitted that, in so far as the law was directed to prevent the more insidious dissemination of sedition, of general misrepresentation of the action of Government, of exaggerations of comparatively minor incidents, of insinuations of injustice and of articles intended to exacerbate racial feeling, the Act has been of little practical value, for we find that a section of the Press at present is just as hostile to Government as ever it was, and that it preaches doctrines calculated to bring the Government, and also occasionally particular classes or sections of the community, into hatred and contempt, as freely now as before the Act was passed.

Moreover, we believe that the more direct and violent forms of sedition are now disseminated more from the platform and through the agency of itinerary propagandists than by the Press, and no Press law can be effective for the repression of such activities. In our opinion, therefore, it must be admitted that the Act has not been wholly effective in securing the object which it was enacted to achieve. We observe that one witness before us went so far as to say that it had both been futile and irritating.

An Emergency Measure.

6. Turning to the question of the necessity for such legislation, we find that it was an emergency measure enacted at a time when revolutionary conspiracies, the object of which was directly promoted by certain organs of the Press, were so active as to endanger the administration. We believe that this revolutionary party is now quiescent, that the associations supporting it have been broken up, and that many members of the revolutionary party have realized that the object which they had in view can, under present conditions, be achieved by constitutional means. Further the political situation has undergone great changes since 1910, and the necessity for the retention of the Act must be examined in the light of the new constitutional position created by the inauguration of the Reforms.

Many of us feel that the retention of this law is, in these circumstances, not only unnecessary, but incompatible with the increasing association of representatives of the people in the administration of the country. We believe also that the malignant influence of seditious organs of the Press will, in future, be, and in fact is already beginning to be, counteracted by the growth of distinct parties in politics, each supported by its own press, supplemented by the activities of a properly organized bureau of information, the value of which was admitted by many witnesses.

It is true the scope of the Act is not limited to the prevention of sedition, but it is not necessary for us to discuss in detail the subsidiary provisions included in Section 4 of the Act, as we believe that these provisions have seldom been used and

that the evils against which they are directed can be checked by the ordinary law. We think, therefore, that under present conditions the retention of the Act for the purposes for which it was enacted is unnecessary.

Bitter Hostility to the Act.

7. On an examination of the third aspect of the case, viz., the comparative advantages and disadvantages of retaining the Act, we find that, while many local Governments advocate its retention in the interests of the administration, on the other hand the Act is regarded with bitter hostility by nearly all shades of Indian opinion. Most of the witnesses examined before us believe it to be indefensible in principle and unjust in its application. It has been said that the terms of Section 4 of the Act are so comprehensive that legitimate criticism of Government might well be brought within its scope, that the Act is very uncertain in its operation, that it has been applied with varying degrees of rigour at different times and by different local Governments, and in particular that it has not been applied with equal severity to English owned and Indian owned papers.

A general feeling was also apparent among the witnesses that the Act is irritating and humiliating to Indian journalism, and that the resentment caused by the measure is the more bitter because of the great services rendered to Government by the Press in the war.

Many witnesses, indeed, are of opinion that the Act is fatal to the growth of a healthy spirit of responsibility in the Press and that it deters persons of ability and independent character from joining the profession of journalism.

Finally it is maintained that the Act places in the hands of the executive Government arbitrary powers not subject to adequate control by any independent tribunal, which may be used to suppress legitimate criticism of Government, and that such a law is entirely inconsistent with the spirit of the Reforms Scheme and the gradual evolution of responsible Government.

Repeal Recommended.

8. There is, in our judgment, great force in many of these criticisms. We find, as already noted, that the Act has not proved effective in preventing the dissemination of sedition and that it is doubtful whether it is necessary to retain it for the purpose of preventing incitements to murder and similar violent crime.

Further, in view of the cogent criticisms made as to the principles and operation of the Act, we have come to the conclusion that it would be in the interests of the administration that it should be repealed. In making this recommendation we have not overlooked the opinion expressed by various local Governments that the retention of the Act is desirable in the interest of law and order. We observe, however, that there is a considerable divergence of opinion among those Governments on this point, and while we realise that the views of those who are opposed to the repeal of the Act are entitled to great weight, and indeed that these views have been accepted by the Government of India frequently in times past, we are satisfied that there is a genuine popular demand for its repeal and we consider that in the altered circumstances created by the Reforms, the advantages likely to be secured by repeal of this measure outweigh the benefits which could be obtained by its retention on the statute book.

9. In our examination of the question of the repeal of the Press Act, we also considered the further question as to which, if any, of its provisions should be retained by incorporation in other laws. Various questions have been placed before us in this connection, some of greater and some of minor importance.

Position of Princes.

Perhaps the most important of these is the question whether the dissemination of disaffection against Indian Princes through the Press of British India should be penalized in any way. We have been handicapped in our examination of this question by very inadequate representation of the views of the Princes, many of whom were unwilling to allow their opinions to be placed before the Committee. We have, however, had the advantage of seeing some minutes submitted by them and of examining Sir John Wood, Secretary of the Political Department. It has been argued that the Government of India is under an obligation to protect Indian Princes from such attacks, that the Press Act alone affords them such protection, and that if it is repealed it is unfair, having regard to the constitutional position of the Government of India *vis-a-vis* the Indian States, that the Press in British India should be allowed to foment disaffection against the ruler of an Indian State. On the other hand various witnesses have protested in the strongest terms against any such protection being afforded to Princes. It is alleged that the effect of any such provision in the law would be to stifle all legitimate criticism and deprive the subjects of such States of any opportunity of ventilating their grievances and protesting against maladministration or oppression. We understood that, before the Press Act became law, it was not found necessary to protect Indian Princes from such attacks and we note that the Act, so far as the evidence before us shows, has only been used on three occasions for this purpose.

We do not, in the circumstances, think that we should be justified in recommending, on general grounds, any enactment, in the Penal Code or elsewhere for the purpose of affording such protection, in the absence of evidence to prove the practical necessity for such a provision of the law. Our colleague, Mir Asad Ali, desires to express no opinion on this question.

Confiscation of Presses.

10. We have also considered the question of vesting Courts of Justice with power to confiscate a Press if the keeper is convicted for the second time of disseminating seditious. Although Section 517 of the Criminal Procedure Code affords some faint authority for the enactment of such a provision in the law, we feel that it would operate inequitably, particularly in the case of large and valuable presses, used not only for the printing of a particular paper, but also for other miscellaneous work. In the case of smaller presses, the forfeiture of the press would probably not be an effective remedy and on a careful consideration of the facts we doubt the necessity for inserting any such provision in the law.

11. There is, indeed, only one provision of the Act which, we think, should be retained, namely the power to seize and confiscate newspapers, books or other documents, which offend against the provisions of Section 124-A of the Penal Code. If this power is retained, the auxiliary power of preventing the importation into British India, of transmission through the post, of such documents, on the lines now provided for in Sections 13, 14 and 15 of the Indian Press Act, is a necessary corollary if the law is to be effective.

Openly Seditious Documents.

12. The confiscation of openly seditious documents in no way, we believe, constitutes an interference with the reasonable liberty of the Press and the openly seditious character of some of the documents which are now circulated in India has convinced us of the necessity of retaining this power as a regular provision of the substantive law.

the exact method by which this should be effected is, we think, a matter for the expert advisers of the Government of India to decide. We would, however, also provide for redress in cases in which the owner of a press or any person interested in the production of any such document or in the possession of any particular copy of the document consider himself aggrieved, by allowing such persons to apply to the High Court and challenge the seizure and confiscation of the document. We would also provide that when such an application is made the onus of proving the seditious character of the document should be on the Government. We think that the power conferred by sections 13 to 15 of the Press Act might be conveniently incorporated in the Sea Customs Act and Post Office Act, so that the customs and postal officers should be empowered to seize seditious literature within the meaning of Section 124-A of the Indian Penal Code, subject to review on the part of the Government and to challenge, by any person interested in the courts.

We recommend that in this case, and in the case of seditious leaflets seized under the conditions referred to in the earlier portions of this paragraph, the orders of the Government should be liable to be contested in the High Court.

It follows almost of necessity, from what we have said about the Press Act, that we recommend the total repeal of the Newspapers (Incitements to Offences) Act, 1908. We may observe that this Act has not been used for the last 10 years.

Registration of Editors.

13. As to the Press and Registration of Books Act, we recommend that this Act should be retained with the following modifications:—

- (1) That no person should be registered as a publisher or printer unless he is a major, as defined by the Indian Majority Act.
- (2) That in the case of all newspapers, the name of the responsible Editor should be clearly printed on the front sheet of the paper and that an editor should be subject to the same criminal and civil liability in respect of anything contained in the paper as the publisher and printer.
- (3) That the term of imprisonment prescribed in Sections 12, 13, 14, 15 should be reduced to six months.
- (4) That the provisions of Section 16 of the Press Act should be reproduced in this Act.

We have also considered certain other matters of detail, which are of a technical nature. We think they should be left to the expert department to deal with.

Summary of Conclusions.

14. We append a summary of our conclusions:—

- (1) The Press Act should be repealed.
- (2) The Newspapers (Incitements to Offences) Act should be repealed.
- (3) The Press and Registration of Books Act, the Sea Customs Act and the Post Office Act should be amended, where necessary, to meet the conclusions.
 - (a) The name of the Editor should be inscribed on every issue of a newspaper and the Editor should be subject to the same liabilities as the Printer and the Publisher as regards criminal and civil responsibility.
 - (b) Any person registering under the Press and Registration of Books Act should be a major, as defined by the Indian Majority Act.

- (c) Local Governments should retain the power of confiscating openly seditious leaflets, subject to the owner of the press, or any other person aggrieved, being able to protest before a court and challenge the seizure of such document, in which case the local Government ordering confiscation should be called upon to prove the seditious character of the document.
- (d) The powers conferred by Sections 13 to 15 of the Press Act should be retained, Customs and Postal officers being empowered to seize seditious literature within the meaning of Section 124-A, Indian Penal Code, subject to review on the part of the local Government and challenge by any persons interested in the proper courts.
- (e) Any person challenging the orders of the Government should do so in the local High Court.
- (f) The term of imprisonment prescribed in Sections 12, 13, 14 and 15 of the Press and Registration of Books Act should be reduced to six months.
- (g) The provisions of Section 16 of the Act should be reproduced in the Press and Registration of Books Act.

APPENDIX III.

Report of the Committee appointed to examine repressive laws.

In accordance with the instructions contained in Resolution No. 533-Political, dated March 21st, 1921, we have examined the following Regulations and Acts :—

- (1) The Bengal State Offences Regulation, 1804 ;
- (2) Madras Regulation VII of 1898 ;
- (3) Bengal State Prisoners Regulation, 1818 ;
- (4) Madras Regulation II of 1819 ;
- (5) Bombay Regulation XXV of 1827 ;
- (6) The State Prisoners Act, 1850 ;
- (7) The State Offences Act, 1857 ;
- (8) The Forfeiture Act, 1857 ;
- (9) The State Prisoners Act, 1858 ;
- (10) The Indian Criminal Law Amendment Act, 1908 ;
- (11) The Prevention of Seditious Meetings Act, 1911 ;
- (12) The Defence of India (Criminal Law Amendment) Act, 1915 ;
- (13) The Anarchical and Revolutionary Crimes Act, 1919.

2. Appendix A to this report gives the names of the witnesses who were invited to give evidence. We examined at considerable length 24 witnesses, some of whom came from distant provinces at much personal inconvenience. We desire to record our appreciation of their public spirit. We have also considered the opinions of local Governments and some written statements sent by witnesses or by recognised associations. In addition we perused a large amount of documentary evidence in the shape of reports of disturbances, confidential reports on the political situation, speeches delivered at public meetings, debates in the Legislative Council when the Acts under consideration were introduced, and correspondence with local Governments regarding the exercise of powers under these Acts and the proceedings of the previous Committees, including the Seditious Committee.

3. The reports from local Governments shew that recourse was had to these 'repressive' or 'preventive' enactments only in cases of emergency, or to deal with exceptional disorder for which the ordinary law did not provide any adequate remedy. It is also proved that the Government of India have scrutinized with the greatest care all requests for either the introduction of the Seditious Meetings Act or action under the Defence of India Act or the Indian Criminal Law Amendment Act, 1908. During the war the maintenance of internal peace was a supreme consideration and early preventive action was essential.

The first question then that we have to decide is whether with the conclusion of the war and the introduction of constitutional changes in the Government of

India, there has been such an improvement in the general situation as to justify the repeal of all or any of these measures. We have particularly to consider whether there exists such an anarchical movement as prevailed in Bengal during the last decade, or any probability of a recrudescence of a movement, which at that time seriously disturbed the tranquillity of certain parts of India. On this point a certain amount of plain speaking is unavoidable.

4. The evidence of many witnesses indicates that the constitutional reforms have produced a distinct change for the better in the attitude towards Government of the larger portion of the literate or 'politically minded' classes. As regards the illiterate masses, the position is much less satisfactory. It must be recognised that recent appeals to racial feeling, religious prejudice or economic discontent have in fact shaken respect for law, government and authority, and "created an atmosphere of preparedness for violence." Intimidation, social boycott and the establishment of courts, the jurisdiction of which is in some cases enforced by violence and insult, are among the methods employed to create a situation full of dangerous potentialities. Similarly, while many witnesses expressed the view that the general position had improved and that the cult of non-co-operation had generally failed to appeal to more thoughtful persons, we are forced to the conclusion that the leaders of this movement have succeeded in arousing a deep and widespread feeling of hostility towards Government. It is however as yet more marked in urban than in rural areas. The large number of serious riots during the past seven months* cannot be regarded merely as passing ebullitions of temporary discontent. The disturbances in places so widely apart as Rae Bareilly, Malegaon, Nagpur, Giridih, Dharwar, Aligarh and Matari indicate a growing contempt for law and order. We have no doubt that economic and agrarian discontent has been exploited by agitators, and that these riots have in many cases disclosed a disregard of authority or an attempt to intimidate the courts or officers carrying out the orders of the courts, which justifies us in ascribing them to an active and malicious propaganda. In attempting any survey of the present political situation we cannot leave out of account further dangerous developments adumbrated by leaders of the Extreme party. To illustrate this point we cite some extracts from recent speeches.

(1) "Mahatma Gandhi says that if you are determined *Swaraj* can be attained within one year. The machinery of the Government is entirely in your hands * * * * *. At first we will request the military and the police to throw up their services with the Government. If this request is rejected the public will be asked to refuse to pay taxes and then you will see how the machinery will work. We do not recognise the authorities of the present Government and refusal to pay taxes will settle everything. This can only be achieved by unity. Now it rests with you whether you will sit under the *Satanic* flag or will come under the flag of God. The day will come when the sweepers, washer-men and others will be asked to boycott those who are on the side of *Satan*."

(2) "I believe that the struggle with Government will commence when we withhold payment of taxes. In that case Government will come to its senses. I require students these days. Some are required for (work among the) tenantry. When they will refuse to pay taxes and Government will issue warrants and send its sepoy, the peasants will boldly defy its order and will say "Kill us or put our property to auction, but we would not pay taxes with our hands."

*Vide Appendix B.

(3) We may also quote an extract from an article in " Young India " by Mr. M. K. Gandhi :—

" Civil Disobedience was on the lips of every one of the members of the All-India Congress Committee. Not having really ever tried it, every one appeared to be enamoured of it from a mistaken belief in it as a sovereign remedy for our present-day ills. I feel sure that it can be made such if we can produce the necessary atmosphere for it. For individuals there always is that atmosphere except when their Civil Disobedience is certain to lead to bloodshed. I discovered this exception during the *Satyagraha* days. But even so a call may come which one dare not neglect, cost it what it may. I can clearly see the time coming to me when I *must* refuse obedience to every single state-made law, *even though there may be a certainty of bloodshed* (our italics). When neglect of the call means a denial of God, Civil Disobedience becomes a peremptory duty."

(4) The following are Resolutions passed by the All-India Congress Committee of Bombay :—

- (i) " The All-India Congress Committee advises that all persons belonging to the Congress shall discard the use of foreign cloth as from the 1st day of August next and advises all Congress organisations * * * to collect foreign cloth from consumers for destruction or use outside India at their option."
- (ii) " It is of opinion that Civil Disobedience should be postponed till after the completion of the programme referred to in the Resolution on *Suadeshi* after which the Committee will not hesitate, if necessary, to recommend a course of Civil Disobedience even though it might have to be adopted by a special Session of the Congress. Provided however it is open to any Province or place to adopt Civil Disobedience subject to the previous approval of the Working Committee obtained within the Constitution, through the Provincial Congress Committees concerned."

Witnesses unanimously agreed that Civil Disobedience particularly if it took the form of a " no-revenue " or " no-rent " campaign, would result in widespread disorder, and that a boycott, whether of foreign goods or of liquor, if accompanied by intimidation, might result in violence. The boycott of foreign cloth would also tend to raise prices, and the consequent economic distress would end in " hat looting " such as has occurred in the past.

