

# THE Servant of India

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## TOPICS OF THE WEEK.

WE had never thought that the Afghan war would be any thing but a brief one. It was the sheer ignorance of conditions in the Punjab and other parts of India on the part of the Afghan ruler and his counsellors and their wild dream of improving the opportunity of unrest prevailing throughout the world that precipitated the war. The tone of the speech made by the Afghan delegate at the Pindi conference was worthy only of the overweening confidence and ignorance from which the young ruler of Afghanistan and his advisers were suffering. But their eyes were soon opened to realities of the situation and a treaty has been signed only after very brief negotiations. The British Government could wish for nothing better than the maintenance of friendly relations with their neighbour on the north-western frontier and the treaty provides for this and withdraws the privilege of importing arms and ammunition through India. and the subsidy enjoyed by the late Amir as a mark of its displeasure at the unprovoked breach of peace for which the present ruler of Afghanistan made himself responsible. We hope the friendship thus renewed will be cemented into strong ties of neighbourly feelings of mutual helpfulness and that there will be no occasions of misunderstanding and friction between Afghanistan and India in the future.

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THE Government of India have further elaborated their views on the composition of the grand committees in a further dispatch published Thursday week. We were precluded by Government's orders from commenting upon them in our last issue, as our paper was published the night previous. This dispatch was issued in England on July 10, and we do not know why its publication was delayed by about a month in this country. The conclu-

sion which the Government of India have reached is that the size of the committees should be smaller, viz., 21 to 41% instead of, as proposed in the Reforms Report, 40 to 50% of the councils. The Government adhere to the recommendation in the Joint Report, that the nominated members should be in a bare majority, or in a majority of one over the elected members, but they deviate from the Report in regard to the relative strength of officials and non-officials among the nominated members. They suggest that the official element on the committees should be in the same ratio as they bear to the total strength in the existing councils, i. e., 40 to 45%, whereas in the scheme of the Report no more than 33⅓% was allowed to officials. Without this increase in the proportion of officials and the consequent reduction in the proportion of non-officials among the members whom the Governor is to nominate to a grand committee, the Government of India feel that there will not be a sufficient margin of security for legislative proposals which the Government may consider essential but which the popular leaders in the council may oppose.

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SUCH measures, it is contended, must in no case be placed in a more unfavourable position than the one, in which they would be in the present councils, and the Government of India claim for this view the support of the authors of the Joint Report. But a careful perusal of the Report fails to discover any warrant for the statement that the grand committees, in their final form, were intended to be a replica of the existing unreformed legislative councils. The authors of the Report say that the composition of the grand committee "should reproduce as nearly as possible the proportion of the various elements in the larger body." Here obviously by the larger body is meant not the present council but the one that would be formed under the reforms. And if at first there was an idea of making the committee an epitome of the council it is clear that the authors abandoned it when they proceeded to recommend that the Governor should nominate a bare majority and of these no more than two-thirds should be officials. In face of this definite recommendation, the Government of India's assertion that the final proposals of the Report were based on the principle "of giving the official Government in each province at least as good a chance of securing essential legislation in the grand committee as it has, through the combination of official and nomi-

nated non-official votes, in the existing legislative body " does not avail.

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ON the contrary, the Report considers the objection which has now been raised by the Government of India and, after analysing the figures of the comparative strength of official and nominated and elected non-official elements, shows that the fear to which the Government of India now give expression is exaggerated and that the official bills have a reasonable assurance of a safe passage through the grand committee. The authors of the Report say in effect: We do not intend to place your legislative proposals in a position of absolute security. A fair amount of security they will enjoy, but you must not be rendered altogether independent of all non-official support, but must be prepared to take some risk." To quote the words of the Report:

"It may be objected that such a grand committee so composed offers the official executive no absolute guarantee that its measure will get through. We agree that this is the case; but there is no such guarantee at present. In a grand committee of 40 members there could be fourteen officials, and we consider that no great harm will ensue if Government defers legislative projects which are opposed by the whole elected element and for which it cannot secure the support of six out of the seven members, whom the Governor has it in his power to select from the whole body of the non-official members in the Council."

By the way, the last clause in the above quotation shows that it was never contemplated by the authors of the Report that the non-official members to be nominated to the grand committee were to be drawn only from the nominated members of the council; they were, in fact, intended to be selected " from the whole body of the non-official members in the council."

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IT is clear from what we have said above that the Government of India's claim that their proposal for an increase in the proportion of officials " complies with the spirit of the Report in putting relative voting power of the officials and the non-officials on precisely the same footing as in the present legislative bodies " is not well-founded. The proposal violates the spirit as well as the letter of the Report scheme. For the Report deliberately made the official Government dependent to a certain extent upon the support of non-officials even in the case of measures which they might regard as essential to the safety of the province. If the Government of India's modifications are adopted and a grand committee of 33 members is to consist of 15 officials, as is proposed for Madras, the official Government will practically be enabled to carry every proposal by their own unaided voting power, and the non-officials will be powerless to affect Government policy. That this was far from the intention of the authors of the Report will be clear from the fact that they abandoned the idea of instituting a separate council for obtaining essential legislation on the ground that it "would deprive the legislature of the power of affecting the action of Government in the reserved subjects." To give effect to the Government of India's proposal is

tantamount to constituting a separate council for dealing with legislation on reserved subjects, which the authors of the Report deliberately refused to do.

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AT an enormously crowded public meeting held in Poona on Friday last under the auspices of the Deccan Sabha, the following resolution was passed on the motion of Mr. M. K. Gandhi:—

"This Public Meeting of the Citizens of Poona held under the auspices of the Deccan Sabha, hereby places on record its deep sympathy with the British Indian settlers in South Africa, struggling for elementary rights of citizenship, congratulates them on the brave and sustained struggle carried on by them and assures them of hearty support from the Motherland.

"This meeting further desires to thank the Government of India for their advocacy of the Indian contention and trusts that the Government of India and the Imperial Government will not rest satisfied until full justice has been done to the British Indian settlers in South Africa by the withdrawal of the act recently passed by the Union Assembly and by the restoration of full rights of residence, trade and ownership of land."

