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THE INDIAN
ANNUAL REGISTER
1921

TO

MY COUNTRYMEN

THE INDIAN
ANNUAL REGISTER
1921

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

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1921

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Royal Message to India

December 23rd, 1919

"It is my earnest desire at this time that so far as possible any trace of bitterness between my people and those who are responsible for my Government should be obliterated. ... ... A new era is opening. Let it begin with a common determination among my people and my officers to work together for a common purpose.

With all my people I pray to Almighty God that by His wisdom and under His guidance India may be led to greater prosperity and contentment and may grow to the fulness of political freedom.

FROM THE ROYAL PROCLAMATION ON THE PASSAGE OF THE REFORM ACT 1919

CALENDAR FOR 1920.

January.

Su.	...	4	11	18	25	...
M.		5	12	19	26	...
Tu.	...	6	13	20	27	...
W.	...	7	14	21	28	...
Th.	1	8	15	22	29	...
F.	2	9	16	23	30	...
S.	3	10	17	24	31	...

February.

Su.	1	8	15	22	29	...
M.	2	9	16	23	...	..
Tu.	3	10	17	24	...	...
W.	4	11	18	25	...	..
Th.	5	12	19	26		
F.	6	13	20	27	...	..
S.	7	14	21	28	...	...

March.

Su.	...	7	14	21	28	...
M.	1	8	15	22	29	...
Tu.	2	9	16	23	30	..
W.	3	10	17	24	31	..
Th.	4	11	18	25	..	...
F.	5	12	19	26	...	...
S.	6	13	20	27		...

April.

Su.	...	4	11	18	25	...
M.	...	5	12	19	26	
Tu.	...	6	13	20	27	...
W.	...	7	14	21	28	...
Th.	1	8	15	22	29	..
F.	2	9	16	23	30	...
S.	3	10	17	24	...	...

May.

Su.		2	9	16	23	30
M.	..	3	10	17	24	31
Tu.	...	4	11	18	25	...
W.	...	5	12	19	25	...
Th.	...	6	13	20	27	...
F.	...	7	14	21	28	..
S.	1	8	15	22	29	...

June.

Su.	...	6	13	20	27	...
M.	...	7	14	21	28	...
Tu.	1	8	15	22	29	...
W.	2	9	16	23	30	...
Th.	3	10	17	24	...	..
F.	4	11	18	25	...	...
S.	5	12	19	26	...	...

July.

Su.	...	4	11	18	25	...
M.	...	5	12	19	26	...
Tu.	...	6	13	20	27	...
W.	...	7	14	21	28	...
Th.	1	8	15	22	29	...
F.	2	9	16	23	30	...
S.	3	10	17	24	31	...

August.

Su.	1	8	15	22	29	...
M.	2	9	16	23	30	...
Tu.	3	10	17	24	31	...
W.	4	11	18	25	...	...
Th.	5	12	19	26	..	...
F.	6	13	20	27	...	...
S.	7	14	21	28	...	...

September.

Su.	...	5	12	19	26	...
M.	...	6	13	20	27	...
Tu.	...	7	14	21	28	
W.	1	8	15	22	29	...
Th.	2	9	16	23	30	...
F.	3	10	17	24	...	..
S.	4	11	18	25		...

October.

Su.	..	3	10	17	24	31
M.	..	4	11	18	25	...
Tu.	...	5	12	19	26	...
W.	..	6	13	20	27	...
Th.	..	7	14	21	28	...
F.	1	8	15	22	29	...
S.	2	9	16	23	30	...

November.

Su.		7	14	21	28	...
M.	1	8	15	22	29	...
Tu.	2	9	16	23	30	
W.	3	10	17	24	...	...
Th.	4	11	18	25	...	...
F.	5	12	19	26	...	...
S.	6	13	20	27		...

December.

Su.	...	5	12	19	26	
M.		6	13	20	27	
Tu.	...	7	14	21	28	...
W.	1	8	15	22	29	...
Th.	2	9	16	23	30	...
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PART I

India in 1920

India and Her Rulers.

The King-Emperor.

His Most Excellent Majesty George the Fifth, by the Grace of God, King of the United Kingdom of Great Britain and Ireland and of the British Dominions, Defender of the Faith, Emperor of India.

The only surviving son of His late Majesty King Edward VII and of Her Majesty Queen Alexandra.

Born.—At Marlborough House, June 3, 1865.

Married.—Her Serene Highness Princess Victoria Mary Augusta Loise Olga Pauline Claudine Agnes of Teck—July 3, 1893.

Succeeded.—To the throne, May 6, 1910.

Crowned.—At Westminister Abbey, June. 22, 1911.

Issues :—

1. H.R.H. Edward Albert Christian George Andrew Partic David, Prince of Wales and Earl of Chester, Duke of Cornwall, High Steward of Windsor, K.G., G.M.M.G., G.M.B.E., M.C-, R.N., *Born* June 23, 1894.

2. H. R. H. Albert Fredrick Arthur George.

Born December 14, 1895.

3. H. R. H. Victoria Alexandra Alice Mary.

Born April 25, 1897.

4. H. R. H. Henry William Fredrick Albert.

Born March 32, 1900.

5. H. R. H. George Edward Alexander Edmund.

Born December 20, 1902.

6. H. R. H. John Charles Francis,

Born July 12, 1905, *d.*—January 18, 1919.

Provinces.	No. of Districts.	Area in Sq. miles.	Population (1911).
Ajmer Merwara ...	2	2,711	501,395
Andamans and Nicobars ...	...	3,143	26,459
Assam	12	52,959	6,713,635
Baluchistan	6	45,804	414,412
Bengal	28	78,412	45,483,077
Bihar and Orissa ...	21	83,205	34,490,084
Bombay (Presidency) ...	26	123,064	19,672,642
Bombay ...	26	75,918	16,113,042
Sind	6	47,066	3,513,435
Aden	...	80	46,165
Burma	41	236,738	12,115,217
Central Provinces and Berar	22	100,345	13,916,308
Coorg	1	1,582	174,976
Madras	24	141,726	41,405,404
North-West Frontier Province	5	16,466	2,196,933
Punjab	29	97,209	19,974,956
United Provinces ...	48	107,164	47,182,044
Agra	36	83,198	34,624,040
Oudh	12	23,966	12,558,004
Total British Territory ...	267	1,097,901	244,267,542
Baluchistan States		86,511	396,432
Baroda State		8,099	2,032,798
Bengal States		32,773	4,538,161
Bombay States		65,761	7,411,567
Central India Agency		78,772	9,356,980
Central Provinces States ...		31,188	2,117,002
Eastern Bengal and Assam States		...	575,835
Hyderabad State		82,698	13,374,676
Kashmir State		80,900	3,158,126
Madras States		9,969	4,811,841
Cochin State		...	918,110
Travancore State		...	3,428,975
Mysore State		29,444	5,806,193
North-West Frontier Province(Agencies and Tribal areas).			1,622,094
Punjab States		36,532	4,212,794
Rajputana Agency		127,541	10,530,432
Sikkim		...	87,920
United Provinces States ...		5,079	832,036
Total Native States ...		675,267	70,864,995
Grand Total, India ...		1,773,168	315,132,537

The Home Government

The India Office—Whitehall

Secretary of State for India

The Right Hon. Edwin S. Montagu, M.P.

Under-Secretaries of State

Sir William Duke, G.C.I.E., K.C.S.I.
[The Rt. hon. Lord Sinha (1920)] The Earl of Lytton.

Assistant-Under Secretaries of State

Sir Arthur Hirtzel, K.C.B.
Sir Malcolm Seton, K.C.B.

The India Council

Sir Charles Arnold White.
Sir Murray Hammick, K.C.S.I., C.I.E.
Sir Charles S. Bayley, G.C.I.E., K.C.S.I., I.S.O.
William Didsbury Sheppard, C.I.E.
General Sir E. G. Barrow, G.C.B., G.C.S.I.
Sir James Bennett Brunyate, K.C.S.I., C.I.E.
Sahibzada Aftab Ahmed Khan.
Bhupendranath Basu.
Frederick Crauford Goodenough.
Sir George O. Roos-Keepel, G.C.I.E., K.C.S.I.
Sir Chettur Sarkaran Nair, K.C.I.E.
Sir Malcolm Hogg.
Clerk of the Council, Sir Malcolm Seton.
Deputy Clerk of the Council, E.J. Turner, C.B.E.
Private Secretary to the Secretary of State, S. K. Brown.
Assistant Private Secretary, A. L.R. Parsons.
Political A.-D.-C. to the Secretary of State, Lieut.-Col. Sir J. R. Dunlop Smith, K.C.S.I., K.C.V.O., C.I.E.
Private Secretary to Sir W. Duke, W. D. Croft.
Private Secretary to Lord Lytton, W. H. Turner.

Correspondence Department

Controller of Finance, H. F. Howard, C.S.I., C.I.E.
Financial, Secy., W. Robinson, C.B.E.
Financial (Deputy Secretary), C. H. Kish, C.B.
Judicial and Public, J. E. Ferard, C.B.E

High Commissioner's Department.

The High Commissioner, Sir William S. Meyer, G.C.I.E., K.C.S.I.
Secretary, J. W. Bhore, I.C.S., C.B.E.
Personal Assistant, W. G. Crockett, CIB.E.
Joint Secretary for Indian Students, N. C. Sen, C.B,E.

Constitutional History of India

[The best resume of this is to be found in the Montagu Chelmsford Report of 1918 and in the Reports of the Joint Parliamentary Committee since issued. Below is given a skeleton outline]

British India is governed under the Government of India Consolidating Act of 1915, since amended by the late Reforms Act of 1919 [see part II.] The Secretary of State for India is the constitutional adviser of the Crown on all matters relating to India. Until the Act of 1919 he had sweeping unqualified power of giving orders to every officer in India including the Governor-General, and to superintend, direct and control all acts, operations and concerns relating to the Government or revenues of India. In the relations of the Secretary of State with the Governor-General in Council no express statutory change has now been made, but Parliament ordained through the Joint Select Committee that in practice the conventions governing these relations should be modified ; only in exceptional circumstances should the Sec. of State be called upon to intervene in matters of purely Indian interest where the Goverment and the Legislature of India are in agreement. On questions of fiscal policy, for example, in such circumstances his intervention, when it does take place, is to be limited to safeguarding the international obligations of the Empire or any fiscal arrengements within the Empire to which the British Cabient is a party. The Secretary of State's Council, known as the India Council, consists, under the new Act, of not less than 8 and not more than 12 members, appointed by the Sec. of State. The period of office is five years ; half the Council must be persons who have served or resided in India for at least 10 years and who have not left India more than five years before appoinment. Since 1917 the custom is that there are 3 Indian members. The Secretary of State's office at Whitehall is the India office. The India Council must meet at least once in a month. Until the Reform Act the whole cost of the India Office, amounting to £250,000 per annum, was charged to India, but since the Act the salaries of the Secretary of State of his Office are placed on British estimates (see p. 478) thus relieving India of a small sum of about £50,000. The financial readjustment between the India Office and the Government in India has now been secured by the appointment of a High Commissioner for India in London. The High Commissioner is the head of the stores Department, the Accounts section thereof, and of the Indian Trade Commission in England. His main function is to carry out the agency work of the Indian Government so long performed by the India office. The new changes in the Goverment of India will be found in the Act (see part II). The new constitution, however, does not much affect the Exceutive of the India Government, except that there has been an increase from 1 to 3 in the number of its Indian members.

GOVERNMENT OF INDIA

His Excellency the Right Hon. Frederic John Napier, Baron Chelmsford, P. C., G. M. S. I., G. C. M. G., G. M. I. E., G. B. E.,

Viceroy and Governor-General of India

Assumed charge of office, 5th April 1916.

COUNCIL.

Ordinary Members.

H. E. General Lord Rawlinson, G.C.B., G.C.V.O., K.C.M.G., Commander-in-Chief in India.

The Hon'ble Sir George Barnes, K.C.B., K.C.S.I. Took his seat, 6th April 1916. (*Commerce and Railway.*

,, Sir William Henry Hoare Vincent, K.C.S.I., L.L.D., V.D. Took his seat, 21st April 1917. (*Home.*).

,, Khan Bahadur Mian Muhammad Shafi, C.I.E. Took his seat, 28th July 1919. (*Education.*)

,, Mr. William Malcolm Hailey. C.S.I., C.I.E. Took his seat 10th December 1919. (*Finance.*)

,, Sir Thomas Holland, K.C.S.I., K.C.I.E. Took his seat, 12th April 1920. (*Industries and Munitions.*)

,, Rao Bahadur, B. N. Sarma. Took his seat, 16th July 1920. (*Revenue, Agriculture and P. W. D.*)

,, Dr. Tej Bahadur Sapru. Took his seat, 22nd December 1920. (*Law.*)

THE COUNCIL OF STATE

Nominated members

(*a*)—OFFICIALS.

The Hon'ble H. E. Lord Rawlinson, G.C.B., G.C.V.C., K.C.M.G.

,, Sir George Barnes, K.C.B., K.C.S.I.

,, Sir William Vincent, K.C.S.I.

,, Khan Bahadur Main Muhammad Shafi, C.I.E.

,, Rao Bahadur B. N. Sarma

,, Sir John Wood, K.C.I.E., C.S.I.

The Hon'ble Major-General W. R. Edwards, C.B., C.M.G., K.H.P
„ Mr. L. M. Cook, C.I.E.
„ „ Denys Bray, C.I.E., C.B.E
„ „ H. Moncrieff-Smith, C.I.E
„ „ A. C. Chatterjee, C.I.E
„ „ C. A. Barron, C.S.I., C.I.E
„ „ E. S. Lloyd (Madras).
„ „ C. N. Seddon (Bombay)
„ Khan Bahadur Amin-ul-Islam (Bengal).
„ Mahamahopadhyaya Dr. Ganga Nath Jha (U. P.)
„ (Vacant) (Punjab.)
„ Mr. E. L. L. Hammond, (B. & O.)

(b) Berar Representative

The Hon'ble Mr. Ganesh Srikrishna Khaparde

(c) Non Officials

The Hon'ble Raja V. S. Govinda Krishna Y. Vankatagiri (Madras).
„ Sir Dinshaw Wacha, Kt. (Bombay)
„ Maharaja Sashi Kanta Acharjya Chaudhuri of Muktagacha, Mymensingh (Bengal)
„ Khan Bahadur Nawab Muhammad Nazamil-ullah Khan of Bhikampur, O.B.E. (U. P.)
„ Nawab Sir Bahram Khan, K.C.I.E., K.B.E., (Punjab)
„ Raja Sir Harnam Singh, K.C.I.E., (Punjab, Indian Christian).

Elected Members.

Rao Bahadur S. Rm. M. A. Annamalai Chettiyar
Mr. K. V. Rangaswamy Ayyangar
Mr. V. S. Srinivasa Sastri
Diwan Bahadur V. Ramabhadra Nayudu
Khan Bahadur Aamedthamby Maricair
Mr. Lalubhai Samaldas Mehta
„ Phiroze C. Sethna
„ Waman Govind Kale
Khan Bahadur Ebrahim Haroon Jaffer
Mr. Ghulam Mahomed Khan Bhurgri
„ Arthur Henry Froom
Raja Pramada Nath Roy of Dighapatia
Maharaja Sir Manindra Chandra Nandy, K.C.I.E
Sir Alexander Robertson Murry, Kt., C.B.E
Raja Sir Rampal Singh, K.C.I.E
Nawab Muhammad Abdul Majid, C.I.E
Rai Bahadur Lala Ram Saran Das, C.I.E

Sardar Jogindra Singh
Sir Zulfiqar Ali Khan, Kt.,C.S.I
Colonel Sir Umar Hayat Khan, K.C.I.E., M.V.O
Maharajadhiraja Sir Rameshwara Singh, G.C.I.E., K.B.E.,
Maharaja Bahadur Keshava Prasad Singh, C.B.E., of Dumraon
Khan Bahadur Saiyid Zahir-ud-din
Sir Manakjee Byramjee Dadabhoy, Kt., C. I. E
Mr. Malcolm Macgregor Hadow
Maung Po Bye
Lala Sukhbir Singh.
Sir B. C. Mitter, Kt.
Mr. Edgar Joseph Holberton
Raja Moti Chand, C.I.E
Mr. Altaf Ali

MEMBERS OF THE LEGISLATIVE ASSEMBLY

A.—Elected Members.

Rao Bahadur Tiruvenkata Rangacharia
Mr. Bhupatriraju Venkatapatiraju Garu
Mr. Ramayya Pantulu Guru-Jayanti
Rai Bahadur Patri Venkata Srinivasa Rao Garu
Rao Bahadur C. S Subrahmanayam
Sir P. S. Sivaswamy Aiyar, K.C.S.I., C.I.E
Mr. M. G. Mukundaraja Ayyangar
Mr. M. Krishnaswamy Reddiyar
Mr. Sambanda Mudaliar
Mr. Kavalappara Muppil Nayar
,, T. Muhammad Hussain Sahib Bahadur
Mir Asad Ali, Khan Bahadur
Mr. Eardley Norton
Mr. Mahamood Schamnad Sahib Bahadur
,, Rama Varma Valia Raja, Chirakkal
,, Narayandas Girdhardas
Mr. Jamnadas Dwarkadas
Sir Jamsethjee Jejeebhoy, Bart
Mr. Harchandrai Vishindas
Mr. Balkrishna Sitaram Kamat
,, Keshao Genesh Bagde
Mr. Anna Babaji Latthe
,, Salebhoy Karimji Barodawalla
,, Alli Buksh Mahomed Hussain
Sardar Bomanji Ardeshir Dalal
Sardar Gulamjilani Bijlikhan
Sir Deva Prasad Sarvadhikari, Kt.,C.I.E
Sir Logie Pirie Watson, Kt.
Sir Frank Carter, Kt., C.I.E
Raja Sivanandan Prasad Singh, O.B.E
Raja Suraj Baksh Singh, O.B.E
Raja Kushalpal Singh
Prince Afsar-ul-Mulk Mirza Muhammad Akram Hossain Bahadur
Lieutenant Nawab Mohammad Ibrahim Ali Khan

Khan Sahib Mirza Mohammad Ikramulla Khan
Khan Sahib Choudhari Ghulam Sarwar Khan
Khan Bahadur Zahiruddin Ahmed
Khan Bahadur Saiyid Muhammad Ismail
Khan Bahadur Sarfaraz Husain Khan
Mukhdum Sayad Rajan Bakash Shah
Rai Bahadur Pandit Jawahar Lal Bhargava
Rai Jadu Nath Majumdar Bahadur, C.I.E
Rai Taraprosanna Mukherjee Bahadur
Rai Bahadur Sankata Pershad Bajpai
Rai Bahadur Bakshi Sohan Lal
Rai Bahadur Nimai Charan Mitter
Rai Bahadur Lachmi Prasad Sinha
Rai Bahadur Nishikanta Sen
Rai Bahadur Sarat Chandra Sen
Rai Bahadur Bishambar Nath
Rai Bahadur Girish Chandra Nag

Mr. Kunja Bihari Lall Agnihotri	Mr. Pyari Lal
,, Sahibsing Chandasing Shahani	,, Darcy Lindsay
,, Jogesh Chandra Chaudhuri	,, Ahmad Baksh Khan
,, Saiyed Muhammed Abdulla	,, Kabiruddin Ahmed
,, Wali Mohamed Hussanally	,, Pyari Lal Misra
,, Reginald Arthur Spence	,, A. D. Pickford
,, Edwin Lessware Price, O.B.E	,, J. C. Chattarji
,, Manmohandas Ramji	,, Sachchidananda Singh
,, Rehimtoola Currimbhoy	,, Amjad Ali
,, Mohammad Yamin Khan	,, Syed Nabi Hadi
,, Muhammad Faiyaz Khan	,, S. M. Zahid Ali Subzposh
,, Syed Haider Karrar Jafri	,, Padamji Pestonji Ginwala
,, Nibaran Chandra Sircar	,, Muhammad Ahsan Khan

Mr. Frank McCarthy

Babu Jogendra Nath Mukherjee	Babu Braja Sundar Das
,, Khitish Chandra Neogy	,, A. P. Prashad Singh
,, Baidyanath Prashad Singh	,, Ujagar Singh Bedi

Babu Satis Chander Ghosh

Munshi Abdul Rahman	Sheikh Abdul Majid
Lala Girdhari Lal Agarwala	Maung Maung Sin
Munshi Iswar Saran	Lt.-Col. D. Herbert
Munshi Mahadeo Prasad	Pandit Radha Kishen Dass
Haji Wajihuddin	Srijut Debi Charan Barua
Dr. Nand Lal	Chaudhri Shahab-ud-din
Bhai Man Singh	Maulvi Miyan Asjad-ul-lah
Sardar Gulab Singh	Beohar Raghubir Sinha

Dr. H. S. Gour.

B.—Nominated Members

(a)—Official Members.

The Hon'ble Mr. W. M. Hailey, C.S.I., C.I.E
" Sir T. Holland, K.C.S.I., K.C.I.E
" Dr. T. B. Sapru Mr. H. Sharp, C.S.I., C.I.E
Sir Sidney Crookshank, K.C.M.G., C.B., C.I.E., D.S.O., M.V.O
Mr. C. A. Innes, C.I.E Mr. J. Hullah
Col. W. D. Waghorn, C.B., C.M.G., R.E
Mr. S. P. O'Donnell, C.I.E Mr. P. E. Percival
,, H. N. Hutchinson, O.B.E ,, E. Burdon
,, John Forbes Bryant ,, Arthur William Dentith
Rao Bahadur Conjeeveram Krishnaswami Rao
Mr. J. K. N. Kabraji Mr. Charles Edmund Wild.
,, Francis Bradley Bradley-Birt ,, Debendra Kumar Mitter
Khan Bahadur Chaudhuri Wajid Hussain
Khan Bahadur Muhammad Habibullah
Mr. Winter Charles Renouf, C.I.E
,, William Nawton Maw, C.I.E
,, William John Keith, C.I.E.

(b)—Berar Representative.

,, Bhimrao Hanumant Rao Jatkar

(c)—Non-Official Members.

Mr. T. V. Seshagiri Ayyar Mr. N. M. Joshi
,, J. T, Cottelingam ,, M. M. Samarth
,, Mahomed Hajeebhoy ,, H. H. Gibbs
Nawab Khwaja Habibulla of Dacca
Rai Sheo Prasad Tulshan Bahadur
Raja Bhadur Partab Bahadur Singh, C.I.E., of Qila Partabgarh
Sardar Bahadur Gajjan Singh
Khan Sahib Maulvi Abdul Quadir
Rai Bahadur Nagendra Nath Chaudhuri
Lt.-Colonel H. A. J. Gidney

GOVERNMENT OF BENGAL

Governor and President in Council :—

His Excellency The Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, Earl of RONALDSHAY, G.C.I.E.

Took his seat 27th March 1917.

The Bengal Executive Council

Members of Council.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I., I.C.S.—*Vice-President*
,, Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan
,, Mr. John Henry Kerr, C.S.I., C.I.E
,, Sir Abdur Rahim, Kt

Ministers. (from 3rd Jan. 1921)

The Hon'ble Sir Surendra Nath Banarji, Kt.,
,, Mr. Provash Chandra Mitter, C.I.E.,
,, Nawab Saiyid Nawab Ali Chaudhuri, C.I.E.,

The Bengal Legislative Council

The Hon'ble Nawab Sir Syed Shams-ul-Huda, K.C.I.E.—President
The Hon. Mr. S. N. Roy ... Deputy President (Elected)

Members.

Ex-officio.

The Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I
,, Sir Bijoy Chand Mahatab, K.C.S.I., I.C.I E., I,O.M., Maharajadhiraja Bahadur of Burdwan
,, Mr. John Henry Kerr, C.S.I. C.I.E
,, Sir Abdur Rahim, Kt.

Elected.

The Hon'ble Sir Surendra Banarji, Kt.
,, Mr. Provash Chunder Mitter, C.I.E
,, Nawab Saiyid Nawab Ali Choudhri, Khan Bahadur

COUNCILLORS—

Nominated

Officials.

Mr. Hugh Lansdown Stephenson, C.S.I., C.I.E., I.C.S
Major-General William Henry Banner Robinson, C.B., I.,M.B
Mr. Donald Hector Lees, I.C.S., C.I.E
" Cecil Henry Bompas, C.I.E., I.C.S
" John Lang I.C.S
" Lewis Sydney Steward O'Malley, C.I.E., I.C.S., I.C.S
" Charles Peregrine Walsh Mr. Alexander Marr I.C.S
" John Arthur Laing Swan
,, William Stenning Hopkyns, O.B.E., I.C.S
,, Nalini Bhushan Gupta, C.I.E
,, William Wordworth Hornell, C.I.E
,, James Donald, C.I.E., I.C.S
Rai Amar Nath Das Bahadur
Mr. Leonard Birley, C.I.E., I.C.S
,, William Christopher Wordsworth

Non-officials.

Mr. D. J. Copen Rai Mahendra Chandra Mitra Bahadur
Maharaja Kshaunish Chandra Roy, Bahadur
Babu Sarat Chandra Mukhopadhaya
Rai Abinash Chandra Banarji, Bahadur
,, Peary Lal Das, Bahadur, M.B.E
,, Radha Charan Pal Bahadur
,, Harendra Nath Chaudhuri
Raja Narendra Lall Khan Babu Sarat Chandra Jana
Mr. Satish Chandra Mukharji Babu Bhishmadeb Das
,, Krishna Chandra Ray Chaudhuri
Babu Hem Chandra Bhattacharji
,, Ghaneshyamdas Birla Maulvi Abdur Rahim
Babu Jatindra Nath Basu Mr. S. R. Das
Dr. Haridhan Dutt, Rai Bahadur Babu Surendra Nath Mallick
Babu Nitya Dhone Mukharji Babu Surendra Nath Roy
,, Nalinaksha Basu Raja Mani Lal,Singh Ray
,, Rishindra Nath Sarkar Mr. Ajay Chandra Dutt
,, Phanindra Lal De Raja Satish Chandra Mukharji
,, Hemchandra Laskar Mr. Dhirendra Chandra Ghosh
,, Surendra Narayan Singha Babu Nalini Nath Roy
,, Bhabendra Chandra Roy ,, Sailaja Nath Roy Chaudhuri
,, Jogendra Nath Roy Raja Manmatha Nath Chaudhuri
Mr. Sudhanshu Mohan Basu Dr. Jotindra Nath Mitra

Babu Jogendra Krishna Roy
,, Nibaran Chandra Das Gupta
,, Indu Bhusan Dutt
,, Rasik Chandra Charmakar
,, Kishori Mohan Chaudhuri
,, Tanka Nath Chaudhuri
Babu Nirode Bihari Mullick
,, Annoda Charan Dutta
Rai Sahib Panchanan Burma, M.B.E
Babu Jogesh Chandra Sarkar
Babu Nilmani Ghatak
Munshi Rajaur Rahman Khan
Dr. Hasan Suhrawardy
Sir Asutosh Chaudhuri
Babu Prasanna Deb Raikot
Mr. Z. R. Suhrawardy
Maulvi Saiyid Mukshood Ali
Sahibzada Mirza Muhammad Ali Nakey
Khan Bahadur Nawabzada Khowja Muhammad Afzal
Maulvi Muhammad Madassur Hossain
Mr. Saiyid Nasim Ali
Maulvi Ekramul Haq
Maulvi Rafiuddin Ahmed
Mr. H. S. Suhrawarday
Mr. Saiyid Erfan Ali
Khan Bahadur Abdus Salem
Maulvi A. R. Fazl-ul-Haq
Dr. A. Suhrawarday
Khan Bahadur Khwaja Muhammad Azam
Maulvi Khandkar Arhamuddin
,, Muhammad Abdul Jabbar Pahlowan
,, Muhammad Rafiquddin Khan
,, Abdul Karim
,, A. H. Muhammad Wazir Ali
,, Fazlal Karim
Maulvi Mesbahuddin Ahmed
,, Azharuddin Ahmed
Munshi Abdul Ali
Munshi Amir Ali
Shah Syed Emdadul Haq
Kazi Gholam Mohi-ud din Loraque
Munshi Jafar Ahmed
Munshi Makram Ali
Maulvi Emdaduddin Ahmed
Khan Bahadur Maulvi Muhammed Ershad Ali Khan Chaudhuri
Maulvi Yaquinuddin Ahmed
,, Hamid-ud-din Khan
Maulvi Shah Abdur Rauf
Khan Bahadur Hafizar Rahman Chaudhuri
Maulvi Wasimuddin Ahmed
Mr. William Rowe Rae
,, John Campbell Forrester
,, Walter Lancelot Travers, O.B.E
,, H. Barton
Maulvi Shah Muhammad Chaudhuri
Col. Archibald John Pugh, O.B.E
Mr. Malcolm Catchcart, M.C
Mr. H. A. Stark
Rai Lalit Mohan Singh Ray Bahadur
Babu Brojedra Kishore Ray Chaudhuri
Rai Upendralal Ray Bahadur
Kumar Shibshekhareswar Ray
Rai Jogendra Chandra Ghosh Bahadur
Mr. Robert Middleton Watson Smyth
,, Alexander Cochran, C.B.E.
,, Campbell Ward Rhodes, C.B.E
,, James Campbell

Mr. James Edward Roy
Mr. George Morgan
,, Reginald Hugh Lloyd Langford James
,, Alexander Douglas Gordon
Mr. Willoughby Longer Carey
,, Francis Augustus Larmour
Raja Hrishikesh Laha; C.I.E.
Babu Amulyadhan Addy
Babu Kesharam Poddar
Mr. Tarit Bhushan Roy

GOVERNMENT OF BOMBAY

Governor and President in Council

His Excellency Sir George Ambrose Lloyd, G.C.I.E., D.S.O.

Took his seat 17th December 1918.

Members of Council

The Hon'ble Sir George Seymour Curtis, K.C.S.I., I.C.S.

,, Sir Ibrahim Rahimtoola, Kt., C.I.E.

,, Mr. Maurice Henry Weston Hayward, L.L.B. (Cantab.), Bar.-at-Law., I.C.S.

,, Sir Cheman Lal Hari Lal Setalvad, Kt.

Ministers

The Hon'ble Khan Bahadur Shaik Ghulam Husain Hidayatullah

,, Mr. Chunilal Vijbhukhandas Metha, M.A., LL.B.

,, Mr. Raghunath Purushottam Paranjapye, B.S.C. (Bom.), M.A. (Cantab.)

Legislative Council

Mr. Anandrao Narayen Survey (Maratha).
Dr. Shiavakah Sorabji Batliwala.
Mr. Sitaram Keshav Bole.
Mr. Naoroji Menikji Dumasia.
Dr. Cajitan Fernandes.
Dr. Kavasji Edulji Dadachanji.
Mr. Wadhumal Oodharam.
Rao Saheb Harilal Desaibhai Desai, B.A., LL.B.
Mr. Chunilal Maneklal Gandhi, B.A., LL.B.
Mr. Rewansidda Gawrappa Salgar.
Mr. Vasudeo Rajaram Gupte, B.A., LL.B.
Rao Bahadur Ramanbhai Mahipatram Nilkanth, B.A., LL.B.
Mr. Bhulabhai Pragjibhai Patel.
Mr. Antoldas Hargovandas.
Mr. Jesangbhai Bhaibabhai Patel.
Rao Saheb Dadubhai Purushotamdas Desai.
Mr. Binshaji Bamanji Dalal.

Mr. Tehmuras Kavasji Modi, B.A., LL.B., Bar-at-Law.
Mr. Girjashankar Bhagvanji Trivedi.
Mr. Moreshwar Vishvanath Pradhan.
Shrimant Jagdoorao Anandrao Powar.
Rao Bahadur Ganesh Krishna Chitale.
Mr. Anandrao Shripatrao Deshmukh.
Rao Saheb Rupchand Motiram.
Mr. Datta Jaya Govind Juvekar, B.A., LL.B.
Mr. Kirtirao Bhimrao Nimbalkar (Maharatha).
Mr. Hiraman Narayan Shindore.
Mr. Gangaji Mukundarao Kalbhor.
Dewan Bahadur Kashinath Ramchandra Godbole, M.C.E.
Mr. Pandurang Narayan Adhav.
Rao Bahadur Raoji Ramchandra Kale.
Khan Bahadur Dhanjisha Bomanji Cooper.
Mr. Pandit Rayapa Chikodi. Mr. Annappa Phadeppa Chougule.
Rao Saheb Phakirappa Gurubasappa Halkatti
Mr. Shiddappa Totappa Kambli, B.A., LL.B.
Mr. Chennappa Chenvirappa Hulkotti, B.A., LL.B
Mr. Sankar Balkrishna Dubhashe.
Mr. Dajirav Amritrav Vichare (Maratha).
Rao Saheb Lakshman Vishnu Parulekar.
Mukhi Jethanand Pritamdas.
Mr. Bhoising Gurdinomal Pahlajani.
Mr. Shamrao Pandurang Ligade. Mr. Gopal Chimnaji Bhate.
Rao Bahadur Siddhanath Dhondder Garud.
Mr. Ibrahim Suleman Haji Mr. Ghulam Hussein Kassim Mahomed Hussein Abdulali Haveliwalla
Khan Saheb Allibhai Mahomedbhai Mansuri
Khan Saheb Haji Hazrat Khan Mohidin Khan
Mr. Ismaliji Abdulhussen Shaherwala
Mr. Abdulla Avjal Godad Abdul Kadir Khan Abdul Aziz Khan
Mr. Mahomed Salauddin Karimuddin.
Sheikhan Saheb Bade Saheb Kateeb.
Sardar Mahaboob Allikhan Muhammad Akbarkhan Biradar.
Ismail Saheb Nadar Saheb Bedrekar.
Mr. Soyad Shahajansaheb. Sayed Nabi Bakhsh Shah.
Mr. Ghulam Hussein Hidayatalla, B.A., LL.B
Khan Bahadur Khair Baksh walad Ghulam Mahammad Khan Laghari
Mr. Mahammad Abid walad Khair Muhammad Abidani
Khan Bahadur Dhani Haksh walad Ali Mardon Khan Jotoi.
Khan Saheb Gulam Muhammad Abdulla Khan Isran.
Khan Saheb Shah Nawas Ghulam Murtaza Bhutto.

Legislative Council—(concld).

Wadero Kaisar Khan walad Ghulam Mahomed Khan Bazdar.
Wadero Mahomad Panah walad Ghulam Kadir Khan Drakhan.
Mr. Jan Mohamed Bhurgri. Mr. Kalandarbaksh Sufi.
Khan Saheb Haji Imambaksh walad Khan Bahadur Ghulam Basul Jotoi.
Khan Saheb Sher Muhammad Khan Karam Khan Bijarani
Mr. Joe Addyman. Mr. John Timothy Fry.
Sardar Vishnu Narayan Mutalik.
Sardar Naharsinghji Ishwarsinghji, Thakor of Amod.
Mr. Mahomed Kamal Shah walad Kabul Mahomed Saheb Sayed
Mr. Raghunath Purushottam Paranjpye, B.SC. (Bom.), M.A (Cantab)
Mr. H P. W. Macnaghten. Mr. S. J. Gillum.
Mr. M. DeP. Webb, C.I.E., C.B.E. Mr A. Grevile Bullocke.
Mr. N. B. Saklatwalla. Mr. Mangaldas Girdhardas.
Mr. Chunilal Vijbhukhandas Mehta, LL.B.

Bombay Elected Representatives to the Indian Legislative Assembly.

Mr. Jamnadas Dwarkadas Dharamsi.
Mr. Harchandrai Vishindar, C.I.E.
Sardar Bomanji Ardeshir Dalal.
Mr. Balkrisna Sitaram Kamat.
,, Keshan Ganesh Bagda, LL.B. Mr. Annaji Babaji Lathe.
,, Salebhai Karimji Barodavala.
,, Mia Ali Baksh Mahmud Hussain
,, Wali Mahamad Hasan Ali. Mr. Reginld Arthur Spence.
,, Edwin Lessware-Price. Mr. Manmohan Das Ramji.
Sardar Gulam Jilani Bijli Khan.
Mr. Sahibsing Chandasing Shahani
Mr. Rahimtulla Karimbhai

Bombay elected representatives to the Council of State.

The Honble Mr. Lallubhai Samaldas Mehta
,, Phiroze C. Sethna
,, Vaman Govind Kale
,, Khan Bahadur Ebrahim Haroon Jaffer
,, Gulam Mohamed Khan Bhurgri
,, A. H. Froom

GOVERNMENT OF MADRAS

Governor and President in Council.

His Excellency the Right Hon'ble Sir Freeman Freeman-Thomas Baron Willingdon, of Ratton, G.C.S.I., G.C.I.E., G.B.E.

Took his seat 10th April 1919.

Members of Executive Council.

The Hon'ble Sir Lionel Davidson, K.C.S.I., I.C.S
,, Mr. Charles George Todhunter, C.S.I., I.C.S
,, Khan Bahadur Muhammad Habib-ul-lah, Sahib Bahadur, C.I.E
,, Kadamangudi Srinivasa Ayyangar

Ministers.

The Hon'ble Diwan Bahadur A. Subbarayalu Reddiyar
,, Mr. P. Ramarayaningar
,, Rai Bahadur K. Venkata Reddi Nayudu

Members of Legslative Council

Non-Muhammadan Urban.

Diwan Bahadur Sir Pitti Thyagaraya Chetti Garu
M. R. Ry. Ottilingam Thanikachala Chettiyar Avargal
M. R. Ry. Rao Sahib Udipi Rama Rao Avargal
M. R. Ry. Krishnachar Vidyappoornachar Ramachari Avargal
M. R. Ry. T. Cuttia Pillai Thangevelo Pillai Avargal
M. R. Ry. Diwan Bahadur Kommi Reddi Suryanaryanamurti Nayudu Garu.
M. R. Ry. Rao Bahadur Saidapet Chandrasekhara Mudaliyar Avargal.
M. R. Ry. Nangunerl Arunachalam Pillai Vanamamalai Pillai Somasundaram Pillai Avargal.

Non-Muhammadan Rural.

M. R. Ry. Diwan Bahadur Pattu Kesava Pillai Avargal.
M. R. Ry. Trichinopoly Sivasankaram Pillai Avargal.
M. R. Ry. Wallajanagar Vijiaraghava Mudaliyar Avargal.
M. R. Ry. Aroot Thangavelu Nayaka Avargal
M. R. Ry. Diwan Bahadur Lalapetai Arunchala Ayyar Govindaraghava Ayyar Avargal.

M. R. Ry. Agaram Thandapani Muttukumarswami Chettiyar Avargal.
M. R. Ry. Ramanuja Srinivasa Ayyangar Avargal
M. R. Ry. Arcot Ranganatha Mudaliyar Avargal
M. R. Ry. Pulamati Siva Rao Garu
M. R. Ry. Diwan Bahadur Chunampet Arunachala Mudaliyar Avargal.
M. R. Ry. Arcot Ramaswami Mudaliyar Avargal
M. R. Ry. Bollini Muniswami Nayudu Garu
M. R. Ry. Mogilireddigari Narayanswami Reddi Garu
M. R. Ry. Vellakkinar Chinnappa Goundan Velingiri Goundan Avargal
M. R. Ry. Coimbatore Venkatesa Ayyangar Venkataramana Ayyangar Avargal
M. R. Ry. Tiruppur Angappa Chettiyar Ramalinga Chettiyar Avargal
M. R. Ry. Bangarampeta Pasupuleti Devarajulu Nayudu Garu
M. R. Ry. Rai Bahadur Thaiyar Madabusi Narasimhacharlu Garu
M. R. Ry. Sriman Bisvanath Das
M. R. Ry. Rao Bahadur Annepu Parasaramdoss Patro
M. R. Ry. Sriman Sasi Bhushan Rath
M. R. Ry. Diwan Bahadur Durisety Seshagiri Rao Pantulu Garu
M. R. Ry. Achanta Subbarayudu Garu
M. R. Ry. Jagarlamudy Kuppuswami Garu
M. R. Ry. Rao Sahib Paidupati Cooresooloo Nayudu Yatirajulu Nayudu Garu
M. R. Ry. Panguluru Venkatasubba Rao Garu
M. R. Ry. Rao Bahadur Attawar Ramaya Punja Avargal
M. R. Ry. Kasaragod Sadasiva Bhat Avargal
M. R. Ry. Diwan Bahadur Mocherla Ramchandra Rao Pantulu Garu
M. R. Ry. Rai Bahadur Kurma Venkata Reddi Nayudu Garu
M. R. Ry. Kovelamudi Gopala Krishnayya Garu
M. R. Ry. Rao Bahadur Tikkani Balaji Rao Nayudu Garu
M. R. Ry. Rao Bahadur Chimalavagupalli Venkata Ranga Reddi Garu
M. R. Ry. Konadam Sarabha Reddi Garu
M. R. Ry. Ponnambala Tyagarajan Avargal
M. R. Ry. Chengalvaraya Ponnusvami Nayudu Avargal
M. R. Ry. Kumara Padma Gopala Menon Avargal
M. R. Ry. Divan Bahadur Mannath Krishnan Nayar Avargal
M. R. Ry. Kalliat Chattukutti Nambiyar Avargal
M. R. Ry. Katam Reddi Adinarayana Reddi Garu

M. R. Ry. Rao Bahadur Amancherla Subba Krishna Rao Pantulu Garu
M. R. Ry. Thiruppalani Chellam Ayyangar Srinivasa Ayyangar Avargal
M. R. Ry. Paramasivan Chettiyar Chidavaram Chettiar Ruttu Chettiyar Avargal
M. R. Ry. Sankara Chettiyar Ellappa Chettiyar Avargal
M. R. Ry. Bhavani Venkatagiri Ayyar Narasimha Ayyar Avargal
M. R. Ry. Tyagaraja Somasundra Mudaliyar Avargal
M. R. Ry. Rao Bahadur Veerayya Appaswami Vandayar Avargal
M. R. Ry. Rao Bahadur Komal Seshappa Ayyar Venkatarama Ayyar Avargal
M. R. Ry. Sundaralingam Pillai Tinnevelly Shanmukham Pillai Avargal
M. R. Ry. Ravilla Appaswami Nayudu Garu
M. R. Ry. Kattuputhur Chidambara Reddiyar Venkatachala Reddiyar Avargal
M. R. Ry. M. Rangaratnam Ayyar Seturatnam Ayyar Avargal.
M. R. Ry. Chintalapati Venkata Surya Narasimha Raju Garu
M. R. Ry. Mantha Suryanarayana Garu
M. R. Ry. Ramaswami Kandaswami Shanmukham Chettiyar Avargal

Muhammadan Urban.

Khan Sahib Muhammad Usman Sahib Bahadur
A. Pichai Ibrahim Ravuttar Saiyid Ibrahim Ravuttar

Muhammadan Rural.

Munshi Muhammad Abdur Rahman Sahib Bahadur
Qadir Nawaz Khan Sahib Bahadur.
Saiyid Muhammad Padsha Sahib Bahadur
Abd-ur-rahman Khan Sahib Bahadur
Saiyid Diwan Abd-ul-razzaq Sahib Bahadur
Abbas Ali Khan Bahadur Abd-ul-Qasim Beary Sahib Bahadur
Anumanthakudi Muhammad Mustapha Ravuttar Ahmad Miran Sahib Bahadur
Acharath Daria Maliyammal Bavotti Sahib Bahadur
Kilsingantagath Muhammad Koya Sahib Bahadur

Indian Christian.

Mr. Alfred Tyagaraju Palmer. Mr. Muttayya David Davadoss
M. R. Ry. Rai Sahib Emmanuel Cajetan Martin Mascarenhas Avargal

M. R. Ry. Savarimuttu Udaiyar Arumudaswami Udaiyar Avargal
Mr. Edwin Periyanayakam

European.

Mr. Percival Walter Partridge

Anglo-Indian.

Mr. Thomas Richmond

Landholders.

M. R. Ry. Sri Srinivasa Rajamani Raja Deo, Zamindar of Mandasa
M. R. Ry. Sri Meka Venkatagiri Apparao Bahadur
M. R. Ry. Paramasiva Subbarayan Avargal
M. R. Ry. Bhaskara Raja Rajeswara Setupti *alias* Muthuramalinga Setuapati Avargal, Raja of Ramnad
M. R. Ry. Kuthiravattath Probhakaran Thambau Avargal

University.

M. R. Ry. Seshadri Srinivasa Ayyangar Avargal, C.I.E

Planting.

Mr. James Arthur Richardson

Commerce and Industry.

Mr. James Fletcher Simpson Mr. William Alexander
,, Alexander Maclean MacDougall
M. R. Ry. Diwan Bahadur Govindas Chaturbuja Das Garu
,, ,, ,, Rao Sahib Muttayya Chidambaram Muttayya Chettiyar Avargal.

Nominated Members of the Madras Legislative Council.

The Hon. Diwan Bahadur Sir Perungareur Rajagopala Achariyer. C.I.E., K.C.S.I.
Diwan Bahadur L.D. Swamikannu Pillai, I.S.O., Secretary.
Mr. Ernest Sampson Lloyd Mr. Robert George Grieve
,, Frederick John Richards
,, Archibald Young Gipps Campbell, C.I.E.
M. R. Ry. Mylai Chinnathambi Raja Avargal
,, ,, ,, L. C. Guruswami Avargal
,, ,, ,, R. Kesavulu Pillai Avargal
,, ,, ,, M. C. Madurai Pillai Avargal
,, ,, ,, G. Vandanam Avargal
,, ,, ,, Diwan Bahadur Tirumalai Desika Achariyar Avargal
,, ,, ,, S. R. Y. Ankinedu Prosad Bahadur
,, ,, ,, Rao Bahadur Tatikonda Namberumal Chetti Garu
,, ,, ,, Rao Bahadur C. B. Rama Rao Avargal

M. R. Ry. Diwan Bahadur R. Venkataranam Nayudu Garu
„ „ „ Rao Sahib Presinge Venkatarangayya Garu
„ „ „ S. Somasundaram Pillai Avargal
„ „ „ Thambuswami Pillai Arumainada Pillai Avargal
„ „ „ W. P. A. Soundara Pandiya Nadar Avargal
„ „ „ S. Muthumanicka Achariyar Avargal
„ „ „ C. P. Ramaswami Ayyar
The Rev. Earle Monteith Macphail, C.B.E.
Khan Bahadur Mirza Abdul Husain Dr. Gilbert Slater.

GOVERNMENT OF ASSAM

Governor

His Excellency Sir Nicholas Dodd Beatson Bell, K.C.S.I., K.C.I.E.

Took his seat on 3rd January 1921.

The Assam Executive Council.

Members of Council.

The Hon'ble Mr. William James Reid, C.S.I., I.C.S.—*Vice-President*
The Hon'ble Mr. Abdul Majid, C.I.E., B.A., LL.B., (Bar-at-Law).

Ministers to His Excellency the Governor,

The Hon'ble Rai Bahadur Ghanasyam Barua, B.L.
The Hon'ble Khan Bahadur Sayed Abdul Majid, B.L.

The Assam Legislative Council.

The Hon'ble Mr. John Campbell Arbuthnott, C.I.E., I.C.S.—*President*

Officials—Nominated Members.

Arthur William Botham, C.I.E.. Arthur Richard Edwards
John Norman Taylor, C.I.E.

Non officials.

Dr. Hugh Gordon Roberts
Mr. Rajendra Narayan Chaudhuri, Bar-at Law
Kumar Chandra Narayan Singh Rai Sahib Manomohar Lahiri
Babu Radha Binod Das Sardar Bahadur Anjab Ali Khan
Khan Sahib Alauddin Ahmad Chaudhuri
Douglas StuartWithers (representing the labouring classes)
Babu Jangin Sangma Laskar, M.B.E., (representing Backward Tracts)

Elected Members.

Rev. James Joy Mohan Nichols-Roy, Shillong
Rai Sahib Bipin Chandra Deb, Laskar, Silchar
Babu Har Kishore Chakrabarti, Hailakandi
Rai Bahadur Nalini Kanta Ray Dastidar, Sylhet, Sadar
Rai Sahib Amarnath Ray, Sunamganj
Babu Baikuntha Nath Ray, Habiganj, North
Rai Bahadur Pramod Chandra Datta, Habiganj, South.
Babu Krishna Sundar Dam, South Sylhet.
,, Ramani Mohan Das, Karimganj.
,, Biraj Mohan Datta, Dhubri.
Srijut Dhairjya Narayan Das, Goalpara.
Rai Bahdur Krishna Chandra Chaudhuri, Gauhati.
Srijut Lohit Chandra Nayak, Barpeta.
,, Dalim Chandra Borah, Tezpur.
,, Kumud Ram Borah, Mangaldai.
,, Bishnu Charan Borah, Nowgong.
Rai Sahib Radhika Prosad Barua, Sibsagar.
Srijut Siva Prosad Barua, Jorhat.
The Hon'ble Rai Bahadur Ghanasyam Barua, Golaghat.
Srijut Nilmoni Phukan, Dibrugarh.
Rai Sahib Padmanath Gohain Barua, North Lakhimpur.
Maulvi Rashid Ali, Laskar, Cachar.
The Hon'ble Khan Bahadur Syed Abdul Majid, Sylhet Sadar, North.
Maulvi Abdul Rahim Chaudhuri, Sylhet Sadar, South.
Maulvi Monowarali, Sunamganj.
Khan Bahadur Muhammad Bakht Mazumdar, Habiganj, North.
Maulvi Saiyid Nurur Rahman, Habiganj, South.
Maulvi Abdul Khalique Chaudhuri, South Sylhet.
Haji Muhammad Abdul Ahad Chaudhuri, Karimganj.
Khan Sahib Muhammad Abdul Latif, M.B.E., Dhubri excluding South Salmara, Thana.
Munshi Safiur Rahman, Goalpara *cum* South Salmara, Thana.
Khan Bahadur Muhibuddin Ahmad, Kamrup and Darang *cum* Nowgong.
Maulvi Ruknuddin Ahmad, B.L., Sibsagar *cum* Lakhimpur.
Arthur Lambert Playfair, Assam Valley Planting.
Walter Herrick Woodward, Assam Valley Planting.
Archibald Moffat, Assam Valley Planting.
Major Henry Benedict Fox, Surma Valley Planting.
Arther John Grinfield Cresswell, Surma Valley Planting.
John Alexander Fraser, Commerce and Industry.

BIHAR AND ORISSA.

Governor.

His Excellency the Right Hon'ble SATYENDRA PRASANNA, Baron SINHA, of Raipur, P.C., K.C.S.I., K.C.

Appointed 29th December 1920.

Members of the Executive Council

The Hon'ble Sir Walter Maude, K.C.S.I., C.S.I., I.C.S., *Vice-President. Took his seat 29th December 1920.*

The Hon'ble Mr. Havilland LeMesurier, C.S.I., C.I.E., I.C.S., *Took his seat 29th December 1920.*

The Hon'ble Rai Bahadur Krishna Sahay, *Took his seat 29th December 1920.*

Ministers.

The Hon'ble Khan Bahadur Saiyid Muhammad Fakhr-uddin (*Education*)

The Hon'ble Mr. Madhusudan Das, C.I.E., (*Local self Govt.*)

Legislative Council

Ex-officio

The Hon'ble Sir Walter Maude, K.C.I.E., C.S.I., I.C.S., President.
,, Mr. Havilland LeMesurier, C.S.I., C.I.E., I.C.S.
,, Rai Bhadur Krishna Shahay.
Mr. Leonard Frederick Morshead, I.C.S.
,, Victor Herbert Jackson.
,, George Rainy, C.S.I., C.I.E., I.C.S.
,, James David Sifton, C.I.E., I.C.S.
,, John Austen Hubback, I.C.S.
,, Walter Sidney Bremner. Mr. Edward Balaber.
,, Maurice Garnier Hallett, I.C.S. Mr. Donald Weston, I.C.S.
,, Colonel Herbert Austen-Smith, C.I.E., I.M.S.
,, Bernard Abdy Collins, I.C.S. Mr. Walter Swain.
,, Shankara Balaji Dhavie, I.C.S.

Elected—Patna Division.

Mr. Muhammad Yunus. Maulvi Saiyid Muhammad Hussain
The Hon'ble Khan Bahadur Saiyid Muhammad Fakhr-ud-din

Babu Shyam Narayan Singha Sharma
,, Ram Gopal Singha Chaudhuri Babu Ganesh Dutta Singh
,, Mithila Charan Singha
Raja Harihar Prashad Narayan Singh, O.B.E., of Amawan
Maulvi Malik Mokhtar Ahmad Babu Chote Narayan Singh
Rai Bahadur Kashi Nath Singh ,, Rameshvar Prashad Singh
Maulvi Hafiz Nural Haqq Kumar Rajivaranjan Prashad Singh
Babu Dvarika Prashad Singh

Tirhut Division.

Khan Bahadur Saiyid Ahmad Hussain. Maulvi Saiyid Mehdi Hasan
Maulvi Letafat Hussain Khan Maulvi Saiyid Mubarak Ali
,, Saiyid Abbas Ali Rai Bahadur Dvarika Nath
Babu Raghubans Thakur Babu Shiva Shankar Jha
,, Ram Nihora Singh ,, Kameshvar Narayan Singh
,, Maheshvar Prashad Narayan Singh
,, Raghunandan Prasad Singha
,, Krishna Prashad Narayan Singh Babu Radha Krishna
,, Madhaveshvarendra Sahi Babu Nirsu Narayan Singha
,, Lakshmi Mohan Misra ,, Ambika Prashad Upadhyaya
,, Krishnadev Narayan Mehta

Bhagalpur Division.

Khan Bahadur Saiyid Muhammad Tahir
,, Bahadur Saiyid Muhammad Naim
Mr. Shah Muhammad Yahya Maulvi Mir Faiyaz Ali
Maulvi Saiyid Moin ud-din Mirza Maulvi Muhammad Umid Ali
Babu Joytish Chandra Bhattachariya
Swami Vidyanand *alias* Bishva Bharan Prashad
Babu Bhuvaneshvari Prashad Mandal
Maharaj Kumar Chandra Mauleshvar Prashad Singh
Rai Sahib Kharag Narayan Babu Jogendra Narayan Singh
Babu Satya Narayan Sinha ,, Sukh Raj Ray
Raja Bahadur Krityanand Singh of Banaili

Orissa Division.

Maulvi Shaikh Abdul Majid Babu Rebati Kanta Ghosh
The Hon'ble Mr. Madhusudan Das, C.I.E.
Babu Birbar Narayan Chandra Dhir Narendra
Rai Bahadur Harendra Narayan Ray Mahashay
Chaudhuri Bhagoat Prashad Samantarai Mahapatra
Babu Pitbas Patnaik Mahantha Gadadhar Ramanuj Das
,, Rebati Kanta Ghosh
,, Shankar Prashad Misra
Raja Rajendra Narayana Bhanja Deo, O.B.E. of Kanika

Chota Nagpur.

Khan Bahadur Khwaja Muhammad Nur
Rai Bahadur Radha Gobind Chaudhuri
,, ,, Sharat Chandra Ray — Rai Bahadur Gopi Krishna
Babu Devkai Prashad Singha — Babu Joytirmay Chattarji
Dulu Manki — ,, Shivadas Banarji
Kumar Thakurai Grivar Prashad Singh
Mr. Prasanta Kumar Sen — Mr. Cyril, Gregory Atkins
,, Jalian Veith Jamesson — ,, John Herbert Pattinsyn
Babu Umesh Chandra Banarji
Maharaja Bahadur Sir Mavaneshvar Prashad Singh, K.C.I.E.
Mr. Saiyid Hasan Imam, Barrister-at-Law

Representatives of Classes and Communities.

Mr. Dhan Rasih Panna — Rev. Edward Hamilton Whitley
Rev. Emannel Sukh — Rev. Percival Edwin Heberlet
Mr. Dhanjishah Meherjibhai Madan
Rai Bahadur Purnendu Narayan Sinha
Mr. Francies Ernest Lopes Morrison
Rev. Prittam Luther Singh — Mr. Baij Nath

BURMA.

Lieutenant-Governor

The Hon'ble Sir Reginald Henry Craddock, K.C.S.I., I.C.S.

Appointed 15th February 1918.

Official Members—Council of the Lieutenant-Governor.

Frederick Lewisohn, M.A., I.C.S.
Robert Edward Vaughan Arbuthnot, I.C.S. (Vice-President)
John Mark Somers Hunter, M.A. — Walter Booth-Gravely, M.A. I.C.S.
Hebert Edward West Martindell, M.R.SAN.I.
William Henry Lawson Cabell, B.A., I.C.S.
Lieut.-Col. Frederick Ralph Nethersole, B.A., C.I.E., I.A.
Hugh Ernest MacColl, I.C.S. — Peter Edwin Jamieson, B.A., I.C.S.
Edward Cheke Smalley Shuttleworth, C.I.E.
James MacKenna, M.A., C.I.E., I.C.S.

Non-Official Members.

Sir Sao Mawng, K.C.I.E., K.S.M., *Saubwa* of Yawnghwe
Lim Chin Tsong, O.B.E. — Jules Emile DuBern, O.B.E.
Dr. San Crombie Po, M.D. — Maung Po Tha, O.B.E.
Sir Abdul Karim Abdul Shakur Jamal, K.t., C.I.E.

Maung Nyun, M.B.E., A.T.M. Francis Foster Goodliffe
Dr. Nasarwanji Nowroji Parakh, L.F.P. & S., L.M. (Glas.), L.S.A. (Lon)
Maung May Oung, M.A., LL.B., Bar-at Law
Eric Oswald Anderson, C.B.E. Maung Shwe Llay
Maung Myin Maung Bah Oh Maung Chit Pe
,, Hla Pe Maung Thin, Bat-at Law Walter Buchanan

Central Provinces.

Governor.

His Excellency Sir Frank George Sly, K.C.I.E., I.C.S.

Took his seat on 17th December 1920.

Executive Council

The Hon'ble Mr. B. P. Standen, C.S.I., C.I.E., I.C.S.
The Hon'ble Mr. Moropant Vishwanath Joshi

Ministers.

The Hon'ble Rao Bahadur N. K. Kelkar
The Hon'ble Mr. S. M. Chitnavis, I.S.O.

A.—Nominated Members-Central Provinces Legislative Council.

The Hon'ble Rao Bahadur R. N. Mudholkar, C.I.E., President
Mr. A. E. Nelson, O.B.E., I.C.S. Mr. H. C. Gowan, I.C.S.
,, J. F. Dyer, I.C.S. Mr. J. C. Evans, I.E.S.
,, D. G. Mitchell, I.C.S. Mr. F. C. Turner, I.C.S.
Mr. C. U. Wills, I.C.S.

(II) Non-Officials.

Mr. G. P. Dick, C.I.E., Bar-at-Law Mr. V. B. Kekre
,, Neaz-ud-din Khan, Zamindar of Khujji
Rai Bahadur Sir B. K. Bose, K.C.I.E.
Mr. Ganesh Akaji Gavne Mr. Kalicharan Ganuji Nandagaoli
Rao Sahib Keshao Waman Bramha

B.—Elected.

Mr. Anandi Prashad Mr. Saiyid Yasin
Rao Sahib Nilkanta Rao Khalatkar Rao Bahadur N. K. Kelkar
Rao Bahadur Madhu Rao Ganesh Deshpande
Mr. M. R. Dixit, Bar-at-Law Mr. C. B. Parakh
Rao Sahib Bhagwant Atmaram Dhond'i
Mr. Pralhad Ramchandra Deshpande Mr. Shribari Deo Rao

Mr H. D. Coggan Mr. S. M. Chitnavis, I.S.O.
,, Pandey Madan Mohan Chatur
Rai Sahib Ajudhia Prasad Bhargav, Bar-at.Law
Thakur Ratan Singh Mr. Magan Lal Mr. Bansidhar Deodhya
Mr. Kashi Prasad Pandey Mr. Muhmmad Ahmed
,, Saiyid Muhammad Saleh, Bar-at-Law
,, Gajadhar Prasad Jaiswal Mr. Bala Prasad Pachoray
,, Ramprasad Awasthi Mr. Badri Das *alias* Badri Prasad
Seth Moji Lal Rai Sahib Mathura Prasad, O.B.E.
Mr. Dewtadin Ojha Mr. Abdul Hafiz Khan, Bar-at-Law
,, Brijlal Pattak Mahant Ramsahaigarh Mr. Baji Rao Kirtuk
Rao Sahib Ramchandra Moreshwar Mahajani
Nawab Mir Medhi Ali Khan Mir Riyayet Ali
Mirza Hussainji Beg Rao Sahib V. G. Kulkarni
Mr. R. A. Kanitkar Mr. J. N. Rodriques Mr. R. R. Jaiwant
Mr. J. B. Deshmukh Rai Bahadur Ganesh Das
,, Ram Rao Deshmukh, Bar-at-Law
,, Baji Rao Yeshawant Rao Deshmukh
,, Dattatraya Krishna Kane Mr. Natesh Appaji Dravid
,, T. S. Korde Mr. J. B. Sane

PUNJAB.

Governor

His Excellency Sir Edward Douglas Maclagan,

K.C.S.I., K.C.I.E., I.C.S.

Assumed charge, 3rd January 1921.

Members of the Executive Council.

The Hon'ble Sir H. J. Maynard, K.C.I.E.
,, Sadar Bahadur Sundar Singh, Majithia, C.I.E.

Ministers.

The Hon'ble Khan Bahadur Mian Fazli-Hussain
,, Lala Harakishan Lal

Member of Council

President

The Hon'ble Mr. M. S. D. Butler, C.I.E., C.V.O.,

Nominated Members.

Officials

Mr. P. J. Fagan, C.S.I., Financial Commissioner, Punjab.

Mr.C. J. Halifax, C.B,R., Financial Commissioner, Punjab.
,, M. S. D. Butler, C.I.E., C.B.E., C.V.O.,
,, L. French, C.I.E., C.B.E., Offig. Chief Secy. to Govt. Punjab.
Shaikh Asghar Ali, C.B.E., I.C.S., Home Secy to Govt. Punjab.
Mr. T. P. Ellis, O.B.E., I.C.S, Legal Remembrancer, Punjab.
,, E. A. A. Joseph, I.C.S., Secy. to Govt, Punjab, Transfd. Dept.
Mr. B. T. Gibson, I.C.S., Financial Secy. to Govt, Punjab.
Mr. H. W. M. Ives, C.I.E., M.I.C.E., Secy. to Govt, Punjab, Public Works Department, Irrigation Branch.
Mr. G. Anderson, C.I.E., Director of Public Instruction, Punjab.
,, C. A. H. Townsend, I.C.S., Director of Agriculture, Punjab.
Col. R. C. MacWatt, C I E., I.M.S, Inspec. Genl. Civil Hospitals,
Mr. D. J. Boyd, I.C.S., Revenue Secy. to Govt, Punjab.
Mr. E. A. Scott, O.B E., Director of Industries, Punjab.

Non-officials

Captain Sardar Gopal Singh, O.B E., of Bhagowal.
Sardar Sahib Sardar Gopal Singh.
Khan Bahadur Mian Abdul Hamid, O.B.E., of Kapurthala.
Mr. William Roderick Macpherson.
Dr. Charles Arthur Owen, M.D., F.R.C S.
Mr. K. L. Rallia Ram.

Elected Members.

Lala Uttam Chand, of Lahore.
Pandit Bhiwani Shankar, Pleader, of Amritsar.
Lala Atma Ram, of Sirsa, Hissar District.
Rai Sahib Panna Lal, of Ambala Cantonment.
Pandit Daulat Ram, Kalia, M B E., Bar.-at-Law, of Ferozepore.
Rai. Sahib Thakur Das, of Pind Dadan Khan, Jhelum District.
Rai Bahadur Hari Chand, Hony. Ex, Asst. Commsr Multan.
Rai Sahib Chaudhri Lajpat Rai, Pleader, of Hansi.
Rai Bahadur Risaldar Sarup Singh, of Badli.
Rao Bahadur Chaudhri Lal Chand, O.B E., Pleader, of Rohtak.
Lieutenant Rao Bahadur Balbir Singh, O.B.E., of Gokalpur.
Chaudhri Bans Gopal, Pleader, of Karnal.
Chaudri Daya Ram, Bar.-at-Law, of Ambala.
Mr. Moti Lal, Kaistha, Bar.-at-Law, of Dharmsala.
Mian Beli Ram, Pleader, of Hoshiarpur.
Misr Mela Ram, of Nakodar, Jullundur District
Mr. Ganpat Rai, Bar.-at-Law, of Lahore
Chaudhri Kharak Singh, of Raipur, Gurdaspur District
Lala Amar Das, Vakil, of Sialkot.
Rai Bahadur Lala Sewak Ram, Bar.-at-Law, of Gangapur,

Maulvi Muharram Ali. Chishti, Vakil, of Lahore
Khan Bahadur Khwaja Yusuf Shah, C.I.E., of Amritsar
Khan Bahadur Raja Muhammad Akbar Khan, of Jhelum
Mr. Nawab Din, Bar.-at-Law, of Sialkot
Khan Bahadur Mir Muhammad Khan, Vakil, of Simla
Chaudhri Muhammad Hayat Khan, of Ranhera,
Khan Sahib Chaudhri Shafi Ali Khan, of Gohna.
Khan Bahdur Rai Wali Muhammad Khan, of Talwandi Rai,
Pir Akbar Ali, Vakil, of Ferozepore
Chaudhri Muhammad Jamil Khan, of Bahram
Chaudhri Ali Akbar, of Dhamrai, Gurdaspur District
Mian Muhammad Shah Nawaz, Bar.-at-Law, of Lahore
Chaudhri Nabi Bakhsh, of Fatehpur
Chaudhari Muhammad Amin, Pleader, of Sialkot
Chaudhri Ata Ullah Khan, of Kaulu Tarar
Malik Mahabbat Khan, of Karkan
Chaudhri Ghulam Muhammad of Parianwali
Khan Sahib Chaudhri Fazl Ali, M.B.E., of Ajnala
Sayad Ghulam Muhammad Shah, of Jahanian Shah
Malik Feroz Khan, Bar.-at-Law, of Nurpur Nun
Khan Muhammad Saif Ullah Khan, of Isa Khel
Lieutenant Sikandar Hayat Khan, M.B.E., of Wah
Pir Ali Haidar Shah, of Sang Jani
Malik Karim Ullah Khan, of Darapur
Khan Sahib Amir Khan, of Chak No. 282, Gugera Branch
Khan Bhadur Sayad Mehdi Shah, O.B E., of Gojra
Sayad Muhammad Hussain, of Shergarh
Mian Ahmed Yar Khan, Daulatana, of Luddan
Sayad Muhammad Raza Shah, Gilani, of Multan
Sayad Hussain Shah Rajoa.
Khan Muhammad Abdulla Khan, of Khangarh
Sardar Allan Khan, Drishak, of Asani
Sardar Bahadur Mehtab Singh, Bar.-at-Law, of Lahore
Rai Sahib Chaudhri Raja Singh, of Jatwar, Ambala District
Sardar Bakhtawar Singh, of Kathgarh, Hoshiarpur District
Sardar Balwant Singh. of Moron
Sardar Dasaundha Singh, Pleader, of Ludhiana
Sardar Kartar Singh, Vakil, of Ferozepore

Government of U. P.

Governor.

The Hon. Sir SPENCER HARCOURT BUTLER, K.C.S.I., C.I.E

Assumed charge, 3rd January, 1921.

Members.

(*a*) *Elected.*

Pandit Gobind Sahai Sharma — Rai Bahadur Babu Ananda Sarup
Lala Sheo Charan Lal — The Hon'ble Pandit Jagat Narayan
Rai Bahadur Munshi Rabinandan Prasad — Mr Ugar Sain
Lala Chhail Behari Lal — Babu Brij Nandan Prasad
Rai Sahib Lala Kisori Lal of Aligarh. — Lala Shadi Ram
Pandit Hirday Nath Kunzru — Choudhuri Mukhtar Singh Jat
Rai Sahib Lala Sita Ram — Pandit Nanak Chand
Thakur Manak Singh — Dr. Manohar Lal
Rao Sahib Thakor Sheo Dhyan Singh — Babu Narayan Das
Munshi Narayan Prosad Asthana — Chaudhri Maharaj Singh
Rai Indar Narayan — Raja Kali Charan Misra
Chaudhri Sher Singh — Rai Sahib Babu Daya Shankar
Chaudhri Sardar Singh — Babu Gur Sahai
Pandit Brij Nadan Prasad — Babu Parmeshar Dayal Amist
The Hon'ble Mr. C. Y. Chintamani — Babu Gaindan Lal
Rai Sahib Pandit Gopal Das Sharma — Kunwar Nand Lal
Pandit Bhagwat Prasad Dube — Pandit Balbhaddra Prasad Tiwari
Raja Hukum Tej Partab Singh, of Partabner — Mr. Ajodhya Das
Major Dais Raj Ranjit Singh, O.B.E. — Kunwar Anand Singh
Pandit Radha Kant Malviya — Mahant Parmananda Gir
Pandit Krisna Kanta Malviya — Babu Parsidh Narayan
Thakur Hanuman Singh — Bhaiya Hanumat Prasad Singh
Raja Indrajit Partab Bahadur Sahi
Pandit Baij Nath Misra — Thakur Jodh Singh B. Negi
Rai Bahadur Lala Ganesh Prasad — Pandit Gokaran Nath Misra
Rai Sahib Pandit Narayan Datt Chimwal
Sadar Birpal Singh — Thakur Rajendra Singh
Thakur Mashal Singh — Babu Sita Ram
Thakur Keshariya Prasad Singh — Pandit Ramsewak Pande
Maharaja Sir Bhagwati Prasad Singh Bahadur, K.C.I.E., K.B.E.
Raja Partab Bahadur Singh, O.B.E. — Babu Shankar Dayal

Rai Rajeshar Bali, O.B.E. Saiyid Raza Ali
Mirza Muhammad Sajjad Ali Khan Saiyid Al-i-Nabi
Saiyid Janab Ahmad Qazi Muhammad Hashim
Maulvi Shahab-ud-din Kunwar Jamshed Ali Khan
Kunwar Inayat Ali Khan Shaikh Muhammad Yusuf
Khan Bahadur Chaudhuri Amir Hasan Khan
Nawab Muhammad Ahmad Said Khan, M.B.E.
Munshi Ata-at-mand Khan Munshi Zafar Husain
Mr. Masud-uz-Zaman Nawabzada Muhammad Yusuf
Shah Badre Alam Khan Bahadur Munshi Muhammad Ismail Khan
Mr. Shakir Ali Nawab Ali khan Hakim
Saiyid Jafar Hussain Mr. Fazlur-Rahman
Shaikh Saiyid Muhammad *alias* Maiku Mian
Khan Bahadur Sardar Rahimdad Khan Mirza Mamnud Beg
M. Muhammad Zahur-ud-din Khan Nawab Sadiq Ali Khan
Honorary Lieutenant Shaikh Shahid Husain, O.B.E.
Raja Saiyid Abu Jafar C.I.E. M. Muhammad Afzal
Sir Henry John Ludlam Stanyon, Kt., C.I.E., V.D.
Rai Bahadur Kanwar Parmanand Raja Shambhu Dayal
Raja Ragho Prasad Narayan Singh, Rai Bahadur
Raja Amarpal Singh Rai, M.B.E. Thakur Nawab Ali Khan
Sir Thomas Smith, Kt., V.D. Mr. S. H. Taylor
B. Vikramajit Singh Pandit Iqbal Narayan Gurtu

(*b*) *Nominated by His Excellency the Governor.*

G. B. Lambert, I.C.S. H. S. Crosthwaite, I.C.S.
E. A. H. Blunt, O.B.E., I.C.S. Kunwar Jagdis Prasad, O.B.E., I.C.S.
A. W. E. Standley H. M. Willmott R. Burn, C.S.I., I.C.S.
Lieut.-Colonel J. C. Faunthorpe, M.C., C.B.E., I.C.S.
C. H. B. Kendall, I.C.S. H. G. Billson L. M. Kaye
V. N. Mehta, I.C.S. Colonel J. K. Close, I.M.S.
C. F. dela Fosse, C.I.E. H. M. Leake
S. H. Fremantle, C.S.I., C.I.E., I.C.S. H. W. Gill
Raja Sir Muhammad Tassadduq Rasul Khan, K.C.S.I.,
Babu Durga Charan Banarji H. David Babu Khem Chand
W. K. Porter, Bar-at-Law, *Secretary to the Legislative Council,*

Chronicle of the Year 1920

January 1920

Chief Events :—Demonstrations in Northern India welcoming back the Punjab Leaders set free under Royal Amnesty—Ali Brothers start Khilafat campaign—Industrial unrest specially in Bombay—Moderate rally under Lord Sinha.

1st. 1919 sessions of the great Indian National organisations continued—The Indian National Congress, All India Muslim League, Khilafat Conference, Home Rule League and other political and social conferences held their historic sittings at Amritsar from 26th December 1919 to 6th Jan. 1920. Amritsar and Lahore in high enthusiasm over release of Ali Brothers and Punjab Leaders. **2nd.** Cable from Fizi Govt. that they have cancelled indentures of Indian Emigrants. Lightening strike of Bombay Mill hands for increase of wages, 40,000 men out, 25 Mills closed down, no riot or loss of life, demonstrations quiet. **3rd.** Calcutta University Convocation opened by Governor Lord Ronaldshay, the Rector. Viceroy presided over second day's sitting of the convocation on 5th and declared policy of Govt. in the matter of giving effect to the Sadler recommendations. **5th.** Hunter Committee began its sittings at Ahmedabad to examine and record evidence of official and non-official witnesses.—Annual meeting of European Association held at Calcutta under Mr. George Morgan, passed anti-Indian resolutions praising and exonerating Dyer, O'Dwyer, Lord Chelmsford and officials concerned in perpetrating the horible atrocities of the Punjab. **6th.** Congress Sub-committee on Punjab Massacre issued communique on the rejection of Lord Hunter of their proposal to lead non-official evidence to be tendered by the great Punjab Leaders since released from imprisonment.—President, Central Khilafat Committee, Bombay, cabled to Secretary of State pressing Khilafat views and asking same to be placed before Paris Peace Conference. **7th.** Lightening strike of N. W. Railway employees at Saharanpur demanding increase of wages —Anti-Turk campaign opened by London *Times* in its columns, strongly objected by Mr. Amir Ali, P. C., and other Moslems in England. **8th.** Conference of European Chambers of Commerce of India and Ceylon opened at Calcutta by Viceroy with a long speech urging joint co-operative action in matters of after-war trade—political colour given to the meeting by several speakers

attacking the Indians maliciously and congratulating Viceroy on his fateful Punjab policy. **9th.** Hunter Committee at Ahmedabad examined M. Gandhi and his secretary, doctrine of Satyagraha explained by the Mahatma of which the significance fell flat on Lord Hunter and his European Colleagues.—Arrival of Ali Brothers at Delhi. Delhi citizens to a man rose and gave them a magnificiently brilliant reception, Hakim Ajmal Khan on behalf of Delhi presented them with an address of welcome after their release from cruel interment and for entry into Khilafat work ; purses of 100 pieces of gold Mohurs were presented. Whole town illuminated, *en galore* in their honour. **12th.** Annual Meeting of Indian Science Congress under the presidency of Sir P. C. Roy opened at Nagpur by Lt. Governor Sir Benjamin Robertson. President in his speech strongly criticised policy of Government of not allowing Indians to enter higher services which had stifled Indian aspirations in science and strangled many branches of Indian industry.—Mr. Bhurgi engaged in Khilafat work in Europe cabled from Paris that Mr. Montagu was fighting at the Allied Peace conference for the Khilafat cause against enormous odds. **14th.** Sanction by the Sec. of State for construction of the Sarda-Kichha canal at cost of about Rs. 2 crores was announced. **15th.** Hunter Committee sat at Bombay for a few hours and then closed its work of public examination of witnesses—Sir M. O'Dwyer, his Secretary Thompson and the Knight of Tiwana were left to be examined in camera as they were unwilling to give evidence in public. **16th.** The Rt. Hon. Lord and Lady Sinha with Mr B. N. Basu arrived from England and were received on landing at Bombay by all the leading men. Receptions, public welcomes, banquets were lavishly showered upon Lord Sinha and addresses were presented by the Municipality and other moderate public bodies.—Lord Sinha delivered his message to his countrymen. **18th.** Lord Sinha and party arrived at Calcutta and was given a rousing reception at the Howrah Station by prominent Bengal Moderates, Rajas and Zamindars ; public reception at College Square was foiled by a counter demonstration led by Congressmen, nationalists and students carrying Home Rule and nationalistic banners and flags denouncing Lord Sinha's pro-official anti-nationalistic speeches. **19th.** All India Khilafat deputation headed by Dr. Ansari and organised by the Ali Brothers received by the Viceroy at Delhi. Memorial setting forth Khilafat claims at length presented to which Viceroy gave unconvincing and half-hearted reply. **20th.** Manifesto issued by the Khilafat deputation deploring the attitude of the Viceroy and his Government as unsatisfactory and once more stating the minimum demand.—Mill strikers at Bombay still holding out since 2nd now becoming restive and riotous. **21st.**

Sir Narayan Chandavarkar as president of the Labour settlement committee requested Governor of Bombay to intervene in the Mill dispute and call a Round table conference of Mill-owners and labourers and appoint a Commission of enquiry. Disturbances appeared in Bombay created by small riotous bands of Mill-hands—Gandhi-Barnes correspondence on Indians in African Dominions published. **22nd**. Bombay Mill strike getting worse. Mr. Joseph Baptista, chairman of the strikers association, appealed to Governor for intervention.—Bombay Govt. cancelled all executive orders under the defence of India Act under which many people were interned for political action and 76 political prisoners were released under the royal amnesty excepting the Savarkar brothers. **23rd**. The first joint session of the All-India Industrial Conference and Commercial Congress held at Bombay under the presidency of Sir Fazulbhoy Curimbhoy, delegates from all over India including Lala Harkishen Lal and Lala Duni Chand of Lahore were assembled. Important resolutions were passed (see A. R. 1920) notably one on fiscal and exchange policy of Govt. of India.—First aerial mail carried by an aeroplane left Karachi for Bombay reaching Bombay just after 10 hours.—**24th** First Lawyers' conference opened at Madras presided over by Hon. S. Srinivasa Iyengar. **27th**. Government of India resolution on the steps to be taken to give effect to the recommendations of the Calcutta University Commission 1919 was published. Drastic changes were proposed but without adequate financial basis.—Government of India correspondence with Nepal Durbar subsidising the latter to the extent of Rs. 10 lakhs per annum published; object being to secure against frontier, Bolshevik and Afghan inroads with the help of Nepal troops in view of incalculable help rendered by latter in late war and the cancellation of Afghan subsidy and consequent loss of Afghan friendship. **28th**. Grant of ten King's Commission in the Indian Army to Indian officers specially mentioned in the despatches during the war was announced. **29th**. Sir Benjamin Robertson, Lt.-Governor of C. P. deputed by Government of India to press the remedy of Indian grievances in South Africa before the South African Commission of enquiry, left Bombay on his mission. **30th**. Imperial Legislative Council 1920 opened by the Viceroy at Delhi with a long inaugural speech.—Mr. Sinha's Resolution, offering thanks to His Majesty for his Royal Message of 23rd Dec. last on the passage of the Reforms Act, was adopted by the Council with ringing cheers.—India office published in England Punjab Government's report on the Disturbances of 1919 on the eve of the reopening of Parliament thereby creating a prejudice in favour of the Punjab officials. This report was submitted to the India Government on October 11th last and received by the Sec. of

State in December 16th—complete secrecy being maintained in the meanwhile. **31st.** Financial Relations Committee to advise on financial relations between the Govt. of India and the local Govt. under the Reforms Scheme appointed with Lord Meston as Chairman and Mr. Charles Roberts and Lt. Com. E. Young as members.

February 1920

Chief Events :—Exchange and Currency Problem—Imperial Legislative Council, important bills introduced and discussed—All India Khilafat Conference at Bombay—Khilafat meetings all over India.

1st. Report of the Exchange and Currency Committee issued with a strong Indian Minute of Dissent by Mr. Dalal, the Indian Member. The chief recommendation of the Committee, viz., ten Rupee to Sovereign was accepted by the Government, Mr. Dalal's recommendation of a Fifteen Rupee Sovereign and coinage of 2 Rupee silver coins rejected (for the Reports see Register 1920, Part iii). **2nd.** The Great Bombay Mill strike lasting for full 1 month ended ; loss owing to strike estimated at Rs. 9 crores. Sir N. Chandavarkar, president, Labour Committee, called upon the men to resume work accepting the Millowner's terms meeting most of the complaints of the workmen excepting strike-pay. **3rd.** Punjab Government announced that 638 out of 734 political prisoners sent to gaol during Martial Law administration of 1919 had been released.—Mission of Lepers Conference opened at Calcutta, Sir H. Wheeler presiding—strong Committee formed to solve the Leper Asylum problem, Sir Leonard Rogers and Rev. Oldgrieve, the prime inspirer, delivered appealing addresses. **5th.** Mass meeting of Tirhoot Tenants held at Madhubani under Nawab Serfraz Hussain Khan and led by Swami Vidyananda. Intense discontent and unrest had for some time past been going on owing to oppression of Zamindars and apprehension caused by the introduction of the Behar Tenancy Amendment Bill 1920 in the B & O Legislative Council. Strong resolution was passed urging the postponement of this bill till the Reformed Council and seeking help of M. Gandhi and other leaders to help the oppressed tenants. **6th.** The Imperial Council Colonisation Committee sat at Delhi to examine the colonisation scheme proposed by the Guiana and Fiji Deputations (see p. 300). **7th.** Governor-General, South Africa, cabled to inform that the Asiatic Enquiry Commission, which was to go into the question of Indian settlement in South Africa, had been appointed with Sir J. Lange as Chairman and would likely begin work by end of March. (See p. 305) **10th.** Despatch of Government of India to Secretary of State dated 25 June 1919 outlining proposals for amalgamating the 3 Presidency Banks issued after being kept so long

a secret, as Indian interests as held by the shareholders could not be given voice to criticise. **11th** Imperial Council Colonisation Committee issued its report recommending the scheme of colonisation proposed by the Deputation but subject to proviso that 3 persons should be deputated by Govt. of India to investigate conditions of Indians at Guiana and Fiji.—Strong protest meeting at the Calcutta University Institute with Sir P. C. Roy in the Chair against the Govt. of India Resolution of 27th January, *re* the changes in the Calcutta University which Government proposed to do by executive order; meeting urged that legislation regarding Calcutta University should be postponed to be introduced in the forthcoming Reformed Bengal Council and expressed keen disappointment at the Govt. resolution deviating seriously from the recommendations of the Sadler Commission (see Register 1920).—Riot at Fiji of Indian Settlers mercilessly quelled by military fire. **12th.** Special meeting of Bank of Bombay shareholders under Sir T. Birkett held to approve Presidency Banks Amalgamation Scheme and to empower Directors to take necessary steps thereto; stormy scenes owing to Indian members headed by Mr. Bomanjee opposing the motion, alleging sacrifice of Indian interest and Indian shareholders being kept in the dark, ended in chairman ruling out all Indian amendments and arbitrarily declairing resolution passed but on poll being demanded, he hastily dissolved the meeting amid confusion. Similar though less confused scenes at the Calcutta meeting. **14th.** Jhallianwalla Bagh, Amritsar, acquired for the nation by the National Congress at Rs. 5·4 lacs; memorial with a suitable inscription to be erected by Indian Nation at cost of 10 lacs to be raised by voluntary contribution to perpetuate the memory of the thousands of innocent boys, girls, women, the aged and others butchered by General Dyer on the Baisaki day 1919.—Second Sindh Khilafat Conference held at Larkana under the presidentship of Pir Saheb of Jhando with some 15,000 representatives of Hindus and Moslems declaring alligiance to Khilafat and expressing utmost concern for the Holy places. **15th.** Third sessions of the all-India Khilafat Conference at Bombay held with M. M. Chottany, Chairman of ahe reception Committee and Hon. G. M Bhurgri, president. (see p. 158) **19th.** Lahore Citizens' Mass meeting at Bradlaugh Hall under Pandit Rambhuj Dutt to protest against the action of the authorities in falsifying the Royal Amnesty by not releasing many political prisoners of the Martial Law Regime of the Punjab in 1919.—Sensational mass meeting held at Trivandrum to protest against new reactionary regulations proposed by the Dewan for the Travancore Assembly: by Government order the demonstration was suppressed.—In the

Imperial Council, Delhi, Mr. Khaparde's resolution on Reform Act elicited the fact that the new Reform Rules under the Act are being drawn up by a secret Committee of Moderates and Europeans with the total exclusion of the Nationalist party (p. 248). **20th** Lala Lajpat Rai landed at Bombay after 10 years spent in America in the cause of the Motherland. Meetings, banquets, fetes, all over Bombay in his honour.—Manifesto issued by Khilafat Conference *re* the Khilafat claim and reiterating the minimum demands issued. **21st.** Madras public meeting in Gokhale Hall to welcome Mr. S. Iyyengar on his re-entry into political life after resigning his Advocate-Generalship, Mr. V. P. Madhaba Row in the Chair. Mr. Iyyengar declared "I cannot have one foot on the Congress and another foot in some Conference"—Children Welfare Exhibition at Delhi opened by Lady Chelmsford.—The famous Alipur Bomb Case deportees, Barindra Ghosh, Hem Dass and Upendra Banerjee, arrived at Calcutta from the Andamans being released under the Royal Amnesty.—**23rd.** Grand reception held in Calcutta and ovation given to M. Gandhi and released Punjab Leaders (Kitchlew, Satyapal, Harkissenlal, Dunichand, Rambhuj Dutt) and addresses presented by the citizens of Calcutta.—Bombay Chamber of Commerce protest to Government of India against exchange policy adopted from the Currency Committee recommendations and condemning this policy to be cause of alarming dislocation of import and export trade. **24th.** Bombay Indian Merchants Chamber offer prize of 100 £ for best monograph on the Currency problem to counteract the anti-Indian report of the Currency Committee of the Government of India. **26th.** Debate in the House of Commons on the future of Turkey led off by Sir D. Maclean; Prime Minister made an important statement as to why the Turks were thought fit to retain Constantinople. **27th.** The Indian Merchants' Chamber and Bureau's strong representation to Government of India on currency Committee Report which was condemned as "most unsatisfactory." They noted that the predominant interest of British and London Bankers have weighed against Indian Currency, securing a one-sided report.—Amritsar citizens sent memorial signed by all the gentry of the town, big and small, to the Viceroy requesting His Excellency to extend Royal clemency to Bugga and Ratan Chand and others under death sentence. **28th.** Bengal Provincial Khilafat Conference held at Town Hall Calcutta attended by all leading Moslems, and Messrs Saukat Ali, Kitchlew, Abdul Bari and others from up-country, passed strong resolution that if Khilafat demands are not complied with moslems will find it difficult to keep secular loyalty intact, and proposed 19 March to be the 2nd Khilafat day, a day of Hartal.