5. In the light of the evidence before us it is therefore impossible to describe the state of affairs to-day as normal. Nor is India singular in this respect: the reaction from the war is world wide and no country has escaped its effects. There are however grounds for hoping that an improvement has begun: there are signs of a gradual adjustment to *post bellum* conditions: a favourable monsoon would do much to remove economic discontent: the relations between Government officials and the public, between the Ministers and officers serving under them are admittedly undergoing successful readjustment: finally, the response made to the opportunities offered by the Reformed Councils, no less than the attitude of the Executive and the Legislators of mutual co-operation is encouraging. But as militating against this improvement there is an active widespread campaign which, if judged by recent utterances, is certain to increase economic difficulties and to promote disaffection.

6. We have carefully scrutinised the evidence dealing with the *Khilafat* movement. With its religious aspect the Committee is in no way concerned; indeed we fully sympathise with the desire for favourable peace terms for Turkey, but it is our duty to examine closely the activities of the extremist leaders of this movement and the methods by which they seek to attain their aims. We are informed that any real appreciation of the difficulties of the situation is confined to a small class, but it cannot be denied that the terms of the Turkish peace treaty have been used to cause a dangerously bitter feeling amongst the masses, and that religious enthusiasm exploited by unscrupulous agitators has in many places developed into fanatical hostility to the British Government. Thus, despite frequent contradiction, the lie that holy places have been desecrated is still repeated. We cite below extracts from reports of speeches submitted to us.

- (1) At Karachi a Hindu 'Ecclesiastical' supporter advised "sympathy with their Moslem brothers because the power that had caught hold of the Muslim holy places would not spare those of the Hindus."
- (2) Or again, "The British had caused Hindu and Muhammadan brothers to fight and have thus made straight their own road. They had destroyed Mecca and Medina. Shots had even fallen on the Prophet's remains. All Muhammadans who had fought against the Turks should be divorced."
- (3) "Referring to the fight in Mecca he said that the Sheriff was the master of the place. There were only 30 or 35 Turkish soldiers. When the British Army reached Mecca they killed 3 of the Turkish soldiers who were found marketting. Two others, who took shelter in the *Kaaba* (the holy temple) where not a tiger nor even a fly was allowed to be killed according to religion, were slaughtered by the British soldiers. Moreover the holy carpet of the *Kaaba* which was prepared by the hands of the innocent little girls was burnt by the fire of the British shells."
- (4) The following extract refers apparently to the Kheri murder case:—
 "I am going to pronounce the order of God that if the slayer of a heathen is killed, he will certainly become a martyr. If he dies it is your duty to pray for him.
 "One Englishman has died here; lakhs of Hindus and Mussalmans have been martyred there—
 "If after lakhs of Mussalmans have been martyred in Smyrna, somebody has killed Christians, Christians have retaliated entering Constantinople. If he has committed the murder for the sake of religion and he is slain he will attain martyrdom. Heavens await him and the *howries* are standing (to welcome him) with cups in their hands,"

7. It was, we were told by a frontier officer, statements of this kind, particularly relating to the defilement of holy places, which has created such bitterness and led to the Hijrat from Upper Sindh and Peshawar with such disastrous consequences. Instances of gross misrepresentation are numerous. Nor does it end here. Perhaps the most sinister feature in this campaign of calumny is the direct attempt to seduce the military and the police force from their allegiance. Evidence has been adduced of many specified instances of such attempts, which the military authorities regard as most dangerous. Speeches have also been reported:—

- (1) "Tell every Muhammadan clearly that it is his religious duty to avoid being recruited for the army. Do not give a single soldier that he may behead his brother with his own hands."

- (2) "Your religion is calling for he'p, but you do not lay down your life for God; you join the army or police on fourteen rupees a month. You say you are a Government servant; but you are God's servant."

8. We have also had placed before us reports of many speeches made by various leaders of the movement which can only be considered as direct incitements to disloyalty and violence. The following are instances :—

- (1) "If the Amir of Kabul does not enslave India and does not want to subjugate the people of India who have never done any harm and who do not mean to do the slightest harm to the people of Afghanistan or elsewhere, but if he comes to fight against those who have always had an eye on his country, who wanted to subjugate his people, who hold the Holy Places of Islam, who want to crush Islam in their hostile grip, who want to destroy the Muslim faith and were bent on destroying the *Khilafat*, then not only shall we not assist, but it will be our duty and the duty of every one who calls himself a Mussalman to gird up his loins and fight the good fight of Islam."
- (2) "When we have to kill all Englishmen we will not come stealthily, we will, that very day, declare openly that there is (war with) the sword between you and us now and it will be sheathed only when either your neck disappears or ours."
- (3) "The object of my speaking so plainly is to assure you that in the question of *Khilafat* we have not gone an inch against the doctrines of Islam. In my religion, to die and to kill in the cause of God are both good deeds."
- (4) "He told his audience that their time had at last come. Everything was ready for *jihad* and the signal was about to be given. He exhorted them to be bold and steadfast. The weapons of the British soldiers and sepoys could not harm them for he had the power to render them innocuous. This time there was little talk of non-co-operation. The business for the moment was war."
- (5) "If you do not come forward, God shall raise another nation for Islam's defence. Those who wage the war of *jihad* will not mind any remonstrances. * * * * *Swaraj* is a religious obligation with me. I am doing my work for the sake of the holy *Kaaba*, Medina and the *Qoran*. It is better to be slaves of Muhammadans than of the English. It is our duty to help the Amir if he comes to carry on *jihad*. I am prepared to fight the battle of Independence whether my Muhammadan brothers help me or not."

9. These quotations could be multiplied. We notice also repeated statements casting on England, and not on the Allies, the whole responsibility for the terms of the treaty of *Sèvres* or for any delay in amendment. After a careful perusal of these and other similar utterances, and making every allowance for inaccurate reporting, we have no hesitation in holding that this form of propaganda is directly calculated, when addressed to an impressionable and excitable audience, to lead to violence.

10. We endeavoured to ascertain the effect of this combined movements (the Non-co-operation and the *Khilafat*) on the student community, and have received valuable evidence from educational authorities. The situation was at one time disquieting. Direct appeals were issued of which we give one example :—

"Those who read the newspapers know the part taken by the students in all countries in these days. The first example was set by the students of Russia at the time of revolution. They took great part therein and you know the result. In China also the students agitated and the courses of the universities were changed according to their wishes. Look at the condition of Egypt and the work done there by the students. They have obtained the religious form of instruction. They have agitated for years and in the long run they have been successful in their revolution. Both boys and girls took share in the revolution. Our only hope of spreading agitation is by means of the students who are always enthusiastic."

Evidence shows that the mischievous results of this appeal to students were short-lived. Our general impression is that the student community at large has not been permanently or seriously affected, save in the way of sentimental sympathy for the non-co-operation movement and the personality of its leader. The 'national' institutions have obtained meagre support whether in the shape of funds or pupils. Several have now been closed. There was at first some response in the form of strikes, but the large majority of students returned. The result of the University Examinations, and the number of entries shew that there has been no appreciable falling-off in the number of admissions or of candidates. It is noticeable that the effects varied in different institutions, which we attribute to the influence or lack of influence of the Principal and Professors. We are however convinced that as in the case of the public generally, so with the students there is less respect for authority than there was before. Nor can we overlook the fact that there is a small residue of misguided boys who, by forsaking their studies, have not only imperilled their future career but would seem to have elected that of the professional agitator. We have dwelt upon this aspect of the situation in view of the unhappy activities of the student community of Bengal ten years ago.

11. Taking into consideration all the evidence we have received, and the points to which we have adverted, and bearing in mind the still prevailing economic discontent, we cannot dismiss as improbable the possibility of sudden labour, agrarian or sectarian disorder on a large scale probably culminating in riots.

12. We may now in the light of this appreciation of the present political position examine the question of repealing or retaining the various Acts under consideration. Dealing with the older Acts first, we notice that they relate generally to an unsettled condition of affairs which no longer exists. We regard it as undesirable that they should be used for any purpose not contemplated by their authors. The objections to them are obvious. Some, as for example, Bengal Regulation 10 of 1804, or the Forfeiture Act of 1857, are inconsistent with modern ideas; others are clothed in somewhat archaic language and are applicable only to circumstances which are unlikely to recur. Many arm the Executive with special powers which are not subject to revision by any judicial tribunal. Their presence on the Statute book is regarded as an offence by enlightened public opinion. The arguments for their retention are as follows. The use of the Bengal State Prisoners' Regulation, 1818 (Regulations III of 1818) in Bengal was necessitated by the revolutionary movement which the ordinary law failed to check. The wholesale intimidation of witnesses rendered recourse to the ordinary courts ineffective. Though we have evidence of a change in the attitude of individual leaders of the anarchical movement in Bengal, we are warned that similar symptoms of intimidation have been noticed, and that, should there be a recrudescence of any revolutionary movement, it would, in the absence of these old preventive Regulations, be impossible to cope with the situation, and fresh emergency legislation would

be necessary. Lastly, the plea is advanced that these old Acts may be regarded as measures intermediate between the ordinary law of the land and martial law, the ultimate result in case of extreme disorder. The abolition of these special laws, it is suggested, may mean earlier recourse to martial law than might otherwise be the case.

13. We recognise the force of these arguments, in particular the difficulty of securing evidence or of preventing the intimidation of witnesses. We also appreciate the fact that the use of the ordinary law may in some cases advertise the very evil which the trial is designed to punish. But we consider that in the modern conditions of India that risk must be run. It is undesirable that any Statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislatures. The harm created by the retention of arbitrary powers of imprisonment by the Executive may, as history has shown, be greater even than the evil which such powers are directed to remedy. The retention of these Acts could in any case only be defended if it was proved that they were in present circumstances essential to the maintenance of law and order. As it has not been found necessary to resort in the past to these measures save in cases of grave emergency, we advocate their immediate repeal. In the event of a recurrence of any such emergency we think that the Government must rely on the Legislature to arm them with the weapons necessary to cope with the situation.

14. Our recommendation in regard to Regulation III of 1818 and the analogous Regulations in the Bombay and Madras Presidencies is subject, however, to the following reservations. It has been pointed out to us that, for the protection of the frontiers of India and the fulfilment of the responsibilities of the Government of India in relation to Indian States, there must be some enactment to arm the Executive with powers to restrict the movements and activities of certain persons who, though not coming within the scope of any criminal law, have to be put under some measure of restraint. Cases in point are exiles from Foreign or protected States who are liable to become the instigators or focus of intrigues against such States: persons disturbing the tranquillity of such States who cannot suitably be tried in the Courts of the States concerned and may not be amenable to the jurisdiction of British Courts: and persons tampering with the inflammable material on our frontiers. We are in fact satisfied of the continued necessity for providing for the original object of this Regulation, in so far as it was expressly declared to be "the due maintenance of the alliances formed by the British Government with Foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection and the security of the British Dominions from foreign hostility," and in so far as the inflammable frontier is concerned from "internal commotion."

We desire to make it clear that the restrictions which we contemplate in this connection are not of a penal or even irksome character. We are satisfied that they have not been so, in cases of the kind referred to above, in the past. Indeed, in several instances they have been imposed as much in the interests of the persons concerned as in the interests of the State. The only desideratum is to remove such persons from places where they are potential sources of trouble. Within such limits as may be necessary to achieve this object they would ordinarily enjoy full personal liberty and a freedom from any kind of stigma such as would be associated with restrictions imposed by criminal law. We therefore think that the retention of Regulation III of 1818, limited in its application to the objects outlined above, would be unobjectionable.

This reservation may also involve the retention in a modified form of the State Prisoners' Acts of 1850 and 1853, but this is a matter for legal experts. We have

carefully considered the cases in which the Madras State Prisoners' Regulation of 1819 has been used. The procedure adopted was certainly simpler and more effective, but if the ordinary law is insufficient, we think it is for the Local Government to consider whether any amendment of the Mappila Outrages Act XX of 1859 is needed.

15. Turning now to the more modern Acts, we notice that the Defence of India (Criminal Law Amendment) Act, 1915, will in the ordinary course of events shortly expire. It is, we understand, at present only used in order to give effect to the Government of India's policy in the matter of colonial emigration. Section 16-B of the Defence of India (consolidated) Rules, 1915, is at present employed to prevent the departure from India of unskilled labour, which does not come within the definition of 'emigration' given in Act XVII of 1908.

A special regulation may, we think, also be needed for the exclusion of persons whose presence may endanger the peace and safety of the North West Frontier Province. We understand that a Bill to meet the case of Indian Emigrants has already been introduced. We recommend that the Defence of India Act be repealed at once, as it was only intended to cope with difficulties arising from the war.

16. The Anarchical and Revolutionary Crimes Act, 1919, has never been used. Its enactment was extremely unpopular; it was to continue in force only for three years from the termination of the war. We consider that the retention of this Act is not necessary or advisable. The power to restrain personal liberty without trial conferred by this Act is not consistent with the policy inaugurated with the recent constitutional changes, and we therefore recommend its immediate repeal. It is however necessary to strike a note of warning. This Act was passed on the report of a Committee 3 years ago, which recognised the need for special legislation, both preventive and punitive. While we think that there has since 1918 been some improvement in the situation so far as the anarchical movement is concerned, we realize that strong measures may be needed for the suppression of any organized attempt at widespread disorder. We prefer, however, to leave this contingency to be dealt with when and if it arises, rather than retain a statute which is regarded as a stigma on the good name of India.

17. There remain then two Acts, the Indian Criminal Law Amendment Act, 1908, and the Prevention of Seditious Meetings Act, 1911. It is around those two Acts that controversy has centred and regarding which we have been careful to obtain a full expression of opinion. These Acts also differ from those to which we have already referred in that while the Committee was sitting, they were actually being used in the Punjab, Delhi and the United Provinces. The evidence adduced satisfies us that their effect was beneficial and necessary to the maintenance of public tranquillity. It is affirmed that local officers responsible for the maintenance of peace and order would, under existing conditions if these Acts were repealed, find themselves in an impossible situation faced, it might be, with disorder on a large scale which they could not prevent. The application of these Acts moreover is subject to safeguards which ensure that sanction to their introduction is only granted after careful scrutiny of the necessity for such action. The Local Governments are unanimous in asking for the retention of the Seditious Meetings Act. Most of the Local Governments similarly affirms the need for retaining Part II of the Criminal Law Amendment Act, 1908. It is desirable therefore to examine most carefully the reasons for and against their repeal.

18. These Acts are first attacked as being "unconstitutional," and, like the Act of 1919, inconsistent with the present policy of Government. In support of this view our attention has been directed to the law that obtains in England with

regard to public meetings. The following dictum of Professor Dicey is quoted : " The Government has little or no power of preventing meetings which to all appearance are lawful even though they may in fact turn out when actually convened to be unlawful because of the mode in which they are conducted." We would point out that the learned Professor is merely stating what are actually the principles underlying the law in England. He does not attempt to discuss their propriety, nor, we may add, their applicability to another country where entirely different conditions may prevail. He does however allude to " the policy or the impolicy of denying to the highest authority in the State the very widest power to take in their discretion precautionary measures against the evils which may flow from the injudicious exercise of legal right." The learned author also points out that the right of public meeting is " certainly a *singular* " (not " similar " as given in the written statement of one of the witnesses before us) " instance of the way in which adherence to the principle that the proper function of the State is the punishment, not the prevention, of crimes, deprives the Executive of discretionary authority." We are unable to accept as complete the analogy to be drawn from English practice. Apart from the great difference in the class of audience which may be addressed, we recognise that while democracy and all the rights that it entails have been the result of gradual growth through the course of centuries in Great Britain, it is a recent introduction into India. We know that some public speakers do not exercise that self-restraint which has become customary in England and which is certainly no less desirable in India.

19. The next argument advanced for the repeal of these Acts is that they offend public sentiment and that their retention would be a direct incitement to further agitation. This argument is one to which we attach great weight, even though we recognise that the repeal of these Acts would only appeal to a few. The masses would remain unaffected and would probably be unaware that they had been repealed. We realise that the wholesale repeal of these Acts would do much to strengthen those who are anxious to assist Government and would be useful for the purposes of counter propaganda. We realise also that substantial support is necessary for Government to meet the strong extremist movement, which is the greatest obstacle to the successful development of the reforms recently introduced and to all political and industrial progress.

20. The real point, however, at issue is whether the ordinary law that would remain would provide sufficient means for coping with any existing or reasonably apprehended disorder. Evidence has been adduced to show that in certain places the ordinary law is inadequate and this evidence we are not prepared to reject.