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THE Governor of Madras is to be heartily congratulated on his nominating two leaders of the so-called depressed castes to his legislative council—Mr. C. Krishnan, B. A., B. L. of Calicut to represent the Thiyya community and Mr. M. C. Rajah, Superintendent of the Wesley College Lower School to represent the Panchama community. We were waiting to receive particulars in Madras papers regarding the gentlemen selected by Lord Willingdon and were grieved to read some adverse comment. We are, however, assured by the *Christian Patriot* that the nominations are excellent. It says: "Mr. Krishnan has rendered great service in the awakening of his community. He has been for many years the editor of the Thiyya organ, *Mitavadi*, he has been one of the directors of their All-Kerala Association, the S. N. D. P. Yogam, and has presided over two of its annual sessions. Mr. Krishnan, besides being a lawyer, is also a banker and a land-lord. The Thiyyas will find in him an able advocate of their cause. Mr. M. C. Rajah has perhaps a more difficult task to perform as representing a large community scattered all over the Presidency, and as yet but poorly organised. But as the Secretary of the Adhi Dravida Jana Sabha and in other ways he has laid the community under obligation to him." We are delighted.

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THE Calcutta University Commission's ponderous report is out, and it will be some time before its contents can be digested even by the most devoted readers. Without rushing into comments upon its briefly summarised recommendations, we shall only observe that while the present methods of teaching in colleges—by the Universities (if they do any teaching) must be radically altered, nothing ought to be done which may hamper the path of young men aspiring to receive higher education.

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### THE JOINT COMMITTEE.

BY V. S. SRINIVASA SASTRI.

THE Joint Committee has begun to take evidence. In the first sittings the members fixed the procedure and listened to a statement by the Secretary of State on the origin, nature and scope of the Bill. Yesterday Sir James Meston, on behalf of the Government of India, explained the points on which their despatch of the 5th March differed from the provisions of the Bill. There is no need to repeat here what he said, as he kept close to the despatch and added just what might help people now to the subject to understand the issues involved. It will interest our readers, however, to know that, in describing the changes recommended by the Government of India in the financial part of the original scheme, he referred to the interpretation of the part by the Bombay leaders, Sir Dinshaw Wacha, Sir Narayan Chandavarkar and Mr. Samarth, as incompatible with the spirit of the Joint Report. He read the passage of their memorandum in which they say that the power over additional taxation possessed by the Minister would enable him to exert some influence and even control over the budget for the reserved subjects, and said that if such influence and control were at all likely, every care should be taken to make it impossible. It was for this and other reasons that the plan of a 'divided purse' was devised by the Government. He made the announcement that the Government had, in modification of their first idea, come to favour the investing of the recommendations of the Legislative Council on the transferred budget heads with a binding character, and explained that their object in having originally opposed it was to save Ministers from the difficulty into which they might be put by the Legislative Council increasing the allotments under those heads without providing the necessary means.

Major Ormsby-Gore was the first member to examine the witness. He elicited that the proportions of provincial expenditure under the reserved and transferred heads varied from  $\frac{2}{3}$  and  $\frac{1}{3}$  in some provinces to  $\frac{4}{5}$  and  $\frac{1}{5}$  in others. Mr. T. J. Bennett followed and the most important answer that he got was to the effect that the political spirit had grown in India rapidly in the last few years, and that many classes once strangers to it were now under its influence. Sir John Rees was the third member to interrogate the witness. Two interesting bits fell to his lot. The first was that the provinces of Madras and the United Provinces, especially the former, had just cause to complain of the excessive contribution that they had to make to the Central Government. The next was that the caste problem and the demand for communal representation based on it did not exist to a noticeable extent in the parts of India of which Sir James Meston had experience; but as he took care to say that he had no personal knowledge of Madras, much cannot be made of the admission.

The Committee sit again next Monday, when Sir James Meston's examination will be continued. There will be three sittings weekly, the public being allowed. The Indian deputations were strongly represented yesterday among the spectators. Messrs. Tilak, Madhava Rao and Jinnah were the conspicuous absentees. It is understood that the Committee will sit if necessary during the Parliamentary recess and report in time for the Bill to be proceeded with and passed before the end of the year.

The Moderate deputation waited on the Secretary of State on Tuesday last, the 15th instant, Mr. Charles Roberts, Sir William Duke, Sir Thomas Holderness, and Lord Sinha being the others present. Perhaps it would not be right of me to narrate what took place, as the proceedings were not intended to be public. Mr. Banerjea made a short telling speech, and Messrs. Samarth, Chintamani, Ramachandra Rao and Kamat added brief remarks to supplement it. Mr. Montagu's reply seemed to me and several others satisfactory, but two or three members of the deputation were not quite pleased with it.

The general situation as regards India continues hopeful. It is believed, however, that the principle of diarchy is not altogether safe and that is a fact the disturbing effect of which it is difficult to estimate.—I understand Mr. Polak has been obliged to give up the editorship of the "India" newspaper. Of course the change has been brought about by the efforts of the Congress deputation who desired that "India" should be a faithful exponent of the Delhi session of the Congress.

London, July 17.

### THE LAHORE CONSPIRACY CASE—II.

BY VERITAS.

SINCE the first article was written, Sir Edward Maclagan's Government has given further proof of its policy of conciliation and goodwill by commuting the sentences in the Amritsar and Gujranwala conspiracy cases and remitting the sentences of forfeiture of property. The Punjab is certainly beholden to the present Lieutenant-Governor, who is now on a visit to the capital in the course of his monsoon tour, for the active steps he has taken to heal the wounds which have been inflicted upon the province in the late regime. But it will be suicidal to rest on our oars. The SERVANT OF INDIA has truly voiced the opinion of all thinking men in the country when it says that "the mitigation of the sentences does not remove the stigma that has been so undeservedly cast upon some of the best sons of the Punjab. The physical sufferings are lessened; the moral pang remains." The claims of law and justice still remain to be vindicated.

JUDICIAL NOTICE OF FACTS UNPROVEN.