March 1920

Chief Events.—Imperial Budget of India—All-India Khilafat agitation-Khilafat deputation in England—All-India Hartal—Hindu-Moslem fusion—

1st. Imperial Budget of India published and presented by Finance Member to the Imperial Legislative Council, chief features :—(1) exorbitant Military charge, (2) abolition of Excess Profits tax, and (3) new rate of income tax. **2nd.** Lahore meeting under Lala Goverdhandas strongly protesting against anti-Turk crusade started by Archbishop of Canterbury and other prelates in England. **3rd.** Lord Meston met leaders at Madras to arbitrate between Brahmins and Non-Brahmins as to the number of seats in the Madras Legislative Council to be reserved for the latter; leaders of Brahmins and Non-Brahmins present their case, the latter demanding 42 out of 66 seats. **5th.** Press Association meeting at Bombay under Sir Narayan Chandavarkar passed resolution moved by M. Gandhi asking Government to repeal Press Act and extend Royal amnesty to all Newspapers and Presses.—Bengal and Bombay Chambers of Commerce (European) sent message to Viceroy and Secretary of State denouncing the anti Turk crusade carried on in England and pressing the just claims of Indian Moslems in the matter. **6th.** Information leaked out of the Allied Council that the British Government had decided to order British Military and Naval forces to occupy Constantinople though on 25th February last Mr. Lloyd George announced in H. of C that Constantinople would be left to the Turks, intense Moslem commotion in India. **7th.** Khilafat Committee formed at Patna under Mr. Hassan Imam.—Central Khilafat Committee accept Calcutta Khilafat Conference resolution that 19th should be 2nd Khilafat day. **9th** Mahatama Gandhi issued his first Non co-operation manifesto subject to non-boycott of British goods if Khilafat and Punjab wrongs are not speedily removed. **10th.** Allied Supreme Council issued a communique announcing that it had considererd the measures which were being taken to ensure protection of Armenians in Turkey and the disciplinary occupation of Constantinople. **11th.** In the Lords Lord Curzon made a statement regarding the Armenian Massacres and admitted that the Amenians were not such innocent lambs as some suppose, and that they were being supplied by arms by the allies to revolt against Turkey. **12th.** Address presented to H. H. the Aga Khan by Central Khilafat Committee; in reply he said that situation was very serious as the Turks as a race were going to be exterminated by the last 10 years' war and now the

Arabs are incited to revolt. He appealed for strenous agitation and for funds to close up the ranks of Moslems.—Aligarh, Amritsar and Nagpur mass meetings in support of Khilafat—Moslem feeling against Raja of Mahammadabad for not joining demonstrations whole-heartedly. **13th.** Raid by C. I. D. and armed Police on the Calcutta Khilafat Committee's and "Mahammadi" Office ; several Khilafat literatures taken away. **14th.** Punjab Muslims of rural and martial classes addressed Lt. Governor on the Khilafat wrongs. address forwarded to Viceroy with request that it might be brought to the notice of the King-Emperor. **15th.** Delhi Khilafat meeting under Mr. Kidwai to protest against anti-Turk crusade and fanatical outbursts against Islam of the Christian Churches in England led by Lord Bryce and Archbishop of Canterbury ; president declared that things had then gone so far that nothing remained for them but to take up M. Gandhi's programme of non co-operation-Demonstration by strikes of Tata Steel Works at Jamshedpur dispersed by military fire killing 10 and wounding 25. **17th.** Khilafat deputation in England received by the Premier ; Mr. Mahommad Ali presenting his case Mr. Lloyd George gave disappointing reply. **18th.** Sir D. Tata, Sir D. Sassoon, Messrs Billimoria and Samaldas, directors of Tata Steel Co. arrived at Jamshedpur and issued notice demanding unconditional return of the men by 20th morning, compliance with which will bring out their decision as regards the concessions asked. **19th.** Deputation of Strikers representatives received by Sir Dorab who made a feeling and sympathetic reference to the affairs of 15th. and expressed his intense grief ; as regards European employers against whom strikers complain, Sir Dorab stated that their aim was to employ them for the time being till Indians can replace them.—Second Khilafat day and All-India Hartal observed by complete stoppage of all work, fasting, prayer and Khilafat meetings all over India, special feature being Hindus taking a prominent part in the proceedings as Moslems. Mr. Gandhi's message to countrymen that if Khilafat propaganda fails, revolution may come in.—Nawab of Rampur, the native place of the Ali Brothers, suddenly arrested Irshad Ali and other relatives of the Alis at Rampur with no cause shown.—**20th.** Tata men return to work, strike ended, 25% permanent increase given instead of 10% bonus, men satisfied.—Lord Meston arbitration award of 28 out of 66 seats to Non-Brahmans gave great shock to latter for even the Govt. of India in their despatch of 23rd April 1919 to the Sec. of State gave 30 seats out of 61 and Governor of Madras recommended 50% for the non Brahmans. **21st.** Poona Sarbajanika Sabha celebrated its Jubilee on completion of its fiftieth year under Lok. Tilak. Lectures and addresses for next four days.

22nd. First All-India Labour Conference held at Madras (p. 82). **23rd.** Sir Ashutosh Mukherji, Senior Judge, Calcutta High Court, appointed to act as Chief Justice *vice* Sir Lancelot Sanderson granted furlough.—Essex Hall Khilafat Meeting held under the auspices of Anglo-Ottoman Society under the presidentship of Mr. Pickthall. **26th.** Congress Sub-Committee on Punjab enquiry issued its report on the disturbance of 1919 in 2 big volumes ; the report came to strong conclusions regarding the guilt of the Punjab officials from Lt. Gov. O'Dwyer downwards, and also of the Viceroy and Govt. of India, who deserved to be impeached but the commissioners purposely refrained from advising impeachment because they believed that India can only gain by waiving the right (see p. 73). **27th.** Govt. of India announced formation of Indian Wireless Telegraph Board. **29th.** Third Sitting of the Indian State's Subjects Conference at Ajmeer under Rai Bahadur Jumadal. **31st.** Revd. C. F. Andrews arrived from S. Africa after placing his statement on the Indian question before the South African Asiatic Commission, the position of Indians in S. Africa was grave owing to intense racial animosity in the Transvaal.—Governor General commutes Death sentence upon Bugga, Ratanchand and Mandhar Singh to transportation for life.

April 1920

Chief Events.—National Week and Satyagraha Anniversary 6th to 13th. Bombay, Punjab and Bengal Provincial Conferences—Khilafat agitation—All-India Protest meetings in view of revelations of Congress Committee Report on Punjab.

1st. Value Payable Post instituted between India and England. **2nd.** Bombay Provincial Conference at Sholapur under Mr. N. C. Kelkar ; stormy scuffle between extremists and moderates ending in latter's defeat (see p. 92). Punjab Provincial Conference at Jullunder under Lala Harkissen Lal ; strong resolutions urging impeachment of Viceroy and punishment of Punjab officials passed (see p. 89). **3rd.** Bengal Provincial Conference at Midnapore under M. Fazlul Haq (see p. 98). **6th.** Satyagraha Anniversary Day and Indian National Week begun and continued till the 13th to commemorate Jhallianwalla bagh massacre and Punjab atrocities of 1919. —All India Hartal and closing of shops observed. Meetings held at many places to collect subscriptions to the Jhallianwalla memorial fund. **7th.** First Firman issued by H. E. H. the Nizam disapproving the Khilafat propaganda and ordering, that all Khilafat resolutions to be moved at any meeting in H. E. H's dominions as well as the meetings, should be first approved of by H. E. H's Govt.—Moderate Conference at Calcutta Indian Association held to enter-

tain Lord Sinha and Mr. Basu on the eve of their departure to England for the Reform Rules Committee—Lord Sinha delivered fighting party speech in support of Moderate politics and denouncing the extremists. **9th.** Government of India despatch to Secretary of State of 25 March 1920 on Burma Reforms published for information. **12th.** Pundit Malaviya at the Jubbulpore District Conference strongly deprecated advice of Lord Sinha in his speeches to break the country into the factious camps of extremists and modertes and urged that disunion would spell catastrophe to the country.—Arrival of Afghan delegation under H. E. Mohd. Tarzi Beg on Indian frontiers for preliminary pourparleurs *re* Afghan treaty of friendship. **16th.** Indo-Afghan Conference opened at Mussoorie. **18th.** Insult offered to several Indian ladies by a European Military officer near Hatras who entered at dead of night a 2nd class compartment reserved for ladies, got the Indian ladies down inspite of the protests of the Railway officials and occupied the compartment all to himself. **19th.** Deputation of East African Indians along with Sir J. D. Rees, Com. Wedgwood, Sir Bhowanagree and Sir K. G. Gupta waited upon Mr. Montagu and Lord Milner in England and urged equality of treatment for Indians in East Africa and for a Commission of enquiry.- Report of the Imperial Preference Committee of the Imperial Legislative Council recommending opening up and examination of Indian Tariff question was issued (*see post*). **25th.** General meeting of the Sindh Provincial Congress Committee under Mr. G. M. Bhurgri ; animated discussion by members on the Programme or Council election. **26th.** Serious train collision at Newa Newada Station (Moradabad) resulting in over 100 deaths and several hundred wounded. **28th.** Air Ministry of the British Government made a gift of 100 Aeroplanes to India in order to help opening up aerial navigation in India. **29th.** Indian Khilafat Delegation headed by Mr. Muhammad Ali addressed the members of the Edinburgh Indian Association at the Association Hall, George Square ; Mr. V. K. P. Nayagam presided, Mr. Mohamed Ali in the course of his speech remarked that the masses of Great Britain were very sympathetic towards the Khilafat question but it was unfortunate that the Big Three are having the say in the matter. But whatever the ultimate decision of the Big Three may be, the Indian Moslems will know no peace till their religious neutrality is assured.—Report of the Financial Relations Committee under Lord Meston published (see part II, p.……) **30th.** Report of the Chemical Services Committee issued ; it recommended the creation of an Imperial Indian Chemical service and of a Central Imperial Chemical Research Institute at DehraDun and several Provincial Research Institutes ; main object being to find

employment for high placed Englishmen in the exploitation of India's material resources; Dr. Sir P. C. Coy gave a strong minute of dissent pointing out how detrimental to Indian interests these recommendations were.

May 1920.

Chief Events—Turkish Peace Treaty—Moslemr Outbusts—Adoption of Non-co-operation by Khilafat Committee—Reform Rules published—Hunter Report and Despatches.

7th. Long correspondence between Mr. Montagu and Mr. Horniman over Mr. Montagu's calumnious utterances in the H. of C. regarding Mr. Horniman's deportation for which the latter demanded open trial, closed by the refusal of the Secretary of State to take any action. **11th.** Turkish Peace Treaty as drafted by the Allies handed over to Turkish delegates in Paris. **12th.** All India Khilafat Committee meeting held at Bombay to deliberate over M. Gandhi's Non-co operation project which was eventually adopted (See p. 103). **13th.** Sir J. C. Bose formally admitted to the fellowship of the Royal Society (F. R. S.) **14th.** Turkish Peace Terms with the Viceroy's message to Mahomedans published, (See p 185.—192). followed for the next few days by indignant outbursts of Moslem feeling from every part of India and denounced by every Indian newspaper and political party including Hindus, Sikhs, and others. **15th** Govt of India published new rules for the Legislative Councils, Imperial and Provincial, under the new Reform Act (See part II). **16th.** Death of Dr M. N. Ohdedar at Lucknow, a prominent nationalist and Congressman. **17th.** C. P. & Berar Provincial Conference at Saugor under Dr. B. S. Moonjee, who declared that all political power was unreal unless accompanied by control over Military. **18th.** Message to the Sultan of Turkey by the Khilafat Deputation in England praying that he may stand true by them and appealing His Majesty's response to the claims of the Moslem world, asserting, "Islam to-day stands solidly by your side as it has never stood since the last of the Khalifa Rashidsen passed away". **20th.** First party of emigrating Moslems (Muhajarin), 22 in number, left Peshwar for Kabul in protest against Turkish Peace Terms which were against the tenets of Islam. **21st.** All India Mahratta Conference held at Parel, Bombay under Mr. K. Jadav who deprecated in his address the movement amongstMahrattas for Communal representation. **23rd.** Home Rule League Annual meeting held at Poona under Mr. Tilak, when the Secretary laid the report of the year's work. **26th.** Hunter Report along with Despatches of the Government of India and the Secretary of State published: regarded by Indians

of all shade of opinion as dictated by racial bias, wholly disappointing and whitewashing the criminal actions of the Punjab officials, exonerating the Viceroy, the Lieutenant Governor and their Governments of all blame and praising their conduct. **28th.** Central Khilafat Committee mass meeting at Bombay adopted non-co-operation as the only means now left to Moslems (see p. 193). M. M. Chotani, president, and others renounced titles as the first step towards non-co operation—the *ad interim* report of the South African Asiatic Commission recommending speedy repatriation of Indians published (see p. 309). **30th.** All-India Congress Committee met at Benares on this and following day to consider the grave situation in the country owing to the highly unsatisfactory and partisan Hunter Report and Government of India's and Secretary of State's despatches on same, based on palpable racial discrimination, and the unjust Turkish Peace Terms threatening religious feelings of Moslems; heated debate on non co-operation which was left over to be decided by a special Congress to be held in August (see p. 105). **31st.** All-India Conference of the Depressed Classes held at Nagpur from previous day under Maharaja Kolhapur.

June 1920

Chief Events.—Joint Hindu Moslem Conference at Allahabad adopting Non-co-operation meetings all over India—Notice to Viceroy on Non-co-operation to be launched from 1st August—Khilafat agitation continued.

1st. Mysore Economic Conference opened by Sirdar Kantraj Urs, the President.—Joint Hindu-Moslem Conference at Allahabad to consider next step to be taken in the Khilafat cause: anxious deliberations continued next day when Non-co operation was unanimously adopted to be put into force after a month's notice to the Viceroy. **2nd.** H. E Nizam's firman banishing a number of his subjects joining Khilafat agitation. **3rd.** British Congress Committee met at Kingsway Hall, London under Dr. Clarke to consider the Hunter Report; resolutions passed expressing indignation and terror at the massacres and atrocities and urging Government to do justice, to recall Viceroy and bring incriminated officials to book. **5th.** South African Government announced its intention of repatriating Colonial Indians as recommended by the Asiatic Commission. **7th.** Poona Deccan Sabha passed resolution denouncing Majority Hunter Report and demanding that the criminal Punjab Officials be brought to justice. **8th.** Moulana Mahmadul Hussan of Deoband landed at Bombay after an exile of internment of nearly six years in Egypt and Malta, and was given a rousing ovation by Moslems. **9th.** Sir H. Wadya,

President Deccan Sabha, Poona, cabled to speaker House of Commons *re* Hunter Report urging that prudence and Justice alike demand that iniquities and indignities should not only be censured and condemned, but should receive fullest punishment they merit.—Sir Michael O'Dwyer wrote notorious letter to Morning Post, blackmailing Indian members of Hunter Committee and Mr. Montagu.—Conspiracy in the *Al Nazir* Office at Lucknow to implicate M. Abdul Bari and other Khilafat Workers in sedition, detected. **10th.** Sir Dinsha Wacha, President, W. I. National Liberal League cabled to Reforms Committee, England, deploring that Sir Michael O'Dwyer and Govt. of India have been praised rather than censured in the Hunter Report and related Despatches.—N. W. Ry. strike at Lahore and other places ended after 18 days, authorities agreeing to strikers' terms and undertaking to re instate the seven dismissed strike leaders. **12th.** National Liberal Federation meeting held at Calcutta under Mr. (now Sir) S. N. Banerjea; strong resolution passed condemning Hunter Committee Majority Report (See p. 108.) **13th.** Indian Women's University at Poona thankfully accepted Sir Vithaldas Thackersay's gift of 15 Lakhs Rupees in memory of his mother. **16th.** Secretary of State sanctioned scheme for enlargement of Burma Council to 30 members pending introduction of Burma Reform Bill in Parliament **17th.** Lightening strike of 17,000 employees of N. W. Ry at Lahore on authorities trying to evade terms of last settlement. **18th.** Punjab Provincial Congress Committee cabled to Secretary of State strongly condeming Hunter Report and connected despatches. **19th.** Gujrat Sabha Ahmedabad, cabled to Secretary of State condemning Hunter Report.—Indian Merchants Chamber wired to Government of India strongly protesting against the unlimited sale of Reverse Councils, entailing a loss to the country of 30 Lakhs per diem. **21st** Madras Provincial Conference held at Tinnevelly under Mr. S. Srinivasa Iyengar and adopted non-co operation (see p. 98). **22nd.** Delhi Home Rule League and Provincial Congress Committee meeting under Dr. Ansari repudiating Hunter Report and connected papers.—Khilafat Message signed by 90 Moslem leaders to the Viceroy inviting him to join and lead the non-co operation movement in common cause with the Moslems and in the alternative declaring withdrawal of co operation with Government as from August 1st next. (See p. 196). **24th.** M. Gandhi addressed letter to Viceroy on the Khilafat question against the Peace Terms (see p. 198). **24th.** Labour Conference, England passed resolution *re* Punjab affairs urging recall of Viceroy, impeachment of O'Dwyers and punishment to Punjab officials and expressed sorrow

and sympathy for the Punjab martyars. **28th.** Two hundred Irish soldiers composing 1st cannaught Rangers at Jullunder refused to serve and laid down arms to make common cause with their people at home.

July 1920.

Chief Events:—Dyer Debate in the Commons—Lord Finlay's motion in the Lords—Mahajarin movement—Govt. of India Draft Rules passed by Parliament.

1st. Report of the Conference of Directors of Industries under Sir Thomas Holland held from 12 to 14th April last published.—Secretary of State's sanction of the Grand Trunk a Canal project at a cost of Rs. 309 lakhs for construction of Canal twenty two and half miles long from Baranagore in Calcutta to Kulti. **2nd.** Bombay Presidency Association meeting under Sir Narayan Chandavarkar to consider Hunter Report; passed strong resoutions condemning the Majority Report, urging recall of Viceroy and punishment of Punjab Officials. **6th.** Murder of two Mahajarins at Kacha Ghari near Peshwar by British Troops during a fracas between a party of Mahajarins and British troops.—At the International Seaman's Conference at Genoa, Indian Delegates attending. **7th.** Army Council decision regarding General Dyer issued (see p. 477). **8th.** Dyer Debate in the House of Commons (see p. 478). **9th.** Mahajarin Party of 500 men and 200 women and children led by Mr. Jan Mahomed left Larkana, (Sind,) for a Hijrat to Afghanistan.—Joint Committee on Indian Reforms issued First Report on Government of India Reform Rules. **13th.** Miss Florence Holland of Mussorie opened a Dyer Appreciation fund. **14th.** Lord Milner, Colonial Secretary, in the House of Lords supported Anti-Indian policy of Government in British East Africa. —Mr. Montagu stated in the H. of C. that Gandhi's activities re non-co-operation are thoroughly mischievous. **15th.** Colonel Frank Johnson, Martial Law Administrator of Lahore in April 1919, made striking speech at the Annual meeting of the European Association, Rangoon, denouncing the Secretary of State for his Punjab Despatch and the Indian extremists and emphasising that he and General Dyer saved the Punjab. **16th.** Maharaja of Mysore transferred Rupees Thirteen lakhs due from the British Government to the British treasury as a contribution to the cost of the war.—Government of India issued notification announcing appointment of new Executive Council with Mian Mahomed Shafi and B. N. Sarma as Indian Members.—European Association, Calcutta, cabled to England resolution supporting General Dyer's murderous action at Amritsar

and denouncing action of the Army Council. 18th. The Council of the All-India Muslim League met at Lucknow and passed a number of Resolutions relating to the Turkish Peace Terms, Hunter Committee Report, Rules under the Reform Act 1919, demand for the withdrawal of Indian forces from the Middle East and to hold a special session of the League in Calcutta in September. 19th. Lord Finlay in the H. of L. brought up a motion deploring the conduct of General Dyer's case as unjust to him and establishing a dangerous precedence ; prolonged debate in the House for two days after which Lord Finlay's motion was carried by a majority and Government defeated (see. p. 553). 21st. Delhi declared to be proclaimed area under the seditious meetings Act. 22nd. European Association Cable to Indo-British Association, London, expressing satisfaction at the Dyer debate in the Lords. 23rd. H. E. the Viceroy received the East African Deputation at Simla and after a very sympathetic hearing assured them that he would support equal rights and citizenship for Indians in all crown Colonies and protectorates.—Government of India Draft rules presented to the H. of C. and passed.—24th. Sheriff of Calcutta, Mr. D. Pickford, issued an appeal to drop the acrimonious Dyer Controversy maliciously started by the European Association. —A party of 150 Mahajarins left Lahore for Afghanistan. 26th. Karnataka Non-Brahmin Political Conference at Hubli, Sir T. Chetty presides.—House of Lords passed Government of India Rules with modifications as accepted by the House of Commons on the 23rd.—Indo-Afghan Conference at Mussoorie closed. 27th. Karnataka Non-Brahmin Social Conference at Hubli ; H. H. the Maharaja of Kolhapur presides.—European Association wired to Government of India expressing anxiety for the coming Hartal on the 1st August and urging preparations to meet the situation.—Council of European Association start a campaign to erect a memorial to General Dyer. 29th. Great banquet and dinner to the Indian Princes in London under the Presidency of Mr. Montagu ; felicitous speeches exchanged ; Lords Curzon, Crew, Mr. Churchill and other cabinet members taking part.

August 1920.

Chief Events —Non-co-operation in progress—Death of Lok. Tilak—Lord Sinha Governor—Mahajarin exodus broke down—Imp. Legislative Council, Simla Session.

1st. Third Khilafat Day observed all over India by all round Hartal—Death of Lokmanya Bal Gangadhar Tilak in the early morning at Bombay.—M. Gandhi, Mrs. Sarala Devi wrote letters to the

Viceroy renouncing titles etc. in view of Non-co-operation, followed by similar renouncement by other Non-co-operators.—Tilak funeral procession at Bombay attended by huge concourse of several lakhs headed by all the great Indian leaders; Lala Lajpat Rai delivered funeral oration. **2nd.** Condolence meeting all over India in honour of the late Lokmanya Tilak and Tilak-Memorial fund started everywhere. **3rd.** The *Statesman* of Calcutta wrote an insulting and savage article on the late Lok. Tilak; people of Bengal boycott the paper.—Demonstrations all over Bengal against the *Statesman's* atrocious calumny ending in bonfires being made of paper—Requisition of seventeen Indian members of Bombay Council to be allowed to move a resolution recording regret at the death of of Mr. Tilak rejected by Governor. **4th.** Mahajarin movement spreading very rapidly; 3500 reached Jalalabad, 10,000 Jamrud and 5000 ready at Peshwar. **6th.** Collector of Dharwar, Mr. Emanuel, wrote to the Municipal President to enquire whether the Municipal Schools were closed in honour of the late B G. Tilak whom he insuled by calling "notorious unrepentent criminal"; great agitation on this insolence. **7th.** Decision announced that the request of the Central Khilafat Committee to send deputations to all Islamic countries could not be complied with. **8th.** Punjab Provincial Congress Committee meeting at Lahore, Lala Harkishen Lal presides, the principle of Non-co-operation as a legal and constitutional weapon for securing the rights of Indians was unanimously accepted.—Central Khilafat Committee wired all over India exhorting non-violence in speech and action in the All India campaign of non-co-operation.—Late Lok. Tilak's ashes conveyed to Allahabad and consecrated to the Ganges, procession followed by Hindus and Moslems of the town. **9th.** Governor, E. Africa announced his Indian policy allowing franchise only to two Indians but maintaining the other iniquities against Indians.—Late Lokmanya Tilak's *Sradh* and mourning processions all over India, Hindus having their ablutions; condolence meetings held. **11th.** Government of India communique issued on the Mahajarin movement; Amir of Afghanistan having forbidden entry of more emigrants the Mahajarin had to come back amidst confusion and severe hardship. **12th.** Monster meeting of Hindus and Mahomedans on the Beach, Madras; Mr. Gandhi explains the principle of non-co operation.—Appointment of Dr. Tej Bahadur Sapru as a third Indian member to the Viceroy's executive council announced. **15th.** Bengal Provincial Congress Committee meeting at Calcutta: the principle of non-co-operation with some modification accepted. **16th.** Bombay Provincial Congress Committee meeting at Bombay, the principle of non-co-operation accepted by majority.—Appoint-

ments of new Provincial Governors under the new Reforms Act announced ; Lord Sinha became Governor of Bihar and Orissa.—Mr. Saukat Ali wrote to the Afghan envoy that the Central Khilafat Committee had in its meeting of 10th August resolved to control Hijrat movement and begging assistance. **17th.** Royal Proclamation issued announcing postponement of Prince of Wales' visit, H. R. H. the Duke of Cannaught to come in December to inaugurate the new Reformed Councils.—Messrs Gandhi, Saukat Ali toured in Madras Presidency on non-co-operation campaign. **20th.** Imperial Legislative Council, Autumn Session, opened at Simla with a long introductory Speech by Viceroy. **21st.** Jallianwala Bagh finally purchased for the Nation @ Rs. 5,60,472. **23rd.** Lala Lajpat Rai, President-elect of National Congress issued appeal to the Moderates to Join the Calcutta Congress. **26th.** Mr. R. W. D. Willoughby, Magistrate of Kheri, U. P. murdered by two Mahomedan fanatics cruelly. **27th.** Gujrat political conference at Ahmedabad under Mr. Abbas Tyabji who declared that non-co-operation was the last and legitimate resource for the weak nation against the strong. **28th.** 12 Indian Moderate members of the Imperial Council issued manifesto deprecating the non-co-operation movement. **29th.** Mr. S. N. Bannerjea replied to Lala Lajpat Rai's letter to Moderates stating his inability to join Congress owing to acceptance of non-co operation being a foregone conclusion. **30th.** Bombay Public meeting of 20,000 Hindus and Muslims under Dr. Kitchlew reiterated the usual non-co-operation and other Khilafat resolutions and cabled to Zagloul Pasha congratulating Egypt on attaining independence.

September 1920

Special Sessions of the Indian National Congress, Muslim League, and Khilafat Conference at Calcutta—Resolution on Punjab disallowed in the Imperial Legislative Council—Manifesto issued by non-co-operators—Congress Sub-Committee report on the Draft instruction to the Non-co-operation resolution issued.

4th. Special Session of the Indian National Congress at Calcutta with Lala Lajpat Rai, President and Mr. B. Chakravarti as Chairman of the Reception Committee, held mainly to consider the adoption of M. Gandhi's non-co-operation campaign. (see Part III) **5th.** All India Khilafat Conference, special session, at Calcutta. **6th.** Special Congress, Calcutta, Sir A. Chaudhury moved resolution on the Punjab Enquiry Reports which was passed. **7th.** Mr. A. F. Whyte appointed first President of the Imperial Legislative Council under the Reform Act.—Special Session of the All India Muslim League at Calcutta with Mr. M. A. Jinnah, President. **8th.** Banquet

at the Savoy Hotel London, given in honour of Lord Sinha, presided by Mr. Montagu and attended by many M.P's and Indians. Mr. Montagu paid tribute to the selfless devotion of Lord Chelmsford in governing India and Lord Sinha accepted the compliments paid to him by Mr. Montagu and said "that all classes of people from all parts of India" rejoiced at his Governorship—statements laughed out by Indians as utterly false.—special Session of Congress, Calcutta ; historic debate on M. Gandhi's non-co-operation resolution ; heated debate on Mr. B. C. Pal's amendment supported by C. R. Das and others. **9th.** Maharaja of Bikaner appointed his son the Lt. Maharaj Kumar as the Chief Minister and President of the Cabinet. **10th.** Non-co-operation resolution passed by huge majority, after the original resolution of Mahatma Gandhi had been toned down by the introduction of the adjectives "Progressive and Gradual" in the Subjects Committee ofthe Special Congress. **14th.** Non-co-operation in the Imperial Legislative Council. H. E. the Viceroy having disallowed a resolution on the Punjab, all other Indian members withdrew their resolutions and abstained from the council ; Commotion in the country over Viceroy's foolish action.—Hon'ble Mr. Patel resigns seat in the Imperial Council following Congress non-co-operation creed. **15th.** Pundit Moti Lal Nehru, Mr. George Joseph and many other Congressmen who voted against non-co-operation in the Calcutta Congress issued manifestos accepting the Congress Creed, though against their personal conviction, resigning their titles and honours. **16th.** Imperial Legislative Council under the old Minto-Morley Scheme closed—New Council under the Reform Act to open next at Delhi on February 1921. **19th.** Congress Democratic Party of Western India issued manifesto stating that over 50 Council members and prominent men of their party had decided to boycott the Council. **20th.** Government of India issued communique on the appointment of a High Commissioner in London under the new Reform Rules ; Sir William Meyer the first nominee, to enter on his duty on 1st October. **21st.** Rotary Club Dinner at Calcutta, Mr. (now Sir) S. N. Bannerji delivered a magniloquent oration on the moderate—Anglo-Indian *entete* and suijested tea parties, evenning parties, and dinner parties to bring the relation between the two races closer, and strongly advocated this sort of co-operation to combat the non-co-operation movement. **23rd.** First batch of Indians numbering 95 repatriated from South Africa arrived in Bombay. **25th.** Judgment of "Not guilty" passed upon the 2 Privates of Peshwar who had brutally murdered 2 Mahajarins at Kacha garhi on 8th. July ; the facts are the Privates insulted party of women Mahajarins and Habibulla, another Mahajarin, having interfered the Privates

with their sepoy shot them dead and brutally mutilated their body ; the general Court-Martial that was held acquitted the accused. **26th.** Congress Sub-committee consisting of Gandhi, Nehru and Patel issued its report with regard to the draft instructions on the Non-co-operation resolution of the Congress ; this report considered by the All-India Congress Committee on 2nd October at Bombay (p. 129). **30th.** Esher Committee Report on Indian Army Reforms published : it recommended expansion of the Army in India to serve Imperial interests (see part II)

October 1920,

Chief Events :—Non-co-operation activities in Northern India—Punjab and Aligarh Student—upheaval Trade union Congress at Bombay.

2nd. All India Congress Committee met at Bombay under Pandit Nehru to consider Non-co-operation Draft Rules of the Sub-committee and other matters (See p. 129).—London *Times'* stringent criticism on the Esher Report strongly condemning the policy of the Indian Army being controlled by the Army-head-quarters of England and attacking Mr. Montagu for having given his consent to the Report without consulting Parliament.—Indian Merchants Chamber, Bombay at its annual general meeting under Mr. J. B. Petit condemned Government Currency Policy, Reverse Council sale and restrictions of Gold import as having been the cause of enormous loss to India and expressed the opinion that no wonder under such a Government self-respecting people had to adopt non-co-operation. **3rd.** All India Home Rule League meeting under Gandhi at Bombay changed its constitution ; its name altered to "Swaraya Sabha" and its object extended beyond article 1 of the National Congress.—Communique issued by the Secretary of State that he had not yet considered the whole of the Esher Report and that there is really no intention of parting with the constitutional supremacy of the civil power over the Military. **4th.** Khilafat Delegation to Europe under Mr. Mahomed Ali returned to Bombay. **7th.** White Paper published giving opinions of Provincial Governments and public bodies concerning financial arrangements between central and provincial Governments under the New Reforms Bill ; Government of India declaring that income-tax must remain absolutely an Imperial revenue. **11th.** Political Conference held at Moradabad under Pt. Nehru atttended by all prominent U. P. Leaders ; non-co-operation resolution explained by M. Gandhi passed. **12th.** Gandhi and Ali Brothers at Aligarh lectured on non-co-operation ; students took up the cry, left the College and demanded its nationalisation ; panic amongst the College authorities and trustees,

13th. Gandhi, Ali Brothers, Pundit Nehru and other leaders on tour in northern India carrying on the non-co-operation campaign. **20th.** M. Gandhi at Lahore conferring with students about non-co-operation. Lahore student upheaval; students struck wholesale following non-co-operation and demanded nationalisation of their Colleges. **23rd.** Colonel and Mrs. Wedgwood landed in Bombay to attend Nagpur Congress and to obtain first hand information of the political situation of the country. **24th.** Students of Islamia and Dayanand schools *of Amritsar* and Sikh students of Khalsa College joined non-co-operation, left their College and demanded their College to be nationalised. **25th.** Punjab Government issued communique forbidding holding of meetings other than election meetings in Amritsar and Sheikhupura districts—Annual meeting of Western India National Liberal Association held at Bombay under Sir D. Wacha; resolution passed against non-co-operation.—M. Gandhi issued his famous letter to Mr. Jinnah and other Home Rule seceders explaining that he did not make a fetish of British connection. **26th.** It was announced that the Army in India was being re-organised into four Commands. **27th.** Meeting of Trustees of Aligarh College to consider the students' demand, majority against nationalisation (see p. 121). **29th.** Inauguration of National University at Aligarh. **30th.** Meeting of Council of National Federation held at Bombay under Sir Sivaswamy Iyer; string of resolutions on non-co-operation, Esher report and current topics passed (see p. 133). **31st.** The first All India Trade Union Congress held at Bombay under the Presidency of Lala Lajpat Rai (see Part III).

November 1920

Chief Events.—Non-co-operation growing in volume—Amritsar, Benares, Lahore students strike—Agitation against Esher Report.

3rd. Messrs Gandhi, Saukat Ali, Nehru and other leaders carrying on non-co-operation propaganda in the Bombay presidency for this and the following few days. **4th.** Army Committee of the House of Commons passed resolution that part five of Esher Report should be forthwith adopted in view of "the spirit of unrest and dissatisfaction in both armies in India—Aga Khan's strong letter in the *Times* denouncing Britains Military policy in the Middle East as revealed in the Esher Report which will imperil political situation in India and jeopardise the reforms. **6th.** Government of India issued communique on non-co-operation pointing out the dangers and throwing the whole burden of combating it on the Moderates; public apprehension that this was a move on the part of the Government towards repression soon to follow. **8th.**—At the invitation

of Benares Hindu University students, Dr. Ansari and Pundit Nehru visited Benares and gave addresses on non-co-operation. **9th.** Colonel Wedgwood addressed Lahore Citizens at Bradlaugh Hall and said "that it was the duty of every man and woman in the country to do everything in his or her power to secure Home Rule", and referring to non-co-operation said "the people who ask you to co-operate with them must first begin to co-operate with you" **10th.** Injunction obtained by the Buckingham Mills, Madras, on Mr. B. P. Wadia and eight labour leaders on allegation of inducing strike ; all hands went on strike in protest of this capitalist outrage. **11th.** Armistice Day observed throughout India by a cessation of all work, speech and locomotion for two minutes at 11 A.M. **13th.** Informal meeting of the Punjab Legislative Council at Government House, Lahore, when His Honour Sir Edward Maclagan gave a long lecture on co-operation and the present deplorable political atmosphere of the country. **15th.** First National College of the first National University opened by Mahatma Gandhi, the Chancellor, at Ahmedabad, with Mr. Gidwani as Principal and 500 students.—Benares students upheaval ; at a students meeting Principal King of the Engineering College having insulted the non-co-operation lecturers the students went on strike in protest and adopted Non-co-operation on the exhortation of Mr. Mahamad Ali. **16th.** Benares Hindu University strike continued for 10 days ; congratulatory letters sent to Aligarh and Ahmedabad. **17th.** The District Magistrate of Amritsar prohibited the holding of a Home Rule Conference on November 19, 20, and 21 and the presentation of an address to Col. Wedgwood on the Jallianwala Bagh. **19th.** Govt. of India replied to representation of Bengal Chamber of Commerce that they saw no hope of improvement of the exchange crisis and had abandoned sale of Revese Councils—2nd. All-India Ulemas Conference opened at Delhi under the presidency of Maulana Mahamadool Hassan. **20th.** General Sir Charles Monro, Commander in Chief of India, retired and sailed from Bombay. Lord Rawlinson, the new Commander in Chief took over charge.—Convocation of the Allahabad University opened by Chancellor Sir Harcourt Butler, the L-G, who warned the students against the non-co-operators, who were, he said, their enemies. **21st.** Large public meeting of Indians in British East Africa threatened to start a non-co-operation campaign if their grievances were not redressed **22nd.** Dislocation by non-co-operators of Khalsa College, Amritsar—12 Professors resigned in a body for failure of the authorities to nationalise the College and give up Government aid, College closed down.—Nominations and elections to the new Reformed Council began in various parts of India. **23rd.** 2nd. Political Conference

of Delhi-Ajmere-Marwara Province under the presidency of Maulana Mahomed Ali—Particulars of the Cannaught Rangers mutiny at Jullunder issued in an Indian army order. **25th.** Report of Indian delegates to the International Financial Conference at Brussels published (See p. 402). **27th.** The Imperial Citizenship Association of Bombay wired to Sir George Barnes, Commerce Member, Government of India, on the differential treatment to Keniya Indians by the Keniya Government.

December 1920

Chief Events.—Election fiasco at Calcutta Colleges—Railway Workman's Association meeting at Allahabad—The Indian National Congress, Muslim League, Khilafat Conference and students Conference at Nagpur—National Liberal Federation meeting at Madras.

1st. Aligarh University Act brought into force, Raja of Muhammadabad being the first Vice-Chancellor. **2nd.** Injunction granted for Buckingham Mills, Madras on Mr. B. P. Wadia and 8 other Labour leaders made permanent by Madras High Court ; great strike of Mill hands at Madras continued for a month against this order,—Non-co-operation in British East Africa ; Mr. A. Vishram member, East African Legislative Council, resigned in protest against racial discrimination in that colony. **4th.** Election fiasco at Calcutta ; students of the City and S. C. College left in a body for being insulted by the Police in the College premises during election taking place there. **5th.** Lord Sinha arrived in Bombay from England and was received by congratulatory addresses from the moderate organisations. **6th.** Government of India communique issued on the reorganisation of and recruitment to the Public Services (see part II). **7th.** Extensive strikes in many Schools in Rangoon several of which were closed down.—Bombay University Special Convocation conferred Honorary Degree of D. L. on Lord Sinha, Sir Narayan Chandavarkar, and Sir Chimanlal Setalvad. **8th.** Tilak Mahavidyalaya, a national school, opened at Poona by Mr. C. V. Vaidya. **9th.** Khilafat National Volunteer Corps disbanded at Delhi. **10th.** Bombay Presidency Association wired to Sec, of State and the Viceroy protesting against Esher Report.—Communique issued announcing that Mission to Kabul was being arranged to conclude a treaty of friendship and peace with Amir. **11th.** Mr. Ben Spoor, delegate from the Labour Party, England, to the Indian National Congress reached Bombay and was received by Congress, Home Rule and Labour leaders of Bombay. **14th.** First general meeting of Railway Workman's Association held at Allahabad under Mr. Jones, the president ; resolution

passed threatening dislocation of work by end of month if demands not met. **18th.** The *Personnel* of the new Executive Councils under the Reforms Act of the Provincial Governments announced. **20th.** Royal Instruction issued to the Governors of the Provinces with regard to the working of the Reforms—Summary of changes in the financial relations between Central and Provincial Governments with Sec. of State's assent published. **21st.** Punjab University Convocation ; Sir J. Maynard delivered Convocation Address. **22nd.** Dr. Tej Bahadur Sapru took over charge as the new third member of the Viceroy's executive Council. **25th.** All India Students' conference opened at Nagpur, Lala Lajpat Rai presided. **26th.** Indian National Congress opened at Nagpur under the Presidency of Mr. Vijiaraghavachariar (See. Part III). **27th.** Government of India despatch to the Secretary of State declining acceptance of Lord Milner's decision on the position of Indians in East Africa, published. —Indian States Conference at Nagpur ; resolutions passed urging Indian Rulers to introduce responsible government in their states. **29th.** National Liberal Federation of the Moderate Party opened at Madras under Mr. C. Y. Chintamoni (see Part III).—All India Khilafat Conference opened at Nagpur under Mr. Abdul Kalam Azad (see Part III). **30th.** New Congress creed adopted by the National Congress, Nagpur (*Q. V.* Part III).—All India Muslim League at Nagpur under Dr. M. A. Ansari, President (see Part III).

National Movements in India 1920

Arrival of Congress Deputation

On January 15th the members of the Congress Deputation to England in connection with the Reforms Bill returned to India and landed at Bombay. Under the joint auspices of the Indian Home Rule League Bombay Branch, the Bombay National Union and the Bombay Provincial Congress Committee, a public meeting was held on January 16th to accord public reception to the returned members. Lokmanya Tilak presided and the General Secretary, Mr. Patel, was requested to make his statements about the work done in England. Mr. Patel in the course of his speech said,—

"I feel very strongly that there is need for continuous, persistent and vigorous propaganda in Engand and America. No doubt the British Committee has now become the executive of the Congress. But unless we have our own men on the spot to guide and supervise the work of that Committee, I am afraid, no useful purpose would be served. We have been maintaining that institution for about 30 years. I found very few people in England had heard the existence of that institution. Some people know something of the Indian National Congress, but comparatively few only know anything of the British Committee. I note with satisfaction that the Amritsar Congress has resolved to establish a permanent mission for its own propagandist work in England and elsewhere and appointed a Committee to work out the details.

Regarding his work in England, he said :—"Most of the members of the Deputation left for India early in November to be in time for the Amritsar Congress. They directed me to stay on till the Bill was through and I did so. My principal duty was to see that the Congress view was represented before the Joint Committee which had not till then completed its labours and before the House of Commons when the Bill was discussed there. It was an open secret that the only member of the Committee who sympathised with the Congress demands was Mr. Spoor. I, therefore, kept myself in constant touch with him noting the deliberations of the Committee. I passed hours and hours with him, read to him such literature as I had and explained to his satisfaction the justice of our demands. He then consented to move before the Joint Committee all the amendments which I had prepared on the lines of the Delhi Congress Resolutions. He did so and to his great regret and surprise he found that he was in a minority of one. He was however, so convinced about the justice of our

demands that he expressed his willingness to move similar amendments in the House, on the Bill as revised by the Joint Committee, and asked me to interview other prominent members of his Party and explained our case to them. This I did and I am glad to say, successfully. In fact I fully explained our case to almost all the prominent members of the Labour Party. I then prepared draft amendments and sent a copy to every prominent member of the Labour Party. I requested Mr. Spoor and two or three others to convene a meeting of their Party to consider those amendments. At that stage it came to my knowledge, and I mention it with very great regret, that Mrs. Besant was exerting herself to induce the Labour Members to support the Bill as revised and not to give notice of any amendments. I do not desire at present to say anything more beyond mentioning this fact, regarding the difficulties I had to cope with in carrying out the mandate of the Congress. All is well that ends well and I am glad to say that the Executive of the Labour Party met and decided to move our amendments in the House. I might mention here that I tried some members of other Party and the only member whom I could convince was Mr. MacAllum Scott. He gave notice of our amendments after I had four interviews with him, at two of which he took full instructions in support of them. I then interviewed every member who had given notice of any of our amendments, and gave him instructions and supplied him with materials. I was asked by some of them to prepare notes on amendments. Thereupon such notes were prepared on all our amendments and a copy supplied to every member who had given notice. The Bill was discussed in the House of Commons for three days and the Congress case was fully represented. I had been fortunate enough to get a seat under the Gallery, from where I could not only hear the debate properly but also give instructions on points raised in the debate. Members moving amendments were so well posted with details that occasions for such instructions during the debate were very rare. As an instance of such instructions, I should like to quote one. During the debate on Mr. MacAllum Scott's amendment for transfer of all subjects other than Law, Justice and Police in the Presidency of Bombay, Commander Kenworthy asked Mr. Montagu who was replying, whether the Government of Bombay itself had not recommended the transfer of land Revenue and Irrigation. This question was asked on my instruction. Although not a single amendment was adopted by the House, the discussion has, in my opinion, served very useful purpose. Several points have been cleared up and statement of the position of Government on important points have been elicited. I will take some other occasion to state them in

detail. But one or two of them are so important that I should like to mention them now. It was generally believed that the Provision in the Bill for the appointment of a Commission at the expiration of ten years meant that there would be no change in the interval. The debate on the point which was raised by the amendment of Mr. Spoor elicited very useful reply from Mr. Montagu. I will quote that reply in Mr. Montagu's own words :—

"If there is any remarkable and unforeseen development in the Indian condition in the short space of ten years, because ten years is a very short time, my Hon. friend is quite wrong ; it does not tie the hands of Parliament in any way whatever. There can always be a Commission appointed in the interval. What this act says is that there must be a commission appointed at the end of ten years ... ... It does not and cannot mean that in no circumstances whatever will there be an investigation."

"It was also believed that the list of transferred subjects as finally settled by the Joint Committee was unalterable for a period of ten years. The debate on the motion of Commander Kenworthy that the diarchy should come to an end at the end of six years elicited the following reply from Mr. Fisher on behalf of Government :—

"May I point out that there is nothing in the Bill which prevents revision taking place before ten years But there must be a revision at the expiration of ten years. If it be true that great progress will be made and if it becomes obvious that the transferred subjects are being handled wisely and effectively to the satisfaction of the Indian population by the Indian ministers, then there is no obstacle to a revision at an earlier period than ten years."

"Similarly during the debate on Mr. Spoor's motion for the transfer of all subjects other than Law, Justice and Police in all the Provinces, Major Barnes asked the Government whether it was not possible within the ten years before the Statutory Commission sat to extend the list of transferred subjects, and Mr. Montagu's reply was "Certainly." It was also thought that the recommendations of the Joint Committee prevented any change in the franchise proposals as now settled. In the debate on Mr. Spoor's motion on clause 41, Sir J. D. Rees stated that the Government of India could make changes in the franchise. It was also made clear during the debate that the rules under clause 1 and clause 7 would be considered by the Joint Committee and submitted to the House of Commons for affirmative resolution. As I have just said there are several matters on which important statements have been elicited during the debate, and I do not propose to worry you by referring to them on this occasion. I do not also desire to refer to the debate in the House of Lords on this occasion.

"My work being over and before leaving for India, I once more interviewed the prominent members of the Labour Party and requested them to officially declare their sympathy and support to

India's claim to complete self-government and in the continuance of our struggle for its achievement. Result was the message that Mr. Henderson read and the Labour Party approved at a Farewell Dinner in the House of Commons on the 18th of December 1919.

"Let us recognise the good points in it and act as responsible men in those spheres of Government where responsibility is entrusted to us, and let us also utilise the other venues where we have no responsibility for the purposes of propaganda and agitation. Let us not cease agitating for, as Col. Wedgwood stated "if agitation ends the Act supervenes," Before I resume my seat I should like to express my sincere gratitude to Mr, Khaparde, Dr. Sathaye and Mr. Horniman who have given me all possible facilities and help in carying out the work, after your Chairman and other members of the deputation left for India."

Lord Sinha's Arrival

On January 16th Lord Sinha arrived in India and landed at Bombay. Great as was his fame abroad, the reception that was accorded to him was in tune with his achievements. Emperor, Statesmen, Princes, Ministers of England and Presidents of the two greatest Republics, France, and the United States, before them all Lord Sinha not only carried himself high but also the name of his Country amongst the nations of the World. During his two day's stay in Bombay, almost all the great political bodies, Princes, commercial magnates and politicians, joined together in feteing and welcoming him and giving joyous banquests in his favour. His presence infused new life into the gradually dying race of Moderates who now came forward again to start their campaign of cooperation with the Government. The rousing reception and the universal cordiality showered on his lordship all round, however, for once tempted him into an unjudicious excursion into the field of Indian politics, before he had time to use his plummet. In all his speeches he poured forth his grateful heart in paying glowing tributes to Mr. Montagu and Lord Chelmsford, at that time the worst hated man in India, and laboured much in reiterating what India had got by the new Reforms. There was not even a passing reference in his speeches to the Punjab and the wrongs from which lacerating Indian feeling was at that time suffering. The effect of this false step and self-absorption was soon seen in the country. From a rousing reception from every body at Bombay, he landed a few days after into a storm of abuse at Calcutta.

Lord Sinha's Message

To an Associated Press representative, at Mr. S. R. Bomanjee's residence on Jan. 16th Lord Sinha said: I am glad to find that all shades of opinion in India are agreed as to the necessity of working the Reform Act which is just passed in a spirit of harmony and co-operation. I cannot help thinking that, in view of this, it was unwise, and to my mind unjust, first to say that the Act does not satisfy the legitimate aspirations of the Indians, and secondly, to threaten further agitation. To my mind the best agitation for the purpose of increasing the sphere of our responsibility would be to try and discharge in a manner most satisfactory to the people of India, the responsibilities which are now proposed to be devolved upon us. Let me illustrate this by a concrete example. I will assume that the Local Self-Government, Education and Sanitation will become the transferred subjects. They are all important and will tax our energies to a very great extent. Instead of diverting our energies in asking for other subjects, like Law and Order, to be immediately transferred, I venture to think that it is part of wisdom to begin from now to formulate our policy with regard to each of those subjects, Local Self-Government, Education and Sanitation. How are we going to find finance for them? In what directions can we expand them? Probably, a survey is necessary in addition to what has already been accomplished by the Local Governments. We shall have to begin to carry out that policy early next year. Are we ready with any? I think not. It will, therefore, be a waste of energy of which we do not have superabundance, to begin agitation for the purpose of obtaining control over the departments of law and order. I mention this merely as examples. They can be multiplied *ad infinitum*. This is the message which, above all, I should like to send to my countrymen all over India. Let us begin to work. That will be our agitation, and do not let us continue to talk which may end in nothing, and which will probably do us a great deal of harm.

Lastly, I venture to remind my countrymen of His Majesty's appeal for co-operation. Without it, the Act will be more a paper constitution and the goal will be farther than ever. This I know, that so far as Parliament is concerned, they will not look with favour upon any alterations proposed before the next Statutory Commission investigates the whole subject matter. After all, even if we have to wait for another period of 10 years, it is not such a very long time in the life of a Nation. The eyes of the world will be upon us. They will watch with interest how we succeed in working the constitution which is now ours. It is my firm belief that

if we do not succeed in working the Act effectively, we shall not retain the sympathy of most, if not all, who helped us in the past.

Welcomed by the Moderates—Tribute by Sir D. E. Wacha

The same day was a gathering of members of the Western India National Liberal Association and friends at the Taj Mahal Hotel for welcoming Lord Sinha, when Sir Dinshaw Wacha, on behalf of the Association, eulogised the services rendered by Lord Sinha in the enactment of the Reform Act which Sir Dinshaw referred as a Charter of Liberty, monumental and epoch-making in history. Sir Dinshaw hoped that the Act would be worked successfully during the transitional and probationary period, and that progress would not be retarded by unreasonable opposition and calculated obstruction. The Moderate Party was unanimous in the determination to work the Act for all it was worth and earn further advance, and felt highly grateful to the Joint Parliamentary Committee, Members of both the Houses of Parliment, the Secretary of State and Lord Sinha for their services in carrying the Reform Bill to the Statute Book. They were also proud of the signal triumph achieved by Lord Sinha as the first Indian to be raised to the British Peerage and the first Indian Under-Secretary of State. If only India had a long line of men like Lord Sinha, India would reach the goal of full Responsible Self-Government sooner than they anticipated.

Lord Sinha's Reply

In reply Lord Sinha first poured forth his heart-felt tribute to the services rendered by Lord Chelmsford and Mr. Montagu in the matter of Indian reforms and pointedly testified to the genuine zeal with which Lord Chelmsford had worked in giving practical shape to the policy of responsible Government to be given to India in the near future. Continuing he said—

"Gentlemen, I believe we have got more than we expected. When I left India on the last occasion about fifteen or sixteen months ago, one of the great commercial magnates of Bombay, whom it is my privilege to call a friend, told me that if there were no reform other than fiscal reform or fiscal autonomy, he for one would be perfectly satisfied with that. Well, have we not got it?

"Those who have read with care the Report of the Joint Committee will bear me out that their recommendation is that with regard to fiscal matters India shall have the same right to regulate her policy as all other Dominions of His Majesty, (Applause.) You may ask why has it not been embodied in the Statute, and perhaps judging from how things proceed in India

and judging from the suspicion and distrust with which we were accustomed, I am sorry to say, but I hope it will no longer be so, the suspicion and disturst with which we look upon all declarations of policy, including the one which I have just mentioned, even the fact that it is not in the Statute, will perhaps be used for the purpose of saying that it is a mere pious wish expressed on behalf of the Joint Committee, in no manner binding upon Parliament and not conceding in reality the boon of being able to adjust our fiscal policy. I assure you, gentlemen, that it is my conviction that nothing can be a greater mistake than that. The Joint Committee themselves have given the reason why it is not in the Statute, because if you look high and low among the Dominions you will not find any enactment to that effect ; for in theory and in law the British Parliament is supreme over not only India and Great Britain and Ireland, but over all the Dominions of His Majesty. Therefore, there could not be in the Parliament any Statute any enactment, restricting the authority of the Parliament. If it were, there is nothing to prevent the next Parliament from repealing that and from having another policy declared. I believe, as has been well said, so far as the Joint Committee Report and so far as the Act are concerned, there is no pretence of giving with one hand and taking it away with another. Indeed, to my thinking, the whole future is in our hands. It is for us to make or mar it. It will depend on the spirit of harmony and co-operation which we bring to bear upon the working of these reforms. Indeed it will be impossible to work it without that spirit of unity and co-operation. I rejoice to find that all sections of opinion in India are agreed upon this, that this measure has got to be worked for all it is worth, and if worked in the spirit which I have just mentioned, it will lead us within a reasonable distance of time to the long wished for consummation."

Again, at a luncheon given by the Bombay Presidency association, replying to the toast proposed by Sir D. Petit, His Lordship of Raipur said :—

"I know this, that to the best of my capacity and according to my lights, I have endeavoured to serve the cause which you and all others of my countrymen have at heart. I have not been in touch with a good deal of what has happened in India during the last three weeks or so. I have during the period read no newspapers and hardly any telegrams. It is only since yesterday I had been in touch with the newspaper world. I am, therefore, unaware of what had been said and done in the great gathering at Amritsar and also at the great assembly that assembled at Calcutta last month. But what little I have seen during the

last two days that I have been in Bombay I am rejoiced to find an expression of generous appreciation and recognition at the part and the proud privilege I had had in the passing of the Reforms Act. I never set much store on words and phrases. I do not myself care whether it is considered right to describe this Act as inadequate and disappointing, but I feel and I believe I have got the pulse of my countrymen when I think that in their heart of hearts they believe there has been a very substantial advance towards responsible Government in India.

"At the risk of tiring your patience let me in a few sentences sum up what I believe had been achieved under the new form of Government. We have been promised with a sure hope of redemption a fiscal autonomy for India. We have been promised and it is now a law of the realm, that the Secretary of State's council shall have at least three if not more Indian members on that body. We have been promised that the pay and status of Indian members will be such as to make it possible for Indian members to serve in England. The present salary acted as a serious handicap to Indians of real merit to go six thousands miles away from their country for service. We had been further promised that the control of the Secretary of State is to be relaxed in every matter as regards the Government of India when the Government of India find that the measures enacted were in accord with the Legislature of the country. The Montagu Chelmsford Report recommended only two Indian members on the Executive Council of the Viceroy. We know now that we shall have at least three Indian members on the Viceroy's Council. We may have even four. We are indebted for this liberal measure to the sagacious statesmanship of Lord Selbourne. (Applause.) I believe that every member of the Committee has in their report stated expressly that it would be a source of strength to the Government of India if we had more Indian members on the Viceroy's Executive Council. Then you will remember that in the Montagu Chelmsford Report we had a statement that the Government of India should be left as far as possible intact in the new Act that was to be enacted. and when you compare the provisions of the Statute which is now law, I hope you will agree that so far as the Government of India is concerned it has been liberalised to a far larger extent not only than that promised in the Report, but more than we had asked for three years ago. Then take the Provincial Governments. We have not only Government responsible to the Indian Legislature but the Executive Council will contain an equal number of Europeans and Indians. We have not only one Indian now in the Executive Council but as many as four. The

advantages of such an arrangement are self-apparent, but it is not mere numbers that count. We have got practically absolute control of all departments which are concerned with the building up of the Nation. Now, if these generous reforms can be described as inadequate and disappointing then to my mind words have no meaning.

In conclusion Lord Sinha said : Let it go forth to England and every other country in the whole world watching us—that we in India are grateful to Great Britain for her sympathy towards India, that we know and recognise who are our true benefactors and that we shall justify the confidence and trust that England has thought fit to place on India. Let it go forth that we are truly grateful for the message of His Majesty the King Emperor and to his appeal to make the reforms a success, so as to make it possible that in the fullness of time, and I think that that time is much nearer than many of us imagine, we shall call ourselves members of the world family which constitutes the League of Nations.

Lord Sinha's Sin.

Nationalists in India were cross with Lord Sinha, inspite of his glorious achievements, because of his famous speech in the Lords during the passage of the Reforms bill, when he declared that "India is not yet fully equipped for complete self-goverment and I will be not so rash as to attempt to predict when she will be." And now the triumphal manner in which he chose to throw out messages and lessons to his countrymen, and the panegyric which he showered on all those who were directly connected with the launching of the Reforms touched national feeling at its sore spot. For ever since the fateful events of the Punjab in April 1919 the name of Lord Chelmsford was every where an anathema, and just at this juncture when Lord Chelmsford was following the traditional viceregal policy of breaking into the heart the promise made into the ear in the matter of the King's Proclamation, Lord Sinha's admirers fell into the error of giving political colour to a reception which should have been purely personal. On this ground alone there was not the least difference of opinion amongst the intelligentia throughout the length and breadth of the country. But at Calcutta, two days later, on the 18th January, the moderates tried to rehabilitate their party under the public utterances of Lord Sinha at Bombay and threw down the challenge that the public at large supported Lord Sinha's politics. This was at once taken up. On the arrival of Lord Sinha at Calcutta, he was received at the Howrah station by a very large and influential gathering of prominent people and a grand procession

was organised to take him to a public reception at College square. Here his Lordship was expected to speak as he had spoken in Bombay.

The route taken by the procession was Howrah Bridge, Harrison Road and College Street. Three arch-ways were erected on the way and parts of the route were decorated with mottos in bold characters hung up in several places, saying "Bande Mataram, Bengal welcomes you," "Peace unity and fraternity," "They come laden with a nation's love," and so on. At College Street and College Square, however, were various mottos hung up in prominent places by the nationalists :—

"India is fit for full autonomy."
"Did Indians deserve no better Government."
"Rise above slave psychology."
"Autonomy for the people and not peerage for the few."
"Liberties for the people and not offices for the few."
"Bondage though guilded is no partnership."
"Remember Jallianwallah Bagh"
"Co-operate with General Dyer?"

In front of the Senate House Lord Sinha was greeted by his friends and was again garlanded. The counter-demonstration by the Nationalists held immediately in front created a great row and in the *melee* that ensued the moderate demonstration was quickly broken up and Lord Sinha was hastily obliged to withdraw himself to his home.

The counter-demonstration ended with the passing of the following resolution :—

"That this meeting of the citizens of Calcutta is emphatically of opinion that Lord Sinha's expressed opinion on the Reform Act in no way represents the views of the majority of our countrymen : that the reception accorded to him to day is not a reception accorded on behalf of the public of Calcutta and that it would be disingenuous to represent it in any other light."

Reception of the Ali Brothers

In contrast to the Sinha-reception, a glowing episode in the political history of this period was the grand public receptions which followed in the trail of the famous Ali Brothers and the Punjab leaders, since released under the Royal Amnesty of 1919, as they toured throughout Northern India in a march of triumphal procession. Lahore, Amritsar, and other places of the Punjab were the scenes of the wildest enthusiasm over the return back to their homes of those martyered heroes who had braved the Martial

Law frightfulness of that infamous O'Dwyerian regime of the Punjab of 1919, and of these the most abiding are the historic reception of the Ali Brothers at Delhi and of the Punjab Leaders at Calcutta.

Early in January 1920 Delhi citizens made preparations for the reception of their beloved leaders in a scale hitherto unparalleled. Triumphal arches, artistic decorations, festoons, banners and buntings, draperies of silk and hangings of carpet, mottos in scarlet and gold and flags of the silver crescent were lavished in profusion throughout the main streets, from the shops in the ground floor to the house tops. Messrs. Shaukat Ali and Muhammad Ali arrived on January 9th and was received at the station by a crowd estimated at 2 lakhs. A long ring of cheers, winding and reverberating through the streets, chawks and the narrow lanes of Delhi, which has never been heard or witnessed within its ramparts since the beginning of British rule in India, gave a sombre impression to the scene. So tense was popular feeling on the occasion that Government thought it fit to withdraw the military and the armed police from the place and for two days the town was given into the hands of the Ali Brothers and the populace. Dr. Ansari read the most touching message of welcome and Maulana Hasan Nizani read the following address on behalf of the citizens of Delhi and presented it in two separate silver caskets to the two brothers amidst thundering peals of applause.

The most significant incident of the day came when Lala Shanker Lal and Shiva Narain, the Home Rule Heroes of Delhi, were presented to the Ali Brothers. Standing on the raised platform and facing the huge audience, for a moment stilled as if by a spell, the great Moslem Leaders clasped their Hindu brethren in their arms and kissed each other. Up rose from the sea of human heads a tumultuous roar of enthusiasm and for a time, Hindus and Moslems gave themselves up to an orgy of mutual embraces. Several purses of Gold and garlands studded with gold Mohurs were then presented to the Ali Brothers.

The following is the translation of the address presented to the Ali Brothers:—

"Honoured patriots, devoted servants of Islam, it is nearly five years when your long internment with all sufferings and trials commenced, when we, the citizens of Delhi, entrusted you to the care of God. Let us first bend our knee for grateful contemplation to the Protector who has guarded you against the tide of reactionary excesses forming the order of the day, who has granted it to the citizens of Delhi and the Muslims of India to-day to avail themselves of your sincere guidance and regard of matters spiritual and secular

affecting their struggle for national existence. The people of Delhi have special occasion to congratulate themselves on your restoration to liberty, because you were almost the first who undertook the task of dispelling the sombre silence which had befallen Delhi following the downfall of the Moghul power. It would be ingratitude on the part of the citizens of Delhi to forget that it was due to your efforts that Delhi began to meet. We cannot forget yours was the first voice to awaken the slumbering masses of Delbi and a debt of gratitude under which you have allied us is one which we can scarcely hope to repay. The unmistakable signs of the Hindu Muslim unity and especially of the resuscitation of the Muslim Community observable in India to-day also bear witness to your invaluable services, and your worst enemy cannot attempt to deny you the honoured place in the list of the patriotic workers who are rearing magnificent temple of human prosperity on bedrock of freedom and the rights of man. It would require a volume to enumerate in detail your services regarding the M. A. O. College, Muslim University, galvanizing the Muslim community of India through your brilliant newspapers 'Comrade' and "Hamdard" (upon which descended the ever-hateful sword of Democles "the Press Act"), raising funds for the Muslim victims of the Balkan war, organizing competent, well-equipped medical mission for the Turkish wounded, enlightening non-Muslims regarding the sanctity of mosques (which was preceded by the heartless massacre of some faithful Muslims at Cawnpore) not to mention the organisation of Anjumani Khuddami Kaaba and its admirable work to bring about the alleviation and hardships of Hijaz Pilgrims and the valuable services regarding the Muslim League. Your co-religionists, and compatriots fully value all your services, but there emerges from your political, and religious life one principle which claims the highest eminence and has been to us all as a lustrous ideal to achieve. It is none other than the example you have set us in firmness, fearlessness in telling the truth, iron resolve, illustrations of indomitable will according to Quranic text which says "neither are they daunted nor are they unhappy." Indeed it is example fit to adorn pages of history in letters of gold to light the path of our coming generation to the ultimate goal. It makes clear as noon day that faith, determination, sincerity are the three mates which distinguish the true followers of the Prophet of Arabia. You set before your community and country an example of pure, selfless, genuine patriotism which very largely contributed to the deepening of shallow faith, invigoration of fainting heart and steadying of faltering steps. Five years ago there were not many in India who had the courage of conviction to declare openly the commandments of the law of God regarding the question of Khilafat and the holy places, but

to-day every house top is resounding with open declaration with these very tenets. It is due to you, with which you have presented your community in your own life, that the Mussalmans are determined to-day to make every possible sacrifice for the sake of righteousness and faith. Dear patriots, your restoration to liberty is a matter of profound rejoicing to us, because we have, at this supreme crisis when Muslim work is involved in the life and death struggle and India has been the unfortunate victim to naked coercion and appalling repression, the privilege of benefitting by your sincere guidance. Your presence in our midst will stimulates our community into solidarity seriously imperilled during the last five years of agonizing ordeals. The foundation stone of the Hindu-Muslim unity has already been laid upon which is now rising the superb monument of the united nation. Your participation in its up-building will greatly contribute to the acceleration of our activity. Delhi of her hoary memories has been the scene of many royal arrival and departure. Princes and high-placed functionaries have graced this city with their presence, and it has seen many gorgeous procession, royal pageant and has discharged the duty of welcoming the great personages, but if love and regard with which our welcome to you is inspired are to be a measure of spontaneity, and genuineness, rarely has similar welcome been extended to others. It is not customary compliance with the usual conventions that our words of welcome aim at, on the contrary, it is humble and inadequate tribute of love. Nothing can be more sincere effort on our part to fully appraise the lesson of your life which has imparted us than try to approximate it in our daily life. Let us therefore assure you that our real welcome to you consists in the affirmation that our anchor holds."

The Calcutta Reception

Meanwhile the Brothers Ali were organising a deputation to the Viceroy on the Khilafat question (see p. 148), and were moving about in the cause of the Khilafat. By the middle of February public activity in the country centred round the 2nd Khilafat conference at Bomday whither the Ali Brothers had gone accompanied by some of the Punjab Leaders (see p. 158). They arrived at Calcutta on 22nd February by special train. The unprecedented demonstration displayed by the public surpassed all similar demonstration in enthusiasm and ardour, for Hindus, Moslems, Sikhs, Marwaris, Bhatias and all joined hands. A long procession was organised from the Howrah station to a mammoth pandal erected on the Halliday street. Floral gates and arches were erected at the interval of a few paces, and at places there were bandstands

with *nahabats* and other Indian music. In front of the Marwari association on Harrison Road, a floral arch was erected in the centre of which was placed a large sized picture of Mahomed Ali, Saukat Ali, and their revered mother. This was significant of the fusion of Hindu-Moslem interest, as not very long ago an unremitting feud used to exist between the Marwaris of Barrabazr and the Moslems of the neighbourhood. Tens of thousands of people of all shades lined the route of procession and assembled at the pandal where mustered all the great congress men of Calcutta and Bengal while the moderates shunned it to a man. Mr. B. Chakravarti, the president, then presented the following address on behalf of the Citizens of Calcutta.—

With Love And Greeting To

M. Shaukat Ali,	Mr. Satyapal,
Lala Harkishen Lal,	M. A. K. Azad,
Mr. Duni Chand,	Mr. Narayandas Khanna,
Dr. Kitchlew,	Pandit Rambhuj Dutt Chowdhury

"On behalf of the citizens of Calcutta, we beg to offer you a greeting of cordial and brotherly welcome.

"We have nothing to offer you in the shape of rank, riches or honours nor do you come among us clad in office, authority or power. The bond between you and ourselves is not one of material give and take, of favours bestowed and received, of rewards given or expected. It is one of common hopes and aspirations, of a common love and service, and, may we add, of a common liability to suffer and endure.

"You, each of you, in your separate spheres, for short or for long, according to the tale of your years, have suffered and laboured in the cause of your country. Some of you, in humble and retired walks of life, toiled for the redemption of your suffering fellow brethren; others, called by fortune to rank among the great ones of the earth have proved their faith when so many were false. But, gentle or simple, ye all were steadfast in the hour of danger; and the Almighty has set his crown upon your work by giving you the high and cherished privilege of suffering for your country. Ye were faithful in the few things of life and so in the fulness of time, God chose you out to be faithful in many. He set you up as on a pedestal of trial agony; and our hearts glow with fervent admiration as we think of the courage, endurance and patient heroism with which you bore up under the heavy burden of high-handed iniquity.

"Ye emerge from your tribulations like gold thrice-tested in fire: the stamp of the Almighty's grasp is upon you and your work: ye are as chosen instruments in the hands of your Maker, fashioned and welded by suffering to work out his purposes in the large and beneficent economy of the universe. Ye have laboured and ye have endured, what more do we except of frail humanity?

"After long periods of suffering and detention ye have been permitted to regain your freedom and to return to your normal places in life: but there are others to whom the blessing of liberty is still denied. To us in Bengal, this thought comes with a sense of keen and poignant sorrow, for we cannot forget that numbers of our young men are still spending weary days and hours—some in the far Andamans, and some in the jails of Bengal, many amid circumstances of grievous and intolerable hardship. And as we have our portion

of suffering in Bengal, so have you in the Punjab, so have you in Maharashtra and so in other parts of the country. The same tale comes from everywhere and inspite of the King's gracious message there is desolation at many hearths in the land. For all such brothers, privileged to suffer for their motherland, our only prayer on this auspicious occasion shall be, 'May they be strong and patient in their suffering even as ye were strong and patient in yours.'

We have the honour to remain,
Your grateful and admiring fellow-countrymen,
The Citizens of Calcutta.

For the next few days Hindus, Moslems and Marwaris of Calcutta gave themselves up in offering receptions and banquets in honour of their guests. The student population of Calcutta met them on the 27th February and presented the following address.—

"When clouds of gloom and despair were gathering on the political horizon, you stood up fearlessly to champion the just cause of our countrymen, and the sufferings of the martyrs were your lot. But by the grace of God and through the clemency of His Majesty the King-Emperor you have been restored to us. Your sufferings have not only roused up in you a stronger determination to devote yourselves wholly to the cause of our Motherland but have been instrumental in bringing about the dawn of a new era in our national life. The Hindu Moslem unity has been one of the direct results. Nor have your sufferings been lost upon us. The heroic example of your noble and silent self-sacrifice has inspired us with a burning desire to follow in your wake and to serve our Motherland.

"Beloved leaders, standing on the dawn of a new era, we are beholding the vision of a glorious future. Throbbing with the pulse of a new life, our young spirit is seeking to realise itself through the service of the Motherland. At the most impressionable stage of our life we look up to you for direction and guidance so that we may follow the path of truth and justice only, rise above all party-spirit and mean hatred, and learn to suffer with strong and silent determination.

"Dear leaders, while we are deeply thankful to God for your return, our heart goes out in sympathy to those of our brethren who have not been yet released. We hope and trust that fullest use of the Royal Clemency will be made and thus help the birth of a new spirit of trust and fellowship.

"May God give us the same power of patience and fortitude, love and faith, which sustained you in your hours of trouble, and may His blessings and your benedications be upon us in our determination to serve our Motherland and to fight for truth and justice fearlessly, however strong the forces in opposition be.

"May God spare you to us for years to come and give you strength and light to serve God, humanity and the Motherland, is the earnest prayer of

Your Admirers
The Students of Calcutta.

The Jhallianwalla Bagh

A national event of far greater significance than all these receptions and banquets was the announcement made on the 14th February by Lala Girdharilal that Jhallianwalla Bagh had been acquired for the nation. The Committee appointed by the Amritsar Congress to deal with this transaction consisted of M. Gandhi, Pandits Malaviya and Nehru, Swami Shradhananda, and Messrs Kitchlew, Girdharilal and Harkishenlal. They issued a press note intimating the nation of the result of the negotiations for the purchase and making a public appeal for 10 lacs for a suitable memorial. On this subject Mahatma Gandhi wrote the following note in his paper "Young India."

"There was an unfortunate hitch about the purchase of this Bagh for the nation. Thanks to the efforts of the Hon. Pundit Madan Mohan Malaviya, Sanyasi Swami Shri Shardhananda and the local leaders it has now become the property of the nation subject to the full payment of the purchase price within three months from the 6th instant. The purchase price is Rs. 5,36,000. And the amount must be raised within the prescribed period.

"It is therefore necessary to examine the propriety of making this purchase on behalf of the nation especially as it has been questioned even in enlightened quarters. With the Cawnpore Memorial before us the attitude is not to be wondered at. But with all respect to objectors I cannot help saying that if the Bagh had not been acquired it would have been a national disgrace. Can we afford to forget those five hundred or more men who were killed although they had done nothing wrong either morally or legally? If they had died knowingly and willingly if realising their innocence they had stood their ground and faced the shots from the fifty rifles they would have gone down to history as saints, heroes and patriots. But even as it was the tragedy became one of first class national importance. Nations are born out of travail and suffering. We should forfeit all title to be considered a nation if we failed to treasure the memory of those who in our battle for political freedom might innocently or for the crimes of others lose their lives or otherwise suffer. We were unable to protect our helpless countrymen when they were ruthlessly massacred. We may decline if we will to avenge the wrong. The nation will not lose if we did. But shall we—can we afford to—decline to perpetuate the memory and to show to the surviving members of the families of the dead that we

are sharers in their sufferings by erecting a national tombstone and by telling the world thereby that in the death of these men each one of us has lost dear relations? If national instinct does not mean at least this much kinship it has no meaning for me. I hold it to be our duty to tell the present generations yet unborn that in our march towards true freedom we must be prepared for repetitions of the wrongs such as the Jallianwala Bagh massacre. We must provide against them, we must not seek them, but we must be ready to face them if they come again. I would not have us flinch from the battle of national life. The supreme lesson of the Amritsar Congress was that the sufferings of the Punjab did not dishearten the nation but that the nation treated them as a matter of course. Some of us made a stupid mistake and the innocent suffered for them. We must in future try to avoid the mistakes but in spite of our best effort we may fail to convert every one to sanity. We must therefore be ready for the repetition of the sufferings of the guiltless by telling the country now that they and theirs shall not be forgotton but that the memory of the innocent dead shall be regarded as a sacred trust and that the surviving relations shall have the right to look to the nation for maintenace in case of need. This is the primary meaning of the memorial. And has not the blood of the Mahomedan mixed with that of the Hindu? Has not the blood of the Sikh mixed with that of the Sanatanist and the Samajist? The memorial should be a national emblem of an honest and sustained effort to achieve Hindu-Muslim unity.

But the objector's objection still remains unanswered. Will not the memorial also perpetuate bitterness and ill-will? It will depend upon the trustees. And if I know them I know that that is not their intention at all. I know that such was not the intention of the vast assembly. I do not wish to convey that bitterness was not there. It was there not in any way suppressed. But the idea of the memorial had nothing of bitterness in it. The people want to, they must be encouraged to forget the doer and his madness. What General Dyer did we may all do if we had his responsibility and opportunity. To err is human and it must be held to equally human to forgive if we, though being falliable, would like rather to be forgiven than punished and reminded of our misdeeds. Nor does this mean that we may not ask for General Dyer's dismissal. A lunatic cannot be kept in a position from which he can do harm to his neighbours. But just as we do not bear ill-will towards a lunatic, so to may we not bear ill-will even towards General Dyer. I would therefore eschew from the memorial all idea of bitterness and ill-will but treat it a sacred memory and regard the Bagh as a place of pilgrimage to be visited by all irrespective of class, creed

or colour. I would invite Englishmen to appreciate our feeling in the matter ask them by subscribing to the memorial in the spirit of the Royal Proclamation to make common cause with us in our endeavour to regain consciousness, realise the same freedom that they enjoy under the same constitution and to realise Hindu-Muslim unity without which there can be no true progress for India.

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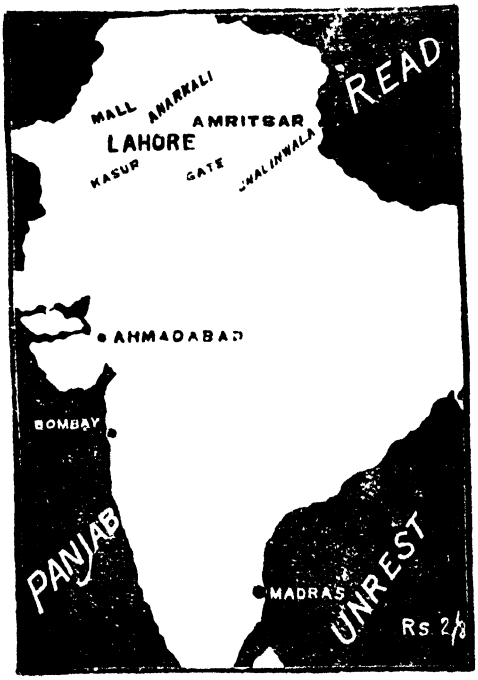

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Punjab Enquiry Reports

By the end of March 1920 the long expected report of the Congress Sub-Committee on the late Punjab disorders was issued. The Sub-Committee consisted of M. Gandhi and Messrs C. R. Dass, A. Taybji and M. R. Jayakar ; it was appointed in November of the previous year to conduct a non-official enquiry into the disorders of the Punjab. The report was submitted to the President of the Congress, Pundit Motilal Nehru and through him to the All India Congress Committee for consideration and steps to be adopted. Copies of the report were at once placed before the Secretary of State, His Majesty's Government, the Viceroy and the Government of India and to the Press at large.

They examined over 1700 witnesses and selected for publication about 650 statements. Every admitted statement was verified by one Commissioner and no statement was admitted without sufficient cross-examination. Enquiry was confined to the martial law area and to the districts in which it was proclaimed. The Commissioners freely availed themselves of the evidence before the Hunter Committee in order to strengthen or correct their conclusions.

The Report

The report opens with a brief historical and geographical survey of the Punjab. The second chapter is devoted to a critical examination of Sir Michael O'Dwyer's administration in the course of which the Commissioners say:—

"We feel tempted to say that he invited violence from the people so that he could crush them. Evidence in the appendix shows that he subjected the Punjab to the gravest provocation under which they momentarily lost self-control. They have paid dearly for it, but they have also with amazing quickness regained self control and risen purified through the fire of sufferings most undeserved and earned a certificate for sanity given to them by Sir M. O'Dwyer."

The third chapter is a criticism of the Rowlatt Bills and concludes with the declaration that the Government were unjustified in placing on the statute book on the eve of liberal reforms that extraordinary measure to deal with anarchy as if anarchy had been an epidemic instead of being rare in India.

The fourth chapter headed "satyagraha" examines that doctrine as it was preached ; the conclusion drawn was that neither satyagraha nor hartal had anything to do with the mob excesses.

The fifth, and by far the biggest chapter, is divided into two sections and is devoted to consideration and examination of the

administration of Martial law in the Punjab. Regarding this the Commissioners say :—"The theory of rebellion or war completely broke down before the Hunter Committee, there was no proof of organisation outside the Punjab and behind the so-called conspiracy. And if Martial law was unjustified, much more so was its prolongation for nearly two months. The measures taken under it were such as to disgrace any Government calling itself civilized. Its inauguration was heralded by the massacre of the innocents of the Jallianwala Bagh. The tone of frightfulness set off by General Dyer was approved by Sir M. O'Dwyer during the two dark months that followed. If our figures are correct, and we held them to be so, nearly twelve hundred lives were lost, at least three-thousand six-hundred men were wounded and some permanently disabled. The vengeance taken was out of all proportion to the wrong done by the people and the wrong, moreover, was initiated under grave provocation. The slow torture administered to survivors during the martial law period, we have sufficiently described. We can only hope that the revelations presented by us will make the repetition of atrocities impossible."

General Conclusions.

In concluding the chapter, the Commissioners hold : "We have been obliged in places to use strong language, but we have used every adjective with due deliberation. We recognise we have no right to expect an impossible standard of correctness from the Government. In times of excitement and difficulty, any officer is prone to make mistakes in spite of the best intentions. We recognise too, when the country is on the eve of important changes introduced in the administration and the Sovereign has made an appeal to the officials and the people for co-operation, we should say nothing that may be calculated to retard progress. But we feel that it is impossible to ignore the acts of atrocious injustice on a wholesale scale by responsible officers, as it would not be possible, no matter how bright the future might be, to ignore criminal acts of the people. In our opinion it is more necessary, now than ever before, that official wrongs should be purged as well as the people's. The task of working the Reforms and making India realise her goal in the quickest time possible would be well nigh impossible if both the people and the officials did not approach it with clean hands and clean minds.

"If therefore we recommend that the officials who have erred should be brought to justice we do so not in a vindictive spirit but in order that the administration of the country may become purified of corruption and injustice. Whilst therefore we believe that the

mob excesses in Amritsar and elsewhere were wrong and deserving of condemnation, we are equally sure the popular misdeeds have been more than punished by the action of the authorities. We believe had Mr. Gandhi not been arrested whilst he was on his way to Delhi and the Punjab and had Kitchlew and Satyapal not been arrested and deported, the innocent English lives would have been saved and valuable property including Christian Churches not destroyed. These two acts of the Punjab Government were uncalled-for and served like matches applied to material rendered inflamable by previous progress.

The Viceroy's responsibility.

"In examining in detail the events in different districts of the Punjab, we have refrained from saying anything regarding the Government of India. It is impossible, however, to ignore or slur over the inaction, if not active participation, of the Central Government in official actions. The Viceroy never took the trouble of examining the people's case. He ignored the telegrams and letters from individuals and public bodies. He endorsed the action of the Punjab Government without enquiry. He clothed the officials with indemnity in indecent haste. He never went to the Punjab to make a personal inquiry even after the occurrences. He ought to have known, at least in May, everything that various official witnesses have admitted, and yet he failed to inform the public or the Imperial Government of the full nature of the Jallianwalla Bagh massacre or the subsequent acts done under martial law. He became a party to preventing even a noble and well known English Chirstian of unimpeachable veracity in the person of Mr. Andrews from proceeding to the Punjab whilst he was on his way not to inflame passions but simply to find out the truth. He allowed Mr. Thompson, Chief Secretary, Punjab Government, to indulge in a distortion of facts and insult Malaviya whose statements made in the Council have almost all been now proved to be true out of the mouths of official witnesses themselves. He expressed such a callous indifference to popular feelings, and betrayed such criminal want of imagination that he would not postpone death sentences pronounced by the martial law tribunals except after he was forced so to do by the Secretary of State for India. He seems to have closed his heart against further light by shutting out questions by a responsible member of the Council like Malaviya. He would not visit the Punjab for local inquiry. We refrain from criticising his attitude over the Rowlatt agitation. But a sense of public safety forbids us to ignore His Excellency's inability to appreciate and deal with the situation in April. Whilst

therefore we do not think His Excellency has wilfully neglected the interests of those who were entrusted to his charge by His Majesty, we regret to say His Excellency Lord Chelmsford proved himself incapable of holding the high office to which he was called and we are of opinion that His Excellency should be re-called.

Other conclusions Summarised

"We summarise below our other conclusions :—(1). The people of the Punjab were incensed against O'Dwyer's administration by reason of his studied contempt and disturst of the educated classes and by the reason of cruel and compulsory methods adopted during the war for obtaining recruits and monetary contributions and by his suppression of public opinion by gagging the local press and shutting out nationalist newspapers from outside the Punjab. (2) The Rowlatt agitation disturbed the public mind and shook public confidence in the goodwill of the Government. This was shared by the Punjab in a fuller measure perhaps than elsewhere because of the use made by Sir M. O'Dwyer of the Defence of India Act for purposes of stifling public movements. (3) Satyagraha movement and hartal which was designed as a precursor of it, whilst they vitalised the whole country into activity, saved it from more awful and more widespread calamities by restraining violent tendencies and passions of the people. (4) The Rowlatt agitation was not conceived in anti-British spirit and the Satyagraha movement was conceived and conducted in a spirit entirely free from ill-will and violence. (5) There was no conspiracy to overthrow the Government in the Punjab. (6) The arrest and internment of Mr. Gandhi and the arrests and deportations of Kitchlew and Satyapal were unjustifiable and were the only direct cause of the hysterical popular excitement. (7) Mob violence which began at Amritsar was directly due to the firing at the Railway overbridge and the sight of dead and wounded at a time when the excitement had reached white heat. (8) Whatever the cause of provocation the mob excesses are deeply to be regretted and condemned. (9) So far as the facts are publicly known, no reasonable cause has been shown to justify the introduction of martial law. (10) In each case martial law was proclaimed after order had been completely restored. (11). Even if it be held that the introduction of martial law was a State necessity, it was unduly prolonged. (12) Most of the measures taken under martial law in all the five districts were unnecessary, cruel, oppressive and in utter disregard of the feelings of the people affected by them. (13) In Lahore, Akalgarh, Ramnagar, Gujerat, Jollapur, Jattan, Lyallpur and Sheikhupura there were no mob excesses at all worthy of the name. (14)

Jallianwalla Bagh massacre was a calculated piece of inhumanity towards utterly innocent and unarmed men, including children, and unparalleled for its ferocity in the history of modern British Administration. (15) Martial law tribunals and summary courts were made the means of harassing innocent people and resulted in the abortion of justice on a wide scale and under the name of justice caused moral and material sufferings to hundreds of men and women. (16) The crawling order and other fancy punishments were unworthy of a civilised administration and were symptomatic of moral degradation of their inventor. (17) The imposition of indemnity and of punitive police at various places notwithstanding the exemplary and vindictive punishments meted out through nearly two long months to innocent men, and exaction of fines and illegal impositions were uncalled for, unjust and added injury. (18) Corruption and bribery that took place during martial law form a separate chapter of grievance which could have been easily avoided under a sympathetic administration. (19) The measures necessary for redressing the wrong done to the people for the purification of the administration and for preventing repetition in future of official lawlessness are (a) The repeal of the Rowlatt Act, (b) Relieving O'Dwyer of any responsible office under the Crown, (c) Relieving Dyer, Johnson, O'Brien, Bosworth-Smith, Sri Ram Sud and Malik Sahib Khan of any position of responsibility under the crown, (d) Local inquiry into the corrupt practices of minor officials whose names have been mentioned in the statements published by us and their dismissal on proof of their guilt, (e) Recall of the Viceroy, (f) Refund of fines collected from the people who were convicted by special tribunals and summary courts, remission of all indemnity imposed on cities affected, refund thereof where it has already been collected and removal of punitive police.

"It is our deliberate opinion that O'Dwyer, Dyer, Johnson, O'Brien, Bosworth-Smith, Sri Ram Sud and Malik Sahib Khan have been guilty of such illegalities that they deserve to be impeached, but we purposely refrain from advising any such course because we believe India can only gain by waiving right. Future purity will be sufficiently guaranteed by the dismissal of the officials concerned. We believe Col. Macrae and Captain Doveton have failed equally with O'Brien and others to carry out their trust, but we have purposely refrained from advising any public action against them as unlike others mentioned by us. These two officers were inexperienced and their brutality was not so studied and calculated as that of experienced officers."