This brings us to the third objection that the ordinary law alone should be applied to prevent the evil with which these two Acts are designed to cope. We have had long discussions as to the manner in which section 144 of the Criminal Procedure Code has been recently applied. It is no part of our duty to express an opinion on any individual case in which this Section has been used or to enter into any legal argument. In the opinion of those best qualified to judge this Section cannot be used effectively when danger of unrest is widespread. We also note the popular view that Section 144 of the Criminal Procedure Code was not designed to prevent meetings over a large area, and that its use for such a purpose arouses probably as much resentment as the application of the seditious Meetings Act. It is the only preventive section in the ordinary law. Section 108A of the Criminal Procedure Code is only partially preventive. Sections 120A and B, 124A, and 153A of the Indian Penal Code are punitive. Further, even if satisfactory evidence is available these sections can be used only against individuals and not to prevent seditious meetings or speeches. We consider it probable that if in those areas to which the Seditious Meetings Act has recently been applied, no

preventive action other than that possible under Section 144 of the Criminal Procedure Code had been taken, the danger of disorder would have been appreciably increased, and the number of prosecutions under these punitive sections would have been larger, which might have had the effect of exasperating public opinion. We would point out that in some cases referred to in Appendix B, the riot was directly connected with such a prosecution.

21. A fourth argument is based on the recent findings of the Committee appointed to examine the Press Act. It is unnecessary for our purpose to discuss whether the written or the spoken word commands the greater circulation. We agree with that Committee that "the more direct and violent forms of sedition are now disseminated more from the platform and through the agency of itinerary propagandists than by the press." The prosecution of a paper is moreover much simpler than the prosecution of a speaker, attended as the latter is by the difficulties of obtaining an accurate report of the speech delivered. We think that the instances we have given above are sufficient illustration of the danger of allowing violent and inflammable speeches. Though the speaker can be prosecuted the mischief may have been done. Of this there have been lamentable illustrations.

22. Fifthly, it is argued that the Seditious Meetings Act of 1911 not only stifles noxious speeches at public meetings but also deters people who might assist in counter-propaganda. Cases have been quoted of persons otherwise well disposed to Government who declined "to ask for leave to hold a meeting or make a speech." We recognise that this is a necessary and undesirable result of the application of the Seditious Meetings Act. It is, however, a lesser evil than allowing speeches to be made which result in such disorder as would equally prevent any exponent of moderate views from obtaining a hearing. Such intimidation is, we learn, very general.

23. In this connection, since we regard it as important that every opportunity should be given to the electorate of hearing both sides of a question, we recommend, before the next general election, the introduction of a Bill on the lines of the Disorderly Public Meetings Act, 8, Edward VII, which makes a disturbance at a public meeting an offence, and provides a heavier penalty when this offence is committed during a Parliamentary election. We would also suggest that should such a Bill be presented, it should include a clause making it incumbent on the promoters of any meeting to provide adequate facilities and security for such reporters as the District Magistrate may wish to depute. We recommend for the consideration of the Government of India the suggestion that the District Magistrate should, with the consent of the Local Government, be empowered to demand in any area of his district, notified in this behalf, that notice be given to him of the intention to hold a public meeting, so that he may be able to make proper arrangements for obtaining a report of the proceedings. This, we may observe, is entirely different from demanding that a person should obtain leave to hold a meeting.

24. Finally, it is pointed out that, in the last resort, should the ordinary law prove insufficient, recourse can be had to legislation by Ordinance. We would deprecate any idea that this method of legislation should be regarded as part of the ordinary procedure of the Legislature. It should, we think, be reserved for exceptional circumstances or sudden emergencies. To regard it as in any way the normal method of legislation implies a distrust of the Legislative Assembly and Council of State to which we would be sorry to subscribe. In fact, the most potent argument advanced in favour of the repeal of these two Acts is that such repeal would be an illuminating object lesson in the value of constitutional reforms. "Trust your Legislatures," we are told, "confidence will beget confidence. If you need exceptional powers, prove your

necessity and the Legislatures will grant them." We have accepted this principle to the utmost limit consistent with safety in advising the repeal of the enactments to which reference has already been made. These can clearly be differentiated from the measures now under discussion, in that the latter are of a less drastic character. To quote from the speech of the late Hon'ble Mr. Gokhale on the Seditious Meetings Bill: "I will freely admit that from the standpoint of Government it could not have introduced a milder measure than this. The more objectionable features of the Act of 1907 have been removed, and if, when the need arises, the law is applied with reasonable care and caution, it is not likely to produce any serious hardship." Though seldom applied, these two enactments were actually found necessary for the preservation of law and order during the sittings of the Committee. An obvious objection to a more complete acceptance of this principle in regard to the enactments under objection is that in allowing proof of the necessity for legislation to accumulate, even stronger measures than those now under consideration might eventually be required for the suppression of disorder. There might quite conceivably be difference of opinion as to the amount of proof required to justify such legislation, and any action by Government in the way of Ordinance in advance of public opinion might provoke a grave constitutional crisis. By the time public opinion had become sufficiently alarmed to demand legislative action the damage might be complete, and in some cases beyond repair.

25. As regards the Indian Criminal Law Amendment Act, 1908, it has been suggested that sections of the Indian Penal Code are sufficient to cope with any situation that is now likely to arise. It is generally accepted that Part I of this Act has failed to achieve in Bengal the purpose for which it was designed. As regards Part II, the conspiracy sections of the Indian Penal Code might meet the case if, but only if, evidence were forthcoming. It was in no small measure the impossibility of obtaining evidence owing to the intimidation of witnesses that led to this enactment. As we have already seen, there is definite evidence of certain organisations encouraging acts of violence or resorting to intimidation. Recently in Delhi it has been necessary to declare certain Associations of Volunteers unlawful under Section 16 of this Act. We have carefully examined the circumstances which led to this action. The Volunteer movement as did the Samities in Bengal, began with "social service," but the adherents soon developed a definite tendency to interfere with the duties of the Police and the liberty of the public. They then began to intimidate and terrorise the general body of the population. There was a tendency towards hooliganism. It has been proved that some of these Associations resorted to violence, that their behaviour at Railway Stations and public meetings was objectionable and rowdy, that they obstructed the funeral of an honoured citizen and held a most undesirable demonstration at the house of another. They actively interfered with the elections by threats and picketing. There was every reason to believe that their activities, if left unchecked, would lead to serious disorder. The conclusion we have arrived at is that some of these Volunteer Associations in Delhi were seditious organisations, formed for the purpose of intimidating loyal citizens, and interfering illegally with the administration of the province. The result of the action taken by Government has been, we were told, to "destroy the worst features of volunteer activity in so far as it was synonymous with rowdiness in the city of Delhi." Evidence has also been given of a possible recrudescence of secret associations in another part of India. It has also been stated in evidence that Bolshevik emissaries have entered India, and we cannot overlook the possibility of illegal associations promoted by them terrorising the population, as was the case in Bengal in 1909, or in Poona in 1910, and engaging in a campaign of crime and terrorism. Actually Part II of this Act has been sparingly used. Its object

is not only to break down existing unlawful associations, but to deter young and comparatively guiltless persons from joining these bodies and to discourage the supply of pecuniary assistance. We regret that we cannot at this juncture recommend the immediate repeal of Part II of this Act. There are too evident indications that its application might be necessary to prevent the formation of secret societies. Nor can we for the reasons already given advise the immediate repeal of the Seditious Meetings Act of 1911. We were informed, and see no reason to disbelieve it, that the result of the application of the Act in each case has been that sober-minded people approved the action taken by Government, and that the application of the Act was of the greatest value in preserving public tranquillity.

26. Our recommendation follows that made by the Bihar and Orissa Government: "Subject, however, to the reservations temporarily made in favour of the Seditious Meetings Act and Part II of the Criminal Law Amendment Act, which cannot be abandoned until the present tension created by the non-co-operation movement has been relieved by the action of its leading promoters, His Excellency in Council desires again to emphasise the importance of removing from the Statute Book as far as possible all special laws of this character, so that the Government of India under the reformed constitution may proceed with a clean slate. At the same time, however, His Excellency in Council is conscious that in the future the need for the special powers may again arise."

In view of the grave situation which exists and which may become more serious, we also think that it would be more prudent to defer actual repeal of these Acts until such time as the situation improves. We sincerely hope that it may be possible for the Government to undertake the necessary legislation during the Delhi session. But it is impossible for us to make any definite recommendation on this point at present. We hope that the repeal of these Acts may be expedited by a healthy change in the character of the agitation going on at present. The duration of retention rests in other hands than ours.

27. To this endeavour to adjust the conflicting claims of political considerations and administrative necessity we have applied the principles on which the Constitutional Reforms are based. The problem before us is, we consider, a test case of the "co-operation received from those upon whom new opportunities of service will thus be conferred and the extent to which it is found that confidence can be reposed in their sense of responsibility." We recognise our responsibility, which a year ago we did not share in the maintenance of peace and order. We are prepared to trust both the Provincial Councils and the Imperial Legislature for such support as may be necessary. We are confident that the Executive will use any exceptional powers with the utmost caution and restraint. Their action may always be challenged in the local legislatures. Lastly, we desire also to take into account the difficulties which at the present time confront local officers. Evidence before us shows* that the Magistrates and the Police have on many occasions been sorely tried, and we wish to record our appreciation of their loyalty in very difficult positions. We look forward to the day when the District Magistrate himself seeking the help and advice of such persons as may be in a position to influence public opinion will find not merely critics but defenders in the Legislature, and when the discharge of his duties will not be regarded with suspicion, or made the subject of further enquiry. Animated by these ideas, we recommend the repeal of all the Statutes included in the terms of reference to this Committee, with a reservation as to Bengal Regulation III of 1818 and the corresponding Regulations of the

* Appendix G.

Madras and Bombay Presidencies, but we advise that the repeal of the Prevention of Seditious Meetings Act, 1911, and Part II of the Indian Criminal Law Amendment Act, 1908, should be deferred for the present. Their retention is necessary in view of recent declarations which we cannot but regard with the gravest apprehension.

APPENDIX IV.

Resolutions passed by the Indian National Congress, Ahmedabad.

1. Whereas since the holding of the last Indian National Congress the people of India have found from actual experience that by reason of the adoption of non-violent Non-co-operation, the country has made a great advance in fearlessness self-sacrifice and self-respect and whereas the movement has greatly damaged the prestige of the Government and whereas on the whole the country is rapidly progressing towards Swarajya, this Congress confirms the resolution adopted at the special session of the Congress at Calcutta and reaffirmed at Nagpur and places on record the fixed determination of the Congress to continue the programme of non-violent Non-co-operation with greater vigour than hitherto in such a manner as each province may determine, till the Punjab and Khilafat wrongs are redressed and Swarajya is established and the control of the Government of India has passed into the hands of the people from an irresponsible corporation and whereas the reason of the threat uttered by His Excellency the Viceroy in his recent speeches and the consequent repression started by the Government of India in the various provinces by way of disbandment of volunteer corps and forcible prohibition of public and even committee meetings in an illegal and high-handed manner and by the arrest of many Congress workers in several provinces and whereas this repression is manifestly intended to stifle all Congress and Khilafat activities and deprive the public of their assistance, this Congress resolves that the activities of the Congress be suspended as far as necessary and appeals to all quietly and without any demonstration to offer themselves for arrest by belonging to the volunteer organisations to be formed throughout the country in terms of the resolution of the Working Committee arrived at in Bombay on the 23rd day of November last, provided that no one shall be accepted as a volunteer who does not sign the following pledge :—

With God's witness, I solemnly declare that (1) I wish to be a member of the National Volunteer Corps, (2) so long as I remain a member of the corps I shall remain non-violent in word and deed and shall earnestly endeavour to be non-violent in intent, since I believe that as India is circumstanced non-violence alone can help the Khilafat and the Punjab and result in the attainment of Swarajya and the consolidation of unity among all the races and the communities of India, whether Hindu, Musalman, Parsi, Christian or Jew, (3) I believe in and shall endeavour always to promote such unity, (4) I believe in "Swadeshi" as essential for India's economic, political and moral salvation and shall use hand-spun and hand-woven Khaddar to the exclusion of every other cloth, (5) as a Hindu I believe in the justice and necessity of removing the evil of untouchability and shall, on all possible occasions, seek personal contact with and endeavour to render service to the submerged classes, (6) I shall carry out the instructions of my superior officers and all the regulations not inconsistent with the spirit of this pledge prescribed by the volunteer boards of the Working Committee or any other agency established by the Congress, (7) I am prepared to suffer imprisonment, assault or

even death for the sake of my religion and my country without resentment and (8) in the event of my imprisonment I shall not claim from the Congress any support for my family or dependents."

This Congress trusts that every person of the age of 18 and over will immediately join the volunteer organisations notwithstanding the proclamation prohibiting public meetings and inasmuch as even committee meetings have been attempted to be construed as public meetings. This Congress advises the holding of committee meetings and public meetings, the latter in enclosed places and by tickets and by previous announcements at which as far as possible only speakers previously announced shall deliver written speeches, care being taken in every case to avoid risk of provocation and possible violence by the public. In consequence of this the Congress is further of opinion that Civil Disobedience is the only civilised and effective substitute for an armed rebellion whenever every other remedy for preventing arbitrary, tyrannical and emasculating use of authority by individuals or corporation has been tried and therefore advises all Congress workers and others who believe in peaceful methods and are convinced that there is no remedy save some kind of sacrifice to dislodge the existing Government from its position of perfect irresponsibility to the people of India to organise individual civil disobedience and mass civil disobedience, when the mass of the people have been sufficiently trained in the methods of non-violence and otherwise in terms of the resolution therein of the last meeting of the All-India Congress Committee held at Delhi.

This Congress is of opinion that in order to concentrate attention upon Civil Disobedience, whether mass or individual (whether of an offensive or defensive character), under proper safeguards and under instructions to be issued from time to time by the Working Committee or the Provincial Congress Committee concerned, all other Congress activities should be suspended whenever and wherever and to the extent to which it may be found necessary.

This Congress calls upon all students of the age of 18 and over, particularly those studying in the National institutions and the staff thereof immediately to sign the foregoing pledge and become members of the National Volunteer Corps.

In view of the impending arrest of a large number of Congress workers this Congress whilst requiring the ordinary machinery to remain in tact and to be utilised in the ordinary manner whenever feasible, hereby appoints until further instructions Mahatma Gandhi as the sole executive authority of the Congress and invests him with the full powers of the All-India Congress Committee including the power to convene a Special Session of the Congress or of the All-India Congress Committee or the Working Committee and also with the power to appoint a successor in emergency.

This Congress hereby confers upon the said successor and all subsequent successors appointed in turn by their predecessors all the aforesaid powers provided that nothing in this resolution shall be deemed to authorise Mahatma Gandhi or any of the aforesaid successors to conclude any terms of peace with the Government of India or the British Government without the previous sanction of the All-India Congress Committee to be finally ratified by the Congress specially convened for the purpose and provided also that the present creed of the Congress shall in no case be altered by Mahatma Gandhi or his successors, except with the leave of the Congress first obtained.

This Congress congratulates all those patriots who are now undergoing imprisonment for the sake of their conscience or country and realises that their sacrifice has considerably hastened the advent of Swarajya."

2. This Congress appeals to all those who do not believe in full Non-co-operation or in the principle of Non-co-operation, but who consider it essential for the sake of National self-respect to demand and to insist upon the redress of the Khilafat and the Punjab wrongs, and for the sake of full National self-expression, to insist upon the immediate establishment of Swarajya, to render full assistance to the Nation in the promotion of unity between different religious communities, to popularise carding, hand-spinning and hand-weaving from its economical aspect and as a cottage industry necessary in order to supplement the resources of millions of agriculturists who are living on the brink of starvation, and to that end preach and practise the use of hand-spun and hand-woven garments to help the cause of total prohibition and if Hindus, to bring about removal and untouchability and to help the improvement of the condition of the submerged classes.

3. This Congress expresses its firm conviction that the Moplah disturbance was not due to the Non-co-operation or the Khilafat movement, especially as the non-co-operators and the Khilafat preachers were denied access to the affected parts by the District authorities for six months before the disturbance, but is due to causes wholly unconnected with the two movements, and that the outbreak would not have occurred had the message of non-violence been allowed to reach them. Nevertheless this Congress deplores the acts done by certain Moplahs by way of forcible conversions and destruction of life and property and is of opinion that the prolongation of the disturbance in Malabar could have been prevented by the Government of Madras accepting the proffered assistance of Maulana Yakub Hassan and other non-co-operators and allowing Mahatma Gandhi to proceed to Malabar and is further of opinion that the treatment of Moplah prisoners as evidenced by the asphyxiation incident was an act of inhumanity unheard of in modern times and unworthy of a Government that calls itself civilised.

4. This Congress congratulates Ghazi Mustafa Kemal Pasha and the Turks upon their successes and assures the Turkish nation of India's sympathy and support in its struggle to retain its status and independence.