But let us hark back to our theme. What do we find in the record of the Lahore Conspiracy Case? The Martial Law Ordinance Commission,

which tried the Lahore leaders no doubt consisted of a puisne Civilian Judge of the High Court, who had then just reverted to the civil line from his military duties, an I. C. S. District and Sessions Judge and a Junior Indian member of the Provincial Service, and may not at first sight appear to be different in constitution from an ordinary Defence of India tribunal. But the Commission had to labour under one great disadvantage, which in law is deemed to jeopardise the fair and impartial trial of a case, viz., that it had already expressed and recorded its findings on some of the matters in issue in this case. It was a moot point in the trial whether the incident of 10th April evening on the Mall and subsequently at the Lohari Gate, where the crowds on each occasion were dispersed by musketry fire by order of Mr. Fyson, then Deputy Commissioner of Lahore, as well as the event of 12th April morning at the Badshahi mosque, where a C. I. D. Inspector was roughly handled by the crowd, amounted to acts of waging war and as such came within the definition of section 121, I. P. C. But this Commission had in the Badshahi mosque case taken judicial notice of there having been a state of open rebellion in Lahore already in existence on the 12th April and convicted and sentenced all the accused (among them being Mr. Labhu Ram, B. Sc. (Glasgow), late State Engineer, Pooneb) to transportation for life and forfeiture of property. As to the Mall incident, the Commission had similarly prejudged the matter. The judgment itself makes a reference to the Mall and Lohari Gate incidents of 10th April evening in the following terms:—

"We have ourselves held in another case that the riot on the Upper Mall on that date (10th April) amounted to an offence under section 121, Indian Penal Code, and another Commission has come to the same conclusion in regard to the riots at the Lohari Gate."

The point is important, as in a later part of the judgment, the Commission, while conceding that "so far as the charges are concerned, we shall confine ourselves to criminal acts of a positive kind," make the following observation:—

"In doing so, however, we must, as even Mr. Hassan Imam has conceded, take judicial notice of the state of rebellion which existed on the 10th of April onwards. It has not been argued before us that the acts in the Badshahi mosque attributed by the prosecution to some of the accused would, if proved, fall short of offences under section 121, I. P. C., and of their extreme gravity there can be no doubt. After weighing all the evidence, we are of opinion that the prosecution has established that there was an active conspiracy in Lahore to bring about the repeal of the Rowlatt Act by criminal means, namely, by waging war against the King, and that in furtherance thereof war was waged from the 11th onwards."

The net finding of the Commission is thus twofold. Firstly, there was an active conspiracy in Lahore to bring about the repeal of the Rowlatt Act by criminal means, namely, by waging war against the King, and secondly, in furtherance thereof, war was waged from the 11th onwards.

#### THE FIRST FINDING (CRIMINAL CONSPIRACY).

As to the first finding, it is difficult to reconcile it with the other findings of the Commission,

in which opinions have been recorded tending to knock the bottom of the prosecution version, on which the first finding is based. The following excerpts from the judgment of the Commission will make the point clear.

"As we think it an over-statement of the case to say that there was a conspiracy to commit sedition on the 6th April, we consider that the charges of sedition on what occurred before the time of the second *hartal* (10th April, when news of Mr. Gandhi's detention was received) must fall to the ground."

In another place, the learned Commissioners observe:—

"Again it is not in itself an offence to persuade people to suspend business.....It cannot, we think, be fairly said that they intended that offences should be committed on the 6th of April, and if they did not, they do not appear to be criminally liable. (In this connection see the case of Lord George Gordon, 13 State trials.)

We are, therefore, of the opinion that as regards these points also the charges must fail and perhaps it is just as well that we are not obliged to convict in Lahore men, who up to the time of the second *hartal*, had done no more than others had accomplished with impunity elsewhere.

We may add that in the Gujranwala case, the Commission presided over by Mr. Justice Broadway appears to have arrived at the same conclusion."

Thus according to the learned Commission, the Lahore leaders "had up to the time of the second *hartal* done no more than (what) others had accomplished with impunity elsewhere." There was no conspiracy, no waging war, nay, nothing criminal in their conduct up to the 10th April evening. In the precis of charge, reference was made, as we have seen, to an India-wide conspiracy formed on or before the 4th February with the object of securing the repeal of the Rowlatt Act by criminal means, and it was alleged therein that in pursuance of the above object, a number of meetings were convened or addressed by the accused, general strikes organised and a number of other acts done. The theory of the formation of such a conspiracy on or about 4th February and its existence up to 10th April must therefore go to the wall in view of the above-quoted finding of the Commission.

In fact, the above finding entirely cuts the ground underneath the whole case for the prosecution. The necessary sequel to this finding is this: Whether or not the part, assigned to the Lahore leaders in the events preceding the *hartal* of the 10th April has been exaggerated and misrepresented by the prosecution. Their acts separately or collectively cannot be held to be evidence of a criminal conspiracy. According to the judgment itself, the demonstrations of 6th April had passed off quietly. Vide the *C. & M. Gazette* report: "Business was resumed as usual on the 7th, people returned to their normal avocations on 7th, 8th, 9th, and until the afternoon of the 10th April, when a second *hartal* was started," which, to quote the judgment again, "was certainly spontaneous in the sense that it started as soon as news arrived of Mr. Gandhi's detention" and was not "initiated by visits to the city of any of the accused." After recording all these findings, one

fails to discover, how the learned Commissioners came to the conclusion, as they did, that "the prosecution has established that there was an active conspiracy in Lahore to bring about the repeal of the Rowlatt Act by criminal means, namely, by waging war against the King." Was this the worn-out theory of the conspiracy, discredited by the Commission, or a new and different conspiracy formed subsequently? If the latter, it was incumbent on the Commission in any case to refer to the evidence as to the formation and existence, how and when it was started, who the members thereof were, what were the objects and scope of this conspiracy.

The Commission has done nothing of the kind. It is not even alleged that there was any meeting of the Indian Association, of which the principal Lahore accused were prominent members after the 6th April, or that the accused themselves held any meeting after that date except in response to the call of Mr. Fyson, Deputy Commissioner. It is true that the Commission at one place observed that these men (Lahore leaders) knew that the state of alleged rebellion was "largely due to their own efforts," but the finding is inconsistent with what has gone before. It having been conceded that the events of the 10th April were not instigated by any of the accused, the happening of those events cannot be legally used to establish any new conspiracy of which the accused were the members. Nor can the circumstance that the *hartal* started spontaneously on the 10th and continued for several days, be a proof of such conspiracy, as it was the direct result not of any conspiracy, but of the firing that took place on the Mall on that evening. Vide *inter alia* the evidence of the Hon'ble Mr. Fazl-i-Hussain, D. W. 3: "There was a feeling in the city that the firing was unjustified," and of Raja Narendra Nath, retired Deputy Commissioner, D. W. 2/6, "I think that if there had been no firing on 10th the *hartal* would have stopped on the evening of the 11th, and if there had been no firing on the 12th it might have stopped on the 13th or 14th". Even if the firing on the crowd on the Upper Mall was justified, how could the accused be held responsible for the state of public feeling created by such firing? Section 10 of the Evidence Act has been. it is true, given a very extended and comprehensive application in some conspiracy cases even to the extent of an argument in a circle, but it is inconceivable how the stray acts of the crowd or some members of it, in view of the finding that there was no instigation and in the absence of an allegation of common purpose, can be proof of the existence of a conspiracy. The Public Prosecutor in his lengthy address did not allege that any conspiracy was formed from 10th April onwards. All he stated was in reference to the now exploded theory of a conspiracy commencing from 4th February onwards. There is indeed no *data* on the record or in the judgment to prove the existence of any conspiracy on the 10th onwards, or of the complicity of the accused in it. The "state of re-