The Hunter Report on Punjab Disturbances

Lord Hunter's report was issued late in May 1920 in a bulky volume of 200 pages with appendices containing maps and statistics. One hundred pages were devoted to the Majority Report, signed by the five European members, and sixty pages to the Minority Report by the three Indian members. Both the European and Indian members broadly agreed in their views of the outstanding causes and the principal events leading to the outbreaks.

They considered the Satyagraha or Civil Disobedience movement of Mr. Gandhi responsible for undermining the law-abiding instincts of the population at a time when these instincts were strained to the uttermost by economic distress, war weariness, anxiety as to the political future of India, apprehension as to the Turkish peace terms and agitation against the policy of the Government of India in pressing forward and passing the Rowlatt Act. They did not consider that the recruiting methods employed in the Punjab had anything to do with the unrest in that province, but they pointed out the contrast between the awakening aspirations of India and the restrictions upon liberty so freely indulged in by the officials. The Indian members also pointedly drew attention to the fact that the administration of the Punjab was provokingly unsympathetic towards Indian aspirations.

With the exception of Jallianwala Bagh and certain minor incidents, both the reports generally agreed in the justification of the firing done by police and military. They both also agreed in pronouncing unfavourably upon General Dyer's handling of the Jallianwala Bagh meeting and upon certain of the orders passed in the course of the administration of Martial Law. They agreed in exonerating the Government of India from all blame. This was, however, natural, as the Commission was appointed by the Government of India and not by the Home Government as demanded by Indians.

The Indian and the European members markedly differed in their view as to the precise nature of the disorders, as to the wisdom of introducing and continuing martial law, as to the justification for the policy pursued by the Punjab Government while the troubles were on, and as to the gravity and proper appreciation of certain happenings on the broad question of the nature of the disturbances.

The European members emphatically stated that "open rebellion" was their only suitable description, possessing as they did, a public and general object, namely, an attempt to paralyse the arm of Government by the extensive destruction of Government buildings and means of communication. 'The element of rebellion,' they

said, "as distinct from mere riot on the one hand and from political opposition to Government on the other, can be traced throughout. In what sense it may be considered to lack openness, we have failed to discover." They considered that the nature of the movement was not affected by the omission of the mobs to seize firerms, since implements appropriate to the work of destruction were never lacking. Great stress was laid upon the gravity of the menace to communications and upon the language, said to be seditious, used by the mobs and the violent posters exhibited in certain places.

The Indian members, however, while admitting that the acts of the mobs might amount to waging war in the legal sense, objected to the description of the disorders as "open rebellion," which implied a rising for the purpose of turning out the British Government, which was certainly not the intention of the rioters. They say, "We are unable to agree in the view that the riots in the Punjab were in the nature of a rebellion. To suggest that they had elements of a revolution and might have rapidly developed into one, is, we venture to say, an exaggerated view of the events which is not justified." They did not share the view of the European members as to the exterme gravity of the attacks upon the railways, telegraphs and bridges, but pointed to the omission of the mobs to look for swords and guns, further there was entire absence of evidence regarding any antecedent conspiracy as a mainspring of the disorders.

Concerning the necessity for the imposition and continuance of martial law, the European members thought that it was difficult, probably unsafe, not to assume at the time that the outbreaks were the work of a definite organisation and that it would have been imprudent to treat the different occurrences as independent and isolated riots. "In our opinion," they said, "the situation which had arisen in the Punjab was one of extreme gravity and the authorities were justified in declaring Martial Law and partially superseding the ordinary tribunals in the different districts to which martial law was applied." They further considered that those responsible for the maintenance of martial law gave a careful considerate judgment. On the other hand, the Indian members strongly censure the Punjab Government for assuming the disorders to be a rebellion and for persuading itself rather easily that Martial Law was necessary. They stated that Martial Law came into existence when the crisis was past, at a time when the situation afforded no justification for it. and declared that its imposition for preventive punitive purposes was constitutionally unjustifiable, and that its continuance was wholly unnecessary. The report investigated in detail the origin and course of the disturbances in various localities, and both the Indian and European members were in complete agreement respecting events in

Delhi and Bombay, holding that the measure taken by the authorities at these places, as distinguished from the Punjab, were reasonable and paid tribute to the conduct of Mr. Barron, the Chief Commissioner of Delhi, and Mr. Chatfield, the Collector of Ahmedabad for their tactful handling of the situation.

The Indian members differed from the European members as to the merit of restriction placed upon Mr. Gandhi's movement, but they admit the possibility that developments dangerous to the public peace might have ensued from his presence at Delhi and in the Punjab. Regarding Amritsar, the European members held that the outbreak was anti-Government at every stage, hostility to Government quickly merging into antipathy for Europeans as such and culminating on April 10th in the brutal murder of five inoffensive persons and savage assault on others.

The Indian members opined that the anti-European sentiment developed subsequent to the Military firing of April 10th, but the firing was perhaps necessary. The European members approved the action of the authorities prior to April 13, considering it impossible that *de facto* martial law could fail to result from the happenings of April 10th. But while admitting the difficulties of the situation, they considered that General Dyer's conduct at the Jallianwala Bagh was open to criticism in two respects, first, that he fired without warning and second, in that he continued firing too long. They did not believe that the mob would have dispersed if warned and considered that the firing would have been necessary in any case. They considered that General Dyer, through a mistaken belief that continued firing would be justified by the effect produced in other places, committed a grave error in firing too long. They found no grounds, however, for believing that this action saved the situation and averted a second mutiny, but they did not think that General Dyer could be blamed for not attending to the wounded as they are not convinced that any one was exposed to unnecessary suffering for want of medical attention. This opinion was not shared by the Indian members, who, while agreeing in the condemnation of General Dyer's action, took a graver view of the whole incident, stigmatizing his conduct as inhuman and un-British.

Regarding the outbreaks in the other towns of the Punjab, both the European and Indian members agreed generally upon the dangers inseparable from their employment and the difficulties of justifying every detail of the action taken. The Indian members emphasised that difficulty, objected to certain specific incidents and further thought unjustifiable some of the unnecessary firing done at Chuharkhana and Sheikhupura.

In considering the working of the courts set up to try the offenders, the European members admitted that the trials were lengthy, detailed and careful, but regarded it as inexpedient not to have sent some of the accused, notably Mr. Kitchlew and Mr. Satyapal, before the ordinary courts. They note that the necessity for making excessive reductions in the sentences could have been lessened in the case of the minor offenders charged, had they not been pressed before the tribunals when established which left the tribunals no option but to pass sentences of the severest kind. They think that while the number of persons arrested and detained with out being brought to trial was regrettably large, the investigation was on the whole not done very badly or oppressively.

The Indian members here defer redregarding the working of the Courts and the methods of arrest as highly objectionable. All the members agreed in commenting strongly upon the exclusion of lawyers outside Punjab and in considering that the sentences of flogging were too numerous, having regard to the strong public sentiment which existed in India against corporal punishment. Regarding the general administration of Martial Law, the European members objected that it should have assumed such an intensive form, further condemning certain of the orders as injudicious and calculated to cause unnecessary inconvenience to the civil population. They objected to General Dyer's order that any one desiring to traverse the street where Miss Sherwood was brutally assaulted should crawl. The orders passed in Lahore against students were condemned as unnecessarily severe and serving no useful purpose. In all these matters the Indian members took a more serious view, and strongly denounced the actions taken as unjustifiable and calculated to humiliate and to foment racial bitterness.

FOR

The Despatches

Of the Secretary of State and the

Government of India,

The Minority Report

of the Hunter Committee

And all other matters relating to the Punjab in 1919

READ

The Punjab Unrest=

=Before & After

2ND. EDITION

The First
All India Labour Conference
:Madras, 22nd. March 1920

The Conference was very largely attended by labourers, visitors and sympathisers. Delegates numbering about 300 from as many as eighteen Labour Unions were present—the Madras Labour Union, the Printers' Labour Union, Government Printers' Labour Union, Iron Metel Workmen's Union, Aluminium Workers' Union, Tramwaymen's Union, Kerosine Oil Tank Men's Union, Perambur Railway Workshop Men's Union, Negapatam Railway Union, Scavengers' Union, Electric Supply Corporation Men's Union, Port Trust Union, Mount Road Workers' Union, Rickshawallahs' Union, South Indian M. and S M. Railway Gang Union, Corporation Pumping Station Union and Domestic Workers' Union. One special feature of the Conference was that no pandal was erected and no decorated platform was raised for the seating accommodation of the delegates, visitors and members of the Reception Committee. The canopy of the mango trees provided protection from the sun. Nor was there lack of imagination in the proceedings. A scavenger was escorted up the platform and he addressed the Conference on the grievances of the men of his profession. Except a few visitors, chiefly Europeans, who were seated on chairs, all others knelt or squatted on the ground in right Indian fashion. Among those present were Dewan Bahadur P. Keshava Pillai, Mr. Lodd Govindoss, Messrs. V. P. Pakiriswami Pillai (Negapatam), Arny Lubrahmania Sastri, Miss Satapodhyaya, Swami Rudrakoteeswarar, Messers M. S. Kamath, Kumaraswamy Chetti, V. Chakkarai, T. V. Kalayanasundra Mudaliar, K. Govindu Chariar, T. Manual, D. Ebenezer, G. Harisarvothama Row, A. T Luker, S. T. Binstead, R J C. Robertson, A. M. MeDoughall, G. Kennoth, T. V. Gopala swami Mudaliar, P. Chenchaih, V. Venkatasubbah, C. Rajagopalachariar, E. L. Aiyer, T. Adinarayana Chettiar, S Gurushwamy Chetty, Joseph Arnster, Rao Sahib Dr. U. Rama Rao, the Hon'ble Mr C. Raja and Sister Balambal. The preceedings were conducted in the vernacular of the province especially in Tamil. Proceedings commenced with the singing of national songs by Sister Balambal.

The Welcome Address.

Mr. T. V. Kalyanasundara Mudaliar, Chairman of the Reception Committee, and one of the labour leaders of Madras, in welcoming the delegates said that the poverty of India would be removed and the motherland enriched only if the industries were developed and the Labour conditions improved. He was of opinion that "labour" included brain work and also manual labour. The world is a collection of different kinds of labourers. The brainworker should sympathise with the manual labourers. Labour conditions had largely improved in England. Labour had become a power in the land there and was taking greater and greater share in the administration of the country. Eight hours a day was the rule there established whereas in India labourers were made to work 12 hours a day. This backward condition of labour in India was due to the fact that the governing classes and educated men had been taking very little or no care of labour. The Madras labour Union was the first Union started in Madras. Since its formation other Unions were formed. More Unions ought to come into existence. Unions, he emphasised, were formed not to strike work, as was wrongly supposed by some but for the formation of such Unions there would have been several more strikes in Madras. All these labour Unions should have a central body through which they should get their grievances redressed. Self-government would be complete if the labour strength was firmly established. Their present and immediate object was to improve their material condition. The joint Committee report stated that there would be labour representation in the Councils. In Bombay and Calcutta there would be such labour representations. He hoped that in Madras Council also labour would be represented. In conclusion, he said that all parties should support the labour movement and that it should confine its activities to the improvement of material condition. Let labourers start Unions everywhere. Let them not show any kind of difference among themselves. Apart from the political aspect, it was Labour that should level all caste distinctions and prejudices. Labour was the leveller of the rich and the poor and the establisher of peace in the world. Let labourers be true, fearless, patient and obedient to masters ; let them leave strikes, seek justice, be loyal to the King-Emperor and walk in the footsteps of Mahatma Gandhi. (Vande Mataram).

Election of the President.

On the motion of Mr. Lodd Govindoss, seconded by the Hon'ble Mr. M. L. Raja and supported by Messers. T. Manuel and M. S.

Subramania Aiyar, Dewan Bahadur P. Kesava Pillai was voted to the Chair.

Presidential address.

Dewan Bahadur Kesava Pillai first addressed the Conference in English to suit the convenience of those who knew only English. He said.—

Ladies and Gentlemen,—I feel greatly honoured by being called upon to preside on this unique occasion. This is the first labour Conference in this Presidency. My friends have told you I have taken some interest in the Labour movement in this country. Rather my interest began with the village. The Labourers in the field are very often not fairly treated by the landlords and mirasdars. I have taken some interest in the labourers of the Nilgiries, Ceylon and other plantations and laboured for those people in the Legislative Council but did not meet with very great success. I wanted that the Planters' Act should be modified. I took interest in the commission of Messrs. Marjoribanks and Ahmed Thambi Markayar to inquire into the labour conditions in Ceylon plantations and other places. We are not always successful at the beginning. Difficulties must be overcome before attaining success.

Some very insignificant people approached me with mahazars detailing their sufferings in Indian and European mills. I agitated on their behalf as much as I could from a distant village. Gradually the Labour Union came into being and it has grown under the energetic and active mannagement of Messrs Wadia, Kalyanasundra Mudaliar and others. Many other Unions have been started in different places including Negapatam, where under the auspices of Mr. Pakkiriswami Pillai, a Railway Union has been formed. Although I have not been doing very active work I have been praying for their success. I have been interested in seeing Messrs Chakkarai and C. Rajagopalachari steering through difficulties. I feel grateful for those who do public work in the cause of labour. I shall speak to labourers in Tamil on some points later on. A word to employers. They should bear in mind the question of the minimum wage to be fixed, the reduction of working hours, housing accommodation, and educational facilities for the children of the labourers. We all live by the labour of the people who toil at the loom, who till the soil and enrich the land. It is by the sweat of the labour we live comfortably. They must be treated as partners and not as slaves. If they are not so treated the day is not far off when Bolshevism may creep in here too.

The new spirit is abroad and mankind is moving towards the

state of affairs when it would be difficult to resist the impluse that every man should claim and be given his own rights.

The tiller of the soil ought not to be neglected. The best intellects arose from the tillers of the soil—Tiruvalluvar Kamban, Ottakuthan, and Auvai. The greatest men were born of the humblest class of people, not of the upper classes. The upper classes are living on other's labour and do not look upon labourers as their benefactors. There is awakening among the people. According to Varnasrama Dharma one at the top must always be there and one at the bottom must always be at the bottom, and he must have his thin gruel, scanty clothing and must work day and night and cannot have a share in the profits of the field or other concerns. That has been the deception practised by the people. A certain class of people are untouchables but their productions are touchables. False interpretation put upon Varnashrma Dharma has been the bane of the country. The lower classes have not had the courage to question the correctness of Varnashrama Dharma. Owing to contact between the East and the West there has been a change.

We are to-day assembled representing all classes of people, demanding their right to be treated as human belngs. This is an achievement of which we are glad. This is only a beginning and we have a long vista before us. Labour should be represented in the Legislative Council. Their representatives should be either appointed or elected. The big trader, manufacturer and landlord would look at the question form a different point of view. I am sure that the Government of Lord Willingdon would be solicitious about the condition of labourers. His Excellency has indicated his sympathy by the appoinlment of Mr. Paddison as Labour Commissioner. Mr. Paddison is a tactful and sympathetic gentleman and knows Tamil and Telugu and studies labour questions and would be intermediary between the employer and the employee. I am sure Lord Willingdon's Government will do more to give a status to labour in this country. Labour has been long despised in this country. Government should lay down rules in reccgnition of Labour Unions.

Most of the capitalists are objecting to outsiders taking part in such Unions. For some time more, outsiders who are educated men should be allowed to be the guides of these illiterate men who are pressed by hunger. I don't think outsiders who have some stake in the Country would give the labourers any bad advice that would land them in difficulties. We find strikes all over the country. Strikes are less frequent in Madras on account of these Labour Unions. If there were no Labour Unions and if there were no educated people at their helm, strikes would have been

more frequent. Labourers in Bengal and Bombay are going to have some representation in Legislative Councils. Why should not the labourers in Madras have the same privilege and why should they not be content with their position ? The labourer in Madras is more liberal in his views and more loyal. These people deserve to be treated with greater consideration by the employer, European or Indian. I know what mirasdars and Zamindars are. The village labourer is in a far better condition than the labourer in town. I do not know much of Tanjore but I may say generally that village labourers get more wages then labourers in Ceylon or anywhere else. They get 8 annas a day and get also something to eat in the villages, whereas in Ceylon and other plantations they get only 5 annas. Their prayer is that it may be raised to 8 annas. A women labourer in plantations gets only 3 annas. Labour demand is that women should be treated as human beings. Now let me say a few words in Tamil to make labourers more powerful more virtuous, and more affectionate towards each other.

At this stage the Eupopean visitors rose to leave the hall. Before doing so Mr. Robertson, on behalf of the Europeans present at the meeting thanked Mr. Kesava Pillai having expressed his views in English for the benefit of persons like them who knew English alone, and said they were all glad of the message given by Mr. Kesava Pillai to the workmen. If they kept to that message, he added, there would be no trouble between European employers and the workmen.

Dewan Bahadur Kesava Pillai said "Let us be humble partners in the art of making money', and thanked them for their presence.

Resolutions Passed.

Mr. C. Rajagopalachari moved the following resolution ;—

1. a This Labour Conference while welcoming the recommendations of the Joint Committee to extend the franchise to include a proper proportion of the urban wage earning clases, expreses its grave surprise and dissatisfaction at the official statement recently made implying that the benefit of the recommendation is not to be extended to the City or Presidency of Madras.

b. This Conference considers that a minimum qualification for franchise of Rs. 15 in come per month by wages may be fixed for the urban wage-earners.

c. This Conference recommends that all factories coming under the purview of the factory law should be required to furnish to the electoral officers lists of persons employed who have earned for six months continuously Rs. 15 or more, to facilitate the proper registry of such wage-earners in the electoral rolls and that other employers may be supplied forms for sending similar lists.

He said that there was no use of one or two members of the Council taking up the cause of labourers, but every member sent to the Council should have the deepest interest of the labourers at heart. They would think of the labourers only when the latter had the privilege of voting. If Bolshevism was not to enter

this land, law should be so framed as to adequately represent the interests of labour.

Mr. Kumaraswamy Naicker seconded the resolution and Mr. Subramania Sastriar of Arni supported it.

The resolution was unanimously carried.

Special Labour Representatives in Council.

Mr. V. Chakkarai moved the following resolution :—

II. This Conference is of opnion that in the present condition of labour unrest it is necessary in the interests of good Government, that till labour attains its proper place in the General electorate, labour should have special representative in the Legislative Councils and that organised Labour Unions should be authorised to elect such representatives.

He said that there should not only be the right of voting in the case of persons getting an income of Rs. 15, but also the labourers should send special representatives to the Council. Some self-government had been granted to India. India would get complete self-government only when labour grievances were fully heard and remedied through their representatives. The labour party in England would also help them in reaching the goal of complete self-Government. In the Legislative Council there would be representatives of the Chamber of Commerce, Trades Association, Land-holders, etc., but no separate representatives for labour. There should be at least six representatives of labour.

Central Labour Board and its Constitution.

Mr. G. Harisarvothama Row moved the following resolution :—

III. a. This Conference resolves on the essablishment of a Central Labour Board and adopts the following Constitution drafted by a Committee of the office-bearers of the Unions of Madras

The Central Labour Board.

There shall be a Central Labour Board to which all Labour Unions in the Presidency may be affiliated on payment of a small admission fee of Rs. 5. In exceptional cases this fee may be reduced or excused by the working committee.

Neither the Central Labour Board nor the affiliated Union shall proclaim or admit of political propaganda of any sort.

The Central Labour Board will, if satisfied that any affiliated Union needs financial assistance, render it such help as it fairly can.

The Central Labour Board will co-ordinate the work of the affiliated Unions on broad lines of policy and method and without detriment to the freedom of individual Unions.

Every Union seeking affiliation will submit a statement to the Central Labour Board of—

(a) The object for which the Union is started or has to be started.

(b) The probable or actual number of workers at the end of the first year of work and the field of the Union's operation.

(c) The nature and extent of the work to be done and the means available in the shape of workers and finance.

The Union will be affiliated on its agreeing to abide by the rules of the Central Labour Board.

Constitution of the Central Labour Board

1. Each affiliated Union will send not less than three representatives—
(a) The President or Vice-President.
(b) The Secretary.
(c) One representative to be elected for every 5,000 members or fraction thereof.

2. Workers for the Central Labour Board who are not members or officials of Unions may be admitted as members of the Central Labour Board. Their number shall not exceed half the total number of representatives.

3. There shall be elected from among the members of the Central Labour Board a working committee of nine members.

4. There shall be a President, Secretary, and Treasurer, of the Central Board to be elected by the members of the Central Labour Board.

5. The working committee of nine shall consist of :—
The President of the Board
The Secretary of the Board
The Treasurer of the Board and
Six other members.

6. The tenure of office shall be one year, retiring officers shall be eligible for re-election.

7. Subscriptions for affiliated Unions shall be Re 1 a month per thousand members or fraction thereof.

8. Members of the Central Labour Board who are not members of Labour Unions shall pay not less than 8 annas a month.

9. Every member of the Central Labour Board shall have some work, allowed to him and shall be responsible for the due execution of the work undertaken.

10. There shall be a meeting of the Central Labour Board on the 2nd Sunday of every month.

11. The Central Labour Board shall have its office in Madras.

12. Every member, shall two days before the day of the meeting, send in to the Secretary brief report of his work for the month.

13. At every monthly meeting the financial statement of the Central Labour Board shall be read and passed

14. The treasurer shall be permitted to keep for current expenses a sum not exceeding Rs. 25. All other amounts shall be duly desposited in a Bank in the joint names of the President and the Treasurer.

15. Each member of the executive committee shall be in charge of a Portfolio except the Secretary.

For the present the following shall be the Portfolios—

Statistics	Organisation
Grievances	Co operation
Education	Health and Sanitation
Finance	Law and Legislation

16. Members in charge of Portfolios may choose help and assistance in carrying out their work, not necessarily from the members of the Central Labour Board.

17. At the annual general meeting of the Central Labour Board these rules may be modified, altered or increased on a requisition of not less than one-third of the total number of members.

(b) This Conference authorises the Secretaries of the Conference to do all that is necessary to carry out the above resolution.

Outside Help to Labour Organizations.

Mr. T. V. Gopalaswami Mudaliar moved the following resolution :—

IV. This Labour Conference urges on employers and Government the necessity, in the present state of labour and education in this country, for the aid and assistance of outside friends of Labour in labour organisation and protests against any attempt, direct or indirect, to crush the labour movement by depriving labour its legitimate right to choose its own representatives and helpers.

Mr. Salla Guruswami Chetty moved the following resolution.

V. This Conference requests that all employers should pay for Sundays and other holidays irrespective of whether the men are put on a monthly or a daily wage system.

Abuse of Overtime System.

Mr. G. Harisarvotham Row moved the following resolution :—

VI. This Conference, draws the attention of Government to the abuse of the overtime system which, by means of penalties, is, in effect, made compulsory in many cases in evasion of the Factory Act.

Accomodation and Interval for Midday Meal.

Mr. C. Rajagopalachari moved the following resolution :—

VII. This Conference urges immediate steps to be taken by Government to ensure proper accomodation and interval for the midday meal in all factories and work-shops in order that the most important meal of the Indian labourer may be taken under conditions both healthy and in accordance with the habits and customs of the country.

Mr. K. S. Tekuataraman moved the following resolution :—

VIII. This Conference urges on the Government the early consideration of a minimum wage legislation at least for the City.

Mr. C. Rajagopalachari moved the following resolution.

IX. This Conference urges that the Government may take steps to appoint a Committee with some lady members on it to inquire into the condition of female labour in factories and to make recommendations.

Punjab Provincial Conference

The sixth Punjab Provincial Conference assembled at Jullunder on the 2nd April 1920. The Hon. Raizada Bhagat Ram was the chairman of the Reception Committee and Lala Harkishenlal was elected President. In course of his presidential address the Lalaji dilated upon the burning topic of the day, the Congress Committee Report on the Punjab and said :—

"I am led to say that the Congress Committee's Report is nothing but a Satyagraha Report, which doctrine, if I understand it right, means that a part of truth may be sacrificed, so that no untruth should come in, and great deal of force may be wasted for fear of, unwittingly even, causing violence by tongue, pen or arm. Such being the faith of our Commissioners, the result is that the facts are understated, the conclusions are couched in exceedingly mild language, and the recommendations are simply saintly. No one excepting Indian saints could exhibit such self-control over their thoughts and expressions as these Commissioners have done. By way of illustration, one might mention, that the Commissioners refrained from publishing all the evidence that they had collected ; the statements of over a thousand witnesses are on their files, which have not been published. Similarly in the special matter of recruitment (in the Punjab under Sir M. O'Dwyer) evidence does not seem to have been admitted from districts outside the Martial Law area, and collection of evidence on recruitment, war contributions, and several other matters have been, it would seem, confined to the Central districts only. Outside the domain of evidence, one finds even at a cursory glance several pertinent ommissions. One ommission only may be mentioned. The trap theory of the Jallianwala tragedy is entirely overlooked. I, amongst others, know that the trap theory could be established beyond doubt on the evidence of some contemporary documents which came to the knowledge of the Commissioners, but because those documents were not handed over by the holders there of, to be placed on the file of the Sub-Committee, the Commissioners would not enter upon the discussion. This is a limit of Satyagraha doctrine ; while the Government of the Punjab did not hesitate to have false and fabricated evidence produced in cases which are now described by them to have been judicially decided ; and on which findings the fabric of the White Paper to be noticed briefly below is based. The

enquiry and the report are deficient in one other noticeable direction. The Commissioners do not seem to have directed their attention to what may be called the part played by the judiciary in the Martial Law Drama. The judges may be unfit, they may be unjust; the tribunals may be packed, the courts may disregard evidence and overlook procedure, the judges may write imaginary essays and false defences, instead of judicial and just judgments their findings may be against evidence and their interpretation of law manifestly wrong, but they escape enquiry and criticism: the inocent victims of such courts and tribunals have no means to establish their innocence, and have to be satisfied with the King's mercy. One should have thought that this part of the Drama will receive attention equal to that played by the Executive. Lala Duni Chand and Pundit Ram Bhuj Dutt Chowdhari, and your most humble servant, gave their whole time for three long and most difficult and anxious days to the task of bringing the people to see the folly of continuing the hartal, and they were punished for waging war. They are let off by his Majesty's orders as the fit subjects to receive his mercy, but they cry for justice, but she does not appear. They appeal to the Privy Council, and loudly cry for justice; but the Anglo Indian Journal of Lahore says that if the appeals are accepted they will be on a lay point, so that our innocence is not to be established even there either; now the Committee also has not touched this subject, nor do we expect any finding on the question of the innocence or guilt of the prisoners from the Hunter Committee; as they have not admitted evidence on the question of trials, or the conduct of the judges. This is a grave omission and I trust this Conference will not fail to call attention to this fact, as the honour of hundreds of innocent and loyal subjects of His Majesty is involved.

But the work of collecting statements of 1700 witnesses, by going from place to place, and recording, verifying, translating and marshalling them, must have been stupendous and it appears to have been done so carefully that nothing but admiration is due for the devotion displayed by the Commissioners and their helpers. I trust you will not be slow in acknowledging their services, and conveying to them Punjab's gratitude.

There may be other omissions, but there is no way of meeting them now; so they may be left to the historian to find them out and to record them. The Committee have done their work; and they are not likely to come into existence again. Gentlemen, as the Report is now available, and you have, I am sure, seen a summary or the Commissioner's finding in the Press, I need not detain you long in taking you over the ground covered by the

Report. Under-statements of facts, though there are, though its recommendations are mild, though the Commissioners have made glaring omission in not reviewing the conduct of the Judiciary and lastly, though the innocence or guilt of the prisoners has not been investigated, I would recommend in the true Satyagraha spirit, which I expect to exhibit on this occassion, in spite of the fact that many of us are not full converts to Mr. Gandhi,s doctrine, that we should acept the Report, and support its demands with a request to have an enquiry made into the conduct of tho Police, the Magistrates and of the Judges ; and also that the judgments be reviewed in the true light of the facts.

Resolutions

Resolutions conveying loyalty to the King-Emperor, welcoming the Prince of Wales, tendering thanks to the King-Emperor for the Royal Proclamation, condemning the movement set on foot to perpetuate the memory of Sir Michael O'Dwyer, tendering heart-felt thanks to the Commissioners who conducted the non-official enquiry into the Punjab disorders, recording condemnation of inhuman indifference on the part of the authorities of Civil Hospital, Amritsar, and Mayo Hospital, Lahore, towards the wounded during April disturbances, gratefully appreciating the splendid fight put up both in the press and on the platform on behalf of the Punjab in England by Mr. Horniman and expressing regret at the unjustifiable action of the Government of India in preventing his return to this country, strongly protesting against the hostile attitude of some of the British Ministers towards the Turkish and Khilafat questions, earnestly appealing to His Majesty's Government to settle the Turkish question in accordance with the just and legitimate sentiments of Indian Musalmans and solemn pledges of the Prime Minister without which there would be no real peace of mind among the people of India, were passed.

The following resolutions were also passed.

Declaration of Rights

"That, while expressing general agreement with the conclusion and recommendations of non-official enquiry into the Panjab disturbances conducted by the Congress, this Conference is very strongly of opinion that having regard to the painful disclosures made by the report, the grave wrong done to the people of the Punjab cannot be righted unless (a) a statutory declaration of rights be immediately made and such other changes be made in the law as will make it impossible for the executive to pass ordinances like those declared valid by the Privy Council in the Amritsar appeals justifying the application of Martial Law to offences committed before the declaration of Martial Law, as well as to offences which were not directly concerned with overt acts of rebellion ; (b) to the list of persons recommended for dismissal be added the members of the Imperial and Provincial service who have actually participated in the abuse of Martial Law ; (c) General Dyer be prosecuted for murder and other officials mentioned in the Report be legally tried for various ofiences they have perpetrated ; (d) Lord Chelmsford and Sir Michael O'Dwyer be impeached, and (e) the members of the Punjab police force, against whom specific allegation have been made by witnesses before the non-official commission, be prosecuted or dismissed.

Reforms.

"That this Conference places on record its strong and emphatic opinion that, in order to ensure the smooth and successful working of the Constitutional

Reforms, it is highly desirable that officers, who were directly connected with the introduction and administration of Martial Law and other high-handed acts of Sir Michael O'Dwyer's reactionary regime, should not be associated with the carrying out of Reforms in the province.

Clemency to Martial Law Prisoners.

A resolution praying for mercy for the remaining Martial Law prisoners were also passed in the following cable which was sent to the Secretary of State :

"The Punjab Provincial Conference, Jullundur, respectfully and earnestly prays for mercy for the remaining convicts to death penalty, namely Pakeria and Ghulam Hussain of Amritsar. Otherwise execution 6th April"

Women's Franchise.

"This Conference is of opinion that there is no reason why franchise should not be extended to the women of this Province, and recommends that early steps be taken to give the vote to them on a suitable basis as there is a sufficiently large number of women fit to vote.

National Week.

Lala Lajpat Rai then moved a resolution endorsing the appeal made by Mr. Gandhi for the observance of National Week from the 6th to the 13th April, urging the Punjab public to take vigorous measures to make collection of subscriptions to the Jallianwala Bagh Fund a success.

In moving the resolution Lala Lajpat Rai made a stirring appeal calling upon the Punjab public to contribute liberally to the Jallianwalla Bagh Memorial Fund. There was a ready response to the appeal, and Rs. 75,000 was collected on the spot, including promises of contributions. Lala Diwan Chand of Amritsar contributed Rs. 11,000, Lala Harkishen Lal Rs. 15,000 Lala Kashiram of Ferozepore promised a minimum of Rs. 10,000.

Bombay Provincial Conference

The Bombay Provincial Political Conference held at Sholapur on April 3rd 1920, was made a battle ground for deciding the balance of power between the Liberals and 'Nationalists' in the new Reformed Council. The Liberal Party embarked upon an elaborate campaign for winning a majority of the seats in the coming election.

The Nationalists and Liberals were fully represented at the Conference. The question of the free admission of peasant delegates was a matter of controversey between the two parties, and was in the end amicably settled.

Welcome Address.

The key-note of the address of the Chairman of the Reception Committee, Mr. M. Samant, was for the appointment of an impartial commission to enquire into the firing on the millhands on strike

in February last and the necessity for associating with the District Magistrate and the Collector, an advisory Council of local non-officials and making it incumbent on Collectors to consult such a Council and act on their advice in all important matters. Mr. Samant concluded by making a strong appeal for the abolition of untouchability and for conceding to the Depressed Classes equal social and political status.

The Presidential Address.

Mr. N. C. Kelkar, President of the Conference, dwelling at length on the reforms, said :

The Reforms

"There is one more consideration which seriously detracts from the value of the present political Reforms. It is the fact that our natural rights as free citizens of a civilised State are not yet guaranteed. Parliament has not granted the claim of the National Congress that a Declaration of Rights shall be included in the new statute The Joint Committee summarily refused permission to the Congress Deputation to say anything about that before them. But the need for a Declaration of Rights grows more clamourous then ever. Neither the transferred Departments nor the responsible Minister can save us from humiliating encroachments upon our safety and liberty by law or by civil or military action.

"It is a matter for regret that Government have not made the ground as smooth as they could have made it for the reception of even such inadequate Reforms as these. A somewhat narrow construction has been put by the executive Government upon the terms of the Amnesty granted by the Royal Proclamation. An attempt is being made to run a carriage and four through the small loophole of discretion left them, nominally in the name of the safety of the country, but really to save their prestige. A considerable percentage of political offenders are still rotting in jail, and the Bombay Government have refused to extend to the Sawarkar brothers the same consideration which the Bengal Government has shown to some persons like Barindra Kumar Ghose, convicted in the Alipur bomb case ' Mr. Horniman is yet refused a passport to come back to India ' The Press Act is yet as far from repeal as ever ; and the unfair discrimination made in returning securities taken from the owners of presses and newspapers in the different provinces shows that the talk about co-operation and the effacement of bitterness is all an empty jargon.

Shibboleth of Responsibility.

"Can we have an adequate set-off against all these shortcomings in the kind of responsible Government that is conceded to us ?

Responsible Government is a big name, but in the present case it has no proportionate corpus. In fact I may say that we are even now where England herself was more than two hundred years ago, that is to say, before a system of responsible ministry was partly introduced into the British constitution by William III under the advice of Lord Sunderland. The Joint Committee no doubt hopes that the Executive Councillors and the Ministers would pull on well together. It is at best a righteous hope in which we may join.

"Now, can we accept Reforms like these without any protest or with entire satisfaction? Besides carrying on a vigorous agitation in India itself, we must endeavour to put the hypocritical advocates of the League of Nations in Britain and elsewhere to shame, while their tall talk of the 'freedom and the honour of nations and nationalities' is still on their lips. A new World-Forum has been admittedly created for the benefit of all suffering nationalities in the world, and we must try to put up our case before that Forum for what it may be worth. The Congress has done well to appoint a Committee for carrying on further agitation in England and in other countries. With men on it like Lokmanya Tilak to supply the inspiration and initiative, and Lala Lajpatrai to supply the needed experience of the conditions and methods of agitation in foreign lands, we can confidently hope that proposals would soon crystallise for vigorous action in this respect, and that steps would be taken to start the work of a non-official or Congress Embassy or Consulate in the countries where Indian affairs have begun to receive a hearing and whose opinion counts for something in the Councils of the world-powers.

The Poor Elector.

"Now with all the tall talk about responsibility to the elector there will be, I am afraid, no responsibility worth the name for sometime to come. It is no doubt a democratic model that is placed before our eyes under the new scheme of Reforms, and the sound of the words, 'direct elections', 'popular Legislature,' 'responsible Government, have an irrestibly charming sound to the ear. But if full fledged democracy has failed to incarnate in countries which are operating the system of representative and responsible Government for centuries, it would be a vain hope that the mere embryonic Indian elector would either care to learn or succeed in dominating the situation for a long time yet to come.

Duty of the Educated Leader

"Unsatisfactory as are the conditions of the new Reforms, and whatever he may think of the grudging spirit in which they are granted, and however determined he may be to fight for further

changes, the educated leader must immediately rush into the breach that is made by the Reforms in the citadel of the bureaucracy. He must aspire to be the master of the situation, like Cæsar whose career on every new scene was epitomised in the three words "veni, vidi, vici". The bugbear of responsibility need have no fears for him. For after all, he belongs to a race which had perfected and wielded policies of administration in kingdom and empires. And with a little training backed by dogged determination to succeed, he can make himself a success in this new sphere as he has already done in other spheres also. There will no doubt be difficulties inherent in the situation as I have already remarked; but after all, he must remember that the way to success lies through them and not around them. The composition of the new Council would not be very much helpful for this purpose for sometime to come; but there will be, even in the new council, far more scope for effective organisation of public opinion than ever before. Some people seem to be afraid that the Council would be far too heteregenous. The fear is not altogether groundless. But I have strong faith in the instinctive patriotism of the men that are likely to come into the Councils, and I refuse to believe that they will allow themselves to be used as tools in the hands of Government. The intelligentia has already led the way. The merchant class has recently evidenced a keen political sense and feeling. Landholders wil be the last to rally. But I do not think even they will go far astray. The old age of official terrorism is gone, and vested interests may be less in the jeopardy in the future than in the past. But over and above all this, there is a surging, sweeping, tide of patriotism and love of self-Government which is coming over the land, and which will, I hope, efface all the old humiliating landmarks as between toadies, flunkeys, loyalists, dilettantes, Moderates, Nationalists, Extremists and Anarchists.

Social Democracy

"Political democracy has a necessary connection with social democracy. They both act and react upon each other. The more homogenous the Indian society, the more effective will be the political democracy in the country, also the realistion of true self-government will be easier and quicker. And an efficient political democracy will enable the social democracy to achieve its aims and objects sooner than otherwise. I am not one of those who hold that all theories of social reform must first be carried to perfection in practice before we may claim to have the full power of self-government in our own hands. I am one of those who maintain that Government at any rate—a Government composed of rank fore-

igners—has no right to plead the imperfections in our social system as their title to retain power in their own hands. Government have no right to say that only a perfect democratic Indian Society without any barriers of race, religion or caste within itself, can validly claim to divest the Europeans bureaucracy of its absolute power. The Indian people must get Self-government, whether they are socially perfect or imperfect, fully democratised or only half democratised.

"The work in India is bound to be slow. For the true social reformer wishes to take society along with him and does not wish to boycott it or leave it in the lurch. He recognises that social reform is, after all, not a writing on a clean slate. He recognises, like a skilful irrigation Engineer, he has to give the stream of refined social ideas a gentle bend here and a gentle bend there, in order to maintain a steady but an even flow towards the lower reaches of the country. He recognises that the true spirit of reform is born in social love, and, therefore neither reckless defiance nor haughty contempt can be very well its instrument of work. On the other hand, even the sensible among the orthodox take a little time to recognise that a reform is not necessarily a reflection against the spirit of any good old custom or practice, but a wholesome reaction only against its abuse and ridiculous exaggeration. The task is, however, ready and the time has now come for a new class of social leaders to come forward and advance the cause of social progress on the basis of a good understanding with both the old and new schools of thought and a reconciliation of their mutual prejudice.

"And who will take the lead in this matter? The duty devolves upon all, but specially upon the Brahmin as the headman of the old caste system. The late Mr. Justice Ranade used to say that it is the privilege of the Brahmin to be learned, poor and beneficient. At present he has won an additional privilege of being abused. But the Brahmin will remember that no one is abused who is not envied, and that no one is envied who has no precious possession. There is, in my opinion, no more precious possession in this world than to be able to combine learning with self-inflicted poverty. The Brahmin cannot, of course, have things both ways—worldly prosperity as well as respect due to the status of a spiritual preceptor. The Brahmin-hater again must understand that he will gain nothing by heaping abuse on the Brahmin in and out of season. He might do some self-introspection himself and see whether he is not the same to the castes below him as the Brahmin above is said to be to him. But praised or blasphemed or wronged, it is pre-eminently the Brahmin's duty to set an examle in catholicity of spirit and to lead the society on the path of true Democracy."

Resolutions

The first resolution moved by the Hon. Mr. Belvi referred to the Punjab Massacre. It was adopted unanimously as there was no two opinions on the subject. The other resolutions referred to provincial matters, such as sanitation, land acquisition. forest administration etc. The striking feature of the proceedings was the stubborn fight between the nationalists and the moderates for dominating the conference which ended as elsewhere in a clear majority for the former. Mr. Tilak and his party were supreme and Mrs. Besant, and the Deccan Sabha moderates who tried to raise their head were cried down.

The reforms resolution which was debated most was moved by Mr. Tilak and ran thus :

"This Conference calls upon all District Congress Committees and other affiliated bodies and people of the Presidency in general to accept the lead given by the Amritsar Congress in the matter of working the Reforms Act and support at the ensuing Council elections the candidature of persons whose allegience to the Congress is beyond all question."

Mr. Tilak urged that as a body subordinate to the National Congress, the Conference must abide by the Amritsar Congress resolution.

Mrs. Besant moved an amendment : That this Conference calls upon the people of the Province to work the Reform Act wholeheartedly and in a spirit of good will, and for that purpose to support at the coming election candidature of such persons only who adhere to the general policy enunciated by the Congress on administrative and Legislative questions. She contended that the Amritsar Congress did not give any clear lead to the people, and Mr. Tilak's resolution would exclude from the Councils congressmen like Mr. Srinivasa Sastri. She urged that the people should approach the Reform Act in a spirit of co-operation and not of antagonism. She appealed to the people to see that they did not send men to Councils who, holding the reforms to be unsatisfactory, would wreck them.

The Hon. Mr. Paranjpe in seconding the amendment pointed out that every one who signed the congress creed was a Congressman and Mr. Tilak's resolution would amount to penalising persons who did not like a particular resolution of the Congress and exclude a good many desirable persons. Mr. Jamnadas Dwarkadas, Professor Kale and others supported Mrs. Besant.

Mr. Tilak, replying, pointed out that the British Parliament worked on the same lines, and appeals were made to electors on party basis. The United Provinces Liberal League had already taken the lead in the matter and

issued a manifesto giving a list of its nominees for the coming election and asking the electors to vote only for them. Why should not the Congress do the same? The resolution was not mandatory, but only advisory in character. The resolution was not of personalities but of the views, and it was but proper that only those who reflected the views of the Nation should be elected.

Mr. Tilak's resolution was put to vote and declared carried by an overwhelming majority.

The Bengal Provincial Conference

The Bengal Conference was held on April 3rd at Midnapore under the presidency of Mr. Fazl-ul-Hug. The proceedings were however not lively and none too important. On this side of India a popular leader of the stamp of a Gandhi, a Tilak, a Malaviya or Lajpat rai was sadly lacking, and the Conference at Midnapore showed how lamentably Bengal was behind the other provinces in the matter of substantiating the Amritsar Congress resolution. The President himself was typical of the Bengal school of politics at-first in the vanguard of extremist, thought, he suddenly veered round the reforms before the tempting transformations of the leaders of Bengal Moderates—and now in his presidential address he warned his hearers that if they did not work the reforms, they were unfit for the duties and responsibilities of citizenship. He confessed his own cloudiness by the remark that the country needed a leader and complained that there was no leader or rather there were so many that they know not whom to follow.

Madras Provincial Conference

Tinnevelly—June 21st. 1920

The Twenty-sixth session of the Madras Provincial conference was held at Tinnevelly on June 21st. Mr. N. A. V. Samasundaram Pillai, the chairman of the reception committee, in a welcome speech in Tamil spoke at length on the current topics of the day. Mr. S. Srinivasa Aiyanger, the great ex-Advocate General of Madras who had lately thrown up his office and entered the arena of national politics was elected President.

The President gave an able review of many of the most important topics of discussion ranging in importance from the Punjab

tragedy and Reform Act to the grievances of the subordinate Government servants. He laid special emphasis on the changed outlook in politics in the country, a change on a scrupulous recognition of whose far-reaching implications depended the success of future social, administrative and political action in India.

Regarding the new Reforms he said that the Governor's position which is henceforth to be that of "a constitutional dictator in the province," will, he suggested, make the Government of the province more and more a personal Government rather than a constitutionally responsible Government even as regards the transferred subjects. His considered view was that the new Legislative Councils would be in several material respects in a distinctly worse position than the existing legislatures. He fully sustained the Amritsar Congress view on the Reform Act, a view which, as the President's analysis showed, had been further strengthened by the nature of the reactionary rules thereunder lately framed and published by the Government of India.

"I think", he said, "Mr. Montagu and the Governments in India made a serious mistake in trying to rally the Moderates and if Mrs. Besant's object is now the same she is also making a serious mistake. Few Indians are extreme in its bad sense. Any official attempt to mould parties and any official preference for any group of politicians will only cause the majority of the people keenly to resent any such injustice and to become more radical than before. No Government in India will ever gain by any attempt, however well-meant, to educate the people in politics so as to suit its own convenience. The Reform Act whose ostensible purpose is to provide for the beginnings of a political democracy is not to be allowed to train itself and if Indians of democratic views and associations in close touch with the people are not to be the real leaders and spokesmen of the people. I firmly believe that the liberty of thought and the level of independence that we have reached are far more important than a ministry under official tutelege. Without ministers supported and kept up to the mark by a majority of Congressmen, the Reform Act will be a signal failure." "How can any section of Indians," the President said, "who stand out of the Congress hope to build a political democracy? How can they who do not desire to be part and parcel of that democracy, hope to lead it? How can they who do not attempt to lead it hope to serve the country in any real sense? How can they who place co-operation with the bureaucracy in the forefront of their programme be held to be true Congressmen competent to work the Reform Act to the fullest advantage?

The Resolutions

The president's remarks came in very opportunely at a time when the insensate campaign of calumny which was being carried on against the great National Congress by Mr. Srinivasa Sastry and Mrs. Besant, required an authoritative repudiation. The remarkable antagonism of the Madras neophyte moderates against the Congress was prominently brought out during the very lively debate on the resolutions in the 2nd and 3rd day's proceedings. After passing a resolution demanding full responsible Government, calling upon electors to return Congressmen to the Council, the most important resolution on non-co-operation was proposed by Mr. Yakub Hussain. It was about this that the acrimonious fight raged, Mrs. Besant, Hon. Mr. C. P. Ramaswamy Aiyar and other moderates strongly against the motion, and supporting several amendments.

Mr. S. Sreenivasa Iyengar, the President, before putting the amendment and the Resolution to the vote, said : "I have been accused of sitting on the fence and of not making up my mind on the matter. I did not understand much of what was meant by this non-co-operation, having regard to the fact that I left service quite recently.

"My own belief is that what Mahatma Gandhi preaches is 'sanyasam'. You have listened to the admirable speech of Dr. Rajan and none could have put the case for Satyagraha more fairly and more in the true Satyagrahic spirit ; and he brought out the point quite clearly that (non-co-operation) is only for those who are prepared to adopt practical sanyasyam. I find at the same time there is a number of people in the country who not only honestly believe in non-co-operation but honestly are willing to undertake any non-co-operation. I myself was somewhat sceptical as to the quantum of real feeling in favour of non-cooperation before I came to the Conference ; and from the numerous private conversations that I had with many friends, whether they are Nationalists or they belong to the moderate party or officials or able and conscientious men who hold sincere views upon this great question, I felt that non-cooperation was an impracticable thing. I could not find any great difference as to the principle itself. At one time or another and in times of grave national importance, non-cooperation in some legal and constitutional form may have to be adopted. That was the general opinion. But people were not prepared to put it into actual operation. I consulted a great many men before trying to form my own opinion and my Tinnevelly experience has further confirmed me in my conclusion that there is a serious and vital difference of opinion in the community on this question of

non-co-operation. There is an appreciable percentage of men amongst us who are quite prepared to undertake non-co-operation. There is a much larger number of people in this Hall and outside who are not prepared to undertake non-co-operation.

"My own opinion is very much on the lines which Mr. V. P. Madhava Rao adopted. I have not ruled this resolution out of order because it is quite in order. The more appropriate course of action is to form separate leagues for the purpose of non-co-operation movement and the Khilafat Committee of Mahatma Gandhi did a great service in doing that. It ought not to be brought before Conferences and Congress because it partakes of practical sanyasam.

"Among the four stages of non-co-operation, the resignation of titles is the easiest and I suppose an appreciable number of people would be able to do it. So far as the resignation of Government servants are concerned I still remain sceptical about it. My scepticism has not been altered by my experience here. So far as the giving up of practices by members of the bar, your Chairman will be able to follow you by giving up his practice as he has since shown a proof of it by resigning office. I cannot and will not preach this doctrine of non-co-operation to the members of the Bar and I would be failing in my duty if I ask vakils to give up practice. I do not think I will be able to ask that soldiers and the police should be able to resign their services nor would I ask that all people who are able to pay taxes should not pay the taxes. At least I would not be able to do either of these.

"But I wish to say this: to a certain extent, I have got the sanyasi spirit in me. For all practical purposes I am a grihastha; but of course asceticism should be practised occasionally and on moments of domestic or national importance I can quite see the constitutionality of non co-operation. Lord Hardinge speaking at the Banqueting Hall, once said that the passive resistance movement was perfectly constitutional. My own view is that it is perfectly constitutional, I will not venture to express any opinion on the four forms of non-co-operation. I do not know the views of Mr. Gandhi or his friends clearly enough on the subject nor do I know what is the final programme, for, it appears to be all in a state of flux. My own opinion is that there can be certain forms of non-co-operation which are quite legal and quite constitutional. It may be the duty of the people if there is no other means, to adopt that means. At the same time I must tell you that non-co-operation should not be active. The forms of non-co-operation have to be carefully examined.

My opinion is that the question of non-co-operation ought to be in the Congress circles and in the Nationalist party a non-party

question. It is impossible to believe that everyone who votes for it will really make up his mind to practise all the four forms of non-co-operation. By all means if you are able, do it. Do it not as a mere bluff, as Mr Yakub Hassan said, but really intending to practise it. Do not vote for this resolution simply as a sort of bluff. Do not think it is possible for all of us to adopt it. I do not think much utility will arise by passing a resolution of this description. That is my own view. When people have got to be educated to give up the things they value most such as wealth, appointments and titles, it is a question of individual education; special lectures should be delivered and propagandist work undertaken. Individual pledges must be taken and there cannot be and ought not to be any resolutions, which were merely passed by vote by an assembly, however numerous it may be, or however magnificent the speeches may be. I am quite prepared to be a non-co-operationist when the need comes for it. Non-co-operation has got to be adopted in some cases. I will not say now what they are nor will I discuss the validity of the Khilafat question. I admit that we should all stand together with our Muslim brethren and that we should, as far as possible, support them. I do not share in full the misgivings of some of my Moderate friends who spoke against non-co-operation, nor do I share the undue optimism of those who spoke on non-co-operation to the fullest extent. I have indicated what is the appropriate and sound course of action. It is a question of individual pledges and conviction and it must be left outside the range of the ordinary type of Conferences and Congresses. Mr. Gandhi will, I have no doubt, conduct it free from any violence. It ought to be possible to conduct non-co-operation without violence, if it is really conducted as non-co-operation. The expediency of using it entirely depends upon the practicability of non-co-operation and the large number of peple who have got to put this into effect."

The resolution however was passed by a huge majority. On the fourth day, resolutions demanding the recall of the Viceroy, the impeachment of the Viceroy, Sir M. O'Dwyer and other Punjab officials, a Declaration of Rights by Parliament, as also in other matters of local interest were passed.

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The Genesis of Non-co-operation

(*See also p. 193 et seq.*)

In the Delhi Khilafat meeting held in March 1920 a Committee consisting of Mahatma Gandhi, Lajpat Rai, Ajmal Khan, Maulana Azad and Saukat Ali was formed to examine Mahatma Gandhi's scheme of non-co-operation.

On 12th May an urgent meeting of the All India Khilafat Committee was hastily called at Bombay to deliberate upon the non-co-operation movement. Representatives of the Khilafat centres all over India were present. M. M. Chotani opened the proceedings and explained the position into which Islam has been driven and wanted to have a referendum on the momentous question of non-co-operation. Mahatma Gandhi who also attended, again emphasised that the only course now left open to the Moslems was to adopt non-co-operation. Its success, he said, depended on their firmness and courage. He assured Hindu support but the Moslems must take the lead, and as regards himself, he said that he was willing to sacrifice himself, his wife and children for the sacred cause. He impressed on all the importance of non-violence and was able to pursuade Saukat Ali and his followers to give non-co-operation a full and fair trial. As a result of this meeting a Sub-Committee consisting of Messrs. Chotani, Gandhi, Abul kalam Azad, Mahomed Ali, Saukat Ali and Ahmed Siddiq Khatre was appointed to organise the non-co-operation movement.

Two days after the Government of India published the famous Turkish peace terms and the Viceroy's message to Moslems (see page 185). On 17th May Mr. Gandhi issued a statement which said that the terms offered were a staggering blow to Indian Moslems, and urged them never to lose self control nor give way to despair. "There is no sacred character about the peace terms, they are capable of being revised, the only question is whether Muhammadans can control full self-control; and at the same time undergo a considerable amount of self-sacrifice. Any outbreak of violence will undoubtedly spoil what is a good cause. I am convinced that non-co-operation is the only effective remedy both for avoiding violence and healing the wound inflicted on Muhammadans of India." The publication of the peace terms set ablaze the whole Moslem world, and the issue of the Hunter Report whitewashing

the officials implicated in the monstrous Punjab massacre of 1919 added fuel to the fire. Public meetings and agitation ran riot and on 28th May was called up a huge Hindu-Moslem meeting at Bombay under M. Chotani where the non-co-operation creed was emphatically enjoined upon every Indian. If anything was still left over in this process of fusion of Hindu Moslem feeling the Hunter Report did the rest and permanently left its seal. From this time onwards Hindu and Moslem problems lost their special colours and merged into an undivided national whole. The Khilafat agitation of the Ali Brothers merged into the non-co-operation agitation of Mahatma Gandhi.

On 30th May a meeting of the All-India Congress Committee of momentous significance in the history of modern India was called at Benares to discuss the apalling issues then before the country. All the great leaders of Indian thought, Gandhi, Tilak, Besant, Nehru, Lajpat Rai, Malaviya, C. R. Das, Dwarkadas, Harkishen Lal, Kitchlew, Yakub Hossain, Saukat Ali, in all more than sixty. attended from the different Congress organisations of India. Prolonged sittings were held from which the press was rigidly excluded and the leaders sat deliberating on the moving topics for fully two days and then passed a long string of resolutions as given below (p. 705). A difference of opinion on the non-co-operation movement swayed the assembly throughout its sittings. Its effectiveness in the hands of a throughly disarmed and emasculated people was unquestioned, but its practicability amongst a people equally demoralised was seriously doubted. M. Gandhi explained the details of the scheme and tried to impress upon the assembly the fact that it was not necessary for the success of the movement that the whole country or even a large number of people should take part in it. In view, however, of the great difference of opinion exhibited during the debate, it was decided to call a special session of the Congress to be held early in September to determine on this momentous issue. Closely following this meeting another meeting of equal importance was held at Allahabad where Hindus and Moslems joined to discuss the Khilafat Situation (see p. 194)

Resolutions passed

By the All-India Congress-Committee,

Benares, May 1920

The Punjab Disorders.

"Having carefully considered the report of the Commissioners appointed by the Punjab Enquiry Sub-Committee, the Hunter Committee's report and the Government of India's and the Secretary of State's despatches thereon, the All-India Congress Committee resolves.—

(*a*) that thanks of the Committee be conveyed to the members of the Punjab Enquiry Sub-Committee and the Commissioners appointed by them for the great industry and judicial care with which they have collected evidence and written the report which is supported not only by the evidence recorded by them, but also by the evidence given before the Hunter Committee, and expresses concurrence with the findings of the fact arrived at by the said commissioners.

(*b*) that a petition be presented to Parliament on the subject of the Punjab tragedy and Parliament be requested to take immediate steps to institute proceedings by way of impeachment or otherwise to bring Sir Michael O'Dwyer to justice in respect of the oppressive regime in the Punjab, especially his responsibility in connection with events of 1919.

(*c*) that the British Congress Committee and the Congress delegation in England be authorised and requested to take immediate action to move the British Parliament and British public to secure full justice in the matter.

(*d*) that Parliament be requested to take such steps as necessary to place General Dyer, Col. Jhonson, Col. O'Brien and Bosworth Smith before His Majesty's Court of Justice in Great Britain for the cruelties committed in April-May 1919 in Amritsar, Gujranwala, Kasur and other places in the Punjab, and—

(*e*) urges that the Rowlatt Act be repealed ;

(*f*) that Rai Saheb Sri Ram Sud and Malik Khan be dismissed and prosecuted ;

(*g*) that a local enquiry be instituted into the corrupt practices of minor officials whose names are mentioned in statements published in the Congress Commissioners' report and they should be dismissed and prosecuted where sufficient evidence available ;

(*h*) that His Excellency the Viceroy be recalled,

(*i*) that fines collected from the people convicted by Special Tribunals and summary courts be refunded and all indemnities imposed on affected cities be remitted, that wherever the same were collected be refunded and compensation awarded to those who suffered in the disturbances or whose relations having fallen victims themselves have been left unprovided for.

Protest Against Government Policy.

"The All-India Congress Committee records its indignant protest against the general policy and attitude of the Secretary of State for India on the Punjab affairs as disclosed in his despatch on the Hunter Committee majority's principal recommendations and the disposing of grave vital issues involved in connection with the Punjab tragedy affecting the Government responsibility for the events and conduct without giving opportunity for public criticism or parliamentary debate on the gross outrage committed on His Majesty's Indian subjects.

The Committee records profound disappointment and dissatisfaction in the Hunter Committee Majority's report on the last year's events in the Punjab and elsewhere, and completely dissents from the principal findings and recommendations, and records its opinion that the enquiry conducted by the Hunter Committee was incomplete, one-sided, unsatisfactory, by reason of refusal to grant necessary facilities to the Congress Sub-Committee to enable it to tender evidence, thereby shutting out the evidence of the very Punjab leaders whose acts among other things the Hunter Committee was called upon to investigate.

"The All-India Congress Committee deplores that the Hunter Committee Majority's report should be tainted with racial bias and a desire to overlook and justify the manifest, proved and grave acts of commission and omission of the Indian and Punjab Governments and many acts of inhumanity perpetrated by the officers appointed during the martial law regime and that the report should thus accentuate the tendency to count Indian life and honour as of little consequence. The Congress Committee unhesitatingly rejects the Majority's conclusion that the Punjab was in a state of open rebellion and accepts the conclusions of the minority and the Government of India's Indian member to the contrary.

"The Committee is clearly of opinion that Satyagraha is not responsible in any manner or degree for the disturbances in

the Punjab and elsewhere and entirely dissents from the Hunter Committee majority's findings.

"The Committee regrets to learn that nearly 38 persons imprisoned in connection with the last year's troubles in the Punjab under the Martial Law tribunal's sentences, are still undergoing imprisonment and requests the Viceroy and the Puniab Lieutenant Governor to set them at liberty in conformity with His Majesty's graceous proclamation of December last. In view of the special circumtances of Rattan Chand and Bugga, the Committee appeals to the Indian and the Punjab Governments to stop their contemplated transportation to the Andamans.

The Khelafat

"The committee is emphatically of opinion that peace term offered to Turkey constitute a flagrant violence to the solemn pledges of His Majesty's Government and is in complete disregard of the principle of national self-determination accepted by the allied powers and of Muslim religious sentiment in India. Having regard to the fact that the resources of India were freely used during the war in Asia, the Committee deplores their employment should have eventual terms in the said treaty in the virtual destruction of the power and prestige of Khilafat and the removal of holy places of Islam from Khilafat custody and control and being placed under Christian influence and control.

"The Committee strongly urges that in the interest of peace and contentment in India the Turkish treaty terms be revised to bring them into conformity with the said pledges and the just sentiments of Indian Mussalmans.

Other Resolutions

The Committee also resolved that in view of the general situation in India with reference to Indian public feeling on Turkish peace terms, His Majesty's Government's action with regard to the Punjab atrocities, and the policy pursued by the Government of India in giving effect to the reform scheme through the proposed draft rules and regulations, a special session of the Congress be convened at Calcutta as early as possible, not later than the 15th September, to consider the adoption of the policy of non-co-operation or any other suitable course of action.

Resolutions on various matters were also passed one of which asked the Provincial Congress Committees to submit to the General

Secretaries their views on the principle and programme of non-co-operation.

The committee further resolved that it should meet to consider those views sometime before the Congress special session. Provincial Committees were also asked to submit to Mr. Patel, the Secretary in England, direct by cable if possible, their representations on the rules and regulations under the Reform Act.

The committee then affirmed that the Congress lead on the Reform question had already been given in the resolution passed at the Amritsar Congress dealing with the Reforms Act and that no further consideration of the question was necessary. Another resolution authorised the President to cable to the authorities concerned protesting against the Anti-Indian agitation and legislation in East Africa and Fiji.

The committee emphatically protested against the proclamation of Seditious Meetings Act in Delhi Province as opposed to the spirit of good will and co-operation enjoined by His Majesty in his graceous proclamation of last December and as detrimental to the successful inauguration of the new era ushered in by the Reform Act. The committee condemned the orders passed by the United Provinces Government externing Pundit Jawahar Lal Nehru from Dehra Dun district in circumstances of exceptional inconvenience and trusted that better counsels would yet prevail. The committee reiterated the demand for the cancellation of Mr. Horniman's deportation and urged the release of the Savarkar brothers.

The National Liberal League

Calcutta, June 12th 1920

A meeting of the Council of the National Liberal Federation of India, the new central organization of the Indian Moderate party, was held on June 12th in the Indian Association rooms, Calcutta, the Honble Mr. Surendranath Banerjee presiding, to consider the Hunter Report and the policy of the Government regarding the late Punjab muddle.

The council deliberated for four hours on the subjects set down in the agenda and passed the following resolutions :-

The Report and Despatches

(A) The Council of the National Liberal Federation of India view with deep disappointment the Majority report of the Hunter

Committee whose conclusions are in the main unsupported by weight of the published evidence. The Council regret that the majority have supported the declaration and continuation of martial law in the Punjab without justification and the atrocities that were perpetrated or condoned in most cases in disregard of the canons of civilized Government. The Council feel constrained to say that the majority report lacks the authority that should have attached to a State Paper treating of such grave and far reaching issues as were raised by the recent deplorable events in the Punjab.

(B) The Council endorse the conclusion of the Minority that there was no rebellion in the Punjab and their condemnation of the declaration of martial law and its prolongation without even a colourable excuse, as well as of the ruthlessness with which it was administered, entailing cruel hardships upon large numbers of innocent persons and wantonly causing humiliation to the people by bringing home to them their utter helplessness.

(C) While appreciating the Secretary of State's despatch for its condemnation of some of the worst horrors of last year and its repudiation of the doctrine of military necessity that made them possible, the Council must express their sense of strong disapproval of the awarding of a wholly inadequate punishment to General Dyer and of none as yet to several other officers who were guilty of unpardonable excesses. The Council would earnestly urge that the Government should take immediate steps for the suitable punishment of all officers military or civil, of whatever status, who were guilty of or condoned gross abuse of power and indisputably failed to maintain the standards of conduct, which as the Secretary of State's despatch says, no civilized Government can with impunity neglect and which His Majesty's Government are determined to uphold. The Council believe that without such punishment neither will the enormity of their conduct be brought home to the offending officers nor will the national self respect of India be vindicated.

Sir M. O'Dwyer.

(D) The Council record their emphatic protest against the high encomium bestowed upon Sir Michael O'Dwyer both by the Government of India and His Majesty's Government in the admission that His Majesty's Government do not regard Sir Michael O'Dwyer as immune from criticism, their criticism of the application of martial law procedure to certain trials which, it is admitted, must be taken as applying to Sir Michael O'Dwyer in so far as he was personally

responsible for the action in question and the avowal that with the general question of Sir Michael O'Dwyer's administration of the Punjab, His Majesty's Government are not now immediately concerned. Sir Michael O'Dwyer's opinions of the educated classes of India and of even legitimate and constitutional political agitation have been publicly expressed and are non-officially recorded, while his responsibility for the declaration and continuation of martial law and the manner in which it was administered cannot be gainsaid. He even accorded unqualified approval to General Dyer's action at Jallianwalla Bagh which has been disapproved by the majority report and the Government of India and condemned by His Majesty's Government. The praise of such an officer by His Majesty's Government has made a painful impression on Indian mind. In the opinion of the Council the least that His Majesty's Government should do, failing any more drastic action, is to take steps to mark in an effective manner their unqualified disapproval of the policy and conduct of Sir Michael O'Dwyer and they should in no circumstances allow him to be associated with Indian affairs in any capacity.

(E) The Council regret that His Majesty's Government while testifying to the manner in which His Excellency the Viceroy fulfilled his high trust and continuing to repose fullest confidence in his discretion, have ignored altogether the responsibility of His Excellency and His Government who instead of examining the situation on the spot and exercising the much-needed control over the Punjab Government gave it virtually a free hand.

(F) The Council urge upon the Government that adequate compensation should be allowed to those who have suffered in the Punjab owing to the high-handed action of civil or military officers and further that steps should be taken to revise the fines imposed or levied from certain areas in the Punjab.

(G) The council strongly urge that His Majesty's Govt. should provide for effective safeguards against a recurrence of such things as happened last year and to this end urge, among other measures, (1) That the introduction, exercise and duration of martial law should be subject to the same constitutional limitations as in England, (2) That Martial Law should not be introduced unless it is impossible for civil courts to sit and exercise their functions, (3) That the power of creating new offences for breach of regulations and providing penalities thereof should not be delegated to military officers, (4) That if courts martial are allowed to sit when civil courts are sitting, any person not subject to the Naval discipline Act or to Military law, who is charged with the

contravention of any regulation should be allowed the option of trial by Civil Court, (5) That free and unrestricted legal assistance should be available as a matter of right to the accused persons placed before martial law tribunals and this should not be left to the discretion of or any interference by civil or martial law authorities, and (6) that the remedy in the nature of Habeas Corpus should be made available in all parts of British India.

(H) The Council place on record their warm appreciation of the ability, courage and sense of justice which the Hon'ble Pandit Jagat Narain, Sir Chimanlal Setalvad and Shahebzada Sultan Ahmad Khan brought to bear upon the discharge of their arduous duty as members of the Hunter Committee.

Turkey and Reform Rules.

The Council also recorded its protest against the dismemberment of the Turkish Empire as proposed in the Turkish peace terms and opined that they are unduly harsh and contravened the principles proclaimed by the allied powers and pledges given by the Prime Minister. They sympathised deeply with Islamic feeling in the matter and earnestly urged that His Majesty's Government should make a genuine effort to obtain the revision of the terms so as to allow Turkey a chance of revival and to satisfy the Moslem sentiment. At the same time they strongly disapproved of the non-coperation movement which without doing any good to Turkey is certain to do great harm to the peaceful progress of India.

Resolutions were also passed suggesting liberal alterations in the rules and regulations regarding the Government of India Act, and also urging fair, just and equitable treatment of Indians in Fiji, East and South Africa.

Cable to the Secretary of State

Sir Hormusjee Wadya, President, Deccan Sabha, Poona addressed the following cable to the Speaker of the House of Commons and the "Westminister Gazette".

The Council of the Deccan Sabha, Poona, beseech Parliament when considering the Hunter Committee's report on the Punjab disturbances to determine the momentous issues therein raised in strictest

conformity with British traditions for fair dealing and impartial justice. The Indian public has submitted its case and looks to Parliament to discharge the sacred duty as India's trustee and the Empire's highest tribunal. As true friends of British rule the Council earnestly submit that while other gravest questions agitate public mind, prudence and justice alike demand that inequities and indignities unquestionably inflicted on the pretext of rebellion should not only be censured and condemned but should receive the fullest punishment they merit. No regard for persons, however highly placed, can justify the weak and unwise resolve or should prevent the strictest and sternest justice to all concerned from the highest to the lowest.

Sir Dinshah Wacha as President of the Western India National Liberal Association, Bombay, cabled to the Indian Reforms Committee, London.

With regard to the Majority and Minority Reports of the Hunter Committee and Despatches of the Government of India and the Secretary of State for India thereon, the Council of the Western India National Liberal Association express appreciation of the sound general principles enunciated in the Cabinet's considered statements for further guidance. But at the same time, the council urge that Sir Michael O'Dwyer and the Government of India's responsibility for the deplorable happenings in the Punjab deserves stress and censure, rather than the lavish praise bestowed on them in the Secretary of State's Despatch. The council hope that, in the ensuring debate in Parliament, this aspect of the question will receive adequate attention. The Council strongly support the conclusions of the Minority Report where it differs from the Majority Report.

Mr. M. A. Jinnah, President, Bombay branch of the All India Home Rule League, sent the following cable to the Secretary of State for India.

Consider the Majority Hunter Report as utterly and an unwarranted exoneration of Sir Michael O'Dwyer and the Viceroy. Mere censure of General Dyer's atrocious crime is totally inadequate. Council warns His Majesty's Government against half-hearted measures regarding officers whose guilt is proved beyond doubt. Future good government cannot be guaranteed without serious notice of the misdeeds already committed. Cruel wrong done about Khilafat has already created dangerous situation. This has been aggravated by the Punjab miscarriage of justice. If both wrongs are not remedied in time, the smooth working of the reforms is in danger, welcome to the Prince is doubtful and the people are likely to join non-co-operation movement.

On 5th June the Hon'ble Pandit Moti Lal Nehru, Exofficio President of the All-India Congress Committee, sent the following cable to the British Committee of the Indian National Congress, London.

"The All-India Congress Committee meeting held at Benares on the 30th and 31st of May adopted the findings of the non-official enquiry committee, condemned the majority report of the Hunter Committee as perverse and tainted with racial bias, disagreed to the minority report on the justification of firing on unarmed crowds and the effect of "Satyagraha", also disagreed to the recommendations of the Congress Sub-committee as too lenient, strongly protested against the Secretary of State's despatch and eulogy of Lord Chelmsford and Sir Michael O'Dwyer as adding insult to injury, demanded the trial of General Dyer and Sir Michael O'Dwyer and other officials found guilty by the Congress Enquiry Committee, also Lord Chelmsford's immediate recall, revision of the Turkish Peace terms and amendment of the draft reform rules. Special Session of the Congress meets in Calcutta in the month of August next to consider to resort to "non-co-operation with Government" or other suitable action if full justice be not done to the Punjab and Turkey. Please formally present the copies of the non-official Punjab report to the British Cabinet and press the above demands."

The month of June was given up whole-heartedly to propaganda work in connection with Non-co-operation. The idea did not at first catch on and the populace little understood its store of potentiality. To clear up misapprehensions Mahatma Gandhi explained the doctrine in his paper Young India" as follows :—

"No country has ever risen without being purified through the fire of suffering. Mother suffers so that her child may live. The condition of wheat growing is that the seedgrain should perish. Life comes out of Death. Will India rise out of her slavery without fulfiling this eternal law of purification through suffering ?

"If my advisers are right evidently India will realise her destiny without travail. For their chief concern is that the events of April 1919 should not be repeated. They fear non-co-operation because it would involve the suffering of many. If Hampden had argued thus he would not have withheld payment of ship money, nor would Wat Tayler have raised the standard of revolt. English and French histories are replete with instances of men continuing their pursuit of the right irrespective of the amount of suffering involved. The actors did not stop to think whether ignorant people would not have involuntarily to suffer. Why should we expect to write our history differently ? It is possible for us, if we would, to learn from the

mistakes of our predecessors to do better but it is impossible to do away with the law of suffering which is the one indispensable condition of our being. The way to do better is to avoid, if we can, violence from our side and thus quicken the rate of progress and to introduce greater purity in the methods of suffering. We can, if we will, refrain, in our impatience, from bending the wrong doers to our will by physical force as Sinn Feiners are doing to day, or from coercing our neighbours to follow our methods as was done last year by some of us in bringing about Hartal. Progress is to be measured by the amount of suffering undergone by the sufferer. The purer the suffering, the greater is the progress. Hence did the sacrifice of Jesus suffice to free a sorrowing world. In his onward march he did not count the cost of suffering entailed upon his neighbours whether it was undergone by them voluntarily or otherwise. Thus did the sufferings of a Harischandra suffice to re-establish the kingdom of truth. He must have known that his subjects would suffer involuntarily by his abdication. He did not mind because he could not do otherwise than follow truth.

"I have already stated that I do not deplore the massacre of Jallianwala Bagh so much as I deplore the murders of Englishmen and destruction of property by ourselves. The frightfulness at Amritsar drew away public attention from the greater, though slower, frightfulness at Lahore where attempt was made to emasculate the inhabitants by slow processes. But before we rise higher we shall have such processes many more times till they teach us to take up suffering voluntarily and to find joy in it. I am convinced that the Lahorians never deserved the cruel insults that they were subjected to ; they never hurt a single Englishman ; they never destroyed any property. But a wilful ruler was determined to crush the spirit of a people justifiying to throw off his chafing yoke. And if I am told that all this was due to my preaching Satyagrah, my answer is that I would preach Satyagrah all the more forcibly, for that so long as I have breath left in me and tell the people that next time they would answer O'Dwyerean insolence not by opening shops by reason of threats of forcible sales but by allowing the tyrant to do his worst and let him sell their all but their unconquerable souls. Sages of old mortified the flesh so that the spirit within might be set free, so that their trained bodies might be proof against any injury that might be inflicted on them by tyrants seeking to impress their will on them. And if India wishes to revise her ancient wisdom and avoid the errors of Europe, if India wishes to see the Kingdom of God established on earth instead of that of Satan which has enveloped Europe, then I would urge her sons and daughters not to be deceived by fine phrases, the terrible subtleties that hedge

us in, the fears of suffering that India may have to undergo, but to see what is happening to-day in Europe and from it understand that we must go through the suffering even as Europe has gone through but not the process of making others suffer. Germany wanted to dominate Europe and the Allies wanted to do likewise by crushing Germany. Europe is not better for Germany's fall. The Allies have proved themselves to be just as deceitful, cruel, greedy and selfish as Germany was or would have been. Germany would have avoided the sanctimonious numbering that one sees associated with the many dealings of the Allies.

"The miscalulation that I deplored last year was not in connection with the sufferings imposed upon the people, but about the mistakes made by them and violence done by them owing to their not having sufficiently understood the message of Satyagraha. What, then is the meaning of non-co-operation in term of the Law of Suffering? We must voluntarily put up with the losses and inconveniences that arise from having withdrawn our supports from a Government that is ruling against our will. Possession of Power and Riches is a crime under an unjust government, poverty in that case is a virtue, says Thoreau. It may be that in the transition state we may make mistakes. These things are preferable to national emasculation.

"We must refuse to wait for the wrong to be righted till the wrongdoer has been roused to a sense of this iniquity. We must not, for fear of ourselves or others having to suffer, remain participators in it. But we must combat the wrong by ceasing to assist the wrong-doer directly or indirectly.

"If a father does an injustice it is the duty of his children to leave the parental roofs. If the headmaster of a school conducts his institution on an immoral basis the pupils must leave the school. If the chairman of a corporation is corrupt the members thereof must wash their hands clean of his corruption by withdrawing from it. Even so if a government does a grave injustice the subject must withdraw co operation wholly or partially sufficiently to wean the ruler from his wickedness. In each case conceived by me there is an element of suffering whether mental or physical. Without such suffering it is not possible to attain freedom."

In July 1920 the non-co-operation committee issued the following manifesto :—

Although every effort is being made to secure revision of the Peace Terms, it appears to be almost certain that it will not come before the first of August next. The Committee desires to mark the sacred character of the forthcoming demonstration of Non co-

operation in a fitting manner. It also wishes to gauge the public feeling in the matter. The Committee, therefore, seeks the co operation of Hindus and other Non-Moslem Communities in making the inauguration a complete success.

(1) The Committee advise full 'hartal' on the first of August. Mill-hands, however, are requested not to abstain from work, unless they receive permission from their employers, nor should all those abstain who are required for absolutely necessary day-to-day work; viz, hospital men, sanitary men and dock labourers.

(2) The day should be devoted to prayer. All those, who can, should fast for the day. (3) Meetings should be held all over the country not excluding the smallest village at which the following resolution should be adopted with or without speeches.

The Resolution.

"This meeting held at...of the inhabitants records its full sympathy with the movement of the Central Khilafat Committee in order to secure revision of the Turkish Peace Terms, consistently with Muslim sentiment and Islamic Law and approves of Non-co-operation adopted by the Central Khilafat Committee to be continued till the Peace Terms are revised. This meeting respectfully urges the Imperial Govt, in the interest of the Empire which they are supposed to represent, to secure a just revision of the terms which have been universally condemned as unjust and manifestly in breach of ministerial declarations". The resolution should be sent to His Excellency the Viceroy with a covering letter requesting him to forward the same to the Imperial Government The Central Khilafat Committee should be advised of the passing of the resolution and of its despatch."

Not a Movement of Civil Disobedience

N. B.—There should be no processions. Speeches should be restrained. It is expected that meetings everywhere will be very largely attended. All police and other Governmental instructions should be strictly and scrupulously obeyed. No meetings should be held where there is any written prohibition. It cannot be too often urged that the whole success of the movement depends upon perfect peace being observed by the community and complete obedience being rendered to police instructions in connection with the movement. It should be clearly understood that this is not a movement of Civil Disobedience. What should be done when unreasonable orders are issued interfering with the liberty of the subject will be considered on the merits by the Committee.

It is expected that all title-holders, Honorary Magistrates, Justices of Peace, Members of the Legislative Councils, who feel

about this important question affecting the well-being of million of Muslims, and who are in sympathy with the movement, will surrender their titles or honorary posts on this day.

(Sd.) M. K. Gandhi, Abul Kalam Azad, Shaukat Ali,
Ahmed Haji Siddick Khatri, Saifuddin Kitchlew,
Fazul Hasan, Hasrat Mohani, Mahomed Ali
Members, Non-co-operation Committee Bombay

August 1st was thus declared to be the third Khilafat day (see p. 205). The Non-co-operation Committee further issued the following directions as to how the day was to be observed :—"The first of August is on us with its grave responsibility and important consequences. We believe that success for our just cause is certain if we exercise greatest self restraint and show ample measure of self-sacrifice. If we cease to help Government and cease to take help from it we must be capable of preserving order in the country. We should therefore avoid collision with authority and thus also occasion for sudden resentment, obey all orders and Government notices. We hope there will be complete Hartal on Sunday. No pressure should be used against anyone refusing to close shop. The Committee attaches greatest importance to prayer and fasting for inward strength and purification. We hope too that the largest meetings ever held will be convened on Sunday but there should be no processions. Special effort should be made and continued to secure surrender of titles and honorary posts and parents are requested to withdraw their children from schools recognised by or under Government control. Lawyers are requested to suspend practice.

"We have no doubt about the moral effect of these steps. We hope also that full Swadeshi will be inaugurated on Sunday. It enables every man, woman and child to exhibit in their own persons the spirit of sacrifice for the sake of our religion and honour and a preparation for further sacrifice. Agitation for securing complete boycott of Councils should be continued unabated. Finally the Committee expects Muslims to lead as well in preserving peace and order as in sacrifice and we feel sure that our Hindu brethren will not fail to respond and join the Muslims"

Montagu and Gandhi

August 1st was fittingly celebrated as the Third Khilafat day, there being a hartal all over India, intensified and rendered sombre by the sudden death of that great National patriot Bal Gangadhar Tilak. Meanwhile Mr. Montagu in the House of Commons (*see poste* India in Parliament) was being plied with questions regard-

ing the activities of M. Gandhi and the progress of the non-co-operation movement, accounts of which published in the British papers had made the public there more than apathetically curious. On this Mahatma Gandhi wrote the following note in his paper :—

"Mr. Montagu does not like the Khilafat agitation that is daily gathering force. In answer to question put in the House of Commons, he is reported to have said that whilst he acknowledged that I had rendered distinguished services to the country in the past, he could not look upon my present attitude with equanimity and that it was not to be expected that I could now be treated as leniently as I was during the Rowlatt Act agitation. He added that he had every confidence in the Central and the Local Governments, that they were carefully watching the movement and that they had full power to deal with the situation.

"This statement of Mr. Montagu has been regarded in some quarters as a threat. It has been considered to be a blank cheque for the Government of India to re-establish the reign of terror if they chose. It is certainly inconsistent with his desire to base the Government on the goodwill of the people. At the same time if the Hunter Committee's finding be true and if I was the cause of the disturbances last year, I was undoubtedly treated with exceptional leniency. I admit too that my activity this year is fraught with greater peril to the Empire as it is being conducted to-day than was last year's activity. Non-co-operation in itself is more harmless than civil disobedience, but in its effect it is far more dangerous for the Government than civil disobedience. Non-co-operation is intended so far to paralyse the Government as to compel justice from it. If it is carried to the extreme point it can bring the Government to a standstill.

"A friend who has been listening to my speeches once asked me whether I did not come under the sedition section of the Indian Penal Code. Though I had not fully considered it, I told him that very probably I did and that I could not plead not guilty if I was charged under it. For I must admit that I can pretend to no "affection" for the present Government. And my speeches are intended to create "disaffection" such that the people might consider it a shame to assist or co-operate with a Government that had forfeited all title to confidence, respect or support.

"I draw no distinction between the Imperial and the India Government. The latter has accepted, on the Khilafat, the policy imposed upon it by the former. And in the Punjab case the former has endorsed the policy of terrorism by the latter. British ministers have broken their pledged words and wantonly wounded the feelings of the seventy million Mussalmans of India. Innocent

men and women were insulted by the insolent officers of the Punjab Government. Their wrongs not only remain unrighted, but the very officers who so cruelly subjected them to barbarous humiliation retain office under the Government.

"When at Amritsar last year I pleaded, with all the earnestness I could command, for co operation with the Government and for response to the wishes expressed in the Royal Proclamation, I did so because I honestly believed that a new era was about to begin and that old spirit of fear, distrust and consequent terrorism was about to give place to the new spirit of respect, trust and goodwill. I sincerely believed that the Mussalman sentiment would be placated and that the officers that had misbehaved during the Martial Law regime in the Punjab would be at least dismissed and the people would be otherwise made to feel that a Government that had always been found quick (and rightly) to punish popular excesses, would not fail to punish its agents' misdeeds. But to my amazement and dismay I have discovered that the present representatives of the Empire have become dishonest and unscrupulous. They have no real regard for wishes of the people of India and they count Indian honour as of little consequence.

"I can no longer retain affection for a Government so evilly manned as it is now-a-days. And for me it is humiliating to retain my freedom and be a witness to the continuing wrong. Mr. Montagu, however, is certainly right in threatening me with deprivation of my liberty if I persist in endangering the existence of the Government. For, that must be the result if my activity bears fruit. My only regret is that inasmuch as Mr. Montagu admits my past services, he might have perceived that there must be something exceptionally bad in the Government, if a well-wisher like me could no longer give his affection to it. It was simpler to insist on justice being done to the Mussalmans and to the Punjab than to threaten me with punishment so that the injustice might be perpetuated. Indeed, I fully expect it will be found that even in promoting disaffection towards an unjust Government, I had rendered greater services to the Empire than I am already credited with.

"At the present moment, however, the duty of those who approve of my activity is clear. They ought, on no account, to resent the deprivation of my liberty, should the Government of India deem it to be their duty to take it away. A citizen has no right to resist such restriction imposed in accordance with the laws of the State to which he belongs; much less have those who sympathise with him. In my case there can be no question of sympathy. For I deliberately oppose the Government to the

extent of trying to put its very existence in jeopardy. For my supporters, therefore, it must be a moment of joy when I am imprisoned. It means the beginning of success if only the supporters continue the policy for which I stand. If the Government arrest me, they would do so in order to stop the progress of non-co-operation which I preach. It follows Government must imprison me, or if non-co-operation continues with unabated vigour, even after my arrest, the Government must imprison others or grant the people's wish in order to gain their co operation. Any eruption of violence on the part of the people even under provocation would end in disaster. Whether therefore it is I or any one else who is arrested during the campaign, the first condition of succes is that there must be no resentment shown against it. We cannot imperil the very existence of a Government and quarrel with its attempt to save itself by punishing those who place it in danger."

The month of August saw a mass propaganda of non-co-operation, and all over India there was half-hearted repression by government on one side and stimulated growth of non-co-operation on the other. In pursuance of the resolution of the All India Congress Committee inviting the opinion of all Provincial Committees on Non-Co-operation movement, all the Provincial Congress Committees met about the middle of August and whole heartedly accepted the Principle of Non-Co operation. Bombay, C. P., The Punjab, Berar, and Behar voted *ad hoc* for the whole programme, while Madras and Bengal kept reservations as to the stages.

At last came the special session of the Indian National Congress held at Calcutta on September 4th 1920 under the presidency of Lala Lajpat Rai. Never before was enthusiasm so high and the issues so momentous. The only substantive proposals before the Congress was Mr. Gandhi's resolution on non-co operation which after long and heated debate was passed by huge majority (see part III where full proceedings are given.)

The first non-co-operation upheaval was amongst the student population, first at Aligarh, closely followed by Lahore, next at Benares and then, at the close of the year, at Calcutta. All these have fizzled out for lack of sufficient dynamism and for their suddeness. Since then the war of atrition between the huge masses of India slowly coming under the banner of non-co operation and the mighty Bureaucracy, powerfully entrenched behind their heavy armoury of repressive laws, has been steadily going on. At the time of writing we are too far near the scene to be able to present a picture of the fight that is still raging and the end is nowhere in sight.

The Aligarh College Upheaval.