5. This Congress deplores the occurrence that took place in Bombay on the 17th November last and after and assures all parties and communities that it has been and is the desire and determination of the Congress to guard their rights to the fullest extent.

6. That this Congress heartily congratulates Shreeman Babu Guruditsinghji—the great organiser of Shri Guru Nanak Steamer who willingly surrendered himself after seven years' fruitless search by the Government as a sacrifice for the Nation and also congratulates the other Sikh leaders who have preferred imprisonment to the restriction of their religious rights and liberty and congratulates the Sikh community on their non-violent spirit at the time of the Babaji's arrest and on other occasions in spite of great provocation by the police and the military.

APPENDIX V.

Resolutions passed by the Khilafat Conference.

(1) A resolution of allegiance to the Sultan of Turkey was passed, all standing.

(2) Maulvi Abdul Majid Badayuni moved the resolution which declared that in spite of all the efforts which could be humanly possible, the British Government had denied justice over the Khilafat and Punjab wrongs and had, on the other hand, started full-fledged repression by imprisoning the leaders and by declaring unlawful the peaceful associations in order to stifle legitimate and peaceful agitation: the Conference therefore called upon all the Muslims of and above the age of 18 to join the volunteers' corps regardless of imprisonment and death. The Conference also desired that civil disobedience by way of holding public meetings where they were prohibited, be entered upon provided the provincial Congress Committees were satisfied that there was no fear of violence.

(3) A resolution congratulating the Kemalists on their success was adopted.

(4) At this stage the President announced that in the subjects committee, in the afternoon, Mr. Azad Sobhani, supported by Maulana Hasrat Mohani, had carried the majority of the committee in favour of his resolution regarding complete independence. The President further stated that, in view of the great importance of the motion and its contentious character, they would take it up tomorrow evening.

The Resolution states :—

Whereas through the persistent policy and the attitude of the British Government it cannot be expected that British Imperialism would permit the Jaziratul Arab and the Islamic world to be completely free from the influence and control of non-Moslems which means that the Khilafat cannot be secure to the extent that the Shariat demands, therefore in order to secure the permanent safety of the Khilafat and the prosperity of India it is necessary to endeavour to destroy the British Imperialism. This Conference holds the view that the only way to make this effort is for the Moslems, conjointly with other inhabitants of India, to make India completely free; and this Conference is of opinion that Moslem opinion about Swaraj is the same, i.e., complete independence, and it expects that the other inhabitants of India would also hold the same point of view.

A split occurred among the Khilafatists over the resolution about independence at the resumed sitting of the Khilafat Conference. When Maulana Hasrat Mohani was going to move his resolution declaring as their goal, independence and destruction of British imperialism, and objection was taken to its consideration by a member of the Khilafat subjects committee on the ground that according to their constitution no motion which contemplated change in their creed could be taken as adopted unless it was voted for in the subjects committee by a majority of two-thirds, the president, Hakim Ajmal Khan, upheld this objection and ruled the independence motion out of order. Upon this Maulana Hasrat Mohani strongly protested pointing out that the president had disallowed a similar objection by the same member

in the subjects committee while he had allowed it in the open conference. He said that the president had manœuvred to rule his motion out of order in order to stand in their way of declaring from that conference that Swaraj meant complete independence.

(5) After this, the conference passed a resolution appealing for the Angora fund, condemning Government atrocities in Malabar, sympathising with Moplahs in their suffering and congratulating them on their sacrifices in the cause of religion and condemning those Moplahs who were responsible for the forcible conversion of Hindus. The conference was then adjourned *sine die*. After this Maulana Hasrat Mohani appealed to the delegates to stay and pass his resolution. About half the number of delegates remained inside the Pandal, and on being asked declared they agreed to complete independence.

APPENDIX VI.

Resolutions passed by the All-India Liberal Federation at Ailahabad.

(1) This Federation desires to place on record its sense of the great loss sustained by the country in the death of Rao Bahadur R. N. Mudholkar, C.I.E., and to convey its sincere condolence to the members of his family.

(2) This Federation desires to place on record its sense of the great loss sustained by the country in the death of Sir Rashbehari Ghosh, C.S.I., and to convey its sincere condolence to the members of his family.

(3) This Federation accords its most loyal and respectful welcome to His Royal Highness the Prince of Wales on his visit to India.

(4) This Federation urges the Government to give effect immediately to the resolution of the Indian Legislative Assembly, in regard to the Indianization of the commissioned ranks in the Indian Army, by starting with an initial recruitment of Indians to 25% of the annual vacancies and raising such recruitment by an annual increment of not less than 5%.

(5) (i) This Federation is strongly of opinion that the campaign of civil disobedience, resolved upon by the Congress, is fraught with the gravest danger to the real interests of the country and is bound to cause untold suffering and misery to the people.

(ii) This Federation earnestly appeals to the country not to follow a course which imperils peace, order and personal liberty and is bound to produce a mentality inimical not merely to the present Government, but to any form of Government and, so far from achieving Swaraj, which Indians of all political schools desire, is bound to lead to a deplorable set-back in the progress of the country.

(6) In view of the experience obtained of the working of the Reforms Act, the rapid growth of national consciousness and the strong growing demand among all sections of the people for a fuller control over their destinies, this Federation strongly urges that :—

(1) Full autonomy should be introduced in the Provincial Governments at the end of the first term of the various Legislatures, and

(2) As regards Central Government, all subjects, except the defence, foreign affairs, relations with Indian States and ecclesiastical affairs, should be transferred to popular control in the Central Government, at the end of the first term of the Legislative Assembly, subject to such safeguards as may be suitable and necessary for the protection of all vested interests.

(7) (i) This Federation fully realises the difficulties of the Government in dealing with the present critical situation, the inevitable dangers to the country of a campaign of civil disobedience, and the necessity for the protection of peaceful and law-abiding citizens against any interference with their liberties, and it recognizes

the duty of every patriotic citizen to support the Government in all measures necessary for the maintenance of peace and order. But it views with great concern the inauguration of a policy of indiscriminate arrests and extensive application of the Criminal Law Amendment Act, and is strongly of opinion that such a policy defeats its own object by alienating popular sympathy and aggravating general unrest. It also draws pointed attention to the fact that some local Governments and local authorities have acted with an excess of zeal and want of discretion in the matter of arrests and with harshness and severity in regard to sentences of which the Federation strongly disapproves, and the Federation therefore strongly urges on the Government an immediate reconsideration of its policy in order to ease the present situation.

(ii) This Federation urges the Government to carry out the recommendations of the Repressive Laws Committee and to withdraw the notifications under the Criminal Law Amendment Act as early as possible, making such amendments of the ordinary law relating to intimidation as may be suitable and necessary for the effective protection of law-abiding citizens.

(8) This Federation expresses its entire approval of the recommendations of the chairman and four other members of the Railway Committee that the undertakings of the guaranteed Railway Companies as when the contracts fall in, should be entrusted to the direct management of the State and trusts that this policy will be accepted by the Government.

(9) That this Federation condemns the Moplah rebellion and expresses its profound abhorrence of the atrocities committed by the Moplahs in the course of the rebellion and feels it is its duty to support the measures taken by the Government to suppress the rebellion and to protect the lives and the properties of the peaceful citizens in the area affected. It further appeals to the people to show their political sympathies to the sufferers by liberally subscribing to the Malabar Relief Fund. This Federation expresses its horror at the train tragedy at Podanur and trusts that those responsible for it will be early brought to book.

(10) This Federation expresses its dissatisfaction at the inadequacy of the action taken by His Excellency the Viceroy as a result of reviewing the cases of martial law prisoners in the Punjab and reiterates its opinion that full satisfaction cannot be afforded until the officers guilty of acts of cruelty, oppression and humiliation during the period of martial law administration are suitably punished.

(11) The National Liberal Federation of India regrets that the Prime Minister's pledge to the Mussalmans of India made in January 1918 has not been redeemed and strongly urges His Majesty's Government suitably to revise the treaty with Turkey.

(12) This Federation congratulates the Right Honourable Srinivasa Sastri on his able and bold advocacy in urging the claims of India's equality of status in the Empire at the Imperial Conference and places on record its warm appreciation of the great service rendered by him in obtaining recognition of the same.

(13) (i) This Federation while welcoming the resolution passed by the Imperial Conference regarding the status of Indians in the Empire as marking a distinct advance on the existing state of things urges the British Government to induce the Union of South Africa where the position of Indians is steadily deteriorating to give effect to it.

(ii) The Federation trusts that the position of Indians in East Africa will be determined in accordance with the policy approved by the Imperial Conference.

(14) That this Conference notes with pleasure that Madras and Bombay have given the vote to duly qualified women and calls on the other provinces to remove the disqualification of sex in the franchise, as soon as possible.

(15) This Federation requests the various Liberal Leagues and other organisations with allied objects to take early and effective steps for combating the non-co-operation movement by a systematic propaganda by lectures and leaflets and in such other ways as may be found practicable.

(16) Resolved that Sir P. S. Sivaswami Iyer, K.C.S.I., C.I.E., and Mr. G. A. Natesan be the General Secretaries of the National Liberal Federation of India during year 1922.

APPENDIX VII.

The Afghan Treaty.

PREAMBLE.

The British Government and the Government of Afghanistan with a view to the establishment of neighbourly relations between them have agreed to the Articles written hereunder whereto the undersigned duly authorised to that effect have set their seals :- -

Article I.

The British Government and the Government of Afghanistan mutually certify and respect each with regard to the other all rights of internal and external independence.

Article II.

The two High Contracting Parties mutually accept the Indo-Afghan Frontier as accepted by the Afghan Government under Article V of the treaty concluded at Rawalpindi on the 8th August 1919, corresponding to the 11th Ziqada, 1387 Hijra, and also the boundary west of the Khyber laid down by the British Commission in the months of August and September 1919, pursuant to the said Article, and shown on the map attached to this treaty by a black chain line; subject only to the realignment set forth in Schedule I annexed which has been agreed upon in order to include within the boundaries of Afghanistan the place known as Tor Kham, and the whole bed of the Kabul river between Shilman Khwala Banda and Palosai and which is shown on the said map by a red chain line. The British Government agrees that the Afghan authorities shall be permitted to draw water in reasonable quantities through a pipe which shall be provided by the British Government from Landi Khana for the use of Afghan subjects at Tor Kham, and the Government of Afghanistan agrees that British officers and tribesmen living on the British side of the boundary shall be permitted without let or hindrance to use the aforesaid portion of the Kabul river for purposes of navigation and that all existing rights of irrigation from the aforesaid portion of the river shall be continued to British subjects.

Article III.

The British Government agrees that a Minister from His Majesty the Amir of Afghanistan shall be received at the Royal Court of London like the Envoys of all other Powers and to permit the establishment of an Afghan Legation in London, and the Government of Afghanistan likewise agrees to receive in Kabul a Minister from His Britannic Majesty the Emperor of India and to permit the establishment of a British Legation at Kabul.

Each party shall have the right of appointing a Military Attaché to its Legation.

Article IV.

The Government of Afghanistan agrees to the establishment of British Consulates at Kandahar and Jalalabad, and the British Government agrees to the establishment of an Afghan Consul-General at the headquarters of the Government of India and three Afghan Consulates at Calcutta, Karachi and Bombay. In the event of the Afghan Government desiring at any time to appoint Consular officers in any British territories other than India, a separate agreement shall be drawn up to provide for such appointments, if they are approved by the British Government.

Article V.

The two High Contracting Parties mutually guarantee the personal safety and honourable treatment each of the representatives of the other, whether Minister, Consul-General or Consuls, within their own boundaries, and they agree that the said representatives shall be subject in the discharge of their duties to the provisions set forth in the second Schedule annexed to this treaty. The British Government further agrees that the Minister, Consul-General and Consuls of Afghanistan shall within the territorial limits within which they are permitted to reside or to exercise their functions, notwithstanding the provisions of the said Schedule, receive and enjoy any rights or privileges which are or may hereafter be granted to or enjoyed by the Minister, Consul-General or Consuls of any other Government in the countries in which the places of residence of the said Minister, Consul-General and Consuls of Afghanistan are fixed; and the Government of Afghanistan likewise agrees that the Minister and Consuls of Great Britain shall within the territorial limits within which they are permitted to reside or to exercise their functions, notwithstanding the provisions of the said Schedule, receive and enjoy any rights or privileges which are or may hereafter be granted to or enjoyed by the Minister or Consuls of any other Government in the countries in which the places of residence of the said Minister and Consuls of Great Britain are fixed.

Article VI.

As it is for the benefit of the British Government and the Government of Afghanistan that the Government of Afghanistan shall be strong and prosperous, the British Government agrees that whatever quantity of material is required for the strength and welfare of Afghanistan, such as all kinds of factory machinery, engines and materials and instruments for telegraph, telephones, etc., which Afghanistan may be able to buy from Britain or the British dominions or from other countries of the world, shall ordinarily be imported without let or hindrance by Afghanistan into its own territories from the ports of the British Isles and British India. Similarly the Government of Afghanistan agrees that every kind of goods, the export of which is not against the internal law of the Government of Afghanistan and which may in the judgment of the Government of Afghanistan be in excess of the internal needs and requirements of Afghanistan and is required by the British Government, can be purchased and exported to India with the permission of the Government of Afghanistan. With regard to arms and munitions, the British Government agrees that as long as it is assured that the intentions of the Government of Afghanistan are friendly and that there is no immediate danger to India from such importation in Afghanistan, permission shall be given without let or hindrance for such importation. If, however, the Arms Traffic Convention is hereafter ratified by the Great Powers of the world and comes into force, the right of importation of arms and munitions by the

Afghan Government shall be subject to the proviso that the Afghan Government shall first have signed the Arms Traffic Convention and that such importation shall only be made in accordance with the provisions of that Convention. Should the Arms Traffic Convention not be ratified or lapse, the Government of Afghanistan, subject to the foregoing assurance, can from time to time import into its own territory the arms and munitions mentioned above through the ports of the British Isles and British India.

Article VII.

No Customs duties shall be levied at British Indian ports on goods imported under the provisions of Article VI on behalf of the Government of Afghanistan, for immediate transport to Afghanistan, provided that a certificate signed by such Afghan authority or representative as may from time to time be determined by the two Governments shall be presented at the time of importation to the Chief Customs Officer at the port of import setting forth that the goods in question are the property of the Government of Afghanistan and are being sent under its orders to Afghanistan and showing the description, number and value of the goods in respect of which exemption is claimed; provided, secondly, that the goods are required for the public services of Afghanistan and not for the purposes of any State monopoly or State trade, and provided, thirdly, that the goods are, unless of a clearly distinguishable nature, transported through India in sealed packages, which shall not be opened or sub-divided before their export from India.

And also the British Government agrees to the grant in respect of all trade goods imported into India at British ports for re-export to Afghanistan and exported to Afghanistan by routes to be agreed upon between the two Governments, of a rebate at the time and place of export of the full amount of Customs duty levied upon such goods, provided that such goods shall be transported through India in sealed packages which shall not be opened or sub-divided before their export from India.

And also the British Government declares that it has no present intention of levying Customs duty on goods or livestock of Afghan origin or manufacture, imported by land or by river into India or exported from Afghanistan to other countries of the world through India and the import of which into India is not prohibited by law. In the event, however, of the British Government deciding in the future to levy Customs duties on goods and livestock imported into India by land or by river from neighbouring States it will, if necessary, levy such duties on imports from Afghanistan; but in that event it agrees that it will not levy higher duties on imports from Afghanistan than those levied on imports from such neighbouring States. Nothing in this Article shall prevent the levy on imports from Afghanistan of the present Khyber tolls and of octroi in any town of India in which octroi is or may be hereafter levied, provided that there shall be no enhancement over the present rate of the Khyber tolls.

Article VIII.

The British Government agrees to the establishment of trade agents by the Afghan Government at Peshawar, Quetta and Parachinar, provided that the personnel and the property of the said agencies shall be subject to the operations of all British laws and orders and to the jurisdiction of British Courts; and that they shall not be recognised by the British authorities as having any official or special privileged position.

Article IX.

The trade goods coming to (imported to) Afghanistan under the provisions of Article VII from Europe, etc., can be opened at the railway terminuses at Jamrud, in the Purram and at Chaman for packing and arranging to suit the capacity of baggage animals without this being the cause of re-imposition of Customs duties; and the carrying out of this will be arranged by the trade representatives mentioned in Article XII.

Article X.

The two High Contracting Parties agree to afford facilities of every description for the exchange of postal matter between their two countries provided that neither shall be authorised to establish Post Offices within the territory of the other. In order to give effect to this Article, a separate Postal Convention shall be concluded, for the preparation of which such number of special officers as the Afghan Government may appoint shall meet the officers of the British Government and consult with them.

Article XI.