bellion" is stated to have started on the 10th April but the accused are exonerated from the charge of having instigated it on 10th April. When did they, one naturally asks, agree to start a conspiracy to wage war and how and when did they become members thereof? Was there any meeting held on or subsequent to the 10th April for the repeal of the Rowlatt Act? To all these questions, the judgment gives no answer. One is tempted to ask, did the Commission take judicial notice of the conspiracy?

#### THE SECOND FINDING.

The second finding is that in furtherance of the above conspiracy, war was waged from the 11th onwards. If the conspiracy theory falls to the ground, this finding cannot be sustained. I have already stated that even the extended and comprehensive application that has of late been given to section 10 of the Evidence Act cannot help the prosecution in the matter of making stray acts of one or more members of the crowd evidence of the complicity of Lahore leaders. A noteworthy fact in connection with the events from 10th April onwards is that the influence of the leaders has throughout been enlisted on the side not only of law and order, but of sobriety in speech and manner and as to the devising of the most effective means of ending the *hartal*. Two incidents at the Badshahi mosque meetings, one on the 11th April and the other on the morning following, are generally referred to as evidence of disorderly character of the mob, *viz.*, the affair of Balwant Singh (a railway Khalasi who made some inflammatory statements, perhaps while under the influence of *bhang*, and the incident in which Inspector Ali Gauhar of the C. I. D. was roughly handled). It is, however, admitted in the judgment that both of them took place in the absence of any of the responsible accused. No responsible accused was present at the Heeramandi shooting affair on the 12th April, when the police again fired on the mob, nor at the Mall road on 10th April evening. Nor was there any responsible man with the crowd after the dispersal of the Badshahi mosque meeting on the 12th April. In my next article, I propose to show from the prosecution evidence that the presence of the popular leaders always acted as a steadying influence on the mob, which was considerably excited by the firing.

#### THE COMMISSION'S MISAPPREHENSION.

I have already stated that the accused in the Lahore conspiracy case had been seriously prejudiced by the Commissioners taking judicial notice of the existence of a state of rebellion in Lahore. As to this, we have seen that the reply of the Commission is that the point had not been disputed by Mr. Hassan Imam. Evidently the Commissioners must have been labouring under a serious misapprehension when they said that Mr. Hassan Imam conceded that they could take judicial notice of it. What he said was that the point was raised in the arguments previously addressed to the Commission, and that it was urged therein

that the state of rebellion was a question of fact to be established by evidence specially brought in each particular case. The Commissioners, however, over-ruled that contention and held that for them it was sufficient for the purpose of taking judicial notice that there was a notification by the Government of India declaring Lahore to be in a state of open rebellion from 10th April onwards. Nay, the Commission had also refused the defence prayer of being allowed to produce evidence in rebuttal of the open rebellion theory. Mr. Hassan Imam therefore said that it was useless in view of the above rulings of the Commission to re-argue that matter, and so left it there with merely a protest. The contention of the accused has throughout been against the open rebellion theory. In fact it was in view of the Commission taking judicial notice of it that the accused put in an application for adjournment with a view to move the Governor-General for the transfer of the case to some court outside the province. This being the case, is it possible for the senior counsel of the accused to make such a damaging concession? Mr. Hassan Imam only refrained from arguing the matter at length, seeing the futility of the attempt. Not for a moment he withdrew from the position taken at the outset by the accused.

#### SUMMARY COURT MARTIAL PROCEDURE.

The general summary court martial procedure which was followed in the trial of all cases before the Commission was felt as a serious handicap by the accused prejudicing them in their defence. The precis of charge was as glaring an example of misjoinder of charges as any that could be conceived, and this fact alone would have vitiated the whole trial, had the trial been before ordinary courts. The Martial Law administrator prohibited the entry of all counsel from outside and as the senior members of the local bar were either unable or unwilling to appear, the accused were compelled to conduct their defence either themselves or with the aid of some relations or junior practitioners. It was only after the withdrawal of martial law that the services of Mr. Hassan Imam were available for the purpose of argument, but even in this case, the Commission refused to grant a short adjournment to enable the accused to properly instruct Mr. Hassan Imam. The charges that the Commissioners read out to the accused at the commencement of the trial were of an extremely vague, indefinite and sweeping character, while the precis of the case against the accused, extracts from which have already been given, was prepared simply to give the thing a formidable look without any attempt to elucidate the nature of the all-India conspiracy. The Public Prosecutor also did not (as one would expect him to do in a State trial of this magnitude) make any speech at the commencement of the trial, amplifying, elucidating or explaining these charges, and he did not even during final argument lay his finger on any particular overt act, to which he referred as an act of war. In fact, the procedure was

a typical martial law procedure, and could be moulded to any shape at the sweet will of the convening authority.

#### OBJECTIONS AS TO JURISDICTION.

One curious and indeed extra-ordinary point about the trial was that although at an early stage of the trial, the accused put in applications raising objections to the constitution of the Commission and its jurisdiction to try the accused, and in fact had the matter argued, the copy of the order passed thereon by the Commission was withheld for a long time, and I doubt if the accused are in possession of that order even now. As the cases will shortly come up for review before His Majesty's Privy Council, it will not be out of place to summarise the objections here:

- (a) That the declaration of Martial Law in Lahore under Regulation X of 1804 was illegal and unjustifiable inasmuch as there was no open rebellion at any time in Lahore. Ordinance No. 1 of 1919 was consequently *ultra vires*.
- (b) That even if this were not so, the Martial Law Commission, having been constituted under the said Ordinance could not take cognizance of offences against the accused, who were not "taken in arms," doing any of the acts specified in the Regulation.
- (c) That Ordinance IV of 1919, which purported to invest the Commission with power to try offences under the Penal Code (and not covered by the Regulation X of 1804) and which was given retrospective effect from the 30th March, 1919, was *illegal and ultra vires*.
- (d) That even if a 'state of rebellion' prevailed at Lahore at any time, it had admittedly ceased to exist at the time the trial of the accused commenced, and therefore, according to all accepted principles of law, Courts Martial, established to try civilians, would *ipso facto* cease to exist, and the accused, if they were to be tried at all, should have been handed over to the ordinary Municipal Courts, which had throughout been in full working order, and had all along been able to enforce their processes;
- (e) That the accused, not being in the martial law area at the time of its promulgation (they were then deported in the Frontier districts), their subsequent arrest and removal to Lahore was illegal.