Mahatma Gandhi and the Ali Brothers visited Aligarh on the 12th October in the course of their tour in upper India preaching Non-co-operation, especially withdrawal of students from Colleges and lawyers from practice. A strong undercurrent of unrest amongst the student population was swaying their college life and Principal Ziauddin tried to induce the visitors to refrain from inflaming the students. On the 12th October the students held a mass meeting in their Union Club and invited M. Gandhi and the Brothers Ali to deliver addresses on the present situation. Non-co operation was preached and the cry was at-once taken up. The boys did not attend college from this day and instead held several political meetings. The situation was becoming alarming day by day, as there was free talk of converting the College into a national University; in panic the principal sent wires to the authorities, to the Police, to the Trustees and the parents, complaining that he was unable to cope with the new rush of developments. The non-co operation leaders presented an ultimatum to the Secretary and the Principal on the 12th October as follows :—

Dear Sir,—In view of the open hostility shown by Great Britain to Islam in the treaty forced upon Turkey, the destruction of the sacred Islamic institution of the Khilafat is attempted therein and the continued occupation of the Jaziratul Arab, the Non-co-operation Committee of the All-India Khilafat Conference has decided that all educational institutions which are either carried on or in any way controlled by Government or which receive its aid must be boycotted and all students and teachers must be withdrawn from them. The All-India Muslim League and the Indian National Congress have also passed similar resolutions at their special sessions recently held at Calcutta. We feel certain that in the existing circumstances it must be as repugnant to our colleagues on Board of Trustees of the M. A. O. College and of the Muslim University Association as it is to us to receive any financial aid for those institutions from or permit any kind of interference therein by Government which has so contemptuously disregarded our religious obligations and national sentiments and so unscrupulously betrayed its own repeated pledged word. We therefore call upon you and the other Trustees of the M A.O. College and members of the Muslim University Association to refuse henceforth to receive any aid from Government or to permit any kind or sort of Government interference whether directly or indirectly through the Allahabad University or any other agency in these institutions. We desire to inform you and our other colleagues that we are also calling upon the teachers and adult students at Aligarh to withdraw themselves and upon the guardians of other students to withdraw their wards from the college and school on the 29th October, 1920, in the event of the Trustees' refusal to comply with these obvious requirements of the Islamic faith. We therefore, request you with all earnestness at our command to take the action we recommend at the earliest possible date and to treat this matter

as of the greatest possible urgency. We remain yours most obediently—(1) H. M. Ajmal Khan, (2) M. A. Ansari, (3) Moazam Ali Khan, (4) Zahoor Ahmad, (5) Shaukat Ali (Khadim Kaba), (6) Mohamad Ali (Khadim Kaba), (7) N. Ismail Khan, (8) H. M. Musa Khan, and (9) A. Mustafa Khan.

Meanwhile students from all over India addressed congratulatory letters to their fellow students at Aligarh; the eyes of the whole student population were on them. And on 21st October the College Khilafat Committee issued the following appeal to the students of India:—

Fellow students,—You are not unconscious of the grave responsibilities which have fallen upon our shoulder in effecting the reconstruction of to-morrow. India's soul is revolting against humiliations and insults offered to her every day. The time is gone by when our country used to bow low before the blast in patient and deep disdain. The sacrilege commited against the Khilafat, the degradation and humiliation to which our countrymen have been subjected in Punjab, the brutal and most inhuman treatment meted out to our brethren in Turkey, Syria, Mesopotamia and various other countries in the middle East, and the unjust and shameful treaty forced on Turkey by nations actuated by Imperialistic motives of territorial aggrandizement, have forced us to rise in indignation against the perpetrators of such unparalled crimes in the history of the world. Non-Co-operation is the only effective weapon to bring into reality the vision of free India—India with freedom to think and freedom to act. Our national self-respect can no more tolerate co-operation with a Government which is impervious alike to feeling and reason and which is daily forging a new chain round our necks. In the name of all that is best and noblest in the heart of man, we appeal to you to join us in our just cause and sacrifice time, toil and talent to bring this struggle to a sucessful issue, for freedom's battle once begun, though baffled oft, is ever won.

In the meantime the College was closed, outsiders were warned not to preach to the boys who were asked to leave the College and hostel for their homes, parents were wired to, and a meeting of the Trustees was called.

Mr. Mohammed Ali, Hakim Ajmal Khan, Dr. Ansari, Abdulkalam Azad and Moulvi Abdul Majid of Meerut arrived in Aligarh on the 23rd and delivered lectures in the college mosque. They said that a National organisation would be announced on 29th October after Jumma prayers. Mr. Mohammed Ali himself would be the first Principal for a short period. They would take possession of the college building and advised the students not to leave the college till carried away forcibly on shoulders.

Mahatma Gandhi's Letter

On Octobar 24th Mr. Gandhi addressed the following letter to the Trustees from Bombay:—

"I know you are about to meet in order to give your decision on the most momentous issue for Islam and India. I hear you are calling in the aid of the Government or the police for the occasion of your meeting. If rumour is true, you would be making an obvious mistake. In a matter which is purely domestic

you need neither the intervention of the Government nor the protection of its police. Neither the Ali Brothers nor myself are engaged in brute war. We are engaged in a war in which our only weapon is the force of the public opinion. We shall reckon ourselves beaten in the battle if we do not carry the public with us. In the present dispute the test of public opinion will be in the first instance your majority. Therefore, if you after full and free discussion decide by a majority that the college and school boys may not remain in the college ground either as students or even as boarders if they persist in their demand for disaffiliation and rejection of Government grant, they will be peacefully withdrawn. I propose in that event to carry on their education, if at all possible in Aligarh itself, otherwise elsewhere. Our desire is not to suspend their secular education for one moment longer than is absolutely necessary. But it is our desire that it should be given in consistence with the law of Islam and honour of India. I understand that in the opinion of recognised Ulamas it is not lawful for a believing Muslim to receive assistance of or give assistance to government that has directly or indirectly sought to cause destruction of the holy Khilafat or tamper with the exclusive control of Jezirat-Ul-Arab You know, as well as I do, how this Government has wilfully trampled under foot Indian honour. Consistently, therefore, with the control of their passions all voluntary association with Government is being withdrawn by the people The least that you, in my humble opinion, can do is to decline any further Government grant, to disaffiliate the great institution of which you are the trustees and to reject the charter of the Muslim University. The least the Aligarh boys can do if you fail to respond to the call of Islam and India is to wash their hands clean of the institution acknowledging the aegies of Government that has forfeited all title to allegiance of Islam and India and bring into being a larger, nobler and purer Aligarh that would carry out the innermost wishes of its great founder I cannot imagine the late illustrious Sir Syed Ahmed keeping his nobler creation under the control or influence of the present Government. As I have been the originator of the idea of disaffiliation of Aligarh and rejection of Government grant I feel I might be able to assist you in your discussion and therefore offer my humble services to you and will gladly attend your meeting if you will allow me to do so. I am at Bombay and shall await your answer, but whether you wish me to attend or not I hope you will not summon Government intervention in purely domestic matter, and let me say to Government through you that one hears all sorts of rumours of their intentions about Ali Brothers and myself. I hope for the sake of peaceful evolution of struggle that they will not restrict our liberty. We are endeavouring in the most constitutional manner to conduct our propaganda. We are seeking to bend Government to the people's will for it will not overthrow it by brute force but by creating public opinion. We hold it to be perfectly constitutional, legitimate and honourable to expose the satanic nature of Government and ask the people by appealing to their heads and their hearts and never to their animal passion, to express their will not in words but in action, i.e. by withdrawing all possible association with Government. But if Government wish even to suppress liberty of opinion and peaceful action I hope they will not issue internment orders against us, for in spite of our sincere desire not to offer civil disobedience even in our own persons, it will not be possible for us to respect any internment orders so long as our movement be not physically restrained. We must use it in such a manner as we consider to be the best in the interest of our mission."

In reply the Secretary, M. A. O. College sent the following wire to M. Gandhi—

Thanks for your letter. Regret cannot invite you to the meeting on the 27th which is purely a Trustees' consultation meeting. We firmly and strongly adhere to our old established policy and sincerely wish to uphold it peacefully. Rumour that assistance of Police and Government is being invoked for our meeting or against any body is absolutely false and groundless.

What followed next amidst the tumultuous uproar of the students is given in the following account published by the Secretary of the Aligarh College :—

"Mr. Mohamed Ali at last withdrew himself with the students who had defied all orders of the Principal on the morning of the 31st October when the District Magistrate Mr. Campbell very politely asked him not to involve the students in trouble. The total number of Trustees at present is 124 of whom 62 Trustees attended the meeting on the 27th October in person while 28 sent a message condemning the action of the Ali Brothers and their association. Only two Trustees sent messages supporting their action. The meeting lasted all day. It had been called as an emergency meeting though not specifically provided for in the rules, as Mr. Shaukat Ali and his friends demanded a decision by the 29th October.

"The meeting lasted all day. Since that meeting the Trustees and Syndicate have sat daily, sometimes sitting from 6 to 11 p.m, and discussed the situation and ways and means of getting Mr. Mohamad Ali and his friends to withdraw themselves and the students who had refused to go to their homes from the college premises. But all attempts had failed. Individual trustees of high social standing had also approached Dr. Ansari and Hakim Ajmal Khan but with no better success. Though these two gentlemen said that they were going to vacate the college premises on the 1st November or thereabout they would give no definite undertaking in writing While the trustees were trying to act with every consideration and were anxious to avoid any coercion or force, Mr. Mahomed Ali had openly declared that he had no intention of moving or opening a separate national college or university ; his object being to purify this very college. He had also collected the students with few exceptions into the main quadrangle, some rooms of which were forced open. It was reported that he intended to break open some lecture rooms and take forcible possession of Principal's office. He started making admission of students in his so-called national college by swearing each student on the Holy Quran. It was reported that Mr. Mahomed Ali was about to be joined by his brother and a staff of professors and that students of other colleges who had struck were coming to his national college. The situation was hourly getting more serious and it was felt by all that if action had to be taken it must be taken

immediately or never. The Trustees could not take the law into their own hands and bodily eject Mr. Mahomed Ali or the students. They therefore, had to seek the protection of the civil authorities and it was decided by the Syndicate at 8 p.m. on the 30th that the District authorities should be approached. Accordingly the Honorary Secretary acting under the instruction of the Syndicate applied to the District Magistrate to deal with the situation in the best way he could. The District Magistrate made arrangements to prevent outsiders from coming into the college grounds and to protect the college buildings and properties against damage. At 5-30 a.m., on the 31st the men of civil police without arms with a few men of the armed police were posted round Sir Syed Court, as the main quadrangle of the College Boarding House is called, in which the great bulk of the students were living, while some men of armed police were posted round the Old Boys Lodge situated in the college grounds in which Mr. Mohamed Ali and some of his friends were living at the time.

The District Magistrate Mr. Campbell accompained by the Hony. Secretaries arrived at the Old boys' Lodge and found Mr. Mohamed Ali and his friends standing in the verandha. Mr. Campbell spoke courteously and apologised for disturbing them so early. After a few minutes' conversation Mr. Mohamed Ali expressed his willingness to advise the students to withdraw peacefully. The District Magistrate and the Hony. Secretary came out leaving Mr. Mohamed Ali and and his friends to perform their morning prayers for which 45 minutes were asked. After this interval Mr. Mohamed Ali and his friends came out and expressed their intention of going to the college mosque for their morning prayers. The District Magistrate remained outside the mosque gate while Mr. Mohamed Ali and his friends and a few students who had come out of their rooms went into the mosque to say their morning prayers. Before Mr. Mohamed Ali entered the mosque Mr. Campbell asked him not to make a speech or address the students in the mosque whereupon Mr. Mohamed All told Mr. Campbell that the mosque was intended to be used only for prayers and not for any other purpose. After saying his prayers Mr. Mohamed Ali came out and at the request of the Distriot Magistrate told the students to withdraw peacefully. The students then went off to pack up and by half past noon the students and their belongings had been carried in motor lorries and other conveyances provided by the District Magistrate into the bungalows outside the college grounds and separated by a road only from the Minto Circle in which the schools are located. Some tents had also been pitched in the compound of these bangalows. After

half past twelve the students assembled in the cricket lawn opposite the Old Boys' Lodge carrying a green flag and with Mr. Mohamed Ali marched to their new abode with cries of Allah-o-Akabar, Mr. Mohamed Ali asking permission of the District Magistrate to return to the Old Boys' Lodge for his mid-day dinner. This closed the most disagreeable chapter in the proceedings and immediate danger was averted, but the real danger has yet to come and this is only the beginning of our troubles. The number of students who inspite of the Principal's order to leave the college premises remained in the boarding house was about one hundred or so. Since leaving college premises Mr. Mahomed Ali and the students withdrawn by him are living in two or three houses and tents not far from the college and separated from the Minto Circle by a road only. Mr. Shaukat Ali hase since joined them. Mr. Mahomed Ali is said to have announced in very clear terms that he has no intention of starting any educational institution and has shown by his deeds and words that his sole object is to capture the impressionable youths and keep them together and train them as religious fanatics for purpose of his propaganda which is nothing short of revolutionary. Such being the attitude and object of Mr. Mahomed Ali and his associates the most serious question before the Trustees is whether the college can ever be opened again. As long as the centre of Mahomed Ali's activities remaines in such close proximity to the college, it will be impossible to carry on the work of the college for a day and parents will ont send their sons knowing that we should be powerless to protect them against the baneful menace at our very door for Mr. Mahomed Ali when asking the students to peacefully withdraw from the college said that the withdrawal was only temporary as he intended to bring them back before long. He has on more than one occasion repeated his intentions of returning to the college some day and converting it into his National College as in his opinion the present Trustees by their refusal to listen to the commands of God through Mr. Mahomed Ali's mouth have forfeited the right to remain Trustees."

The following account was supplied by Maulana Mohamad Ali, Hakim Ajmal Khan and Dr. Ansari who wired from Aligarh on 29 Oct. 1920 :—

'About sixty trustees of the Aligarh College assembled at the private residence of the Hon. Nawab Khan Bahadur Muzammil Ullah Khan, Vice-President, Board of Trustees, on the 27th when he commenced proceedings by taking the Chair himself. Objection was taken to this on grounds that since the meeting was not of a character of the meetings provided for in the rules of the trustees, and therefore irregular, the Vice-President was not entitled to

assume the chair without election by those present. He thereupon vacated the chair but after some noisy and confused discussion again took the chair probably as a result of some sort of election.

"The proceedings were finally commenced with the reading of the report by the Honorary Secretary, the accuracy of which was several times challenged.

"The Chairman promised an opportunity would be provided for the discussion of it after it had been read, but was disinclined to do so when he had to be sharply pulled up by several trustees and reminded of his undertaking. In the course of the Secretary's reading of the report which dwelt repeatedly and at considerable length on Mahatma Gandhi and Ali brothers in contravention of the terms of the 9 trustees own letter calling upon the students to take certain action in the event the trustees did not reject Government aid and dispense with affiliation to Government-controlled Universities. Mr. Mohamad Ali protested against the grossly incorrect translation of that letter in the Secretary's report and pointed out that in the original letter which he had himself framed it was clearly stated that they were also calling upon adult students, parents of others and the staff to take certain action if the trustees failed to adopt the course the signatories of the letter had recommended. He therefore insisted on the original letter and not a garbled version of it being read which after some confused opposition was done.

"Dr. Ansari asked the Secretary whether invitation to the meeting or information thereof had been sent to all the trustees or only to particular trustees selected by the Secretary whom he desired to attend to which the latter replied that he deliberately excluded the nine trustees who give up Government aid and disaffialate the college because he considered their proposal was to raise the College to the ground. This elicited numerous protests and one of the trustees pointed out he was not among the nine signatories; he had not declared hitherto in favour of Non co-operation, though he generally worked with the signatories; but he too had received no invitation. Although living in Aligarh and although he was a Syndic of the college and lived in Aligarh and was mostly in the town he received no notice of the numerous meetings of the Syndicate held since the receipt of the nine trustees' letter. Amidst much confusion the Chairman declared he considered the Secretary's and Syndicate's decision improper, and advised him to invite all and telegrams had been sent on the previous day to those who had been excluded. The Secretary, however, declared that although he had carried out the Vice-President's wish he himself still maintained that his action was

proper. Dr. Naziruddin Hassan proposed that the meeting although informal and consultative should declare the Secretary's action improper and direct him not to pick and choose which trustees should be invited and which not invited to any meeting of trustees whether regular or informal, but invite all as had always been done before. The Hon. Riza Ali pointed out under the existing rules signatories were fully entitled to invitation and participation in the meeting, but said to all intents the doctrine of "factum valet" applied, but Maulana Mohamad Ali pointed out that telegrams were sent only on the previous day and were clearly insufficient notice to some signatories who like his brothers and others were at Bombay or other distant places and could not reach Aligarh in time even if the tegrams could have reachedte them which he doubted."

The Inauguration of the National University

"After Friday Service the inauguration ceremony of the Muslim University took place in the College Mosque. Hakim Ajmalkhan, Dr. Ansari, Maulana Mohamed Ali, the Principal, Mr. Khawaja and other leaders of the movement, escorted Maulana Mahmood Hasan Saheb of Deoband from Mr. Khwaja's residence to the Mosque. Maulana's health had been very seriously impaired, and he had fever every day which confined him to bed for a long time. In a short but movingly eloquent speech Hakim Ajamalkhan proposed Maulana Mahmood Hasan Sahib to preside and feelingly described the heroic self-sacrifices and constancy of the Maulana who had upheld in holy Mecca, where he had been arrested for being true to his faith, and finally in his long continued exile in Malta, the great traditions of Moslems of the earliest and most glorious period of Islam.

Haji Moosakhan, a local trustee of the College, cordially seconded the motion which was acclaimed by the whole assembly with impressive enthusiasm. A fatwa was read that in a matter of their faith students were not only justified in not obeying orders of their parents and guardians, if those orders were opposed to the Islamic doctrines, but that it was the students' duty to apeal to the latter in a respectful manner to adopt the same course as they had done.

A special feature of the inaugural address was an exposition of the attitude which the Maulana and his religious preceptors at Deoband had taken up with regard to western education and Aligarh College in the past and of the terms on which religious and. secular eduction were to be reconciled in accordance with slamic doctrine.

All India Congress Committee

Programme of work

To consider the report of the Congress Sub-committee, the All-Indi Congress Committee met at Bombay on the 2nd October, with Pan lit Motilal Nehru in the chair. The following resolutions were pas d after long deliberations.

2. Resolved that the petition of Nagpore Reception Committee ang for extension of time in regard to the election of President b anted and that the time be accordingly extended to 20th Octo- 1920.

3. (*a*) That an All-India Lokamanya Tilak Memorial Fund started and that the different provincial Congress Committees nvited to collect subscriptions.

(*b*) That the Sub-Committee appointed at Calcutta by this mittee on 9th September 1920, to consider and report on the tion of raising an All-India Memorial to the Late Lokmanya k be asked to make a further report, publish it in the press, in the opinions of the Provincial Congress Committees, circulate to the members of the All-India Congress Committee and mit the same to this Committee at its next meeting.

4. The All India Congress Committee after considering the ort of the Sub Committee appointed at Calcutta on 9th September to draft instructions to carry out the resolution of the Cogress on Non-Co operation and Mr. Patel's note resolves to issue the following instructions :

(a) Boycott of Titles.

Workers in every town, Taluk, and district should compile a list of such holders of titles and honorary offices and a small deputation of the leading Non-co-operationists should wait upon such holders and with a respect and humility urge upon them the necessity of surrendering their titles and honorary offices for the good of the country. No undue pressure of any kind whatever should be exercised. Violence of language should be scrupulously avoided, and lists of those who have not surrendered their titles and offices should be furnished to the provincial headquarters for publication. Those who have already surrendered their titles and honorary offices will be expected to induce others. Those who hold such titles and offices and who have voted for Non-co-operation are naturally expected immediately to surrender their titles and offices, mentioning the purpose *viz*, the resolution of the Congress.

(b) Boycott of Government Functions

Deputations and public meetings to ask Durbaris to have their names removed from the list. (2) Deputations and public meetings to be organised on the occasion of levee. Durbar or such other function in order to urge upon persons likely to attend the necessity of abandoing the idea for the good of the country. (3) When any function is being organised by Government, local body association, or any private individual in honour of officer of Government, similar steps should be taken to induce people not to attend such a function. Deputations and public meetings should also be organised to request local bodies, associations or private individuals not to give any address to any officer of Government or hold or organise any function in his honour.

(c) Boycott of Schools and Colleges Owned, Aided or Controlled by the Government.

We advise gradual withdrawal of boys and girls from schools and colleges and earnest attempts to establish National institutions. Meanwhile reliance should be placed upon private education and where even that is not available or possible for want of means, boys should be apprenticed to patriotic merchants or artisans. Vigorous propaganda should be organised and carried on amongst parents, school masters and school boys, who are over the age of 18 years. Canvassing should go on for volunteer teachers and where parents and school masters of schools other than those under direct Government control agree, those schools should give immediate notice to the Government dispensing with all control or aid by way of inspection or otherwise. They should be conducted as National Schools with such modifications in the training as local circumstances may require. If men of education take interest in this movement of truly nationalising our education, local Committees of inspection and guidance may be formed ultimately resulting in provincial or district universities. Lists of parents who have withdrawn their children, or boys who have themselves withdrawn and of school masters who have resigned and lists of local schools established as also of volunteer teachers should be sent to the provincial headquarters and should be published.

N. B.—By a national Institution is meant any educational institution that does not receive any aid from Government; is not in any way controlled or inspected by Government; and is not affiliated to any University established by Government.

(d) Boycott of Law Courts

Those lawyers who suspend practice and who require to be supported should be supported by the Nation either by utilising

their services for National Schools or in connection with private arbitration or for propaganda work. A deputation such as has been suggested for holders of titles, etc., should also wait upon lawyers and ascertain their wishes. Lists of lawyers in each town or district should be prepared marking out those who may suspend their practice and forwarded to the Provincial head-quarters for publication.

Lawyers should help in including parties not only to refer disputes to arbitration but also to withdraw cases now pending in the British Courts and submit them to the National Arbitration Courts. District Committees should make lists of lawyers and other prominent citizens commanding public confidence who are to preside over Arbitration Courts.

As there is at present no machinery to enforce the orders of Arbitration Courts, some kind of social boycott should be imposed on parties who fail to carry out such orders.

It has been pointed out that certain lawyers, who are ready and willing to suspend their practice immediately, are not in a position to do so completely at a moment's notice as they have already entered into engagement from which as honourable men they cannot withdraw without the consent of their clients. In these cases the lawyers will be expected to attend only to such engagements and to make every endeavour to cease to practice completely at the earliest possible date.

(e) Boycott of Councils

The boycott of Councils being of immediate importance it requires the greatest concentration of energy to make it as complete as possible. Candidates who have already come forward should be approached by deputations requesting them to withdraw their candidature and electors should be approached to sign the following form :—

"In view and in virtue of the resolution of the Special Session of the National Congress and the All-India Muslim League we being voters in the electoral district of—for election to the Reformed Councils hereby place on record our desire that we do not wish to be represented at the Provincial Legislative Councils, the Legislative assembly or the Council of State and hereby inform all candidates for election that if they seek election inspite of our wishes to the contrary, they will not represent us. We do hereby declare furthur that we do not desire to be represented on any legislative bodies until full "Swaraj" is established, which alone can make impossible the repetition of the Punjab atrocities and breach of solemn pledges as in the matter of the "Khilafat."

Lists of those who have withdrawn their candidature and those who persist should be forwarded to the Provincial headquarters.

Greatest care should be taken to put the pros and cons before the voters prior to asking them to sign the above-mentioned form which should be translated in the vernacular of the district concerned.

(f) Recruiting for Labour etc., for Mesopotamia.

Propaganda should be carried on by workers among those who are likely to offer themselves for such services placing before them the true situation and then letting them make their choice.

(g) Boycott of Foreign Goods.

Every Non-Co-operationist is in duty bound to simplify his wants and dispense with all luxuries that are dependent on the use of foreign articles.

(h) Swadeshi.

We attach great importance to Swadeshi in the form of revival of handspinning and hand-weaving and distribution of cloth so manufactured. Thousands of workers need special training for this purpose. Ladies of high station especially should be induced to take up hand-spinning and to use only such cloth as can be woven out of hand-spun yarn. Classes should be formed in every street, spinning wheels can be manufactured by any ordinary carpenter. Those taking up this branch of work should communicate with the Manager of Satyagrahasharm, Sabarmati, near Ahmedabad.

In order to advance the cause of Swadeshi and to check the importation of foreign cloth, deputations should wait on Indian Millowners with a view to securing reduction of the present high prices.

(i) Swaraj Fund.

It is very necessary that a national fund should be established for the purpose of carrying into effect the Congress resolution. Funds will be required for propaganda work, for encouraging Swadeshi, for establishing National Schools and for supporting lawyers who have suspended their practice and are unable to support themselves. Provincial Congress Committees with the help of District and other organisations should therfore make every endeavour to collect funds and submit monthly reports of receipts and expenditure to the All-India Congress Committee.

(j) Volunteer Corps

Provincial, District and Town and organisation should form volunteer corps for the purpose of disciplining the people and maintaining order.

Finally, we would advice that where there is a sufficient number of workers, a batch should specialise in order to make one particular item successful. Where the workers are not sufficient, precedence should be given to the boycott of Councils because results must be shown in this item of Non-co operation before the middle of December next.

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National Federation of India

A meeting of the Council of National Federation of India was held at Bombay, on the 30th and 31st October, in the Hall of the Servants of India Society with Sir P. S. Sivaswami Iyer, President, in the chair. The following resolutions were passed.

Resolutions

Non-Co-Operation

"The Council affirm their strong conviction that the Non-Co-operation movement is fraught with danger to the best interest of the country, as it is bound to lead to lawlessness, disorder and anarchy and to retard the development of sound National life and early attainment of Self-Government. While fully sharing the feeling of indignation aroused in the country by the disregard of Indian public opinion and the claims of justice as exhibited in their various acts of administration by the Government, against which the Council has already protested, they are convinced that the progress towards the higher political status in the Empire can only be achieved by means of well regulated constitutional effort, not by abstention from the Councils or agitation calculated to undermine respect for law and constituted authority and foster feelings of bitter racial hatred, incompatible with orderly progress. The council particularly condemn disruptive agitation among the students, the mischievous and ill-advised attempts at inducing them to leave their schools and colleges, injuring the institutions themselves. Nothing can be more ruinous to the youth of the country and the well-being and advancement of the people than the Non-Co-operation propaganda directed against educational institutions, and the Council earnestly exhort the country to discountenance the agitation in every possible manner.

The Punjab Tragedy

"The Council reaffirm the opinions recorded in the resolution of the last meeting and protest against the failure of the Government to render justice by imposing adequate punishment upon the officers guilty of act of cruelty, oppression, humiliation during the period of Martial Law Administration in the Punjab. The council record their conviction that the failure of British statemanship to rise to the demands of the situation in regard to the Punjab affair has largely prevented the people from realising the value of constitutional reforms.

The Esher Report.

(a) "The Council have read with profound surprise the Report of the Army in India Committee, presided by Lord Esher, and desire to enter their emphatic protest against the composition of the Committee which was alike inadequate and unsatisfactory in that it included pronounced reactionaries, like Sir Michael O'Dwyer and Malik Sir Umar Hyat Khan Tiwana, and left Indian interests to be represented practically by only one member.

(b) "The Council express strong disapproval of the procedure followed by the Committee of enquiry (1) in settling the principles governing the future military policy of India before they left England, before Indian colleagues were appointed or could join them, and before they could consult any body of Indians, (2) in seeking to obtain, before publication, the approval of His Majesty's Government to the conclusions so arrived at ; (3) in deciding to examine no witnesses ; and (4) in conducting the proceedings *in camera*.

(c) "The Council desire to record their protest against the practice of His Majesty's Government in giving effect to, or otherwise disposing of, the recommendations made by Commissions or Committees on matters of vital importance to the people of India, without affording any opportunity for the expression of their views to the Indian legislature and Indian public, and the Council urge that none of the recommendations oi the Esher Committee should in any way be acted upon until Indian public and Indian legislature have had the opportunity of expressing their views and before the actual cost of the scheme is worked out and made known to the public.

(d) "The Council are further of opinion that owing to the unsatisfactory composition and procedure of the Committee, the problems considered by them have been approached exclusively from the standpoint of Imperial policy and requirements, and hardly at all from the point view of the requirements of India, whether with reference to her internal needs or her position as partner entitled to equality of status with the Self-Governing Dominions, or natural rights and aspirations of the people of India to take an honourable part in the defence of their country or capacity of the country to bear the financial burdens entailed by the scheme.

(e) "The Council regret the fundamental assumption in the report that conditions of grave unrest in the Near and Middle East, for which India has in no way been responsible, and which, on the other hand, has been created by complications of European diplomacy and politics, are matters which must be provided against by saddling India with burdens necessitated by the Imperial Military policy.

(*f*) "The Council deplore the recommendations of the Committee—(1) to allow the Imperial General Staff in England to exercise what the Committee call a considered influence on the military policy of the Government of India, which, if carried out, must have the effect of reducing the military administration of India to a position of dependence upon the War Office, England, and depriving the Government of India of their control over Indian Military affairs, and (2) to virtually release the Commander-in-Chief in India from the constitutional supremacy of the civil power.

(*g*) "In the opinion of the Council, the reforms urgently needed in the organisation and administration of the Army in India should *inter alia* include the following: (1) The army in India should be independent of the British Army and under the control of the Government of India and not of the War Office. (2) The C-in C should only be the executive head of the army, and not be a member of the Governor-General's Council, and the portfolio of defence should be separately entrusted to a civilian member of the Governor-General's Council (3) Indian troops should not, as a rule, be employed for service outside Frontiers of India, except in grave emergencies and with the free consent of the Governor-General in Council. (4) The King's Indian subjects should be freely admitted to all arms of defensive organisation of the country. Not less than 25 per cent of the King's Commissions should be given to His Majesty's Indian subjects to start with and the proportion be raised in ten years to 50 percent by annual increment of two and half percent. (5) Adequate facilities should be provided in India for training Indians as officers of all branches of the army by their admission into the existing institutions, as well as by the establishment of new institutions and in all other possible ways. (6) All invidious distinctions, based upon racial consideration should be abolished in the army. (7) Indian Territorial Forces should be constituted on exactly the same lines and its members entitled to the same right and privileges as the Indian Auxiliary Force. (6) There should be a distinct Indian Military Medical Service for the requirements of the Army in India recruited both in India and England. and so long as the Army in India is maintained partly to meet Imperial needs and controlled by the British War Office, fair and adequate share of India's military expenditure, determined by relative interests and capacity of two countries, should be paid by the British treasury.

Lovett Committee Report.

(*a*) This Council of National Liberal Federation of India strongly disapprove of the recommendations of Medical Services Re-organisation Committee, which, if carried into effect, will perpe-

tuate the existing anomalies and inequalities injurious to efficiency and inconsistent with the rights and interests of Indians. (*b*) In the Council's opinion there should be a distinct civil medical service recruited mainly in India, and members of the military should not ordinarily be employed in civil administration. (*c*) To meet military emergencies in times of war the Council suggest that the officers on the Indian Civil Medical Service should be bound by an agreement to undergo military training for fixed periods at stated intervals and go on field service when required.

Indians in East Africa and Fiji.

(*a*) "The Council of National Liberal Federation of India reaffirm resolutions 3 and 5 passed at their last meeting relating, respectively to Indians in East Africa and Fiji. (*b*) The Council protest once more against the policy of racial discrimination against Indians, that is being followed in East Africa, with the full concurrence of His Majesty's Government. They urge that Indians should not be segregated in locations or prohibited from acquiring property outside those areas, and further that the franchise should be extended to them on equal terms with the white settlers, and they should be accorded their proportionate share of elective representation in Legislative Council. (*c*) The Council urge that full effect should be given to the policy enunciated by H. E. the Viceroy that East Africa (Kenia and Tanganyika) being under direct control of His Majesty's Government, Indians settled in or migrating to those territories ought in every respect be treated on a footing of equality with Europeans, and they protest against the declaration of the Secretary of State for Colonies that he cannot assent to this policy of justice. (*d*) The Council request the Government of India to be pleased to issue instructions to representatives appointed by them to the League of Nations to lay before the League the policy declared by His Excellency and secure its support to the measures necessary for giving effect to that policy. (*e*) The Council again urge that the Government of India should press for an independent enquiry into the recent disturbance in Fiji and the methods employed to suppress them. They further urge that repatriation of Indian labourers from Fiji should be expidited as much as possible.

Wheat Export.

The Council of National Liberal Federation of India request the Government of India to reconsider their decision to permit the export of Rs. 400,000 tons of wheat at a time when partial failure of monsoon coming on the top of the already very heavy prices of food grains has rendered it necessary for available foodstuffs to be conserved for India's own consumption"

The All–India Home Rule League

A Sub-committee of the Home Rule League was appointed early in September to draw up a new constitution for the League. This had become inevitable, since after the death of the Lokmanya Tilak the presidentship of the League passed on M. Gandhi, and in view of the strong non-co-operation launched by him a change in the constitution of the League became necessary. Accordingly a general meeting of the All India Home Rule League was held on October 3rd in Bombay with M. Gandhi in the chair. The changes introduced were :—

1. That the name 'All India Home Rule League' was altered to 'Swarajya Sabha.'

2. The object of the Sabha was to secure complete Swaraj for India according to the wishes of the Indian People.

3. The interpretation of the word Swaraj shall not be extended beyond Article 1 of the Congress Constitution.

Strong objection was taken by Messrs. Jinnah, Jamnadas Dwarkadas and others against the new constitution adopted and as a result some 20 members seceded.

Gandhi on the fetish of British Connection.

On October 25th Mr. Gandhi issued his famous letter to the seceders from the Swarajya Sabha, to the effect that his ruling on the validity of the change of the constitution was strictly correct, and that, apart from technical objections, the seceders' implication that the revised constitution was not for British connection was wrong as the meaning of Swarajya was confined to the Congress goal. Mr. Gandhi explaining his position and appealing to Mr. Jinnah and other friends to reconsider their resignations, said that so far as the British connection was concerned, the meaning of the word Swaraj was deliberately limited by the new constitution so as to keep the Sabha strictly loyal to the Congress creed. He said :—"I am not opposed to the British connection by itself, but I do not wish to make a fetish of it. I will not keep for a single minute under slavery for sake of that connection. But I and those who think with me have limited our ambition in order that we can carry the Congress with us and be thus enabled to remain affiliated to that body. I entirely dissent from you (Jinnah) that clause 2 permits unconstitutional or illegal activities. The words "unconstitutional and illegal" are highly technical terms. The ex-Advocte General of Madras considers Non-co-operation to be unconstitutional. You consider it to be

perfectly constitutional. The President of the Special Congress gave it as his considered ruling that my resolution was not unconstitutional. As not an indifferent lawyer of 20 years of unbroken practice I confess it as difficult for me to conceive an illustration under British constitution of unconstitutional activity except it be violence, and violence has been specifically eschewed from the Sabha constitution. Similary about the word "Illegal." Jurists have difference on its interpretation. A Cyclist cycling without a lamp to fetch a doctor acts contrary to law, but does not engage in illegal activity, He voluntarily pays the fine and thus honours law. To disregard tyrannical administrative order may be contrary to law but it is not in my opinion illegal activity. To make strong speeches amounting in the opinion of erratic judges to sedition is not illegal activity. In placing before you for your consideration these homely illustrations my purpose is to show that it is a most dangerous thing for the country fighting for its very life, its honour and its religion to tie itself down in a knot of indefinable expressions. Surely all public bodies will think out for themselves the methods to be adopted for winning freedom for the country. I personally hate unconstitutionalism and illegalities but refuse to make a fetish of these as I refuse to make a fetish of British connection."

Mr. Jinnah's Reply.

Mr. Jinnah replying to Mr. Gandhi's letter of October 25th says the latter version does not reveal all the facts. He recalls the events preceding the Bombay meeting at which the change in the constitution of Swaraj Sabha was adopted and again urges that as the Executive Council of the All India Home Rule League cannot alter the constitution except by three-fourths majority therefore *a fortiori*, general meeting should not be able to do so. With regard to the British connection, Mr. Jinnah says he also does not make a fetish of it, but he maintains that statesmanship, wisdom and commonsense dictate India should attain fullest freedom within the British Common-wealth as an equal, and independent member. With regard to the present situation in the country for which Mr. Jinnah blames the policy of the Government, he denies he ever said that whole of Mr. Gandhi's Non-Co-operation programme was perfectly unconstitutional and adds the only way for Nationalists is to unite and work for a programme which is universally acceptable for the early attainment of complete responsible Government. Such a programme cannot be dictated by any single individual but must have the approval and support of all prominent nationalist leaders in the country and to achieve this end I am sure my colleagues and myself will continue to work,

The Esher Report

(*See Part II—P. 137*)

The most important subject of popular agitation in October was the publication of the Report of Army in India Committee, popularly called the Esher Report. The Committee consisted of two of the most dangerous Civilians—Lord Esher and Sir Michael O'Dwyer,—the latter well known throughout his career in India as the Lieut-Governor of the Punjab, as the implacable enemy of India—and of a majority of military men. Long before the Report was out there was a lurking suspicion and fear in India that Sir Michael, foiled in his attempt to crush the awakened Indian spirit during his horrible Martial Law regime in the Punjab, was forging some other more crushing machinery. The publication of the Report realised more than had been feared. In effect the Committee proposed to divert the control of the Indian Army from India to Whitehall, and recommended the Indian Army to be used for the prosecution of Imperial War in the Near and Middle East, that is to say, to combat the new anti-capitalistic forces raising their head in Persia, Turkisthan, the Caucasus and the Mesopotamia. India was to be drilled and taxed for the defence, expansion and the maintenance of the Empire, and the Indian army, instead of being maintained for the defence of India, was to be placed under the complete disposal of the Imperial General staff in England; the Commander-in-Chief in India was to be a mere nominee of the General staff; so too his Chief of Staff. The Secretary of State and the Viceroy were to have little constitutional control over the Commander-in-Chief. There was to be an interchange of personnel between the British and the Indian army so that in India may be imported the traditions, the aim and inspirations of the British War office, and soon India was to be converted into a more perfect pawn in the hands of the Military Jingoes at Home gradually superseding the Civil authority in India. Inspite of the huge addition in the military expenditure of India the revenues of India were to be at the uncontrolled disposal of the soldier from the War office to be disposed of in any costly ventures that the Imperialistic instincts of his Chiefs at Home may be pleased to undertake.

All over India the recommendations of Sir Michael, for it was he who dominated the Council and marked every stage of its proceedings, were a staggering blow. Even the London Times did

not fail to comment severely. The Anglo-Indian papers were, however, jubilant, and Sir Michael's own mouth-piece journal, the *Morning Post* of England, said that Lord Esher and his Colleagues "have evidently worked to make the system Babu-proof as far ahead as possible !"

Commenting on the Esher Report the "Times," took immediate exception to the assumptions which appeared to lie behind the report; because, for the time being, they violated much of the value it may otherwise possess. Referring to the passage in the report "in future we must contemplate the possibility of our armies operating in the Middle East based partially on India and partially on home" the "Times" says: "We decline to contemplate this possibility as the basis of policy as soon as we are free from our present entanglements. For 100 years India has never been so free from the menace of external aggression as she is to-day. The task of the army in India is to prevent invasion and maintain internal security and unless the Empire is attacked elsewhere, it is nothing more. It should stand armed and vigilant upon its frontiers and its staff officers can amuse themselves as they have done for a century past discussing how the army should march forth to meet the approaching foe which to-day could only come effectively by rail." Commenting on the report's proposals to transfer military authority to the War Office, the "Times" considers "these extraordinary proposals are in the highest degree unconstitutional. They reduce the Viceroy, who by statute is the head of the army in India, to a nonentity: They wipe the Government of India off the slate altogether. They convert the Commander in Chief into a gramophone. This is the negation of constitutional Government. It is entirely destructive of the fundamental principle that in military matters civil power shall be supreme. The amazing thing is that Mr. Montagu has already seen fit, without consulting Parliament, to approve these subversive projects. The Committee cheerfully ignore the financial aspect of their scheme but we may sum up the realities of the financial side in the sentence:—"If India, partly through her own sacrifices, has been to a great extent relieved from the danger of aggression from without, she is at least entitled to ask that her present heavy military expenditure shall not be exceeded. The whole of this portion of the report must be very sternly dealt with by Parliament and the principle that India shall, as far as possible, be self-contained as a military unit of the Empire must be restored."

The Government Panic

Despite all the machinations of the Anglo-Indian Press and the vindictive propaganda of the Sydenhum-*cum*-Yate School in England, the Government of India had, profiting by its wretched experience on the affairs of the Punjab in 1919, so long kept a cool head over the non-co-operation agitation. The Aligarh College upheaval, however, brought back its old fit of nervousness. Throughly upset by the success with which the campaign of non-co-operation was spreading amongst the Colleges, the Government hastily issued a resolution on November 6th warning the country of the evil of the new Gandhi move, but with O'Dwyer away from the spot and none else equally frightful to take his place, Lord Chelmsford's Government felt as if it had no spine on its back, and as a last resort the cry of "rally the moderates" was once more raised. Unable to take any remedial initiative, and egged on by correspondence from the India Office, the whole burden of organising the counter-movements was thrown *ad hoc* upon the moderates, signs of whose defection were already apparent. Says the resolution :—

Govt. of India Resolution on Non-co-operation

"In view of recent events the Governor-General-in-Council considers that it is necessary to make a further declaration of the attitude and policy of the Government of India towards the non-co-operation movement, not only for the guidance of Local Governments and Administration, but also for the information of the people of India.

"At the opening of the autumn session of the Imperial Legislative Council, His Excellency the Viceroy explained the policy which the Government of India have, up to date, followed in this matter. Although in their opinion the movement is unconstitutional, in that it has as its object the paralysis and subversion of the existing administration of the country, the Government have hitherto refrained from instituting criminal proceedings, or taking any other action against those of its promoters, who have advocated simultaneously with non-co-operation abstention from violence, and they have instructed Local Governments to take action against those persons only who in furtherance of the movement, have gone beyond the limits originally set by its organisers, and have by speech or writing openly incited the public to violence, or have attempted to tamper with the loyalty of the army or of the police. In adopting this policy the Government have been influenced by several considerations.

"In the first place they have been reluctant to interfere with the liberty of speech and the freedom of the Press at a time when India is on the threshold of a great advance towards the realisation of the principle of self-government within the Empire, when indeed the first elections are already in sight. In recognition of that advance, and in pursuance of the spirit of King-Emperor's Proclamation of December last, they extended his Majesty's clemency to many hundreds of political offenders who were then in custody, and they released from the restrictions of the Press Act, numerous papers which were formerly held to security. Although these concessions have in many cases failed to evoke any response or recognition, the Government are loth to reimpose restrictions which have so lately been relaxed.

"In the second place the Government are at all times reluctant to embark on a campaign against individuals, some of whom may be actuated by honest if misguided motives. This consideration is re-enforced by the knowledge that the form of prosecution under the ordinary criminal law, would be likely to give those against whom it might be directed, the opportunity of posing as martyrs, and might also, by evoking false sympathy, swell the number of adherents to a cause which has in itself no intrinsic merit to commend it to public acceptance.

"The third and chief consideration, however, which has influenced the Government of India, is their trust in the commonsense of India, their belief that the sanity of the classes and the masses alike would reject non-co-operation as a visionary and chimerical scheme, which, if successful, could only result in widespread disorder, political chaos, and the ruin of all those who have any real stake in the country. The appeal of non-co operation is to prejudice and ignorance, and its creed is devoid of any constructive genius. India has had bitter experience of the fruits of its forerunner the "Satyagraha" cult and the Governor-General-in-Council still hopes that with that lamentable warning before her eyes, India will reject the much greater peril of non-co-operation.

"Its principal exponents have frankly avowed that their object is to destroy the present Government, to dig up the foundations of the British Government in India, and they have promised their followers that if only their gospel be generally accepted India shall be self-governing and independent within one year.

"The full consummation of their hopes would leave India defenceless alike against foreign aggression and internal chaos. All the benefits of a stable Government and undisturbed peace, the result that have been attained by the orderly progress of India for more than a century, and the still greater results which, it is

hoped, will attend her advance under the Reforms Scheme, her material prosperity and her political progress are all to be sacrificed to the irresponsible caprice of a few misguided men.

"The confidence of the Government in the good sense of India has already been in a great measure justified by the unanimity of her best minds in their condemnation of the non-co-operation movement, for almost all the weighty body of educated opinion has rejected this new doctrine as one that is fraught with the most mischievous potentialities for India. But having failed to secure a favourable verdict from Educated India, the leaders of the movement have now been driven to increase the violence of their appeal to the masses and to endeavour to enlist under the banner of non-co-operation the sympathy and assistance of immature school boys and college students.

"Herein lie two great dangers for India, which have compelled the Government to place the issue plainly before the country in the hope that its most enlightened and stable elements may clearly recognise the necessity of a vigorous and united action to prevent any further extension of the mischief. Of these two latest developments the most immoral is undoubtedly the mischievous attack which has been made on the youth of the country, who are to be sacrificed to the exigencies of a political campaign. It matters not to the leaders of the movement if the foundations of home life are sapped and children set against their parents and teachers, provided their own ends are attained and the success of their campaign assured.

"The appeal to the illiterate and the ignorant is also fraught with very grave danger. It has already resulted in at least one deplorable crime, and it is certain that the restless activity of the leaders who wander from one city to another stirring up excitement amongst the masses by inflammatory speeches and by the reiteration of false statements, despite constant contradiction, may at any moment result in a serious outbreak of disorder.

"The best weapon to combat both dangers lies in the practical help and sympathy of the sober-minded and moderate men, and the Government therefore calls on all who have the good of India at heart to organise themselves and take concerted measures to assist the cause of law and order by active opposition to the movement, by the exercise of their influence over the minds of the ignorant and the immature, and by public exposure and denunciation of the evil of non-co-operation, and of the anarchy to which it must inevitably lead.

"The Government appreciate the action which has already been taken in this direction by men of liberal opinion and moderate mind throughout India, and they congratulate the country, more parti-

cularly on the manifestations of public displeasure which have occurred in regard to the mischievous attack on education. The opposition which has been offered to this phase of the movement by the Trustees of the M. A. O. College at Aligarh, by many other school authorities, by the great majority of teachers and parents, and also by large sections of the student community itself, is indeed a most hopeful feature in the situation.

"The Government realise that it is to the enlightened public opinion they must chiefly trust for a dissipation of the danger that now envelops India as it is on that same public opinion that India's political future must depend. It is in this trust that they have refrained in the past, so far as is consistent with the public safety, from repressive action, for they consider that such action should only be employed in the last resort, when indeed failure to adopt it would be a criminal betrayal of the people.

"How long, with due regard to their ultimate responsibility for the public safety, the Government will be able to maintain that policy will depend largely on the success which attends the efforts of the moderate citizens to check the extension of the movement and keep its dangers within bounds."

Lord Chelmsford on Tour

Lord Chelmsford was at this time out on tour, and wherever he went, the red-rag of non-co-operation not only haunted him like Blanchoe's ghost but he was actually refused the formal addresses ordinarily presented by local bodies on such occasions. A notable instance of this was what happened in Assam where the Viceroy was on tour early in November last. The rate payers' association there refused to present an address of welcome. Even the leading European planter Mr. Cresswell organised a protest the result of which was that Silchar refused to welcome His Excellency. "The Viceroy is as much unpopular with the European as with the Indians," Mr. Cresswell is reported to have said. At Sylpet the officials with the help of some of the titled gentry of the place at last managed to hold a meeting for presenting an address to the Viceroy but His Excellency's reply on the burning topics of the day exasperated local feeling. He urged the Moslems, when Moslems all over India were wailing over their sacred Khilafat, "to bear with patience and resignation the present misfortune of your Turkish co-religionists, strong in the belief that a new Turkey will emerge, a pillar of the Islamic faith, and bound, as in the past, by ties of close friendship to Great Britain"! And this while the cry all round was that Great Britain was in shameful breach of her pledges breaking up Turkey and grasping her dismembered territories!

A few days later Lord Chelmsford visited Nagpur. The fiasco which attended his reception at this place was remarkable. The District Council of Nagpur, after having surreptitiously passed and adopted and addressed at the inspiration of a few officials, had to abandon it on the requisition of some of the Nationalist members. A wire was sent to Lord Chelmsford intimating the facts and His Excellency intimated that he would not like to receive an address which was not unanimous. Nothing ever surpassed such a complete Viceregal contretemps.

The resolution of the Government of India of the 6th November was really a call upon the Moderates. There was nothing in it to recommend itself to any other section of the community. The Moderates' response, however, came from the few centres of Moderate activity but everywhere the reply was the same : "Undo the Punjab wrongs, change the angle of vision and no-co-operation would fizzle out. Said the Indian Social Reformer of Sir Narayan Chandvarkar, Bombay :—

The Government of India say that how far they will persevere in their present wise policy will depend on the success which attends the efforts of those who are opposed to Non-co operation. In other words, if these succeed, Government will adhere to their present policy. If they do not, they will resort to their old methods of repression, notwithstanding that they have been ghastly failures as means of promoting peace and good will. If the anti-Non-Co-operationists succeed, we do not see that any forbearance will be required of Government. Non-Co-operation will, for the time being, have failed, and no question of taking action against Non Co-operationists can arise. If, on the other hand, the efforts of sober and responsible leaders against Non-Co operation fail, Government evidently mean to revive repression. As every-body will then be more or less a Non-Co operationist, it will be even more unwise to embark then on a policy of repression than it is now. It is the duty and the interest of Government, therefore, to do all they can to enable the anti-Non-Co operationists to succeed quickly and completely. They can do this by announcing immediately their intention to get all repressive Acts repealed ; by admitting that they had been grievously misled in regard to the Punjab by Sir Michael O'Dwyer and visiting with severe punishment every officer, high or low, responsible for the martial law excesses ; and by so amending the Government of India Act as to indicate unmistakably that the bureaucratic regime is dead and buried, and that it is the firm resolve of the British Government to expedite the attainment of full responsible Government by India in all ways, as an earnest, whereof a preponderant proportion of all services should

immediately Indianised. If Government do not in some such striking ways give irrefragable proof of their determination to turn over a new leaf in Indian administration, Non-Co-operation is bound to rear its head under more scientific and less disinterested leadership at no distant date. The Liberals brought up on the strong meat of English history can not support a foreign Government which means to perpetuate itself as a foreign Government. Englishmen will not forget that they fought to retain their own bad King, John, in preference to the more enlightended French invader. Self-respecting English-educated Indians can only support the British connection if and so far as that rule gives proof of its determination and anxiety to shed everything in it which restricts the free play of Indian national aspirations and to promote with all its resources the interests of this country within and without the British Empire.

The Khilafat Agitation 1920

Memorial

To the Prime Minister.

The first Memorial on behalf of Moslem subjects of His Majesty to the Prime Minister regarding the dismemberment of Turkey and the Caliphate was made in Jan. 1st 1919 (see Register 1920, p. 241 and also for Moslem feeling in India about this time).

On December 12, 1919 a second and more influential memorial was sent to the Premier, as by this time Moslems were greatly alarmed by the inconsiderate, grasping and puntive attitude taken by the British and Allied Governments in the matter of dictating Peace terms to Turkey. The following is the text of the second Memorial.

DECEMBER 12, 1919.

To the Right Honourable
The Prime Minister

Sir,

1. In view of the ferment and general unrest prevailing among the Muslim nations all over the world, we, the undersigned British and British-Indian subjects of His Majesty, feel it our duty to urge respectfully on His Majesty's Government the imperative necessity of a policy towards Turkey that would lead to appeasement. This ferment, which in some parts has taken a violent form of expression, is mainly due to the universal apprehension that it is proposed to further dismember the Turkish Empire and to completely destroy the free life and political power of the few remaining Muslim States.

2. Although we are not afraid at present of any untoward consequences, we are convinced that the perpetuation of the existing bitterness among our Muslim fellow-subjects in India would seriously retard the peaceful progress and development of the country. And it is for this reason that the efforts of the Indian Muhammadans to urge upon His Majesty's Government the fulfilment, Sir, of your memorable pledge (of Jan, 1918) have met with so much sympathy among the Hindu community.

3. The three causes with have primarily created the apprehension and ferment referred to in the preceding paragraph are, firstly, the belief that in violation of the pledges which secured the adhesion of Islamic peoples to the Allies in the world-war, it is proposed to sever from Turkey provinces and districts preponderantly inhabited by the Turkish people; secondly, that it is intended to impose a suzerainty (by whatever name it may be called) over the Turkish Sovereign which would fundamentally affect his status and prestige as the religious and spiritual head of the largest portion of the Islamic world; and thirdly that it is designed, as is suggested in the Press, to retain the protectorate of the Sacred Cities of Islam in non-Muslim hands, which would be in absolute conflict with the religious laws of the Muslims.

4. In our opinion, it is prefectly possible for His Majesty's Government to meet on all these points the wishes, and to remove the apprehensions, of the King's Muslim subjects, and thus bring about appeasement and create afresh the old steadfastness without detracting in smallest degree from its power, prestige, or authority, or militating against the main objects of the Allies.

5. With regard to the first ground of complaint, we beg to make the following remarks :—Mesopotamia, Syria and Palestine are proposed to be detached from the Turkish Empire on the ground that they are preponderantly inhabited by non-Turkish Muslims intermixed with other communities. This expropriation is proposed with the avowed object of giving the people of those provinces autonomous Governments of their own choosing. The same principle has been applied to Hijaz, and the Sherif of Mecca has been made the King of that part of Arabia which acknowledged allegiance to the Turkish State.

6. But none of these considerations apply to Asia Minor (Turkey proper), extending from the Ægean Sea to the confines of Persian Kurdistan, or to Thrace (the Vilayet of Adrianople), or to Constantinople. The question under reference has, it is respectfully submitted, been confused by fallacious arguments and still more fallacious figures. An impartial inquiry by an Allied Commission would incontestably prove the correctness of our assertions, which are based on the official statistics for the year 1914, anterior to the war and long before there could be any reason to manufacture or manipulate figures. In that year the population of Constantinople, leaving out odd numbers, stood, according to nationality and faith, as follows :—

Muslims, 560,000 ; Greeks, 205,000; Armenians, 82,000.

We believe no appreciable variation has taken place since.

In the Vilayet of Adrianople the population stood as follows :—

Muslims, 560,000, Greeks, 224,000; Armenians, 19,000.

In the Sandjak of the Dardanelles :—

Muslims, 149,000; Greeks, 8,000; Armenians, 2,000.

Asia Minor, speaking subject to correction, consists of 29 Vilayets of which Smyrna or Aidin, with the port of Smyrna on the Ægean, is the most important.

In this Vilayet the population numbered as follows :—

Muslims, 1,249,000 ; Greeks, 299,000; Armenians, 20,000.

We have learnt with horror from credible sources that since the Greek invasion nearly 10,000 Muslims have been killed, large numbers are missing, and over 100,000 are homeless refugees.

7. In the face of the above facts we can hardly bring ourselves to believe that His Majesty's Government or the Supreme Council would be disposed to tear any part of these territories away from the Turkish nation, to whom they belong, not merely by ties of race and religion but also from the fact that Muslims form the preponderant element in the population. Even in the Eastern Districts the unifying effects of a common faith, common ideals, and common religious traditions have produced between Muslims of different stocks a solidarity the strength of which it would be rash to underestimate.

8. We beg respectfully to submit that the attempt to sever these districts from Turkey would conflict with all the basic principles on which the Allies and Associated Powers have rested the righteousness of their cause, and it would be an outrage on humanity and every principle of Justice. The utmost the minority is entitled to ask is equal treatment and equal rights and protection against injustice and wrong, and that object, in our opinion, can be more fully assured by other and wiser methods. A violent disruption of the existing status or the forcible expatriation of the vast majority of Muslims, would inevitably lead to trouble, the end of which cannot be foreseen, and would intensify the present ferment and keep it alive for generations.

9. With regard to the idea of imposing a "mandate" on Turkey, in plainer words, placing her under the suzerainty of some foreign Power, the signatories to this memorial consider that it would be a deliberate and gratuitous insult to Muslim religious feeling, the result of which would be disastrously mischievous to the interests of our Empire, as it would permanently alienate from us our Muslim fellow-subjects. The object in view, in our opinion, can be fully obtained by adopting a magnanimous policy towards Turkey. If the policy towards her on the present occasion is magnanimous and untinged by any suspicion of vindictiveness, we believe that Turkey would renew her application for the services of competent Englishmen, which England refused before in deference to the wishes of the late Czar's Government. The influence of the British Ambassador in Constantinople, combined with that of European and American specialists, whose services we believe would, after a just and equitable peace, be freely invoked by the Turkish Government in the work of resuscitation and the reorganisation of their country, would be a sure guarantee for peaceful consolidation.

10. Regarding Mecca and Medina, we consider that it would be most unwise and highly detrimental to the interests of our world-wide Empire to claim or to exercise, directly or indirectly, a protectorate over them. We venture to suggest that while the administration of these Sacred Cities might be left in the charge of the autonomous Government of Hijaz, in order to legitimise the position of its ruler in the eyes of the vast Sunni population of the world, he should receive, as the representative of their spiritual head, his investiture from the Caliph-Sultan.

11. Finally, we desire to express our conviction that in view of the fact that England holds in her hand the destinies of vast millions of people in Asia, and, since the war ended, has taken charge of many more millions, it behoves her not to overlook the dangers that threaten and have always threatened her dominancy from the North. Whether Russia and the great territories she claims in Asia are Bolshevist or Czarist, we consider that the danger will always be the same. We believe that the existence of a strong Turkey would form a barrier against this ever-present danger, the value of which it would be the greatest mistake to overlook.

We have the honour to be, Sir,

Your most obedient servant,

The Right Honourable, The Earl of Abingdon,
His Highness The Aga Khan, G.C.S.I.,
The Right Honourable Lord Ampthill, G.C.S.I., G.C.I.E.,
The Right Honourable Syed Ameer Ali P.C., C.I.E.,
A. S. M. Anik, Esq.,
Sir Mancherjee M. Bhownagree, K.C.I.E.
Lieut-Colonel E. J. Bridges.
Captain F. N. Bennett, J. P.,
The Honourable G. M. Bhurgari.
K. N. Bahl, Esq., Oxford.
Lady Evelyn Cobbold,
John D. Cobbold, Esq., J. P.,
Major-General J. B. B. Dickson, C.B., C.M.G.,
Captain C. F. Dixon-Johnson,
Colonel W. Bromley Davenport, J.P., D.L., D.S.O.,
Jamnadas Dawarkadas, Esq.,
Admiral The Honourable Sir Edmund R. Fremantle, G.C.B., C.M.G.,
Major-General Lord Edward Gleichen, K.C.V.O., C.M.G., D.S.O.,
Captain E. H. Griffin, D.S.O.,

Jafierbhoy Gulamhusein, Esq., Julian A. B. Palmer, Esq.,
Muhammadbhoy Gulamhussain, Esq , George-Palmer, Esq.,
The Honourable Mr. Yacoob Hussain. Marmaduke Pickthall, Esq.,
Sheikh Abdul Hammid (of Sialkot) Esq., R. V. Reynold, Esq.,
John J. Hogg, Esq., O.B.E., Gordon Roy, Esq.,
Sir J. G. Harbottle, Millburn, A. W. Stanton, Esq.,
T. W. Harries, Esq , H. Seppings Wright, Esq.
The Right Honourable Lord Parmoor, P.C., Moulvi Sadruddin,
M. H. Ispahani, Esq. Captain E. F. H. Smith,
Lieut. Colonel D. C. Phillott, M.A., Ph.D., K. P. Kotwal, Esq.
The Honourable Philip C. T. Ritchie, Percy Stephens, Esq., J.P.,
Dr. D. N. Kalyanwala, M. R. C. S. O. Suntharalingam, Esq ,
W. O'Sullivan Molony, Esq., Rev. McDougoll, Esq.,
Sir Theodore Morison, K.C.I.E., Nanak Chand, Esq.,
Abdul Hamid, Esq., M. H. Kidwai, Esq., M. Seth, Esq.,

The Khilafat Deputations

In India the Khilafat agitation suddenly leaped into the fore-front by the release of the famous Ali Brothers from unexplained internment for the last four years late in December 1919. For the next few months politics in India was the politics of Messrs Mahomed Ali and Saukat Ali, and the Khilafat question in their hands began gradually to replace the Punjab agitation. In the all-India Khilafat Conference held at Amritsar a resolution had been passed to send a deputation to the Viceroy. Accordingly an influential and representative deputation of Mussalmans and Hindus representing the Khilafat Conference waited upon the Viceroy on January. 19, 1920 and presented the following address which was read by Mr. M. A. Ansari of Delhi. The signatories were H. M. Hakim Ajmal Khan, Sudul Munshi, Shaukat Ali Khan, Mr. Mahomed Ali Khan, Mr. Syed Husain, Main Mohammad Chhotani, Maulana Abdul Bari, Abdul Hassen, K. B. Maulana Wilazed Hassain, Maulana Abdul Majir of Burdwan, Maulana Abdul Azad of Calcutta, Syed Suleman Nadwi, Maulana Hasrat Mohani, Syed Zahar Ahmed, Secretary, All-India Moslem League ; Dr. Gasfuddin Kitchlew, Mr. Mumtaz Hussain, Barrister, Lucknow ; Maulvi Mohammed Ali Qadiri, Maulvi Xama Ullah Saheb of Amritsar, Mr. Ghulam Mohizddin of Qasur, Agra ; Mohammad Saffar of Sialkot, Maulana Moham-mad Fagir of Allahabad, Hakim Mohammad Musa Khan Sherwani of Aligarh, Maulana Kifazt Saheb of Delhi, Sir Fazulbhoy Currimbhoy of Bombay, Pandit Rambhojdutta Choudry, Mr. M. K. Gandhi, Shwami Shradhanand, the Hon. Pandit M. M. Malivya, the Hon. Pandit Motilal Nehru, Syed Hasan Imam, Mr. M. A. Jinnah, Raja of Mahmudabad, Aga Hasan Saheb Muj Sahib, Raja of Jahangirabad, the Hon. Mr. Fazlul Huq of Calcutta, the Hon. Syed Raza Ali of Allahabad, and others.

Khilafat Deputation to Viceroy.

"To His Excellency the Rt. Hon. Baron Chelmsford P. C., G.M.S.I., G.C.M.G., G.M.I.E., Viceroy and Governor-General of India.

"May it please your Excellency,—We, the members of the Khilafat deputation, authorised in this behalf by the Khilafat Conference, at the very important session recently held at Amritsar, beg to approach your Excellency with a view to enlist the sympathy and secure the fullest assistance of your Excellency's Government in a matter of vital importance in which we are confident neither the one nor the other will be withheld. The Khilafat Conference has more than once resolved that a deputation should proceed at an early date to England and lay before His Majesty the King Emperor and his Ministers a full and clear statement of the obligations imposed on every Muslim by his faith and of the united wishes cherished by Indian Musalmans regarding the Khilafat and cognate questions, such as those relating to Muslim control over every portion of the Jazirat-ul-Arab, Khalifa's wardenship of the Holy Places, and the integrity of the Ottoman Empire. Such a desire would have been both natural and laudable at any time, but in view of the grave situation that exists to-day and is fast developing into an unmistakable menace, it has acquired an urgency and an insistence that have compelled us to give respectful expression to it with your Excellency's permission through the agency of such a representative deputation as ours. After a protracted war in which almost the entire civilised world was engaged on one side or the other, in which each nation vied with its neighbours in pouring out its blood and treasures on the most lavish scale in order to secure victory, and of which the ravages and horrors have been without precedent, it was natural that even those indirectly yet powerfully affected thereby should experience extreme war-weariness at its close and feel intense abhorrence of the ancient method of settling the vital affairs of mankind through the arbitrament of the sword. Nor was it less natural that the world should cry with one voice for a lasting peace to be concluded with the utmost rapidity, and yet, although more than a year has elapsed since the conclusion of the armistice and more than six months have passed since the treaty of Peace was signed by Germany, peace seems almost as far as ever from resuming its sway over mankind and our own continent of Asia is not without reason apprehensive of grave developments of which no one can pretend to foresee the final end. The world seems once more to be approaching a grave crisis and although it is not possible to speak with any degree of certainty of the regions and the races likely to be affected by the storm that is obviously brewing, it requires no great perspicacity to

foretell that when it comes to burst the Muslim world will not be left unaffected. We may suggest without disrespect that it is of paramount importance at such a juncture that the authorities at the centre of this composite Empire should be fully alive to all that transpires in the remotest corners of His Majesty's world-wide Dominions, and the least that we may reasonably expect from the statesmen of the Empire is that in concluding any settlement to which they attach any degree of finality, they should take into the fullest consideration the most binding religious obligations and the most highly cherished sentiments of 70 millions of Indian Musalmans and the no less ardent sympathies of 250 millions of their compatriots. For one reason or another sufficiently forcible expression had not been given to these sentiments and sympathies during the war, and we regret more than we can tell that even religious obligations to which we have referred were not set forth with that degree of clearness and emphasis that is essential for the purpose of communicating the religious doctrines of one set of people to the ruling classes of another of alien faith.

Dangers and Blunders ahead.

"This is neither the time nor the place to enter into any lengthy discussion of the reasons that swayed the Mussalmans of India, nor into any such exposition of the doctrines that they hold to be absolutely essential for their salvation. It suffices to say that since the armistice was concluded more than a year ago they have not spared themselves in the task of a clear exposition of these essential doctrines of their faith, and they are not unmindful of the fact which is becoming clearer every day that your Excellency's Government, various Local Governments, and those Englishmen who had held responsible offices in India before their retirement, have gradually come to realize and appreciate in a daily increasing measure the deep concern of the Musalmans of India and of their compatriots in the settlement to be concluded with the Ottoman Khilafat. Realizing at the same time their own responsibility for the peace and good governance of India and tranquillity on her borders, Your Excellency's Government and the Right Hon. the Secretary of State have, we may thankfully acknowledge, made representations to His Majesty's Government, but that Government is obviously so far removed from us both in point of distance and political and religious surroundings, that neither our own voice nor the representations of this Government have apparently affected the opinions, view point, and preconceived ideas of His Majesty's Ministers to an appreciable degree, and a number of ministerial utterances can be cited to prove, if proof was necessary, that they are inclined to insist on a settlement

of such world-wide interest and importance as if it was solely, or at any rate mainly, the concern of the small section of His Majesty's subjects of British birth and Christian faith. From the rest they seem to expect impassive acquiescence, if not willing submission, to the dictates of their narrowly conceived and far from imperial statesmanship. Need we say that such an estimate of the situation that a sectional and sectarian settlement will create will prove disastrously incorrect. Deeply apprehensive as we are of the calamitous consequences of such an estimate and still more deeply anxious to prevent them while we can, we have been driven to the conclusion that one final effort must be made to give timely warning to the imperial authorities of the dangers we so clearly foresee, and respectfully entreat them to avoid the evil consequences of a settlement sought to be forced on the Musalmans of the world contrary to the clearest commandments of their creed and the united wishes of so large a portion of humanity. Recent experience as well as the inherent difficulties of discussing such grave matters over the wires at the distance of seven thousand miles of land and sea have forced us to resolve that with your Excellency's assistance a deputation of ours should proceed at the earliest possible opportunity to England and place directly our humble but frank submissions before His Majesty and his Ministers, and since we have been repeatedly asked to remember that in arranging such a settlement Great Britain, whatever her position among her Allies and associates, could not leave their interests and wishes out of consideration, we trust that our deputation will be enabled to explain to the Allied and associated Nations and their Governments the nature and binding force of Islamic obligations and the true character and scope of Muslim aspirations. We need not repeat here the clear conditions of future peace as set forth by the President of the United States of America on the basis of which the Khilafat concluded the armistice, nor the unmistakable pledges of the British Premier regarding Constantinople, Thrace and the homelands of the Turks. We respectfully submit that no prospective territorial or political gains, whether real or only imagined, can compensate Great Britain or her Allies and associates for the loss of moral credit if their pledged word is left unredeemed, and the ingenious interpretations suggested now as an afterthought by irresponsible persons will in no way prove helpful to the responsible authorities. The shock of this blow to the moral prestige of the Empire will be felt all the more severely in consequence of the sad disillusionment with regard to the pledges of His Majesty's Government proclaimed by your Excellency's predecessor at the commencement of the war with Turkey.

Breach of Pledges.

"But it is not because the Musalmans of India take their stand on British and Allied pledges, any more than they expect that a settlement with such extended and intricate ramifications can be governed by their own interests and sentiments alone, that they are so deeply agitated to-day when they apprehend a breach of these solemn pledges and an almost complete disregard of these universally cherished sentiments. The Musalmans of India will entirely fail in their purpose if they cannot make it clear to those who have made themselves responsible for preserving to them their religious freedom in its entirety that their deepest concern to-day is that a settlement of the Khilafat and cognate questions is apparently being outlined by his Majesty's Government and their Allies which no Musulman can accept or acquiesce in without jeopardising eternal slavation. This is the one governing consideration on which attention must be focussed and so intense is it that even if the Ottoman Turks could be made to acquiesce in such a settlement it would remain as unacceptable as ever to every believing Musalman. The preservation of the Khilafat as a temporal no less than a spiritual institution is not so much a part of their faith as the very essence thereof, and no analogies from other creeds that tolerate the lacerating and devitalizing distinction between things spiritual and things temporal, between the Church and the State, can serve any purpose save that of clouding and befogging the clearest of issues. Temporal power is of the very essence of the institution of the Khilafat, and Musalmans can never agree to any change in its character or to the dismemberment of its Empire. The no less important question of the Jazirat-ul-Arab, over no portion of which can any kind of non-Muslim control be tolerated, is equally clearly not one of Muslim sentiment but of Islamic faith. Similarly Islam also declares and defines the sanctity of the holy places of Islam and places this and similar matters beyond the uninformed interpretation of people of alien faiths. Musalmans insist and with perfect reason that the Khalifa alone shall be the warden of the holy places. As regards the integrity of the Khalifa's dominions we are painfully aware that some sections of the Musalmans of Arabia have in clear defiance of the laws of Islam stood out from the solid mass of the rest of the Muslim world. But instead of this being any argument against the latter it furnishes it with one more compelling reason for proclaiming the truth and in accordance with the divine declaration that all Musalmans are brothers, to one another, and the divine injunction to make peace between brother Indian Musalmans must seek to remove existing misunderstanding and eliminate every cause of friction that may tend to separate Arab from Ajam, and Turk from Tajik. And

it is the logical consequence of Islamic brotherhood that all Musalmans should share the sorrows and sufferings of their brothers in every corner of the world and should see to it that principles of such universal application as that of self-determination should be applied to the Muslim no less than to the Christian, and to the Asiatic no less than to the European. It is true that a great part of Europe and Christendom charges the Ottoman Turks with religious injustice and political ineptitude, but it is permissible to argue that those who do so are neither free from old-standing prejudices nor from a bitterness of later growth, and we are confident that the verdict of history would be pronounced in due course with full regard for the difficult position in which the Ottoman Turks have stood for centuries and that it would vindicate alike the basic toleration of Islam and the essential humanity of the Turk. The loyalty of Indian Musalmans no less than that of other communities of India to their Sovereign has been an abiding asset acknowledged as well as proclaimed throughout the history of British rule in India. It is also admitted that it depends and is mainly based on the preservation of their religious freedom in its entirety. If it has not been necessary to remind Government of this aspect of Muslim loyalty, and in fact of the loyalty of every Indian community, it is because we thankfully acknowledge that until lately no question had arisen in which it appeared likely to be forgotten or ignored now that the policy of the Allied and associated Powers and the dictates of Islam seem to run counter to each other. We respectfully submit that justice and expediency alike demand that what is unalterable by human hand and has never been so altered throughout the thirteen centuries of Islam shall remain unaltered, and what is susceptible to change and is essentially changeable with every change in circumstances and surroundings should, when necessary, change. Even the most cherished Muslim sentiment may be sacrificed in subservience to imperial demands, though we humbly submit that true imperialism should give proportionate consideration to the wishes and sentiments of the Empire, but the requirements of Islamic law are so definite and of such a binding nature that they cannot be reduced by a hair's breadth to suit the desires of Allied and associated Powers any more than they can be enlarged to further the mundane ambitions of Musalmans themselves. These are the limits set by Allah and none shall transgress them, but while the Musalmans take their stand firmly on their creedal obligations, they respectfully submit that true imperial interests point to the same path as Islamic commandments.

"The war may be over but peace is still distant and doubtful, and we shall beseech the Imperial authorities not to under-rate the worth and value of Islamic friendship and loyalty. A settlement unacceptable

alike to Muslims and Indians, now happily reunited and standing shoulder to shoulder, will bring no peace because it will bring no sense of justice and no contentment. No Musalman who hopes and prays for salvation would thenceforward know any rest and he could only aspire to salvation by following the dictates of Islam, however the consequences may be. But if on the contrary the heart of India is won by a generous recognition of her fitness for managing her own affairs as a member of the British Commonwealth, and the Muslim world is reconciled by a just appreciation of Islamic responsibilities and obligations, Muslim sentiments of half the world would be at the back of Great Britain and no power in the world could dare to deny to her the rights that are hers and her Empire's. The menace that now looms so large would then shrink into nothingness without a blow being struck in wrath or a drop of human blood being shed in vain warfare. The world would then be truly safe not only for democracy but for God and the truth, and it is in this spirit that we desire to send our mission with Your Excellency's assistance to Great Britain and the Allied and Associated countries. We also feel confident that once the success of our mission is assured it would set itself with equal zeal to re-assure the Muslim world and reconcile those who have parted, may be in anger, may be in sorrow, but in any case through misunderstanding of their common interests which everyone anxious to promote the peace of the world should endeavour to remove. May it be given through the grace of Merciful Providence to us and to your Excellency's Government to accomplish this humane and sacred purpose."

The Viceroy's Reply.

In reply the Viceroy made a long speech, in the course of which he said that the deputation had given him an opportunity of expressing the views of his Government regarding the Khilafat. He first assured them that no efforts had been spared, no stone left unturned, to place before the Allied Council the plea of the Indian Muslims on the Turkish peace treaty, by the representatives of India to the Peace Council, *viz.*, the Maharaja Bikaner, Lord Sinha and Mr. Montagu. As regards the confidential communications between him and the Secretary of State, he said —

"From the nature of the case I cannot disclose in any detail the communications which have passed between us, and the representations which have been made by us, but I will endeavour to take you into my confidence and explain, so far as I am able, what action has been taken by the Secretary of State and my own Government to place your case before the Peace Conference. Shortly after the Armistice, I represented to the Secretary of State that feel-

ing in India was much disturbed over the question of the Turkish peace terms and particularly with regard to the Holy Places in the Hedjad and the future of Constantinople, and steps were taken to ensure that the views of Muslim India should be fully placed before the Conference by the representatives of India. The Indian Delegation, as you know, was composed of the Secretary of State, the Maharaja of Bikanir and Lord Sinha, and I can assure you that they pressed the case for the favourable treatment of Turkey with an earnestness of purpose and force of argument which could not be surpassed. They had before them the memorial dated the 1st January 1919 (*See Register 1920 p.* 241) which was signed by prominent Mahomedan residents in Europe including among others His Highness the Aga Khan, the Hon. Mr. Ameer Ali, Sir Abbas Ali Baig, and Mr. Yusuf Ali, and they made full use of all arguments which were adduced by these distinguished gentlemen for the lenient treatment of Turkey and the consideration of the sentiments of Indian Muslims. I venture to think, gentlemen, that there is no relevant argument on behalf of Turkey which was not fully utilised by the Indian Delegation. The Delegation received a hearing from the Peace Conference in the middle of May, and as a result of the previous representations of my Government and the efforts of the Secretary of State, it was accompanied on the occasion by three prominent Indian Muslims His Highness the Aga Khan, Sahibzada Aftab Ahmad Khan and Mr. Yusuf Ali. In the same month my Government again cabled to the Secretary of State urging upon him the importance in any settlement of the Turkish peace terms of considering the effect of these upon Mahomedan opinion in India. I may add that ever since the Armistice, I have been unceasingly in private communication with the Secretary of State and have never failed to urge upon him, though this was hardly necessary as his views coincide so closely with my own, that Muslim feeling in India must be taken into the most serious account in coming to a final decision. I would remind you, however, that this is not a matter in which we are dealing only with the British Cabinet. The war was not a war between Turkey and Britain only, but other great powers were also involved. The decision of Turkey to throw in her lot with the Central Powers undoubtedly prolonged the war and increased the grievous miseries caused thereby. Judgment is now being pro-nounced at Paris by a tribunal of all the Allied Powers and not by Great Britain alone. The future of Turkey is not being decided by His Majesty's Government but by the representatives of all the Powers."

Coming to the subject of the deputation, His Excellency said :—

"I cannnot admit the validity of all your contentions, but no advantage would be gained were I to examine your memorial

paragraph by paragraph in an argumentative spirit. What I do fully recognise is that the Mahomedans of India feel very deeply on this subject, and that the occasion is not one for unprofitable controversy, particularly on religious points, but for helpful co-operation. You desire to send a deputation to Europe to lay your views before the British Cabinet and if possible before the Paris Conference. I will do all I can to assist you in your mission, and to enable you to represent the views of Muslim India at Paris, but, as I have said before, the decision may come upon at any moment, and recognising the need for speedy action I have already cabled the gist of your address to the Secretary of State so that he may be in possession of it without delay in the hope that this may strengthen his hands in dealing with the question."

And then after expressing the hope that Moslem loyalty would remain as firm as ever, the Viceroy said :—

"On the matter of the Khilafat, His Majesty's Government and my own Government have repeatedly made the declaration which I now reaffirm that the question of the Khilafat is one for the Mahomedans and Mahomedans only to decide. The contention, however, which you urge in your address that Turkey should preserve in full integrity the sovereignty and dominions which she possessed before the war is one which I fear we cannot reasonably hope will be recognised by the Allied Powers in Conference. Before Turkey made her fatal mistake, His Majesty's Government had guaranteed that such integrity would be the reward of neutrality but now that she has submitted her fate to the arbitrament of the sword she cannot expect any more than any other Power which drew the sword in the cause of Germany wholly to escape the consequences of her action. I fully realise that these must be a matter of grief and regret to the Muslims of India. I would however ask them to take a practical view and a long view of the situation. Let them remember that when this unhappy war broke out it was the devout wish of every Briton to maintain the old ties of friendship which bound together the British Empire and the Turkish Empire. We could so well have trodden together the same path and have emerged victorious from the struggle side by side. Unhappily those in whose hands the destinies of Turkey rested at that supreme moment chose to join our enemies. That action and its consequences have created the difficult problems which now confront us, but as you rightly indicate in your address, there is a community of interests and a long tradition of friendship between the British and Turkish Empires. I look forward therefore to a time when our old relations with the Turkish Empire will be re-established and quickened on a basis of mutual advantage and mutual good-will.

"Do not let your minds be too much overclouded by the passing shadows of to-day when the whole world is in a state of flux and everyone of us of whatever class, nation, or creed, feels buffeted and torn by the events it has been our lot to pass through. Take a long view. What is good, will and must survive. Meanwhile from the deadly struggle in which the world has been engaged, the British Empire has emerged stronger than ever. Within that Empire the religion and lives and property of Muslims have been secure. Within it and beyond it there will still be an assured future for Islam and peace and prosperity as in the past for all Muslims."

In reply to the Viceroy's statements, the Khilafat Deputation issued the following statement on January 20th. 1920

"The Viceroy's reply, whilst it was perfectly courteous, was equally disappointing in that His Excellency said in emphatic language that Turkey when she had her choice deliberately drew the sword against the Allied Powers and must take the consequence. We consider this means punishment to Turkey for having joined the Central Powers contrary to the solemn declarations made by Mr. Asquith the then Prime Minister, after Turkey had so made her choice. His Excellency hoped that whatever be the decision of Indian Muslims loyalty would remain as staunch as ever. We desire to place on record our firm conviction that should the peace terms result unfavourably to Muslim religion and sentiments, they would place an undue strain upon Muslim loyalty, and knowing as we do the universal feeling in India, as men with a full sense of responsibility, it is not possible for us to give the assurance His Excellency has expected. It is due to the Peace Conference that is now sitting, to ourselves, and to the Empire to which we desire to remain loyal, to state in explicit language the minimum that will satisfy Muslim sentiments.

The Minimum Demand.

"Arabia, as delimited by Moslem authorities, and the Holy Places of Islam must remain under the control of the Khalif, full guarantees being taken consistently with the dignity of a Sovereign State for genuine Arab Self-Government, should the Arabs desire it. We advisedly use the word "genuine" because the present arrangement is thoroughly distrusted by the overwhelming majority of intelligent Muslim opinion.

"Islam has ever associated temporal power with the Khilafat. We therefore consider that to make of the Sultan a mere puppet would add insult to injury and would only be understood by Indian Muslims as an affront given to them by a combination of Christian powers,

Whilst therefore we must insist upon the pledge given by Mr. Lloyd George on the 5th January, 1918, being fulfilled, in order to show that we desire no more than the strictest justice, we concede the right of the Allied Powers to ask for such guarantees as may be considered necessary for full protection of non-Muslim races living under the Sultan. We hope even at this eleventh hour that British Ministers will give due weight to and appreciate Muslim sentiment in India, supported as it is by practically the whole of enlightened Hindu opinion.

"His Excellency has stated that it is just possible that the peace terms may be completed aud declared within a few days and we can only hope that it is not yet too late to mend what mistakes may have been committed. We claim that the British Imperial Government is as much a trustee for Muslim and Indian interests as for Christian. It is therefore not enough that our sentiment and wishes are placed before the League but it is essential that British Ministers should make our case their own."

The All-India Khilafat Conference.

3rd Session—Bombay, 15 Feb. 1920.

Meanwhile the disappointing reply of the Viceroy and the secrecy with which the Khilafat matter was believad to be discussed by the Home Govt. and the Govt. of India, coupled with a mischievous anti-Turk campaign that was about this time started in England, raised a ferment in the country. The Ali Brothers were from the first the champion of the cause and now they raised a whirlwind of agitation from one end of the country to the other. To meet the situation an emergency meeting of the All-India Khilafat League was hastily summoned in Bombay on Feb. 15th 1920. There was a very large gathering including many Hindus and almost all the prominent Hindu and Moslem public men attended.

Reception Committee Chairman's Address.

Mr. Mian Muhammed Chotani, Chairman, Reception Committee, in his opening speech repudiated the statement that England had no decisive voice in the Peace Conference. Which power, he asked, was pressing the British occupation of Plestine and Mesopotamia? Did any power compel the British Government to occupy the Holy Places of Islam through the agency of the Sheriff of Mecca who had violated the sacred traditions of Islam and thus created a suspicion

and unrest in the Muslim world? This was a question to which no British statesman had yet given a satisfactory answer. They had, therefore, every reason to fear that their demands could not be placed properly before the Peace Conference by the British delegates unless and until Mesopotamia and Palestine were evacuated by England. If England itself took a liberal view and fought out, the Allied Powers could not go against her policy with regard to the Turkish Settlement. Confussion prevailed in Russia. America was holding aloof. Japan had no interest, and Greece had no right to interfere since she was not at war with Turkey. As for France and Italy, Musalmans firmly believed they could not and would not offer resistance if only England would, by example and precept, support the united Muslim demand. France, whom Indian soldiers helped, was morally bound to take up the cause of those who helped her.

He protested against the use of the term "crusade" by the Premier in complimenting General Allenby. It would have been impossible for Musalmans to fight for the Allies if they had been told they were fighting against Islam.

Presidential Address.

The Hon. Mr. G. M. Bhurgri, President of the Conference, in the course of his address, said that the question they were met to consider was of the most vital interest not only to the whole Muslim world, but to the British Empire itself and ultimately to the placid and friendly relation between the native races and religions of the world. There were grounds for grave apprehension that the momentous decision now awaiting before the Peace Conference was to be made without any regard to the interests of Turkey or of the entire Muslim world. The dismemberment of the Ottoman Empire and the expulsion of the Turks from their homes appeared to be a dreaded contingency which might at any moment materialise. The control of Jazirat-ul-Arab and the custody of the Holy Places were amongst the most sacred and precious rights of the Muslim world. Were not Muslims fully entitled to demand that due regard should be paid to their interests and beliefs in the settlement of the future of Turkey by Britain and other powers. Was the demand in the slightest measure in excese of what they had every reason to expect on the strength of the promises made to them? Were those solemn pledges that had been made scraps of paper? Was it just or wise to ride roughshod over the deepest feelings and beliefs of such a large portion of humanity? Would such a course be sanctioned by morality? Did prudence allow it? Did wise policy dictate it? The most lamentable feature of the present situation, was

that the opponents of Turkey were animated by religious prejudice. Shelter was sometimes taken under the plea that the fate of Turkey was in the hands of the Allied Powers and not of Britain alone. But the conviction was irresistible that the decision rested almost entirely with Britain alone. It was Britain that operated almost wholly in this theatre of war and she alone might be said to have the right of taking Mesopotamia. If, therefore, Britain only decided to abandon Mesopotamia, then no other Nation could well claim any other part of the country. If only Britain made up her mind to be considerate to the feelings and sentiments of the Muslims, then she could with greater case induce other Nations to forego any annexation of territories.

Resolutions.

Resolutions were passed expressing confidence in the Deputations going to England and urging Mr. Lloyd George and other British representives in the Peace Conference to give full and fair hearing to the Khilafat Deputation and to impress its representations in the Peace Conference and also urging the Central Khilafat Committee of India to send a second batch of Khilafat Deputation within a fortnight.

A resolution was moved by Mr. Shaukat Ali which authorised sending out of depatations to Hezaz, Nejd, Yemen, Syria, Palestine, Mesopotomia, etc., to bring about peace among the contending Muslims as ordained by the holy Koran. Mirza Ali Mohamed Khan next presented the adoption of draft constitution and rules of Central Khilafat Committee. The aims and objects were declared to be to secure for Turkey a just and honourable peace and obtain the settlement of the Khilafat question in strict accordance with the requirements of Islam and to secure the fulfilment of pledges given by Mr. Lloyd George in his speech of the 5th January 1918, and by Lord Hardinge (November 1918) to preserve the integrity of the Turkish Empire, and with a view to secure the above objects to approach British Ministers, the Viceroy and the British public, and to carry on propagandist work both in India and other countries and to take further steps. It was announced that the headquarters of the Central Khilfat Committee will be Bombay.

On Feb. 19th, the third day of the Conference, Moulana Abul Kalam Asad moved a resolution urging Ulemas and spiritual heads of India to take solemn pledges in accordance with the traditions of Islam from their followers of loyal support and assistance to holy places of Islam and Jazaritul Arab.

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The Khilafat Manifesto

A very important Manifesto was issued by the Khilafat Conference at the conclusion of its Bombay sittings on February 20, 1920 :—

The following manifesto containing the claims of Muslims in regard to the question of the Khilafat and the holy places of Islam, the arguments on which it is based, and the consequences which would follow from a wrong decision about the claim, was unanimously adopted.