The two High Contracting Parties having mutually satisfied themselves each regarding the goodwill of the other, and especially regarding their benevolent intentions towards the tribes residing close to their respective boundaries, hereby undertake each to inform the other in future of any military operations of major importance which may appear necessary for the maintenance of order among the frontier tribes residing within their respective spheres, before the commencement of such operations.

Article XII.

The two High Contracting Parties agree that representatives of the Government of Afghanistan and of the British Government shall be appointed to discuss the conclusion of a Trade Convention and the convention shall in the first place be regarding the measures (necessary) for carrying out the purposes mentioned in Article IX of this treaty. Secondly, (they) shall arrange regarding commercial matters not now mentioned in this treaty which may appear desirable for the benefit of the two Governments. The trade relations between the two Governments shall continue until the Trade Convention mentioned above comes into force.

Article XIII.

The two High Contracting Parties agree that the first and second schedules attached to this treaty shall have the same binding force as the Articles contained in this treaty.

Article XIV.

The provisions of this treaty shall come into force from the date of its signature, and shall remain in force for three years from that date. In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said three years the intention to terminate it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it. This

treaty shall come into force after the signatures of the Missions of the two Parties and the two ratified copies of this shall be exchanged in Kabul within 2½ months after the signatures.

(Sd.) MAHMUD TARZI,
Chief of the Delegation of the Afghan
Government for the conclusion of
the Treaty.

Tuesday, 30th Agrab 1300 Hijra
Shamsi (corresponding to 22nd
November 1921).

(Sd.) HENRY R. C. DOBBS,
Envoy Extraordinary and Chief of
the British Mission to Kabul.

This twenty-second day of November
one thousand nine hundred and
twenty-one.

SCHEDULE I.

(Referred to in Article II.)

In the nulla-bed running from Landi Khana to Painsa Khak Post, the Afghan frontier has been advanced approximately 700 yards, and the Tor Kham ridge, including Shamsa Kandao and Shamsa Kandao Sar, is comprised in Afghan territory. Further, the Afghan frontier has been advanced between the point where the present boundary joins the Kabul river and Palosai from the centre of the river to the right bank.

SCHEDULE II.

Legations and Consulates.

(a) The Legations, Consulate-General and Consulates of the two High Contracting Parties shall at no time be used as places of refuge for political or ordinary offenders or as places of assembly for the furtherance of seditious or criminal movements or as magazines of arms.

(b) The Minister of His Britannic Majesty at the Court of Kabul shall, together with his family, Secretaries, Assistants, Attachés and any of his menial or domestic servants or his couriers who are British subjects, be exempt from the civil jurisdiction of the Afghan Government, provided that he shall furnish from time to time to the Afghan Government a list of persons in respect of whom such exemption is claimed; and, under a like proviso, the Minister of the Amir to the Royal Court of London to which all the Ambassadors of States are accredited shall, together with his family, Secretaries, Assistants, Attachés and any of his menial or domestic servants or his couriers who are Afghan subjects, be exempt from the civil jurisdiction of Great Britain. If an offence or crime is committed by an Afghan subject against the British Minister or the persons above-mentioned who are attached to the British Legation, the case shall be tried according to the local law by the Courts of Afghanistan within whose jurisdiction the offence is committed, and the same procedure shall be observed *vice versa* with regard to offences committed in England by British subjects against the Afghan Minister or other persons above-mentioned attached to the Afghan Legation.

(c) (i) A Consul-General, Consuls and members of their staffs and households, who are subjects of the State in which they are employed, shall remain subject in all respect to the jurisdiction, laws and regulations of such State.

(ii) A Consul-General, Consuls and members of their staffs and households other than subjects of the State in which they are employed shall be subject to the jurisdiction of the Courts of such State in respect of any criminal offence committed against the Government or subjects of such State, provided that no Consul-General, Consul or member of their staff or household shall suffer any punishment other than fine; provided also that both Governments retain always the right to demand recall from their dominions of any Consul-General, Consul, or member of their staff or household.

(iii) A Consul-General, Consuls and members of their staffs and households other than subjects of the State in which they are employed shall be subject to the jurisdiction of the Courts of the said State in respect of any civil cause of action arising in the territory of the said State, provided that they shall enjoy the customary facilities for the performance of the duties.

(iv) The Consul-General of Afghanistan and Consuls shall have a right to defend the interests of themselves or any members of their staffs and households who are subjects of their own Governments in any Court through pleaders or by the presence of one of the Consulate officials, with due regard to local procedure and laws.

(d) The Ministers, Consul-General and Consuls of the two High Contracting Parties and the members of their staffs and households shall not take any steps or commit any acts injurious to the interests of the Government of the country to which they are accredited.

(e) The Ministers, Consul-General and Consuls of the two Governments in either country shall be permitted to purchase or hire on behalf of their Governments residences for themselves and their staff and servants, or sites sufficient and suitable for the erection of such residence and grounds of a convenient size attached, and the respective Governments shall give all possible assistance towards such purchase or hire; provided that the Government of the country to which the Ministers or Consuls are accredited shall, in the event of an Embassy or Consulate being permanently withdrawn, have the right to acquire such residences or lands at a price to be mutually agreed on; and provided that the site purchased or hired shall not exceed twenty *jaribs* in area.

Note.—Each *jarib* = 60 × 60 yards, English = 8,600 square yards.

(f) The Ministers, Consul-General and Consuls of the two Governments shall not acquire any immoveable property in the country to which they are accredited without the permission of the Government of the said country.

(g) Neither of the two High Contracting Parties shall found a mosque, church or temple for the use of the public inside any of its Legations or Consulates, nor shall the Ministers, Consul-General or Consuls of either Government or their Secretaries or members of their staffs and households engage, in any political agitation or movement within the country to which they are accredited or in which they are residing.

(h) The Ministers, Consul-General and Consuls of the two High Contracting Parties shall not grant naturalisation or passports or certificates of nationality or other documents of identity to the subjects of the country in which they are employed in such capacity.

(i) The Ministers of the two High Contracting Parties besides their own wives and children, may have with them not more than 85 persons, and a Consul-General and Consuls, besides their own wives and children, not more than 20 persons. If it becomes necessary to employ in addition subjects of the Government of the country to which they are accredited, Ministers can employ

not more than ten persons and Consul-General and Consuls not more than five persons.

(j) The Ministers, Consul-General and Consuls of the two High Contracting Parties shall be at liberty to communicate freely with their own Government and with other official representatives of their Government in other countries by post, by telegraph and by wireless telegraphy in cypher or *en clair*, and to receive and despatch sealed bags by courier or post, subject to a limitation in the case of Ministers of six pounds per week, and in the case of a Consul-General and Consuls of four pounds per week, which shall be exempt from postal charges and examination and the safe transmission of which shall, in the case of bags sent by post, be guaranteed by the Postal Departments of the two Governments.

(k) Each of the two Governments shall exempt from the payment of Customs or other duties all articles imported within its boundaries in reasonable quantities for the personal use of the Minister of the other Government or of his family, provided that a certificate is furnished by the Minister at the time of importation that the articles are intended for such personal use.

APPENDIX VIII.

Mr. Gandhi's Letter to His Excellency the Viceroy.

To

His Excellency,
The Viceroy,
Delhi.

Sir,

Bardoli is a small Tehsil in the Surat District in the Bombay Presidency, having a population of about 87,000 all told.

On the 29th ultimo, it decided under the Presidency of Mr. Vithalbhai Patel to embark on Mass Civil Disobedience, having proved its fitness for it in terms of the resolution of the All-India Congress Committee which met at Delhi during the first week of November last. But as I am, perhaps, chiefly responsible for Bardoli's decision, I owe it to your Excellency and the public to explain the situation under which the decision has been taken.

It was intended under the resolution of the All-India Congress Committee before referred to to make Bardoli the first unit for Mass Civil Disobedience in order to mark the national revolt against the Government for its consistently criminal refusal to appreciate India's resolve regarding the Khilafat, the Punjab and Swaraj.

Then followed the unfortunate and regrettable riots on the 17th November last in Bombay resulting in the postponement of the step contemplated by Bardoli.

Meantime repression of a virulent type has taken place with the concurrence of the Government of India, in Bengal, Assam, the United Provinces, the Punjab, the Province of Delhi and in a way in Bihar and Orissa and elsewhere. I know that you have objected to the use of the word "repression" for describing the action of the authorities in these Provinces. In my opinion, when an action is taken which is in excess of the requirements of the situation, it is undoubtedly repression. The looting of property, assaults on innocent people, brutal treatment of the prisoners in jails, including flogging, can in no sense be described as legal, civilized or in any way necessary. This official lawlessness cannot be described by any other term but lawless repression.

Intimidation by non-co-operators or their sympathisers to a certain extent in connection with hartals and picketing may be admitted, but in no case can it be held to justify the wholesale suppression of peaceful volunteering or equally peaceful public meetings under a distorted use of an extraordinary law which was passed in order to deal with activities which were manifestly violent both in intention and action, nor is it possible to designate as otherwise than repression action taken against innocent people under what has appeared to many of us as an illegal use of the ordinary law nor again can the administrative interference with the liberty of the Press under a law that is under promise of repeal be regarded as anything but repression.

The immediate task before the country, therefore, is to rescue from paralysis freedom of speech, freedom of association and freedom of Press.

In the present mood of the Government of India and in the present unprepared state of the country in respect of complete control of the forces of violence, non-co-operators were unwilling to have anything to do with the Malaviya Conference whose object was to induce Your Excellency to convene a Round Table Conference. But as I was anxious to avoid all avoidable suffering, I had no hesitation in advising the Working Committee of the Congress to accept the recommendations of that Conference.

Although, in my opinion, the terms were quite in keeping with your own requirements, as I understood them through your Calcutta speech and otherwise, you have summarily rejected the proposal.

In the circumstances, there is nothing before the country but to adopt some non-violent method for the enforcement of its demands, including the elementary rights of free speech, free association and free Press. In my humble opinion, the recent events are a clear departure from the civilized policy laid down by Your Excellency at the time of the generous, manly and unconditional apology of the Ali Brothers, *vis.*, that the Government of India should not interfere with the activities of non-co-operation so long as they remained non-violent in word and deed. Had the Government policy remained neutral and allowed public opinion to ripen and have its full effect, it would have been possible to advise postponement of the adoption of Civil Disobedience of an aggressive type till the Congress had acquired fuller control over the forces of violence in the country and enforced greater discipline among the millions of its adherents. But the lawless repression (in a way unparalleled in the history of this unfortunate country) has made immediate adoption of Mass Civil Disobedience an imperative duty. The Working Committee of the Congress has restricted it only to certain areas to be selected by me from time to time and at present it is confined only to Bardoli. I may under said authority give my consent at once in respect of a group of 100 villages in Guntur in the Madras Presidency, provided they can strictly conform to the conditions of non-violence, unity among different classes, the adoption and manufacture of hand-spun Khaddar and untouchability.

But before the people of Bardoli actually commence Mass Civil Disobedience, I would respectfully urge you as the head of the Government of India finally to revise your policy and set free all the non-co-operating prisoners who are convicted or under trial for non-violent activities and declare in clear terms the policy of absolute non-interference with all non-violent activities in the country, whether they be regarding the redress of the Khilafat or the Punjab wrongs or Swaraj or any other purpose and even though they fall within the repressive sections of the Penal Code or the Criminal Procedure Code or other repressive laws, subject always to the condition of non-violence. I would further urge you to free the Press from all administrative control and restore all the fines and forfeitures recently imposed. In thus urging I am asking Your Excellency to do what is to-day being done in every country which is deemed to be under civilized Government. If you can see your way to make the necessary declaration within seven days of the date of publication of this manifesto, I shall be prepared to advise postponement of Civil Disobedience of an aggressive character till the imprisoned workers have after their discharge reviewed the whole situation and considered the position *de novo*. If the Government make the requested declaration, I shall regard it as an honest desire on its part to give effect to public opinion and shall, therefore, have no hesitation in advising the country to be engaged in further moulding the public opinion without violent restraint from either side and trust to its working to secure the fulfilment of its unalterable demands.

Aggressive Civil Disobedience in that case will be taken up only when the Government departs from its policy of strictest neutrality or refuses to yield to the clearly expressed opinion of the vast majority of the people of India.

I remain,
Your Excellency's
faithful servant and friend,
M. K. GANDHI.

Bardoli, 1st February, 1922.

APPENDIX IX.

Government of India Communiqué.

Delhi, Feb. 6.

The Manifesto issued by Mr. Gandhi on the 4th February justifying his determination to resort to Mass Civil Disobedience contains a series of misstatements. Some of these are so important that the Government of India cannot allow them to pass unchallenged. In the first place, they emphatically repudiate the statement that they have embarked on a policy of lawless repression and also the suggestion that the present campaign of civil disobedience has been forced on the non-co-operation party in order to secure the elementary rights of free association, free speech and of free press.

In limine, the Government of India desire to draw attention to the fact that the decision to adopt a programme of civil disobedience was finally accepted on the 4th November before the recent notifications relating either to the Seditious Meetings Act or the Criminal Law Amendment Act to which Mr. Gandhi unmistakably refers, were issued. It was in consequence of the serious acts of lawlessness committed by persons who professed to be followers of Mr. Gandhi and non-co-operation movement that the Government were forced to take measures which are in strict accordance with the law for the protection of peaceful citizens in the pursuit of their lawful avocations. Since the inauguration of the non-co-operation movement the Government of India, actuated by a desire to avoid anything in the nature of recrudescence of political activity even though it was of an extreme character, have restricted their actions in relation thereto to such measures as were necessary for the maintenance of law and order and the preservation of public tranquillity.

Up to November no step, save in Delhi last year were taken against the Volunteer Associations. In November, however, the Government were confronted with a new and dangerous situation. In the course of the past year there had been systematic attempts to tamper with the loyalty of the soldiers and the police and there has occurred numerous outbreaks of serious disorder directly attributable to the propaganda of the non-co-operation party amongst the ignorant and excitable masses. These outbreaks had resulted in grave loss of life, the growth of a dangerous spirit of lawlessness and an increasing disregard for lawful authority. In November they culminated in the grave riots in Bombay in which 55 persons lost their lives and approximately 400 were wounded. On the same date, dangerous manifestations of lawlessness occurred in many other places and at this period it became clear that many of the Volunteers associations had embarked on a systematic campaign of violence, intimidation and obstruction to combat which proceedings under the Penal Code and the Code of Criminal Procedure had proved ineffective.

In these circumstances the Government were reluctantly compelled to resort to measures of a more comprehensive and drastic character.

Nevertheless the operation of the Seditious Meetings Act was strictly limited to a few districts in which the risk of grave disturbances of the peace was specially great and the application of the Criminal Law Amendment Act of 1908

was confined to associations, the majority of the members of which had habitually indulged in violence and intimidation. It is impossible here to set out in details the evidence which justified the adoption of these measures in the different provinces. Abundant proof is, however, to be found in the published proceedings of the various legislative bodies, in the *communiqués* of different local Governments, and in the pronouncements of the heads of provinces. While resolute in their determination to enforce respect for law and order and to protect loyal and peaceful subjects of the Crown, the Government have at the same time taken every precaution possible to mitigate where desirable the conditions of imprisonment and to avoid any action which might have the appearance of vindictive severity. Ample proof of this will be found in the orders issued by local Governments. Numerous offenders have been released, sentences have been reduced and special consideration has been shown in the case of persons convicted of offences under the Seditious Meetings Act or the Criminal Law Amendment Act. There is then no shadow of justification for the charge that their policy has been one of indiscriminate and lawless repression.

A further charge which has been brought by Mr. Gandhi is that the recent measures of Government have involved a departure from the civilised policy laid down by His Excellency at the time of the apology of the Ali Brothers, namely, that the Government of India should not interfere with the activities of non-co-operation so long as they remained non-violent in word and deed. The following citation from the *communiqué* of the Government of India issued on the 80th May conclusively disproves the statement. After explaining that in view of the solemn undertaking contained in the statement over their signature, it had been decided to refrain from instituting criminal proceedings against Messrs. Mahomed Ali and Shaukat Ali, the Government of India observed: "It must not be inferred from the original determination of the Government to prosecute for speeches inciting to violence that promoting disaffection of a less violent character is not an offence against the law. The Government of India desire to make it plain that they will enforce the law relating to offences against the State as and when they may think fit against any persons who have committed breaches of it."