Now all these objections, coupled with the objection of misjoinder of charges went to the very root of the case and it is for His Majesty's Privy Council, when the matter comes up before it, to advise the Sovereign whether or not there should be a scrutiny in the case with a view to finding out if grave and substantial injustice has been done by a disregard of the forms of legal process or by a violation of the principles of natural justice or otherwise. It is well known that a review in criminal proceedings by the Privy Council is very sparingly made and only in those cases, where there has been such an interference with the elementary rights of the accused as has placed him outside the pale of regular law, or within that pale there has been a violation of the natural principles of justice so demonstrably manifest as to convince their Lordships of the Privy Council, first, that the result arrived at was opposite to the result which their Lordships would themselves have reached, and, secondly, that the same opposite result would have

been reached by the local tribunal also, if the alleged defect or misdirection had been avoided (vide observations of Lord Shaw in I. L. R. 38-1023 P. C.). In other words, before the Privy Council will interfere, it must be established demonstrably that "justice itself in its very foundation has been subverted and that it is therefore a matter of grave imperial concern that by way of an appeal to the King, it be restored to its rightful position in that particular part of the Empire." Well, His Majesty's Privy Council has, without expressing any opinion on the merits, already given special leave to appeal in some cases tried under Martial Law, and there is every reason to think that similar leave will be given in other cases. The matter will shortly be before one of the highest courts in the Empire, and the whole country will with bated breath follow the progress of the cases there.

### LETTERS FROM LONDON.

(FROM OUR OWN CORRESPONDENT.)

LONDON, JULY 10.

#### THE CREWE COMMITTEE'S REPORT.

THE Government of India Bill, as introduced, was admittedly imperfect in form in view of the absence of the report and recommendations of the Crewe Committee appointed last January to enquire into the organisation of the India Office and the relations between Whitehall and the Government of India. The Committee as appointed consisted of Lord Crewe, the Aga Khan, Lord Esher, Lord Inchcape, Sir Godfrey Collins, M. P., Sir Evelyn Murray (Secretary to the Post Office), Captain W. G. Ormsby-Gore, M. P., Professor A. B. Keith, Edinburgh University, Mr. B. N. Basu and Mr. Harry Gosling, the Labour representative. Lord Inchcape was prevented from joining the Committee, and pressure of other work prevented Mr. Gosling, from taking part in the consideration of the report. The signatories without reservation are Lord Crewe, the Aga Khan, Lord Esher, Sir Godfrey Collins, Sir Evelyn Murray and Captain Ormsby-Gore. Professor Keith presents a long minority report, Sir James Brunyate writes a minute of dissent, and in a separate statement outlines an alternative scheme, and Mr. Basu states his differences on some material points from the report in a brief separate note. The report recommends:—

Relaxation of the powers of control of the Secretary of State by providing that where the Government of India find themselves in agreement with a conclusion of the Indian Legislative Assembly, their joint decision should ordinarily prevail.

Abolition of the India Council in Whitehall, and its replacement by a statutory Advisory Committee of not more than 12 members holding office for five years.

Transfer to the Secretary of State of the powers and authority now vested in the Secretary of State in Council.

Not less than one-third of the members of the Advisory Committee to be persons domiciled in India selected by the Secretary of State from a panel of names submitted by the non-official members of the Indian Legislature, the Secretary of State, however, being free to appoint Indians representing special interests or possessing administrative experience in addition to those selected from the panel.

The agency work of the India Office such as the purchase of stores for Government, to be transferred to a High Commissioner for India or some similar, representative of the Indian Government in London.

The charges on account of the political and administrative work of the India Office to be placed on the British estimates, those on account of agency work only being defrayed from Indian revenues, which have hitherto borne the entire cost.

It will be seen from these recommendations that on the whole the report contains important changes that will meet with general approbation. On one point there is likely to be considerable criticism, namely, the substitution of an Advisory Committee for the India Council. Mr. Basu considers that such a committee would be devoid of responsibility or statutory functions. He would prefer the temporary retention of the Council, and so long as the revenues of India are by statute vested in the Secretary of State and can be dealt with by him irrespective either of the Government of India or of any popular control in India, he would not abolish the veto of the Council. Sir James Brunyate would retain the Council for, say, 12 years, so as to enable the whole matter to be examined by the first periodic Statutory Commission. Professor Keith sees no advantage in the abolition of the Council "only to revive it in the no more inviting form of a permanent Advisory Committee." He regards the whole project as radically unsound, and earnestly trusts that it may not be accepted by Parliament. The reason given in the report for the proposed alteration is that many of the Secretary of State's wide powers and duties rest on his personal responsibility. Others can be performed only in consultation with the India Council, and for some of these concurrence of a majority of members of Council is required by law. The Council are in a position to obstruct the policy of H. M. Government by opposing their financial veto if Indian revenues are affected, but in practice, says the report, "they have acknowledged the supremacy of the Indian executive by accepting proposals communicated to them as decisions of the Ministry, so far as those proposals raise issues on which they are legally competent to decide."