The claim on behalf of Muhammadans of India in connection with the Turkish terms may be divided into two sections :—

1. Regarding the Khilafat, and

2. Regarding what is called "Jazirat-ul-Arab" and the holy places of Islam.

The claim regarding the Khilafat consists in leaving the Turkish Empire as it was at the time of the outbreak of the War, except that although the allegations of Turkish misrule are not admitted, the non-Turkish Nationalities may, if they so desire, be granted autonomous Government within the Ottoman Empire, consistently with the dignity of a foreign State, The second section of the claim consists in the sovereignty over Jajirat-ul-Arab as defined by Muslim religious authorities and the custody of the holy places of Islam. Arabia as thus defined is bounded by the Mediterranean, the Red Sea, the Indian Ocean, the Persian Gulf, the Euphrates and the Tigris. The holy places include the three sacred Hamams, namely, Mecca, Medina, and Jerusalem, and the holy shrine, namely, Najaf, Barbala,, Samarra, Kazimain and Baghdad. In reality this claim is included in the first but it is distinguishable from it in that the custody of the holy places has ever since the establishment of Islam, been under the Khilafat and unlike the boundary of the latter which has changed from time to time, has never suffered any diminution whatever. This claim does not exclude genuine Arab Self-Government but it does exclude the present arrangement because those who know understand the unreality behind it. The claim now said to be made by Sharif Hussain and by Amir Feisul is inconsistent in fact with their acceptance of even the spiritual sovereignty of the Khalifa. The 2nd argument is that the claim is primarily based upon the religious requirements and the sentiments of the Muhammadans of India in common with those of Muhammadans all the world over, and is supported, so far as the Khilafat, the Hamams and Jazirat-ul-Arab are concerned by testimony from the Quoran, the traditions of the Prophet, and the rest by other religious authority.

Citations.

It is further supported regarding the holy places by the deliberate declaration of the Government of India, on behalf of His Majesty's Government as also of the Governments of France and Russia, of 2nd November 1914 which says :

"In view of the outbreak of War between Great Britain and Turkey, which to the regret of Great Britain has been brought about by the ill-advised, unprovoked and deliberate action of the Ottoman Government, His Excellency the Viceroy is authorised by His Majesty's Government to make the following public announcement in regard to the holy places of Arabia including the holy shrines of Mesopotamia and the port of Jedda, in order that there may be no misunderstanding on the part of His Majesty's most loyal Muslim subjects

as to the attitude of his Majesty's Government in the War, in which no question of a religious character is involved. These holy places and Jedda will be immune from attack or molestation by the British naval and military forces so long as there is no interference with the pilgrims from India to the holy places and the shrines in question. At the request of His Majesty's Government, the Governments of France and Russia have given them similar assurances."

The great regard paid in this declaration to the sentiments of His Majesty's most loya Muslim subjects is especially noteworthy.

On the 5th January 1918 Mr. Lloyd George, claiming to speak in the name of the whole Empire, made the following remarkable pronouncement: "We are not fighting to deprive Turkey of Constantinople or of the rich and renowned land of Asia Minor and Thrace which were predominantly Turkish racially."

President Wilson's 12th point in his message to the Congress, dated 8th January 1918, is in equally emphatic terms, viz that the Turkish portions of the present Ottoman Empire should be assured of secure sovereignty, but the nationalities now under Turkish rule should be assured security of life and autonomous development.

Thus a reduction of the Muhammadan claim by a hair's breadth will not only be a violation of the deepest religious feelings of the Muhammadans but will also be a fragrant violation of the solemn relevant declarations and pledges made or given by responsible statesmen representing Allied and Associated Powers, and given at a time when they were desirous of enlisting the support of Muhammadan people and soldiery.

It is necessary to state the likely consequences of a wrong decision on the part of the Imperial Government or the Allies and Associated Powers. The claim is supported by practically the whole of the Hindu population of India. It has assumed, therefore, an Indian National status. The population of the British Empire is predominantly Hindu and Muhamadan as will appear from the following figures. The total population 445,000,000, Hindus 217 millions, Muslims in India 66 millions, outside India but within the Empire 33 millions. The policy of the British Government has been definitely stated to be that of making India an equal partner. Recent events have awakened India to a sense of her dignity. In these circumstances the British Empire as consisting of three nationalities can only hold together if the just and fair demand of each component part of the Empire in regard to matters which are of the concern to a large section of its people, are adequately satisfied. It is therefore urged that the British Ministers are bound not merely to press the Muhammadan or rather the Indian claim before the Supreme Council, but to make it their own. If, however, for any reason whatsoever, they fail to do so and the Supreme Council also fails to perform its elementary duty of giving effect to the declarations that brought about an armistice, it is futile to expect peace in India. The Khilafat Conference will fail in its duty if it hesitated to warn His Majesty's Ministers that an affront put upon the 7 crores of Muhammadans in India, supported by 23 crores of Hindus and others, will be incompatible with an expectation of blind loyalty. Beyond that it is impossible for the Conference to foresee the results. It may be added that even if the members of the Conference attempted seriously to satisfy the Muhammadan mind it is futile to expect that they would succeed in healing the wound that would be made in the heart of Muhammadan India by denial of justice and breach of the pledges in a matter of vital importance to that community.

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The Khilafat Delegation.

The Indian Khilafat Delegation to England which left India in February 1920 was received by Mr. Fisher, the British Minister, acting on behalf of Mr. Montagu, Secretary of State for India, on 2nd. March 1920. The Delegation consisted of :—

Mr. Mohamed Ali, Mr. Syed Hossain, Maulana Syed Sulaiman Nadvi, and Mr. Hasan Mohamed Hayat, Secretary.

There were also present from the India Office :—

Sir William Duke, G.C.I.E., K.C.S.I., Mr. J. E. Sheckburgh, C.B., and Mr. S. K. Brown.

Mr. Fisher asked Mr. Mohamed Ali to open the case.

Mr. Mohamed Ali : I think, Sir, it is probably understood by the Secretary of State that we held at Amristar a Session of the All India Khilafat Conference during the early part of this year when a resolution was passed for a second time that a Delegation should proceed to Europe and America, in the first instance, to lay before His Majesty's Government and the Allies, and of course the Peace Conference, the point of view of the Mussulmans generally, explaining their religious obligations and sentiments, and the position of Indian Mussulmans, and also making clear to His Majesty's Government the support that Mussulmans are receiving in this matter from the vast bulk of Indian opinion.

With regard to this matter, we did not at the time know when precisely the Peace Conference would commence making a settlement with the Turks, and the Viceroy in his reply to our Address even expressed the fear that we might arrive too late to be heard before the final settlement. We trust that is not the case ; and we wired to the Secretary of State for India and to the Prime Minister immediately on landing at Venice on the 22nd February, urging that we should be given a full and fair hearing before any decisions were taken. We are now here and are thankful for being received by you this evening on behalf of Mr. Montagu, about whose illness we are very sorry to hear.

Before we enter into any explanation of our religious obligations and views, I should like to say that on our arrival here, and even in the course of our journey across Europe, we found that a certain

kind of propaganda was being carried on by the Armenians and the Greeks and others hostile to Turkey, who have been accusing the Turks of most horrible and revolting crimes. We, for our part, are, to speak quite frankly, not in a position to work in the same manner here, because, in the first place we can afford neither the money nor the morals for such a propaganda ; and, in the next place, because we are not at all in touch with the Turks, who are, after all, the principal people concerned in the matter : consequently we cannot verify any accusations however grave. But we note that in the last Session of the All India Khilafat Conference held at Bombay on the 15th and 16th February, a resolution was passed to the effect that a Delegation of Indian Mussulmans should proceed to Asia Minor as well as to other regions in the Empire of the Khilafat. When this Delegation have visited the parts from which massacres are being reported at this critical moment, we shall be in a position to affirm or to deny the truth of these reports.

But our position is, above all, of a religious character. Before I go into details, I should like to mention that this question is to the Indian Mussulmans a vital question of religion.

Sometimes it is being put forward that Indian Mussulmans desire to dictate to His Majesty's Government and to the Allies. I assure you, Sir, that nothing could be farther from our minds than to use any expression that could be construed into a desire to dictate or to threaten. But the question is whether the settlement with Turkey is an affair of Imperial Policy or merely a question affecting Great Britain. If this is a question affecting Great Britain alone, we have nothing further to say. But if, on the contrary, it is a question affecting the whole of the Empire, as it clearly is, then we have equally clearly a *locus standi*, and the policy of the Empire can no more be dictated by Great Britain alone than by Indian Mussulmans. It must be a common policy of the whole Empire. I think that it has been recognised by the entire community in India, both Musalmans and Hindus, that things have come to such a pass that, as subjects of His Majesty, we should be failing in our duty if we did not say how matters stand with us.

It is not a question of Moslem sentiments, if by that we understand feelings that may be changed at will. There are certain clear religious obligations imposed on us by our faith. The question of the Khilafat is not only part of our faith, but, if I may put it in that way, it is the whole of our faith. The functions of the Khilafat unite both temporal and spiritual work which Islam believes it is charged with doing. At all times since the death of the Prophet there has been a Khilafat, and it must be preserved at all times by the entire body of the Mussulmans. There has been no such thing

as a merely spiritual headship of Islam. Islam, as we regard it, is the last word in ethics, and the last word in guidance in all our affairs. Therefore every act of a Mussulman's life is, and must be, a religious act. Our duty to His Majesty is a religious duty. A man's duty to his family and his friends must be considered religious duty. Therefore it would not be correct to try to distinguish between temporal leadership and spiritual leadership in this matter. The Khalifa is something more than a Pope. We feel there is likely to be some misunderstanding about this, and we consider it our duty to let it be known how we stand in regard to the Khilafat.

This institution which is both temporal and spiritual is, as I have said, to be preserved by the entire body of Islam. It is necessary for the Khalifa to have a certain amount of temporal power for the defence of our faith, and although it may vary from time to time according to the strength of his possible enemies, there must always be a minimum which cannot be reduced with safety. We consider, speaking generally, that the Khalifa's power had been reduced after the Balkan war to about the minimum with which a Khalifa can maintain his dignity and act effectively as Defender of the Faith. That is why our irreducible minimum is the restoration of the '*status quo ante bellum*.' With less than that the Mussulmans do not think the Khalifa and the Commander of the Faithful could effectively defend our faith, if in any part of the world our religious freedom came to be in jeopardy.

We do not rule out by any means political, as apart from territorial, changes. We have no objection if the Peace Conference is to consider whether autonomy could be given to various non-Turkish communities living within the Turkish Empire, whether they be Christian, Muslim, or Jew. This would coincide entirely with the 12th. point of President Wilson's fourteen points, which requires that security of life and opportunities of autonomous development should be assured to these communities. For these guarantees may be taken from the Ottoman Government consistently with the dignity of a Sovereign State.

Then, quite apart from the main question of the preservation of the Khilafat with adequate temporal power, there is the question of the Jazirat-ul-Arab or "the Island of Arabia." To European geographers Arabia is only a peninsula, bounded on the fourth side by land. But to Musalmans it has always been an Island, the fourth boundary being the waters of Tigris and the Euphrates. It thus includes not only Hedjaz, Yemen, Nejd and other provinces commonly included in Arabia, but also Syria, Palestine and Mesopotamia. It is a religious obligation, based on the dying injunction of

the Prophet, that within these limits there should be no non-Moslem control of any kind whatsoever. There was some likelihood of mandates being given to Christian Powers like America, France, and Great Britain herself within that territory. We therefore considered it our duty to explain matters to the Indian Government, and then to the English Government and to make it clear that no Mussulman could ever acquiesce in this. No Moslem could reconcile this to his conscience.

Mr. Fisher: I understand you to say that the Moslem conscience could not acquiesce in a mandate over a territory such as Palestine or Syria being given to a Christian Power. How, on that showing, would it be right for the Moslem conscience to acquiesce in the British Sovereignty over India?

Mr. Syed Hossain: There is a great deal of difference. Arabia contains the Holy places. It is in regard to this tract that control by non-Moslem communities is ruled out.

Mr. Mohamed Ali: Although I should be very sorry indeed to be understood to say anything at all that would tend to lessen the value of Constantinople, which has for nearly five centuries been the seat of the Khilafat, to Muslim sentiment, and to suggest that Mussalmans could willingly agree to lose any part of Dar-ul-Islam, I must say that even if Constantinople went out of Moslem hands, it would not have the same effect as if any portion of the sacred territory of the Jazirat-ul-Arab went out, or was placed under a non-Moslem mandatory. This tract, for the most part barren, has been marked out in a special manner in the various Scriptures as being the land of the prophets, and it is probably on that account that control over every part of it is required by Islam to be entirely Moslem. We who consider ourselves to be the spiritual heirs of Abraham and Moses and Jesus, consider that this is a land apart and consecrated in a peculiar degree and reserved for us. We are charged with the duty of maintaining its sanctity inviolate, of keeping it peaceful and tranquil, a sanctuary for the Faithful, and safe for Theocracy. In order to preserve that sanctity and peace and tranquility which we desire, it is necessary that it should remain with us. It would be a sad day indeed for us when any part of it goes out of the hands of the Mussalmans, for then we would have betrayed a divine trust. Mussalmans will never acquiesce in any arrangement that permitted any form of control being exercised by a non-Moslem Power over any part of the Jazirat-ul-Arab.

Then there is a series of religious injunction with regard to the Holy places. The three sacred Harems of Mecca, Medina and Jerusalem must always be in the custody and under the wardenship of the Khilafat, and the wardenship of no one else could satisfy the consci-

ence of Mussalmans. Mussalmans also claim that the Shrines of Najaf, of Karbala, Kazimain, Samarra and Baghdad should remain under his wardenship. Non-Moslem control over the territory in which they are situated is not at all permissible.

If I may now reverse the order in which I have outlined the threefold claim of the Mussalmans, I will say that the three sacred Harems of Mecca, Medina, and Jerusalem, and the Holy shrines I have named in Mesopotamia, must continue to remain under the wardenship of the Khalifa precisely as they did before the war. They are all situated within the Jazirat-ul-Arab, and there must be exclusive Moslem control over every part of that region. Now, if that control is the Khalifa's control as before the war, not only will this religious requirement be fulfilled, but it will also assist in the fulfilment of the first religious requirements to which I have referred, namely, the preservation of the Khilafat with temporal power adequate for purposes of the defence of our faith. Therefore, if, on the one hand, the pledge of the Prime Minister of the 5th Jan. 1918, the solemnity of which he has now fully proclaimed, is redeemed in its entirety, and the 12th point of President Wilson's fourteen points, on the basis of which armistice was concluded with Turkey, is honoured in the observance, and, on the other hand, the religious requirement imposed on the Mussulmans by their faith with regard to the Jazirat-ul-Arab and the Holy Places are respected, as we claim they should be respected, as the basis of our loyalty, then the main requirement of the preservation of the Khilafat will be fulfilled, and the territorial status quo ante bellum would be restored. This delegation will be satisfied if the Khilafat is thus preserved with sufficient territory and temporal power, and, if necessary, guarantees may be taken for good Government, security of life, religious toleration and opportunities of autonomous development of the subject races consistently with the dignity and independence of the Sovereign.

I would mention here that, while we recognise that it is the bounden duty of their subjects to maintain their allegiance to the Allied and Associated Governments, we desire to say that all Mussulmans are bound at the same time to maintain their allegiance to the Khilafat, and ask you to recognise that we have our religious as well as our political obligations. We do not desire, nor is it possible for us, to move away from the political position in which we stand, just as we do not desire that our position should be made embarassing by any ill-considered action of these Governments with regard to the Khalifa's Government. If demands were made which we could not satisfy without prejudice to our slavation, we would have to consider the whole position in that case.

As regards the propaganda carried on in this country against the Turks, we feel that, when the Turks are accused of crimes against humanity, these accusations are due in a great measure to religious and racial prejudices ingrained for centuries past in the communities that indulge in these accusations, and in no inconsiderable measure also to the greed and covetousness of Turkey's neighbours that have for long wanted to grab as much as they could of Ottoman territories. To say the very least of it, these crimes have been much exaggerated. In some parts of the Christian world it is considered that the Turks should be driven out of Constantinople not only because they are Turks and guilty of criminal conduct, but because they are Moslem, and Islam itself is a blight. We have to remove these deeply rooted prejudices and repudiate the association of criminal conduct with Islam. But at the same time we are also anxious to exert our influence as Mussalmans so that not only such things, but even the suspicion of such things, should not be possible in future. As regards the character of the Turk, we think it very different indeed from what it has so often been described to be. We should not like to say anything at all about the character of the propaganda of the Churches among other sources of mischief and prejudice. We are not here to increase any kind of bitterness. As a matter of fact, we have come on a mission of peace. But this much we will say, that before one can judge the Turks impartially, one has to inquire into the intrigues carried on for two centuries at least by the enemies of Turkey to foment trouble among her Christian subjects, and thereby make out a plausible case for lopping off parts of the Ottoman Empire in Europe and Asia. One will also have to enquire into the character of the dealings of these Christian populations of Turkey with their Moslem neighbours, and ascertain whether these dealings were neighbourly or provocative. In any case, we think that even if the Turks have been to a certain extent to blame, it must be admitted that they had a very great lesson, and I can assure you, Sir, that Indian Mussalmans do not think that they have nothing more to do if their claims are satisfied ; if a settlement is made such as they hope for, they would endeavour to create a desire in the Turks for reconciliation with the British Government and their Allies. They would also impress upon the Turks that not only must such atrocities, as they are so recklessly accused of, not occur, but they must also be above suspicion of committing such atrocities. As Mussalmans, we have to wipe off the stain of inhumanity from the fair name of Islam, and the British Government and their Allies can rest assured that Indian Mussalmans will not fail in their duty towards Islam in a matter of this kind. Their restraining influence would be utilised to the fullest extent. Our mission

is of a double character. It is our duty to represent matters to His Majesty's Government, because we are his subjects; and it is our duty to represent matters to the Khalifa, who is the Commander of the Faithful. Both these duties we should like to observe. If a settlement such as we desire is made with the Khilafat, our influence for the good would naturally greatly increase, and it would be used in the interest of the Empire and of humanity. But if the settlement goes against our sentiments and religious obligations, without saying one word which may likely to be misconstrued into a threat, we must frankly state that we shall have to think of our religious duty first.

I should like to say that it is very difficult for His Majesty's Government, removed as it is, both in point of distance and religious and political surroundings, from India, to understand what is actually happening there. I do not like to say anything against the Government of India or the officials there, if I can help it. They have been exceedingly courteous in receiving our deputation and facilitating our departure from India and our coming over here. But I must say that the official world does not fully understand what is passing in the hearts of the people of the country. At any rate, I think we are in a better position to understand how things stand with our people. A considerable portion of my life has been more or less a blank lately, owing to internment and incarceration. I assure you, Sir, it was only when we came out of the prison and saw things with our own eyes that we discovered, and it was a great shock to us—what the real state of the country was at the time of our release. India has changed so enormously that anyone who knew it five years ago would not recognise it to-day. It has changed so rapidly in fact that it is no longer a question of years but of months. Well, the officials in India at any rate do understand better than most people here that if in the settlement with Turkey regard is not had for the religious obligations and the position of the Mussalmans, it will be a very serious matter. Indeed, I am not an Englishman, and cannot pretend to know the English language as well as Englishmen themselves know it, and I fear that words that I may use may sometimes bear a significance that I may not have intended. It is difficult for me to explain, but I will say this. I heard in the House of Commons, soon after we came over to London and went to hear the debate on Constantinople, Col. Wedgeword say: "You can get a great deal out of Englishmen by persuading them, but you must not use threats." Well, Sir, I suppose that is true of every self-respecting people, and since it is true of Englishmen also, I will beg of any Englishman, I will beg of Col. Wedgewood, and I will beg of you, Sir, to tell me how to frame a warning, that

would be the most serious of warnings, but would not be construed into a threat.

Finally I may add that in some quarters hostile to Turkey, and even to India, efforts are being made to belittle the importance of the mission which has brought us here, and it is said that the Indian Khilafat Delegation is unimpressive. With reference to this, all that I can say is that we could have brought a larger body of men with us, and also people more distinguished than ourselves. But it must be understood that work has to be done in India also, and we cannot spare many men for the work here ; and it ought to be understood that we do represent the entire body of Mussalmans of India, and the vast bulk of our Hindu compatriots and others who are in this matter at one with us.

Mr. Syed Hossain—I should like to supplement what has been said by one or two observations, The question has been raised both in the Press here and in India, that in this matter Muhammadan agitators are trying to make political capital, and that there is no foundation of any religious feeling in it. I should like to say that this is utterly untrue. In this matter, at any rate, it is our duty to inform His Majesty's Government that it is not really a political question so far as we are concerned. It is purely a religious question. I should like to say this in support that Turkey has been at war with the various European nations for the last 300 years. Sometimes she has fought with the active support of England. Sometimes she has won, sometimes lost. We, Muhammadans in India, never raised the question of the Khilafat at all. This is the first time in the history of British rule in India that the question has arisen and it has been raised now because the Khilafat has been put in jeopardy. That is the important feature. It is in jeopardy for this reason. As the result of this last war the territories of the Ottoman Empire, including those regions regarded as sacred, are being brought into the melting pot The impression in India is that some of these territories are about to be annexed by Great Britain herself, and I can assure you that this possibility has created a very great deal of anxiety and alarm and very genuine feelings which are not pleasant because, as the Mohamedans view it, up to now strict religious neutrality has been the foundation of British rule in India ; and certainly the loyalty of the Indian Mohamedans, which has been a tradition of English rule, has been largely built up by the fact that so far as their religious life was concerned, they enjoyed a very uncommon degree of freedom and security. But now the situation is that apparently Great Britain herself is going to be a party to the dismemberment not only of the Turkish Empire, but also of the actual realm of the Khilafat. This

area according to Islamic law, has got to be under the guardianship of the Khilafat and nobody else. If by any direction of the British Empire this region is given to any non-Islamic power, the Indian Mohamedan has got to choose between his loyalty to the British Crown and his spiritual allegiance to the Khalifa. It is a choice which he would prefer to avoid. I mention this point to make it clear that this is not a political question. It is a religious question.

Then I would say this. The question has also been raised in more than one quarter that the Hindus in India have got nothing on earth to do with the Khilafat question, and that the fact that they are making common cause with the Mohamedans in itself argues that this is a political movement rather than a religious question. As to that, I would say that if you were aware of recent facts in Indian national life, you would at once see that this is not the case. During the last few months, certainly during the last year, there has been a very extraordinary fusion of Hindu and Mohamedan feeling in India, and the reason why the Hindus have come into this movement is because from the Indian point of view they have come to regard the Khilafat issue as a national rather than a sectarian question. They have taken this view chiefly on account of Mr. Gandhi. Mr. Gandhi has laid down the principle that inasmuch as the chief thing we are out to have is Indian national unity, if it is the case that so many crores of Indian Mohamedans feel that this is a matter of life and death to them, then the Hindu, consistently with the idea of national unity, cannot stand aside. Mr. Gandhi has said they must make common cause with their Mohamedan compatriots exactly as he would expect us to make common cause with the Hindus if the Hindus were up against similar difficulties. That is why there has been nothing of a hole and corner nature in this matter. They have all come in with a clear recognition of this point that in so far as they desire to have a common Indian nation, and we form a great part of that nation, what affects us so closely must be a matter which concerns the Hindus also. This is an All-India question. They are just as committed to our cause as we are ourselves.

The All-India Khilafat Conference formally adopted a manifesto which is really the mandate of the delegation which we comprise, and in this document, which I would ask your permission to quote, is set forth very briefly the whole of our position.

Mr. Mohamed Ali.—I might mention that before drawing this up, in which Mr. Gandhi took a considerable share, he desired to have before him Mohamedan experts. He had them and he cross-examined them at great length and in great detail, and entirely satisfied himself that these were our religious obligations.

Mr. Syed Hossain.—The manifesto says that [*Mr. Hossain here quotes the Manifesto given on p. 161.*]

Sir William Duke :—I do not quite follow the bearing on the sacred places of Jazirat-ul-Arab. I understand that the principal Holy Places in Mesopotamia are only places of pilgrimage for the Shiahs who do not recognise the Caliph.

Mr. Mohamed Ali :—The Holy Places are held in very great reverence and by all sects. Many Sunni Mohamedans also visit the shrines.

Sir William Duke :—The bulk of the pilgrims are Shiahs. It is not in the same way a necessary pilgrimage to the Sunnis.

Mr. Fisher's Reply.

Mr. Fisher :—You have come a very long journey to put your case before the British Government and although you apologised for your English, I may say that there is very little need for an apology. You put your case very fully and very clearly, and, if a may say so, very temperately before us. The British Government is of course well aware that it had the valuable assistance of a million Indian soldiers in the recent war, and that many of those soldiers were Muslims by religion, and it is aware of its obligations not only to the Muslim soldiers who fought for it in the war, but to all its loyal Muslim subjects in India ; and I think you may feel assured that we are anxious to study the religious susceptibilities and sympathies of your fellow believers, and that whatever conclusions may be reached in respect of the international settlement, the settlement of the world's affairs, attention to the Indian aspect of the case will always be given. Indeed it is no secret that the decision which has recently been taken by the Allied and Associated Powers to retain Turkish sovereignty in Constantinople has been to a large extent influenced by the desire of the British Government to meet the religious feelings of its Muslim subjects in India. Still of course you will realise that, while that is an important factor, and a factor which the British Government will never lose sight of, it is not the sole factor which the Ministers responsible to the British Parliament have to take into account in these far reaching and complex transactions. There are other factors as well. Of course, as you, I think, are perfectly well aware, consideration for the position of the subject peoples of the Turkish Empire is one of the elements which has to be taken into account, and I feel that I ought to remind you of the fact that a very painful impression has been created in this country by the news of the recent massacres in Cilicia. I wish to point out to you that the issue is a complex one ; but one to the solution of which the British Government brings very steadfast

good will to the Muslim population of India, and you may be assured that what you have said will be duly considered by the Government.

Mr. Mohamed Ali, you have been very careful to avoid anything in the nature of the language of threats, and you have been wise in doing so. Of course, as you realise perfectly well from your large experience of public affairs, the British Government is bound to frame its views on wide considerations of policy, and cannot be deflected one inch from its course by anything in the nature of threats. But at the same time the British Government is bound to give due consideration to any views which may be sincerely felt and honestly expressed by loyal subjects of the Empire.

I very much regret that the Secretary of state has not been able to receive this deputation. He desired to do so. He is disappointed that he is unable to meet you, but as you are aware, he is unwell at the present moment, and consequently I am taking his place. I hope, however, that before you return to India you may have an opportunity of meeting the Prime Minister and of laying your views before him. As you know, a conference is taking place at the present time. The Prime Minister is meeting the statesmen of the allied countries in Downing Street, and many important issues are being discussed. Mr. Lloyd George's time is very much occupied, and I cannot promise you that he will be able to see you, but I hope that he may be able to do so.

Gentlemen, I have only one other thing to say, and it is this. As a philosopher once said, history is always a pis alter, a choice of second best. It is founded on compromise. We cannot all get everything that we want, but you may be quite certain that the British Government will never fail in giving due consideration to feelings loyally and sincerely expressed by subjects of the Empire.

Mr. Mohamed Ali's final remarks.

Mr. Mohamed Ali :—May I express the thanks of the Delegation for the reception that you have so cordially given to us ? I quite understand, I think all of us understand, even the most illiterate in India, that our desires and sentiments cannot be the sole factor in a settlement of this kind. But there is one point that has not been entirely appreciated and that we particularly desire to lay stress upon, namely, that there are certain religious obligations that are of such a binding character that they must be our first consideration ; and since our loyalty is based on respect for our religious obligations, regard for them must be the first consideration of His Majesty's Government also. It is true that life is one long second best, and that compromise is of the very essence of politics,

It is precisely because we recognise this that we have not asked for anything more than the restoration of the 'status quo ante bellum.' But if a new earth and a new heaven were to be created, as we were at one time led to hope from the utterances of the statesmen of Allied and Associated Nations, and if therefore, all the territories taken and retained by force were to be restored to their rightful owners, then we would have asked for the return of Egypt, of Tripoli, of Bosnia and Herzegovina, of Crete and of the large slices of Turkish territory carved out by the Balkan Allies. It is therefore quite clear that we have already applied the maxim of 'pis alter' in the rigion in which it can be applied. But in the domain of faith and religious obligations there can be no compromise. That is a matter to which 'pis alter' does not apply. There we can only have the best, and the best is just good enough. There the second best is just as bad as the very worst.

With regard to our desire for interviews with the Prime Minister, we recognise his position, and understand how difficult it must be for him to find time, but if I may say so, without disrespect, if M. Venizelos (the Turkophobe Greek Minister) can come so often and have the ear of His Majesty's Government, it will only seem right that representatives of Indian Mussalmans and Indians generally who, as you have acknowledged, Sir, have come from a long distance, should be given a fair hearing and enabled to put their case before His Majesty's Ministers before decisions are taken.

As regards the "Cilician massacres," we believe that the news that has come over here is from very tainted sources. So far as we are concerned we should like a through and impartial inquiry into the whole question of those so-called massacres, and we should court the utmost publicity for the investigation into the offences alleged against the Turks and its results. Let there be a Commission sent out to examine the facts and the causes that have brought about a state of affairs that all alike must deplore. So far Greeks and Jews and Armenians all have been sending all sorts of roving commissions, and it is the Indian Mussalmans alone that have been kept out. They could therefore well ask for a Commission of their own being permitted to inquire into these massacres. But, to permit no possibility of a suspicion of partiality, we say that English people as well as Indians should be represented on this Commission. Not the highest among us would consider such a task beneath him, and even His Exalted Highness the Nizam, and other Indian Rulers, Ulamas like Maulana Abdul Bari and Maulana Mahmud-ul-Hasan, and leaders of Indian public opinion, both Hindu and Moslem, would gladly welcome such an opportunity to sift the truth. Let there be a thorough

investigation, if the Turk be as he is said to be, we will wash our hands of him We do not wish Islam to be regarded as the supporter of murderers.

There is one thing more that I must ask your permission to refer to. There have been certain statements in the speeches both of the Prime Minister and of the Leader of the House of Commons with reference to the Khalifa, the seat of the Khalfat, and the Allies' garrisoning of the Straits. We think we can understand that the exigencies of Parliamentary debates, and politics generally, some times drive politicians to attempt to reconcile opposite points of view and satisfy all parties, and to express opinions in a language which they would have preferred not to use, and would not have used in the intimacy of private discussions. But if it really be the case that the Khalifa is to be kept under the guns of the Allied Powers, and is to exist in constant fear even of his own life, his position would be worse than that of the Pope at the Vatican. He would be the Pope at Avignon and even worse than that, for he would be a prisoner of people of alien faith and race. If that is to be the case, we would far rather see him in exile at Bronssa, or even Koniah than in such a plight. The consequences of such an affront to Islam cannot be exaggerated and cannot be endured.

Maulna Syed Sulaiman Nedvi :—I should just like to add that I am perhaps the first Indian "Maulvi" that has come over to this country. I am not a politician nor is Maulana Abdul Bari Sahib of the famous family of the Ulama of Feringi Mahal, Lucknow, who has particularly asked me to represent him. This ought to convince His Majesty's Government that this is not a political matter to us but a religious matter.

The Deputation to the Premier

London, March 17, 1920

Mr. Mohammed Ali in opening stated that the deputation had come on a relegious question. Islam drew no distinction between spiritual and temporal affairs. It has always had two centres, one personal and other local. The personal centre is the Khalif as successor to the prophet and repository of traditions. The local centre is Jazirat-Ul-Arab or Islamic Arabia. Islam regards it not as a peninsula, but as an Island, the fourth boundary being the water of Euphrates and Tigris. For the defence of the Faithful the Khilafat must retain

adequate Territorial resources, etc., which may be summed up in the expression temporal power. The Turkish Empire had been reduced to such low limits as the result of recent wars that Muslims consider the irreducible minimum of temporal power adequate for the defence of the Faithful to be the restoration of territories on the *status quo ante bellum*. They do not rule out such political changes within the scheme of Turkish sovereignty as would guarantee and secure the autonomy of various Muslim territories consistently with the dignity and secure independence of the State.

The **Prime Minister** (Mr. Llyod George) asked if this signified opposition after all to the declaration by the British of Emir Feisul as King of Arabia. Mr. Mohammad Ali expressed a hope of reconciling Turco-Arab difference, and of persuading the Emir Feisul that his own ambitions and those of the Arabs could be entirely satisfied within the scheme of Turkish sovereignty.

Pressed by the Prime Minister to say if he were opposed to the independence of Arabia, he replied in the affirmative. This would not, however, rule out special arrangement for autonomy. Referring to India Mr. Ali explained that consistently with their own desire for autonomous development, they could not think of denying it to Arabs, Jews or Christians within the Turkish Empire. Apart from the question of temporal power, Muhammadans claim that Jazirat-Ul-Arab including as well as the Arabian Peninsula should remain inviolate, and entirely in Moslem control. This is the minimum demanded by the religious obligations absolutely binding to Muhammadans. "It does not specify that it should be under the Khalifa's own control. Religious requirement will be satisfied even if Emir Feisul exercised independent control there." Both this requirement and that of temporal power may easily be satisfied if Jazirat-Ul-Arab remains as before the war, under the direct sovereignty of the Khalifa.

Thirdly, a series of injunctions required the Khalifa to be warden of the three holy places of Mecca, Medina and Jerusalem, while overwhelming Moslem sentiment required that he should be warden of the holy shrines of Najaf, Kerbela, Kazimain, Samara and Bagdad. Apart from the above religious obligations, Moslems trust that the pledge regarding Constantinople, Thrace, and Asia Minor, the populations of which are overwhelmingly Moslem, should be redeemed in its entirety. Moslems cannot tolerate any affront to Islam in keeping the Khilafat as a sort of hostage in Contantiniple. As regards Thrace, Turkish claims require no further argument than the principle of self-determination. The same principle would entirely rule out the Greek claim to Smyrna.

Turning to the question of massacres, Mr. Ali said the Indian Khilafat delegation must put on record their utter detestation of such conduct and their full sympathy for the sufferers whether Christians or Muslims, but if the Turks are to be punished, the whole question requires impartial investigation by an international Commission on which the All-India Khilafat Conference should be adequately represented. The Commission should go into the question of the organization of revolutionary societies by Christian subjects of the Sultan, and of provocation offered to the Moslem majority in the region affected.

Pressed by the Prime Minister, Mr. Mohamed Ali said that he neither denied the existence of these massacres, nor justified them in the least. He was not in a position to affirm or deny anything. The Prime Minister cited the answer given by the Turkish delegation in Paris admitting the massacres. Mr. Mohammad Ali went on to ask for a thorough enquiry, and added that if it "establishes to the satisfaction of the world that the Turks have really been guilty of those atrocities and horrible crimes, then we will wash our hands of the Turks. To us it is much more important that not a single stain should remain on the fair name of Islam. We want to convert the world to our way of thinking but with what face can we go before the world and say we are the brethren of murderers and assassins"? He urged that the massacres began only in the last quarter of last century, after the success of Russian intrigues in the Balkans etc. In any case, if the Turk is to be punished on the assumption that his rule is a blasting tyranny, the evidence should be absolutely above suspicion. No such evidence at present exists. "Even in to-days Times," he said, "you read of the horrors perpetrated by these so-called innocent lambs i. e. Armenian Christians." He urged the importance of removing a wrong impression from the minds of millions of Moslems. There should not be the least suspicion that the Turkish question is being dealt with in the spirit of the crusaders of Europe. On other points Mr. Ali reiterated what he said in his interview with Mr. Fisher.

The Prime Minister's Reply.

The Prime Minister, after commending the lucidity and moderation of the speakers, said that in Paris great care was taken to consider the case put forward by the official representatives who came from India. The Maharajah of Bikanir and Lord Sinha who themselves formed part of the peace delegation repeatedly brought forward the Muhammadan case, also delegations were arranged from Muhammadans, some residents of Great Britain, some from India, and at the Prime Minister's request the Supreme

Council of the Allies heard the case. He would therefore like Indian Muhammadans to feel that their case had been presented with great care and force, and had been listened to with conscientious care not only by the delegates of the British Empire but also at the request of British delegates by the Supreme Council of the Allies. Secondly, he would like to get out of the mind of every Moslem throughout the Empire that they were treating Turkey on different principles from those applied to the Christian countries. They were at war with three Christian countries and one Muhammadan country. They did not seek war with any of them, nothing was further from their minds at the beginning of the conflict with Germany than that they should have to make war with Turkey. He did not believe that they had ever before made war against Turkey, though they had fought for her many times. He referred to the Crimea and the events of 1878, yet Turkey, when Britain was engaged in the most terrible struggle in her history, suddenly declared war on them. It was vital to them in that struggle to have free access to the Black Sea. Lack of such access prolonged the war at least two years. Turkey suddenly slammed the gates in the face of an old ally who had always stood by her and who had no quarrel with her of any sort or kind at that time. He did not believe that France had ever before made war with Turkey. She had been on England's side in the Crimea supporting Turkey, yet the same thing happened to France. Therefore no Muhammadan in India should imagine England entered this war against Turkey as a crusade against Islam, nothing was further from their minds. He did not believe that the majority of the Turkish population wanted war with Great Britain. He deeply regretted that the rulers misled their country into fighting against their old Allies and friends. The result was to prolong the war for two years. Now Turkey, like Germany and Austria, had been beaten. Germany and Austria had paid the penalty for defeat. Austria had fallen to pieces. Alsace-Lorraine and Poland had been taken from Germany upon whom very stern and severe terms had been imposed. Both Germany and Austria are Christian countries; therefore it is no use talking about crusades. We are, said the Premier, applying the principle of self-determination to those countries which oppress subject peoples and provoke war to destroy liberty throughout the world. He did not want any Muhammadan in India to imagine that they were applying one principle to Christians and another to Muhammadans, neither did he want any Muhammadan in India to imagine that they were abandoning in the case of the Turks principles which had been ruthlessly applied to Christian countries like Germany and Austria. Continuing, he said :—

"I do not understand Mr. Muhammad Ali to claim indulgence for Turkey. He claims justice, and justice she will get. Austria has had justice, Germany has had justice—pretty terrible justice. Why should Turkey escape? There was no reason why we should be applying any different measures to Turkey from that which we had meted out to the Christian communities of Germany and Austria. We are not treating Turkey severely because she is Muhammadan, we are applying exactly the same principles to her as we have applied to Austria, which is a great Christian community. The principle is that of self-determination applied to Empires that have forfeited their right to rule. The Arabs have claimed independence and severance from Turkish dominion. Is it suggested that the Arabs should remain under Turkish dominion merely because they are Muhammadans? Is not the same measure of independence and freedom to be given to Muhammadans as to Christians?"

Turning to Thrace, the Prime Minister said, it was very difficult to get the facts but he had before him statements of both Turkish and Greecians of Thrace between which there was very little difference. According to both the Muhammadan population is in considerable minority. If that is true and the principles of self-determination is to be applied, the whole of Thrace would certainly be taken from Turkish rule. The same thing applied to Smyrna. After very careful investigation by an impartial committee it has been found that a considerable majority of the population was non-Turk and the great majority undoubtedly preferred Greek rule to Turkish rule.

Turning to the question of temporal power, the Prime Minister said that the question of temporal power of a spiritual head was not confined to Islam. It was one of the great controversies of Christendom as well, concerning which there were wide differences of opinion among Roman Catholics and themselves. But after the Pope was deprived of his temporal power, his spiritual power was greater and very likely greater than ever. He knew, he declared, of sincere and zealous Muhammadans who took a very different view of temporal power from that of Mr. Mohammad Ali. He would enter into no controversy. All he would say was the Turk will exercise temporal power in Turkish lands. We do not propose, said the Premier, that he should retain power over lands which are not Turkish. This is the principle we are applying to the Christian communities of Europe and the same principle must be applied to the Turk.

As to the **Armenian massacres**, there was no doubt about them. It is true that an impartial investigation has not taken place, but that is because the worst massacres of all occurred during the war, and there was no one there to investigate. He had cited the reply of

the Turkish delegation in Paris. Their sole answer was that those who were in power at that time and ordered the massacre of Armenians had also committed crimes against Moslems and condemned to death by every means three million Muhammadans. That is the answer. It is not a question of punishment but a question of good Government, and whether it is 80,0000 Christians or three Millions Moslems, a Government which cannot protect its own subjects, whether Christian or Moslem, against wholesale massacres of that kind, is not fit to govern. We are therefore bound in the interests of civilization to exercise some kind of control and supervision. It was quite clear that the Turkish Government, as at present constituted, is incapable of protecting its own subjects.

The Prime Minister then refered to the devastation and desolation under Turkish rule of Asia Minor, once the granary of the Mediterranean. He proceeded: "If the Turk were a capable and efficient administrator who looked after his land well, there is not a Christian community in Europe that would not say, God bless you and prosper you, and we would not dream of interfering, we should be glad to see him work out his own faith in his own land. But I do not think that he has governed in a way which makes Islam proud of him. I will ask you to look at the way in which he has done it. Is Islam really proud of Turkish dominion?"

In conclusion the Prime Minister wished to give comfort to the Mohammans of India who with very few exception had stood loyal by the Throne and Empire. There were exceptions even among Christians and he would therefore draw no distinction to the detriment of Indian Muhammadans because there were some among them who were disloyal. He gratefully acknowledged that Mussalmans of India had stood by the Throne and Empire. "They helped us in the struggle. we willingly and gladly recognise that. We recognise that they have a right to be heard in a matter which effects especially Islam. We have heard them. Not merely have we heard them but we have very largely deferred to their wishes in this matter. The settlement was very largely affected by the opinion of India and specially the Mussalmans of India. But we cannot apply different principles in the settlement of a Muhamadan country from those which we sternly applied to our settlement with Christians with whom we were also at war.

Mr. Muhammad Ali in reply said that the action of Turkey in entering the war might have been due to alarm caused by the fact that the Czar of Russia, their ancient enemy, was one of the Allies of Great Britain and to the existence of the secret treaty which promised Constantinople to Russia.

To this the Prime Minister replied that he wished to make it absolutely clear that when they entered into war they had no under-

standing whatever with Russia to the detriment of Turkey so that the Turk had no reason to fear anything from their having engaged in a war on the side of Russia. Our war, he said, was against Germany and we had not Turkey in our minds in the least.

The Anti-Turk Campaign.

Meanwhile in England a strong and influential campaign was being carried on headed by Lord Robert Cecil and the Archbishops of Canterbury and York to get the Turks out of Europe and Constantinople. The Northcliff Press in England lent active support and a campaign of Crusade against the Moslems, fomenting racial bitterness was in the air. On February 21st the Times said: "If the Turkish administration is not now uprooted from Europe another war will have to be fought in the future in order to evict the Turk from their last lodgment on European soil." Stormy protest meetings were organised under the leadership of Lord Robert Cecil and Lord Bryce to force the hands of the Allies against the Turks and a huge petition signed by the Archbishops of York and Canterbury and many famous Non-conformist pastors and also of the Free Church of England and about 100 M. Ps. was sent to the Premier. Sickening tales of Turkish misrule and oppression in Armenia were prominently inserted in the papers though no substantial evidence of the crimes was forthcoming.

Early in March 1920 Constantinople was completely occupied by British Military and Naval forces. The Khilafat Delegation wanted an impartial Commission of enquiry to investigate the truth or otherwise of the alleged massacres of the Armenians but this was refused. On February 26th an animated debate took place in the House of Commons on the Turkish question. It was led off by Sir Donald Maclean who declared that Constantinople had ever been a cesspool of intrigue, breeder of War, and source of massacres and horrors. He was ably supported by Lord Robert Cecil and his followers. The Prime Minister however made a guarded reply to the effect that at that stage the Peace Conference had, after deep and anxious deliberation, decided to leave the Turks in Constantinople with a long list of provisoes for safeguard against murder.

The Khilafat Delegation in England.

The delegation first approached the British Premier requesting him so to arrange that the delegation may be received by the Supreme Council sitting at that time at San Remo to consider the terms of the Turkish Peace Treaty before its work is over so that the delegation may lay before the Supreme Council a full and clear statement of the position in India and in the East in view of the

grave situation there fast developing into a menace. The delegation was informed in reply that the Peace Conference cannot hear anyone except accredited Government representatives of the territories and that the Indian official delegation has been already heard. Further representation to the British Premier soliciting reconsideration of the aforesaid decision pointed out that the Turkish settlement, involving as it did the question of Khilafat in which the whole Moslem world was vitally interested, transcended all territorial limitations. In reply the British Secretary wired from San Remo under date 20th April that the decision cannot be reconsidered and the Indian Khilafat delegation cannot be given an opportunity of expressing their views before the Supreme Council and that the main question relating to peace with Turkey having been decided upon, the Premier did not think that any useful purpose would be served by a fresh hearing of the delegation's views. The Khilafat delegation thereupon telegraphed to the Supreme Council President, the Premiers of England, France and Italy, and to the Japanese Ambassador at San Remo on the 24th April regretting the Council's decision not to give a hearing to it. The delegation pointed out that while the Premier of Greece which was not at war with Turkey and which later had occupied Turkish territories under Allied auspices has been allowed to participate in the proceedings, the representatives of India and Moslem faith have been ignored. The delegation also warned the Peace Conference that it would be futile to expect peace and tranquility if Indian sentiments were disregarded and it would be the Supreme Council's responsibility for reopening international discord which should not exist if the Peace Conference followed President Wilson's fourteen points in letter and spirit instead of merely achieving the distribution of the spoils of war. The delegation also emphatically protested against the occupation of Constantinople by British military and naval forces in the name of the Allies, thus placing the Khalifa in duress and also against the arrest and deportation of Sheik-ul-Islam as an outrage upon Islam. The delegation also pointed out that in India the Government and the people were not identical and that there was no Musalman on the Indian official delegation.

Mr. Mahomed Ali, the head of the Khilafat delegation, next tried to influence public opinion in England and France in his favour. On 22nd April a huge public meeting was held in London with Mr. George Lansbury in the Chair. Many prominent Labour leaders spoke at the meeting which passed a resolution urging the Govt. to take into consideration the religious obligations of Moslems. In Paris, where the party went over on the 13th April, the members interviewed important public men and on 20th April a most success-

ful meeting was held with M. Jules Reche, a former Finance Minister, in the chair, and resolutions in support of the Khilafat was passed.

Message to the Sultan

Then early in May 1920 just before the final draft of the Allies' Terms of Peace which they wanted to thrust upon Turkey was drawn up and handed over to the Turkish Govt. the delegation sent the following message to His Imperial Majesty the Sultan of Turkey.

"The Indian Khilafat Delegation representing over 70 million Mussulmans and 250 millions of their compatriots of other creeds who stand shoulder to shoulder with them, have been delegated to explain to the Allied Powers and the Peace Conference the religious obligations imposed on every Muslim by his faith and express the overwhelming national sentiment of India with regard to the preservation of the Khilafat and the inviolability of the Sanctuaries of Islam. The Delegation beg to offer in the name of their coreligionists, at this grave crisis in the history of Islam and of the Khilafat, their whole-hearted allegiance to your Majesty as the successor of their prophet and the Commander of the Faithful. Although deeply ashamed that the Mussulmans permitted the Khilafat, however unwillingly it be, to be reduced to its present distressing condition, we nevertheless venture, with all the profund esteem that we entertain for your Majesty and the great veneration inseparable from your high office, to submit that today the eyes of Mussulmans throughout the world are turned towards Stamboul and they confidently trust that in all conceivable circumstances and at all costs your Majesty will uphold the dignity of Islam and will remain steadfast in the defence of the Khilafat and of the sanctity of the Jazi-rat-ul-Arab in its entirety.

The Three Fold Claim.

"We are charged to claim for the Khilafat the complete restoration of the territorial *status quo ante bellum* without prejudice to such political changes as guaranteed to non-Turkish nationalities, if they so desired, autonomous Government within the Ottoman Empire consistently with the dignity of a Sovereign State, and we are to explain that this was the irreduceable minimum of temporal power inalienable from the sacred institution of Khilafat that could be considered adequate for the defence of our faith. We were also charged to declare that the Khalif alone could be the servant of three sacred Harems of Mecca, Medina and Jerusalem and the warden of the holy shrines and, further that no Mussulman would, or could, tolerate any form of non-Muslim control whether in the shape of mandate or otherwise over Syria, Palestine or Mesopotamia

included as they are in the sacred soil of the Jazirat-ul-Arab that had been entrusted on his death bed by our Holy Prophet to our sole care. We have tried to explain our three-fold claim to the Allies to the best of our limited powers and, in spite of the appalling ignorance and tragic indifference, even of some of those who are making themselves responsible for a new settlement of the world's affairs, we have made it sufficiently clear that the reduction of the Muslim claim by a hair's breadth will not only be a violation of the deepest religious feelings of the Muslims but will also be a flagrant violation of the solemn pledge given by responsible statesmen, representing the Allied and associated Powers and given at a time when they were desirous of enlisting the support of the Muslim people and soldiery. Further we have not hesitated to warn the British Government that if these pledges were not redeemed and effect was not given to the declaration that brought about the Armistice, it would be futile to expect peace in India and that an affront put upon the entire Indian nation will be incompatible with an expectation of blind loyalty. Having done everything that was demanded of us by our duty as Mussulmans, as loyal subjects of the King Emperor, and as men deeply anxious to secure a just and lasting peace, and charged with a mission of reconciliation and concord, we now await the response of the Allied Powers to our appeals and warning.

'But of far greater importance to the Muslim world will be your Majesty's response to the demands of the Allies and before that response is made we deem it our humble duty to bring to your Majesty's notice that Islam to-day stands solidly by your side as it has never stood since the last of the Khulafai Rashideed passed away. Every Muslim is now determined without flinching and without fear, to do all that Allah demands from him even to the extent of offering his life as the price of his faith. May the great God grant to your Majesty and to your noble and brave, but distracted and divided, nation the strength and resolution to do your duty not only by Turkey but by Islam, and may the unity of Turkey soon become a true reflex of the unity of Islam.

"The Indian Khilafat Delegation finally beg leave to recall what our glorious Prophet said in the cave of Thaur to your Majesty's first predecessor Abu Bakr, when they were only two and their enemies were many :—"Fear not; verily Allah is with us." God grant we shall yet succeed if only we retain our faith in Allah's omnipotence and serve none but Him.

MUHAMMAD ALI; SYED HOSSAIN; SYED SULAIMAN NADWRI;
Members of the Indian Khilafat Delegation ABDUL KASIM.

The Correspondence

On March 26th, 1920 the following letter was addressed by the Khilafat Delegation to the Premier.

"I am directed by the Indian Khilafat Delegation to request you to be good enough to arrange that the Delegation may be received by the Supreme Council now engaged in drawing up a scheme for settlement with Turkey before its work is over, so that the Delegation may explain the Muslim point of view with regard to the settlement stating the obligations imposed on Mussalmans by their faith and giving expression to the overwhelming sentiment of Indian Mussalmans and the ardent sympathies of their compatriots of other faiths who are at one with them in this matter".

To the above, the Private Secretary of the Premier gave the following reply :—

"I am directed by Mr. Lloyd George to acknowledge your letter of March 26th containing the request that the Indian Khilafat Delegation may be given an opportunity to express its views before the Supreme council of the Peace Conference and in reply to state that at the request of the British Government the Supreme Council has already heard the official delegation of India. As it has been made a rule of the Peace Conference not to hear anyone except the accredited Governments of territories with whose future they are dealing, the Supreme Council regrets it is unable to accede to your wishes."

On 20th April the Delegation sent from Paris by wire to the President of the Supreme Council, the English, French, Italian Premiers and the Japanese Ambassador at San Remo, where the Allied Supreme Council was then sitting, a statement of the Indian and Muslim case and reiterated the request for a hearing.

In answer, the British Secretary wired from San Remo to Paris that the de ision cannot be reconsidered and also sent the following letter to London.

"I am directed by Mr. Lloyd George to acknowledge receipt of your letter of April 9th, asking that the Indian Khilafat Delegation may be given an opportunity of expressing their views before the Supreme Council of the Peace Conference.

"In reply I am directed to confirm my telegram of even date, stating the Supreme Council have considered your letter and are unable to reconsider the decision conveyed in my letter of April 27.

"With reference to the last paragraph of your letter I am directed to state that as the main questions relating to the treaty

of peace with Turkey have now been decided, the Prime Minister does not think any useful purpose would be served by a fresh hearing of your Delegation's views."

A long telegram was then sent to the Supreme Council, the President, the Premiers of England, France and Italy and the Japanese Ambassador at San Remo on the 24th April over the signature of Messrs Mohamed Ali, Syed Hossain, and Syed Sulaiman Nadvi :—

The message in conclusion states :—

"I am to invite your attention once more to the gravity of the situation in India and the East generally and the Delegation would beg you both, in the interests of justice and tranquility in the Indian Empire, to give their request your most earnest consideration. They hope they may say without offence that apparently the gravity of the situation is not so fully appreciated on this side as on account of their more intimate knowledge of India they themselves appreciate.

"They, however, hope you will pardon this apparent importunity because it arises out of nothing beyond their anxiety to reconcile their loyalty to Islam and to the Indian Nation with their loyalty to His Majesty the Emperor of India and their ardent desire for the restoration of peace in India.

"If, as the Delegation fear, the Supreme Council is not likely to arrive at a decision with regard to this request at a very early date, I am to say they would greatly value another opportunity of placing their views before you."

Then on April 29th the Prime Minister made a long statement in the House of Commons on the decisions arrived at by the Supreme Council at San Remo. With regard to Turkey, he agreed with M. Millerand that it was not desirable to outline proposals until they had been submitted to the Porte. But there was really nothing to reveal. There had been no departure from the principle laid down. He confirmed that the mandate for Syria had been given to France, and that mandates for Mesopotamia, including Mosul and Palestine, had been given to Britain, and with regard to Palestine, provision was made for full recognition of Mr. Balfour's declaration with respect to the Jews. An agreement had been reached with France with regard to oil distribution in Mosul. The Armenian problem was overwhelmingly difficult, said the Premier, owing to the fact that there was no Armenian population in the vast areas the Allies would have liked to allocate to Armenia.

Then came, on May 15th, the announcement of the terms which Britain and France sought to impose on Turkey.

The following Message from His Excellency the Viceroy to the Muslim People of India, was published on May 15th 1920:—

"To day the decisions of the Supreme Council of the Allies in respect of peace settlement with Turkey have been made known to the world. They have been reached after the most careful and anxious consideration of representations from the Muslims of all countries and you have my assurance that before coming to its present decisions the Supreme Council has had all possible regard to those representations which have proceeded from the Muhammadan subjects of His Majesty in India. My Government are issuing along with a summary of the Peace Terms a statement which explains the principal decisions and the reasons for them. These decisions are in full accordance with the high principles which have been applied in the peace settlements with all other Powers lately at war with Britain and her Allies. Nevertheless they include terms which I fear must be painful to all Muslims. The long delays which have protracted your anxiety for over a year, although they have been unavoidable, have filled me with regret for your sakes; and now in your hour of trial I desire to send you a massage of encouragement and sympathy which I trust will uphold you. In the day of the Empire's need you made a splendid response to the call of your King and Country, and by so doing you contributed much to the triumph of those ideals of justice and humanity for which the Allies fought. The Empire of which you form a part is now firmly established on these ideals: and a great future of political progress and material prosperity is within the grasp of the Muslims of India who have ever enjoyed under British Rule the fullest religious freedom. Before the late disastrous war Great Britain had always maintained the closest ties of friendship with Turkey, and I am confident that with the conclusion of this new Treaty that freindship will quickly take life again and a Turkey regenerate, full of hope and strength, will stand forth, in the future as in the past, a pillar of the Islamic faith. This thought will, I trust, strengthen you to accept the Peace Terms with resignation, courage, and fortitude and to keep your loyalty towards the Crown bright and untarnished as it has been for so many generations.

Turkish Peace Terms—Govt. of India Communique.

1. The following are the principal conditions of the Peace Terms communicated by the Allies to Turkey:—

I. The frontiers of Turkey will be as already demarcated and, where necessary, revised by a Boundary Commission to be created. According to this delimitation, Turkey will include the Constantinople sector of Thrace and all the predominantly Turkish areas of Asia Minor.

2. The rights and title of the Turkish Government in Constantinople will not be affected, but the right to modify this provision is reserved in the event of the failure of Turkey faithfully to fulfil the Treaty.
3. A Commission of the Straits will have authority over all waters between the Mediterranean mouth of the Dardanelles and the Black Sea mouth of the Bosphorus, and of the waters within three miles of each of these mouths, also on the shores to such extent as may be necessary. The duty of the Commission will be to ensure freedom of navigation in these waters in peace and war.
4. A scheme of local self-Government will be drafted for Kurdistan, including provision for the protection of Assyro-Chaldean and other minorities. The League of Nations will decide later whether Kurdistan should be granted independence of Turkey, if it be proved that separation is desired by the majority of the Kurdish people.
5. Certain portions of Smyrna are formed into a separate unit to be administered by Greece, the suzerainty of Turkey being continued for a period of years till the autonomous state of Smyrna decides its own destiny.
6. With the exception of the Constantinople sector, Eastern Thrace is ceded to Greece, provision being made for the local self-Government of the town of Adrianople.
7. Certain portions of the Armenian district of Turkey are added to the existing Armenian Republic, the boundary between Turkey and Armenia in certain districts being referred to the arbitration of the President of the United States whose decision will be final thereon and on any stipulation regarding Armenian access to the sea.
8. Syria, Mesopotamia, and Palestine are provisionally recognized as independent states, subject to administrative advice and assistance from a mandatory power, until such time as they are able to stand alone, the mandate for Syria has been entrusted to France and those for Mesopotamia and Palestine to Britain; the mandate for Palestine will include provision for giving effect to the declaration of November 8th, 1917 regarding the establishment of a national home for the Jewish people.
9. The Hedjaz is recognized as a free and independent state. The King of Hedjaz undertakes to assure free and easy access to Mecca and Medina to Muslim pilgrims of all countries.
10. Turkey relinquishes all rights and titles over Egypt, the Sudan, and Cyprus.
11. Turkey recognizes the French Protectorate over Morocco and Tunis.
12. Turkey renounces her claims to certain islands in the Aegean.
13. The military, naval and air forces at the disposal of Turkey will consist of the following :—
    (i) The Sultan's Bodyguard at Constantinople;
    (ii) A troop of Gendarmerie for the maintenance of internal order and security and the protection of minorities;
    (iii) Special elements for reinforcement of the Gendarmerie and eventual control of the frontiers.

The bodyguard is limited to 700 and the Gendarmerie with special elements to 50,000.

All warships interned in Turkish ports are declared to be finally surrendered.

The Turkish Fleet is limited to 6 torpedo boats and 7 sloops.

No military or naval air forces or dirigibles are to be maintained.

14. Control will be maintained over the finances of Turkey until the discharge of her international obligations has been assured.

15. Freedom of navigation and transit is secured. The following ports are declared international ports, provision to be made for free zones in each—Alexandretta, Basrah, Batoum, Constantinople, Dedeagatch, Haifa, Haidar Pasha, Smyrna and Trebizond.

In addition to the above, there are numerous provisions regarding :—

16. (a) League of Nations, (b) Protection of Minorities, (c) Restoration of abandoned property rights, (d) Prisoners of War, (e) Graves of Allied soldiers, (f) Punishment of war criminals, (g) Economic questions and concessions, (h) Labour conventions, and (i) Antiquities.

but it is not necessary to detail these in the present statement.

3. However much they may regret some of these decisions Indian Muslims must feel satisfaction in knowing that the settlement has been greatly influenced by their representations. When replying to the Khilafat deputation on the 29th January last, His Excellency the Viceroy gave an account of the steps which had been taken by the Secretary of State and himself from the date of the armistice onwards to represent to His Majesty's Government the vews of Indian Muslims, especially with regard to the holy places in the Hedjaz and the future of Constantinople, and to secure that their representations should receive a full hearing from the Supreme Council of the Allies. After that date the representatives of the All-India Khilafat Conference were given every facility and assistance by the Government of India to lay their case before the Prime Minister and the strength of Indian Muslim feeling in the matter has been impressed upon His Majesty's Government in frequent communications made to the Secretary of State. The Prime Minister replying to the Khilafat Deputation assured the Muhammadans of India that their case had been presented with great force and had been examined with conscientious care not merely by the delegates of the British Empire, but also by the Supreme Council of the Allies. And in fact the representations made by Indian Muhammadans did materially influence the final decision. It is well known that there was a great and strong body of public opinion both in England and America which favoured the removal of the Turkish capital from Constantinople to Asia Minor, and that such counsels did not prevail is in no small measure due to the knowledge how keenly Indian Moslem opinion was opposed to the step. Indan Moslems have therefore the satisfaction of knowing that largely out of deference to ther feelings and the representations of the Government of India, Constantinople was saved for the Turkish Empire as its capital.

3. The Governor General in Council would next like to advert to the allegation which is sometimes made that British policy has ever been in the past unfriendly to Turkey. For this statement there is no foundation. It is unnecessary to refer to the ancient

friendship between the two countries, proved by the entry of Britain on the side of Turkey in the Crimean war and by all her subsequent efforts to preserve integrity of the Ottoman Empire. The forbearance which Britain displayed and the provocation which Turkey under the domination of German influences and the leadership of the Committee of Union and Progress gave, before war was declared, were fully explained in the communique issued by the Government of India in October 1914. It was Turkey which broke the traditional friendship with Great Britain. In his reply to the Khilafat Deputation the Prime Minister made it absolutely clear that Britain had no understanding of any sort or kind with Russia to the detriment of Turkey when the war began. In fact Britain sought to deter Turkey from entering the war by giving her the most complete assurances that if she maintained neutrality, Britain would see that at the conclusion of peace no conditions would be laid down which would impair her independence and integrity, and that economic conditions of a character favourable to Turkey would be obtained. In spite of all these assurances Turkey took the fatal step of entering the war on the side of Germany, and against her ancient Ally.

4. It is most important that there should be no misunderstanding as to the attitude of Government towards the question of the Khilafat. The Government of India repeat again that the question of the Khilafat is one for Muhammadans, and Muhammadans only, to decide, and that with their free choice in this matter, Government have no desire to interfere. But they cannot acquiesce in the statement which is now made that the Khilafat of the Ottoman Sultan has remained unchanged in its temporal attributes for thirteen centuries or that it implies any temporal allegiance on the part of Indian Muslims. These are propositions which are contrary to history. The temporal power associated with the Khilafat has undergone the most violent fluctuations during the last thirteen centuries. It has covered the whole of the dominions embraced in the Saracenic Empire when that was in the fullness of its glory. On the other hand it was reduced to nothing for over two centuries when the Khalifa was the mere spiritual Head of Islam under the Mameluk dynasty of Egypt. With the transference of the Khilafat to the Ottoman dynasty, the temporal power of the Khalifa has waxed and waned with the extent of the Ottoman Empire, but the essence of the Khilafat remained unaltered and cannot now be affected by any present change in the boundaries of that Empire. Nor, also, so far as Indian Muslims are concerned, is there any historical basis for the claim that the Khilafat implies any temporal allegiance on their part to the Sultan of Turkey. Any such theory of divided allegiance would be subversive of the constitutional basis on which all Governments rest.

5. It is also a mistake to suppose that the war was a religious one or that the terms of peace have been influenced in any way by religious considerations. The Muslims of India recognized this first proposition very clearly five years ago. The war was one between Christian powers, and the alliance of Turkey with a Christian power places this beyond doubt. As to the second, the peace conference has applied the same principles to all autocratic empires, Muslim and Christian alike. The Empire of Austria-Hungary has lost over two-thirds of its dominions and three-fourths of its population. Heavy as Turkey's losses are, they fall far short of these. And although it is true that Turkish sovereignty has been confined to areas within which Turks predominate, Indian Muhammadans must remember that the independence of their Arab co-religionists remains intact throughout a very large proportion of the remainder of the former Ottoman Empire and that the only areas which have been removed entirely from Muslim control are the comparatively small areas of Armenia, Thrace and Smyrna, in each of which according to pre-war statistics the population was predominantly non-Muslim.

6. Again it has been said that the settlement is a breach of the promise or offer made by the Prime Minister in his speech of January 1918 when he said: "Nor are we fighting to destroy Austria-Hungary or to deprive Turkey of its capital or of the rich and renowned lands of Asia Minor and Thrace which are predominantly Turkish in race." This passage must however be read with its context, for Mr. Lloyd George continued, "While we do not challenge the maintenance of the Turkish Empire in the home-lands of the Turkish race with its capital at Constantinople—the passage between the Mediterranean and the Black Sea being internationalized and neutralized—Arabia, Armenia, Mesopotamia, Syria and Palestine are, in our judgment, entitled to a recognition of their separate national conditions."

The peace terms now published fulfil this offer or promise, for her home-lands which are predominantly Turkish in race have been left to Turkey and those portions of Thrace and Smyrna which have been separted have been treated in accordance with the principle of nationality. This is a principle which has been followed in all the other Treaties of peace. The Supreme Council decided that the Turks had forfeited their title to rule over the majorities of other races and that these majorities should be joined to their own national states. Both in Thrace and in Smyrna the Muslim population before the war was in a minority. In 1914 and 1915 the Turkish Government carried out a systematic deportation of the nonMuslim population from these areas and the statistics of to-day cannot therefore be made a reason for retaining them under Turkish rule,

In Thrace the sector of Constantinople where Turks predominate has been conserved to Turkey. The rest of Thrace was predominantly Greek in 1912 and has therefore been united with Greece. There is no doubt that Adrianople is predominantly Turkish, but it is only an island of Turks separated from the Constantinople sector by a region predominantly Greek. It is impossible to separate an island such as this from the territories by which they are surrounded, and therefore in accordance with the universal practice of the Peace Council in the rest of Europe, it has been treated as part of Thrace subject to an arrangement which ensures a system of local self-government and guarantees proper representation to the Turkish majority in Adrianople. Similarly in Smyrna the majority of the people are definitely Greek and Armenian but the area transferred has been cut down to the minimum suitable for separate administration. The suzerainty remains with Turkey and the districts concerned will eventually decide their own destiny by vote. The port of Smyrna will be free, Turkey will have freedom of transit and there will be a separate department for the Turkish minority.

7. It is unnecessary to refer at length to the reasons which have led the Allies to insist upon the internationalization and neutralization of the Straits between the Mediterranean and the Black Sea. Its opening to Germany and its closure against the British in 1914 had disastrous effects in prolonging the great war with all its bloodshed and misery. This great waterway of the world must remain in future open to the free commerce of all nations.

8. The maintenance of some control over the finances of Turkey to safeguard international obligations is no new proposal as for years such control has been exercised for the administration of the Ottoman debt. This necessity has become all the greater now that the debt has increased from 160 millions to nearly five hundred millions, while Turkish territory has decreased. The new states formed out of Turkey have a consultative voice in the Financial Commission and for termination of the Commission when her obligation have been discharged.

9. The provisions regarding the army and navy of Turkey require little comment. The reduction of the Turkish army is in accordance with the arrangements which have been made for the general disarmament of the other powers lately at war with the Allies. Turkey had no effective navy before the war and this condition is maintained.

10. Of more interest to Muslims in India are those provisions which concern the portions of the former Turkish Empire where their Arab co-religionists preponderate. The absolute independence of Arabia is recognised. For generations the Arabs have suffered

from the misrule of Turks and it is unreasonable to ask that the Arab populations which have claimed independence of Turkey and have fought side by side with the Allies to secure their independence should be replaced by the Allies under Turkish rule. As the Prime Minister pointed out to the Khilafat Deputation, it would be unjust to deprive the Arabs of their independence merely because they are Muhammadans and co-religionists of the Turks. "We are applying" he said "exactly the same principles in Christian places, and to impose the dominion of the Sultan upon Arabia, which has no desire for it, is to impose upon Arabs something which we certainly would not dream of imposing upon Christian communities."

11. Similar considerations apply to Kurdistan of which the right to local autonomy is provisionally recognized, and to those areas in Asia, over which mandates have been intrusted by the Peace Conference to Britan and France, that is to say, Palestine, Mesopotamia and Syria. It cannot be too clearly understood that in all these three cases the mandates have been granted for a specific purpose and for a temporary period. The immediate application to these areas of the principle of nationality would spell chaos and anarchy: and the work of the mandatory powers is to assist the local inhabitants with administrative advice and help, until such time as they are fit to take over with success the business of administration without outside assistance. Islam will not be weakened by these arrangments and the two great Powers, to whom these mandates have been confided, include within the limits of their empires a very large proportion of the total Muslim population of the world—a guarantee that the interests and rights of the Muslims of those areas will be fully respected.

12. In the countries of Arabia, Irak and Palestine are situated the holy places of Islam with which all Muslims are profoundly concerned. When the war began the Allies gave a solemn pledge that the holy places would remain inviolate. This pledge has been observed in the spirit and in the letter during the actual occupation by His Majesty's forces of the territories in which some of the holy places are situated and steps have been taken to ensure their strict sanctity. The city of Jerusalem was not attacked as has been stated, but surrendered without violence offered or attempted, after it had been isolated in the course of operations against enemies armed in the field. The fullest measures were straightway taken to preserve the sanctity of the holy places within it, and the city which is in itself as sacred to Christians as to Muslims was entered by the victorious British General on foot. The Muslim shrines continue as before in the hands of their own Muslim custodians. In Mesopotamia the holy places of Kerbala and Najaf were

never attacked and no acts of war were committed there by our troops. The scrupulous forbearance of His Majesty's soldiers was gratefully acknowledged by the inhabitants themselves. The unopposed occupation of Baghdad as of Jerusalem involved no attack on the Holy Places, but was an inevitable incident in the field operations of the war. The shrines in these three sacred places of Mesopotamia are now in the custody of a distinguished Muslim whose charge of them is an ample assurance that their sanctity will continue to be fully respected. The British forces have conducted no operations whatever in the Hedjaz and any reports that Mecca or Medina has been entered by British troops are utterly without foundation. These places are entirely under Arab control.

13. There remains the case of certain Armenian districts whose incorporation in the adjoining Armenian Republic is a direct consequence of Turkish misrule and of the application to this area of the principle of nationality. The cruelties perpetrated on the Armenians in the shape of massacre and deportation admit of no doubt. The story has been proved by independent and reliable witnesses and it is established beyond dispute that during the year 1915 at least 6000,000 Armenians were destroyed. The facts were indeed admitted by the Turkish emissaries in Paris who represented the Turkish Government and their sole excuse was that the Committee of Union and Progress who were in power at the time were responsible for the massacres.

14. In these explanations of the Turkish Peace terms, the Governor-General in Council does not speak for His Majesty's Government. He has utilized such information as has come into his possession, and has attempted to explain the terms with special reference to their bearing on Indian Muslim sentiments. He has stated all the facts, nothing being mitigated and nothing overstated. He recognises that in spite of all explanations the terms of the peace settlement with Turkey are such as must cause pain to the Muhammadans of India. Indian Muslims must brace themselves to bear with patience and resignation the misfortunes of their Turkish co-religionists. The situation is one which calls for clear vision and a resolve to build a better future on the wreck of the past. Above all, the world needs peace and goodwill. It is a matter of supreme necessity for all men to work towards this end and those who at this critical time arouse religious passions are enemies not only of India but of mankind.

H. McPHERSON,

Secretary to the Government of India

The Non-Co-operation Agitation.

The publication of the peace terms proposed to be thrust upon Turkey sent a cry of dismay and indignation throughout the country. Moslem feeling was that it outraged every single canon of justice and fairplay; it cynically disregarded solemn pledges of British and Allied statesmen and contemptuously cast aside the feelings of the Islamic world. In effect the terms proposed were a triumph for those anti-turk crusaders in England who wanted the Turks to be turned bag and baggage out of Europe. Only Constantinople and the few miles of the peninsula up to the Chalalja lines remained, the rest went to the Greeks and Bulgarians. The terms, with an atrocious naivity, assured that the Asiatic possessions of Turkey were left intact with the trifling difference that they excluded Syria, Palestine, Arabia, Mesopotamia, Armenia, and Kurdistan! A number of Turkish ports were internationalised; Smyrna was kept under Turkey but must have a Greek administration! And all this in return for the unbounded and loyal help which the Indian Muslims rendered in the war!

The ferment into which the country was thrown by the publication of the malicious and humiliating peace terms is beyond description. It might have been a deluge of riot and anarchy let loose, had not Mahatma Gandhi at once come forward and offered "Satyagraha", renamed "non-co-operation," as the only remedy. Under the Central Khilafat committee a huge public meeting was held at Bombay on 28th May, Mian Mohd. Chottani presiding, at which Non-co-operation was passed as the only practical line of action. In pursuance of its doctrines Hakim Ajmal Khan of Delhi, M. M. Chottani of Bombay, S. Yakub Hossain of Madras, Moulana Fakhir of Allahabad and many other notable Muslims renounced and returned their titles under the Government and abjured all co-operation with the Government. Numerous other public meetings of protest were held throughout the length and breadth of India, urging upon the Government to use its influence on the Home Government so as to revise the peace terms in a manner compatible to Muslim feelings of religion and honour.

Meanwhile a tremendous agitation was going on in the country on the scandalously unjust and anti-Indian report of the Hunter Committee on the monstrous wrongs inflicted on Punjab in 1919 by the administration of Sir M. O'Dwyer. The lead was being taken by Mahatma Gandhi at the famous meeting at Benares of the All-India

Congress Committee on 30th May 1920, and a step towards non-co-operation with the Government was being taken. The Khilafat Committee now definitely closed its ranks with the Hindus and placed M. Gandhi and his Non-co-operation programme in their forefront.

A historic meeting of Hindus and Moslems was held at Allahabad under the auspices of the Khelafat Committee on the 1st and 2nd of June in connection with the question of considering the serious situation created by the allied peace terms offered to Turkey. It was in 1908 that the first joint Hindu-Moslem meeting was held at Allahabad without, however, much fruitful result. But on 1st June 1920 the great historic meeting, which will live in the memory of coming generations for having inaugurated a movement, the progress of which we are still witnessing, created a new Hindu-Moslem support on all matters of national out-look ; a decision was taken which has since developed a new spirit of sacrifice and comrade ship, and indeed a new religion, which will cease to distinguish Hindu and Moslem in all matters of civic life.

In spite of short notice large numbers beyond expectation attended, hundreds of delegates coming uninvited from distant places in Madras and Bengal, at Mr. Yaqoob Ahamed's place. Several Hindu leaders attended, most of them putting up at Pandit Motilal Nehru's, where an informal meeting for discussion was held on the first day. Among the distinguished visitors who attended the joint conference were Mahatma Gandhi, Maulana Shaukat Ali, M. M. Chotani, President Central Khalifat Committee, Maulana Abdul Khan, Pandit Motilal Nehru, Lala Lajpat Rai, Tej Bahadur Sapru, Bepin Chander Pal, Maulana Hazrat Mohani, Pundit Malaviya, Dr. Ansari, M. Satyamurti, Haji Abdullah Haroon, Messrs. Rajgopalacharya, Jawherilal Nehru, Chintamoni, Maulvi Tajmahomed Zahoor Ahmed, Jairamdass, Jamnadass, Dwarkalal, Kidwai, Jeswal Mohamed Hossain, Kamaluddin Ahmed, Jafari, Maulana Wilayat Hosain, and others.

An informal meeting was first held at Mr. Zahoor Ahmed's house on June 1st in the morning under Mr. Chotani's presidentship where views were freely and frankly exchanged and religious and political issues fully considered. The main Conference was held at 9 o'clock on the night at the Railway Theatre, Allahabad. Admission was by cards. Proceedings began with recitation from the Holy Quran by a Maulvi, after which Maulana Azad, Subhani and Mahamed Ali represented the religious Muslims side according to Quranic interpretation. They explained the exact theological issue. In view of the fact that the assault on Islam was political, the remedy was also to be political. Hindus who deeply sympathised were appealed

to co-operate and support non-co-operation. Hindu leaders, Pandit Malaviya, Pandit Motilal, Sapru, Satyamurti, Bepin Chandra Pal, Rajagopalacharya, Lajapat Rai and others who spoke, expressed deep sympathy with the Muslim claim. Some however differed as to the remedy suggested. Some welcomed non-co-operation in principle, but not at this moment. Some simply expressed doubt as to its success. Mrs. Besant strongly opposed but deeply sympathised with Muslims and said her press and the Theosophical Society would render every help they could to Muslims. The general feeling was strongly in favour of non-co-operation which was ultimately adopted in a solemn manner the next day.

On June 2nd the Conference met in the morning at eight, dispersing at one o'clock, when Moslems from various provinces explained how far Moslems were prepared to take up non-co-operation.

The same night, again a meeting was held at Mr. Zahoor Ahmed's place when only members took part in the discussion and voted, but delegates and visitors attended. Mahatma Gandhi in a solemn speech said he knew full well that Muslims realized that non-co-operation was the only remedy now left to India. He wholeheartedly sympathised with them and was prepared to co-operate with them to get the peace terms revised. He was of opinion that the present was a warfare between false Christianity and Islam. On the one side was the strength of arms and on the other side, moral force. Of course, the movement of non co-operation if pursued would be graduated in four stages and previously to working out the first of them, His Excellency the Viceroy should be approached and given notice of one month to see that the Turkish peace terms were revised in conformity with Muslim's demands, and in case it was not done, to resign and join the movement of non-co-operation. After a month the first stage would be put into operation. He suggested that a committee consisting of members prepared to remain with him with full powers be appointed to work out the scheme whose decision would be binding on all people. He disapproved of boycott as impracticable and suggested that Swadeshi should be adopted instead.

After Mr. Gandhi concluded his speech urging upon the people to avoid violence in any shape or form, Maulana Shaukat Ali said that Muslims all over India were fully prepared to carry on non-co-operation under the guidance of Mahatma Gandhi and efforts would be made by Hindu and Moslem leaders to avoid violence. God taught them patience and tolerance and they would suffer, but make the movement successful. Mr. Yakub Hasan also urged that the movement should be undertaken at once under the direction of Mahatma Gandhi.

The following resolutions were passed :—

Resolutions.

This meeting reaffirms the movement of non-co-operation in accordance with the 4 stages already approved by the Central Khilafat Committee and appoints a sub-committee consisting of the following gentlemen with powers to add to their number to give practical effect to the movement without further delay. Mahatma Gandhi, Maulana Abulkalam Azad, Maulvi Mohumadali, Mr. Ahmed Haji Siddick Khatra, Maulana Shaukatali, Dr. Kitchlew and Maulana Mohani.

This meeting of the All India Central Khilafat committee records its emphatic protest against the Turkish peace terms, and its unequivocal refusal to accept them as they are in direct contravention to the laws of Shariat and in flagrant 'violation' of the pledges made by the responsible minister and officers of the British Crown. It further declares that any terms which do not completely satisfy the requirements of the sacred Islamic laws and the irreducible minimum repeatedly stated by the Central Khilafat Committee would not satisfy the Muslims of India. The meeting therefore urges that in the interest of the peace and contentment of the people of India the peace terms should be revised in conformity with those pledges and Islamic demands.

This meeting begs leave to invite the attention of His Exalted Highness the Nizam of Hyderabad to a farman recently issued by His Exalted Highness prohibiting Khilafat meetings to be held within the Dominions of Hyderabad State, and places before His Exalted Highness the opinion of the Ulamas that this prohibition is opposed to the laws of Shariat and therefore deserves reconsideration.

This meeting resolves that the Swadeshi movement should be undertaken in right earnest and a sub-committe consisting of the following gentlemen be appointed to work out a scheme for carring out the movement :—Mr. Chotani, Mahatama Gandhi, Maulana Hasrat, Dr. Kitchlew Moulvi Zafaralikhan, Aghasafdar Saiyed abdurrauf, Mohamed Yusuf Sharif, Mr. Tajuddin, Musihulmulk Ajmalkhan, Dr. Ansari, Lala Shankarlal, Maulana Shassolemam, Maulana Shaukatali. Messrs. Umar Sobani, Ahmed Hajisiddik Khatri, Abdalwadood, Zahoorammed, Dr. Noor Mohamed Sheikeh Abduldmajid. Maulana Abulkalam Maulir Akmin Khan Azad Maulvi Munirazzaman, Mr. Yakubhasan.

This meeting places on record its deep sense of obligation to Lala Amerchand of Peshawar who has carefully submitted to internment and persecution as a penalty for his large-hearted sympathy with the Khilafat movement and congratulates him upon his heroic selfsacrifice and assures him of every support.

That this meetting wishes to record its grateful appreciation of the true Islamic fortitude and courage displayed by Maulana Fakhir and Hamid Ahammad under most provocating and oppressive circumstances and preferring to go to jail rather than submit to orders on Government to refrain from carrying out Khilafat propaganda.

This meeting resolves that a Khilafat volunteer corps be organized and its branches be established all over India so that they may collect subscriptions for the Khilafat fund on Jumatulwids, and afterwards and also prepare the Indian public for the non-co-operation movement.

The meeting resolves that all Muslims and supporters of Khilafat should use a badge on which the following words should be engraved. "We are helpers of God."

The Khilafat Message to the Viceroy.

In pursuance of the decision arrived at the special meeting of the Central Khilafat Committe the following letter signed by about 90 Mussalmans from various parts of India including Messrs Yakoob Hassan, Mazharul Haq, Maulana Abdul Bari, Maulana Hazarat Mohani, Dr. Kitchlew, M. Mohammed Chotani and Mr. Shaukat Ali, was sent to H. E. the Viceroy.

Your Excellency,—We, the undersigned, claim to represent the largest body of Sunni Muslim opinion. We have most carefully read the Turkish peace terms and we consider them to be in direct violation of the religious sentiments of Mussalmans. They violate the obligations imposed upon the Sunnis and wound the susceptibilities of all Mussalmans. They are contrary to the pledges of British Ministers on the strength of which it has been admitted it was possible to draw upon India for Muslim recruits during the war. We hold the British Empire which is the greatest Mahomedan power in the world cannot treat the Turkish Empire which represents the Khilafat in the same manner that it may treat a defeated enemy. Indeed, we contend in certain respects that Turkey had been treated worse than other powers. We respectfully submit that in the treatment of Turkey, the British Government are bound to respect the Indian Muslim sentiment in so far as it is neither unjust nor unreasonable.

In our opinion the position taken up by the Indian Mussalmans is simple. They cannot bear the thought of the temporal power of the Sultan being adversely affected by way of punishment for his having joined Germany under circumstances which need not be examined here, but we have no desire to ask for anything that would interfere with the principle of self-determination. We have no desire to uphold any misrule such as has been attributed to Turkey. Our delegates in Europe have asked for an independent commission of inquiry to investigate the charge of wanton cruelty said to have been practised by Turkish soldiers in Armenia. We cannot look with indifference upon the partition of Turkey and her Empire for the sake of punishing or humiliating her.

We would therefore request Your Excellency and your Government to ask His Majesty's Ministers to secure a revision of the peace terms and tell them that on the failure to do so, Your Excellency will make common cause with the people of India. We make this suggestion as Your Excellency has repeatedly declared that your Government had consistently and often pressed upon the attention of His Majesty's Ministers the case of Indian Musalmans in this matter of vital concern to the vast majority of them. We feel, therefore, we have a right to ask Your Excellency to reassure

the Musalmans of India that they still retain your active co-operation and powerful advocacy in the prosecution of their claims even to the point of the resignation of your high office, should his Majesty's Ministers fail to secure a revision of the terms consistently with the pledges and sentiments mentioned avove. We venture respectfully to suggest that had India been a dominion enjoying full self-Government, her responsible ministers would have as a matter of course resigned as a protest against such serious breach of pledges and flouting of religious opinion as are involved in the peace terms.

If, unfortunately, Your Excellency will not adopt our humble suggestion, we shall be obliged, as from the 1st August next, to withdraw co-operation from the Government and to ask our co-religionists and Hindu brethern to do likewise. We ask Your Excellency not to regard our statement as a threat or in any way as a mark of disrespect. We claim to be as loyal subjects of the Crown as any in India, but we consider our loyalty to the earthly sovereign to be subservient to our loyalty to Islam. The latter enjoins upon every Musalman to consider those who wantonly injure the estates of the Khilafat to be the enemies of Islam and to resist them with arms, if necessary. We recognise that even if we had power we must not resort to arms so long as any other means are at our disposal. We feel that the least a Musalman can do in these circumstances is not to assist those who are guilty of trying to reduce the Khilafat practically to nothingness. It would, therefore, become our painful duty to refuse to co-operate with the Government which accepts the peace terms and advises the acceptance thereof by us.

We shall hope that such serious step as non-co-operation will not become necessary, but should it unfortunately happen to be otherwise, we assure Your Excellency we shall strive our utmost to avoid violence. We fully recognise our responsibility. We know any eruption of violence must check and injure the peaceful demonstration contemplated by us, and what is more, the sacred cause which is dear to us as life. We shall therefore take up non-co-operation in progressive stages and so as to cause the least necessary dislocation or embarrassment to the Government and so as to enable us to control and discipline the popular feeling.

Gandhi's Letter to the Viceroy.

Mahatma Gandhi also addressed the following letter to the Viceroy.

Your Excellency,—As one who has enjoyed a certain measure of Your Excellency's confidence and as one who claims to be a devoted well-wisher of the British Empire, I owe it to Your Excellency

and through Your Excellency, to His Majesty's Ministers to explain my connection with, and my conduct in, the Khilafat question.

At the very earliest stage of the war, even whilst I was in London, organising the Indian volunteer ambulance corps, I began to interest myself in the Khilafat question. I perceived how deeply moved the little Mussalman world in London was when Turkey decided to throw in her lot with Germany. On my arrival in India in January of 1915 I found the same anxiousness and earnestness among the Mussalmans with whom I came in contact. Their anxiety became intense when information about secret treaties leaked out. Distrust of British intentions filled their minds and despair took possession of them. Even at that moment, I advised my Mussalman friends not to give way to despair but to express their fears and their hopes in a disciplined manner. It will be admitted that the whole of the Mussalman India has behaved in a singularly restrained manner during the past five years and that leaders have been able to keep the turbulent sections of their community under complete control.

The Peace terms and Your Excellency's defence of them have given the Mussalmans of India a shock from which it will be difficult for them to recover. The terms violate Ministerial pledges and utterly disregard the Mussalman sentiment. I consider that, as a staunch Hindu wishing to live on terms of the closest friendship with my Mussalman countrymen, I should be an unworthy son of India if I did not stand by them in their hour of trial. In my humble opinion, their cause is just. They claim, that Turkey must not be punished if their sentiment is to be respected. Muslim soldiers did not fight to inflict punishment on their own Khalifa, or to deprive him of his territories. The Mussalman attitude has been consistent throughout these five years. My duty to the Empire to which I owe my loyalty requires me to resist the cruel violence that had been done to Mussalman sentiment.

Non-co-operation—the only Remedy.

So far as I am aware, the Mussalmans and Hindus have, as a whole, lost faith in British justice and honour. The report of the majority of the Hunter Committee, Your Excellency's despatch thereon and Mr. Montagu's reply, have only aggravated the distrust. In these circumstances, the only course open to one like me is either in despair to sever all connection with British rule, or if I still retained the faith in the inherent superiority of British Constitution to all others at present in vogue, to adopt such means as will rectify the wrong done and thus restore confidence. I have not lost faith in such superiority and I am not without hope. Somehow or other justice will yet be rendered if we show requisite capacity for suffering.