It remains with the Government of India to deal with the allegation that His Excellency summarily rejected the proposal for a Conference although the terms put forward by the Conference at Bombay and accepted by the Working Committee of the Congress were "quite in keeping with His Excellency's own requirements as indicated in his speech at Calcutta." How far this is far from being the case will be manifested from a comparison of His Excellency's speech with the terms proposed by the conference. His Excellency in that speech insisted on the imperative necessity as a fundamental condition precedent to the discussion of any question by a conference, of the discontinuance of the unlawful activities of the non-co-operation party. No assurance on this point was, however, contained in the proposals advanced by the Conference. On the contrary whilst the Government were asked to make concessions which not only included the withdrawal of the notifications under the Criminal Law Amendment and Seditious Meetings Acts and the release of persons convicted thereunder, but also the release of the persons convicted of offences designed to affect the loyalty of the army and the submission to an arbitration committee of the cases of other persons convicted under the ordinary law of the land. There was no suggestion that any of the illegal activities of the non-co-operators other than Hartals, picketing and civil disobedience should cease. Moreover, it was evident from the statements made by Mr. Gandhi at the Conference that he intended to continue the enrolment of volunteers in prohibited associations and the preparations for civil disobedience. Further Mr. Gandhi also made it apparent that the

proposed Round Table Conference would be called merely to register his decrees. It is idle to suggest that terms of this character fulfilled in any way the essentials laid down by His Excellency or can reasonably be described as having been made in response to the sentiments expressed by him.

Finally, the Government of India desire to draw attention to the demands put forward in the concluding paragraph of Mr. Gandhi's present manifesto which exceeded even the demands made by the Working Committee of the Congress. Mr. Gandhi's demands now include (1) the release of all prisoners "convicted or under trial for non-violent activities (2) a guarantee that the Government will refrain from interference with all non-violent activities of the non-co-operation party, even though they fall within the purview of the Indian Penal Code or in other words an undertaking that Government will indefinitely hold in abeyance in regard to the non-co-operators the ordinary and the long established laws of the land. In return for these concessions he indicates that he intends to continue the illegal and seditious propaganda and operations of the non-co-operation party and merely offers to postpone civil disobedience of an aggressive character until the offenders now in jail have had an opportunity in reviewing the whole situation. In the same paragraph he reaffirms the unalterable character of the demands of his party.

The Government of India are confident that all right thinking citizens will recognise that this manifesto constitutes no response whatever to the speech of His Excellency at Calcutta and the demands made are such as no Government could discuss much less accept. The alternatives that now confront the people of India are such as sophistry can no longer obscure or disguise. The issue is no longer between this or that programme of political advance but between lawlessness with all its dangerous consequences on the one hand, and on the other, the maintenance of those principles which lie at the root of all civilised Governments. Mass Civil Disobedience is fraught with such dangers to the State that it must be met with sternness and severity. The Government entertain no doubt that in any measures which they have to take for its suppression they can count on the support and assistance of all law-abiding and loyal citizens of His Majesty.

APPENDIX X.

Lord Reading's Address to both Houses of Imperial Legislature.

Gentlemen of the Indian Legislature,—It is my privilege as Viceroy to welcome to-day the members of both Houses of the Indian Legislature at the opening of the second session. It is my first opportunity of taking part in this ceremony and I am fully conscious of the importance of the occasion. One memorable session has already been held when a standard of political wisdom and debating capacity was set that may well be a source of legitimate pride and satisfaction to those who contributed to the reputation thus attained. You, who stood for election and became the representatives of these new Councils and, in consequence, were subjected to attack and criticism, have already, by your actions justified the position you adopted. At this present juncture my Government and you are faced with difficult problems, which demand all the political judgment and foresight we can contribute to their solution.

The Prince's forthcoming visit.

I propose to-day to refer only to the more important of the problems and in their broadest aspect and to survey with you the general conditions affecting India, but before I enter into the region of possible controversy I must discharge the pleasing and privileged task of referring to the impending visit of His Royal Highness the Prince of Wales, the son and heir of our beloved King-Emperor. You will remember that a little more than a year ago His Majesty the King-Emperor, by Royal-Proclamation, informed the Princes and people of India of his decision that the visit of the Prince of Wales to India must be deferred for a time in order that His Royal Highness might recover from the fatigue of his labours in other parts of the Empire. We have recently heard, to our great joy, that the health of His Royal Highness has been sufficiently restored to enable the visit to take place in November next. The ceremony of inaugurating the Reformed Legislature, which was to have been his, has been performed by His Royal Highness the Duke of Connaught and India will not readily forget the sympathy and love which inspired him, the devoted friend of India, in the discharge of his great mission.

The Prince of Wales will come to India on this occasion as the son of the King-Emperor and as the heir to the Throne, not as the representative of any Government, or to promote the interests of any political party, but in order to become personally acquainted with the Princes and the people of India and to see as much as will be possible during his visit, of this most interesting country. I know that I may safely count on those who belong to this great Indian Empire, and more particularly on the representatives of the Reformed Legislatures now gathered within these walls, to give to His Royal Highness, who has endeared himself to all who have been privileged to meet him, a warm welcome, characteristic of the traditional loyalty of the Indian people and their devotion to the King-Emperor and his House.

Sir T. Holland's great services.

You will already have learnt that the resignation tendered by Sir Thomas Holland has been accepted by His Majesty. In communicating to me the regret with which he had reached his conclusion the Secretary of State expresses his general sense of the importance of the contribution which Sir Thomas Holland had made to the industrial development of India. The Secretary of State further records his appreciation of the high ability and strenuous labours which Sir Thomas Holland devoted during the war to the task of organising and increasing the supply of munitions. His services then rendered were of the highest value not only to India but to the Empire, which the Secretary of State gratefully recognises. I associate myself with the tribute and add only that my regret is the greater because I lose a colleague in the Council with whom I have been associated from the moment I became Viceroy. The facts and conclusions of my Government have already been placed before you in the official statement published by my Government and I need not refer to them again.

The Principles Involved.

The public felt, and beyond all doubt rightly felt, that the proceedings in court had shaken the very foundations of justice. Fundamental principles of administration and justice had been violated and the acceptance of the resignation was, therefore, inevitable. Our conclusions were announced only in relation to the proceedings in court, to the omission to refer to me, as the head of the Government. Lest there should be any misapprehension I must, however, add on my own behalf and that of my colleagues that the existence of civil suits against the Government by the accused should have been entirely disregarded in relation to the criminal case: their unconditional withdrawal ought not to have had any influence upon consideration of the withdrawal of the prosecution. The lesson that we have learnt from these unfortunate events is that it is very desirable that the direction and control of Government prosecutions should be in the hands of a trained lawyer. The matter will be considered by my Government. I cannot but think that the absence of this training contributed largely to the difficulties in which my late colleague, Sir Thomas Holland, found himself involved.

The Afghan Treaty Still in Embryo.

Let me now turn to external affairs. You will naturally wish to know the result of our negotiations with the Afghan Government. I had hoped that I should be in a position to-day to make an announcement to you respecting them; but though it was so far back as January last that at the invitation of the Afghan Government we despatched a mission to Kabul for the negotiation of a treaty of friendship, its outcome is still uncertain. Negotiations of this character, especially when supervening on actual war are often not brought to a speedy close and these negotiations have been protracted by developments beyond the limit of my Government's anticipations, but, despite all untoward complications or unexpected difficulties, I hope that we may before long conclude a new and abiding treaty of friendship with Afghanistan which will ensure the continuance of our traditional relations with this nation.

Less Unrest on the Frontier.

The Frontier, unhappily, is still suffering from the unsettling influence of the Great War and the other excitements and instigations of recent years, but notwithstanding the drought and great scarcity of the present year, which have done much to accentuate the economic difficulty that lies at the root of the frontier problem, unrest in Baluchistan has almost wholly subsided. Even in the North-West Frontier Province, with its narrow belt of British districts between the Indus and the frontier hills exposed at all times to the brunt of tribal

lawlessness, there is comparative quietude, save in Waziristan. Military operations have now been in progress in Waziristan for several months. They have been conducted by our troops in the face of many hardships and against an elusive enemy, with a fortitude and gallantry worthy of all praise. I trust that these operations may not long have to be continued. They are slow and costly. The problem of the inhospitable frontier does not lend itself to a cheap or easy solution, but India's duty seems clear and it must always be remembered that the expenditure on frontier defence is incurred not merely for the defence of the sorely harassed inhabitants of our border districts against trans-frontier lawlessness and raids; it is incurred for the defence of India as a whole and is an expenditure which India will assuredly not grudge.

The Greco-Turkish war.

Unhappily, Greece and Turkey are still at war, notwithstanding the strenuous efforts of the Allies, and notably of His Majesty's Government, to effectuate a settlement of the grave disputes between these two countries. My distinguished predecessor, Lord Chelmsford, forcibly and persistently represented the views of the Indian Moslems to His Majesty's Government and, to the best of my capacity, I have pursued, and shall pursue, the same course. It is also well known that the Secretary of State for India has laboured most loyally and strenuously to persuade the Allies to adopt a policy more in consonance with the opinions of India. I dare not at this moment, when the operations of war are proceeding, hazard an opinion as to the future, but I may express my fervent hope that a treaty of peace may soon be concluded on terms which will be reasonably satisfactory to Turkey and also to Indian Moslem opinion.

May I also observe that differences between some portion of the Moslem populations that hold extreme views and the rest of the Indian Moslem opinions do not strengthen the representations, which I may make to His Majesty's Government in order that we may bring about a settlement satisfactory to Moslem opinion in India? (Applause).

The International Court of Justice.

It is some consolation in these days to turn from the contemplation of war-like operations to the labours of the League of Nations. India took its stand from the first for the League which, in my judgment, gives the best hope of preventing future wars. The creation of a permanent international court of justice is one step, and not an unimportant step, in the settlement of disputes by the arbitrament of reason; and in this connection I am pleased to be able to ratify the acceptance of the statute for the constitution of a permanent court of international justice, which was accepted by the representatives of India on the Assembly of the League of Nations.

The judges of the court will be elected by the Assembly of the League of Nations, and by the Council from lists of persons nominated by national groups representing the various nations which have accepted and ratified this statute.

National Group for India.

In appointing this national group for India my Government have endeavoured to select persons of the highest reputation and competency, and I am confident you will agree with me that Mr. Srinivasa Iyengar, now a member of the Executive Council at Madras, Mr. Justice Rankin, Judge of the High Court of Calcutta, Mr. S. Hassan Imam, Bar-at-Law, Patna, and Sir Thomas Strangman, Advocate-General in Bombay, who have accepted the appointments as members of the national group, fulfil these conditions. Their duties will be to

nominate persons from whom the judges of the court will subsequently be elected. The court will have jurisdiction in cases of disputes between members of the League which the members agree to refer to it and also international disputes in labour cases and in transit and communication cases.

The Imperial Conference.

I have followed with the deepest interest the events at the Imperial Conference in London, where India had the good fortune of being represented by the Secretary of State, the Maharao of Cutch and the Right Hon. Srinivasa Sastri, one of His Majesty's Privy Councillors. Although they were not able to achieve all they wished, it cannot be doubted that they have secured a notable recognition of the status of Indians in the Empire. It may be a tardy recognition, but it establishes beyond all question and authoritatively, by the conclusions of the Premiers assembled at the Imperial Conference with one dissentient, the equal status of Indians in the Empire. Secondly, the attitude of His Majesty's Government and their recognition of this principle will mean that it will be applied in other parts of the Empire which are not under Dominion Government, and notably in East Africa. In India we cannot but rejoice at these conclusions, notwithstanding that we deeply regret that the representatives of South Africa felt themselves unable to accept them. We must not close our eyes to their difficulties—these are of a special character—but we must continue our efforts to bring about a recognition in South Africa. Assuredly we need not be discouraged by the result at the Imperial Conference; indeed, we should be stimulated to continue our labours, and I give you my assurance that I will strive to the full extent of the power and the ability I may possess, to obtain the recognition in South Africa and elsewhere of the principle accepted by the other Dominions and His Majesty's Government and to secure that it shall be so interpreted as to satisfy Indian pride and patriotism.

Tribute to India's representatives.

I cannot pass from this subject without expressing gratitude to the representatives of India who represented the interests of Indians so ably and eloquently. I have read with great pleasure the reports of the reception of the Maharao of Cutch and Mr. Sastri. It is beyond doubt that they have raised the status of Indians in the Councils of the British Empire. They have contributed to the appreciation of the intellectual capacity, the graceful courtesy and the sensitive responsiveness of Indians and have made a deep impression upon all with whom they have come into contact in England and elsewhere.

The Moplah Rebellion.

When I approach an examination of the internal condition of India I find much that is hopeful for the future and my belief in your capacity to assist me and my Government in promoting the general welfare of the country is a constant encouragement in the performance of our duties, but there is still, unhappily, unrest in some parts of the country, which continues to receive the serious consideration of my Government. The most recent manifestation is in the district of Malabar and thoughts naturally turn to the grave reports of crime and disorder which necessitated the issue by me of an Ordinance proclaiming Martial Law in certain parts of this district. I trust I need not assure you that having passed my life in the profession of the law and steeped as I am in the liberal traditions of England, I would never proclaim Martial Law unless I was convinced that it was absolutely necessary for the security of the country and for the safety of the population in the disturbed areas. In my judgment I should have failed in my duty if I had not taken this step in the

emergency that arose and had not given to the local Government all the assistance and support that could be rendered in quelling the uprising of the Moplahs and in protecting innocent citizens against the criminal acts of a violent mob.

We must, however, be careful to view these disturbances in their proper setting. It would be rash and, in my view, wrong to assume that this rising is to be taken as symptomatic of the condition of the whole of India. It must be remembered that this district has always been a storm centre and serious disorders have occurred in the past. I shall not enter into a lengthy discussion of the events and conditions that led to this serious outbreak which may be said without exaggeration of language, to have assumed the character of a rebellion because I am well aware that you will have opportunities of discussing these matters in the course of your debates.

Origin of the trouble.

I shall only make some general observations for your consideration. It is obvious, from the reports received, that the ground had been carefully prepared for the purpose of creating an atmosphere favourable to violence and no effort had been spared to rouse the passion and fury of the Moplahs. The spark which kindled the flame was the resistance, by a large and hostile crowd of Moplahs armed with swords and knives, to a lawful attempt by the police to effect certain arrests in connection with a case of house breaking. The police were powerless to effect the capture of the criminals and the significance of the incident is that it was regarded as a defeat of the police and therefore of the Government. Additional troops and special police had to be drafted to Malabar in order to effect the arrests. The subsequent events are now fairly well known although it is impossible at present to state the number of the innocent victims of the Moplahs. These events have been chronicled in the press. I shall not recapitulate them.

Some of the Results of the outbreak.

The situation is now to all intents and purposes in hand. It has been saved by the prompt and effective action of the military and naval assistance, for which we are duly grateful, although some time must necessarily elapse before order can be completely restored and normal life under the civil Government resumed. But consider the sacrifice of life and property. A few Europeans and many Hindus have been murdered, communications have been obstructed; Government offices burnt and looted and records have been destroyed; Hindu temples sacked; houses of Europeans and Hindus burnt. According to reports, Hindus were forcibly converted to Islam and one of the most fertile tracts of South India is threatened with famine. The result has been the temporary collapse of civil Government, offices and courts have ceased to function and ordinary business has been brought to a standstill. European and Hindu refugees of all classes are concentrated at Calicut, and it is satisfactory to know that they are safe there. One trembles to think of the consequences if the forces of order had not prevailed for the protection of Calicut. The non-Moslem in these parts was fortunate indeed, if either he or his family or his house or property came near the protection of the soldier and the police. Those who are responsible for causing this grave outbreak of violence and crime must be brought to justice and made to suffer the punishment of the guilty, but apart from direct responsibility, can it be doubted that when poor unfortunate and defuded people are led to believe that they should disregard the law and defy authority, violence and crime follow this outbreak as but another instance, on a much more serious scale and among a more turbulent and fanatical people, of the conditions that have manifested themselves at times in various parts of the country?

Failure of the non-violence cult.

And, gentlemen, I ask myself and you and the country generally, what else can result from instilling such doctrines into the minds of masses of the people? How can there be peace and tranquillity when ignorant people who have no means of testing the truth of the inflammatory, and too often deliberately false, statements made to them are thus misled by those whose design it is to provoke violence and disorder? Passions are thus easily excited to unreasoning fury. Although I freely acknowledge that the leader of the movement to paralyse authority persistently, and as I believe in all earnestness and sincerity, preaches the doctrine of non-violence and has even reproved his followers for resorting to it, yet again and again it has been shown that his doctrine is completely forgotten and his exhortations absolutely disregarded, when passions are excited, as must inevitably be the consequence among emotional people. To us who are responsible for the peace and good government of this great Empire—and I trust to men of sanity and commonsense in all classes of society—it must be clear that defiance of the Government and constituted authority can only result in disorder, in political chaos, in anarchy and in ruin.

Government Determined to do its duty.