The feature of the report upon which there will be the widest concurrence of opinion in India, will be that by which it is recommended that the joint decision of the Government of India and the Indian Legislative Assembly should ordinarily

prevail,—this to apply either in regard to legislation or in regard to resolutions on the budget or on matters of general administration,—and assent to their joint decisions should be withheld only in case the Secretary of State feels that his responsibility to Parliament for the peace, order, and good government of India or paramount considerations of imperial policy, require him to secure reconsideration of the matter in issue by the Legislative Assembly. It is also proposed that, save in the case of absolute necessity, no measure should be certified by the Governor-General for enactment by the Council of State without previous approval of its substance by the Secretary of State. In the relations between the Secretary of State and local Governments, similar principles, as in the case of the Government of India, should apply. The Committee also recommend that assent to or disallowance of Indian legislation by the Crown should be signified by His Majesty in Council, instead of through the Secretary of State in Council as hitherto. It is recommended that as a basis of delegation of authority the principle of previous consultation between the Secretary of State and the Government of India should be substituted in all cases in which the previous sanction of the Secretary of State in Council has hitherto been required with power to the Secretary of State to revise from time to time the list of subjects on which he requires such previous consultation. These proposals are strongly criticised by Professor Keith and Sir James Brunyate, the latter of whom would give a practically complete transference of power and responsibility to the Government of India as influenced by the legislature in a large specified group of subjects. The "Times", commenting upon the recommendations, describes it as an attempt to make the Secretary of State a supreme and unfettered autocrat over India's destinies, and it is of opinion that the selection of the personnel of the Council of India, which it wishes to retain, should be transferred to the Cabinet, and not left to the idiosyncrasies of the Secretary of State. It entirely approves of the appointing of a High Commissioner of India directly responsible to the Government of India, but it regards the charge of the cost of the India Office to the British Exchequer as unnecessary.

#### THE JOINT COMMITTEE.

The Joint Committee is setting to work to-day and should be able to report before the Autumn Session. You already know its personnel, and it is only necessary to add that Colonel Yate has twice unsuccessfully attempted to change it. The "die-hards" of the Sydenham organization may be counted upon to do their worst at every stage. I should not be surprised if some of the things that have been asked for by the Indian leaders are conceded indirectly, if not directly. As your readers will readily deduce from one of the recommendations of the Crewe Committee, the control of fiscal policy is not likely to be refused to India if and when the Government of India and the Assembly

are in accord as to its principles. There is the possibility, too, that members of the executive Government of India, so far as Indians are concerned, will ordinarily be nominated from amongst the elected members of the Assembly. Whether this suggestion will mature is, like many other things, dependent upon circumstances, but it should be remembered that the atmosphere for reforms in India is to-day less favourable than it was a year ago, and the domestic situation here is somewhat unstable. The Government have to-day sustained their second defeat within a week.

LONDON, JULY 3.

#### REIGN OF TERROR IN THE PUNJAB.

LIKE the people of India, the Indians in England have been deeply affected by the events that are taking place in the Punjab. Every mail brings fresh news of the acts of ruthless repression on the part of the Punjab Government. The sentence passed on Mr. Kali Nath Roy, the monstrous charges brought against Lala Harkishan Lal and others, the refusal to allow eminent advocates from other parts in India to appear for the accused and many another exercise of arbitrary authority has created the deepest resentment amongst the Indians here. The detailed information supplied by the delegates who arrived the other day from India shows that the situation in the Punjab is even worse than it is reported to be in the newspapers. Some members of the Moderate deputation have already represented the matter strongly to the Secretary of State for India. Their efforts to secure for their Punjabi brethren the ordinary rights of citizens are being continued, and I understand that in the light of the fresh information that they have obtained they will urge vigorously on Mr. Montagu the urgent necessity of taking immediate action to put an end to the reign of terror that prevails in the Punjab.

#### LORD CURZON'S HESITATING SUPPORT.

On the 30th of the last month the motion for the appointment of a Joint Committee provided the House of Lords with an opportunity of discussing the policy of the Government of India Bill. The resolution asking that the House of Lords should concur in the appointment of the Committee was moved by Lord Curzon as leader of the House. As one of the supporters of the Government, he dwelt on the danger of delay and of adopting a purely negative attitude. He declared that the pronouncement of August, 1917, was deliberate and historic and that any attempt to set it aside would cover the British Parliament and British people with shame. He was even courageous enough to own that the ideas with which he went to India had probably grown out of date. "I dare say," he said, as an indulgent critic of his administration, "the ideas with which I went out to India and to which according to my lights I adhered while I was there, are not altogether the ideas that prevail at the present time. . . . I was not in my time in favour of making leaps in the dark.



Rather did I prefer to march steadily forward in the light of day. I suppose, my Lords, that my ideas would now be regarded as rather old-fashioned and that my pace in India would be voted both pedestrian and slow." But the impression created by his speech was that he simply acquiesced in the necessity of making substantial changes in the constitution of India. He does not appear to be an enthusiastic supporter of the Indian cause. While he regarded the conferment of power on Indians as inevitable, he did not, in the words of Lord Salisbury, "look upon it as a great achievement." He deprecated any arrangement "that would tend in any way to daunt or to quench the spirit, the traditions, and the efficiency of the Indian Civil Service," and resolutely stated that he "would do nothing to impair or diminish the authority of the central Government in India." People in India who imagine that it is only necessary to press hourly on the Secretary of State the necessity of introducing an element of responsibility into the Government of India to secure the desired result will do well to ponder Lord Curzon's speech. It is no doubt highly probable that the House of Commons will pass any measure which the Government brings forward, but the heterogeneous composition of the Cabinet ought not to be lost sight of. The House of Commons will accept any Bill which has the support of the Cabinet, but that does not render it easy in the slightest degree to persuade the Cabinet to follow a more liberal policy. And a split in the Cabinet may decide the fate not only of the Bill but of the Government itself. Lord Curzon was followed by Lord Salisbury who concerned himself almost solely with the circumstances in which the declaration was made and wound up by gravely enunciating platitudes about the evolutionary and simple character of the British constitution which Indians place before themselves as a model, as if they were newly discovered truths. So little importance was attached to his speech which brought the debate to a close, that it was not considered worth a reply by the Government.

#### THE PERSONNEL OF THE JOINT COMMITTEE.

The names of the members of the Joint Committee have been announced to-day. While the inclusion of Lord Sydenham and Lord Midleton may have an unfortunate effect on Indian feeling, I am inclined to regard the composition of the Committee as satisfactory. The section chosen from the House of Commons is dominated by men holding advanced views. Even the selection of the peers is not so disappointing as it might at first sight appear. The attitude of Lords Crewe and Sinha is well-known. It may be reckoned safely that Lord Islington will be on their side. I understand that he is totally opposed to the idea of a "divided" purse. If so, he will be a valuable ally of Lords Sinha and Crewe. The most important fact about the Committee, however, is the fact that it includes Mr. Montagu, who we may be sure will dominate it. There need be no apprehension now that the

Committee will whittle down the Reform Scheme. His presence insures that its recommendations will not be illiberal.