Indeed my conception of that constitution is that it helps only those who are ready to help themselves. I don't believe it protects the weak. It gives free scope to the strong to maintain their strength and develop it. The weak under it go to the wall. It is then because I believe in British constitution that I have advised my Mussalman friends to withdraw their support from Your Excellency's Government and the Hindus to join them, should peace terms not be revised in accordance with the solemn pledges of the ministers and the Muslim sentiment.

Three courses were open to the Mahomedans in order to mark their emphatic disapproval of the utter injustice to which His Majesty's Ministers have become party if they have not actually been the prime perpetrators of it. They are (1) to resort to violence, (2) to advise emigration on a whole scale (3) not to be party to the injustice by ceasing to co-operate with the Government. Your Excellency must be aware that there was a time when the boldest though also the most thoughtless among the Mussalmans favoured violence and that Hijrat (emigration) has not yet ceased to be the battle cry. I venture to claim I have succeeded by patient reasoning in weaning the party of violence from its ways. I confess that I did not attempt to succeed in weaning them from violence on moral grounds but purely on utilitarian grounds. The result for the time being at any rate has however been to stop violence. The school of Hijrat has received a check if it has not stopped its activity entirely.

I hold that no repression could have prevented a violent eruption if the people had not had presented to them a form of direct action involving considerable sacrifice and ensuring success if such direct action was largely taken up by public. Non-co-operation was the only dignified and constitutional form of such direct action. For it is a right recognised from time immemorial of the subjects to refuse to assist the ruler who misrules. At the same time I admit non-co-operation practised by the mass of people is attended with grave risks. But in a crisis such as has overtaken the Mussalmans of India no stop that is unattended with large risks can possibly bring about the desired change. Not to run some risks will be to count much greater risks if not the virtual destruction of law and order, but there is yet an escape from non-co-operation. The Mussalman representation has requested Your Excellency to hold the agitation yourself as did your distinguished predecessor at the time of the South African trouble, but if you cannot see your way to do so and non-co-operation becomes the dire necessity, I hope Your Excellency will give those who accepted my advice and myself credit for being actuated by nothing less than a stern sense of duty.

Muslim League's Cable

The letters were addressed to the Viceroy and made public in the last week of June 1920. August 1st was declared to be the third Khilafat day in India to be celebrated by an All India Hindu-Moslem Hartal. Preparatory meetings were held at all important places to further the Khilafat propaganda and to prepare the country for the coming call of sacrifice on non-co-operation soon to be launched. On July 18th the Council of the All-India Moslem League met at Lucknow and passed strong resolutions. It was resolved to hold a special Session of the League in Calcutta, along with the special session of the National Congress, on the 6th and 7th September next to consider the serious position of Islam. A cable was despatched to the Prime Minister and Sec. of State as follows: —

"Council of All-India Muslim League indignantly protests against peace terms offered to Turkey as in its deliberate opinion they are not only grossly unjust and intolerable in themselves and more vindictive than those imposed upon any other State lately warring with Allies but involved violation of solemn pledges of British Government, particularly those made at the beginning of war, regarding holy places of Islam and later on regarding Thrace and Asia Minor and calculated to undermine Khilafat and destroy temporal power and prestige essential to it in flagrant disregard of repeated remonstrances based on requirements of religious faith and sentiments of millions of Muslim British subjects who have loyally carried out their duties to the Empire during the war.

"The Council solemnly declares its conviction, that if the said terms are persisted in they will tend to perpetuate bitter feelings of animosity within British Empire inasmuch as Muslims of India cannot and will not rest till they have secured the integrity of the Khilafat and the sanctity of Jazirat-ul-Arab and their holy places in accordance with the demands of their faith regarding which they must prefer their own convictions to the contrary inferences drawn by some from Muslim history and to the opinion attributed to the late Sir Syed whose heterodoxy in religion is well known in the Muslim world, and the Council considers it a solemn duty to warn Government that religious zeal for the security of the said pious objects is likely to drive large bodies of Muslims to desperate actions resulting in the most

serious consequences deplorable no less to the Government than to themselves but still in the power of the British Cabinet to avoid."

The Agitation in Europe.

Meanwhile the Turkish situation in Europe was becoming critical. The Turkish reply to the proposed peace terms was dictated to be sent by the 26th June, but before that the Greeks with the help of British forces were marching against Turkey. M. Venizelos, the Greek minister, acting in league with Mr. Lloyd George, was carrying on an armed campaign against the Turks to force them into agreeing to the proposed humiliating terms. The Khilafat deputation headed by Mr. Mahomed Ali were making impassioned appeals to the British and the French to relax the terms. At the invitation of the Committee National D'Etudes Mr. Ali went over to Paris from England on the 6th June and delivered important lectures on the Khilafat question. As a result several influential French statesmen including Mr. Fribourg, Secretary, Foreign Affairs Commission, of the Chamber of Deputies, were brought round to appreciate the Khilafat viewpoint. At the National Peace Congress held at Glasgow in June 1920 the members of the Khilafat deputation made an impassioned appeal to the British people to let Muslims present their case and have a patient hearing which was denied to them in their own country. Mr. Mahomad Ali explained at full lenghth the connection between India and her moslem population and the Turkish settlement and the conditional character of moslem loyalty to the throne which was subject to the prime loyalty to religion. He cited the pledges ever since showered by Britain and her Allies to respect the religious obligations of Moslems in order that they may be fully exploited in the cause of the Allies, and now when victory had been gained with the help of countless muslim soldiers, how those pledges were being broken or explained away by the proposed terms of peace inflicted on Turkey. He dwelt at length on the super-national character of Islam and emphasised that Islamic creed was far better to remove the narrow barriers of nationalism than the hypocritical doctrines preached during the war and now sought to be broken in practice. On the motion of Mr. Mahomad Ali supported by Mr. Patel sympathetic resolutions on the Khilafat demand and the Punjab wrongs were then passed.

Mr. Mahomad Ali in Paris

By far the most important and successful of Mr. Mahomad Ali's overseas campagin, however, was in France where late in June 1920 the Committee of *La France et Islam* organised in Salle Wagram, the

biggest hall in Paris, an overcrowded meeting in honour of the Indian Khilafat Delegation, presided over by M. De Monzie, formerly Minister, Mercantile Marine, of the French Govt. In the course of his speech which was received with remarkable cordiality and applause, Mr. Mahomed Ali said:—"Before I make a statement with regard to our case I should like to address just a few words to any Armenian gentlemen that may be in this assembly. I ask them to take it from me that nobody in the hall could have greater sympathy with the Armenians than the Indian has. The reason is very simple. My compatriots here have tasted the bitter cup of subjection. Having tasted that bitter cup and having found it wormwood and gall, they do not want the Armenians to taste that cup any longer than myself. But let us face the situation as it is to-day. For centuries the Armenians lived at peace with the Turks. Then the sinister figure of Tsarist Russia came on the scene and poor Armenians were made to fight the battles not of Armenia but of the Tsarist Russia. Now that Tsarist Russia has gone, those who have inherited the traditions of that tyrannical empire are once more making tools of the Armenians. Immediately after the armistice a tremendous propaganda was started in favour of Armenia. This has been going on for more than a year, but the hands that were held up in horror at the Armenian massacres were dripping with the blood of the Turks shed in Smyrna.

"To-day in this wretched treaty of peace that I have in my hand for every place they have found a mandatory. The Greeks can go to Smyrna and Thrace, England to Mesopotamia and Palestine but poor Armenians, you have no oil, you have no cotton, you have only massacres. (Cheers) Therfore what happens to you is this. You are left once more to God who had apparently entrusted you to the care of these Christian mandatories. (Cheers, laughter.) I tell the Armenians you can purchase your peace with the Turks on far better terms than you can purchase it from those friends of yours. (Cheers.) You would certainly not be treated as a foundling found every morning at a fresh door. If you do not want to live with the Turks any more let the Turks and you have the adjustment of territories between the new Republic of Erivan and Turkish Armenia and let such Christians of Turkish Armenia as like to go over to Eriven go over to that side." Then referring to the Greek move against Turkey, he said:—

Islam Means Peace.

"I am a man of peace: the world wants peace (cheers). Islam means peace. But if the Greeks will have war, then they will have war. (Loud cheers.) But it is no good merely to cheer here or in

England. Yes, if the Greeks are victorious it is all very well, but when they are beaten to their knees (cheers), as I hope they will be before long, not because they are Greeks, but because they are unjust (cheers), then they will appeal to you, to France, and to England in the name of Christianity which they themselves have trampled under-foot. I am not a Turk. I belong to a people who fought for you and England and I think we did a little to save both you and England. Now it is not the Turk who is speaking to you. I have come here because my religion compelled me to come here and my compatriots of other faiths have carefully examined and found that it is the part of my faith and that I cannot compromise on this and they have pledged their word to me that they will not compromise either (assent from Mr. Bomanji and other Parsees and Hindoos.) But if there is any shameless Turk in this assembly or at Versailles or in Constantinople or even in the camp of Mustapha Kemal, who is prepared to sign this treaty, then I tell him as we have told Mr. Lloyd George and the Viceroy of India, we at least will not accept this treaty. (Cheers.) In that treaty there is Article 139, which does not mention our religion. Secret diplomatists never do that kind of thing. (Laughter.) It merely demands from Turkey the renunciation of all title and jurisdiction over the Mussulmans who are subject to the sovereignty or protectorate of any other power, i.e., us, also our friends the Egyptians.

"If they will accept protection (the Egyptians present shouted "never, never")—You say never, we also say never. (Cheers)

New King for old Land.

"Then there is Article 132. There are Articles 96, 97, 98. These demand that the Turks should renounce in favour of principal Allied Powers—they might as well have said one principal Allied Power (laughter), which would be far more truthful—all rights and titles in Syria, Palestine, Mesopotamia on whatever ground, religious or otherwise, and in the Hedjaz in favour of that new king of an old land where the Mussulmans recognise only one God to be the King. The great King of the Hedjaz is to exercise all rights of the Khalifa, but how is he to live? 54,000 pounds per month are being paid by these friends of England in order presumably to retain their friendship for England. (Cheers). I blame the turks for many things and particularly for not having succeeded in retaining the friendship of the Arabs, but I can say this much for the Turks that they have given and rightly given more money to this desert Kingdom of the Hedjaz than they ever got out of it (Cheers). And how long does our friend the King of the Hedjaz hope to get this money from the British treasury? There is no

chance of Mr. Lloyd George going to the Hedjaz on pilgrimage. (Laughter.) He will still have to depend for his income on poor Indian pilgrims who come from other parts of the world, but will they undertake to maintain in that holiest of holy lands such a King of the Hejdaz (Cheers). At any rate I have told the envoy of Emir Feisul, if the Arabs agreed to any such mandate in the holy places, we would not agree to it. (Cheers). And be it said to their credit the Arab Delegation told us ; "it is not our property to give or to remain. It is a common heritage of Islam."

After further explanations on the postion of Indian Moslems in the Turkish question, he concluded :—

"Now ladies and gentlemen, I will not detain you much longer. I will only say this to you : If you look at this question from our religious point of view, this treaty is unacceptable to us and remember there are more than 300 millions Mussulmans in the world, in India, Turkey, Algeria, Morocco, Asia Minor, Egypt, Central Asia whose religious obligations are being disregarded in this treaty. Again, there are distinct pledges which had been given to us which have got to be respected by you and by England. If they are disregarded to-day, remember you who are a banking nation—and the bourgeoisie is very well represented here to-night (laughter)—that a dishonoured cheque is not accepted twice (Cheers). We ask for no gratitude for anything that we may have done for France or England but I say this to you that if the Indian soldiers knew that after their defence of France and of England and after their victories in Mesopotamia, Palestine, not British victories but Indian victories (cheers), if they had known that this would be the kind of the treaty that would result from their victories, they would not have come to your aid in those dark hours of October 1914"!!

The Third Khelafat Day

August 1st, 1920

As announced by the Khilafat Committee, a general all-India hartal was declared on August 1st. 1920 under the guidance of M. Gandhi who now definitely threw himself in the forefront of the Khilafat agitation. From this day dates the starting point of that fusion of the Khilafat, the Punjab aad Labour agitations which has since become the outstanding feature of political movements in India. The first act of the Mahatma was to renounce his medals etc, which he did in the following letter addressed to the Viceroy :—

To His Excellency the Viceroy.

"Sir, It is not without a pang that I return Kaiser-I-Hind gold medal granted to me by your predecessor for my humanitarian work in South Africa, the Zulu war medal granted in South Africa for my war services as officer in charge of Indian Volunteer Service Corps in 1906 and Boer War medal for my services as Assistant Superintendent of India Volunteer Stretcher Bearer Corps during Boer War 1900. I venture to return these medals in pursuance of the scheme of non-co-operation inaugurated to-day in connection with Khilafat movement. Valuable as these honours have been to me I cannot wear them with an easy conscience so long as my Mussalman countrymen have to labour under wrong done to their religious sentiment. Events have happened during past month which have confirmed me in the opinion that Imperial Government have acted in Khilafat matter in an unscrupulous, immoral and unjust manner and have been moving from wrong to wrong in order to defend their immorality. I can retain neither respect nor affection for such Government. The attitude of the Imperial and Your Excellency's Government on the Punjab question has given me additional cause for grave dissatisfaction. I had the honour, as Your Excellency is aware, as one of the Congress commissioners to investigate the cause of disorder in the Punjab during April of 1919 and it is my deliberate conviction that Sir Michael O'Dwyer was totally unfit to hold office of Lieutenant-Governor of Punjab and that his policy was primarily responsible for infuriating the mob at Amritsar.

"No doubt the mob excesses were unpardonable; incendiarism, murder of five innocent Englishmen and cowardly assault on Miss Sherwood were most deplorable and uncalled for but punitive measures taken by General Dyer, Col. Frank Johnson, Col. O'Brien, Mr. Bosworth-Smith, Rai Shri Ram Sud, Mr. Malic Khan and other officers were out of all proportion to crime of people and amounted to wanton cruelty and inhumanity almost unparalleled in modern times. Your Excellency's light-hearted treatment of official crime, your exoneration of Sir Michael O'Dwyer, Mr. Montagu's despatch and above all the shameful ignorance of the Punjab events and callous disregard of feelings of Indians betrayed by the House of Lords have filled me with gravest misgiving regarding future of the Empire, have estranged me completely from the present Government and have disabled me from tendering as I have hitherto whole-heartedly tendered my loyal co-operation.

"In my humble opinion the ordinary method of agitating by way of petitions, deputations and the like is no remedy for moving to repentence a government so hopelessly indifferent to the welfare of its charge as the Government of India has proved to be. In European countries condonation of such grevious wrongs as Khilafat and Punjab would have resulted in bloody revolution by the people They would have resisted at all cost national emasculation such as the said wrong imply. But the half of India is too weak to offer violent resistance and the other half is unwilling to do so. I have therefore ventured to suggest the remedy of "non-co-operation" which enables those who wish to disassociate themselves from Government and which if unattended by violence and undertaken in ordered manner must compel it to retrace its step and undo the wrongs committed. But whilst I pursue the policy of non-co-operation in so far as I can carry people with me, I shall not lose hope that you will yet see your way to do justice. I, therefore, respectfully ask your Excellency to summon a conference of recognised leaders of people and in consultation with them find a way that would placate Mussalmans and do reparation to unhappy Punjab."

Further renouncements of titles etc followed from all parts of India, chiefly by Mahomedans, of their titles, sanads, seats in the

Anglo-Indian Politics

The Dyer-Controversy & Dyer-Fund

1920

Representation to the Premier By the European Association of India

Calcutta—July, 1920

To

The Right Hon'ble Mr. David Lloyd George

SIR,

1. The Council of the European Association, which represents the body of non-official European subjects of His Majesty in India, have had before them the Report of the Disorders Inquiry Committee, presided over by the Hon. Lord Hunter, and the Despatches thereon of the Government of India and His Majesty's Secretary of State. In view of the very strong feeling of indignation and insecurity that these Documents have aroused, we desire to place our considered representation before you as His Majesty's principal adviser and to protest in the strongest terms against the action the Secretary of State and the Government of India have seen fit to take in this matter.

2. In so far as it goes we are ready to accept the narrative of events as set forth in the Report of the Majority of Lord Hunter's Committee, but we consider that the situation in India was, and had for a very long time been, much more serious than the Committee indicate in the Report or themselves apparently imagine it to have been. For this reason we are compelled to place before you the facts as they appear to us who know the country and its peoples intimately in the hope that you will insist upon due justice being done to men whose careers have been prejudiced and whose characters have been unjustly aspersed.

3. We would remind you that Europeans in India are a comparatively small body living in the midst of a population of many millions the vast majority of whom are different from ourselves in training, in education and in standards of civilisation. Many of our members are thinly scattered over immense tracts of jungle and dwell in isolated places. They know, and the women especially know, that, in this country, although normally peaceful, any form of racial or religious excitement will at once turn the uneducated masses into a mob, whose first instinct will be towards murder, arson, loot, mutilation and outrage. It is difficult for those who enjoy the sheltered conditions of England to realise this ever present menace to the safety of the European residents in India. It has not been realised by the Hunter Committee.

4. In order to arrive at a correct view of the Disorders enquired into by the Committee, it is necessary for us to call your attention

to the general conditions of this country for some few years prior to the incidents that formed the subject matter of the Enquiry. For a considerable time past India has been the centre of vigorous and violent political controversies often characterised by extreme racial bitterness. Pre-occupied as you were with the cares and responsibilities of the Great War, it was scarcely to be expected that you could follow the fortunes of the European subjects of His Majesty in a distant quarter of the Empire, but it is a fact that all the great cities, Calcutta, Bombay and Madras, have been the centre from time to time of grave disturbances involving, as recently as 1918, losses of life far in excess of those commonly believed. We are of opinion that the full facts of these occurrences failed to reach the British public owing to the intense desire of the Secretary of State that nothing in the situation should be allowed to prejudice the passage into law of his political proposals. However that may be, seditious agitation had reached such serious proportions in India that after the lapse of the Defence of India Act at the close of the War the Government was compelled to introduce and pass the Anarchical Crimes Act (commonly called the Rowlatt Act), and it was the opposition to this Act, led by Mr. Gandhi that finally brought the disorders to a head and produced a state described by the Hunter Committee as one of open rebellion. Into conditions already charged with disaffection and disloyalty, Mr. Gandhi, posing as a Mahatma and arrogating to himself a religious sanctity to which he has no claim, introduced his Satyagraha, or passive resistance movement, which quickly developed into active defiance of the law, accompanied by the wildest excesses.

5. Obviously with the express intention of lulling the Empire and public of Britain into a discussion of the Constitutional Reforms in an atmosphere of alleged calm, the Government of India, strongly supported by the Secretary of State, instead of grappling from the very outset with the growing forces of evil and unrest, merely paltered with the agitation, and conditions were allowed to drift until the long period of open disloyalty culminated in the tragedy of the Punjab Rebellion.

6. In considering the events which formed the immediate subject of the Hunter Committee's enquiry it is important that the incidents that occurred in many places widely apart should be regarded, as unquestionably they were, as parts of a connected movement simultaneously directed against the Government in order, in its own words "to paralyse the Government." At Ahmedabad in the Bombay Presidency, Europeans were hunted through the city by howling excited mobs, armed with lathies, Government property was destroyed by fire, on the walls was placarded "Kill

all Europeans, murder them wherever they be found." Near Nadiad a troop train, travelling at a high speed, was deliberately derailed. In Lahore no European could safely enter the city or walk abroad. Incited by inflammatory speeches, a riotous and seditious mob controlled the city unchecked for days. A band of hooligans known as the "Danda-Fauj" (Bludgeon Army) marched through the city declaring that King George was not their King and that they owed allegiance to the Amir of Afghanistan and the Emperor of Germany. Pictures of the King-Emperor and the Queen Empress were destroyed and a large crowd collected outside the Fort hurling abuse at British soldiers and shouting, "Let us kill the white pigs," while seditious posters, inciting the people to murder and rape, flared from the walls. At Kasur trains were held up by the mob and European passengers were murderously attacked. Two Warrant Officers were hemmed in on the station platform and beaten to death with sticks. Gujranwala was isolated, all its communications being cut. Large crowds attacked Europeans, public buildings were burnt, and the city was only rescued from complete destruction by the timely arrival of Military æroplanes. At Lyallpur the little group of 90 Europeans gathered in two bungalows for self-defence. The walls of the city were placarded with posters, one of which contained the significant phrase.—"What time are you waiting for now? There are many ladies here to dishonour." At Amritsar the disorders reached the highest pich of fury when, roused by agitators who had been allowed almost criminal licence of speech, the mob wrecked its vengeance upon every thing British and official. A few days before the firing in the Jhallianwalla Bagh (for which General Dyer has been condemned), the city had been the scene of terrible and disgusting atrocities, to some of which the Committee does not, because it cannot decently, allude. Englishmen, peaceably engaged in business, were brutally murdered, their bodies being mutilated and burnt on the heaped up wreckage of the buildings in which they had worked. An English lady was beaten and left for dead in the streets in circumstances of the grossest inhumanity. A Sergeant was battered to death in the roadway, and a murderous mob roamed the city in search of white men and women, whom they might insult, assault and assassinate. Banks, public buildings, and even an Indian Christian Church were looted and burnt, while European women and children had to seek refuge in the Fort. Rumours in the bazaars had already given warning of approaching trouble on the Frontier, and to the ever present menace of tribal incursions was suddenly added the prospect of an Afghan invasion, the Amir avowedly attempting to join hands with the revolutionaries in this country.

7. All these events occured within a few days of one another. It is true that no evidence was produced before the Committee to show that behind the disturbances there was a deliberately engineered conspiracy to overthrow British rule in India. Such evidence was unnecessary. The bare record of events leaves no shadow of doubt that the situation in Amritsar and throughout the Punjab had become one of open and organized rebellion, and in other parts of India, as far apart as Calcutta and Bombay, the spark of disaffection was only too ready to be fanned into the flames of revolution. A significant feature of these disturbances was the persistent cutting of railway and telegraphic communications, for the Punjab lay athwart the vital lines of communication of the Army, and a successful rising in the Province would have spelled disaster to the whole fabric of Government and Society in India.

8. Such was the situation in India when General Dyer was placed in command of a very small force at Amritsar, with instructions to restore order. It is concisely summed up by the Hunter Committee in the following words:—

"In the situation as it presented itself day by day to the Punjab Government there were grounds for the gravest anxiety. Within recent years there had been two revolutionary movements, i. e., the "Ghadr" movement and the Silk Letter Conspiracy of 1916. It was difficult, probably unsafe, for the authorities not to assume that the outbreak was the result of a definite organisation. Apart from the existence of any deeply laid scheme to overthrow the British, a movement which had started in rioting and become a rebellion might have rapidly developed into a revolution."

General Dyer was well aware of the dangers that threatened from without as well as from within, and we fully endorse the Secretary of State when he admits that :

"General Dyer naturally could not dismiss from his mind the conditions in the Punjab generally, and he was entitled to lay his plans with reference to these conditions."

In his evidence General Dyer clearly and honestly explained that in suppressing the local disorder with severity he intended to, and in fact did, produce a widespread and moral effect throughout the Punjab, but the action has been condemned by the Committee as a misconception of his duty. They consider it to have been a grave error of judgment, and in this finding they have been confirmed by the Government of India and the Secretary of State.. It is absolutely impossible, however, to reconcile this narrow view of General Dyer's responsibility with the opinions already quoted and, with a full knowledge of the facts and conditions, we most emphatically disagree with the Committee, the Secretary of State and the Government of India on this point. We maintain that it was not only necessary that General Dyer should bear in mind the general condition of India and the relation of Amritsar to the

rest of the country, then seething with internal unrest and threatened with invasion, but that he would have been guilty of a gross dereliction of duty had he neglected to do so. We hold that no error of judgment was committed, and much as we deplore the resulting loss of life, it is impossible on the evidence before us to come to any other conclusion than this :—That had not General Dyer acted with severity and the utmost promptitude, when the authority of the Crown was deliberately challenged, India would now have had to look back upon a far more terrible catastrophe. We place here upon record our considered opinion that General Dyer was completely justified in the action he took at Jhallianwalla Bagh, and we consider that he deserves the thanks and gratitude not only of Europeans in India and of the vast majority of our Indian fellow subjects whose lives and property were in jeopardy, but also of the Government whose authority he strengthened and whose character he redeemed. We however characterize as misleading the Secretary of State's description of the crowd at Jhallianwalla Bagh as "unarmed" and as having "committed no act of violence," as having made no attempt to oppose General Dyer by force. The painful experience of Amritsar proves that a crowd can commit the gravest outrages without arms. There was no meaning in such a gathering unless it was to oppose the authorities and to defy the law, and there is no reason to suppose that the crowd that gathered at Jhallianwalla Bagh in response to the call of the ringleaders was a more peaceable or even a different crowd to that which three days before had committed murder and arson with impunity. We lay special emphasis upon all these facts because it seems to us that neither the Hunter Committee nor the Government of India, still less the Secretary of State, has been sufficiently influenced by them.

We would further remind that before the Jhallianwala Bagh incident, the crowd had already been fired upon more than once, but it had only suffered a temporary check, and the assembly at Jallianwalla Bagh deliberately called in defiance of the order prohibiting such gatherings, could only be interpreted as calculated defiance of Government authority, requiring to be promptly and effectively met. It is an important fact, not to be overlooked, that the incident of Jhallianwalla Bagh practically brought the rebellion to a close, whilst previous firing of a less severe kind had merely, in the opinion of the Indian Members of the Hunter Committee excited the fury of the mob.

9. No statement on this subject would be complete without reference to the genuine and growing feeling of insecurity and anxiety as to their future, which has been widely engendered amongst

Europeans, both official and non-official by the findings of the Hunter Committee and the determination of the Govt. of India and the Secretary of State to "mark their disapprobation" of those officers whose actions have been criticized or condemned with punitive measures. As representing a community that desires to live on terms of amity and co-operation with our Indian fellow subjects, we feel we should be lacking in candour and honesty, if we neglect to point out to His Majesty's principal adviser that racial good-will can never be fostered when the forces of seditious unrest are given, as they have recently been given and are still being given, freedom and encouragement, and nothing will encourage these forces more than the knowledge that the Government of India is not only not prepared to act with severity and determination itself, but is ready to punish those of its officers who "do" act with promptness and severity, however great the justification and however urgent the need. We hold most strongly that nothing in the facts or the conditions presented in the Hunter Report can justify the Government in having taken punitive measures against their own officers and in having clouded and prejudiced towards its close the career of a gallant and distinguished soldier, who unquestionably, to quote the Secretary of State himself, "displayed honesty of purpose and unflinching adherence to his conception to his duty." In view of that admission we cannot but describe the Government of India and the Secretary of State's treatment of General Dyer as grossly unjust and not to be excused by any ulterior motives of political expediency. In times of rebellion it is incumbent upon the Government to give their officers, military and civil, the fullest countenance and support, not only during the existence of rebellion but afterwards. Support immediate and not ungenerous was given to these officers whose duty it was to suppress the rebellion and they were thus encouraged to believe, as they had every right to believe, that they had the Supreme Government behind them. We consider it therefore a breach of faith for the Government of India, after a prolonged outcry by professional agitators, to have sacrificed their officers and made a scapegoat of General Dyer on the hollow and wholly mistaken plea that they committed an error of judgment.

We feel compelled to contrast the decision of the Government of India and the Secretary of State to persue and punish their own officers, who put down the rebellion, with the misplaced and reprehensible leniency which the same authorities have shown towards the principal authors of the rebellion. All the Members of the Hunter Committee, Indian as well as British, are in substantial agreement that Mr. Gandhi's "Satyagraha" movement was the immediate cause of the rebellion. But we search the Secretary of

Sate's despatch in vain for any condemnation or even reproof of the principal author of the trouble. His lecture upon the standards of conduct, propriety and humanity is addressed, not to the mobs that murdered people and destroyed property nor to the men whose political influence aroused them to these excesses, but to the servants of the Government who restored order. Mr. Montagu considers General Dyer is "unfit to be entrusted with the responsibilities of his rank and position," but Mr. Gandhi is still permitted to roam at large indulging in methods of agitation, which in the expressed opinion of the Government of India are "intended to paralyse Government." We protest against this inversion of justice as being not only underhand and un-British, but also as constituting a menace to the whole fabric of ordered Government.

We should not have dwelt upon these things at such length were we not convinced that the despatches of the Government of India and the Secretary of State on the Report of the Hunter Committee are bound to create amongst all officers of Government, both civil and military, a feeling of uncertainty as to how far their duty permits them to go and how far the Supreme Government will support them. If they are to be subject to condemnation and punishment for alleged errors of judgment, when honestly doing their duty, their position becomes impossible and intolerable. We recall the very definite assurance given to many of us in India by the Secretary of State that side by side with the extension of popular forms of Government there must be no weakening of the executive. We recall the emphasis laid in the Montagu-Chelmsford Report on the necessity of reserving to Government effective power "to defend interests for which past history has made us responsible," "to recognise Government responsibilities to those who it has recruited," and "to protect and support them in the discharge of the duties imposed upon them." (Report on Indian Constitutional Reform page 100). We cannot but contrast these assurance with the treatment of General Dyer and the other officers associated with him on the very eve of the commencement of the Reformed Councils. It is not to be wondered at that servants of the Government are asking what value may be placed upon assurances so solemnly given when at the very first opportunity men who admittedly have performed their duty conscientiously are to be sacrificed to extremist clamour and political expediency.

We are aware of the anxiety of the Government to introduce the Reformed Council as far as possible in an atmosphere of racial friendliness and co-operation, and we are deeply anxious as a community to assist to the utmost of our ability in making the Reforms a success. But no good can come from hiding the truth or form

representing things in India to be as they are not, and the painful occurrences at Amritsar and elsewhere reveal conditions which, if allowed to continue unchecked, unquestionably defeat the peaceful development of free self-governing institutions.

10. In conclusion we therefore appeal to you as the Prime Minister of Britain :—

Firstly—to exert your influence to the end that General Dyer shall be exonerated from all blame and shall suffer no less either pecuniarily or in military rank, and

Secondly—to take such steps as will result in an abandonment of the present attitude of the Government of India towards its servants and towards your fellow-countrymen, which seems to aim at the deliberate destruction of British influence and the belittling of the European in the eyes of the Asiatic subjects of His Majesty the King-Emperor.

I have the honour to be

Sir,

Your most obedient and humble servant

G. MORGAN

President

European Association of India.

The Dyer Controversy

This letter was written on the 17th June and came into the hands of the Premier early in July 1920. The month of June saw a recrudescence of that anti-Indian vitriolic outbursts which from time to time, since the inauguration of the Reforms, have characterised the Europeans, official and non-official in India. The Assistant Secretary, European Association, cabled to the Press in England expressing indignation at the Hunter Despatches, affirming that Genl. Dyer saved the Punjab, and asking for pressure to be put in exonerating Genl. Dyer and the Punjab officials. The depth of their rancour is better illustrated by a resolution which the Behar Planters passed calling upon the Premier to "rid himself and the country of alien influence which permits and secretly encourages anarchy and rebellion in India ; and that he make a start by removing Mr. Montagu who is neither an Englishman, a Welshman, a Scotsman nor an Irishman, nor by the Common Law of England, a British Subject, and that he appoint a Britisher in his place"!!! Such grotesque fanatical outbursts against Mr. Montagu has lately become the fashion with the junkers of the Anglo-Indian Community. The Darjeeling European Association passed the usual condemnatory resolution and included in it a statement of queer significance. It said "it objects to the *bracketing* of European and Indian loss of life, the former being foul murders, and the latter *in most cases*, stern military necessity to save the situation"! Similar outbursts came from other places in Northern India, though Western India & Madras to their credit managed to keep clear of the dirty controversy.

The famous Dyer Debate in the House of Commons on 8th July 1920 and the Army Council decision on General Dyer acted as a blister on the world of Anglo-Indian Junkerdom. Immediately they threw themselves in a mad propaganda of hatred and tried to rally round their lost Jeremiah, the Saviour of the Punjab. The following leader of the *Englishman* of Calcutta of July 9th. typifies the agitation that was raised.

The Englishman's Leader

"Some Parliamentary papers have evidently been issued on the eve of the Dyer debate in which Mr. Montagu makes an elaborate wriggle to get out of the predicament in which Sir Michael O'Dwyer's letter has placed him. Incidentally this manoeuvre of issuing papers on the eve of the debate disposes of one more Cabinet

mendacity—for Mr. Montagu, unfortunately, is not the only Cabinet Minister addicted to the common vice of petty politicians. When it was pompously stated that the Dyer debate had been adjourned lest the decision of the Army Council should be prejudiced; the simple truth, patient to anybody with a knowledge of modern politics, was, of course, that the adjournment was made in order that Mr. Montagu might prepare a case. So far as the Army Council was concerned the matter had gone far beyond prejudice. The Cabinet having already swallowed Mr. Montagu's version and produced thereon, the only thing for the Army Council to do was to agree with it or resign. And the Army Council chose the comfortable alternative of agreeing with Mr. Montagu, with whatever consumption of personal pride the process involved, and sacrificing a military colleague. It is not what we expect from British soldiers even when they become what are vulgarly called brass hats. But that is the position. It simply amounts to this: that General Dyer and his much talked of statement to the Army Council has merely been used again by the Secretary of State as a means for saving his own skin. Whether this latest discreditable manœuvre will succeed, the debate in the House of Commons will show. If the House has any independence or honest conviction left; if it is not afraid to oppose a Government that does not shrink from sacrificing a galant soldier in order to save the face of one of its number, the House will refuse to be led astray by the red-herrings that Mr. Montagu and his obedient satellites are scattering across the trail in the form of Parliamentary Papers on the eve of the debate. Mr. Montagu, like the Government of India and the Hunter Committee, wants to escape from his responsibility on isolated statements from General Dyer's evidence chosen just as they suit his case. Mr. Montagu must be kept to the whole case and nothing but the case. He must not be allowed to escape from the fact that he was told the full truth about the Punjab and India more than a year ago. He was made well aware of the measures that were necessary and were taken to suppress organised rebellion. It was on the strength of the information that was then in his possession that he got up in his place in the House and refused to interfere with the Administration of Martial Law. If he was not satisfied with the information, it was his duty to make further enquiries; but we all know that he wanted no further enquiry, no public revelation of the real truth about India, until he had induced an ignorant and apathetic House of Commons to accept his Reforms proposals. The details upon which he now seeks to wriggle out of his responsibility are nothing compared with the fact that he himself admits in his pusillanimous despatch, namely, that General

Dyer was entitled to take into consideration the situation in the whole of the Punjab, and not merely the rioting of a local crowd. Had not General Dyer done so the flame of rebellion would have spread far beyond Amritsar and the Punjab. Mr. Montagu knows it. The Government of India and the Hunter Committee as good as acknowledge it. Practically every European in India and a good many loyal Indians are convinced of it. The whole question is whether a rebellion was suppressed, whether General Dyer suppressed it, and whether he should be condemned for doing so or not. The Army Council, a tribunal as unfair and prejudiced as the Montagu-misled Cabinet, has chosen to condemn him. We regret to see that a newspaper in Calcutta, (the Indian Daily News) which presumes to speak on behalf of a section of Anglo-Indian opinion, would leave the whole affair at that and bury the hatchet. There is no hatchet to bury except that which Mr. Montagu aims at the head of General Dyer. European and Anglo-Indian opinion in this country cannot for a moment consent to be silent, with the silence that gives consent, in the presence of one of the grossest betrayals that history has ever known.

The Dyer Fund.

Immediately after the Dyer Debate the *Morning Post* of London, the redoubtable champion of the Sydenham gang of Anglo Indian politics, opened its columns for a subscription to be raised in England and India in favour of Dyer. The columns of the *Englishman*, the *Statesman*, the *Pioneer*, and the *Civil and Military Gazette* were filled with frantic appeals for the Dyer fund and proposals were made to raise a Memorial to Genl. Dyer in India.

The following cable was sent to the Indo-British Association, London, dated Calcutta, the 16th July 1920, by the European Association, Calcutta :—

"Council of European Association resent Montagu's uncalled for references to racial feeling. They are actuated by no racial feeling themselves but are forced to realize necessity of protection against anti-British feeling stirred up by others. Deplore decision of Army Council and result of Debate in House of Commons with reference to General Dyer. Still adhere to views expressed in letter of June 17th to Prime Minister. Consider gravity of Amritsar situation even now not fully appreciated in England. Already received hundreds of letters through their branches and from

European men and women all over India protesting against failure to reinstate General Dyer."

The Council of the European Association met to conside. the question of the Punjab disorders affected by the decisions of the Army Council and the House of Commons and received a large number of letters and telegrams on the subject. They said :—

"As a number of branches and many members of the Association have expressed a desire to subscribe to a Fund for General Dyer and as a Fund has already been opened by the *Morning Post*, the Council appeal to the members to support this Fund which has their entire sympathy.

"Subscriptions may be sent to Mr. George Pilcher, the Calcutta correspondent of the *Morning Post*, at 6, Chowringhee, Calcutta, or to any newspaper in India which has opened its columns to this Fund."

Among the controversialists enjoying the hospitality of the papers mentioned above, the majority hid their identity behind pseudonyms, but it was British women who formed the vanguard in this indecent show of racial animosity. Forgetting the ministering function of womenhood, the indecent outrages on their Indian sisters, forgetting the hundreds of innocent Indian women and their babes in arms thoughtlessly butchered in Jallianwalla, these English women lost themselves so far as to outdo what some of their men folks were doing. The lead was taken by Miss Holland of Mussoorie and Mrs Langford James of Calcutta.

The following letter was addressed by Miss Holland to the European Press.

Sir,—Mr. Gandhi is not an Englishman (it is an advantage he shares with Mr. Montagu). He can therefore confess that his "errors of judgment" led to bloodshed and anarchy, without fear of consequences. We are learning that "errors of judgment" are only reprehensible when they have beneficial results! The Pharisees were Jews and one Jew still remains a Pharisee. It is quite easy to imagine Mr. Montagu, as War Lord in the next world-struggle, breaking generals (fifteen months) after victorious battles on the plea that they might have attained their objectives with less loss to the enemy! This mawkish hypocrisy, of which the Secretary of State for India is the chief exponent, is only a phase of after-war hysteria; the virility, sanity and sincerity of the British will again assert themselves and presently we shall have ministers who, instead of sobbing over the sorrows of malefactors, will bestir themselves to ensure the safety and welfare of the law-abiding.

General Dyer must wait and appeal from Philip Drunk to Philip Sober. In the meantime the great question is not what has been done to him but what we in India have done for him. The answer is a short one—"Nothing."

The whole European community naturally looked to the European Association for a lead in the matter but in vain.

Two months ago we women in Mussoorie felt that things were going badly with General Dyer and to show our practical sympathy, we formed a committee and drew up an appeal which we sent to the European Association. It was a polite and feminine way of saying. "It is up to you men to fight. If you won't, we women must!" After a three weeks' silence came a hint that they might do something for General Dyer themselves. We were delighted, but as this "something" steadily refused to materialize we were forced to take action which has been followed by great encouragement and response from all parts of India.

Papers tell us that help will be forthcoming to General Dyer at a "fitting time." He has been slain by his enemies. Will the "fitting time" be after he is buried and the dust of each day's petty politics has hidden the very grave his countrymen have dug for him! Why are the Englishmen in India hanging back in this unaccountable fashion? Is it due to the conviction that any attempt to further the interests of the loyal millions of India against the machinations of a few hundreds of agitators is so certain to bring disaster to the European concerned, that Englishmen as a body feel that matters must be allowed to take their downward, destructive course. This feeling would be unworthy of the British. The miscreants of Amritsar and Ahmedabad are no more representative of the loyal Indian nation than the plundering, murderous Sinn Feiner is typical of the gallant Irish.

India has almost forgotten the agonies of fire, pillage and bloodshed she so often had to endure before the British Bull-dog pinned down base, self-seeking and blood-thirsty adventurers and brought calm and security to millions of Indian homes. Those were indeed dire days and, so that they may not soon return, let us all—men and women, European and Indian—do what lies in our power to help the stricken champion of India's peace and safety.—Yours, etc.,

FLORENCE HOLLAND, M. A.,
President Dyer Appreciation Fund.
Hamption Court, College,
Mussooree, July 13.

Mrs. James addressed the following letter to the British Women of Bengal.—

It has been for some time past, the intention of the British women of Calcutta and of Bengal to combine to enforce public attention to the fact of how deeply they are affected by the decision against General Dyer. It was due to that officers prompt action that British women in India were saved from the danger of unspeakable horrors. A protest, in the form of accompanying letter, is to be sent to the Prime Minister. The letter endeavours to put forward an expression of the unanimous opinion amongst us. To gain this, we must have the signature of, practically, every British women in the area concerned. You are asked—

1. To send in your signature.
2. To undertake to gain the signatures of all your friends and acquaintances.
3. To hand copies of the letter to friends, who, in their turn, will collect as many signature as possible. For this purpose, a large number of duplicates of this letter will be obtainable for distribution from :—

Mrs. Langford-James,
91, Loudon Street,
Calcutta.

Mrs. Rose Stewart,
3, Dover Park, Ballygunge
Calcutta.

To whom also signature may be sent by post or otherwise.

(Each copy will bear a space sufficient for a large number of signatures)

You are asked to keep a careful note of the copies which you have sent out, that the same number may be returned to you. These you will return to the source from which you received them when the signatures have been gained.

We ask that matters may be expedited as much as possible, for it is hoped that every British women in the area concerned may be reached within a week of the issue of the copies of this letter.

In order that this protest should reach Home, *from all parts of India*, copies of the letter are being sent to all the European papers in the hope that British women everywhere may take the same action.

We also hope by means of this letter to propagate the truth amongst the women of Great Britain, and you are asked to obtain

as many copies as you can undertake to send to friends at Home for this purpose, while copies will also be sent to the papers at Home, and to the one women member of Parliament, Lady Astor.

All who can should obtain the Leading Article in the issue of the *Englishman* of Friday, July 9th and send it to friends at Home.

A. B. Langford James
R. Stewart
For the Committee

To this appeal was appended the letter to be addressed to the Premier. There is no record to show what happened to the proposal, for it does not seem to have struck the fancy of all "British women of Bengal,"—one at least, signing "May Gordon" wrote "subscribe first and sign afterwards", while others were averse to sending any letter to the premier at all, for as Lieutenant Commander Fraser, R. N., wrote to the press "if we mean business we must indict not only Montagu but also Lloyd George and the Cabinet also" so as to offer a "combined attack on Montagu, his supporters and backers of the Cabinet, and the whole gang."

The controversy dragged on with all its virulence during the whole month of July 1920 till seeing the level to which it was descending the Sheriff of Calcutta, Mr, Pickford, cried halt and made an appeal that "untold harm and no benefit will accrue from a continuance of the present campaign of mutual recrimination," as he apprehended that it may lead to disturbances and possible bloodshed.

Meanwhile the Dyer fund was being rapidly subscribed. From Calcutta alone Rs. 10,000 was raised for the *Morning Post* fund while contributions flowed in from the Darjeeling and the Assam planters, from the Cawnpore branch, from the Bengal Jute Mills, and other smaller organisations.

The Memorial

The Council of the European Association passed the following Resolution late in July 1920 :—

"That this Council while it has the fullest sympathy with General Dyer on account of the great injustice done to him, has had considerable difficulty in finding a suitable way to express it. It considered that it was in the best interests of the Council, not to concentrate on a monetary subscription, but rather to give the whole

of the inhabitants of India an opportunity to contribute their signatures—an equal gift from rich and poor—to a memorial which would constitute a vote of confidence and thereby help the General's own desire to be realised, i. e., that he be freed from censure and that his honour be vindicated against the charge of inhumanity. With that object in view it intends to organise throughout India a memorial expressing to General Dyer the warmest sympathy and appreciation of his conduct, in that when faced with a critical situation he did his duty without fear of consequences to himself and by his courage and decision in a moment of dangerous crisis averted an immeasurable calamity."

Regarding this, however, the C. M. G. of Lahore expressed the opinion that the "proposal of the European Association to descend to theatricality in organising a memorial of General Dyer's performance of a horrible dirty duty is, we think, to be strongly condemned. We hope the Punjab branch of the Association will lose no time in dispelling the illusions of Calcutta as to the attractiveness of a proposal that savours more of the hysteria of a parcel of old women than of the practical commonsense of hard-headed businessmen."

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The Laws of 1920

Acts Passed by the Imperial Legislative Council in 1920,

1. The Indian Steam-ship (Amendment) Act.—The Act of 1884 provided in section 4 that if any steamer conveyed more than 12 passengers without a certifiate of survey granted under section 13, the owner or the master of the ship was liable to a penalty. But the case of a steamer which, possessing a certificate of survey, conveyed more than the number allowed by the certificate was left untouched. This has been remedied by a new secion 14 providing that for a breach of the law as now modified the master as well as the owner shall each be punishable with fine which may extend to Rs. 1,000 and also with an additional fine not exceeding twenty rupees for every passenger so carried in excess ; or if the fare of any passenger exceeds twenty rupees, then the additional fine shall not exceed double the amount of the fare of the excess pasgengers reckoned at the highest rate of fare payable by any passenger on board.

2. The Indian Army (Amendment) Act.—The Act of 1911 provided in sections 114 to 116 for speedy disposal of moveable property of a soldier subject to that Act, who died or deserted or became insane. There was no simliar provision in the case of persons who, when on active service, are reported "missing." This has now been cured by including in section 116 a person "who, being on active service, is officially reported missing." But in such case no action is to be taken until after one year of the report.

3.—The United Provinces Town Improvement (Appeals) Act.—In 1919 the U. P. Legislature passed an Act for Town improvement ; it constituted a "Tribunal" for lands compulsorily acquired under the Act. But it could not provide for an appeal from the Tribunal's decision to the High Court. This Act gives a limited right of appeal to the Allahabad High Court. An appeal can lie from the decision of the President of the Tribunal sitting alone : it shall also lie when either the President grants a certificate that the case is a fit one for appeal or the High Court grants special leave to appeal.

4. The Indian Census Act provided a machinery to carry out the decennial census which came off in March 1921. The Act is on the lines of the Census Act XVI of 1920. A census officer is at liberty to ask such questions as he likes of all persons within the limits of his local area ; the person who is so asked is legally bound to answer such questions to the best of his knowledge and belief except where a Hindu can not utter the name of his or her married spouse. The occupier of a house is to allow the census officer access and

to permit him to affix identification mark on the house. The occupier of a dwelling-house or the manager of a commercial or industrial establishment is bound to fill in the schedule left by the census officer.

5. The Provincial Insolvency Act.—The Provincial Insolvency Act of 1907 after 12 years' operation was found to have served for the protection of fraudulent debtors, and subjected an undischarged insolvent to little or no practical inconvenience ; its provisions for the punishment of fraudulent insolvents were not at all effective in practice. It was not obligatory on the insolvent to apply for his dischrage. This defect has now been remedied. The courts have now been given power to dismiss an application for adjudication *in limine* if it is deemed necessary. Questions of law or fact arising in the course of insolvency proceedings are now triable by the Insolvency Judge. Revise the whole Act had and its provisions with a more comprehensive consolidating Act.

6. The Presidency-towns Insolvency Act.—Section 73 of the Provincial Insolvency Act of 1920 which provides that a person who has been adjudged insolvent is disqualified from holding office as a magistrate or member of a local authority, unless the order of adjudication is annulled or he obtains an order of discharge or a certificate that his insolvency was caused by misfortune without any misconduct on his part is also incorporated in the Presidency Towns Insolvency Act of 1909 as S. 103A.

7. The Inland steam-vessels Amendment Act.—Recently, the Board of Trade in England introduced a new formula for determining the nominal horse-power of marine engines. To make the formula applicable to inland steam-vessels, it is found necessary to raise the nominal horse-power of existing vessels. Masters and Mariners of existing vessels, are consequently empowered to handle engines of a correspondingly increased horse-power. A person holding a second-class master's certificate who has acted as master of an inland steam vessel of 40 horse-power for five years, or a person possessing a first class engine-driver's certificate who has acted as engine-driver of a vessel of 70 horse-power for five years, can be granted a license by the Local Government to a limit of 170 horse-power.

8. The Indian Tariff (Amendment) Act.—This Act levies a uniform flat rate of Customs duty at 20 per cent. on fire-arms, parts of fire-arms and cartridge-making machines imported into this country. The old practice of levying a a higher duty and refunding it in certain cases, is discontinued.

9. The Dourine (Amendment) Act.—Owing to the prevalence of the horse disease called 'durine' in Northern India, the provisions of the Dourine Act V of 1920 are made more stringent. Power has been given to the Government to compel the segregation of stallions and mares suspected of this disease, and if a mare is definitely so affected, it can be at once shot instead of being branded.

10. **The Glanders and Farcy (Amendment) Act.**—The Glanders and Farcy Act of 1899 applied only to horses, asses and mules. It was found that transport camels were affected by a disease called "Surra", a fatal disease of which they were the most dangerous carriers. So camels also are now brought within the purview of the earlier Act.

11. **The Indian Securities Act** provides that when a Government Security (Government Promissory Notes, Treasury Bills, Stock Certificates and Bearer-bonds issued by Government) is payable to two or more persons jointly and either of them dies, the security is directed to be payable to the survivors; but when it is payable to two or more persons severally and any of them dies, it is to be paid to the survivors or to the representatives of the deceased. When a Government Security is held by an approved public body, it shall pass to successive holders of the office without endorsement. Issue of securities to Rulers of States in India are governed by special rules. An indorser of Government Security is not liable for the amount. Duplicate securities in case of destruction or loss may be issued. Every holder of a security can have the same renewed at his pleasure on payment of a prescribed fee. In case of disputes, the security will only be renewed after such dispute is finally settled by a Court. Any security can be converted, consolidated or sub-divided. A renewal of security constitutes a new contract between the Government and the holder and all persons deriving title thereafter through him. Where a person dies leaving securities of the nominal face value of Rs. 5,000 or under, his heir or successor may, without taking a probate or letters of administration, apply to an officer named who will make a summary inquiry and order the securities to be trasferred to the name of the holder. And where a minor or insane person stands possessed of securities of a like amount, the officer concerned may pay interest to a person selected, without reference to Court. In certain cases, the officer can demand indemnity before issuing duplicate or renewed security. For a false statement in any inquiry under the Act a person is liable to be sentenced to rigorous imprisonment for six months or with fine or with both.

12. **The Workmen's Breach of Contract (Amendment) Act** serves to mitigate the rigours of the parent Act. Proceedings under the Act can be taken only when the advance does not exceed Rs. 300 in value; and the term of employment does not exceed one year; and when the complaint is brought within three months of the default. If the Magistrate is satisfied that the work is neglected or refused without lawful or reasonable excuse, he may either order the workman to pay back within a fixed period in instalments or order him to perform the work in a period not

exceeding a year. If the employer has once obtained an order against his workman, he cannot obtain it a second time. The Magistrate may refuse to make an order if he is of opinion that the contract in question is "substantially unfair". If the complaint is found to be frivolous or vexatious the Magistrate has power to award compensation to the workman to the extent of Rs. 50.

13. **The Import and Export of Goods (Amendment) Act.**—The Act of 1916 was timed to expire at the end of six months after the cessation of war. It is now given a fresh lease of life up to 31st March 1921.

14. **The Charitable and Religious Trusts Act.**—The British Government has not, since 1863, taken any interest in the management of public charitable or religious trusts. Pressed by public opinion, however, it has now come in line with it. The present Act provides that any person interested may apply either to a District Judge or a High Court for an order (1) directing the trustee to furnish him through the Court with particulars as to the nature and objects of the trust, and of the value, condition, management and application of the trust-funds or income; or (2) directing that the accounts of the trust for three years preceding the application shall be examined and audited. If the trustee fails to carry out the order of the Court, that will constitute by itself a breach of trust, and a suit can lie under section 92 of the Civil Procedure Code for the breach, without the previous consent of the Advocate-General. A trustee has the power to apply to the Court for the opinion, or direction of the Court on any question affecting the management or administration of trust property. No appeal lies from an order passed under this Act.

15. **The Indian Red Cross Society Act.**—The Indian Branch of Joint War Committee of the St John Ambulance Association which was established during the war is now placed on a permanent footing under the name of the Indian Red Cross Society. The working capital of the Society starts with the "Our Day Fund" in India which ammounted to about 80 lakhs of rupees.

16. The Dacca University Act establishes a unitary teaching and residential University at Dacca. There will be no affiliation of Colleges, with the exception of the Jagannath College at Dacca where the teaching will be under the control of the University. In constituting the new University the recommendations of the Sadler Commission have been kept in view. The Governor-General is the Visitor; and the Governor of Bengal the Chancellor. The appointment of Vice-Chancellor, a whole time paid functionary, rests with the Chancellor. The Governing body is a representative Court whose functions are legislative and supervising. An Executive Council is to administer the affairs of the University; and an

Academic Council to regulate the instruction. Students who seek admission must have passed the Intermediate Examination and must be resident students.

17. **The Jagannath College Act** transfers the trust of the Jagannath College at Dacca from the present trustees to the Government of Bengal with a view to its affiliation to the new University at Dacca.

18. **The Indian Income-Tax (Amendment) Act** supplies some defects that were left in the Income-tax Act of 1918. The term "registered firm" is now defined as "a firm constituted under an instrument of partnership signifying the individual shares of the partners registered with the Collector". Agricultural income is now specifically excluded. And when owing to the fact that the total income of any person has reached or exceeded a certain limit, he is liable to pay income-tax at a higher rate, he can only be compelled to pay the tax on the amount which would have been payable if his total income had been a sum less by one rupee than that limit and the amount by which his total income exceeds that sum.

19. **The Super-tax Act** repeals the super-tax Act of 1917 and introduces a new scale of taxable incomes. In the case of a Hindu undivided family the first seventyfive thousand rupees of income are free from this tax; but the next 25 thousand are liable to pay the tax at the rate of one anna in the rupee. In all other cases, the first fifty thousand rupees are exempt from the tax, the next 50,000 rupees are taxable at Rs. 0-1-6 a rupee; two anna on the next rupees 50,000; and 0-2-6 on the next 50,000 per annum. On incomes of two and half lakhs of rupees, the super-tax is three annas in the rupee.

20. **The Indian Army (Suspension of Sentences) Act**—The parent Act was created in 1917 as a temporary war measure and so is now re-enacted in a permanent form. A superior military authority can suspend the execution of sentence of imprisonment or transportation passed by Court-martial under the Indian Army Act, 1911. The period of such suspension is to be reckoned as part of the term of such sentence. Such Authority has also the power to order that the offender be committed to undergo the unexpired portion of the sentence, or that the sentence be remitted.

21. **The Indian Paper Currency (Temporary Amendment) Act**— a temporary measure which came into force on the 23rd March 1920 and expired on 1st October 1920. It owed its existence to the recommendations by the Indian Exchange and Currency Committee of 1919. The maximum limit up to which the currency reserve can be invested in securities was gradually raised to 140 millions; that maximum was then fixed at Rs. 1,200 millions. Gold and silver held in the United States of America or in transmission therefrom could be deemed to be part of the paper currency reserve.

22. The Lepers (Amendment) Act.—Since leprosy of all kinds is contagious, the provisions of the Lepers Act 1898, have been widened to include all lepers. Lepers while in the asylum are not only to be detained but also to be medically treated.

23. The Indian Rifles Act.—This Act provides that all police officers enrolled under the provisions of any local Military Police or Rifles Act shall be subject to the discipline and penalties prescribed by such Act, wherever serving in India.

24. The Code of Civil Procedure (Amendment) Act.—Under order IX, Rule 5 (1) of the Civil Procedure Code, 1908, when a summons to the defendant returned unserved, the plaintiff had one year's time within which to apply for fresh summons. This period has now been cut down to three months.

25. The Negotiable Instruments (Amendment) Act.—During the war, an Act was passed as an emergency measure, which excused delays in presentment of bills of exchange on account of war. The present Act puts that provision permanently on the statute book and at the same time widens its scope by providing that such delay will be excused if it is "caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence."

26. The Indian Limitation and the Code of Civil Procedure (Amendment) Act.—Delays in the disposal of appeals by the Privy Council are sometimes so great that not infrequently the parties who had originally filed a suit are represented by their grandsons in the Privy Council appeal. To facilitate quick despatch of work, the period within which leave to appeal to the Privy Council has to be applied for and, on grant of leave, the security and desposit are to be made, are reduced from six months to 90 days. When a party was deceased at the time the judgement appealed from was given and no representative of his was brought on the record, no notice of hearing need be given to him of the appeal to the Privy Council.

27. The Indian Motor Vehicles (Amendment) Act.—The great rise in the number of motor vehicles in India has called for a large number of chauffeurs who have little training and are not all competent. An imposition of a small fine has scarcely a deterrent effect on them so the amended act provides that offenders will be liable to have their licenses either cancelled or suspended.

28. The Indian Patents and Designs (Amendment) Act.—This brings India into the inter-imperial co-operation for the protection of inventions and designs within the Empire. It is, therefore, enacted that if the provisions of s. 91 of the English Patents and Designs Act (7 Edw., VII, c. 29) are applied to British India, then any person who has applied for the protection for any invention or design

in the United Kingdom shall be entitled to his design in priority to any other applicant, and the patent or registration shall have the same date as the date of the application in the United Kingdom.

29. The Indian Patents and Designs (Temporary Rules) Act.—The period of six months which was provided by the Indian Patents and Designs (Temporary Rules) Act of 1915 to enable nationals to complete patent proceedings which were started before or during the war, has now been extended to 18 months, thus giving effect to article 307 of the Treaty of Versailles.

30. The Post-Office Cash Certificates [Amendment] Act for popularising the cash certificate. An officer in charge of a post office or a sub-post office can permit the transfer of cash certificates from one person to another. And when a person who held cash certificates valued at Rs.5,000 or under, such cash certificates can be transferred to the person entitled to them without the intervention of the Court.

31. The Repealing and Amending Act.—This Act makes minute changes and amendments in the Act of the Indian Legislature.

32. The Rouble Note Act.—In 1919 an Ordinance was promulgated prohibiting the importation or possession of rouble notes. Now this Act has been passed to continue the provisions of the Ordinance for the period of one year. No person is allowed to keep any rouble note in his possession or to import it in any manner. When the rouble notes are once deposited in any Government Office they cannot be subsequently withdrawn without leave of Government.

33. The Identification of prisoners Act.—The identification of prisoners which is usually done by measurements, finger impressions and photographs, has no legislative provision for these practices. Any person choosing to refuse was beyond the reach of law. Now by legislative sanction, where a person is (1) convicted of an offence punishable with rigorous imprisonment for a term of one year or upwards, (2) or of any offence which would render him liable to enhanced punishment on a subsequent conviction, or (3) ordered to give security for good behaviour, he shall allow his measurements and photographs to be taken. A person arrested by the police for an offence punishable with rigorous imprisonment for one year or upwards, or any person in the course of investigation or proceeding under the Criminal Procedure Code, can be subjected to the process at the instance of the Police or the Magistrate. Resistance to the identification is an offence punishable under section 186 of the Indian Penal Code.

34. The Indian Currency (Amendment) Act.—The British sovereign was before valued at Rs. 15 for currency purposes. The Indian Exchange and Currency Committee of 1919 recommended the lowering of its value to Rs. 10. This Act legalised that recommendation but it has so far remainded a dead letter.

35. The Indian Army (Amendment) Act.—Corporal punishment, in whatever form and however disguised, is a degrading form of punishment, and is quite out of place in modern penology. But so long it existed in India as a military punishment, and now its place is taken by "field punishment," which "shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb."

36 The Devolution Act.—This Act carries out the recommendations of the Committee on the Division of Subjects—re the Indian Reforms. A number of amendments has been made in the existing Acts of Legislature, Imperial as well as Local.

37. The Indian passport Act.—The genesis of the present Act is the rule issued under the Defence of India Act requiring passports for egress from and ingress into India. These rules were temporary and so are crystallised here into an Act of the Legislature. The working out of the provisions of the Act is largely left to rules to be framed by Government.

38. The Basel Mission Trading Company Act.—Before the war there was a trading concern in South India, Mangalore, known as the Basel Mission Trading Company, supposed to have German influence. The Government thereupon took action against the Company under the Enemy Trading Act. The property belonging to the Company was vested in the custodian of Enemy Property by an order of the Governor-General. The property was later transferred by the custodian to a Board of Trustees formed in Madras. That Board has been enabled by this Act to transfer the whole concern to the trust known as the Commonwealth Trust, Ltd, a company formed in England.

39. The Aligarh Muslim University Act one of the most important measures of the year, enlarges the Mahomedan Anglo-Oriental College at Aligarh into a full-blown University. Among other ordinary subjects of study, this University has the power "to promote Oriental and Islamic Studies and give instruction in Muslim theology and religion and to impart moral and physical training". The Univesity is open to all persons of either sex and of whatever creed. In the case of Muslim students instruction in Muslim religion is compulsory. Every student must be a resident student. The Governor-General is the Lord Rector. The Governor of the United Provinces, the Members of the Excutive Council and the Ministers, together with an additional nominated member, constitute the Visiting Board. The Board has the power to examine the proceedings of the University and to see that they are in conformity with the Act, Statutes and Ordinances. The officers of the University are Chancellor, pro-Chancellor, vice-Chancellor and other officers. The Authorities are the Court, the Executive Council and the Academic Council. The Court consists of the officers and others leading Muslim; it is the Supreme Governing Body of the University and exercises all the powers of the University. The Executive Council (corresponding to the Syndicate) is the executive body of the University. The board of studies is

styled the Academic Council, it is responsible for the maintenance of students of the Institution, for their education, examination, discipline, and health, and for the conferring of degrees.

40. The Indian Elections (offences and Inquiries) Act.—This Act has been drawn up on the lines of the Corrupt Practices Act in England. It introduces a new Chapter in the Indian Penal Code for dealing with offences relating to the new enlarged elections. The offences are three in number :—bribery ; undue influence at elections ; and personation at elections. These offences are made punishable with imprisonment of either description for a period of one year, or a fine, or both. The making of false statements in connection with an election is punishable with a fine. Illegal payment in connection with an election and failure to keep election account are also made offences and are punishable with fines which may extend to Rs. 500. In the inquiry under the Act, no elector can be compelled to disclose the names of candidates for whom he has voted at an election. The officers, etc, engaged in carrying out elections are enjoined to maintain secrecy of voting : if they violate the rule they can be punished with imprisonment for a term of three months, or with a fine, or with both.

41. The Indian Paper Currency (Amendment) Act.—The recommendations made by the Indian Exchange and Currency Committee 1919 for a permanent constitution of the Paper Currency Reserve are carried out by this Act. The Paper Currency Reserve shall consist of two parts : (1) the metalic reserve, and (2) the securities reserve. The former shall consist of the gold and silver coins issued and gold and silver bullion held by the Secretary of State or the Governor General of India. The securities reserve shall be the securities so held. The metallic reserve shall be at least 50 per cent. of the total reserve. The maximum for the securities reserve is 20 crores of rupees. A note of Rs. 50 or 100 will lose its currency 50 years after its date of issue and notes above Rs. 100 will retain currency for 100 years from the date of issue

42. The Cutchi Memons Act.—The Cutchi Memons of Bombay long retained the family customs of the Hindus and were so treated by Bombay High Court. They, however, resented this as they were converts to the Muslim faith. In 1896, bills were introduced into the Imperial Legislative Council for applying Mahomedan Law whole-sale to the community ; but they lapsed for want of general support. By the present Act a Cutchi Memon who has attained the age of majority and is resident in British India may, by making a declaration in the prescribed form declare that he, his minor children and their descendants shall, in matters of succession and inheritance, be governed by the Mahomedan law.

43. The Indian Wireless Telegraphy (Shipping) Act.—The object of this Act is to afford protection to passengers and crew sailing on ships registered in

British India. Every sea-going British ship registered in British India, being a a passenger steamer or a ship of 1,600 tons gross tonnage or upwards shall have to be provided with a wireless telegraphic installation.

44. **The Indian Companies (Amendment) Act.**—Under the Companies Act, a director of a company is prohibited from voting as a director on any contract or management in which he is concerned. A private company is now exempt from the above rule by this Act as the prohibition came in the way of promoting subsidiary companies.

45. **The Presidency Banks (Amendment) Act.**—In 1920, the Government of Bombay floated a loan for housing and town development in Bombay. This was the first time that a local Government was empowered to float a loan on its own account. The loans so issued can now be dealt with by the Presidency Banks.

46. **The Income-tax (Amendment) Act** provides that for the purposes of assessing the income-tax, while there will be no deduction of the annual value of business premises owned by an assessee, there will be no assessment on such annual value.

47. **The Imperial Bank of India Act.**—The Imperial Bank of India, the new Indian State Bank, absorbs in itself the three Presidency Banks at Calcutta, Madras and Bombay which are now fused into one and Government is brought into closer touch with it. The Bank has to open a branch in London which will remain in touch with the Secretary of State. In India, the bank has to open 100 new branches in the course of the next five years. The affairs of the three local branches at Calcutta, Madras and Bombay shall be governed by local boards at those places. The general management will be looked after by a Central Board consisting of the Presidents and Vice-Presidents of the local boards, the Controller of the Currency, four nominees of Government, the Secretaries of the local boards, and the managing Governors not exceeding two appointed by Government.

48. **The Indian Territorial Force Act** provides that any British subject (not being a European British subject) or any subject of a State in India may offer himself for enrolment in the Indian Territorial Force for a period not exceeding six years. During the period of his enrolment, such person is bound to serve in his unit or crops. He shall be liable to perform military service (*a*) when called out with any portion of the Indian Territorial Force either to act in support of the civil power or to provide guards which are essential or (*b*) on emergency to be attached to the regular forces. He cannot be required to perform military service beyond the limits of British India save under an order of the Governor-General in Council.

49. **The Auxilliary Forces Act.**—This applies only to European British subjects or to a person who not being a British subject satisfies the conditions prescribed for enrolment of persons of that class and is sixteen years old. During the War the Indian

Defence Force (I. D. F.) had become a compulsory military service. To remove the stringency of compulsion the present measure was passed. There are three classes into which people liable to serve fall :—(*a*) in the Active Class, (*b*) the first (A) class of Reserves and (*c*) second (B) class of Reserves. Every commissioned officer in the Indian Auxilliary Force shall be included in the Active Class ; so also all persons who have undergone preliminary training when they attain 31 years. The class of persons who are between 31 and 40 years of age are included in A Reserve and persons at 40 years of age are put in B Reserve. Every enrolled person who attains the age of 45 years, or after four years of service, a person is entitled to receive his discharge.

Proceedings of the

Imperial Legislative Council 1920

The first meeting of the Imperial Council in 1920 was held at Delhi on 30th January when the Viceroy, Lord Chelmsford delivered his opening address reviewing the position of affairs since the Council last met in September 1919. He first referred to the Reforms and expressed the council's indebtedness to Mr. Montagu's the Sec. of State. In connection with the Reforms, he desired to make special mention of and pay a tribute to three men for their unremitting labour, viz. Lord Meston, Sir W. Harris, and Mr. A. P. Muddiman. Then he narrated the work that still remained to be done before the Reform Act actually came into operation and then made a curious reference to Sir Sankaran Nair who had in the previous year resigned from the Viceroy's Council on account of disagreement with the Viceroy's horrible Punjab policy of 1919. Said his Excellency :—

"Before I turn to other matters of current interest I might briefly allude to a small matter which has been brought to my attention by Mr. Bhupendranath Basu, whom we are all glad to see again in India and who is conversant with the facts. He tells me that the appointment of Sir Sankaran Nair to the Council of the Secretary of State has been construed as a direct snub to me and my Government. If this concerned me alone I should not touch the question, but this interpretation of the appointment conveys an imputation on the Secretary of State, with whom I have the honour to work, which I cannot pass by. The facts of the case simply stated will dispose of this imputation.

"I put forward the name of Sir Sankaran Nair myself for the Council of the Secretary of State, and his appointment to the specific vacancy, which he was chosen to fill, was made after consultation with me and with my cordial concurrence.

Industrial Commission's Report

"The Secretary of State accepted the two fundamental principles underlying the recommendations of the Commission; namely, that in the future Government should play an active part in the industrial development of the country and should, consequently, be provided with adequate administrative equipment and be forearmed with reliable scientific and technical advice.

"But in order that there should be no undue delay in pushing ahead with practical schemes, we did not rest with the discussion of fundamental principles: we proposed three specific measures for the purpose of dealing with the questions that were obviously most urgent. These, we considered, were—

Firstly, the creation of an interim central authority for the purpose of designing the new official machinery and establishing a system of co-operation with the Provincial Governments;

Secondly, the formulation of conditions for the establishment of the necessary scientific services; and

Thirdly, the institution of a system for the local purchase of Government stores.

"All three proposals having been sanctioned by the Secretary of State, a Committee was appointed at once to advise on the best lines of organising the chemical services, which are the most urgently required of those necessary to deal with our neglected raw materials. We have been fortunate in obtaining as the Chairman of this Committee, Professor Jocelyn Thorpe, the distinguished Professor of Organic Chemistry at the Imperial College of Science and Technology in London, and it is hoped that the proposals of this Committee will be ready by the end of April.

Indians in the British Dominions

"Since we met last September, our anxieties regarding the future of our Indian fellow-subjects in South Africa have increased rather than diminished. As you have read in the papers, a recent decision of the Transvaal Provincial Court endangers rights which we hoped had been secured beyond dispute by the Act of last summer. I would, however, renew most earnestly my plea for calmness. In a few weeks, probably, South Africa will be in the throes of a general election. It will only injure those whom we desire to help, if agitation here forces the Indian question to the front as an election issue.

"Already, I think, by steady and moderate representations we have done much to ensure a friendly hearing for our case. We have now been informed that the long-awaited Commission will probably assemble about the end of February. The *personnel* of the Commission and the terms of reference have not yet been announced. But we understand that the Chairman will be a high judicial officer, and that the inquiry will be limited to the right to trade and to own fixed property in the four provinces of the Union. Sir Benjamin Robertson sailed yesterday for South Africa to represent our case before the commission, and we earnestly hope that his skill and experience will avail to effect an honourable settlement.

"Meanwhile, fresh difficulties are arising in the British East Africa Protectorate. As yet we know no more than what has appeared in the press regarding the report of the East Africa Economic Commission, but I need not assure you that my Government will do everything in its power to defend Indian interests against this new attack. I may remind you, however, that this Report, as Colonel Amery has already declared in the House of Commons, must not be regarded as representing the views of the Government of East Africa, still less of the Imperial Government, with whom the final decision will lie. British East Africa is not a self-governing Dominion; and the position of the Government of India is, and always will be, that there is no justification in a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. With the support of the Secretary of State we have steadily pressed this view on the Colonial Office; and we have asked the Secretary of State to see to it that Indian interests are fully represented at the forthcoming discussions in London between Lord Milner and the Governor of East Africa.

"While in some parts of the Empire we have these difficulties, other parts are eager to attract Indian settlers. There are now two deputations in India, one from British Guiana and one from Fiji, who have come here to persuade us to re-open emigration to those Colonies on a new basis. The British Guiana deputation have put forward a scheme of free emigration, with State assistance, which deserves, I think, our careful consideration. The Fiji Government have also given proof of their desire to enter on new and happier relations with this country by cancelling unconditionally all the outstanding indentures, and by declaring their intention of introducing at an early date measures to provide for the representation of the Indian community in the Legislative Council of Fiji on an elective basis.

"I wish, however, to make it clear that the position, which was taken up by Lord Harding's Government, still holds good. It is not the duty of India to provide labour for British Colonies. But if the Colonies offer Indians a wider and more prosperous career than that which they can look for in their own homes, then we should not stand in the way. Our duty then will be to protect the ignorant Indian emigrant against misrepresentation, and to see that such guarantees are given as will safeguard his interests as a free settler in the country to which he goes. We propose that a Committee of this Council should meet the deputations, discuss with them the conditions on which it would be possible to re-open emigration, and report their conclusions to the Government. Sir George Barnes will move a Resolution to this effect (as a matter of fact this was moved by Mr. Bannerjea—vide post). I would suggest that the Committee should be in a large measure, if not entirely, composed of unofficial Indian Members, for the question is one which concerns Indians alone, and we intend to be guided by the findings of the Committee. I think Hon'ble Members would wish me to express our appreciation of the success which Sir George Barnes has achieved by his untiring efforts in this matter of Indentured Labour.

Imperial Preference

It is not the Government of India's intention to adopt a policy of preference throughout the Empire as a general policy without full discussion and support from enlightened public opinion. It was with this object that, as Sir George Barnes told the Indian Merchants' Chamber and Bureau in November last, the Government of India intend to move for the appointment of a Committee of the Council to discuss the question and to examine the statistical records relating to the various commodities of our export and import trade. I need hardly say that a preliminary examination, at any rate, of the statistical position, has already been made in the Department of Commerce and Industry. It is my intention that this preliminary examination should be placed before the Committee in order that they may study the figures for themselves, and I hope it may be possible for them to come to some general conclusion on the question whether the adoption of a system of preferential tariffs is or is not likely to be to the advantage of the country as a whole. The question is one of course of great complexity and difficulty. Part of the difficulty perhaps arises from the fact that most of us have some kind of pre-conceived ideas on the subject of tariffs, perhaps not always based on a critical examination of the facts. I think that it will be of advantage if the members of the Committee could approach their task by divesting themselves, as far as possible, of

all their previous notions and trying to look at the question as if it were an entirely new one, to be examined in the cold light of common sense and statistical figures."

Next he referred to external dangers and to the frontier operations :—

"The situation in the Middle East has been recently painted in startling and lurid colours by the European Press. It has been said that the Bolshevists flushed by their successes are about to join hands with the discontented elements for an overwhelming attack on the Allied Powers and especially on the British Empire ; that the East is in ferment and that a time of acute peril lies before us especially in India. Now I do not wish to minimise the dangers threatening us, and indeed threatening the civilised world, as a result of the upheaval of the last five years. Men's minds are troubled and excited, as perhaps never before by the spectacle of the foundering of Empires, the decay of conventions and the loosening of religious restraint ; while starvation and distress have goaded whole peoples to desparation. At the same time also the Allied States, who alone have the power or organisation needed for the repair of the world, are tired of war, and eager to disband their armies and concentrate their energies on the problems of their own reconstruction. But I am confident that things are not so bad as they have been represented to be."

Afghanistan

"Turning now from the region of surmise and conjecture, important though it is, to the actual position on our Frontier, the Amir of Afghanistan has since the signature of the Treaty of Peace at Rawalpindi expressed uniformly friendly sentiments in his communications with us ; but as is known to you, he has allowed a Bolshevist Mission to visit his capital and has sent an Afghan deputation to Moscow. An attitude such as this makes it difficult for us to enter into closer relations straightaway. Our position *vis-a-vis* Afghanistan remains as it was last September. We wish to live on terms of friendship with her, but it is idle to enter into a treaty of friendship, until she has given us by her conduct proof that the treaty of friendship will not be a mere piece of paper, but a document based on the proved fact of friendliness.

"Our border tribes have not yet recovered from the unrest caused by the Afghan war. To the north of the Khyber we have had peace, but the younger and more excitable men of the Afridis have, in spite of the strength of our grip on the Khyber and of the efforts of their elders to restrain them, indulged in constant raids. We have announced to them comparatively lenient terms of sub-

mission ; and I hope that they will before long realise the futility of their conduct, and that the former confidence between these tribesmen and our frontier officers will be restored. The tribes of Waziristan, the Mahsuds in the centre and the Wazirs of the Tochi in the North and of Wano in the South, had committed themselves deeply against us during the Afghan war ; and after the conclusion of peace they continued their intolerable depredations on the peaceful population of Bannu and Dera Ismail Khan. At the beginning of November a strong field force was assembled, and the terms of their submission were announced to the Mahsuds and Tochi Wazirs. The Mahsuds rejected our terms, but the Tochi Wazirs accepted them, being deterred by our display of force in the Tochi and by the advance of our troops in imposing strength to Datta Khel. In the meanwhile the Mahsuds, after being given time to remove their women and children, were severely bombed from the air ; but though they were much shaken by the bombing and though many individuals were anxious to submit, the tribe as a whole remained recalcitrant, and an advance of our troops in force became necessary. On the 18th December the Derajat column advanced from Jandola and was strongly opposed by the Mahsuds and Wano Wazirs, who now possess plenty of modern rifles and ammunition, and large numbers of whom have been trained in our Militias in the most recent methods of warfare. In this fighting, while I regret to say that our casualties were numerous, heavy losses are known to have been suffered by the enemy, and on the 29th December the Mahsud jirgah came in and accepted our terms in full. But the disintegration of the tribe is so great that the hundreds of petty headmen have little authority and about a third of the tribe have continued to oppose our advance. This will now be maintained until the tribesmen have shown the reality of their submission by the payment of their fines and of the rifles which have been demanded of them. The Wano Wazirs will then remain to be dealt with ; but they are not expected to prove so stubborn as the Mahsuds, and we hope that before long these troublesome but inevitable operations will be brought to a successful issue. Our forces have had a hard time of it in difficult country under the severe conditions which winter imposes in that region, and I would express my warm appreciation of the grit and gallantry they have displayed in their advance against determined opposition into the heart of the enemy's country. I should like to say in passing that General Climo has been kept fully supplied with reinforcements throughout his campaign ; that the air force consists of the most up-to-date machines, of which a full reserve is kept with the force ; and that the latest pattern of heavy mountain howitzer has been employed throughout the

campaign. We shall now proceed, by a greater concentration of our forces at strategic points and by a vigorous extension of roads fitted for mechanical transport, to secure our more effective future domination of this portion of the frontier and protection of our border tracts.

" Further south the Sheranni tribe, including both the sections under the North-West Frontier Province and Baluchistan, have submitted, and the tribes of the Zhob Valley have given no trouble.

" To sum up then :

" The position in our Frontier, complicated and difficult though it is, is being gradually straightened out.

In conclusion his Excellency perorated :—

"The present is indeed a critical time in the world's history when every nation which hopes to maintain or advance its position in the community of civilised States must stand firm by its traditions and set up bulwarks of sanity and moderation against the forces of disorder and destruction. In India I see no grounds for pessimism. There may be clouds in our sky, but the shadows they cast are relieved by much that is bright. In his deep concern for India's welfare in these days of stress and change His Majesty the King-Emperor has issued to the Indian people a gracious Proclamation. The Royal Message, full of inspiration and hope, has been acclaimed throughout India, and you will have an opportunity of acknowledging it when Mr. Sinha's Resolution comes before you. The Proclamation ends—

'It is my intention to send my dear son, the Prince of Wales, to India next winter to inaugurate on my behalf the new Chamber of Princes and the new Constitutions in British India.

'May he find material good-will and confidence prevailing among those on whom will rest the future service of the country, so that success may crown their labours and progressive enlightenment attend their administration. And with all my people I pray to Almighty God that by His wisdom and under His guidance India may be led to greater prosperity and contentment and may grow to the fulness of political freedom.'

"To this we will answer *Amen*."

After His Excellency's speech, Sir George Barnes laid on the table a statement showing the quantities and values of materials supplied to the Allies and the United Kingdom during the war at controlled prices. And then there were several questions and answers of no great importance.

Sir George Lowndes next moved a Bill to amend the Provincial Insolvency Act (1907). It was resubmitted to a select committee for consolidation purposes with orders to report before 1st March.

Sir George Barnes then introduced a Bill to amend the Indian Steamships Act (1884) and explained that this was intended to impose a penalty on the master and owner of a ship for carrying passengers in excess of the number specified in the certificate of survey. He was followed by the Commander-in-Chief who introduced a Bill to amend the Indian Army Act (1919) to make provisions for the speedy disposal of the moveable property of persons who are missing in the same way that the property of the killed are dealt with.

Mr. Shafi then introduced a Bill to modify certain provisions of the United Provinces Town Improvement Act and explained that the Bill had been prepared at the request of the Government of the United Provinces on the lines of the Calcutta Improvement Act (1911). This concluded the formal business of the Council.

The First Resolution

Mr. Sinha moved :—

"That this Council recommends to the Governor General in Council that he may be pleased to transmit, through the proper channel, to His Majesty the King-Emperor the following humble representation :—'That this Council begs leave to tender to His Most Gracious Majesty the King-Emperor its dutiful homage and loyal devotion and to express its sense of profound gratefulness for the Royal Proclamation issued by His Majesty on the memorable occasion of his having given his Royal assent to the Government of India Bill, guide in future the policy of His Majesty's officers to enable the Indian nation to attain full responsible government and full political freedom as an equal member of the British Commonwelth.

Felicitous speeches were delivered by both sides, official and non-official, excepting a jarring note raised by Mr. Banerjea who was sorry that Mr. Montagu and others in connection with the Reforms were not thanked as well in the Resolution which was however passed unanimously.

Delhi—February 4, 1920.

The Council met again on February 4th. After some unimportant interpellations Mr. Shafi moved that the new Census Bill be referred to Select Committee and Sir George Barnes introduced the Indian Steam vessels Act Amendment Bill. The Bill to consolidate and amend the law relating to Government Securities was moved by Mr. Hailey and referred to a Select Committee. Sir William Vincent next moved that the Charitable and Religious Trusts Act be referred to Select Committee. Mr. Chanda, supported by Pundit Malaviya, opposed and moved an amendment that the motion do stand over till 1921, on the ground that some of the most important Provincial Governments had opposed it and that the Local Councils were the more appropriate bodies for passing such a measure.

The majority of non-official members, however, were in favour of Sir William Vincent's motion, for the mismanagement of religious trusts in India were becoming a great scandal and could no longer be tolerated. Sir William's motion was passed by 35 voting against 2. The Workmen's Breach of Contract Amendment Bill was then moved and referred to a Select Committee by Sir William Vincent.

Mr. S. N. Banerji then moved :—"That a Committee be appointed to examine the scheme of colonisation which the deputation from British Guiana desired to put forward and also to meet the deputation from Fizi wich had arrived in India, and to any proposals which they had to put forward, and to report thereon and make recommendations to the Government of India." This proposal gave rise to a considerable discussion on the position of Indians abroad.

The motion should have been made by Sir G. Barnes but it was thought expedient to have it moved by a non-official to give it an air of Indian support. There was, however, a strong objection from the Indian members, excepting Mr. Bannerji's friends, and a chorus of indignation was raised by Pundit Malaviya, Mr. Patel and Mr. Khaparde. Mr. Sinha moved an amendment that the Committee proposed should examine the report generally on the status and position of His Majesty's Indian subjects in all the British Colonies. The official and European members strongly opposed the amendment and supported the original motion of Mr. Bannerji. Mr. Khaparde moved an amendment that the credentials of these deputations, whether they were bona-fide representatives of their Govts. or merely interested planters, be examined ; it was accepted along with Mr. Banerji's resolution which was passed.

Delhi—February 11, 1920.

The proceedings opened by several questions being asked and the replies elicited that Government were not prepared to reduce Railway fare to pre-war rate, and that Government could not allow the whole council to consider the Rules that were being framed under the New Reform Act.

Sir George Lowndes presented the Select Committee's report on the Provincial Insolvency Bill and Mr. Shafi that on the Census Bill. Then followed in quick succession the passing of the Indian Steam Ships Bill, the Bill to amend the Indian Army Act 1911 ; and the Bill to modify the United Provinces Town Improvement Act 1919. Sir William next moved for leave to introduce a Bill to amend the Indian Tariff Act 1894 and explained that the object of the Bill was to abolish the present system under which Tariff duties are levied on certain firearms and parts thereof and to substitute a general ad-valorem duty of 20 per cent. on all articles

mentioned in entry 45 of the Act subject to a minimum rate in the case of the first eight articles, all relating to firearms and their parts. The Bill was introduced without comment.

The Dacca University Bill.

Mr. Shafi then rose and moved that the Dacca University Bill be referred to a Select Committee of eleven members. In the course of his speech he said he was greatly struck with the possibilities of Dacca as a University centre. The present buildings there would be extremely suitable for University purposes. During his three weeks stay in Calcutta he found his confidence in the broad-mindedness of the educational circles in Calcutta was not misplaced and that there was no opposition to the scheme.

Mr. Surendra Nath Banerjea while offering a cordial welcome objected to the question of communal representation which found a place in the Bill and he thought that the control was largely official and he would add to the Faculties of Arts, Economy and Law also those of Medicine, Engineering and Agriculture.

Mr. Nawab Ali Chaudhri in a lengthy speech approved of the University but said it did not go far enough to satisfy the aspirations of the Mahomedans of Eastern Bengal. Mr. Sastri said that all sections of the community welcomed the University. But he deprecated generally the extension of communal representation in educational areas. But if it was absolutely essential in the case of the Dacca University it must be temporary. He strongly advocated the appointment of expert professors from all parts of the world and condemned the proposed recruitment rules laid down for professors. Sir Dinshaw Wacha thought his Mahamedan friends were rather narrow-minded and he agreed with Messrs. Sastri and Sarma. His idea of a university was that it should be a temple of free thought. He could not support the idea of a university of this nature.

Pundit Malaviya while welcoming the University thought that Arts, Science and Law should be added to the faculties and the University be modernised. The restraints imposed upon the University authorities were too severe. With regard to communal representation he admitted that Mahomedans had not had all the representation they deserve, but they all wanted Dacca to be a model University. After other speakers had spoken Mr. Shafi in reply said that all the points raised would be carefully considered in the select committee and it would be premature for him to say more. With regard to communal representation he said he was surprised to find this point raised to-day. He thought the Hindu community might have been more charitable to the little Muslim

community of Eastern Bengal and drew attention to the rules and regulations of the Hindu University. The Pundit objected to the attack made upon him and twice endeavoured to interrupt but Mr. Shafi proceeded to strongly defend communal representation. Another question was the non-affiliation of mofussil colleges with the Dacca University. This principle the Government had accepted and would not depart from. Motion to submit the Bill to select committee was then passed.

Mr. B. N. Sarma then moved that "the headquarters of the Government of India be permanently located in one place and that a suitable centre if necessary be selected for the purpose." He moved this resolution because the Reform Bill and the new conditions rendered this matter necessary. It was only a matter of time when the people of India would be enabled to settle their own domestic details. New Council buildings would be required and it was a question of whether there should be one or two capitals. He argued that the convenience of the members of Council must be considered. There were other centres far more convenient than Simla and Delhi. The whole question of site should be reconsidered. Simla was impossible as a capital for the Madras Presidency and other remote parts of India. It was essential to fix the capital where there was public opinion and life, even at the loss of efficiency owing to climate. He then urged some site being selected in the Central Provinces as a new capital purely for the sake of covnenience.