There are signs that the activity of the movement or at least one section of it, may take a form of even a more direct challenge to law and order. There has been wild talk of a general policy of disobedience to law in some cases, I regret to say, accompanied by an open recognition that such a course must lead to disorder and bloodshed. Attempts have been made by some fanatical followers of Islam to reduce His Majesty's soldiers and police from their allegiance, attempts that have, I am glad to say, met with no success. As head of the Government, however, I need not assure you that we shall not be deterred one hair's breadth from doing our duty. We shall continue to do all in our power to protect the lives and property of all law-abiding citizens and to secure to them their right to pursue their lawful avocations and above all we shall continue to enforce the ordinary law and to take care that it is respected. It is the manifest duty of every loyal subject of the King-Emperor, just as it is the interest of all who wish to live with a security of protection against violence and crime, to oppose publicly, a movement fraught with such dangerous possibilities and to help the officers of Government in their task of preventing and suppressing disorder and all this time I and my colleagues are ready and anxious to do all that is possible to allay legitimate discontent and to remedy the grievances of the people of India.

I am free to admit that there are grievances to be remedied and we are constantly directing our attention to devising the proper remedies for this purpose and I am well aware that we can rely upon your assistance in this and future sessions, for you sit here to mirror public opinion and I and my Government will continue gladly to welcome the help you may give to us. You, the first representatives of this Legislature, can already point to solid achievement as the result of your deliberations and activities.

The Councillors' labours.

I shall not attempt to chronicle them, but I shall refer to some important instances. A committee was appointed to examine the laws dealing with the press. Its report is now before you. The personnel of the committee which included members of both your houses was predominantly non-official and its recommendations which I am glad to say were unanimous, may be accepted as reflecting the popular views of the laws in question. Legislation on the lines recommended by the committee will shortly be laid before you. Its most im-

portant feature will be the proposal to repeal the Press Act of 1910. There is, however, one part of the report upon which I think it is necessary to make some reservation, and that is in relation to the protection hitherto afforded since 1910 to Ruling Princes against seditious attacks upon them in newspapers published in British India. If the Press Act is repealed it may become necessary to consider what form of protection shall be given to them in substitution. I will not pursue the subject now but it will doubtless be discussed at a later stage.

The Repressive Laws Committee, another committee of a very similar character, has recently made a careful examination of certain laws and regulations which confer extraordinary powers on the Executive Government. Their report will shortly be published and I trust that it will command your approval and that of the country at large. I cannot make an announcement regarding the legislative measures that will result from the Committee's labours as they have not yet been considered by my Government, but I think I may safely say that a number of laws popularly regarded as infringements of the liberty of the subject will, in all probability, be repealed.

Case of Martial law prisoners.

The consideration of this subject brings me not unnaturally to the cases of the 86 men sentenced in connection with the Punjab disturbances of 1919 who are still in jail. I wish it had been possible for me to-day to have announced my decision to you, but I am not yet quite ready to declare it. I confess that when I undertook myself to examine each of these 86 cases I under-estimated the labour involved and I did not sufficiently realise the constant demands upon my time consequent upon the responsibility of the position I occupy. Unexpected events happen and decisions must be made immediately, and I am sure that I need not remind you of the unexpected incidents that have happened during my short period of office.

Military Requirements Committee.

Last session, you will remember that as the result of the discussion under the presidency of His Excellency the Commander-in-Chief, a committee had sat to consider the military requirements of India. The report of the Committee will be considered in London by a sub-committee of the Committee of Imperial Defence and we must await their decisions. A notification has been issued constituting seven Territorial Force units in different parts of India and in Burma in addition to university corps. It is hoped that numbers of recruits will be forthcoming to take advantage of the opportunity thus afforded for acquiring military training so as to fit them to take a share in the defence of their country. My Government will spare no pains to further the interests of the Territorial Force and it now rests with the people of India to make the scheme a success.

Military College at Dehra Dun.

A resolution was passed by the Legislative Assembly last session recommending the establishment of a college in India to train Indian lads who desired to enter the Indian Army through Sandhurst. A scheme on these lines has been forwarded for the approval of the Secretary of State and as soon as that has been received rapid progress will be made with the adaptation of the buildings formerly occupied by the Imperial Cadet Corps at Dehra Dun, so as to fit them for a college of this nature. It is hoped that the Prince of Wales may be pleased to perform the opening ceremony and that the preliminary work will be completed in time to enable the college to be in working order. The

college will be large enough to accommodate 90 pupils in the first instance and if it proves a success it will be possible to make expansion in the immediate vicinity of the college.

A subject which has occupied your attention and that of the Indian public and roused great interest is that relating to the free admission of Indians to all arms of His Majesty's military and naval forces in India. In accordance with the resolution passed by the Legislative Assembly my Government is now in communication with the Secretary of State with the object of enabling Indians to qualify for commissions in the Artillery and Engineer service in the country and it is examining, in consultation with the Secretary of State, the question of the provision of facilities for Indians to be trained for commissions in the Royal Air Force. A scheme is also under consideration for assisting Indian lads to qualify themselves by a period of training in England for commissioned rank in the Royal Indian Marine.

Expected revival of Trade.

The financial discussions occupied much time last session and you will not expect me to say anything fresh at this moment regarding the present trade and financial conditions. We are still awaiting that long expected revival in the demand abroad for India's products. This has been a very long time in coming and I am sure the patience of many of us must have been sorely tried. Those who are in touch with our export markets tell me, however, that there are at last some faint, though unmistakeable, glimmerings of revival and that if the monsoon continues good to the end, as we now have reason to hope it may, we shall before long see the beginning of a return to more normal conditions and perhaps to something like our pre-war balance of trade. I mention this feeling of mild optimism as it seems to be held in well informed circles; for myself, I cannot attempt to prophesy. I would, however, invite your assent to two general observations. The first is that India's own financial position is, as I believe, intrinsically sound. The State may have been occasionally forced, during the war, to do things which must have seemed to be a departure from the severe conservatism which had hitherto characterised the management of India's finances, but when we remember what most other belligerent countries were forced to do and the enormous inflation of currency and credit, leading in many cases to something like national bankruptcy, which has followed elsewhere, we may, I think at the risk of being considered pharisaical, thank heaven that we are not as other countries. A country that can put up nearly Rs. 40 crores of new money for a national loan need not entertain many qualms as to its financial future.

My second observation is merely a corollary from the first. Seeing that the existing difficulties of India's trade are due almost entirely to causes external to herself it follows that when that revival of international trade comes, as come it must, then India will be one of the first countries to reap the benefit. The products which she has to offer to the rest of the world are not luxuries the purchase of which other countries can defer until their finances are in better order but are for the most part necessities, either as foodstuffs or as raw products for their manufactures. All these factors combined must make India's position one of great advantage as soon as trade revives and justify a refusal to be depressed by budget deficits, low exchange or other circumstances of the moment.

The question of high prices.

In considering the condition of the people of India the greatest importance must always be attributed to the high prices now ruling for the necessaries of

life. This subject is constantly engaging the attention of my Government and in particular has been directed to the extraordinary recent rise in the price, particularly, of wheat and of rice. You will have observed from a statement issued by my Government this morning that we shall continue the existing prohibition of the export of wheat, *atta* and flour until at least the end of March 1922. It is also proposed that so far as possible the requirements of wheat for the army in India or based on India will for the present be supplied by the purchase of Australian wheat. It is hoped that by these means relief will be given and that the rise will be checked, if not counteracted. My Government will not fail to watch events in this connection. Their importance on the political condition of India is perhaps greater than is usually recognised.

The Fiscal Commission.

Our arrangements for the Fiscal Commission are well advanced and I trust that Commission will begin its important labours next month. In recognition of India's advance towards fiscal autonomy the majority of the members of the Commission will be Indians and it is also intended that the chairman shall be an Indian. I regret that at this moment arrangements are not sufficiently completed to enable me to give names. The task before the Commission is one of enormous difficulty. Its duty will be to advise the Government of India, not only whether India should approve in the interests of the solidarity of the Empire the principle of imperial preference, but also whether we should abandon our time-honoured policy of a tariff raised primarily for revenue purposes in favour of a policy of protection. The task thus opens up questions of great difficulty and complexity, but I am confident that the Commission will approach them with a high sense of responsibility and that its reports will be of the greatest assistance and value to the Government of India.

Labour Problems.

The Government recognise that during the last few years there has been a great awakening on the part of Indian Labour and they are fully alive to the new conditions that such an awakening demands. The Bill to amend the Indian Factories Act, which is now under your consideration, has the two-fold object of increasing the efficiency of Indian labour and bettering its conditions. Another social measure to which we attach great importance is a Bill to regulate the grant of compensation to workmen for injuries received in the course of their employment, which we hope to introduce early in 1922. The recent industrial unrest has also been accompanied by a growth in the number of trade unions and the question of giving adequate protection and legal status to those unions which are genuine labour organisations is at present under consideration. The Government are also carefully studying the question of arbitration and conciliation. We are glad to observe that this matter of the settlement of Labour disputes is receiving considerable attention from provincial governments and in provincial legislatures. I am full of hope that the various measures that are now being adopted or being recommended to employers as well as to employes will establish the peace and harmony that is absolutely necessary for the development of our industries.

Racial Tension.

The evidence of strong racial antagonism that to some extent prevails has caused me the greatest concern. Since my arrival in India regrettable incidents have come to my notice on both sides. At the same time I am far from asserting that the fault is all on one side. It seems to me that among the

factors contributing to this unhappy racial tension, instances of violence and discourtesy by Europeans against Indians which occur from time to time, although in truth I believe infrequently, cannot be overlooked. There is in general, I venture to assert, no ground of complaint to be made, but any instance of incivility attracts far more attention than the usual and infinitely more numerous instances of courtesy by Europeans to Indians. Neither can it be said that the results of the trials of Europeans concerned in criminal cases arising from acts of violence or from improper conduct have always given satisfaction to the public. I have been made aware of a very prevalent feeling amongst Indians that in such cases strict justice does not always result when a European is concerned and it cannot be said that the result of such trials always satisfies the public conscience. In particular my attention has been drawn to the differences in the legal procedure applicable to Europeans and Indians. Local Governments have been consulted and an opportunity will be taken during the course of the present session to lay before you the proposals of my Government as to the steps which should be taken for further examination of this question and I trust that in the result means will be found to satisfy public opinion that justice will be done, both to Europeans and Indians.

There are many other subjects which will be considered by you during the course of this session. There are questions of importance to which I have not even referred as I do not wish to detain you too long, in particular I would mention the interest taken by Sir Thomas Holland on the industrial development of India. By his departure we lose the benefit of the services of one who has laboured faithfully and capably to this end. There are projects of irrigation which specially attract my attention. I wish I could have discussed them. There is again education which is dear to my heart and upon which I should like to have made some observations to you, but I must content myself with the knowledge that there will be other opportunities and that all these subjects will come before you in the ordinary course of your deliberations and will receive careful attention.

During the time that I have been Viceroy I have been in constant intercourse with the men of the public services of this country, both British and Indian, and I desire to take this opportunity of expressing publicly my grateful thanks to them for the assistance they have rendered to me and to Government, my appreciation of the services they are always ready to perform, my recognition of the inevitable promptness with which they have responded to what I must confess to be the inordinate demands made by me upon their time and their labours.

Moulding the future.

Now, Gentlemen, I shall not detain you longer. Sitting here in this chamber, at the first meeting of this session of the reformed legislature in Simla, I find my mind surging with imagination as to the future. I know that you are sitting here under a constitution which has never been presented otherwise than for the purposes of the transitional stage. There are resolutions that will come before you during the sittings of your Assembly urging your advance along the road of constitutional progress. I am carefully watching and studying the working of this machinery and I am satisfied that in the short space of time in which it has already existed you have not yet sufficiently tested its perfections (if you are ready to admit that it has any), also its imperfections. You have already to some extent discovered it is a human machine, with human imperfections. It has never been presented otherwise than as a compromise and it will take a little time before we can fully realise

how it will work and how this machinery will fit in with the complex machinery of the Government of India. I will not at this moment hazard any observation as to the future. I am not so young as most of you who are present here (laughter). I am prone to the caution of age and therefore will wait until I have had a little more opportunity of judging before I pronounce my conclusions; but these questions will be raised by you in this legislature, which has still some sessions before it. There will be opportunities for full consideration and deliberation.

I have already pointed out the results of the labours of this Assembly during the short period of its first session. I have dilated briefly upon some of the results of the creation of this reformed legislature. You have gathered a good harvest, for as a result of the committees appointed and legislation following upon your resolutions and the expression of your opinions duly recorded by Government you are already able to point to a large volume of Government action taken to redress grievances. May I again, taking advantage of my years as we elderly people so often do (laughter), add one word of warning? I do not think you can always expect at every session to garner so rich a harvest (laughter).

A common purpose.

In conclusion let me say to you as a member of this legislature now present with you, addressing general observations upon present conditions, that we are all working together with one single purpose in view, the promotion of the welfare and happiness of India (applause). We have no other object; we have no other desire, except this, which binds us all together and which calls for the manifestation of that spirit of mutual goodwill and forbearance without which no deliberations can be effective and lead to lasting results. In leaving you to your labours I make an appeal to you, which I am confident I shall not make in vain; do not content yourselves with merely doing your duty in this legislature, although I know it makes a great demand upon your time. It needs patriotism to sacrifice leisure and sometimes remunerative occupation to take part in the deliberations of this Assembly. You may think—no, I will not say that; but some persons may think—that this is a sufficient demand to make upon you. It is not. No demand is too great when there is need for patriotism. It is essential that men like yourselves, who are assisting Government by your advice, for Government is always seeking knowledge, should go forth among the people, not only at the time of election, when constituents must always be remembered, but at other times. You must be conscious that you are taking part in important deliberations and that you are thus assisting in moulding the destinies of this great Empire. You are, permit me to say, inscribing your names on the golden roll of patriotic service and are devoting yourselves to great work and in this high purpose are true to your God, to yourselves and to your country. (Prolonged applause.)

APPENDIX XI.

Bardoli Resolutions.

The Working Committee of the Congress met at Bardoli on the 11th and 12th February 1922 and passed the following resolutions :—

- (1) The Working Committee deploras the inhuman conduct of the mob at Chauri Chaura in having brutally murdered constables and wantonly burned the Police Thana and tenders its sympathy to the families of the bereaved.
- (2) In view of Nature's repeated warnings, every time mass civil disobedience has been imminent some popular violent outburst has taken place indicating that the atmosphere in the country is not non-violent enough for mass disobedience, the latest instance being the tragic and terrible events at Chauri Chaura near Gorakhpur, the Working Committee of the Congress resolves that mass civil disobedience contemplated at Bardoli and elsewhere be suspended and instructs the local Congress Committees forthwith to advise the cultivators to pay the land revenue and other taxes due to the Government and whose payment might have been suspended in anticipation of mass civil disobedience, and instructs them to suspend every other preparatory activity of an offensive nature.
- (3) The suspension of mass civil disobedience shall be continued till the atmosphere is so non-violent as to ensure the non-repetition of popular atrocities such as at Gorakhpur or hooliganism such as at Bombay and Madras respectively on 17th November 1921 and 18th January last.
- (4) In order to promote a peaceful atmosphere, the Working Committee advises, till further instruction, all Congress organisations to stop activities specially designed to court arrest and imprisonment, save normal Congress activities including voluntary *hartals* where an absolutely peaceful atmosphere can be assured and for that end all picketing shall be stopped save for the *bonâ fide* and peaceful purpose of warning the visitors to liquor shops against the evils of drinking, such picketing to be controlled by persons of known good character and specially selected by the Congress Committees concerned.
- (5) The Working Committee advises, till further instructions, the stoppage of all volunteer processions and public meetings merely for the purpose of defiance of the notifications regarding such meetings. This, however, shall not interfere with the private meetings of the Congress and other Committees or public meetings which are required for the conduct of the normal activities of the Congress.
- (6) Complaints having been brought to the notice of the Working Committee that ryots are not paying rents to the Zemindars, the Working Committee advises Congress workers and organisations

to inform the ryots that such withholding of rents is contrary to the resolutions of the Congress and that it is injurious to the best interests of the country.

- (7) The Working Committee assures the Zamindars that the Congress movement is in no way intended to attack their legal rights, and that even where the ryots have grievances, the Committee's desire is that redress should be sought by mutual consultations and by the usual recourse to arbitrations.
- (8) Complaints having been brought to the notice of the Working Committee that in the formation of volunteer corps great laxity prevails in the selection and that insistence is not had on the full use of hand-spun and hand-woven *khaddar*, and on the full observance by Hindus of the rule as to the removal of untouchability, nor is care being taken to ascertain that the candidates believe fully in the observance of non-violence in intent, word and deed, in terms of the Congress resolution, the Working Committee calls upon all Congress organisations to revise their lists and remove from them the names of all such volunteers as do not strictly conform to the requirements of the pledge.
- (9) The Working Committee is of opinion that unless Congressmen carry out to the full the Congress constitution and the resolutions from time to time issued by the Working Committee, it is not possible to achieve its objects expeditiously or at all.
- (10) The foregoing resolutions will have effect only pending the meeting to be specially convened of the All-India Congress Committee and thereafter subject to confirmation by it, the Secretary to call such meeting as early as possible after consultation with Hakim Ajmal Khan.