#### THE ESSEX HALL MEETING.

Yesterday a meeting presided over by Lord Islington was held at the Essex Hall. It was addressed by Messrs. Banerjea and Sastri. Mr. Banerjea dwelt on the great past of India in order to show that Indians were the inheritors of an ancient civilization and that they possessed the experience necessary to enable them to conduct self-governing institutions with success. Mr. Sastri confined his remarks to the Government of India Bill. He pointed out that no scheme of reforms could give satisfaction to the people of India which did not liberalize the central Government and that until fiscal autonomy was granted which would do away with India's economic serfdom, no real amelioration of the condition of the masses was possible.

LONDON, JUNE 26.

#### THE CONGRESS MANDATE.

LAST Saturday, the London Indian Association entertained to tea, at the National Liberal Club, the members of Britain and India (whose guests the Association had been a few weeks earlier) and the members of the Indian deputations. The Association proclaims itself to be a body of students having only an academic interest in politics. In point of fact, the bulk of its members, under the influence of a few well-meaning members whose student days are over, are far ahead of Mr. Tilak in their views on India's future. There is no item in advanced political and economic doctrine which they are not prepared to adopt, "academically", of course. The daily "Daily Herald" is milk and water to them. The true gospel is to be found only in the "Worker's Dreadnought", under the editorship of that redoubtable person, Miss Sylvia Pankhurst, who dreams of the day when the Lenin philosophy will have been imbibed and given effect to by the British people. Not all the members of the Association are under this spell, but, judging from what I have seen, its influence is not for the best among the impressionable young Indians studying in London. Its membership is not large, and the best students here are not members. However, the Association is not without a large measure of self-esteem, and takes itself very seriously. Hence, when, the other day, a well-known Indian resident took the opportunity of replying to Mrs. Besant's remarks, pointedly referred to her as a European, the members of the Association were not slow to express their appreciation of the jibe. Similarly, when Mr. Tilak, making an appeal for co-operation among the deputations, said that if it could be effected, he would urge upon the Congress the removal of the Delhi mandate, there was a chorus of "No, No!" from among the young men present. They were complete whole hoggers. The Delhi resolutions were the minimum below which it was impossible to go. Mr. Tilak was quick, as usual, to take the hint, and when Mr. Yakub Hasan was prepared to take him at his word it soon became evident that this was not his last word, for he began to "hedge" and suggested that Mr. Yakub Hasan had put upon his remarks a construction they did not bear, whereupon the Musulman spokesman courteously challenged him to say what he did mean. It amounted to no more than

that he would bring the matter before the All-India Congress Committee, but Mr. V. J. Patel was quick to see the absurdity of this and pointed out that he doubted whether that body had power to alter the mandate of the Congress itself. The fact is, Mr. Tilak and his colleagues are finding the mandate something of a millstone around their necks. They would like to throw it aside but cannot. It forms a ready excuse for refusing to co-operate with the Congress delegates, even when other reasons are not far to seek. By coming here with a hard and fast mandate, the Congress delegates have put themselves in a cleft stick and are much embarrassed. If they act upon their mandate, they cannot secure any co-operation from among the other delegations here and are condemned to plough a lonely furrow. That they are feeling their loneliness and ineffectiveness I have the best of reasons to believe, and it is clear that they are not having a happy time here, especially since Mrs. Besant's return who has thrown the weight of her influence with the Labour Party into the balance against them. If, on the other hand, they throw over their mandate, they are condemned to out a sorry figure when next they appear before their countrymen in India. As a result, they are carrying on an agitation that does not convince anyone here that counts, they are sterile and ineffective and their sole object in life seems to be to capture the British Committee and the newspaper "India". It is like a band of children playing at imitation politics, and they arouse a sentiment of amused tolerance.

#### AT THE NATIONAL LIBERAL CLUB.

Of a very different character was another event at the National Liberal Club this week, when Mr. H. E. A. Cotton presided over a conference of the London Liberal Federation, at which the Moderate deputation had the place of honour, and with them there was Mr. Yakub Hasan of the Moslem League. Mr. Montagu was to have been present to explain his Bill, but was unable to get away from Paris, where he is detained in connexion with the Peace Treaty signature and also the negotiations with the Turkish delegation, in which he has been assisted by the Aga Khan and Sahabzada Aftab Ahmed Khan. He sent, however, a cordial message, in which he laid stress upon the great need for a close sympathy and understanding between those who bring an independent mind, here and in India, to the study of political development. What, in his opinion, was even more important than constitutional changes were the spirit of good-will and comradeship, the interplay of ideas, and the encouragement of common interests. If the Indian leaders, he said, set themselves to master the lessons of responsibility and undertake their new task in the spirit of sympathy and co-operation with the great Service through whose instrumentality she had been brought through this hopeful period of India's history, they might be assured that the British people on their part would watch over the experiment without impatience or narrow criticism. He was convinced that if the proposals now before Parliament became law we would look forward to a prospect in which fears will be dissipated, doubts and misgivings overcome, and confidence in a steady movement of progress assured. That Mr. Montagu is not forgetful of the reciprocal duties of the Civil Service is clear from his remarks on many occasions, but I feel sure that it is necessary for the delegates to impress upon the Joint Committee the universal fear of Indians that the Service as a whole will not help willingly to make the new constitution a working success, but will, on the contrary, attempt

to throw grit into the machinery in order to prove its unworkableness. In Mr. Montagu's absence, Mr. Roberts fulfilled very adequately the not very easy task of explaining the Bill. He was followed in a clever speech by Mr. Banerjee, who made it evident that the Bill, as at present framed, did not entirely meet the demands even of the Moderates, and this view was reiterated in a short but impressive speech by Mr. Sastri (who easily won his audience by his quiet satire) and by Mr. Samarth and Sir Abbas Ali Baig. Messrs. Banerjee and Sastri made it plain that the Bill would have to be modified considerably both in respect of the provisions relating to the provincial Governments and the Government of India before it could be regarded as fully carrying out the pledge contained in the declaration of August, 1917.

The absence of Mr. Montagu accounts for the delay in announcing the names of the members of the Joint Committee whose report will necessarily be slightly delayed. It may even be that, in order to get something like a unanimous report, Mr. Montagu will not press the Committee too hard, so that the Bill may be held over until early next year. But if there is an autumn session, as is almost certain, I am sure he will do his utmost to secure the passage of the Bill by Christmas.

## CORRESPONDENCE.

### MR. POLAK AND "INDIA."

TO THE EDITOR OF THE SERVANT OF INDIA.