Mr. Chanda moved as an amendment that for the words "permanentely located in one place and that a suitable centre may if necessary be selected for the purpose" the words "be located in Calcutta subject to such modification if any of the old practice according to which the Government of India are in Calcutta during certain months of the year and otherwise as may be considered necessary or desirable by the Government" be substituted.

Mr. Chanda made a strong speech in favour of the capital being again moved to Calcutta. He quoted many old arguments in support of his opinion, said both Hindus and Mahomedans regarded Delhi as a city of tombs, and pointed to the Victoria Memorial Hall at Calcutta as a fitting place for the new Parliament.

Mr. S. Sinha said he was unconvinced that either the motion or the amendment was necessrry. The question on changing the capital every few years did not come within practical politics. He held no case had been made out and he did not recommend Calcutta as a place for Government to reside in all the year round. He opposed the motion.

The Council adjourned at this point till the 18th when discussion was resumed on Mr. Sarma's motion. A lot of talk, not a small part of which was humourous, was indulged in over an impossible question but the long debate showed that the great volume of opinion in the Council including official opinion was against Delhi as head-quarters. Several amendments were proposed, none too seriously perhaps, and then withdrawn, while Sir W. Vincent on behalf of Government pointed not that the question had been decided by the King and without his sanction the point could not be re-opened. He gave some points in favour of Delhi and said that Government could not accept the resolution as that would indicate that Govt. was wavering in its decision. Mr. Sarma's resolution was lost.

The Council met again next day, Feb. 19th. Mr. S. Sinha then briefly moved that there should be a publication of the Patna series of the law reports containing the decisions of the High Court at Patna as in the case of all other chartered High Courts. Sir George Lowndes said that Government could not start this publication for various reasons, but they hoped to be able to do so in April 1921. Mr. Sinha then withdrew his resolution.

Mr. Sinha next proposed that a "mixed Committee of non-officials and officials should be appointed to consider and report on the expediency of assimilating the rules of practice of the various High Courts in regarding to the administration of criminal justice and other matters." in order to bring all the H. Courts in line. Mr. Sinha said his proposal was strongly supported by the Bar of the various courts and spoke at length on his motion. Mr. Chanda supported him. Sir William Vincent drew attention to the conditions under which the rules of High Courts were now framed. He felt Mr. Sinha's resolution would be keenly resented by the courts. He certainly did not wish the Government of India to be bitterly attacked by the High Courts and he deprecated the raising of any controversy between High Courts and the Government. Mr. Sinha's suggestion would place the Government of India in an impossible position. Mr. Sinha argued that the Committee would not have the terrible effect the Home Member indicated ; if he agreed, however, to send the papers of this debate to the Hon. Judges, he would withdraw his resolution. Sir William Vincent said he would do this and the resolution was then withdrawn.

Imperial Preference

Sir George Barnes then moved that a Committee consisting of Sir Claude Hill, Messrs. Mantley, Sarma, Crum, Paton and Sapru,

Sir Dinshaw Wacha, Sir Zulfikar Ali Khan, Sir Fuzulbhoy Currimbhoy, Rai Sita Nath Roy, Sir Gangadhar Chitnavis and himself should examine the statistics and report whether it is advisable or not to apply to the Indian customs tariff a system of preference of goods of Empire origin. He said the reason for raising this thorny and difficult question was because the principle of Imperial preference had recently been adopted by the United Kingdom Government. If India accepted the principle of Imperial preference the excise duty on cotton piecegoods must be totally abolished. Sir Fazulbhoy Currimbhoy thought this resolution should have been brought on the lines of the Industries Conference (*See A. R. 1920*) in Bombay and moreover, that it should have been delayed until the enlarged Council was in being. He would be a strong supporter of Imperial preference if it would be useful for India.

Mr. Patel maintained that India was purely a protectionist country and he did not understand why the Government had now developed a taste for Imperial preference. Mr. Patel asked : Even if the policy of Imperial Preference were adopted with whom was India going to deal ? Should India give any sort of preference to South Africa and East Africa who have made themselves prominently known as anti-Indian ? Could the Union Governments expect good offices at the hands of Indians whose brothers were wretchedly and most deplorably treated in their respective Governments. Unless India was a self-governing partisan of the British Empire and unless fiscal autonomy was granted to India, this resolution could not be safely adopted.

At this juncture Mr. Crum said it was not easy to separate the question of fiscal policy from Imperial preference. He understood that Sir George Barnes had collected a mass of papers and figures for the proposed Committee. He thought the suggested Committee would be useful if the scope of the resolution was enlarged so as to embrace the best methods of considering the future fiscal policy of India. Mr. Khaparde wondered why this question was brought up at the moment. He enquired who had asked for it and he opposed it.

Sir Fazulbhoy Currimbhoy, Mr. Sarma and Mr. Paton cordially supported Mr. Crum's amendment.

Sir Dinshaw Wacha approved the proposal of a Committee but the country must be fully consulted and the decision of the Committee could not be final or binding on the Government. On the whole he wished the thorny question had not been raised.

Sir George Barnes accepted Mr. Crum's amendment and said that all that Government proposed was a preliminary survey of the question. The resolution was then put and carried as amended.

Reform Rules Secrecy

Mr. Khaparde next moved that a committee of all the non-official members of the Council should consider and report on the rules and regulations framed and to be framed under the Government of India Act 1919. He condemned the policy of "rally the moderates" and hoped that secrecy should be avoided and that some official would also help and give information when it was necessary. Mr. Chanda supported.

Sir William Marris said an informal committee had already gone through the matter. The non-official members would bear witness to the friendly attitude of the Government of India. He put in the plea that he could not ask the Council to scrap their horses in the middle of the stream. He thought the small committee now sitting was quite large enough ; it was thoroughly representative and got through work without waste of time. He explained to the Council some of the difficulties they were faced with and how necessary it was to forge ahead in order to be in time for the Prince of Wales' visit. Mr. Khaparde's motion was a constitutional innovation for which there was no authority.

Mr. Patel asked for the names of the informal committee. He thought the Council should elect it in any case. He could not understand this remarkable secrecy. This was not the way to make the Reforms a success. He put in a strong claim for the non-officials to select their own candidates for this kind of work.

Mr. Surendra Nath Banerjee said he was on the committee and that both Sir William Marris and Mr. Muddiman had on behalf of the Government treated all their (non-officials) suggestions with the utmost deference and conciliation.

Mr. Sinha said he was also a member of the Committee and the Government had accepted many of their suggestions. He would have preferred to have been elected instead of selected, but he spoke strongly of the friendly attitude of the Government. He opposed Mr. Khaparde's motion which was eventually lost by Govt. votes.

Delhi— 20th Feb, 1920

On the Council reassembling on the 20th Feb. Mr. Hailey presented the report of the Select Committee on the Bill to consolidate and amend the law relating to Government securities.

Mr. Sinha next proposed that "a mixed Committee be appointed which should formulate a scheme for the amalgamation of the Oriya speaking tracts administered by Madras, Bengal and the Central Provinces with the existing Orissa division of Behar and Orissa." The Raja of Kanika warmly supported the motion. Mr. Banerjea wished the resolution had been broader in its scope

and that the Committee might consider the question of the Oriya population being placed under a separate administration of their own.

Sir William Vincent said the Government was very alive to the disadvantages under which the Oriyas suffered, but argued that final changes of administration of territory should be made after the new Councils had come into being and added that he was ready to advice the Viceroy to have enquiries made into this matter for the benefit of the new Councils and he hoped that that would meet the case.

Mr. Sinha thanked the members for their cordial support, accepted the Home Member's assurance and withdrew his resolution.

Mr. Patel next moved that a committee be appointed consisting of an equal number of official and non-official members to investigate the question of fiscal policy to be adopted by the Government of India and to devise and suggest such arrangements as best fitted India. He said there was no clear understanding on this subject. Would the Government of India have to consult the Secretary of State on fiscal matters or not? Communication were now going on between India and England on Imperial Preference of which the Council knew nothing and Indians were not consulted and their interests are sacrificed. India should have the same freedom for her tariffs as the Self-governing Dominions.

Sir Fazulbhoy Currimbhoy thought this resolution should have been withdrawn after the resolution of yesterday. He thought the question was so big that it really required a Commission to take evidence. He had always found the Government of India sympathetic towards commerce. For the present we should be content and not pessemistic.

Mr. Crum said it was high time India had a right to say something about her own fiscal policy, but he could not support the other views of Mr. Patel's. He entirely agreed with Sir Fuzulbhoy Currimbhoy that a Committee of the Council could not deal with this matter. He thought it should be a commission of experts which should visit all commercial centres in India. India might easily plunge herself into a maze of difficulties. The questions must be approached with the utmost caution and he opposed the resolution.

Sir George Barnes said he agreed that the time was ripe for the consideration of the fiscal question in India. He thought the resolution accepted in the Council yesterday really covered the ground.

Mr. Patel replying said that no one really believed that the fiscal policy of India was not dictated from Home and met the other aguments advanced. The resloution was put and lost by 40 to 14.

Mr. Sinha next moved that Bihar and Orissa be included in the group under the Government of India Act which fixed the maximum annual salary of Governors at Rs. 128,000 and members of the Executive Council at Rs. 64,000. It was lost by 13 to 38 votes.

Sir,—It appears to be commonly supposed that European opinion in India approves of the methods adopted by the military authorities during the recent disorders in the Punjab.

We desire to express an opinion which we believe to be shared by many of our fellow.

Imperial Budget of India 1920

REVENUE.	Budget Estimate, 1920-1921 in 100£
Principal Heads of Revenue—	
Land Revenue	23,711,2
Opium	2,942,0
Salt	4,488,4
Stamps	7,507,5
Excise	13,540,6
Customs	17,009,7
Income tax	11,330,4
Other Heads	5,169,8
TOTAL PRINCIPAL HEADS	85,699,6
Interest	3,715,6
Posts and Telegraphs	6,184,2
Mint	679,5
Receipts by Civil Departments	2,086,2
Miscellaneous	6,276,8
Railways : Net Receipts	21,774,7
Irrigation	5,945,2
Other Public Works	371,3
Military Receipts	1,519,5
TOTAL REVENUE	134,252,6
EXPENDITURE.	
Direct Demands on the Revenues	13,410,1
Interest	8,192,5
Post and Telegraphs	6,073,5
Mint	254,8
Salaries and Expenses of Civil Departments ...	28,250,2
Miscellaneous Civil Charges	8,634,7
Famine Relief and Insurance	1,000,0
Railways : Interest and Miscellaneous Charges ...	15,284,2
Irrigation	4,381,4
Other Public Works	9,074,1
Military Services	41,519,5
TOTAL EXPENDITURE, IMPERIAL AND PROVINCIAL ...	136,075,0
Deduct—Provincial Deficits, that is, portion of Provincial Expenditure defrayed from Provincial Balances.	3,827,0
TOTAL EXPENDITURE CHARGED TO REVENUE. ...	132,248,0
SURPLUS	2,004,6
TOTAL	134,252,6

Financial Statement
of the year 1920-21
Speech of the Hon'ble W. M. Hailey

"I shall deal first with the facts and figures of the financial year now drawing to a close. While for our partner nations in the great War it has been a year of demobilisation, a year in which they have been able to devote their efforts to making a beginning in the reorganisation of their social and industrial forces, we have had troubles of our own which, if small in comparison with what Europe has endured during the last four years, have nevertheless had a dominant influence on our finances. But for the Afghan war and Waziristan campaign, there was nothing in the history of the year which would have been likely to disturb our budget anticipations. Scarcity conditions, resulting from the monsoon failure of 1918, persisted through the earlier months of 1919, and before June famine had been formally declared in twelve British districts and certain Native States. But though the area affected by the scarcity was unusually wide, the maximum number of persons on famine relief was less than one-tenth of the number on relief in 1900. All apprehension of really severe famine conditions was relieved on the arrival of the monsoon. Somewhat late in coming and at first ill-distributed, it declared itself in strength towards the end of July and finally gave a rainfall such as India had not seen for many years past. It is true that, though the monsoon relieved the immediate actual scarcity, it did little to reduce the prevailing and widespread stringency due to high prices, which has caused and is still causing great distress to all classes on fixed wages and fixed incomes. We have witnessed the inevitable reaction in strikes and threatened strikes throughout the country; the temporary provision made in the shape of allowances to lower paid Government servants has already added seriously to our expenditure, and both the Imperial and Provincial Governments have had to include in the figures for the coming year large provision for the revision of their subordinate establishments. But if many of the poorer classes were suffering from the stress of prices, the general economic conditions were undoubtedly favourable to trade. With the gradual improvement in freightage

and traffic facilities both imports and exports have increased. There has been a marked improvement in the balance of trade in favour of India. That balance in the first nine months of the year amounted to 64 crores as against 35 in the previous year, and an adverse balance of 5 crores in 1917. A further proof of the growing prosperity, and a clear evidence of the extent to which India has accumulated capital during the war, was afforded by the remarkable growth of company flotations during the year. We may take somewhat divergent views of some aspects of this extensive flotation of capital issues; for the present I only adduce it as encouraging evidence of India's increased interest in the economic use of money and her obvious ability to finance an era of industrial expansion.

Up to this point, with the exception of the strain caused by the Afghan war and the internal pressure of high prices, the financial history of the year has presented no unusual features. There is, however, another side to the narrative of more peculiar interest to-day, and one with which I know the Council will wish that I should deal in some detail: I mean the history of currency and exchange during the year. We fortunately had no such violent currency crisis as that which Lord Meston described so graphically last year. Though we have used up the great bulk of the bullion secured to us by the Pittman Act, and which saved us from inconvertibility last year, we have now a reasonably strong holding of silver coin. In October it stood at 35 crores, the highest since 1915; it stands to-day at over 28 crores. Strong as our holdings are, we shall not be in calm water till we can be assured of laying our hands on fresh supplies to replenish the gradual process of absorption now taking place—a difficult matter in the present state of the world's markets. We have, therefore, reluctantly been obliged to retain the restrictions on the free encashment of notes at our district treasuries; and to maintain the check on the movement of silver by train. But if the silver position has not caused us any great anxiety, the movement of exchange has been of engrossing interest during the year. Lord Meston explained last year how the rise in exchange followed the breaking away of silver from its pre-war level. That process has continued, and the further changes which have been made in the rates for Council drafts have as before been dictated by the threat of a heavy loss on coinage and the danger to our silver currency caused by the premium on the export of rupees.

"The closing fortnight of the last financial year introduced a new factor into the problem, which has rapidly grown to dominate every other feature. In March last official support of the American

Exchange with England was withdrawn : the dollar exchange, weighted down by the indebtedness of Europe and the balance of trade against her, commenced to fall ; and the American price of silver ceased to be the one dominating factor in determining the rupee sterling exchange. The rate at which India could acquire silver for coinage no longer depended solely on the price of silver in dollars, but was adversely affected by the smaller number of dollars that could be obtained for the pound sterling. Moreover, the rising price of silver itself received a new impetus early in the current year, through the removal in May of control in America. The lower exchange value in America of the pound sterling, and the rapid rise in the price of silver in American currency, necessarily entailed the raising of the exchange value of the rupee, if we were not to see our silver coins smuggled out of the country and our currency notes made inconvertible. In May the rate for Council drafs, which had remained stationary at 1*s.* 6*d.* for over a year, advanced to 1*s.* 8*d.* and this was followed by further rises till in December the rate stood at 2*s.* 4*d.*

"To counteract as far as possible inconvenience to trade from the instability of exchange, Council and sterling drafts have been offered for sale as freely as our resources in India or at home, as the case may be, have permitted. During the first nine months of the year the demand for Councils persisted with varying degrees of urgency, until January when a complete reversal of the position occurred. The Currency Committee had just completed their sittings and their conclusions were awaited. The export trade at the time was not urgently calling for finance, and the uncertainty as to the future led a number of remitters to take advantage of the 2*s.* 4*d.* rate then prevailing. A demand for sterling drafts arose and during January Reverse Councils to the extent of five and half million were sold. This recital of the changes which the year 1919 has witnessed in the exchange value of the ruppee brings me to a consideration of the new orientation which has recently been given to our policy, with the acceptance by the Secretary of State of the recommendations of the Indian Currency Committee. We have accepted without qualification the Committee's conclusions, which are substantially on the lines which we ourselves recommended in October last. It is possible that the Secretary of State's decisions on certain of the Committee's recommendations may be the subject of discussion or legislation in this Council. For the present, I will merely indicate the two outstanding features of the Committee's recommendations ; these are, firstly, the linking of the rupee to gold, and secondly, the adoption of a ratio therefor equivalent to one-tenth of the gold contents of the sovereign.

"On the first point, I think it may fairly be said that there is a strong body of opinion that the Committee's conclusion was inevitable. Linked to sterling, the rupee would share with the latter all its fluctuation of fortune. Every rise of prices in sterling-using countries would inevitably, by the mechanical linking of the rupee to the pound, communicate to this country the same shrinkage in the purchasing power of money and until sterling regained its parity with gold, India would be saddled with an unstable and fluctuating standard of value. We should continue to share with the United Kingdom all the evils of inflated prices. It would be impossible to give any definite gold value to the rupee, or to say what amount of silver a rupee could purchase in America ; while restrictions on the movements of the precious metals would have to be continued indefinitely.

"As regards the second point, the actual rate to be adopted for the ratio between the rupee and gold, the matter is more controversial : and fears have been expressed in some quarters that the rate of Rs. 10 to the gold content of the sovereign is too high, and may inflict injury upon our export trade. I will only emphasise two considerations, bearing on the choice between a high and a low rate, which seem to me to outweigh all others. The first is that, if the high prices now prevailing in most foreign countries are to be brought into relation with Indian prices on an exchange basis for the rupee at anything approaching the old level of 1*s.* 4*d.*, then the consequences to the people of this country would be little short of disastrous ; the present level of internal prices would be stereotyped, or as is more probable, would advance to heights even now unthought of. The interests of the many millions of consumers in India, whose margin of subsistence is at the best none too large, must come before those of any other class. Secondly, a return to a low exchange would very seriously imperil all chance of maintaining the convertibility of the note issue. If the rupee were linked on to gold at a rate of 15 rupees to the gold content of a sovereign, it would be impossible to maintain our silver currency unless the price of silver in America remained below 92 cents. At 10 rupees to the sovereign we can purchase silver and coin rupees therefrom up to an American price of 138 cents, which is well above the melting point of the currency of almost every other country.

"Unfortunately (and I come now to the fact which will be most prominent in the minds of the Council and the public to-day in this connection because the result of the working of these theories is perhaps of more interest than the actual theories themselves), at about the time the Report was published the dollar-sterling exchange which had already fallen heavily, took a further downward plunge,

In these circumstances, the linking of the rupee to gold necessarily caused its exchange value as expressed in sterling to rise by several pence. The demand for reverse Councils became unprecedentedly great and the exchange markets could have absorbed considerably more than the £11 million of reverse Councils which we sold during February. This fact resulted in a considerable divergence between the gold rate at which, following the Currency Committee's policy, we have been selling reverse Councils and the actual market rate. Speculators and profiteers have not been slow to take advantage of the situation. The effect of the heavy remittances made, accompanied by a sudden attempt to realise assets, was sensibly to tighten money. The present situation is one that requires caution in handling, and we have been in continuous communication with the Secretary of State in the matter. The general lines of the legislative measures which with the sanction of the Council we propose to take, have been explained in a public announcement made on February the 23rd. The object of these measures is to provide for the continued sale of reverse Councils with the minimum embarrassment to the market through the withdrawal of funds, and I do not think I need say any more on the subject on the present occasion. But I must add a warning that a prolonged continuance of the present conditions would inevitably react upon our whole ways and programme for next year, which is now, by reason of its very magnitude, far more dependent than formerly upon Indian money conditions.

"This account of the course of exchange, and of the measures which have now been taken to adjust our policy to the changed conditions of the time, brings me to a matter which is of considerable importance in dealing with our revised estimates and our budget anticipations, and to which I must devote some explanation. Our accounts have throughout the year continued to be kept on a 1s. 4d. basis and the Secretary of State has decided that, for the purpose of this Financial Statement, the conversion of rupees into sterling and *vice versa* should be effected at the old level. This results in a number of complications, particularly as regards our capital and remittance transactions, to which I shall refer in due course. In order that the Council may judge of the aspect of our budget on the 2s. basis, which the Secretary of State has decided to adopt for all our accounts and statistics with effect from the 1st April next, I have had a separate statement prepared showing the budget estimates of revenue and expenditure for the next year as recast on the new basis. The matter with which I am more immediately concerned is the method by which we propose in the revised and budget estimates to treat our gain by exchange. We estimate

that during the current year the net gain, that is, the gain after deducting the loss on rupee coinage and on gold purchases, acquisitions and sales, will amount to Rupees Eleven and three fourth crores.

"Now it will be at once obvious to Hon'ble Members that in this "gain" there is a great element of artificiality, and that it would not be correct to assume that whenever our accounts show a gain on exchange this represents a real accretion to our resources, for the so-called gain we obtain every time we transfer a million pounds to the Home Treasury is liable to be turned into a loss if the amount has to be retransferred to India. There are, however, certain of our operations, the exchange gain in respect of which we are entitled to regard as real and permanent. Most of our capital outlay on railways consists of purchase of machinery and stores in Europe or America. We have decided therefore, in view of the large sums involved, that our capital accounts should properly get the benefit of the higher rate of exchange prevailing. Accordingly, out of our total gains by exchange of Rupees Eleven and three fourth crores in the current year, Rupees Seven and one fourth crores will be credited to the railway, irrigation and Delhi capital accounts.

"There remains, then, Rupees four and half crores to be dealt with, and when considering how this should be treated, we are met by another fact of capital importance. The definite abandonment for accounts purposes of the 1s. 4d. rate, and the adoptions therefore of a rate of 2s. to the ruppee, will result in our accounts showing, what, after all, is merely an accomplished fact, a serious capital loss on our sterling holdings, more particularly on those which form the sterling portion of the Paper Currency Reserve. Without entering here into the details on which the calculation is based, I may say that the deficiency in our Paper Currency Reserve, assuming a revaluation on a 2s. basis, may ultimately amount to nearly R40 crores.

"I wish to emphasize very strongly that the making up of this deficiency is not a matter which can be postponed indefinitely, or can be regarded as of the theoretical rather than of practical importance. Quite apart from any question as to our legal responsibilities under the Paper Currency Act, the circulation of our currency notes rests ultimately upon public confidence, and we cannot contemplate with equanimity a position in which the amount of the securities held in the Reserve is patently insufficient to cover the circulation. The importance of adopting speedy measures to supply this deficiency is obvious; it is equally obvious that this object should have the first call upon the gain by exchange, seeing that they are both

due to one and the same cause. After consultation with the Secretary of State, we have decided to earmark the residue of the current year's exchange gain, amounting to R4 and half crores, for meeting this deficiency.

"I have now finished with the greater part of the technical matter and I now come to an account of our actual incomings and outgoings.

"I will first deal with the ordinary heads of revenue and expenditure. In framing his estimate of revenue for the current year, Lord Meston was faced with a very obscure situation ; but he took an optimistic view : and events have justified his optimism. Both Railways and Customs show a response to the improved economic conditions of the year , and income-tax has also exceeded our budget expectations. The net result will be that our Imperial revenue will be R1,35 and half crores against an estimated total of 1,29 and half crores. Our ordinary heads of expenditure (excluding for the moment the Military Services) will show a nearly corresponding excess. Taking the whole ordinary expenditure (excluding Military) the total will amount to R69 crores against an anticipated total of R64 crores : and the position as between revenue and expenditure is a great tribute to the accuracy of the estimates prepared last year by Lord Meston and Mr. Howard. It is when we come to take count of the figures of Military expenditure that the result assumes an aspect entirely contrary to their anticipations. They expected a surplus of £600,000 ; I have to announce a deficit of £14 and one third million. The Budget provided for a total Military expenditure of £11 and one fourth million, which included £8 and three fourth million, the net result being an excess of no less than £15 and three fourth million. That is a result for which, I know, the Council will to some extent be prepared, but which nevertheless requires some justification.

"In presenting the Military estimates for the current year, it was assumed that the year 1919-20 would be one of demobilisation. Unfortunately, as the Council are well aware, this anticipation has not been realised. We were compelled not only to postpone the disbandment of considerable bodies of additional troops which were raised in India in 1918, but also to adopt every expedient which economises human life at the expense of mechanical contrivances and which makes life more comfortable on field service. High prices ruled everywhere and these affected not only the cost of material but the cost of our Indian recruits, including followers. But the expenditure was unavoidable ; when it is a question of war, purely financial considerations must necessarily give way. So much for our direct expenditure on the Frontier operations ; but

apart from this the general military expenditure in the current year is as I have said estimated to exceed the specific provision in the budget by eight and one fourth million pounds. The occurrence of this excess expenditure, in addition to the direct liabilities of the Frontier operations, has engaged our anxious attention for some time past, and in November last, a Sub-Committee of the Executive Council was appointed to investigate the causes contributing to the excess demand. In the result, while steps were taken to enforce every practicable economy, extra expenditure to the amount now stated has been found to be inevitable. The detailed figures will be found in the Financial Statement; the excess is explained partly by the cost of the war gratuities and by the increase in the pay of personnel; partly the execution of items, ahead of programme, which, though adjustable for accounting reasons against the ordinary estimates, are more or less directly attributable to the Afghan War. In short, regrettable as the excess of ordinary military expenditure may have been, it was obligatory, and much of it is of a kind which will be of permanent value

"So much for the details of revenue and expenditure, leading up to our deficit of Fourteen one-third million pounds. But the financial history of the current year is not yet quite complete, for I must refer briefly to the manner in which we have financed ourselves during the year, a question dealt with in that portion of our budget known as the Ways and Means section. I do not think I need enter into great detail here. One fact I may state by way of preface. We now no longer suffer from the difficulties which caused so much embarrassment to Sir William Meyer and Lord Meston, by the fact that so much of our cash balances were locked up in London. It has now become possible for the Secretary of State to retransfer his surplus balances to us by means of remittances of gold: and the difficulties of the feature are likely to arise not from the *locale* of our resources but from their amount. Neglecting for the present the Secretary of State's transactions, we have had to provide finance in India for 130 crores. Allowing for receipts of gold and from reverse Council Bills, amounting together to 80 crores, we have had to find 50 crores by other means. It is the method by which this sum has been provided which will interest the Council. Our rupee loan realised 21 one-fourth crores. We made no attempt on this occasion to repeat the special propaganda associated with the two war loans; we had in 1917 and 1918 dipped heavily into the pockets of the investing public; and in the present year we had, competing with us, a very large number of new Company issues. The result of our loan therefore is, as I think the Council will agree, of hopeful augury for the future.

"Leaving on one side, as of minor account, the figures of cash certificates and savings bank deposits, I come to a source of finance which has become of increasing importance—if occasionally also of some anxiety to us—our Treasury Bills. Lord Meston entertained the hope of being able, during the course of 1919-20, to reduce our treasury bill outstandings by about R 22 crores. These hopes were defeated by the large outgoings due to the Afghan war and the frontier operations, which had to be financed mainly by fresh sales of bills; the extent to which this was necessary will be gathered from the fact that at one period in October our outstandings had grown from 49 one-fourth crores on April 1st to no less than 68 crores. In September our treasury position was one of particular difficulty and, I know, was viewed with anxiety by Mr. Howard. There were heavy maturities of bills to meet, and very high military issues, while the Secretary of State was drawing on us for Councils at the rate of about a crore a week, The proceeds of the loan were speedily exhausted, and our balances remained so low that all possible sources of assistance had to be exploited. In the first place, as in the preceding year, the Presidency Banks were able to come to our help, and, all told, their advances to us amounted to 18 half crores. Secondly, we were obliged to obtain from the Council legal authority to increase our fiduciary issue of notes by 20 crores.

"In December a month in which little revenue is collected and when our treasury balances are at the best of times always low we had no less than 26 half crores of treasury bill maturities to meet. During December it seemed from day to day that we should have to fall back on our increased powers of note issue, but events happily took a more favourable turn; we were not driven to that final extremity, and we managed to turn the corner till, at the beginning of January, our revenue began to come in. Since then our position has been one of comparative ease; and we anticipate that we shall be able to reduce our treasury bill outstandings by the end of the year to the figure at which they stood at the beginning of April last, while the whole of the ways and means advances will have been repaid to the Presidency Banks.

"But we have been sailing very near the wind, and the moral is obvious. Anything approaching 50 crores of treasury bill outstandings, to say nothing of the 68 crores reached in October last, is a dangerous amount of floating debt for India to carry. We must do all in our power to reduce our floating debt to more manageable proportions. In so far as this is not effected by funding in our long terms loans, we must aim at utilising any surplus, arising from our ordinary revenues, to strengthen our ways and means position and to

make us less dependent on the particular form of finance with which I have been dealing,

"So much for the history of the year that is ending; I now turn to the budget for the coming year. I do not propose to trouble the Council with many details of our anticipations under the various heads of revenue and expenditure. Broadly speaking, they are based upon the belief that there will be no set back in general prosperity and that our revenues will continue to show that same expansion which has been exhibited in the current year.

"As regard Customs we are budgeting for Rs. twenty-five & half crores, representing an increase of over Rs. 3 crores on the expected revenue of the current year. Under Railways we have taken an increase of Rs 4 crores over the Rs. 80 crores budgeted for the current year. As regards the gains from exchange, I will confess at once that it is difficult to frame a reliable estimate of what this figure is likely to be next year; on the best estimate we are able to frame, our total gain during the year will amount to about Rs. thirty and three fourth crores. Of this amount Rs. twelve and three fourth crores will be credited to our capital accounts; we propose to earmark Rs. 12 crores towards meeting the deficiency in the Paper Currency Reserve, leaving Rs. 6 crores to be credited to our revenue account.

"If these anticipations be realised, our total Imperial revenue will be nienty-two and half million pounds (Rupees one hundred and thirty-eight and three-fourth crores). The estimate assumes the discontinuance of the Excess Profits Duty which was imposed as a temporary measure in March last.

"On the expenditure side, there is little to bring to the notice of Council. Altogether our expenditure under the ordinary heads is expected in the aggregate to exceed that of the current year by £3 millions. The most important item, however, is of course our military expenditure. We are entering a total figure of £40 million, as against fourty-one and half million pounds in the current year's budget and the £57 million which we are expecting will actually be incurred; but I would ask the Council to bear in mind that whereas out of our figure of fourty-one and one-fourth million pounds last year only thirty-two and half million pounds was meant to be available for the effective service of the army, our figure for next year gives thirty eight and half million pounds as so available. The question of military expenditure for the coming year has caused us no less anxious consideration than that of the excess expenditure during the year drawing to a close. The matter is being specially examined by the Sub-Committee of His Excellency the Viceroy's Council, to which reference has already been made, and the problem

with which they have to deal is one of unusual difficulty. But I may say at once that, if India is to maintain in an efficient state an army of the strength required for the adequate defence of her frontiers, the cost of the military services will in future be much in excess of the sum which we have been accustomed to allot in our budget for this purpose. We obviously cannot revert to the pre-war standard of equipment, since it would be neither right nor humane to deny to our soldiers the advantage which an improved equipment ensures, and the new equipment is extremely expensive both in initial cost and cost of maintenance. I can give the Council a guarantee that the very full data collected by the Army authorities have been exhaustively scrutinised ; every feasible economy has been effected, and the provision of £40 million is the least which can safely be inserted in the Budget.

"I have given the major details, both of revenue and expenditure ; and I now come to the net result ; and it is the net result which will after all have most interest for the Council this morning. The net result is that we anticipate a total expenditure of ninety and half million pounds resulting in a surplus of two million pounds. This is somewhat higher than that for which we usually budget, but if I have carried the Council with me in the remarks I made just now regarding the grave necessity for keeping down our floating debt, it will appreciate our reason for going somewhat beyond the usual figure. But what the Council will also desire to know most is whether we hope to attain this surplus without increased taxation ; and I will not keep them in suspense on the subject.

"In only one direction do we propose to modify our present scale of taxes. The present super-tax on the undivided profits of companies and firms has been the subject of criticism in the past. In the speech which he made last year on the Excess Profits Duty Bill Lord Meston gave on behalf of Government an undertaking that the question of so readjusting our taxation on incomes as to meet these objections would be considered as soon as the excess profits duty ceased to be levied. That time has now arrived. On the best estimate we have been able to frame we conclude that, if we relieve the undivided profits of companies and firms of the super-tax at present imposed, which runs up to 3 annas in the rupee, we shall lose about Rs. 1,76 lakhs. We therefore propose to replace this by a new form of super-tax, which will be assessed at the flat rate of 1 anna in the rupee upon the total income of each company in excess of Rs. 50,000. The new super-tax on companies is estimated to bring us in about Rs. 44 lakhs more than we lose. We should have been glad of course to have utilised this surplus in regrading the lower stages of the ordinary income-tax in order to relieve the

poorer taxpayer and to make the stages more symmetrical. But we have felt it unsafe to do so at present in view of the necessity, to which I have already referred, of making provision for meeting our temporary debt and short term liabilities.

"I have one more explanation to give in connection with the estimates of revenue and expenditure, and it is an important one. Both in our revised estimates and our budget for the coming year provision has been made for the payment of certain portions of India's further contribution towards the cost of the war offered to His Majesty's Government in pursuance of the Resolution passed in this Council in September 1918. These entries have been made only provisionally, since the Resolution contained a reservation that the offer of this further contribution should be subject to the conditions and safeguards indicated in Sir William Meyer's speech. Those conditions were that the payment would be recognised in the event of two contingencies occuring :—firstly, our having to fight on our own frontiers and to incur large expenditure in that connection, and secondly, our being faced with serious financial burdens in other respects such as a famine or great currency crisis. The Council will probably agree with me that the second contingency has not arisen. But the expenditure of about £15 million involved by the Afghan war and frontier operations of 1919 clearly makes the first condition operative. Whether we should stand on that condition, or should waive it, wholly or in part, is a matter which must be left to the verdict of the non-official Members of the Council. There are considerations of weight on both sides. I will not attempt to balance these here, but in order to provide Honourable Members with the material necessary for forming an opinion on the merits of the case, I have appended to the Financial Statement a special note on the subject, in which I have endeavoured to state impartially the financial aspects of the case.

"I will now deal with the demands which we anticipate will fall on our cash resources during the coming year. The most important item is our capital outlay on railways, irrigation and Delhi. We hope to continue the progressive railway policy initiated last year and are budgeting for a railway capital expenditure of £18 million in England and four and half crores in India as compared with the £18 million in England and *nil* in India budgeted for the current year. For irrigation we are budgeting for £580,000, which is all that the Public Works Department can spend until some of the large new projects now begun or under contemplation reach a more developed stage. For Delhi we are entering £800,000, which is however reduced to £734,000, by a credit for gain on exchange. Another very important item is the entry of £10 million for dis-

charge of debt. From 1920 onwards our various series of War Bonds, issued in 1917 and 1918, will mature, and for some years their repayment will make a severe call on our resources ; on August 15th next we have to find over 19 crores for this purpose.

"Next, we hope to apply 9 crores in making up the deficiency in the Paper Currency Reserve : and finally we have to meet heavy drawings by the provinces on their balances amounting to over five and half crores, largely required to finance increases in the pay of subordinate establishments. Altogether, then, we have to meet liabilities amounting to £thirty eight and half million. This is a heavy liability, and our powers to incur the capital outlay proposed will depend to a large extent on the measure to which we can count on obtaining money through our rupee loan. We assume, for the present, that the Indian public will be prepared to take up our loan with something of the freedom shown in the current year, and have felt justified in taking a figure of 15 crores. Should we be disappointed in this, we shall be obliged, however reluctantly, to curtail our capital programme. With the remainder of the details making up the total of thirty eight and half millions I need not now trouble the Council.

"I have now summarised the revenue and expenditure and the ways and means forecasts for the coming year ; and I can conclude a narrative which I am afraid must have already proved too long for the patience of many here. But before I do so, I must allude to one financial consideration of engrossing interest to most members of this Council. I promised a week ago a statement regarding the extent of the finances which will be at the disposal of the reformed governments under the new classification of accounts. The Joint Report of 1918 anticipated an Imperial deficit of thirteen and half crores, that deficit being made up by contributions from the provinces. This would have left the provinces in the aggregate with a net surplus of about 2 crores. After considering the effect of the present budget as arranged on a 2 shilling basis, we now feel justified in assuming for the present a reduction of the Imperial deficit to 6 crores, and we have provisionally indicated this figure to Lord Meston's Committee on Financial Relations as the basis of their inquiry into the apportionment of contributions We have further indicated that we propose to assume the liability for extinguishing these contributions within a measurable time. The result will be that, adopting figures of the provincial budgets for next year, as at present known to us, the Local Governments will be 11 crores a year better off than under the present division of revenues between the Government of India and themselves.

"Let me now add a few words as to our general position, in the present and immediate future. It would indeed have been a

grateful task had I been able, in presenting to the Council the revised estimates of the present year, to exhibit a result more in keeping with the anticipations expressed by Lord Meston on the 1st March last year. But if the Afghan war has involved us in a heavy deficit, the picture is not entirely devoid of brighter features. Our revenue has more than fulfilled the expectations formed last March; our silver reserves stand reasonable high; and we have managed to finance ourselves up to the present without utilising the power taken last September to increase the fiduciary note issue. For the coming year we take, and experience shows that we are justified in taking, an optimistic view of the growth of our major revenue heads. Our estimate of expenditure is of course dominated by the huge figure which we have been obliged to insert on the Military account, but we hope to finance the increased demands on our resources, both civil and military, without any additional burden to the country other than that involved in the re-arrangement of the super-tax to which I have already alluded. On the capital side we contemplate a liberal railway programme; and we look forward to meeting the repayment of the 19 crores of War Bonds which fall due in August next. Let me again emphasise the fact that this programme can only be realised if India gives a liberal response to our rupee loan in the coming year.

"As for the future, the revenues of India are steadily and surely expanding; and their expansion affords a guarantee, in my opinion, of their adequacy to meet such problems of development as immediately confront the administration of the country. Our pre-occupations lie rather in the provision o ways and means to meet our capital liabilities. Our outstanding liabilities are not light; we are still carrying nearly 50 crores of Treasury Bills; and between 1921 and 1928 we have to meet 72 crores of short term securities. Meanwhile, our railways will not cease to demand fresh provision of capital money and we have heavy irrigation projects in view. The solution of the problems of the future depends therefore on the growing accumulation of capital wealth in India, and the interest which the Indian money market evinces in our loan issues. We had evidence during the war of what India could invest under the inspiration of patriotic motives; the response to our last year's issue afforded a proof that business India accepted our loan as a sound and profitable security. With such proofs before us, and in the belief that the social and material development of the country will carry with it an increased sense of responsibility for the economic use of its expanding resources, we need not hesitate to look on the future with a full measure of confidence and trust."

Financial Narrative of the year 1919-20

The narrative of the Finance member describing the financial events of 1920 and proposals for the next year first starts by pointing out that while the other partner nations of the Empire have been able to demobilise their armies, the armies of India returned home from France, Mesopotamia and Palestine only to find laid upon them the further task of defending the soil of India from a threatened invasion from Afghanistan. That peril averted, they have had to face a prolonged campaign, and in the most arduous conditions, in reducing the Mahsud and Wazir tribes. The effect of these operations is written large over the financial history of the year.

But for this, the financial history of the year is of fair harvests, of growing revenues, and, save for the continuance of high prices, of general prosperity. This year we are fortunately able to look back on a monsoon such as India has not enjoyed for many years past. It was, it is true, late in declaring itself. Altogether the total monsoon rainfall of the year was 9 per cent. in excess of the normal.

Agricultural conditions.

The failure of the 1918 monsoon, and the widespread epidemic of the autumn, had their effect on the sparing harvest of 1919, and scarcity conditions continued till late in the summer. In 1918 famine had been recognized as prevailing in certain parts of the country; the early months of 1919 saw famine declared in four districts in the Central Provinces, one district in each of the Bengal and Madras Presidencies, three districts in Hyderabad, and in certain parts of Central India and Rajputana. The figure is less than one-tenth of the maximum number on relief in 1900, although the failure of the monsoon of 1918 was certainly no less widespread than that of 1899. Scarcity of fodder continued during the greater part of the year in the United Provinces, the Punjab, Bombay, Rajputana and Bengal, and the special concession rates for its carriage by rail remained in force in the affected tracts during this period. Apart from large grants for distribution in affected areas in the shape of agricultural loans and advances, a sum of Rs. 1,00,000 was given to the Punjab Branch of the Imperial Indian Relief Fund to assist the opening of cheap grain shops in that Province, and grants in relief of local distress aggregating Rs. 7,30,500 were made to various provinces by the Indian People's Famine Trust. As the monsoon declared itself conditions improved rapidly towards the end of the year, and at its conclusion all relief operations had practically ceased.

Inspite of a good harvest, high prices raged all along. The autumn harvest was good, yet the price of millets, which form the staple food of the people in many parts of India, remained abnormally high, while in spite of the prospect of a good wheat crop, and of the fact that exports are rigorously restricted, the price of wheat is still in the neighbourhood of 6 seers to the rupee. The burden of high prices has been felt in a special degree by the large number of low-paid Government servants, and both the Central and Provincial Governments, in common with other employers of labour, have been obliged to give large increases of pay. The process of revising the pay of establishments continues and will be responsible for a heavy increase of expenditure in the coming year. It must be remembered, that after a serious failure of the monsoon it generally takes several years of good harvests before prices approach their former level. There are factors in existence, external to this country, which have operated and are still operating to keep prices high, viz, the enormous increase in world prices, which is the most striking economic effect of the great war, and has been caused, partly by the inflation of credit and consequent depreciation of money in the belli-

gerent countries, and partly by the decrease in productive output resulting from the war. Sooner or later, it was inevitable that the general decrease in the purchasing power of money elsewhere should react upon the purchasing power of the rupee.

Trade and Commerce.

General trade conditions have been somewhat unsettled. The upward tendency of exchange during the whole of the year induced caution among merchants engaged in foreign trade, while the shortage of tonnage during the first half was, generally speaking, adverse to business. The net result, however, has been a well marked increase in the value of imports and exports of private merchandise. The total value of imports during the first nine months of the year showed an increase of over Rs. 16 crores, or 13 percent., as compared with the corresponding period of 1918, and the total exports, including re-exports, increased by Rs. 53 crores, or 28 per cent. The balance of trade, so far as is shown by the statistics of merchandise, treasure, Council Bills and similar remittances was Rs. 64,20 lakhs in favour of India as against Rs. 35,03 lakhs in 1918. In imports, the principal increases in the first nine months of the financial year were sugar, iron and steel, mineral oils, machinery and millworks, railway plant and rolling stock, all of which show a rise of over Rs. 2 crores in value. A heavy decrease occurred in the import from April to December of cotton manufactures, amounting to nearly Rs. 11 crores. The tonnage available for India's trade increased gradually throughout the year. The first indication of increase occurred about October last. During the nine months April to December 1919, the net tonnage of vessels entering ports in British India with cargoes from foreign countries and British possessions amounted to 3,632,440 tons, as against 2,730,937 tons during the corresponding period in 1918, and the tonnage cleared during the same period amounted to 4,373,975 tons, as against 3,731,651.

Restrictions on trade.

During the year it has been found possible to free trade of a number of the restrictions imposed during the war; and in July and August last all special restrictions on trade with ex-enemy countries were removed. All restrictions on the export of hides and skins, raw jute, oils and oilseeds and a number of other articles have also been removed and owing to the general shortage of foodstuffs, the export of a number of food-grains has been prohibited.

Company promotions.

An outstanding feature of the year has been the continuance and expansion of company promotions. During the eight months April to November 1919, 435 new companies, with an aggregate authorised capital of nearly hundred sixty six and a half crores Rupees, were registered in British India and Mysore. The number of the previous year amounted only to 158, with an evidence of our financial strength and of hopeful augury for a great industrial expansion. Others are inclined to describe it as the prevalent investment mania and predict a severe reaction, accompanied by financial crises, crashes in the share markets and widespread loss.

Absorption of rupees —Currency and Exchange.

In 1918-19 the total absorption of silver coin by the public amounted to Rs. 45 crores; in the current year the absorption up to the middle of February has been about Rs. 22 crores. September last was the first month for two years during which, taking the whole of India together, there was not an actual outgoing of rupees. The Madras and Rangoon currency circles alone have shown an aggregate net return up to date, but there has been a marked curtailment in

the absorption in the Lahore and Bombay circles. As a result of the lower absorption, stocks of rupees steadily increased, until at the end of October they reached their maximum of thirty five and half crores Rs., the highest since 1915. This increase has been due to the fact that the output of the mints was at last able to overtake the issues. This has been effected, however, at the expense of using up a great deal of our stock of bullion. In 1918 by the passing of the Pittman Act, we procured 200 million ounces of silver from the United States. At this time last year the rate for Council drafts stood at 1s. 6d. per rupee for immediate telegraphic transfers. The era of a stable exchange had, temporarily at least, passed away, but the rise of exchange followed the breaking away of silver from its pre-war level.

Deputation of Sterling. Rise in price of Silver.

On March the 21st, 1919, official support of the American exchange with England, originally introduced as a war measure, was withdrawn, and the dollar exchange, weighted down by the indebtedness of Europe and the balance of trade against her, commenced to fall. England had ceased to be a free gold market and the pound sterling no longer fetched in exchange the 4 dollars and 86 cents which represent the equivalent of the gold sovereign. From 486 the dollar sterling exchange dropped to a level of about 450 at the end of June, and then steadily declined in succeeding months until now it stand in the neighbourhood of 340. The American price of silver ceased therefore to be the one dominating factor in determining the rupee sterling exchange. The rate at which India could acquire silver for coinage no longer depended solely on the price of silver in dollars, but was adversely affected by the smaller number of dollars that could be obtained for the pound sterling. Moreover, the rising price of silver itself received a new impetus early in the current year, through the removal in May of control in America. The price of silver, which then stood in the neighbourhood of 101 cents per fine ounce, at once rose by some 10 cents and, stimulated by the firm and long drawn demand of China, continued to rise until it passed the melting point of the dollar and stands now at about 130. The lower exchange value in America of the pound sterling, and the rapid rise in the price of silver in American currency, necessarily entailed the raising of the exchange value of the rupee, if we were not to see our silver coins smuggled out of the country and our currency notes made inconvertible. In May the rate for Council drafts, which had remained stationary at 1s. 6d. for over a year, advanced to 1s 8d. and this was followed by further rises of 2d. each in August, September, November and December till the rate stood at 2s 4d.

Effect on exchange markets

The effects these changes have had upon trade was at once seen. The rate for Council drafts necessarily has a considerable determining influence on the rates at which export and import transactions are financed. The purchase of Councils enable the Exchange Banks to transfer back to India the funds which otherwise would accumulate in England owing to the heavy excess in normal years of exports over imports. An alternative method of so transfering funds is afforded by the import of gold and silver. During the greater part of the current year the embargo on the import of silver has remained in force. The import of gold has, however, been permitted, subject to acquisition by Government at rates notified from time to time, which were ultimately based on the rates adopted for Council drafts ; and since June last, when the embargo on the export of gold from America was removed, the banks have to some extent availed themselves of this method of putting themselves in funds in India, But, whether funds are transferred by the purchase of Council drafts or by the import of gold, the rate at which money can be laid down in India, and consequently the rate

at which export bills can be bought and outward remittances sold, has been largely governed by the rate for Council drafts. The variations in these rates, and speculation as to further probable variations, have accordingly introduced an element of instability into exchange which has at times hampered the freedom of business operations. Banks were naturally shy both of remitting to London by the purchase of export bills in excess of their sales of sterling, funds which they might have to retransfer to India at a higher rate of exchange, and also, on the other hand, of drawing on their balances in London, by their sales of sterling in excess of their purchases, to an extent which might necessitate their remitting funds home at a loss, should exchange fall. Throughout the year therefore their policy has been largely that of the "even keel"; when indications seemed to point to a rise in the Council rate, they were bad buyers of export bills, and when the opposite condition held, bad sellers of sterling.

"To counteract as far as possible inconvenience to trade on this account, Council and sterling drafts have been offered for sale as freely as our resources in India or at home, as the case may be, have permitted. In April last the sale of Council drafts, which had for some months been suspended, was reintroduced to meet the demand arising from the fact that the export bills calling for finance were more than could be covered by the demand for outward remittance. During the first nine months of the year the demmand for Councils persisted with varying degrees of urgency. In general, throughout the year a rise in exchange tempted out remittances and checked bills, thus reducing the demand for Councils, and the gradual decline of the dollar sterling exchange and the rise in the price of silver (suggesting that a further raising of the rate for Councils was due) had the reverse effect, and made the demand for Councils more insistent. This see-saw motion continued until January when a complete reversal of the position occurred. The Currency Committee had just completed their sittings and their conclusions were awaited. The export trade at the time was not urgently calling for finance, and the uncertainty as to the future led a number of remitters to take advantage of the 2s. 4d. rate then prevailing. A demand for sterling drafts arose and during January Reverse Councils to the extent of £5·4 million were sold.

"The pound sterling and the amount of gold contained in the sovereign which became so marked during last summer and has subsequently still further increased, gave rise to a set of conditions which, in the opinion of most people has rendered it imperative to give to the rupee some foundation less shifting than the sterling to which it had hitherto been linked. Otherwise, by inexorable natural laws, results of serious consequence to this country might ensue. Linked to sterling, the rupee would share with the latter all its fluctuations of fortune. Every rise of prices in sterling using countries would inevitably, by the mechanical linking of the rupee to the pound, communicate to this country the same shrinkage in the purchasing power of money, and until sterling regained its parity with gold, India would be saddled with an unstable and fluctuating standard of value. We should continue to share with the United Kingdom all the evils of inflated prices. It would be impossible to give any definite gold value to the rupee, or to say what amount of silver a rupee could purchase in America; while restrictions on the movements of the precious metals would have to continue indefinitely. There is no policy that is without its disadvantages, and it must of course be admitted that the result of linking the rupee to gold is that the rupee-sterling exchange must fluctuate in the same manner as does the dollar-sterling exchange; it cannot be denied that this introduces an uncertain element into that large portion of the trade of India which is with sterling-using countries. Nevertheless, we have to look to the interests of the country as a whole rather than to those of the smaller, though highly important section which is engaged in foreign trade; and we think that there can be no

doubt that the economic interests of India's huge population will be better served by giving the rupee an absolute stability in gold—the ultimate standard of value—than by assigning to it a stability relative to a standard which is itself markedly unstable.

"As regards the actual rate to be adopted for the ratio between the rupee and gold, fears have been expressed in some quarters that the rate of Rs. 90 to the gold content of the sovereign is too high, and may inflict injury upon our export trade. I will not repeat here the reasons given in the Committee's Report, which decided them not to yield to the influence of such fears. I will only emphasise two considerations, bearing on the choice between a high and a low rate, which seem to me to outweigh all others. The first is that, if the high price now prevailing in most foreign countries are to be brought in to relation with Indian prices on an exchange basis for the rupee at anything approaching the old level of 1s. 4d. then the consequence to the people of this country would be little short of disastrous; the present level of internal prices would be stereotyped, or, as is more probable, would advance to heights even now unthought of. The interests of the many millions of consumers in India, whose margin of subsistance is at the best none too large, must come before those of any other class. Secondly, a return to a low exchange would very seriously imperil all chance of maintaining the convertibility of the note issue. If the rupee were linked on to gold at a rate of 15 rupees to the gold content of a sovereign, it would be impossible to maintain our silver currency unless the price of silver in America remained below 92 cents; if the rate were 12 rupees to the sovereign, the corresponding silver parity would be 115 cents. At 10 rupees to the sovereign we can purchase silver and coin rupees therefrom up to an American price of 138 cents, which is well above the melting point of the currency of almost every other country. I need not point the obvious moral of this important fact. Only one alternative has been suggested for staving off inconvertibility—the debasement of the rupee or the issue of a debased two rupee price. In all the press comments on the Committee's report I have seen nowhere any support of a proposition fraught with such obvious political and economic dangers.

"Unfortunately, at about the time that the Currency Committee's Report was published and the announcement made of the Secretary of State's acceptance of the main principles underlying the Committee's recommendations, the dollar-sterling exchange, which had already fallen heavily, took a further downward plunge. In these circumstances, the linking of the rupee to gold necessarily caused its exchange value as expressed in sterling to rise by several pence. The much greater amount of sterling that could be purchased by a given number of rupees naturally provided a great incentive to people, with accumulated funds in India, to remit these to England. The demand for reverse Councils became unprecedentedly great and the exchange markets could have absorbed considerably more than the £11 million of reverse Councils which we sold during February. This fact resulted in a considerable divergence between the gold rate at which, following the Currency Committee's policy, we have been selling reverse Councils and the actual market rate. Speculators and profiteers have not been slow to take advantage of the situation. The effect of the heavy remittances made, accompanied by a sudden attempt to realise assets, was sensibly to tighten money. I ought to point out to the Council that such monetary stringency as has existed has not been due to any withdrawal by Government of funds from the market, since the proceeds of our sales of reverse Councils have up to date remained in the balances of the Presidency Banks. At the same time a word of caution is called for. The extent to which the Secretary of State's ordinary cash balances can be drawn on to meet reverse Council payment necessarily has a limit, and for the time being that limit has been reached. Further sales will be effected through the medium of the Paper Currency Reserve,

but this process would, in the absence of special measures, ordinarily involve some locking up of funds withdrawn from the market. Inflation of currency and credit, as most belligerent countries are now finding to their cost, brings serious consequences in its train, but the evils of an unduly rapid deflation may quite easily be no less serious. The present situation is one that requires caution in handling, and we have been in continuous communication with the Secretary of State in the matter. The general lines of the legislative measures which with the sanction of this Council we propose to take, have been explained in a public announcement made on February the 23rd. The object of these measures is to provide for the continued sale of reverse councils with the minimum embarrassment to the market through the withdrawal of funds, and I do not think I need say any more on the subject on the present occasion, except to give a warning that a prolonged continuance of the present conditions would inevitably react upon our whole ways and means programme for next year, which, as the Council will gather when I come to speak of our financial operations in the current year, is now, by reason of its very magnitude, far more dependent than formerly upon Indian money conditions.

Financial Narrative 1920-21

Presented by the Finance Member

A.—Budget Estimates of Revenue and expenditure

Budget anticipations.

This is the last occasion on which the budget will be framed on the existing division of revenue and expenditure between the Central and the Provincial Governments. The inauguration of the Reforms Scheme involves the abolition of the present divided heads of revenue and expenditure; and under the new financial arrangements the revenue and expenditure pertaining to each particular subject of administration will follow the administrative division. I shall deal subsequently with the broad effect which the new arrangements will have on the respective resources of the Government of India and the provinces. Meanwhile, our budget anticipations are of some importance as affording the latest available information on the manner in which the new arrangements will affect the finances of the Central and Provincial Governments. I do not propose to trouble the Council with many details of our anticipations under the various heads of revenue and expenditure. Broadly speaking, these are based upon the belief that there will be no set back in general prosperity and that our revenues will continue to show that same expansion which has been exhibited in the current year.

Customs.—I have already mentioned that during the current year we expect to realise a total Customs revenue of about R23 and one third crores. We may reasonably expect that next year freight difficulties will have largely disappeared; on the other hand, we cannot expect that the producing power of European countries will reach anything like the pre-war level, and we can hardly count on that heavy inrush of commodities which might otherwise be expected with the full return of peace conditions. Nevertheless, there seems no reason to anticipate that the steady growth shown in our Customs returns of the current year will not continue, and we are consequently budgeting for R25 and half crores, representing an increase of over R3 crores on the expected revenue of the current year. This figure assumes no change in our Customs tariff other than the recently announced abolition of the import duty on silver.

Railways.—Under Railways we are budgeting for continuance of that steady growth in traffic receipts which has been so marked for some years, and we have taken an increase of R1 crores over the R80 crores budgeted for the current year. On the other hand, we anticipate a considerable rise in working expenses in order to continue the renewals and replacements necessitated by the forced neglect during the war, and altogether we expect that the net receipts will be R34 crores or the same as in the current year.

Exchange.—I have already explained the complications arising from the large credit which we get in our accounts from gains by exchange. I will confess at once that it is difficult to frame a reliable estimate of what this figure is likely to be next year. No one can predict the extent to which the pound sterling may depreciate or appreciate during the next twelve months, and it is impossible to say what variations may take place in the rupee sterling exchange which, under the policy recently inaugurated, must rise or fall according as the pound sterling falls or recovers in terms of gold. And apart from the question of the actual rate, it is equally impossible to forecast the actual volume of our remittance transactions in either direction. From the remarks I have already made on this matter earlier in this narrative, it will be clear that a few millions more or less of Councils or reverse Councils will make a very large difference in the total of the so-called gain. We have assumed that the average rate for the rupee sterling exchange will not be below 2*s.* 6*d.*; on the best estimate we are able to frame, our total gain during the year will amount to about R30and three fourth crores. Of this amount R12 and three fourth crores will, for the reason which I have already given, be credited to our Railway, Irrigation and Delhi capital accounts. We propose to earmark

R12 crores (as against R4 and half crores in the current year) towards meeting the deficiency in the Paper Currency Reserve, leaving R6 crores to be credited to our revenue account.

If these anticipations be realised, our total Imperial revenue will be £92 and half million (R1,38 and three fourth crores). The estimate assumes the discontinuance of the Excess Profits Duty which was imposed as a temporary measure in March last.

Expenditure.

On the expenditure side, the only marked variations which we anticipate under the ordinary heads are—(1) An increase of over £1 and one third million over the current year's expenditure on *Posts and Telegraphs* due to the inclusion of large provisions for increases of pay to subordinates and for outlay on stores. (2) Payments of *civil furlough* and *superannuation* allowances are expected to rise by £ three-fourth million. (3) Under the '*Miscellaneous*' head there is an increase of about £ one-fourth million representing the provision which we have entered for expenditure in connection with the visit of His Royal Highness the Prince of Wales ; and (4) Under *Public Works* there is an increase of £318,000 due to the necessity for a somewhat heavier programme of works as the result of enforced economy during the war period. Set off against these are savings of—(1) £263,000 which we anticipate under *Interest* due to a reduction in our liability to the Home Government in respect of the £100 million contribution, and (2) of £275,000 under *Political* mainly in respect of special political expenditure incurred in Persia. Altogether, our expenditure under the ordinary heads is expected in the aggregate to exceed that of the current year by £3 million. The most important item, however, is of course our military expenditure. This I am dealing with separately, and merely mention here that we are entering a total figure of £40 million, as against £41 and one fourth million in the current year's budget and the £57 million which we are expecting will actually be incurred. The net result is that we anticipate a total expenditure of £90 and half million (R1,35 and three fourth crores), resulting in a surplus of £2 million. This is somewhat higher than that for which we usually budget, but if I have carried the Council with me in the remarks I made just now regarding the grave necessity for keeping down our floating debt, it will appreciate our reason for going somewhat beyond the usual figure. And I hope that I shall make this still further apparent when I come to deal with the heavy ways and means liabilities which lie before us.

Provincial Budgets.

During the war we were obliged to ask the provinces not to draw on their balances and to keep their expenditure strictly

ithin the income of the year. This restriction was relaxed for e current year, and the provinces were allowed to budget for eficits aggregating nearly R3 crores, although as I have already entioned, their revenues have on the whole actually been equal their expenditure. For next year, although budgeting for reven- es materially larger than those of the present year, they anticipate rawing on their balances to the extent of no less than R5 and three urth crores. A great part of these deficits is accounted for by rge schemes of non-recurring expenditure which were necessarily ld up during the war, but there is also a striking increase in the dgeted recurring expenditure, due to the very large revisions of e pay of subordinate establishments necessitated by the present sc ale of prices.

Alterations in super-tax.

We hope to attain the results outlined in the preceding fo recast without any substantial addition to our Imperial taxation. In only one directions do we propose to modify our present scale of taxes. The present super-tax on the undivided profits of compa- nies and firms has been the subjects of considerable criticism on grounds of principle. It is urged that the tax is an incentive to companies to distribute more in dividends than is justified by their real financial position, and penalises those concerns which desire to strengthen their reserves. We have been told that Government would have done better to have levied a tax at a moderate rate on the whole income of companies, instead of applying the ordinary super-tax to companies' undivided profits. In the speech which he made last year on the Excess Profits Duty Bill, Lord Meston gave on behalf of Government an undertaking that the question of so readjusting our taxation on incomes as to meet these objection s would be considered as soon as the excess profits duty ceased to be ed. That time has now arrived. On the best estimate we have n able to frame we conclude that, if we relieve the undivided ofits of companies and firms of the super-tax at present imposed, which runs up to 3 annas in the rupee, we shall lose about R1,76 lakhs. We propose to replace this by a new form of super-tax, similar to the "corporation" or "companies" tax levied in certain other countries, which will be assessed at the flat rate of 1 anna in the rupee upon the total income of each company in excess of R50,000. This will, of course, like the present super-tax be in addition to the ordinary income-tax, and there will be no refunds. The present super-tax on individuals will remain as at present. The new super-tax on companies is estimated to bring us in about R2,20 lakhs a year, *i.e.*, R44 lakhs more than we see. We should have been glad to have utilised this surplus

in re-grading the lower stages of the ordinary incometax oder to relieve the poorer tax-payer and to make the stage mo symmetrical. But we have felt it unsafe to do so at present view of the necessity, to which I have referred, making provisio for meeting our temporary debt and short term liabilities. W shall in any case have relieved industry of the present burden the Excess Profits duty, and this is as far as we are justified doing at present.

India's further contribution to the war.

I have one more explanation to give in connection with t estimates of revenue and expenditure, and it is an importa one. The Council will notice, from the detailed information give in a later section that, in both our revised and budget estimates military expenditure, provision has been made for the payment certain portions of India's further contribution towards the cost the war offered to His Majesty's Government in pursuance of t Resolution passed in this Council in September 1918. I wou explain that these entries have been made provisionally; the retention will depend on the view which the Council takes as India's liability in this matter. The Resolution contained reservation that the offer of this further contribution should subject to the conditions and safeguards indicated in Sir Wil Meyer's speech. Those conditions were that the payment wou reconsidered in the event of two contingencies occurring,— our having to fight on our own frontiers and to incur expenditure in that connection, and secondly, our being faced serious financial burdens in other respects, such as a famine or great currency crisis. The council will probably agree with that the second contingency has not arisen. It cannot be said t there has been a grave currency crisis since the Resolution w passed. It is true that there was a serious failure of the mons in 1918, but the account which I have given of our revenue a expenditure during the current year will have shown that any los which we have sustained on this account has been counterbalanced by our prosperity in other directions. But the expenditure of about £15 million involved by the Afghan war and frontier operations of 1919 clearly makes the first condition operative. Whether we should stand on that condition, or should agree to waive it, wholly or in part, is a matter which must be left to the verdict of the non-official Members of the Council. There are considerations of weight on both sides. I will not attempt to balance these here, but in order to provide Hon'ble Members with the fact regarding the amount of the additional contribution and wit

other material necessary for forming an opinion on the merits of the case, I have appended to this Financial Statement a note on the subject (Appendix II) ; in that note I have not attempted to draw any conclusions, but have merely endeavoured to set forth what appear to me to be the financial issues involved. Should the Council decide to withdraw, either wholly or partially, from the offer made to His Majesty's Government in September 1918, the necessary corrections will be made in the estimates before the Budget is finally presented.

B.—Ways and means 1920-21

Capital outlay

"I will now deal with the demands which we anticipate will fall on our cash resources during the coming year. The most important item is our capital outlay on railways, irrigation and Delhi. We hope to continue the progressive policy initiated last year in the matter of developing our great and profitable railway estate, and are budgeting for a railway capital expenditure of £18 million in England and four and half crores in India as compared with the £18 million in England and nil in India budgeted for the current year. For irrigation we are budgeting for £580,000, which is all that the Public Works Department can spend until some of the large new projects now begun or under contemplation reach a more developed stage. For Delhi we are entering £800,000, which is however reduced to £736,000 by a credit for gain by exchange. I shall give a further explanation shortly of our capital programme under these three heads. Meanwhile, I must draw attention to the fact that we have here one of those awkward complication which arise from the conversion of rupees into sterling at 1s. 4d. In the statutory statements appended hereto the figure for railways totals £14·6 million only, in spite of the fact that we anticipate an outlay in England alone of nearly £18 million. This is one of those anomalies which are inevitable with the figures prepared on a basis which is now obsolete, the reason being, as I have already explained when dealing with the treatment of the gain by exchange, that the capital account has to receive a credit which in the case of Railways amounts to nearly 10 crores. When the rupee and sterling figures are then combined upon a 1s. 4d. basis, the result is £14·6 million. The best way of comparing the railway capital budgets for the current and next year is to say that, while the former was calculated to cost the Indian tax payer 24 crores, the latter will cost him about 19 crores at the rate of exchange of 2s. 6d. the rupee

Repayment of War Bonds.

Another very important item is the entry of £12·9 million for discharge of debt. From 1920 onwards our various series of War Bonds, issued in 1917 and 1918, will mature, and for some years their repayment will make a severe call on our resources, on August 15th next we have to find over 19 crores for this purpose. I may mention that we are doing what we can to work out such administrative measures as will enable the holders of these War Bonds, many of whom are quite small people living in remote towns and villages, to get repayment with the minimum of formality and inconvenience to themselves, and for this purpose the Securities Bill now before the Council will, when passed into law, be of great assistance in enabling us to waive many of the formalities necessitated under the existing law.

Making up of deficiency in Paper Currency Reserve.

I have already mentioned that in the current and next year we are placing in suspense 4 and half and 12 crores, respectively, towards meeting the deficiency in the Paper Currency Reserve. These amounts are, of course, for the time being held in our general balances, but we hope during the course of next year actually to apply 9 crores or £ 6 million in making up that deficiency.

Finally, we have to meet heavy drawing by the provinces on their balances amounting to over 5 and half crores. Altogether, then, we have to meet liabilities amounting to £38·6 million.

Assets

These are heavy liabilities, and our ability to incur the capital outlay proposed will depend to a large extent on the measure to which we can count on obtaining money through our rupee loan. We assume, however, that the Indian money market and the investing public generally will be prepared to take up our loan with something of the freedom shown in the current year. Should this not prove to be the case, we shall be obliged, however reluctantly, to curtail our capital programme. I now turn to the steps by which we propose to meet the libility of£38·6 milion. We have, to start with, an anticipated Imperial surplus of £2 million, while we propose to reduce our cash balances during the course of the year by £3·2 million. Next, we assume a loan of 15 crores or £10 million. We hope to receive credits, in respect of stores charged to the War Stores Suspense account, to the extent of £7 million, and to recover £2·7 million from the War Office in respect of cash balances in Mesopotamia which will be transferred to the new administration of that country. As already stated, we

hope to obtain a credit of £8 million from exchange gain, and the balance of our requirements will be found from Savings Bank deposits and other miscellaneous transactions. These transactions are summarised in the statement below :—

Liabilities. (In millions of £)			*Assets.* (In millions of £)	
Provincial deficit		3·8	Reduction of cash balances	3·2
Capital outlay :—			Imperial surplus	2·0
Railways	14·6*		Rupee loan	10·0
Irrigation	0·6		Savings Bank, etc., deposits and cash certificates	2·1
Delhi	0·7		Net gain on exchange and gold operations held in suspense for meeting deficiency in Paper Currency Reserve	8·0
		15·9	Credits for issues of Stores charged to Suspense Account	7·0
Discharge of debt		12·9	Recovery from War Office in respect of cash balances in Mesopotamia to be transferred to new Administration	2·7
Appropriation for deficiency in Paper Currency Reserve		6·0	Miscellaneous items, (appropriation from Famine Insurance grant for reduction of debt, deposits, etc.)	3·6
		38·6		38·6

I have already tried to explain the difficulty of making a reliable estimate of our probable remittance transactions between England and India during the coming year, and I do not think, therefore, that it will serve any useful purpose for me to go into any details here as to the probable ways and means positions in England and India separately. All I will mention is that we expect that the Secretary of State's disbursements will amount to about £16 million, and that he will be able to meet these from the recoveries which he will make from the War Office in respect of payments made by us in India on their behalf and by selling Council Bills for £8 and one-third million.

Section III.—Note on Certain Special Heads

A. Military Services

Financial results of the year.

The net military expenditure (*i.e.*, deducting receipts) was and half million in 1918-19. The budget estimate for

*Made up of :

Indian outlay	4,51 lakhs
Adjustment for exchange	—9,74 „
Home outlay	£ 18,128,000

1919-20 was £41,195,000. This figure included a provision for the payment to His Majesty's Government of an additional war contribution of £8,695,000. In the Revised estimate a sum of £1,541,700 has been included provisionally on account of this additional war contribution, the amount being made up as follows:— £246,700 for the effective charges of the additional body of Indian troops, being the equivalent at £1=R15 of an instalment of £500,000 of the special contribution; £995,000 for war pensionary charges of Indian troops and their British officers; £300,000 for war pensionary charges of British troops. The grounds for the reduction of the contribution for effective charges to a payment on account of £500,000 are explained in paragraph 6 of the Appendix dealing with this special contribution. Omitting these special payments, the net expenditure in 1919-20 is now expected to amount to £55,475,000 against a Budget estimate of £32,500,000. The increase over the Budget estimate thus amounts to £22,975,000. The Budget, however, also included a reserve of £871,000 under the Army head to meet unforeseen expenditure. The excess over the specific provision is therefore £23,846,000. Of this, £14,736,000 represents the cost of the operations against Afghanistan and the tribes on the North-West Frontier.

Nature of the war expenditure in the current year.

In presenting the military estimates for the current year, it was assumed that the year 1919-20 would be one of demobilisation. Unfortunately, as the Council are well aware, this anticipation has not been realised. The details of the campaigns on our frontier are known to the Council and I need not dilate on them, other than to emphasise the fact that the crisis arose at a time when the resources of India, both in men and material, had been sorely taxed by the Great War. Owing partly to deficiencies due to this cause and partly to the insistence, by present day public opinion, on a higher standard of efficiency in the military organisation, and of comfort for the fighting personnel, expenditure on a scale hitherto unprecedented in India had to be undertaken immediately. We were compelled not only to postpone the disbandment of considerable bodies of additional troops which were raised in India in 1918, but also to adopt every expedient which economises human life at the expense of mechanical contrivances and which makes life more comfortable on field service. Our total bill of £14 and three-fourth million includes special rations and special clothing for the effective personnel of the army; special hospital equipment and diet; the provision of ice plants, electric fans and lights, mobile water filtration plants, and pure water supply; the provision of huts for troops where in previous campaigns tents

sufficed ; the provision of mechanical transport and their workshops, motor ambulance convoys, additional animal transport required to carry the special war material entailed by modern requirements ; the construction of roads, in localities where construction is specially expensive ; the provision of ambulance trains and specially rolling stock for troop movements ; the survey and construction of special railways ; the installation of ropeways ; the provision of lethal munitions of modern character, heavy guns, machine guns approximating to the scale adopted in the Western theatres of war, armoured motor batteries, aeroplanes and their fighting equipment ; improved equipment for defences involving heavy expenditure on barbed wire and defensive posts. The cost of all this has been higher than it might otherwise have been. We were at the end of 5 years of war ; high prices ruled everywhere and these affected not only the cost of material but the cost of our Indian recruits, including followers. But the expenditure was unavoidable ; when it is a question of war, purely financial considerations must necessarily give way.

A part from special war contributions and the cost of the operations on the Frontier, the expenditure in the current year is estimated to exceed the specific provision in the budget by £9,110,000. The occurrence of this excess expenditure, in addition to the direct liabilities of the Frontier operations, has engaged our anxious attention for some time past, and in November last a Sub-Committee of the Executive Council was appointed to investigate the causes contributing to the excess demand. In the result, while steps were taken to enforce every practicable economy, extra expenditure to the amount now stated has been found to be inevitable. It is due in the main to two well-defined causes. Firstly, a very large proportion, amounting to over 7 crores of rupees, consists of items which can best be described as residuary obligations arising out of the great war. Secondly, the operations on the North-West Frontier reacted directly or indirectly on the ordinary heads of expenditure. The clearest example of the former category is an item of £2,800,000, which is required to pay the war gratuity admissible under the Royal Warrant to our permanent complement of regular British officers and soldiers for service in India during the period of the war. This represents an element in the contribution which we make to His Majesty's Government under the arrangement whereby we undertook to bear the cost of the normal garrison in India. It is a non-recurring charge, the liability for which was not known at the time of the preparation of the budget for 1919-20. The gratuity payable to our Indian soldiers for their service overseas in the great war has been provided for, but it does not appear in the present account, since the cost is chargeable to His Majesty's Govern-

ment. Then, again, we had to face an all round increase in the pay of the personnel of the army. The process was initiated by His Majesty's Government at home with effect from 1st July 1919, and we, as a necessary consequence, have conceded a similar increase in the pay and furlough pay of British officers and soldiers serving in India, The cost of this will amount to about £2million inclusive of medical services and miscellaneous British personnel. As a corollary to this, we have found it necessary to continue the grant to Indian troops of the increase of pay represented by the six-monthly bonus sanctioned in 1918. For the present, the increase is a temporary measure, which will require to be reconsidered in the light of the proposals which may be put forward by the Army in India Committee for the future organisation of our Indian Army. So long as the six-monthly bonus was paid for the specific purpose for which it was first granted, namely, the stimulation of recruitment for overseas forces, its cost was chargeable to His Majesty's Government, but its continuance in the circumstances which I have stated will now involve an expenditure of £270,000 from Indian revenues. We have also granted rewards consisting of cash grants and grants of land to Indian officers and men who have rendered distinguished service during the war' and have sanctioned increases of pay to various Indian establishments including followers. The cost of these measures will amount to £150,000. We have also had to meet obligations entailed by the higher standard of military equipment necessitated by the experience gained during the great war. We have added permanently to our establishment 6 Ford Van companies, together with workshops for repairing motor vehicles. It has been necessary to provide more animal transport units, and to make certain additions to the cadre of the Supply and Transport Corps, consequential on the grant of free rations to Indian troops and the development of transport services, and in the Army Veterinary Services and other administrative establishments. These various undertakings are estimated to cost about £160,000. Food charges account for an increase of £550,00 owing to continued high prices ; the cost of the Aden Operations will exceed the budget estimates by £110,000 ; expenditure on certain services, *e. g.*, Port defences, Coastal patrol service, etc,, by £150,000 ; the railway charges for military traffic and the hire of bullock transport by £280,000 ; and the expenditure on the purchase of stores in India for the Royal Air Force and for mechanical transport by £70,000. An additional sum of £600,000 will also have to be paid to the War Office in respect of the non-effective charges of British troops serving in India, partly owing to a rise in the rates of pensions and partly in connection with the settlement of certain claims which the War

Office has against us on account of the ordinary charges of British troops with previous Indian service whose ordinary pensions did not mature owing to death or disability in the Great War.

The expenditure on Military Works will exceed the budget estimates by £1,315,300. The excess consists very largely of items which, though adjustable for accounting reasons against the ordinary estimates, are more or less directly attributable to the Afghan war. Thus, the increase of Air Force establishment involved the provision of buildings for the accommodation of the extra personnel and for housing the valuable equipment which an Air Force requires. The works will, however, be of permanent utility and accordingly it would not be correct to charge their cost to the operations. The same is the case with the expenditure on Frontier roads (£180,000) and mechanical transport workshops (£133,000). Apart from this quasiwar expenditure, we have been compelled to provide accommodation on an enhanced scale for families of British units arriving from England at a cost of £140,000. This measure has been taken under the direct advice of His Majesty's Government. At the same time considerable expenditure has been incurred on reconstruction and improving the lines of Indian troops and on providing the buildings necessitated by the provision by Government of free rations for Indian troops.

The budget provision for next year has been taken at £40 million. Out of this sum £15 million has been provisionally earmarked for payment of instalments of the additional contribution to His majesty's Government, namely, £52 million being the equivalent at R15 = £1 of a second instalment of £·5million for effective charges and £1·2 million for non-effective charges and the balance of £38·55 million will be available for the services of the Army. The detailed grants working up to this figure have not yet been definitely settled, the reason for this being that the disturbed conditions which still prevail in India and the Middle East have rendered it equally impossible to obtain any clear assessment of our normal military liabilities in the future or to guarantee immediate reduction to any peace standard it may be decided to adopt. This matter also is being specially examined by the Sub Committee of His-Excellency the Viceroy's Council to which reference has previously been made, and the problem with which they have to deal is one of unusual difficulty. But I may say at once that, if India is to maintain in an efficient state an army of the strength required for the adequate defence of her frontiers, the cost of the military services will in future be much in excess of the sum which we have been accustomed to allot in our budget for this purpose. In dealing with the revised estimates I have mentioned a number of the new

permanent liabilities which have been brought upon us by the European war and the only point which I desire once more to emphasise is that we obviously cannot revert to the pre-war standard equipment since it would be neither right nor humane to deny to our soldiers the advantage which an improved equipment ensures: and the new equipment of which aeroplanes, improved artillery and mechanical transport may be taken as the most conspicuous examples, is extremely expensive both in initial cost and cost of maintenance. It is recognised, on the other hand, that the extended employment of up-to-date weapons and war material generally should render feasible certain reductions of personnel and every possible economy of this kind is being carefully studied. The object in view will be the possession of an army of the minimum strength compatible with safety, but fully mobile and equipped with all the requisites of war, well paid, well housed, and well clothed. But much still remains to be done to establish our army on this basis and in the ensuing year our expenditure will be specially high owing to the fact that we must incur a certain amount of initial outlay on the purchase of new equipment of various kinds, on the construction of hospitals and barracks and other important military requirements. Initial outlay of this character will so far as possible be spread over more than one year, but the extent of this process is limited by certain vital considerations, and it will be clear that until we can feel greater confidence in regard to possible dangers threatening us from the Middle East, our military expenditure will necessarily represent more than the cost of the army we hope to maintain in settled peace conditions. The very full data collected by the Army authorities have been exhaustively scrutinised; every feasible economy has been effected, and the provision of £40 million is the least which can safely be inserted in the budget. And I must warn the Council that if the operations on the frontier should continue into the ensuing year, even the provision now proposed will not suffice.

B.—Railways (Capital Outlay).

The Railway Capital expenditure on State-owned lines included within the Railway Programme, including both open lines and lines under construction, amounted to £1,978,700 in 1916-17, £2,529,300, in 1917-18 and and £4,154,500 in 1918-19. In the Budget for the current year provision was made for £17·7 millions which, owing to failure of English supplies, it has not been possible to utilise fully. The latest estimate of expenditure is placed at £14·5 millions, which will be reduced to £10,211,000 by gains on exchange.

I have already mentioned that next year it is proposed to raise the provision to £18 millions for home and four and half crores for Indian expenditure. The major portion of this sum will be devoted to works of improvement on existing lines and especially to provision of traffic facilities to enable railways to meet the

increased demand on their resources which has followed the revival of trade. It is also hoped to make a biginning in replacement of the lines which it was necessary to dismantle during the war, and a sum of £212,000 has been allotted for this purpose. Progress in this respect is, however, directly dependent on the supply of materials, unfortunately still limited. In view of the pressing necessities of open lines it is not possible to provide at present for any considerable amount of new construction, but a sum of £630,000 has been allotted to enable a start to be made on some of the more urgent projects held in abeyance during the war.

"Detailed figures showing the Capital outlay on all State lines up to the end of each year from 1916-17, and the net return obtained after deducting working expenses and interest charges will be found in the Secretary's memorandum. The return on railway capital (excluding interest charges) was estimated in the current year's Budget at 5·51 per cent. We now estimate it at 5·68 per cent. in consequence of the small increase in net railway earnings resulting from the gain by exchange creditable to the railway revenue account. For next year we put it at 5 51 per cent. The charges for interest in the current and ensuing years work out to 3·82 and 3·85 per cent. respectively on the capital outlay, so that the final net profit on railways is 1·86 and 1·66 per cent. respectively. These interest charges include certain annuity and sinking fund payments which really go towards the discharge of debt.

C.—Irrigation (Capital Outlay).

"Details regarding the financial position of our great irrigation undertakings will be given in the Secretary's memorandum, which will bring up to date the information given in connection with previous Financial Statements. The percentage of net profit on productive works was 6·08 in 1918-19, and is calculated at 7 in 1919-20. In the coming year we calculate it as 7·17.

"The total length of main and branch canals and distributaries of State irrigation works of all classes in operation during the year 1918-19 was 66,120 miles which was 644 miles greater than the mileage in operation in 1917-18. It is expected that an additional length of 425 miles will have come into operation before the close of the year 1919-20. The total culturable area commanded by these canals amounted to nearly 92 million acres of which nearly 25 million acres were irrigated in 1918-19, and it is anticipated that during the current year the canal irrigated area will aggregate twenty six and three fourth million acres. During 1918-19 no new works of any importance were opened for irrigation. Irrigation on the Punjab triple canal system, i.e , the Upper Jhelum, Upper Chenab and Lower Rabi Doab canals has developed satisfactorily. The area irrigated during the current year is estimated at 1·7 million acres which is 363,000 acres in excess of that irrigated in 1918-19. The total irrigable area contemplated in the project estimate is one and three fourth million acres, and it will thus be seen that this acreage has practically been attained. Besides the canals actually in operation, there are 35 schemes which are either under construction, awaiting sanction or being examined by the technical experts. It is estimated that if all schemes under consideration or projected are eventually carried out, they will extend the benefits of canal irrigation to an additional area of about 10 million acres ; their estimated cost amounts approximately to £40 millions sterling, from which a return of about 7 per cent. is anticipated.

"Progress of work on canals under construction has been maintained satisfactorily, though it has been limited by shortage of officers, large numbers of whom were absent on military duty and have only recently returned. It is anticipated that the new permanent headworks of the Ganges Canal will be

completed during the ensuing year. Of the more important schemes, that for the Sarda Kichha Feeder has received the sanction of the Secretary of State, and the local Government is now making arrangements for the execution of the work. A modified project for the Sarda canal for Oudh, of which the Sarda Kichha Feeder forms a part, is under preparation by the local Government The G and Trunk canal project in Bengal which is designed to connect Calcutta with Eastern Bengal and Assam has recently been submitted to the Secretary of State for sanction. It is proposed to finance this work, which is estimated to cost Rs. 3,09 lakhs, capital funds. A detailed project for the irrigation of the Sind Sagar Doab is now under consideration ; as now designed, the scheme will provide for an annual irrigation of about 2 million acres ; the total cost of the project is estimated at 9,28 lakhs and the net revenue, after deducting working expenses, is estimated at ninety-one and half lakhs of rupees a year. This scheme, if carried out, will bring prosperity to a desert tract with a very low rainfall, and it is believed that it will at the same time bring in a return of nearly 10 per cent. to the State. Of the other large schemes described last year as under investigation, those for the Sukkur barrage and the Bhakra dam are still under investigation and projects are being framed by the Governments of Bombay and the Punjab. The Sutlej Valley project referred to last year has moved a stage forward ; the scheme was discussed by representatives of all parties concerned in December last, and a detailed project is now being prepared.

D.—New Delhi.

"The outlay for the year 1919 20 under this head, after allowing for a credit of Rs. 1 lakh for gain by exchange, is expected to amount to Rs. 59 lakhs as compared with a budget grant of Rs. 45 lakhs, an additional sum of 6 lakhs having been allotted in order to push on with the preparation for next year's work. It was pointed out last year that the recurring expenses of the present make-shifts were adding appreciably to the cost of the New Capital of India. Fortunately it is now possible to contemplate a programme which will enable the main buildings in the New City to be completed by the end of 1924, and in pursuance of this programme the grant for 1920-21 has been fixed at Rs. 1,10 lakhs, after allowing for a credit of Rs. 10 lakhs for gain by exchange. Sir E. Lutyens and Mr. H. Baker came out from England towards the end of 1919 and have been busy in connection with the scheme. Among the more pominent projects on which they have been employed are the chambers for the new Legislative Councils, the Medical Research Institute, the War Museum and the proposed memorial arch to the soldiers of the Indian Army who fell in the Great War.

Conclusion—Reform finance ; the Imperial deficit.

"As I have said before, this is the last occasion on which we shall present a budget based on the combined accounts of the Provincial and central Governments ; and next year will see the introduction to the new Legislative Assembly of a purely Imperial budget. We are now engaged in working out the many changes in rule which will be required in order to give the provinces the financial independence which the new order of things demands. If the supervision of finance and the control of expenditure by the Central Government have seemed at times to have been unduly rigid, too careful of the established rule and canon, I would ask our critics to cast their memory back to the days, not so long past, when our resources were inelastic, when a single season's scarcity could produce a financial crisis, when Indian capital came forth with reluctance to support our loans. We have succeeded to days of gradually

swelling revenues, of somewhat easier ways and means; But I think that the Standing Committees of the new Councils and their new Finance Members will do well if they exercise their powers with something of the caution which has marked our expenditure control of the past. There is no truer canon of finance than the old axiom, sanctified by the experience of ages, MAGNUM VECTIGAL EST PARSIMONIA. The extent of the finances which will be at the disposal of the reformed governments is, I know, a subject of live interest to this Council. The Joint Report of 1918 anticipated an Imperial deficit of thirteenth-half crores, that deficit being made up by contributions from the provinces. This would have left the provinces in the aggregate with a net surplus of about 2 crores. We have reconsidered the position in the light of the probable gains from exchange, and have done so in only one spirit, the genuine desire to reduce the contributions to the lowest possible figure consistent with safeguarding the requirements of the country as a whole. There is no question of Government of India finance against provincial finance; the provinces are no less interested than is the central Government in the maintenance of our great Imperial services; the Central Government is equally concerned that provincial reform and provincial development should not be strangled by inadequate finance. After considering the effect of the present budget as arranged on a 2 shilling basis, we think that we are justified in assuming for the present a reduction of the Imperial deficit to 6 crores, and we have provisionally indicated this figure to Lord Meston's Committee on Financial Relations as the basis of their inquiry into the apportionment of contributions. We have further indicated that we propose to assume the liability for extinguishing these contributions within a measurable time. The result will be that, adopting the figures of the provincial budgets for next year, as at present known to us, the Local Governments will be 11 crores a year better off than under the present division of revenues between the Government of India and themselves.