The New Programme.

Whereas the Gorakhpur tragedy is a powerful proof of the fact that the mass mind has not yet fully realised the necessity of non-violence as an integral, active, and chief part of mass civil disobedience, and whereas the reported indiscriminate acceptance of persons as volunteers in contravention of the Congress instructions betrays want of appreciation of vital part of Satyagraha, and whereas, in the opinion of the Working Committee, the delay in the attainment of national aim is solely due to the weak and incomplete execution, in practice, of the constitution of the Congress and with a view to perfecting the internal organisation, the Working Committee advises all Congress organisations to be engaged in the following activities:—

- (1) To enlist at least one crore of members of the Congress.

NOTE (1).—Since peace (non-violence) and legitimacy (truth) are the essence of the Congress creed, no person should be enlisted who does not believe in non-violence and truth as indispensable for the attainment of *Swaraj*. The creed of the Congress must, therefore, be carefully explained to each person who is appealed to, to join the Congress.

NOTE (2).—The workers should note that no one who does not pay the annual subscription can be regarded as a qualified Congressman. All the old members are, therefore, to be advised to re-register their names.

- (2) To popularise the spinning wheel and organise the manufacture of hand-spun and hand-woven *khaddar*.

NOTE.—To this end all workers and office-bearers should be dressed in *khaddar*, and it is recommended that with a view to encourage others they should themselves learn hand-spinning.

- (3) To organise national schools.

NOTE.—No picketing of Government schools should be resorted to: but reliance should be placed upon the superiority of national schools in all vital matters to command attendance.

- (4) To organise the depressed classes for a better life, to improve their social, mental and moral condition, to induce them to send their children to national schools, and to provide for them the ordinary facilities which other citizens enjoy.

NOTE.—Whilst, therefore, where the prejudice against the untouchables is still strong, separate schools and separate wells must be maintained out of Congress funds. Every effort should be made to draw such children to national schools and to persuade the people to allow the untouchables to use the common wells.

- (5) To organise the temperance campaign amongst the people addicted to the drink-habit by house to house visits and to rely more upon appeal to the drinker in his home than upon picketing.
- (6) To organise village and town *Panchayats* for the private settlement of all disputes, reliance being placed solely upon the force of public opinion and the truthfulness of *Panchayat* decision to ensure obedience to them.

NOTE.—In order to avoid even the appearance of coercion, no special boycott should be resorted to against those who will not obey the *Panchayat's* decisions.

- (7) In order to promote and emphasise unity among all classes and mutual goodwill, the establishment of which is the aim of the movement of non-co-operation, to organise a social service department that will render help to all, irrespective of political differences, in times of illness or accident.

NOTE.—A non-co-operator, whilst firmly adhering to his creed, will deem it a privilege to render personal service, in case of illness or accident, to every person whether English or Indian.

- (8) To continue the Tilak Memorial Swaraj Fund and to call upon every Congressman or Congress-sympathiser to pay at least one hundredth part of his annual income for the year 1921. Every province to send every month 25 per cent. of its income, from the Tilak Memorial Swaraj Fund to the All-India Congress Committee.
- (9) The above resolution shall be brought before the forthcoming session of the All-India Congress Committee for revision, if necessary.
- (10) In the opinion of the Working Committee a project is necessary for the purpose of finding employment for those who may give up Government service, and to that end this Committee appoints Messrs. Mian Mahomed Haji Jan Mahomed Chhotani, Jammal Bajaj and V. J. Patel to draw up a scheme for consideration by the said special meeting of the All-India Congress Committee.

APPENDIX XII.

The Delhi Resolution.

The following resolution was passed on the 25th February 1922 at the session of the All-India Congress Committee held at Delhi :—

The All-India Congress Committee having carefully considered the resolutions passed by the Working Committee at its meeting held at Bardoli on the 11th and 12th instant, confirms the said resolutions with the modifications voted therein and further resolves that individual Civil Disobedience whether of a defensive or aggressive character may be commenced in respect of particular places or particular laws at the instance of and upon permission being granted therefor by the respective Provincial Committee; provided that such Civil Disobedience shall not be permitted unless all the conditions laid down by the Congress or the All-India Congress Committee or the Working Committee are strictly fulfilled.

Reports having been received from various quarters that picketing regarding foreign cloth is as necessary as liquor-picketing, the All-India Congress Committee authorises such picketing of a *bond-fide* character on the same terms as liquor-picketing mentioned in the Bardoli resolutions.

The All-India Congress Committee wishes it to be understood that the resolutions of the Working Committee do not mean any abandonment of the original Congress programme of non-co-operation or permanent abandonment of Mass Civil Disobedience but considers that an atmosphere of necessary mass non-violence can be established by the workers concentrating upon the constructive programme framed by the Working Committee at Bardoli.

The All-India Congress Committee holds Civil Disobedience to be the right and duty of the people to be exercised and performed whenever the State opposes the declared will of the people.

Note.—Individual Civil Disobedience is disobedience of orders or laws by a single individual or an ascertained number or group of individuals. Therefore a prohibited public meeting where admission is regulated by tickets and to which no unauthorised admission is allowed, is an instance of Individual Civil Disobedience, whereas a prohibited meeting to which the general public is admitted without any restriction is an instance of Mass Civil Disobedience. Such Civil Disobedience is defensive when a prohibited public meeting is held for conducting a normal activity although it may result in arrest. It would be aggressive if it is held not for any normal activity but merely for the purpose of courting arrest and imprisonment.

APPENDIX XIII.

Lord Reading's reply to the Deputation which waited on him in Calcutta in December 1921.

Pandit Malaviya, Mrs. Besant and Gentlemen,

When I was informed that a deputation of the representatives of various shades of political opinion wished to wait upon me for the purpose of placing their views on the situation and suggestions for allaying the present unrest, I gladly assented, and I am pleased to receive you here to-day, for I know that you have come with one object only that is to do what you conceive to be the best in the interests of your country, and to promote its welfare. I am perfectly sure that you are actuated solely by disinterested motives (I have had the pleasure of meeting nearly all of you before to-day); and I do not, I assure you, underrate the importance and the influence of those who are present here this morning. The immediate purpose of your representations, is that I should invite the leading representatives of all shades of political opinion to a conference, in your words to take counsel together and consider practical suggestions and recommendations concerning the remedies which should be adopted; and you recommend, indeed your language is that, it seems imperative that the various notifications and proclamations recently issued by Government should be withdrawn; and all persons imprisoned as the result of their operations immediately released.

Discontinuance of Activities.

I can scarcely conceive that you have intended to present to me such recommendations without having in your minds as a necessary corollary, the equally imperative necessity for the discontinuance of those activities which have led Government to adopt the measures, now forming the subject of discussions.

Law and Order.

I do not propose to discuss those measures, but I will assume that they form the subject as I know of acute controversy. They were adopted by Government with an object of giving protection to law-abiding citizens, particularly here in Calcutta, and in other parts of the country. I have already said, it was not a new policy, it was the application of the policy which lies at the very root of all civilised government, i.e., the maintenance of law and the preservation of order, but nevertheless I will assume as your language indicates that there are considerable doubts as to this policy; and that differences of opinion exist, as to the necessity or the advisability of the measures taken. The opinions of Governments are formed upon a general presentation of facts, they cannot be lightly arrived at, and they necessarily are the opinions of persons to whom great positions of trust and responsibility have been confided. I mention this not that you should be asked to accept the dictum of Government, but merely for the purpose of emphasising to you the reasons for this policy.

Calm Atmosphere Wanted.

The tenor of your address implies your recognition, in which I cordially agree, of the need of a calm and serene atmosphere for a conference. Indeed in my judgment it is impossible even to consider the convening of a conference, if agitation in open and avowed defiance of law is meanwhile to be continued.

Guarantees Missing.

Unfortunately I look in vain in your address for any indication that these activities will cease. I fully understand that none of you are in a position to give an assurance to this effect for none of you have been authorised to make it. I hope that I shall not be misinterpreted. I am not suggesting any reproach to anyone concerned, all I mean is that whatever hopes may have been entertained have not been realised, and that therefore, when we are meeting to-day necessarily, rather surprisedly, in view of circumstances, the assurance for which I confess I had been looking as a necessary part of this discussion is not forthcoming. I quite appreciate that there may have been difficulties in the brief time allowed and also in the great distances separating us. I do not know from the address presented to me what view is taken by the leaders who are responsible for non-co-operation activities, in the sense that I find no assurance from them that these activities will cease, if a conference were to be convened. I am asked without such an assurance to withdraw Government measures called into operation by Government under an existing law, for the protection of law-abiding citizens and to release all those arrested for defying this law. I cannot believe that this was the intention of the deputation when originally suggested, for it would mean that throughout the country intimidation and unlawful oppression and other unlawful acts should be allowed to continue, whilst Government action to maintain order and protect the law-abiding citizen would be largely paralysed. I need scarcely tell you that no responsible Government could even contemplate the acceptance of such a state of public affairs, neither can I really believe, that you ever intended it, for it would suggest that Government should abandon one of its primary functions.

Cessation of Activities.

I have no doubt that most of you came under the same impression as myself, when I intimated in reply to a request from Pandit Malaviya that I would willingly receive this deputation. It is very necessary that I should make plain that all discussion between myself and Pandit Malaviya preliminary to this deputation proceeded upon the basis of a genuine attempt, I believe a disinterested and honourable attempt to solve the problems of unrest, by means of discussion and consideration at a conference, and that meanwhile there should be a cessation of activities on both sides, of unlawful operations on the part of the non-co-operationists, and of Government prosecutions and imprisonments. I wish it had been possible to consider the convening of a conference in the same atmosphere as characterised the discussions between Pandit Malaviya and myself. I would wish nothing better, and nothing more conducive to beneficial results and more in accordance with patriotism.

"I Hate Arrests."

Let me add speaking not only for myself but also for all the members of my Executive Council, whom I have naturally consulted upon the situation that has arisen, nothing is further from our wishes than the arrests and im-

prisonments of citizens, more particularly citizens of reputation or sons of men of high honour and reputation in the country whose emotions have led them into conflict with the law. I do not hesitate to say that I hate this making of numerous arrests and prosecutions, but nevertheless so long as there is open defiance of law Government have no other course. There may be discussions about measures. I can quite conceive that men in high positions and understanding of public affairs may wish to make representations to a government upon a particular measure, or that in the legislatures steps may be taken for the purpose of calling attention to it.

The Excesses.

I understand that the wisdom and judgment of Governments or of a particular Government may be brought under consideration. All that is possible, what I cannot understand and cannot conceive, is that the Indian, I am not speaking of parties, I am not speaking of creeds or of races, but that the Indian is opposed to the proper maintenance of law and to the preservation of order. I won't recapitulate the conditions that led throughout the various provinces of India to the action taken by Governments. Indeed here in Calcutta, the facts are too well-known to require repetitions particularly after the pronouncement of His Excellency the Governor in his address to the Legislative Council on Monday last.

May I observe now, that I am not suggesting that there can be no excesses by those entrusted with authority, some may have occurred. It is very rarely that in such a condition of affairs as existed here some excess may not happen; all that can be said has already been said by His Excellency the Governor. It is that every precaution will be taken to prevent recurrence and that every attempt will be made to ensure proper enquiry and that proper steps are taken in the result.

The New Situation.

I wish with all my heart that it had been possible to deal with these problems in a large and generous spirit worthy of such an occasion in the history of India. Had there been indications to this effect before me to-day in the representations which you have made in your address on the part of the leaders of non-co-operation, had the offer been made to discontinue open breaches of law for the purpose of providing a calmer atmosphere for discussion of remedies my Government would never have been backward in response. We would have been prepared to consider the new situation in the same large and generous spirit, and I would have conferred with the local governments for this purpose. I should have wished and I know that I speak not only my own thoughts, but those of Pandit Malaviya in this respect, that if such conditions had supervened no advantage or triumph should be claimed on either side, and no reproach should be made by the other of having been forced to yield or not having the courage to proceed with its campaign. I should have wished to see a new spirit introduced. In this respect, I do not stand alone in addressing you. I believe that if you were to give expression to your views, you would all agree with me that a new spirit should be created for the purpose of considering a conference in different circumstances and with higher hopes.

I deeply regret that these are not the present conditions, and the discussion which I thought was to have proceeded on the high level of a patriotic desire, by mutual concession and forbearance to the finding of a solution of India's present problems, takes the form in its present aspect of a request to the

Government to abandon its action without any guarantee that the action which had led or as we believe forced the Government to take such action, would also cease, therefore it is that to a request conveyed to me even by so influential and authoritative a deputation as yourselves to call a conference, coupled as it is with the two conditions of revocation of the law and release of all the prisoners, the answer I must make is that I cannot comply with the request. Those are the conditions presented to me. Here again I speak not only my own views but those of those associated with me in the government who have unanimously arrived at the same conclusion in conference with me. But I should be sorry indeed if any observations I have made could be construed into a refusal for all time to consider the convening of a conference. Certainly I have not intended by the language I have used to convey that meaning to you. I have too great a regard for the value of discussion and for the consideration of any suggestions and recommendations that may be made. I am not one of those who think that all wisdom is to be found in those who happen to be in positions of authority. I have had too great an experience of life not to appreciate that advantage may be derived from discussion and consultation with others who see from different angles, and who may have views to put forward which had not occurred to us; but I can only act at the moment in view of the present existing circumstances, and as they stand, for the reasons that I have given you. I must express my great regret that the essential conditions for the peace are not forthcoming.

Punjab and Khilafat.

Before I part from you I cannot refrain from making some brief observations on the statements in your address. I do not propose to go through them, but you refer to the action that Government has taken in relation to the Punjab and Khilafat wrongs. I acknowledge your expression with regard to them. You state that Government has not yet done all that it is thought should have been done. That, of course, is a legitimate view, and one with which I do not quarrel. But, may I ask you momentarily to pause and think with regard to these matters? Are these really the causes of the present conditions of affairs? Ever since I have been here, and frequently as a result of consultation with those of great influence who do not represent Government, I have taken steps to meet the views presented to me in respect of the Punjab wrongs. That we have not been able to go to the full length I readily admit. I am perfectly aware of the desire on the part of many that more should be done not only from my reading, but from interviews when recommendations have been very forcibly presented to me. I have not accepted them because I have thought that I could not conscientiously give effect to them.

"Swaraj."

With regard to the Khilafat what action is it suggested that the Government of India should take. We have done every thing possible. I am not speaking only of my Government. I refer also to that of my predecessor, Lord Chelmsford. You are all well aware that he also made the strongest representations to His Majesty's Government at Home. There are some present and particularly I see one who was at the deputation that went Home to the Prime Minister, who alleged that the fault was against the Government of India. In this respect where do we fail? I will not pursue the subject, but I make these observations for your consideration.

One further word upon the Reforms. Let me see how we stand because, as I understand it, the view presented is that, in the main, the desire for

swaraj, complete *swaraj*, i.e., full self-Government, should be given as speedily as possible. History is so well-known to you that I only recall to you the one fact that the legislatures have only begun to function this very year, and the demand is for a more extended, or for complete, *swaraj*. Let us examine the facts. Not only have the Reforms been granted, but they are actually in operation. They have been completely tested and although I can sympathise with the views of those who desire that in the future, as soon as it can be properly and safely done, there should be an extension. Surely there is not sufficient reason, in this respect for an acute crisis as is suggested in your address. But I will not analyse further.

I would ask you who represent the various shades of opinion to consider the present situation. I have already told you of my Government's dislike of arrest and imprisonment. I know that you yourselves have strong feelings upon the subject. You tell me in the address that we are proceeding to an acute crisis. It may be that we may have a more disturbed condition of affairs than at present. If the law is defied, whatever the reason, all the incidents that unfortunately accompany a challenge of the law, and of which we have seen instances only during the recent year, may quietly follow.

I appeal to you to observe the conditions to-day and in the future, and urge upon you that we should all seek a high level above party or political advantage; otherwise, we shall all be failing in our duty to India. I remind you that, whatever reforms may be desired in the present constitutional system, they can only come through the British Parliament. The only constitutional method, the only peaceful solution, is by the British Parliament amending the Government of India Act.

Therefore it is so important that a proper impression should be made upon the British Parliament, and the British people who are represented by that Parliament. For the vast majority of the population of India is loyal to the Crown.

Whatever their views may be about other political controversies, H. R. H. the Prince of Wales will arrive in Calcutta within the next 3 days. He has nothing to do with the political controversies that are agitating us at the moment, yet every attempt is being made to prevent the success of his visit. I shall not discuss or characterise those attempts, but I must utter the warning that every man who lends himself to an affront to the Prince of Wales is doing incalculable injury to India and her fortunes in the future. We hold His Royal Highness in deep affection and admiration.

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