SIR,—From to-day I cease to be responsible for the editorial conduct of the newspaper "India," in the circumstances set forth in the accompanying letter. During my tenure of office as editor, I have sought to continue my work for India begun many years ago, and to maintain unimpaired the journal's traditions created by Sir William Wedderburn and Mr. Gokhale. It is therefore with very real regret that I now find myself debarred from serving India in this manner; but avenues of service are not wanting, nor shall I be.—Yours, etc.

HY. S. L. POLAK.

July 16th, 1919,  
Danes Inn House,  
265, Strand, London, W. C. 2.

July 16th, 1919.

The Acting Chairman,

The British Committee of the Indian National Congress,  
14, Henrietta Street, W. C.

DEAR SIR,—I shall be obliged if you will bring the following communication to the notice of the Committee at its next meeting, and have it duly placed on record in the Minutes:—

On Friday, July 4, after the Committee had generally expressed satisfaction with my conduct of the newspaper "India" as its Editor, and had recognised that I had loyally given expression to its policy, the Board of Directors of the "India" Newspaper Company met and passed a resolution as follows, which was subsequently communicated to me:

'That the Editor be instructed to support in "India" the policy of the Indian National Congress held at Delhi last Christmas.'

I accordingly asked you, in your dual capacity as Chairman of the Board of Directors and acting Chairman of the Committee, to have the matter brought up for consideration both by the Board and the Committee. I naturally supposed that due notice of the object of the meeting, which you agreed

to call, would be given to the members, and that before the meeting, they would have had before them a brief statement of the circumstances in which the matter had arisen. I understand, however, that no such notice was given to the members, and no facts had been placed before them on so vitally important a matter as the proposed complete change of policy of the Committee and of the Board. At the Committee meeting held last Friday, three members of the Committee, known to hold views strongly averse from any change of policy, were unavoidably absent, one being, I believe, out of town, as he had not anticipated that a meeting of the Committee would be convened until the next ordinary meeting, the second having been suddenly called away from town the night before the meeting, and the third having been unexpectedly detained by an official engagement on public business. At a time that it was known that this third member was on his way to attend the meeting, and upon a motion, without notification, by Dr. Rutherford, it was resolved, by a majority of three to two, that the Directors' action should be confirmed. Knowing, as I do, the views of the majority of the Committee, and believing them to be in favour of a continuance of the policy heretofore adopted by the Committee and expressed by me in "India," I regarded this majority on a resolution, to my mind, irregularly admitted and passed, as purely fortuitous and not finally binding upon either the Committee or myself. I was on the point of writing to you asking that the matter should be reopened by the Committee after full notification of the circumstances had been sent to the members, when I learnt that one of the absent members had already written to you to the same effect, and given you notice of his intention to move certain resolutions. Yesterday, however, at the request of the Board, I met the Directors, and I was asked by them to define my position. I explained that I did not feel that I should be called upon to define my position for the following reasons among others:— (1) Whilst it was true that I was nominally, as Editor, under the instructions of the Board, yet my salary, though paid by the Board, came from funds supplied by the Committee. (2) The Committee were, by a majority, opposed to any change of policy in the conduct of the paper at the present moment. (3) The Committee held the bulk of the ordinary share in the Newspaper Company with a view to controlling the policy of the paper. (4) Three out of the four Directors were nominees of the Committee, who had transferred to them their qualifying shares, in order that the views of the Committee in regard to policy might prevail. (5) 60% of the preference shareholders belonged to a party opposed to the adoption of the policy contained in the Delhi resolutions. (6) The meeting of the Committee on July 11 did not conform to my implied request that full opportunity should be given for a reconsideration of the Directors' decision. (7) Dr. Rutherford's motion for a complete reversal of the Committee's declared policy, without notice to members and in the absence of three members who were known to be opposed to this change, was irregular and not binding. I therefore asked for a further postponement in order that the whole matter might be finally decided after due notice had been given. This, however, the Board declined to permit, and I was asked definitely to state whether I could conscientiously carry out the policy contained in the Delhi programme. I replied that I was unable conscientiously to do so, and I was then informed that my services as Editor of "India" would be dispensed with as from to day's date, six weeks' salary being granted in lieu of notice. I may add that the Directors individually assured me that they appreciated my services hitherto rendered, and whilst recognising that I had loyally carried out the Committee's policy, regretted that I was unable to comply with the Board's request to carry out and advocate the new policy that it had adopted.—Yours faithfully,

HY. S. L. POLAK.

## Bombay Act IX of 1918.

"61A. (1) Where it appears to Government, from the report of the Magistrate of a district on the representation of a local authority, that in any local area subject to the jurisdiction or control of such Magistrate or authority cattle are habitually allowed to stray and that such cattle trespass on land and damage crops or other produce thereon, Government may by notification direct that the provisions of this section shall have operation in such local area. In such notification Government may direct that this section shall apply to cattle generally or to such kind or kinds of cattle as may be specified in the notification, and the provisions of this section shall in such local area be read and construed accordingly.

(2) In any local area in which this section is in operation, any person who, through neglect or otherwise, fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall be punished with fine which may extend to one hundred rupees, or on a second or any subsequent conviction, with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both.

Explanation:—Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure, and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are effectively restrained by means of a rope or other attachment.

(3) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the cattle-trespass Act 1871. All officers of police and all police patels and all members of the village police shall when required, aid in preventing resistance to such seizures and rescues from persons making such seizures.

(4) Any fine imposed under this section may, without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

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## NOTIFICATION.

No. 6207. Judicial Department;  
Bombay Castle, 29th July 1919.

Whereas it appears to the Governor in Council from the report of the District Magistrate, Poona, that in the areas hereinafter specified in the Poona District cattle are habitually allowed to stray and that such cattle trespass on land and damage crops or other produce thereon.

Now therefore the Governor in Council in exercise of the powers conferred by section 61-A of the Bombay District Police Act, 1890 ( Bom. IV of 1890 ), is pleased to direct that the provisions of the said section shall have operation in respect of all cattle in the following local areas in the said district, namely:—

The lands for the time being included for the purposes of the land revenue administration within the following limits:—

1. Poona Cantonment.
2. Kirkee Cantonment.
3. Poona City Municipal Limits,
4. Poona, Suburban Municipal limits,
5. Indapur Municipal limits,
6. Khed Municipal Limits,
7. Sirur Municipal limits,
8. Chakan village site.

By order etc....

Sd/- J. Crerar,  
Secretary to Government.

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