"It would indeed have been a grateful task had I been able, in presenting to the Council the revised estimates of the present year, to exhibit a result more in keeping with the anticipations expressed by Lord Meston on the 1st March last year. He looked forward to a moderate surplus, and to the extinction of some 22 crores of temporary debt. The Afghan war has involved us in a heavy deficit, and our Treasury Bill liability shows no reduction on the figure outstanding at the beginning of the year. But the picture is not entirely devoid of brighter features. Our revenue has more than fulfilled the expectations formed last March; our silver reserves stand reasonably high; and we have managed to finance ourselves up to the present without utilising the power taken last September to increase the fiduciary note issue. For the coming year we take, and experience shows that we are justified in taking, an optimistic view of the growth of our major revenue heads. Our expenditure will be swollen by the provision which we have had to make for the revision of establishments due to continued prevalence of high prices; but the dominant feature on the expenditure side of our budget is the high figure which we have been obliged to insert on the Military account. I have already explained at length the circumstances under which we have made this provision. I do not desire to base it on any defined threat or menace from the Middle East; but no one cognisant of the facts can be free from apprehension of the consequences which may ensue to the peace of India from the sinister movements now on foot in that quarter; and it would be little short of criminal if, in the circumstances, we failed to provide during the coming year the finance essential to keep our Army up to the necessary standard of efficiency. The sum we have provided is, I am persuaded, the bare minimum required. But apart from the special requirements of the coming year, I would again remind the Council that modern armies, with their demands for latter day equipment, for mechanical contrivances and technical

establishments, are bound to be more expensive than the armies of the pre-war era. It is unnecessary to quote European analogies; but the Council will be interested to know that Japan has made a provision for its military expenditure in 1920 which is more than three times that of 1918. We hope, however, to finance these increased demands on our resources, both civil and military, without any additional burden to the country other than that involved in the rearrangement of the supper-tax to which I have already alluded. On the capital side we contemplate a railway programme which will, we hope, satisfy those who are interested in the development of this great asset that we are not failing in our duty to repair the deficiencies of the years of war; and we look forward to meeting the first of the heavy liabilities involved by our short-term loans, namely, the repayment of the 19 crores of War Bonds which fall due in August next. As I have already reminded the Council this programme can only be realised if India gives a liberal response to our rupee loan in the coming year.

"As for the future, the revenues of India are steadily and surely expanding; and their expansion affords a guarantee of their adequacy to meet such problems of development as immediately confront the administration of the country. Our pre-occupations lie rather in the provision of ways and means to meet our capital liabilities. The provinces will be drawing on their accumulated balances; and they will before long be asking for a share in the Imperial loans, or raising loans themselves. Our outstanding liabilities are not light. We have to meet twenty-five crores of war bonds in 1921, eleven crores in 1922, over two in 1923, and our terminable loan of five crores also falls due in that year. We have a breathing space in 1924; but in 1925 we have further payments to make of four crores and in 1928 we have to face a heavy maturity of twenty-five crores. Meanwhile, our railways will not cease to demand fresh provision of capital money, and we have heavy irrigation projects in view. The solution of the problems of the future depends therefore on the growing accumulation of capital wealth in India, and the interest which the Indian money market evinces in our loan issues. We had evidence during the war of what India could invest under the inspiration of patriotic motives; the response to our last year's issue afforded a proof that business India accepted our loan as a sound and profitable security. With such proofs before us, and in the belief that the social and material development of the country will carry with it an increased sense of responsibility for the economic use of its expanding resources, we need not hesitate to look on the future with a full measure of confidence and trust."

The Budget Debate

Delhi—March 8th. 1920

Mir Asad Ali opened the discussion on the Budget and advocated retrenchment in the cost of administration and for a reasonable reduction in the growing military expenditure. He deprecated both the excise and opium revenues the major portion of which were raised from the poorer classes. He pleaded for more pay to Postal and Telegraph subordinates and for greater facilities for train service and more comforts to the third class passengers from whom a large portion of the railway revenues is derived.

Almost all the Indian Members with the exception of the Tiwana Knight, Raja Rampal, and Mr. Naidu, vehemently opposed the unconscionable increase in military expenditure.

Sir Fazulbhoy Currimbhoy strongly critisied the exchange position and the circumstances which had resulted in heavy withdrawals of capital from India. Moreover the Government had not yet allowed the free import of gold. Too much concern had been shown for British financial interest and too little for Indian trade and finance. Why should India be at the mercy of the American cross rate? He pressed strongly for the cessation of the sale of reverse bills. He also urged further facilities for encashing notes. He hoped the Esher Committee would approve of a territorial army and that military expenditure would be severely cut down. Pundit Malaviya and Sir Gangadhar Chitnavis also spoke in the same strain.

Sir Gangadhar Chitnavis condemned the present scale of reverse council bills and warned Government not to be too sanguine regarding the next loan.

Mr. Crum cordially congratulated the Finance Minister on removing the excess Profits tax. He hoped the rate of foreign telegrams would be reduced. He did not think that the proposed allottment on railways was sufficiently liberal, considering the value of the rupee. He thought that as so little had been spent, Rs. 22 crores was quite an insufficient sum. Burma was treated badly in the railway budget and he pressed the claims of the proposed Mergui line and the Moulmein line. He also pressed for the broad gauge line to Darjeeling and the Hooghly bridge and for a clear statement on the rolling stock position ; he urged a more liberal expenditure on railways. Referring to the Reverse Councils question, he thought that popular opinion was fairly divided on this point in Calcutta. Touching on the exchange problem he maintained the poorest classes in India were benefiting by the high exchange.

Mr. Sastri condemned the heavy increments to the services which had been given in spite of the opposition of the non-official members. He protested against the system of the exodus and the matter should be placed before the new Council before any new building took place in Simla. Alluding to railways, he was rather alarmed at Mr Crum's demands for more money and fat spending on the railways anything over and above a return of five per cent. on the outlay.

Mr. Patel said, that India had lost 60 crores by advice given to the Secretary of State by bankers and experts in England and the Government should represent this matter to the Secretary of State. The budget took little notice of education, sanitation, and agriculture, and in these respects it was disappointing and unsatisfactory.

Next day, March, 9th Mr. Hailey formally opend the second stage

of the discussion and said that the Secretary of State had sanctioned increases of salary for postal subordinates which would amount to 23 lakhs a year.

Mr. Sarma then proposed that the sum of Rs 30,70,000 treated as reserve out of the appropriation of 214 lakhs under the head of Education be distributed equally among all provinces for the special purpose of starting and assisting the starting of new universities and their maintenance. He was supported by Messrs. Chanda and Malaviya and Sir Gangadhar Chitnavis. Mr. Shafi replying explained how the money was asked for under a misapprehension. It really did not exist and Mr. Sarma withdrew his resolution.

Mr. Jaffer next moved that the surplus of two million pounds in the next budget be reduced by half a million to be given to provincial Governments to assist municipalities in financing scheme of compulsory primary education. Mr. Hailey opposed and the motion was then withdrawn.

Mr. Patel then moved that the provisional allotment re financial assistance for the cost of military forces raised or to be raised in India, should be omitted and said that this meant that he did not wish to pay any further sum for the war. The original estimate was 45 millions, but owing to early termination of the war this was reduced to £31 millions. Out of this 13·6 millions has already been paid, and Mr. Patel did not desire to pay the remaining £18 millions. Sir Dinshaw Wacha moved an amendment to the effect that the amount should be paid less the cost of the Afghan war. This meant that only three and one-fourth million pounds should be paid. Mr. Hailey said the vote in this occasion would be left entirely to the non-official members of the Council. The effect of Sir Dinshaw Wacha's motion would be that the Government would still have to pay about £850,000. Replying to Mr. Hailey Sir Dinshaw Wacha said he would continue with the Afghan war, and Frontier operations. Mr. Khaparde, Mr. Sarma, Mr. Chanda, Mr. Sastri, Mr. Banerjee, and Raja Rampal Singh supported Sir Dinshaw Wacha's amendment. Mr Hailey suggested some vital additions to the amendment which was then adopted.

NOTE.

[In September 1918 the Indian Legislative Council offered a further contribution towards the expenses of His Majesty's Government in connection with the great war liability then involved. It was estimated at £45 million sterling the offer to be subject to reconsideration in the event of an Afghan war. The matter was rediscussed this day and by the vote of the non-official members it was decided the contribution still remaining be reduced by the cost of the Afghan war and frontier operations. The result is about £17

million sterling will be retained for India's war expenses and not paid to his Majesty's Government. The official members abstained from voting.

Sir Claude Hill introduced the main heads of the Revenue, and Public Works Department. The Sarda Kichha feeder canal, United Provinces 200 lakhs; Waingunge Canal, Central Provinces 48 lakhs: and the widening of the Madaripur Bhil route, 16 lakhs, had been sanctioned. The project for the Grand Trunk Canal in Bengal had been worked out and an estimate of 309 lakhs forwarded Home. The Sutlej Valley scheme about 1,200 lakhs; Sind Sagar Canal scheme, 14 crores, and the project for Cauvery diversion were still under consideration.

Mr. Chanda next moved that the allotment for the Delhi works be reduced by half a lakh and urgued against the expenditure on a capital which might yet be rejected but no one voted with him and his resolution was defeated. Mr Sarma then moved that expenditure on irrigation and drainage be increased by one crore of rupees. The resolution was withdrawn. Mr. Shafi next introduced the heads of Sanitation and Education. He spoke at some length and alluding to education said the year had been eventful as Government had begun to give effect to the recommendations of the Calcutta University Commission. 25 Indians had been admited to the Indian Educational Service and a highly satisfactory advance was being made in the Indianization of the higher educational service. The provincial service was about to be greatly improved and the subordinate teachers had their pay increased.

Mr. Sharp laid on the table the report on Indian education for 1918 19. Surgeon-General Edwards was the next speaker and touching on vaccines and sera he said in 1919 a quarter of million doses cholera vaccine were issued on demand for civil institutions, while for the Central Research Institute nearly three quarter million cubic centimeters were issued and an exhaustive enquiry into the disease was proceeding.

On March 10th the Budget on Post and Telegrph head was opened. Mr. Khaparde moved that Rs. 50,000 be set aside for a committee to enquire into the grievances of the clerical and telephone establishments of the Postal Department and that 25 extra lakhs be provided to increase their pay. Mr. Patel also moved that Rs. 10,000 be provided for a committee for the above purpose, making a strong appeal for postal clerks being placed on equality with the telegraph staff and he went minutely into the hours of work and duties of both departments. Sir Dinshaw Wacha spoke with much vigour on behalf of the underpaid postal peons and attacked

Government for extravagance on one side and for a cheeseparing policy on the other. Mr. Chanda, Pundit Malaviya, Nawab Ali Chaudhri, Mr. Jaffer all supported the mover. Mr. Banerjea said there was grievous discontent in the Postal Department. He thought an exhaustive enquiry was essential and he assured Council that non-official members had been deluged with telegrams from the Postal Department on their grievances.

Mr. G. R. Clarke rose and said that the remarks in Council seemed to imply that postal clerks had had no rises in salary. There were 100,000 men in the Department. It was impossible at once to raise all these men's salaries. Government had sanctioned a special officer enquiring into a time scale pay for all postal clerks and time scales with local allowances were contemplated for certain definite areas. Certain payments advocated by the Council would cost crores of rupees not lakhs and asked Mr. Khaparde to withdraw his resolution about the 25 lakhs. As the non-official members however wanted a Committee he was prepared on behalf of Government to accept it. Mr. Khaparde replying said he regretted he could not withdraw his resolution though the enquiry portion of it had been accepted.

Mr. Patel's resolution was put to Council and rejected. Mr. Khaparde then withdrew his resolution.

Mr. Sarma then proposed the expenditure on salt be increased by a lakh to experiment with a view to manufacturing refined salt which could compete with foreign salt imported into India. Sir Dinshaw Wacha supported the motion. Sir Thomas Holand said that the Calcutta market was the only one which really wanted refined salt and he argued that this subject was not an all-India subject. The question really was whether Madras could produce more salt for the Calcutta market. The matter was really one for the Madras Government. This money could not be pressed on Madras and he thought it unwise to press the resolution. Mr. Banerjea argued that the question was an all-India matter. The resolution was rejected.

Mr. Sarma then moved that the budget grant on construction of lines in progress and new lines be increased by one crore, the same being deducted if necessary from expenditure on open lines. Sir George Barnes said Government would endeavour to spend the money and on this assurance the resolution was withdrawn.

Mr. Patel then moved that a lakh of rupees be provided for a commission to visit important commercial centres, collect evidence, and recommend tariff arrangements being fitted to India conformably with Lord Selbourne's Committee's recommendations. Sir

Fazulbhoy Currimbhoy thought Mr. Patel should await the report of the Committee already appointed. Sir George Barnes said Government would provide the money if the Commission was decided upon but he would not accept the resolution and it was rejected.

Sir William Vincent then introduced the heads of the Home Department and caused some amusement by saying that the Home Member had a somewhat thankless task. As for education and sanitation there was always a desire to give money but no member ever proposed to give more money to the police. However, 25 Indians had just been appointed to posts in the Indian police.

Mr. Patel moved for Rs. 25,000 to meet the expenses of a Committee of officials and non-officials to examine the working of the Press Act, Seditious Meetings Act and other repressive acts and report whether they could be amended or repealed. The Home Member had referred to a discontented police but he would remark a greater danger was a discontented public . Mr. Chanda supported the mover.

Sir William Vincent thought that an enquiry of this kind would revive bitter feeling in the country and he wanted the Council to give fair credit to the Government for what they had done. Had some of the men, he asked, who had recently been released since treated Government in the spirit with which they had been treated by Government? Had not the Government enough on its hands at the moment without adding to its labour. The worldwide unrest and spirit of anarchy in Central Asia and the excitement over the Khalifat question were real difficulties which made a very earnest appeal to the Council for real co-operation, for he held that Government had gone as far as it could in attempting to meet the desires of the people.

Mr. Patel expressed surprise at the Home Member's arguments. Mere sympathy he said was not going to remedy matters. Sir William Vincent said that certain men had been released in the hope that clemency would prevent them from treasonable action in future and this was his reply to Mr. Patel's remark of trust. He also offered to give Mr. Patel proof if he wanted it immediately the Council was over of instances where Government clemency had been abused, but he did not desire to mention any names in Council. Mr. Patel's resolution was put to the vote and lost by 40 to 8.

A motion by Mr. Chanda that the charges of the central Government secretariats be reduced by two lakhs was opposed by Sir William Vincent who in the course of his remarks said the work of

the said secretariats was lagely increased by the resolutions and question put by non-official members of Council. The resolution was rejected.

Mr. Jaffer proposed a grant of five lakhs be given to the Ayurvedic and Yunani Tibbi College at Delhi for building equipment etc. A large number of Indians supported the proposal. Sir William Vincent replying said he believed the Viceroy would open the building later on. He could not pretend to any knowledge of this particular system of medicine but he was anxious to cooperate as far as possible with the hon. members who desired Government assistance. He would gladly receive a deputation, listen to their actual needs, and do his best to get financial aid for it from the Finance Minister. On this assurance being given the resolution was withdrawn.

Mr. Patel then recommended that the sum of Rs. 70,000 be allotted for an Indian as Chief Reforms Commissioner and for travelling expenses etc., of other members of the informal Advisory Committee already appointed and hereafter to be appointed. He had great respect for Sir William Marris, the Government nominee, and knew he had done excellent work in connection with the reforms but his ignorance of the proceedings of the Joint Committee and certain matters was colossal.

Sir W. Marris himself replied on behalf of Government. He acknowledged that Lord Meston would have been an ideal person for the post but justified his own appointment. The motion was defeated by Government votes.

Delhi—March 11th, 1920.

The Council met again next day March 11th when the Viceroy said that he had submitted to the King Emperor, the resolution recently passed by the Legislative Council thanking His Majesty for the Royal Proclamation. He said he had now received His Majesty's reply expressing his deep appreciation of their loyal resolution. The Council stood while His Excellency addressed them.

Sir William Vincent then moved the bill to amend the Workman's Breach of Contract (Amendment) Act be passed and this was done. He next introduced the bill to amend the Lepers Act. According to the latest medical opinion, leprosy was contagious in all its forms and this Bill was intended to take more adequate measures to check its spread. Object of the bill was to widen the definition of a leper in Sections 2 (1) of the Act, so as to include persons suffering from any stage of leprosy.

Mr. Shafi introduced the bill to transfer the Jagannath College at Dacca from trustees to the Bengal Governor in Council, in

pursuance of the desire of the trustees to see their college amalgamated with the University of Dacca from its inception in the form of a Hall. Mr. Hailey then introduced a bill to amend the Gold Import Act 1917, and briefly explained that it was necessary to continue the present control of gold importation until the internal price of gold was reduced to the neighbourhood of the new exchange value of the rupee in terms of gold.

Mr. Hailey then moved the Select Committee's report on the bill to consolidate and amend the Law relating to Government securities be considered. The bill was passed. Sir George Lowndes then moved the bill to amend the Presidency Towns Insolvency Act 1909 be passed and this was also agreed to without any comment.

Mr. Hailey next briefly proposed that the bill to further amend the Indian Income Tax Act 1918 be referred to a Select Committee of nine members with orders to report before the 20th March. This having been agreed to, Mr. Hailey proposed the same committee should deal with the bill to amend the law relating to super-tax on the same conditions. He explained the bill was one of convenience and he did not think it would inflict any real hardships. He also explained the incidence of the super-tax under the new act. In reply to certain remarks of Mr. Sarma, Mr. Hailey said that every possible consideration had been given to the question of the Hindu joint families and he added Mr. Sarma's name to the Select Committee.

Imperial Bank of India.

Mr. Hailey then proposed the bill to constitute an Imperial Bank of India. He referred it to a select committee of eleven members. He said he had already spoken on a previous occasion at length on the subject of the banks. In no criticism had he seen anything contradicting the statement that this was a step forward in the right direction. He felt sure the Council would agree that with the restrictions which would be imposed on the bank with regard to its ordinary business and the question of exchange transactions with regard to the London office. The presidency banks had long desired this facility which had hitherto been denied them. He then proceeded to deal with various details of the bill. He said one of the first duties of the central board would be to train up young Indians for banking business, the consummation of this measure, he felt, would be of great value to India and to her economic interests.

Mr. Patel moved an amendment that no instructions be given to report by the 20th March and argued that three months was the ordinary period according to the rules. He could not agree that this

measure was of extreme urgency. People had not had time to express their views on certain clauses. The question of Indians on the central board was a burning one in Bombay and feeling in that city was so strong that the bill be deferred. He pressed the Council should follow its ordinary rules.

Mr. Khaparde said that the Select Committee should have further time for consideration. Sir Fazulbhoy Currimbhoy said his view was that they should have a fair number of seats on the central board. In Bengal and Madras he said three-fourths of the shareholders were European but in Bombay there was quite a different state of affairs. He proceeded to strongly support the appointment of Indian directors. He quoted figures showing the number of bank branches in America and Canada and showing how greatly banking facilities were wanted in India, and for that reason he was anxious the scheme should be carried through quickly, but if the Indian members wanted a further postponement he would give it to them.

Mr. Sarma entered into a critical survey of the general provisions, with special reference to Indians, on the central board and in the management. Indian feeling generally would have welcomed a state bank, pure and simple. Pandit Malaviya said the Finance Minister had brought forward no cogent reasons for pushing this bill through the Council. He would welcome any proposal to provide better banking facilities, but he certainly thought the question required further scrutiny and he read a number of extracts dealing with the Punjab bank failures in 1913, and he strongly supported the idea of a state bank. Mr. Patel's motion was absolutely sound; it was not a political matter and was worthy of acceptance. Sir Dinshaw Wacha said he had no hesitation in saying this amalgamation scheme was welcomed by the country as a whole. So far Mr. Hailey was quite right, but the public had not yet had time to consider the constitutional questions connected with the bank and it would be wise of the Government not to go too fast (Applause). Mr. Banerjea also hoped Government would accept Mr. Patel's amendments; they had nothing to lose and much to gain by a little delay.

Mr. Hailey then rose and said that in view of the remarks which had been made, he was agreeable to the Select Committee reporting by September next when legislation would be proceeded with.

Mr. Shafi presented the report of the Select Committee on the Dacca University Bill and the Council then adjourned till the 17th March.

Imperial Legislative Council

Simla Session—August 1920

The Viceroy's Opening Speech

The Viceroy opened the Simla session of the Council on August 20th with a long speech. He first referred to the Royal Proclamation announcing the sudden postponement of the Prince of Wales' visit to India to open the new Councils. For this function H. R. H. the Duke of Cannaught was coming in December next. He next referred to the new Reform rules most of which had by that time been published and then turning to the great problem of the day, the Punjab atrocities which was then convulsing the country from statesmen to school boys, said :—

"Since we last met, Lord Hunter's Committee has reported on the events of last year in the Punjab, Bombay and Delhi. My Government forwarded a Despatch to the Secretary of State recording their views on the findings of the Committee and His Majesty's Government have passed their judgment on the whole case. There are those, however, who are dissatisfied with the decision of the Government of India and His Majesty's Government and they have expressed their dissatisfaction in no uncertain terms. There is much that I could say with reference to the criticisms on this side or on that but I am content to leave the issues to the verdict of history. For the present moment the matter of paramount importance is, that we should concentrate on the problems of the immediate future. Much will depend on the manner in which the new Councils and the new Governments grapple with the task to be laid upon them. Are we to enter upon the new era in a spirit charged with the animosities of the past or shall we leave those things that are behind and press forward to the things that are before ; I am confident that so far as the Hon. Members are concerned their wish is to write upon a clean slate and leave the past behind. I refrain then from doing more to-day than recording the facts and much as I am tempted from the personal point of view to reply to our critics, I would point to the future. There is much work for all of us to do. There are many opportunities opening out for mutual service and co-operation. Can we not steadfastly fix our eyes on these and refuse to be drawn away from our main purpose ? It is not then because I underrata the importance and gravity of the events of last year nor the criticisms on either side which may be passed upon them

that I refrain from discussing them but because I have seen in the continuance of those discussions nothing but fresh recriminations tending to further racial exacerbation. There has already been enough, indeed too much, of this on either side and it is calculated to frustrate that spirit of co-operation which lies at the basis of our Reforms and through which alone we can reach the goal of India's aspirations.

Khilafat and Non-co-operation.

"To turn from this to the Khilafat agitation and the non-co-operation movement. So far as my Government could, we pressed upon the Peace Conference the views of the Indian Moslem. But notwithstanding our efforts on their behalf, we are threatened with a campaign of non-co-operation because forsooth the Allied Powers found themselves unable to accept the contentions advanced by the Indian Moslems. Could anything be more futile or ill advised? This policy of non-co-operation must inevitably lead if persisted in, to the discomfort of the community at large and indeed involve the risk of grave disorder. I am glad to think that everything points to this policy being repudiated by all thinking people and it is because I and my colleagues have faith in the Indian's commonsense that we have preferred to allow this movement to fail by reason of its intrinsic inanity. Can we for instance picture to ourselves the legal profession generally foregoing its practice in support of this policy? I am proud to belong to this great profession but I cannot envisage such possibility, and from one example can we not learn the impractical nature of this visionary scheme. Much has been made in speeches and the press of an answer given by the Secretary of State to a question in the House of Commons. He said, "I am prepared to support any steps the Government of India think necessary in the very difficult situation now arising, but I will not dictate any steps to the Government of India, I would prefer to leave it to them." I think the Hon. Members will agree with me in thinking that he could have given no other reply. There is a point at which no Government could refuse to take action to protect the interests of the Community at large and when that point is reached the Government is bound to and will use all the resources at its disposal. That is a platitude, but even platitudes require sometimes to be stated. But as I have said above, I have every hope that this point will not be reached but that the commonsense of the people and the opposition of all moderate men will erect an insuperable bar to the further progress of this most foolish of all foolish schemes."

Nothing more, however, could have been expected from a man of the type of Lord Chelmsford whose perspicacity of political view had

been found out during the O'Dwyer horrors in the Punjab last year. Refering next to the helpless position of Indians in the Dominions, His Excellency lavishly assured that Sir B. Robertson deputed by his Government to place the case of the Indians before the Asiatic Enquiry Commission in South Africa had effectively done so, and, said his Excellency, "I think that I am entitled to say that Indians in South Africa have nothing to fear and everything to gain from an impartial investigation into what is often called in South Africa the Indian menace. I am quite sure that much of the feeling which is unfortunately displayed against Indians in South Africa is due to the fear which I am afraid has been sedulously fostered by propangadists that the white population in South Africa generally and in the Transvall in particular is in danger of being swamped by Indians.

"As regards voluntary repatriation, he said the commission has issued an interim report advocating a scheme of assisted voluntary repatriation for those Indians who are anxious to return to India and the Union Government has already taken steps to give effect to this proposal. Let me make clear the position of the Government of India in regard to this scheme. We were not consulted nor is there any reason why we should have been consulted. The Union Government are merely putting into force a section of an Act which was passed in 1914 and they are clearly entitled to do so. At the same time the Government of India do not regard the scheme as being in any sense a solution of the Indian problem in South Africa and they feel that they are entitled to ask for assurances that the scheme will be what it purports to be namely a purely voluntary scheme. We have already cabled to the Union Government on this point and we have asked that the repatriation officer may be given clear instructions that no pressure must be put on Indians to accept repatriation and that it must be left to Indians themselves to decide whether they will take advantage of the scheme or not.

Next as to the position of Indians in East Africa, "this question has been discussed recently by Lord Milner with the Governor of the Colony and that the Indian residents in what is now known as the Kenia Colony sent a deputation to England to represent their case to the Colonial Office. We have all read Lord Milner's speech on the subject in the House of Lords on the 14th July and great anxiety has now been caused in India by a brief summary which has been received of a speech by the Governor of Kenia Colony. This speech indicates that the decision of His Majesty's Government has gone against the Indians in some of the points to which we attach most importance. I regret to say that a telegram which I have just received from the Secretary of State confirms the report of the

Governor's speech. I am sorry that I have nothing satisfactory to tell you."

The Viceroy also made two important announcements: (*a*) that our railhead through the Khyber would be extended in the direction of the Frontier; and (*b*) that Central Waziristan had been occupied by our troops. With regard to the existing labour unrest in the country, the Viceroy announced that local government were being consulted with a view to a revision of the Factories and Mines Act. He also impressed on the Council the necessity of reducing strikes and lock-outs to a minimum, saying in this regard that he attached greater importance to the establishment of right relations between employers and employees than to any Government machinery for arbitration and conciliation.

The Corrupt Practices Bill was then introduced and referred to a select committee. A Bill (The Indian Motor Vehicles Act Amendment Bill) to provide for control of motor traffic and the punishment of reckless motorists was introduced as was also a bill to provide for the better discipline of police officers. The Hon. Mr. Dobbs moved that the Bill to take power to require passports of persons entering British India be referred to a Select Committee. He said that the passage of this Bill had been postponed to the present session in order to ascertain what would be the functions of other governments of the world after the war.

When the Council assembled on August 27, a number of questions were asked regarding General Dyer, Colonel Johnson and the Punjab Disorders, and the answers revealed the fact that 1,779 persons had been convicted in connection with the Punjab Disturbances and that General Dyer was in receipt of a pension amounting to £701-17-6 per annum from the Indian revenues!

Ten Bills were then introduced. They included the Auxiliary Force Bill which H. E. the Commander-in-Chief introduced. In doing so he gave a restrospective history of the measure. The Indian Defence Force Bill was a war measure, he said, and the new Bill was designed to take its place. Some members complained of the alleged retention of racial discrimination in the provisions of the Bill, but general sympathy with the Government policy was expressed and the Bill was referred to a Select Committee. Another of the Bills, also introduced by H. E. the Commander-in-Chief, the Indian Territorial Force Bill, was described by him as a measure of an experimental nature closely modelled on the well tried pattern of the English Militia. The Bill provided the framework on which a Territorial Force could be built which by gradual development, might become competent to serve side by side with the Regular Army. Mr. Shafi introduced the Aligarh University Bill.

Mr. Hailey presented the Select Committee's report on the Imperial Bank Bill.

Sir William Vincent presented the Select Committee's report on the Corrupt Practices Bill which was unanimous. While recognising that hospitality amounts almost to a religious duty, the Committee held that gifts whether of food or otherwise, with interest to influence the vote is bribery only punishable with fine and not imprisonment. Sir William Vincent asked the Council to pass the Leper Segregation Bill which was passed. The Bill for the better dicipline of police officers enrolled in the Military Police or Rifle Battalions was passed without discussion. At this stage the Civil Procedure Code Bill and the Negotiable Instruments Act Amendment Bill were passed with no criticism of any kind. Sir William Marris introduced the Devolution and Delegation Bill and described it as a byproduct of the Reform Scheme. He said this would give enlarged powers to Local Governments and Legislatures to get independent sources of provincial revenue. This measure had been welcomed by Local Governments and the Government of India also welcomed it. There was therefore no reason for this being referred to a Select Committee. The Bill was introduced.

Sir William Vincent introduced the Basel Mission Property Bill.

Mr. Hailey introduced the Coinage Bill which consisted of two sections only : "In section 11 of the Indian Coinage Act, 1906 for the word "fifteen" the word "ten" shall be substituted. The Gold Ordinance, 1920, is hereby repealed." The Hon. Member reviewed the trade and finance questions and dealt at length with the recommendations of the Indian Currency Committee and emphasised that the Bill gave effect to the change in the legal tender ratio recommended by the Committee. He strongly repudiated the suggestions that the Currency Committe's report was written more in the interests of London than India. Mr. Tata moved the passing of the Bill be deferred till the meeting of the Reform Council next winter and pointed out that owing to the existing disparity in prices there is no urgency for passing the Bill. Mr. Tata emphasised that he was merely asking for postponement and it was not fair for this Council to pass the Bill. Mr. Jaffer supported Mr. Tata and urged that experts and Chambers of Commerce ought to be consulted. Mr. Murray (Bengal Chamber) pointed out that the country had been given enough time to consider the question and said the Hon. Member was not justified in asking for postponement. There was however room for honest differences of opinion. Mr. Froom (Bombay Cham-

ber) followed with a clear analysis and said he could not support Mr. Tata. He emphasised that the sovereign had no legal tender and this must be remedied. Mr. Hailey replied to the debate. Leave was then given and the Bill was introduced which negatived Mr. Tata's amendment. The Indian Territorial Forces Bill was then referred to a Select Committee to report by September 9th. Mr. Banerjee thanked the Commander-in Chief and suggested the inclusion of Mr. Asad Ali in the Committee which the Commander-in Chief accepted and also added Mr. Morsehead. Malik Tiwana, well known for his anti-Indian proclivities, deprecated spending money on subjects of secondary importance such as this, according to him, was.

Simla—August 31st. 1920.

On August 31st the Viceroy made a touching reference to the murder of Mr. Willoughby at Kheri by a Muhammadan fanatic run amok on Khelafat question and said : "I feel sure the Council will wish me to express on their behalf our horror and detestation on the death of Mr. Willoughby and convey to his relatives our sympathy with them in their great loss."

Mr. Banerjee on behalf of non-officials expressed their sense of horror and detestation at the dastardly outrage.

On Sep. 8th. General Sir Alfred Bingley presented the Select Committee's reports on the Auxiliary Forces Bill and the Territorial Forces Bill both being unanimous, but there were one or two points of controversy evidently raised by Mr. Sastri and Dr. Sarvadhicari. Sir George Barnes introduced a brief Bill to amend the Indian Companies Bill and briefly explained that the object was to amend section 91-B, with a view to facilitate the formation of subsidiary companies the management of which was to be carried on by a Board of Directors partially composed of Directors of the parent company in as much as any such subsidary company might not have on its board a quorum of disinterested directors and hence section 91G, should not apply to private companies. Sir D. P. Sarvadhicari regretted his inability to support the principle of the amendment. Interest was not confined to Chambers of Commerce, but also others and he drew special attention to the industrial development. It was a healthy safeguard which should not be easily given up and there was no satisfactory evidence and there was no room for a hurried enactment. Sir George Barnes pointed out there was no private company in 1914 and cited a number of associations which supported the small amendment. The Bill was introduced. Mr. Hailey introduced a small Bill to amend the Presidency Banks Act and briefly told the Council that the Bill would enable Presidency Banks to deal with securities in connection with

the housing and development of Bombay and wished the scheme and Sir George Lloyd all success amid loud cheers. The Bill was introduced formally. At this stage the Indentification of Prisoners Bill was passed. The Passports Bill then came up for consideration, Mr. Dobbs explaining said the Select Committee had suggested three minor amendments and the Bill was passed without discussion The Basel Mission Bill also was passed. Mr. Hailey asked the Council to consider the Select Committee's report on the Indian Coinage Bill and said its critics had suggested no alternative and gloomy pictures painted by Mr. Tata had not also been realised. The Bill was passed without discussion. The Indian Army Act Amendment Bill relating to flogging was passed. Sir William Marris asked the Council to pass the Devolution Bill which was accepted with the solitary change that the Prisons Act 1894 was ommitted from the entries in part I and Schedule 1 of the Bill.

Sir William Vincent briefly explained the Select Committee's Report on the Corrupt Practices Bill and said discussion would take place on amendments.

The Council then proceeded to consider the amendments.

Sir D. P. Sarvadhicary moved a change in the preamble to confine the Bill to elections to Legislative Councils. Only Mr. Murray opposed Sir William Vincent who objected and stood for purity of elections.

The amendment was negatived. Fourteen amendments were considered and on the amendment proposed by Mr. Sinha to the new Section 171C, electoral rights, Sir George proposed some alternations which were accepted. A new sub-clause 3 was added to the same section relating to the declaration of public policy not amounting to interference within the meaning of the section. An amendment by Dr. Sarvadhicary to Clause 12 was accepted.

Mr. Sastri moved the amendment: Polling officer and subordinates should maintain voting secrecy and a violation thereof would be punished with three months' or fine or both and quoted the authority from the Ballot Act, and urged that secret vote was free vote.

Sir William Vincent supported and Mr. Banerjee opposed Mr. Sastri and said that the amendment would frighten away the non-official agency.

The amendment was accepted and the Bill was passed.

The afternoon session of the Council was entirely taken up with the discussion of the Imperial Banks Bill, when Mr. Hailey

took retrospect of the Bill and emphasised that the Select Committee's Report was unanimous. No less than twenty amendments mostly of a minor and drafting character were tackled for discussion of which fourteen were official and six non-official amendments and also a minor amendment to Schedule 2, Clause 23. (1) moved by Mr. Tata. Mr. Nathmal's amendment for raising the quorum of the meeting of the Central Board from three to four governors, was accepted and the Bill was passed.

Simla—September, 9th. 1920.

The meeting of September 9th was mainly devoted to the Aligarh University Bill. Mr. Shafi asked the Council to consider the Select Committee's report. Discussion centred on Mr. Jaffer's motion that Clause 3 be renumbered 3 (1) and to the Clause the following sub-Clause be added *viz*, "(2) the first Chancellor, pro-Chancellor and Vice-Chancellor appointed under Clause 3 sub-Clause (A) above shall hold office for such period as the Court may determine." Mr. Shafi assured the mover that the Governor-General would bear his suggestions in mind, but he could not accept the motion which was negatived. Mr. Shafi's amendment that a four years' time limit should be imposed for the continuance of the courses of the Allahabad University was adopted. Discussion on the rest of the amendments degenerated into a series of explanations and speeches, the Education Member and Mr. Jaffer with Mr. Mahomed Ali participating from time to time. These amendments were all afterwards withdrawn or negatived. A small change to Clause 19 was accepted and the bill was then passed.

Simla—September 14th. 1920

On the memorable meeting of September 14th. a gloomy spectacle was presented. The Viceroy had the day before disallowed Mr. Sastri's proposed resolution on the Punjab Massacre of last year, and as a protest the non-official Indian members withdrew their resolutions. The agenda paper showed 27 resolutions to be moved by various members. Mr. Chanda's name stood first on the list with by three resolutions, but as he was ill the President remarked that they would not be moved. Mr. Khaparde then rose and said he desired to withdraw his resolutions and he was immediately followed by Mr. R. Ayyangar, Mr. Jaffer, Mr. Sinha, Mr. Sastri and Mr. Sarvadhikari. Even Major Sir Umar Hyat Khan after speaking for five minutes on a proposal that discharged soldiers should be given the franchise for ten years irrespective of the

revenue and taxes they may be paying to Government, suddenly withdrew the resolution. He was next followed by Mr. Khaparde who also withdrew four resolutions. Only in the interest of the poor pressmen Mr. Khaparde at last rose amidst some ironical applause from the official benches to move that a mixed committee of officials and non- officials be appointed to investigate the causes of the trouble in the Government presses in Simla, Delhi, in Calcutta and propose remedial measures, and he put in a fairly strong plea on behalf of the strikers. Sir Thomas Hollard on behalf of Government rediculed the idea and the motion was defeated.

Mr. RamaRayaningar moved a resolution that provision be made by Government to provide light refreshments for voters travelling over five miles to attend polling stations to record their votes for the Refomed Legislative Councils. Sir William Marris said this question had already been very carefully considered in the Advisory Committee and all difficulties had been fully discussed. There were serious practical obstacles in the way of accepting the proposal for providing some millions of meals and he raised several smiles in depicting these difficulties.

Simla—September, 16th. 1920.

The last meeting of the Council was held on September 16th. 1920. By far the most interesting feature of this day's meeting was the questions relating to the recent Punjab disturbances and the action taken by Government in punishing those who were responsible for excesses and errors at that time. These queries were put by Messrs. Shastri, Khaparde and Sinha and were replied to by SirWilliam Vincent who placed a long statement on the table in which it was stated that Colonel O' Brien, Messrs. Marsden, Jacob, Kicthen, Miles Irving and Bosworth Smith, General Campbell, Colonel Macrae and Captain Doveton had all been informed that Government strongly disapproved of their actions as injudicious and improper. In the cases of General Benyon, Major Carberry and Lieut. Dodkins, the two latter of the Air Force. the military authorities held these officers were not blameworthy being in position of extreme difficulties. General Dyer had been dealt with. Colonel Frank Johnson had been demobilised, and the Local Government had been asked if Mr. Panhearow could be further punished. Two of the Amritsar police had been degarded and another retired.

Later on replies were elicited from the Home Member that the question of amending the Press Act was being considered and that

a *communique* would shortly issue regarding the High Commissioner for India.

Sir William Vincent further said that ten t'tles had been renounced in India ; six honours, four medals, 32 norary posts, and 248 stipendiary posts had been given up as m of displeasure with Government policy in the Punjab.

Mr. Hailey then next moved the Presidency anks Act be considered and passed which was done.

He next proceeded to explain to the Council the circumstances under which he proposed to withdraw the bill introduced on 2nd September in connection with income tax property, and he said the Chambers of Commerce in India supported his action. The ordinary rules were suspended and the Bill was passed after Mr. Murray (Calcutta) had acknowledged the compliment of the Finance Department.

The Territorial Force.

The Commander-in-Chief next dealt with the Report of the Select Committee on the Bill to constitute an Indian Territorial Force. He alluded to several of the main amendments and said he thought the results achieved were very satisfactory.

Mr. Sastri moved an amendment that the establishment of other branches of the Force be made as circumstances permit. Mr. Sinha supported the amendment as a modest one and he regretted that Indians were not liberally treated by the policy of the military authorities. Sir Charles Monro said that though the amendment appeared redundant he was prepared to accept it. He captiously ridiculed Mr. Sastri's ignorance of military matters. Mr. Sastri sarcastically replied regarding the Commander-in-Chief's spirited reply and the motion for the Bill to be passed was put by the Viceroy. Mr. Sastri next expressed his intense satisfaction at the passing of this Bill and produced to offer certain criticisms on the Bill which he said was by no means perfect and it was for our successors in the Council to see to these matters. He spoke earnestly at the close of the dangers of the non-co-operation movement and hoped the youth of the country would quickly drop this idea and enter the Territorial Force.

The Bill was passed at 1 o'clock. Sir Charles Monro then spoke on the Bill to constitute an Auxiliary Force for service in India and said that an enormous amount of trouble had been taken in connection with it. Mr. Murray (Calcutta) then moved that the period of training be four years instead of six which was accepted and moved that the Bill be passed.

Mr. Hailey next moved that the Report of the Select Committee to amend the Indian Paper Currency Act be considered and said that the Bill had been well received. The metallic reserves, he said, had greatly improved lately and he spoke for some minutes on the Bill.

Mr. Seth Natha Mull warmly complimented Mr. Hailey.

The Bill was then passed.

The Cutchi Memon Bill was next considered and passed after remarks by Mr. Jaffer, Mr. Kincaid and Sir William Vincent.

After that the Viceroy rose and addressed the Council, first on the services rendered by the departing Commander-in-Chief, Sir C. Monro, and secondly on the achievement of the Council in legislative work, specially in the passing of the Dacca and Muslim University Acts. He could not however avoid referring to the storm of protest that was raging in the country in the matter of his disallowing Mr. Sastri's timely and popular resolution on the late affairs of Punjab. Said His Excelleney with his characteristic bluntness :—

"Before I conclude I wish to refer briefly to the fact that I have in this session found it necessary to disallow a resolution dealing with the question of the Punjab disturbances and I do so with a view to remove any misapprehension that may exist as regards the motives which prompted me. The resolution itself was a legitimate one and when I say that it was Mr. Sastri who wished to move it, you will understand that it was prompted by genuine feeling and sincerity of purpose. I felt however that if peace and goodwill are at any time to be restored to the Punjab, these public discussions of the happenings of last year must so far as possible be brought to an end. I feel as keenly as any in this Council the need for holding Indian life and honour sacred in times of crisis like that of last year and my Government is providing means for ensuring that if similar occasion should unfortunately recur, the errors and excesses pointed out by the Hunter Commission shall not again take place. But we know from unhappy experience that with each fresh discussion of these topics the chances of reconciliation and good feeling between the communities become more remote. I felt therefore that it was contrary to the public interests that we should gratuitously prolong the unhappy dissensions of the past. We have had enough of hatred and passion and what we want now is goodwill and peace.

In closing the sessions, the last one which an unworthy Viceroy held only to stain it by still another unworthy act, His Excellency said :—

"And now it only remains for me to wish the Hon. members farewell. It would be unseemly, I presume, for me to wish those of you who are about to offer yourselves for election, good luck, but this at least I may do—express the hope that those services which you have rendered so conscientiously this sessions may not be lost to the country and that the spirit of co-operation may mark all your endeavours. And so the last session of this Council comes to an end, only however, to give place to a larger and more representative assembly. Institutions under our British tradition do not die ; they find a new birth in reincarnation. "The King is dead : long live the King."

India in the Dominions and Abroad 1920

Indians in South Africa

The South African Asiatic Commission of Enquiry.

The commission of enquiry regarding the grievances of Indians in South Africa promised by the authorities by the middle of 1919 was eventually set up early in 1920 with the Hon. J. H. Lange, K.C., Judge, Kimberley, as Chairman and Lieutenant Colonel Wylie, K.C., of Durban and Mr. E. Roth, solicitor, of Pretoria as members. Sir Benjamin Robertson, the Chief Comissioner of the Central Provinces, was deputed by the Government of India in January 1920 to place the India Government's case before the Commission. [For antecedent matters, see the Register 1920, Part II, pp. 342—52.]

The Commission began its sittings to take evidence from April 1920, at Durban.

On April 30, Mr. H. H. Kemp, Assistant Town Clerk of Durban, stated that he was absolutely opposed to Asiatics as traders and district settlers in this country, for social and economic reasons as also on grounds of colour or race. His only remedy for the thorny question was the complete repatriation of all Indians, clock, stock and barrel with expropriation of their property, subject to reasonable compensation. The question in South Africa was a national one.

Mr. Leon Renaud, advocate, Durban, said that the Indians had played a very important part in the making of Natal and Coast sugar industry, as well as in the railway development on the coast. The Indian had done much in the way of production.

Colonel Friehd Addison, retired sugar planter, said that the Indian was much more reguler and reliable than the native. He had never been able to do more than barely pay expenses until he introduced the Indian. It would practically spell ruination for the sugar industry if they were to part with the Indians.

Mr. W. Doull presented a statement on behalf of the Durban Committee of the South African National Indian Congress. The following proposals were submitted :—(1) Standard wage to all labourers, irrespective of race or colour, and subsequent improvement in conditions of life ; (2) Legislation providing for a minimum standard of wages to shop assistants and all other ranks of labour on an equitable basis. (3) Amendment of the licensing laws on the lines of the Transvaal Ordiance, No. 9 of 1912, and providing

that licence can be refused only on the specified grounds contained in that Ordinance, with the following amendments thereto :—

(a) Three convictions within, say, the last two years on any criminal charge other than that of contravening a trading law or by-law ; (b) that the words " in the opinion of the Council " be deleted, and the reason why the applicant is not deemed desirable to be stated by the authority refusing the licence. (4) That there be a right to appeal to the Court in all licensing matters, whether the application is for a new licence or for a transfer or removal or renewal. (5) That the laws affecting land and licences be made applicable to the whole of Natal, which includes the Northern Districts of Natal and Zululand.

The principal evidence given to the Commission on May 1, was that by a deputation of farmers appointed by the Natal Agricultural Union at a Conference held at Pietermaritzburg in April. The Union represented the general body of Natal farmers. The deputation presented the following resolution embodying the views of the Natal Farmers and unanimously passed.

"This Conference records its considered opinion that the Asiatic problem presents a serious menace to the Union of South Africa and recommends that :—

(*a*) While recognising that the existing tenure of land by Asiatics should not be interfered with, no further acquisition of land by purchase, lease, or other means, by Asiatics, should be allowed.

(*b*) No new licences shall under any circumstances be issued to Asiatics.

(*c*) No transfer of any existing licences to any Asiatic shall be permitted, but at the expiry of any licence held by an Asiatic by death of the holder, reasonable compensation for land and trading stocks shall be paid.

(*d*) That the Government shall legislate on most drastic lines against the holding by any European or other person of a licence on behalf of any Asiatic.

(*e*) At such future date as shall be fixed by legislation, all Asiatic licences now held by companies shall expire, and compensation shall be paid to such holders.

(*f*) The urgency of this matter calls for immediate settlement by legislation.

Colonial-Born Indians.

A deputation of Colonial-born Indians consisting of Messrs. J. M. Francis, A. Christopher, V. S. C. Pather, L. Panday and J. Hoover presented to the Commission a statement of their views, Mr.

Christopher acting as the spokesman. The statement emphasised the right of the Colonial-born Indians to live in the country of their birth, for which many of them had fought in East Africa and other theatres during the Great War.

On Monday, May 3, Mr. A. J. S. Maritz, Magistrate at Stanger, the centre of a large Indian district on the sugar-growing North Coast spoke most highly of the Indian. He considered that the only solution of the difficulty was to educate the Indians up to the European standard.

Final Evidence.

Evidence was then taken by the Commission in the Cape Province, Transvaal, and Natal. Although there was no representative of India on the Commission, Indian interests were very closely watched throughout by Sir Benjamin Robertson, K,C.S.I., K.C.M.G., Chief Commissioner of the Central Provinces. Able counsel have been employed by the Asiatics in all these Provinces visited by the Commission, and their case was ably sustained by both Indian and European evidence. Everywhere the Asiatic organisation seemed to be very effective, and superior to that of their European opponents. The Commission did not sit in the Orange Free State, where Indians form but a negligible number.

Pietermaritzburg Sittings.

The Commission sat in the Supreme Court, Pietermaritzburg, the Natal Capital, from Tuesday May 4, until the end of the week.

Lieut.-Col. A. T. G. Wales was the first witness. He said he had known the Indian for over sixty years. He was brought up among them, and had indeed been nursed by them. He thought that the present rights of the Indians should be retained, but there should be no extension. Indians had been useful agriculturally, industrially, and generally. Every inducement should be put in the way of Indians desirous of returning to India, but there should be no compulsion.

Major W. Comrie, M. P. C., appeared on behalf of the Richmond Agricultural Society. He submitted that the Indian influence in Natal was a very dangerous one, and the prospects exceedingly serious. He pointed out that Indians were exempt from military service, whereas Europeans from 18 to 60 years of age could be called out for military service when needed, as had happened in the Natal Native Rebellion of 1906.

Lieut.-Col. Fawcus, also representing theRichmond Agricuttural Society, stated that he considered it to be a manifest injustice to the Native that Indians brought into South Africa should be given rights above those of the natives. The Indian had not a good

influence on the native in South Africa. Every Indian should be encouraged to go out of the country, and those who stayed should be placed in locations. The Asiatic was not a desirable farmer. He considered segregation to be quite feasible, as there was plenty of land. The rate at which Indians were increasing was such as gave the Europeans no chance. Indians were increasing at the rate of 56 per 1,000 per annum ; the natives at the rate of 28 per 1,000 ; and the Europeans at the rate of 14. He suggested that the Indians be put into segregation areas pending their return to India. There was far more room for Indians in India than there was in Natal, and he suggested that a man be given £100 to return to India and his wife £50. He stated that there was a widespread movement in India to have Europeans repatriated ? He did not blame anyone ; but there should be a similar movement in South Africa to get the Indian away. Australia, Canada and New Zealand would not have Indians. Then why should Natal?

Mr. J. Hunt Holley, farmer of Sandymount, said that he had been farming all his life in Natal. The Indian had anything but a good influence, and he would like to see him out of the country. The Indian store was a centre for immorality: he had often passed Indian stores, and noticed a number of Kafir women round about. His own reason satisfied him that there was no reason for doubting that immorality did exist in the Indian stores.

Mr. P. W. Stride, Town Treasurer of the City of Pietermaritzburg, presented resolutions of the City Council proposing the division of the City into three racial areas, namely, (1) Europeans or Coloured persons (St. Helenas), (2) Asiatics, (3) Natives where no other persons may acquire, own or occupy land or buildings. The Council also submitted that trading should be restricted to the areas set apart for the respective races. Mr. Stride stated that the Asiatic population of the City had increased from 188·7 by 360·5 per cent. The European increase for the same period had been one-third of that.

The final municipal resolution submitted by Mr. Stride read :— "The existence of Asiatic stores and business in Upper Church Street, the principal throughfare of the city has been unfavourably commented on for the past thirty years. These places are a blot on the City, and a perpetual eyesore, and should be eliminated."

The Natal Legislation 1908

The remainder of the evidence taken by the Commission at Pietermaritzburg brought forward little new with the exception of the statement put in by Mr. Selke as to the Natal legislation of 1908 affecting Asiatics.

The Natal Parliament passed two Bills in 1908 affecting Asiatic traders. Both were passed with a support that bore witness to the fact that Parliament had the electorate fully at its back. One was passed unanimously through both Houses prohibiting the issue of new licences to Asiatics after December 1, 1908. The second Bill prohibited the holding of present trading licences after December 31, 1918, by Asiatics. This was carried through Parliament in both Houses, by majorities of two to one. Both Bills were reserved, and disallowed by the Crown, owing presumably, to the demurrer of the Indian Government.

Further evidence at Dundee, in northern Natal, was taken, and this closed the investigative labours of the Commission.

The Report of the Commission

The Government of India received a copy of the interim report, dated May 12, 1920, submitted by the Asiatic Enquiry Commission to the Governor-General of South Africa. The report is as follows:—

"During the course of our enquiries, evidence has been laid before us which tends to show that there is at present, owing to the shortage of rice and other causes, considerable number of Indians who with their families would be prepared to return to India if the opportunity were afforded to them. We have also had evidence from an influential Calcutta merchant at present on a visit to the Union, who until recently was the Chairman of the Central Employment and Labour Board under the Government of India, that at the present time, owing to industrial development, the labour supply in India is insufficient to meet the demand and that good wages are are being paid.

"The evidence on these points is confirmed by Sir Benjamin Robertson and Mr. G. L. Corbett, the official representatives of the Indian Government. We, therefore, strongly recommend to your Excellency that prompt steps be taken to provide the necessary shipping facilities and to appoint an official well-accquainted with Indian minds and methods to act in a sympathetic manner and lay before the Indians the advantages of immediately returning to India.

Militating Circumstances.

"Two main circumstances have hitherto militated against the return of Indians, viz., (1) the excessively long time they are kept at the Durban depot awaiting shipment, during which they spend their available money in subsistence and are consequently driven to re-entering employment to enable them to provide for their families and themselves, and (2) the fact that they are not allowed

to take with them to India their earnings in the shape of gold and their jewellery.

"We, therefore, recommend that immediate steps be taken

(a) to appoint an official not connected with the Protector's Department to organise the return of such Indians as are prepared to go,

(b) to provide frequent shipping facilities at short intervals,

(c) to relax restrictions on the export of gold in so far as necessary in order to allow returning Indians to take their legitimate savings and jewellery with them to India,

(d) to make provision where necessary for enabling Indians and their families to reach their homes after arrival in India.

"Evidence was given before the Commission that at a meeting held at Durban during March last of Indians employed by the South Africa Railways, 80 per cent. of those present expressed their wish to return to India if assisted thereto. We consider that if action were taken by the Government in furtherance of this desire on the part of their own employees it would become widely known amongst the Indians wishing to return to India and have good results. We feel, too, that advantage should be taken of the presence of Sir Benjamin Robertson and Mr. Corbett, in whom the Indian community have the utmost confidence and whose influence is consequently great, to obtain their assistance and advice regarding the scheme which we have recommended."

Ministerial Statement.

In the House of Assembly, Capetown, on Friday, July 9, the Asiatic question came under discussion in the Committee of Supply on the Interior Vote on the Estimates.

Mr. Van Hees (Christiana) asked for a declaration of Government policy on the Asiatics question. The agitation against Asiatics was, he said, particularly strong in the Transvaal. Segregation, he contended, would not solve the problem. The objection to the Asiatic was based on his low standard of living. The European could not compete with the Asiatics, and the latter demoralised his neighbours in the Transvaal. It was felt that the only method to deal with the Asiatics was repatriation.

The Minister of the Interior (Sir Thomas Watt) said he could only repeat what had been previously stated when the Government was asked what it intended to do towards carrying out the recommendations of the Asiatic Commission. That was that the Government was encouraging Asiatics to go back to their own country (An Hon. Member: minus their gold!) Free passages, proceeded

Sir Thomas, were granted to Asiatics willing to leave the Union, and the embargo on the export of gold had been raised so as to enable them to take with them savings up to £25 each. This included the total value of the gold they had, whether in ornaments or not; but it did not include small personal adornments. The law was the same as that applied to Europeans. He was informed that £25 was a fair average of the value of gold Asiatics used to take home with them prior to the premium on gold. Of course, if a man were caught trying to smuggle gold out of the country, it was seized and confiscated. It was not a question of whether the law was a moral one or not. There the law was, and, while it remained in force, it must be carried out impartially in the case of Asiatics as well as Europeans.

The Minister, continuing, said that an officer had been appointed to supervise the repatriation of Asiatics, and arrangements had been made to obviate the necessity of a long stay in the depots at Durban which there used to be in the past before a vessel could be obtained. Asiatics had become tired of waiting at Durban, and had abandoned their plan of leaving the country. The Minister assured the House that newcomers were rigidly excluded. The few Asiatics now admitted into the Union were either those entitled to return, or wives and families of Asiatics already in the Union.

Referring to segregation, the Minister said that the word "segregation" had not been mentioned, but the whole matter had been referred to the Commission and segregation was a question the Commission was bound to consider. It would be quite improper for him (the Minister) to say what the Government's policy was in the matter before the Commission had reported. But it was quite erroneous to say that the Asiatic population had been increasing in the Transvaal. He predicted on the contrary that the Commission would find that it had decreased.

Finger Prints.

The Union Minister of the Interior (Sir Thomas Watt) replying to an Indian deputation on the subject of the taking of finger-prints of Indians made the following statement:—Government have decided that where Indians travel inter-provincially in the Union thumb-prints should not be taken in cases in which they are able to read and write either of the official languages of the Union and their bonafides are otherwise established to the satisfaction of immigration officers.

Indians in
British East Africa

Early in January 1920 the Rev. C. F. Andrews, who had gone on a mission of enquiry of the Indian grievances in British East Africa, cabled to India the full draft of the proposed Ordinance menacing the civic rights of the Indian settlers in East Africa. The following is the text :—

"Firstly, the bill may be cited as the removal of undesirables Ordinance 1919.

"Secondly, any person within the East African Protectorate not being a native who from information officially received is deemed by the Governor in Council undesirable may be ordered by the Governor to remove himself from the Protectorate before the date prescribed in such order.

"Thirdly any person contravening such order shall be liable on conviction to a fine up to Rs. 1500 or to imprisonment of either description not exceeding six months or both together. Such conviction shall not affect the Government's power to issue further order under the preceding section against same person."

The Legislative Council in which this draft ordinance was proposed to be passed was to meet in January 19th. This Ordinance entirely lacks the safeguards against political misuse. The volume of evidence in the Economic Commissions report contains no valid substantiation of Indian moral depravity. The proposed Ordinance left every Indian at the mercy of the executive subservient to interested European agitator against Indians. The unscrupulous nature of the agitation is manifest from the utterly false charges flung about the moral depravity against the Indian settler. The Indians claimed the right of priority to the ordinary natural right to live on terms of equality with every other kind of settler in East Africa.

The following Note by Mr. Andrews on the position of Indians in East Africa was published about this time in India.

[*See also Register 1920, Part II, p. 310.*]

When I reached Mombasa at the end of November, 1919, a copy of the Final Report Part of the Economic Commission of the East Africa Protectorate was put into my hands. It was printed with the Royal Arms prominently displayed on its title page and on its outside cover. In its opening paragraphs it contained two

warrants issued by His Majesty's Ministers, the Heads of Government in March, 1917.

On reading through this Report, I found that it had held its sessions during a period of twenty-two months, and that the evidence had been regarded as of such an important nature that it had all been taken on oath. The Chairman of the Commission was a leading member of the Executive Government of the Protectorate.

This East Africa Economic Commission, thus officially appointed by His Majesty's Ministers, was instituted in direct relation to the Conference of the Allied Nations at Paris, held during the War. It followed throughout the three main headings of that War Conference, dealing with

(1) Measures for the War period.
(2) Transitory measures of reconstruction.
(3) Permanent measures.

It is under the third heading 'permanent measures' that the conclusions of the Commission on the Indian Question are given. If one may judge from a very careful reading of the whole report, not once but many times over, the clear impression is left that these conclusions on the Indian Question were regarded by the Commissioners themselves as by far the most important and convincing part of the whole subject. They are stated at the end of Chapter VII. The heading of the chapter is 'General Native Policy'. The whole problem of the Native Policy of the Protectorate is made to depend upon this one final judgment and verdict:—the exclusion of the Indians.

The pages dealing with the Indian Question read as follows:—

The Economic Commission's Report.

"We have left to the end what is perhaps the factor which more directly than any other affects the welfare of the Native, that is, the influence of the Asiatic.

"It is hoped that the frank discussion of this subject will not cause offence, but it is one which calls for plain speaking.

"It must be borne in mind that any criticism of the Indians which it may be necessary to make refer specifically to those in this Protectorate. These are mostly drawn from the lowest type of artizan coolie and "banya" or small shop-keeping classes, and include few representatives of the more responsible elements of the population of India.

"Further, such criticisms, like most generalisations, are subject to exceptions. There are some Indians in the country who have proved themselves reliable members of society, and of whom we should be sorry to use disparaging terms. Exceptions, however, have little bearing upon the main argument.

"Before the advent of the Imperial B. E. A. Company, Indians were established on the coast, where they seized the opportunity afforded them by the abolition of slavery, to oust by loan and foreclosure the ancient Arab trade and civilisation of which Zanzibar was the centre. But except for occasional incursions by half-caste Baluchis, the interior was untouched by Indian influence till British control was effected. The introduction of the coolies employed on the construction of the Uganda Railway was the first connection of Indians with the interior. The employment of Indian labour for this work was due, it is believed, purely to considerations of convenience, and here it is instructive to note that not only did the capital cost of the Indian-built Railway work out excessively high, more than double the sum for which a reputable firm of British contractors had offered to execute the task with African labour, but that the working costs per train-mile of the Uganda Railway are higher than those of the railways of the South African Union, though the percentage of white men employed on the latter is more than twenty times as great.

"It may be permitted to question whether the authorities of the time realised the immense Imperial significance, for good or evil, of their action in promoting contact between the Natives of East Africa and the decadent civilisation of India. The inevitable effect of the intervention of an intermediate race between European and African is that that race absorbs most of the occasions of personal contact with the African. Hence such intimate influences as the African of this country is at present receiving are mainly imported to him by the Asiatic, and are predominantly Indian rather than British.

"East Africa is in a somewhat different position from any other countries of Africa in respect of this problem.

"The self-governing States of the Union, together with the Rhodesias, control Indian immigration, with a view to ultimate exclusion. In Natal, Indian labour was at one time introduced, but its introduction was subsequently agreed to have been a mistake, and drastic steps have been taken to limit and localise its effects.

"In the African Protectorates under the Colonial Office, immigration is not prohibited, with the result that in East Africa the immigrants have not been confined to the trading class, but have included coolies, clerks, artizans and mechanics. German East Africa was for long protected from this invasion, but latterly, for political reasons, considerable encouragement was given to Indians there.

"It is the distinguishing peculiarty of this country that here the Indian plays the parts of the clerk, artizan, carpenter, mechanic,

etc., functions which the African is capable with training of performing, and does elsewhere perform, satisfactorily. The presence of the Indians, organised as they are to keep the African out of every position which an Indian could fill, deprives the African of all incentives to ambition and opportunities of advancement.

"It may be admitted that the Indian has played and still plays a useful part in opening up trade, stimulating the wants of the natives and inducing them to part with their products for purposes of export. For this service he is entitled to credit, but the essential point is that the same service might, with due encouragement, have been performed by the Native peoples.

"In every direction, the sphere of the Indian in this country is not complemental but competitive with those of the European and African. Even in the minor spheres the European, if the Indian would submit to the civic, moral and commercial obligations current in European Society, has nothing to fear from Indian competition, the contrary theory, which formerly found in local governing circles, having been completely exploded by the history of the past thirteen years. But with the African, the case is different. He is not strong enough anywhere to stand against the competition of the more crafty race. So long as that race is organised to keep him in servitude, by shouldering him out of all the posts which lie in the path of his advancement, he must be content to remain a mere hewer of wood and drawer of water.

"There are, therefore, strong economic reasons against the free admission of certain classes of Indians into the country.

"There are unfortunately other reasons of even greater weight against all Indian immigration into this, or indeed any part of Africa.

Physically the Indian is not a wholesome influence because of his incurable repugnance to sanitation and hygiene. In this respect the African is more civilised than the Indian, being naturally cleanly in his ways; but he is prone to follow the example of those around him. Plague, though said to be "endemic" in the country, has certainly been imported, if not originally, then on later occasions, from Bombay, and Indian quarters are almost invariably the foci of each successive outbreak. The same may be said of all dirt-born diseases. The Indian is everywhere the despair of the sanitarian; here he is a menace not only to himself, but especially to the natives of the country.

"The moral depravity of the Indians is equally damaging to the African, who in his natural state is at least innocent of the worst vices of the East. The Indian is the inciter to crime as well as vice, since it is the opportunity afforded by the ever ready Indian

receiver which makes thieving easy. If the Indians were eliminated, the number of offences against property, now high, would be reduced to manageable proportions.

"The Empire is faced with a serious dilemma which cannot be evaded. The choice lies between the vital interest of the African and the ambition of India. The presence of the Indian in this country is quite obviously inimical to the moral and physical welfare and the economic advancement of the natives. The matter is one of the highest Imperial importance, and we regard it as imperative that the Empire should definitely decide, and that without delay whether the welfare of the African is to be subordinated in his own country to political considerations and the pretensions of the more restless elements of India. Upon the decision as to East Africa, the future of the whole continent will largely depend, for if Indians are to be allowed to stream in at any one entrance in unlimited numbers, it will scarcely be possible to localise them indefinitely in any particular territory.

"Our own view of this question is that there can be no excuse for meeting out to the African treatment to which India herself would never submit.

On purely economic grounds, we submit that the admission of the Indian was a cardinal error of policy. It involved the economic stagnation of the African throughout a large tract of Africa, and the consequent retardation of progress for the sake of what promised to be at best but a temporary convenience. In our view, the error ought gradually, but without unnecessary delay, to be rectified, by similar means to those by which the same error is being rectified in Natal.

"The Railway and other Government Departments should as quickly as possible replace Indian employees by Europeans in the higher grades and Africans in the lower. Further, Asiatics who are allowed to remain in this country should be obliged to conform to the same sanitary standards as Europeans as a condition of their residence here. It will probably be found that this will result in a great reduction in their numbers.

"The Imperial principle which is to control the migration within the Empire of different peoples has been finally laid down by the Imperial Conference in July last in the following terms:—

> "It is an inherent function of the Governments of the several communities of the British Commonwealth, including India, that each should enjoy complete control over the composition of its own population, by means of restriction on immigration from any other communities."

"It is therefore essential that a decision of policy in referene to East Africa should be come to without further delay and that such decision shall be based upon the principle of self-determination, and shall consider only the interests of the indigenous native and Arab population and of the race responsible for their control.

"It is our firm conviction that the justification of occupation of this country lies in our ability to adapt the native to our own civilisation.

"If we further complicate this task by continuing to expose the African to the antagonistic influence of the Asiatic, as distinct from European philosophy, we shall be guilty of a breach of trust."

A further chapter of the Economic Commission Report, dealing with the 'Political Future of Middle Africa' was drafted and discussed at several meetings, and up to the last session it had been the intention of the Commission to publish it in the main body of the Report, as Chapter XVII. But during the last session it was decided to omit it from the main Report—possibly because it had the appearance of going slightly beyond the terms of reference One of the Commissioners, however,—named E. Powyss Cobb Esq., of Molo,—attaching great weight to this question, as one which (to quote his own words) "towers above all others and castes its shadow across the whole economic future," has himself published this chapter in a Note under his own name. He has been allowed by the Chairman and members of the Commission to take this somewhat unusual course, and the Chapter is thus fully quoted, as an Appendix, at the end of the Report itself. It reads as follows:—

Political Future of Middle Africa.

"The East Africa Protectorate is an artificially defined territory without natural frontiers (except on its seaboard). It constitutes one of the group of territories under the British Crown comprising (in addition to British East Africa) Uganda, the conquered territory of German East Africa, Nyasaland, and the Rhodesias. The territories of this group, which in this chapter will be referred to as Middle Africa, are to very large extent homogeneous in character, forming together one predomonantly agricultural domain of boundless richness and fertility. Middle Africa, is, in fact, one of the world's great unopened storehouses.

"The acquisition of the conquered territory, which formerly split Middle Africa into two sections, has now made practicable the consolidation of the countries composing into one federated Dominion.

"Federation is required as a preliminary to standardising policies on several of the main questions which confront all the terri-

tories of the group. Hitherto each has gone its own way, with the result that there has been no community of counsel and purpose. East Africa and Uganda have, in apparently analogous, if not indentical, circumstances, arrived at and carried into execution widely divergent conclusions on such important questions as native tenure of land, and native policy generally. Had they arrived at identical, it could only have been by accident. Such a state of affairs appears to us indefensible. The wastefulness, and where the interests of subject races are concerned, the harmfulness of it hardly call for demonstration.

"The following are among the matters in respect of which federation would lead to greatly increased efficiency of public services in all the territories affected :—

"Defence : finance : customs : policing : communications : immigration : native policy : education : and scientific and industrial research. This appears to us so obvious that we refrain from enlarging on any of these matters except the first two.

"A consolidated Middle Africa would constitute in British hands a permanent strategical barrier to any possible scheme for dominating Africa by means of a Middle Africa scheme of aggression such as Germany had in contemplation. It would be the bulwark of Africa against militarism. Few will be so optimistic as to imagine that no such bulwork can be required when the present war is ended : but it will not be afforded to the full extent possible by a number of detached protectorates.

"The strategical advantages attending unification of control and administration of the various territories of Middle Africa would be of inestimable value in the event of Great Britain again being involved in warfare there. The defensive strength of such a combination should be sufficient to render any hostile designs futile.

"The advantages of federation in the sphere of finance would be of scarcely less importance. A Dominion approximately equal in area to the sister Dominion of South Africa, and certainly not inferior to it in natural resources, would be able to command support for the financing of large scale railway and other projects necessary for development, where a number of minor states, incapable of acting in concert, would be unable to find accommodation.

"Apart from such material advantages, the union of the British territories of Middle Africa would powerfully promote the spreading of the British ideal, which we are convinced is what the best interests of the people of Africa demand.

"We therefore recommend that the countries specified should unite in forming the Dominion of Middle Africa, each however retaining intact such local autonomy as it now possesses : and that a

Governor-General be appointed for the Dominion, who should be assisted and advised by a Federal Council, consisting of the Lieutenant-Governors and popular representatives of its component units. We have assumed the readiness of each of the units to attach themselves to this rather than to any contiguous federation.

"It will be noted that the conquered territory known as German East Africa is an integral and essential portion of the proposed Dominion. The scheme above outlined, therefore, conflicts with the scheme recently propounded in the London press for making over the conquered territory to India for colonisation. The latter scheme necessitates driving a wedge between the northern and southern and parts of the Middle Africa Dominion, and is therefore strategically objectionable in the last degree. If further argument is necessary, it may be suggested that on military and sanitary grounds alike, the occupation of any part of Africa by Indians without European support and guidance would be a dangerous experiment.

"Besides, we regard it as highly important that advantage should be taken of the opportunity offered to reunite and consolidate native peoples such as the Cost Arabs and Swahilis, and the Masai tribe, which have hitherto been divided into sections disjoined from each other, much to their mutual disadvantage, by purely artificial frontiers.

"But we have already stated in Chapter VII what we submit are final reasons against the betrayal to the Asiatic of any section of the African peoples the responsibility for whose destinies has fallen into our hands. Short of the retrocession of the territory in question to Germany, we can conceive of no transaction more immoral, or more certain ultimately to recoil in ruin upon our own heads, than to buy off Indian discontent at the expense of the native of Africa. Such generosity at the cost of others, and those our own dependents, would be neither honourable nor politic.

"If India requires an outlet, there are vast empty spaces in Asia a waiting development to which it might now be practicable for her to apply her energies without the certainty of such evil results as must attend the exploitation of the African by the Asiatic".

When we come to examine the evidence on which such drastic conclusions are based, the result is altogether disappointing. No Indian member was invited to sit on the Commission itself, although some of the largest business transaction in the country have been carried out by Indian merchants, and for a number of years the opening up of the trade with the interior was almost entirely in their hands. What is stranger still to notice is the fact, that not a single Indian Association appears to have been invited to send its representatives to give evidence. I have made enquiries about this,

and it appears that, when such an important Commission was appointed (which would affect vitally Indian interests) and the request for Indian representation was refused, there was a natural disinclination to come forward individually to offer evidence. This seems to me to have been quite reasonable and dignified. I cannot find any hint whatever that the Commission itself took any steps to remedy or alleviate this intial injustice to the Indian Community. I use the word 'injustice,' here advisedly; for the Supreme Government of the Protectorate must have clearly known that the Indian Question would be dealt with in a manner which would affect their whole future; and to refuse the perfectly reasonable request for representation, in those circumstances, appears to me fundamentally unjust.

The disappointment is scarcely less when we turn to the European evidence which was tendered on oath. The Commission itself, in its own Report, states that 'the influence of the Asiatic' is 'perhaps the factor which more directly than any other affects the welfare of the Native.' Again it is stated, 'The matter is one of high Imperial importance . . . Upon the decision of East Africa the future of the whole Continent will largely depend'. Yet on turning to the index on the very large and thick volume of evidence, we find only nine references to the subject.

(1) The first is a reference to sanitation by Mr. H. Ryle Shaw: "In Natal where the Indian population is larger than the European, and where there is constant intercourse with India, the Port possesses a large quarantine ground for Asiatics. In this Protectorate the necessity for such accommodation is much greater".

(2) The second reference is to Indian labour by the Hon. C. W. Hobley:—

"The next point upon which I would venture to lay stress is the more intelligent use of the Native population. I would like to abolish the idea that if skilled work has to be done an Asiatic must be engaged..... We should as soon as possible commence to train a considerable number of native youth to do the necessary artisan work. The training should be on English lines, not Indian: the pupils should be taught to work standing at a bench, not squatting on the ground. The Indian system of two men to a hand-saw and two men to a plane should be consistenty discouraged. I have no bias against the skilled Indian forman or artisan, but it is noticeable that the quality during recent years has deteriorated although the rate of wages has increased. ..... It has also been asserted that the employment of large quantities of Asiatic labour results in a steady leakage of money from this country to India."

(3) The third reference is by the same witness :—"If the Indian immigrant were a great introducer of new capital into this country it would balance the loss (*i e.* on imports) to some extent, but, as far as my information goes, this is not the case. Hardly any land owned by Asiatics in East Africa is being actively developed or worked. In Uganda, I believe, there are few coffee planters engaged in wholesale or retail trade financed to a great extent by the banks."

4. The next reference is that of Mr. A K. Constine, Merchant and Motor Car Hirer :—

"The native trade is in the hands of the Indians. Europeans would not have little "durkas" in the native villages like the Indians. Wherever trade was large enough the European could beat the Indian. Natives might be trained to take the place of Indians, but these durkas must deal with the Indian wholesaler in Mombasa. The Indian wholesaler bought from the European firm on credit. Some of the biggest firms in this country trade entirely on credit. He thought this was sound business."

(5) The fifth reference is that of Mr. R. W. Playfair, Manager, National Bank of India, Nairobi :—

"Indian profits generally remained in the country. Indians were mostly working on credit. Their profits went in increased stock and purchase of land. An Indian to start with needed little money. The big Indian financed the small man."

(9) The next reference is that of H. H. Heatley Esq., Farmer, Naudi ;—

"He was not keen on natives learning to read and write, through perhaps it would be advantageous in some cases..... He did not favour natives learning English. He thought that, wherever possible, Goan and Indian clerical labour, artisans, etc., should be replaced by white men, British taking perference, both in Government Offices and Railway."

(7) The seventh reference is that of Colonel W. K. Notely, Commissioner of Police:—

"Checks on Indian immigration were stringent. A man had to prove himself able to earn his own living, or else give a bond for the cost of his passage. A European without employment had to give deposit of £25 if required by the Immigration Office or give a bond. There was also power to deport undersiables within twelve months of landing. There was no influx of poor Indians going on. Last year (1917) and the year before (1916) Indian emigration exceeded immigration."

(8) The eighth reference is that of E. Battiscombe Esquire, Conservator of Forests :—

"One of the great difficulties to contend with at present is the absence of literate native employees: the only medium of communication between the European and the raw native is the Asiatic clerk or skilled Indian artisan. This class demand very high wages which are in many instances out of all proportion to the duties demanded of them and of the class of work they turned out. Many of the more respected natives could be trained as Assistant Foresters and they would be far more satisfactory than the Asiatic both for acquiring an intimate knowledge of what is going on in and around the forests, for becoming acquainted with the various species of trees and as "go between" between the European and the Native."

(9) The last reference is that of the same witness :—

"Of first importance in the training of the natives in any trade or profession is the entire elimination of the Asiatic element. If the native is to be taught, the teaching should be conducted on European lines, *e.g.* take the case of carpentry. If a native is taught by an Indian carpenter it is highly probable that he will adopt Indian methods, never learn to finish off any piece of work properly and moreover never succeed in making himself more useful than the average Indian. It is the same with other professions : the average Indian artisan in this country cannot be said to excel in his art which appears to be more a matter of tradition than training : and it is unreasonable to expect the African to become more proficient than the Indian if he merely has these traditions instilled into him."

These are the only references to Asiatics, in the whole body of evidence, which have been regarded worthy of indexing ; and I have quoted them *in extenso*. The evidence, such as it is, appears to me extraordinarily little, both in quality and quantity, for such immense conclusion to be made to depend upon it. As it stands, also, it by no means points in one direction only. The Manager of the National Bank of India, which is the oldest established in the country, and accepted as the Government Bank, declares pointedly that Indian profits generally remain in the country and go to the increase of stock and purchase of land. The Commissioner of Police reports that already checks on Indian immigration are stringent and that for two years past more Indians have gone out of the country than have entered it. Even those, like Mr. Battiscombe, Conservator of Forests, who wish to replace the Indian by the African, acknowledge at the same time that the number of Africans, who have had any trainining of education, is infinitesimal.

If the case against the Indians were to be decided on the evidence alone, I do not think that any learned Judge on any bench

would give a verdict such as the Commissioners have given. One is driven to the conclusion that they have made up their minds, not so much on the evidence set before them, as in accordance with their own private inclinations. I am not myself acquainted with the workings of such Commissioners, and therefore cannot say whether such action is technically in order. To me, as an amateur on the subject, it seems essentially unfair. Not only was no Indian evidence taken, not only no Indian representative allowed to sit on the Commission, but even when the very scantly European evidence was wavering and undecided and, in one cass at least, contradictory, even then the Commissioners (who took oaths from the witnesses in a judicial manner) summed up against the Indian Community on practically every point and condemned them to ultimate exclusion.

It is clear, when comparing actual dates, that December 1918, and January 1919, were the two months in which the Indian Question reached a very critical stage in East Africa. The Economic Commission was at that time bringing its numerous sessions to an end and it was already looking forward to framing the main outlines of its Report. The Armistice had just been concluded with the Central Powers, and the greatest excitement had been aroused, in European minds, by Sir Theodore Morrison's ill-advised proposal, that the conquered territory of German East Africa should be made into a special reserve for Indian colonisation. I was in India at the time that this suggestion was made, and I can bear witness that the leaders of Indian public opinion, either ignored it altogether, or else discountenanced it. Mr. M. K. Gandhi, whose judgment on such a subject would naturally carry the greatest weight, both with the Indian Government and with the Indian people, condemned the proposal from the very beginning and others more or less fell into line. Even in British East Africa, I have discovered on inquiry that it was only the name and reputation of Sir Theodore Morrison and his personal influence during his visit, which induced Indian residents to take up the suggestion. How artificial it all was may be easily seen by the half-hearted way in which it was ultimately canvassed. A deputation, which was sent to India on this and other matters, soon found it best to drop this question out altogether ; and the Congress meeting held in Nairobi, in November last, (*See Register 1920, p. 320 Part II.*) did little more than pass a formal resolution which had no life behind it.

European residence in East Africa is so far aloof from things Indian, that it was impossible for all that I have related to be accurately known. During the months that followed the Armis-

tice, new boundaries were being marked out on the map of the world every day with bewildering rapidity. It seemed not impossible, in December 1918, that the Home Government might decide at once, under the sanction of the great Four at Versailles, the fate of the conquered German territory, without any consultation.

This, among other matters, appears to me to account for the very great activity of the European Associations in British East Africa on the Indian Question, so soon after the termination of the War. It was a time of intense excitement, a feverish period of strain and tension and exhaustion, the very worst time for calm constructive statesmanship. I cannot help reading into the Economic Commission Report itself, where it touches the Indian Question, the same excited racial feeling. That, at least, is the genuine impression left on me as I have studied them, coming fresh from the outside. And I would add, quite frankly, that I have felt the very atmosphere of this Protectorate, while I have been living here, both among Indians and Europeans alike, to be abnormal and the outlook on life to be distorted. There was an immediate relief, when I passed from East Africa to Uganda.

I have felt that this long explanation has been necessary before quoting the Convention Resolutions because I am coming more and more to believe that they do not represent the final opinion of my own fellow countrymen, (Englishmen) but rather the inflamed opinion of a period of excitement immediately after the War.

It is important to notice that five of the Economic Commissioners took a leading part in the Convention of Associations held at Nairobi in January, 1919, about which this chapter is written. They are signatories both to the Economic Commission Report on March 21st, 1919, and also to the Draft Resolutions, circulated on December 31st, 1918, on behalf of the Convention. Thus they were actively participating in two different committees dealing with the Indian Question at the same time, the one official in character and the other non-official.

I have made careful enquiries about the Convention of Associations, as to how far it truly represents the united non-official European opinion, in accordance with its name: "The Whiteman's Parliament"; the assurance has been given me, that its representation is very wide indeed. What follows may be taken therefore as representing a very high percentage of European opinion in East Africa.

The leading members of the Convention published first of all certain draft resolutions, to which I have already referred. These draft resolutions appear to have been very fully discussed and can-

vassed at the different meetings of the numerous European Associations during the weeks that followed their circulation. Then, at last during the January Sessions of the Convention, 1919 which met at Nairobi, the Indian question came first on the agenda paper and the following revised resolutions were unanimously accepted and carried :—

(*For these Resolutions, See Register 1920, Part II p. 307-8, et Seq.*)

The Guiana Deputation.

Shortly after the receipt of the cable mentioned on page 313, M. Gandhi enquired of the Government of India the true position of Indian affairs in East Africa, and to this Sir George Barnes, on behalf of Government, replied as follows :—

21 January 1920.

Dear Mr. Gandhi,

In your letter of the 13th instant you ask me to give you some information regarding the difficulties which are arising in East Africa. The information which we have so far received is far from complete, but I will tell you what we know and what we are doing.

2. In my answer to a question put by Sir Dinshaw Wacha at the meeting of the Legislative Council on the 19th September last. I told him how the position then stood. You will remember that a deputation of Indians from East Africa headed by Mr. Alibhai came to Delhi last March. i was then away on leave, but I understand that Sir Thomas Holland, who received the deputation in my absence was impressed by the fairness and moderation with which they stated their grievences. Their memorial was forwarded to the Secretary of State with a despatch in which the Government of India urged there was no justification in a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. We further urged not only that the more galling disabilities of Indians in East Africa should be removed, but also that their claims to a share in the Government of the country should be sympathetically considered.

3. We have now heard from the Secretary of State that he has pressed these views on the Colonial office, and that Lord Milner on his return from Egypt will discuss the general question of the position of Indians in East Africa with the Governor, Major General Sir E. Northby, who is now in England.

4. Meanwhile a new situation has arisen from the publication of the Report of the East Africa Economic Commission and the proposed Ordinance for the removal of undesirables. We have not yet received a copy of the report, and we know no more about the proposed Ordinance than what has appeared in the press. On the 15th inst. I received a visit from the Hon'ble Mr. Phoke, one of the Indian Members of the East Africa Legislative Council who is now on a visit to this country, and he told me that he had heard

nothing about this Ordinance when he left Nairobi on the 17th December 1919.

5. As Colonel Amery said in his reply to a question put by Mr. Bennet in the House of Commons on the 22nd December last, the Economic Commission's report must not be regarded as expressing the views of the Government of East Africa or of the Imperial Government. The proposed Ordinance too, if it has been correctly reported, is not ostensibly directed against Indians and it is not possible to question the right of any Government to remove undesirables from the country over which it exercises jurisdiction. At the same time, I can assure you that the Government of India are fully alive to the general tendency of events in East Africa. His Excellency the Viceroy has already telegraphed to the Secretary of State asking for full information. He has also urged that the Indian case should be fully represented at the forthcoming discussion between Lord Milner and General Northby in London and that no action detrimental to Indian interests in East Africa should be taken meanwhile.

Yours Sincerely,

(Sd.) G. S. Barnes.

The Deputation mentioned in this letter was the British Guiana Colonisation Deputation which was received by a Committee of the Indian Legislative Council on Feb 6th 1920. The Deputation put forword a scheme of free emigration with state assistance and asked the Govt. of India to place their British Guiana Colonisation Scheme to a Committee of the Legislative Council of India consisting of elected Indian Members.

On February 4th 1920, in the Imperial Legislative Council, Mr. S. N. Banerjea (now *Sir*) moved for a committee to receive the deputation and examine the proposed scheme of colonization.

The Committee thus formed commenced its sitting on Feb. 6th, when the Hon. Dr. J. J. Nunan, Attorney General of British Guiana, and Mr. J. A. Luckhoo, a barrister and an Indian resident of that Colony, were present to lay their scheme for British Guiana and give evidence in regard thereto. The Committe consisted of the Hon. Messrs. Banerjea, Sarma, Chanda, Sinha, Sastri, Crumb, Sir D. Wacha and Marjoribanks. Mr. Banerjea was elected president. The credentials of the deputees were first examined and then—

Dr. Nunan, in opening the case, said that he represented the agricultural and commercial society of British Guiana. He did not come here in his official capacity. The Legislative Council of British Guiana unanimously accepted his scheme of colonisation and in fact the whole Colony had supported it. Mr. Luckhoo was

the only Indian representative in the British Guiana Legislative Council and was sent to it by 60 Labour votes. The scheme of colonisation which he wished to propose and the deputation to put forward, was both authorized by the local Legislature and the Executive and supported by public opinion. As regards the position of the Indian in the Colony there were 1,800 out of a total population of 150,000 Indians who get franchise and the rest were represented by an official member. The reason was that Indians never worried themselves about politics and were until recently only looking to their economics. Only now were they waking up to political privileges of which they were not cognisant before.

The status of Indians in Guiana was the first question enquired into and examined by Mr. Banerjee. The deputation said that there was absolutely no distinction between one race and another. Indians enjoyed the same civic rights as Portuguese, Chinese, European or any other race. They all had that equal status ever since 1838, when they began to immigrate into that Colony. Equal status was part of the unwritten law and it had been maintained ever since. There was of course no statutory guarantee now to preserve this equality but the Colonial Office would see that in effect Indians had the same franchise for elections to municipalities, Legislative Councils, and other public bodies as any other race or people. Socially also there was no distinction whatever and Europeans and Indians were pulling together. The caste system no doubt prevailed but there was great unity between Hindus and Mahomedans.

In reply to Mr. Crum, Dr. Nunan said that a declaratory act could be passed in British Guiana in half an hour guaranteeing equality of status of Indians. The indenture system had been abolished to a great extent and when he started for India there were only 600 cases of indenture. This number must have diminished by now.

Mr. Sarma referred to the voting strength of each race inhabiting the Colony and asked if it was true that the European Community can never carry anything of a racial character in Council except with the assistance of Negroes and Chinese as against Indians, and that if an Indian asserts and puts himself forward as a voter there is every chance of holding his own.

Mr. Luckhoo.—That is my view.

Continuing, witness said that 75 per cent. of cultivated lands was owned by Indians and Europeans held only two per cent. This did not include the sugarcane area, 39,000 acres of which were held by Indians. This fact showed that the non-European population had as much interest in that sugarcane industry as the European. These 39,000 acres were now being cultivated chiefly by uninden-

tured labour. The unindentured Indian kept a larger area than the indentured, even in case of sugarcane districts. Local syndicates and companies did not employ indentured labour. It was only those companies that were registered in England and that had shareholders in England that employed indenture labour in the Colony. Factories did not employ indentured labour. It was sugar planters who employed it.

Mr. Sarma.—How has the abolition of the indenture system affected the sugar planters?

Dr. Nunan.—The whole Colony has felt the pinch of the abolition of indentured labour but sugar planters have felt it most.

Q. What is the capital sunk in sugar factories and plantations?

A. Ten million sterling. Of these ten million more than half is British-owned and the rest by indigenous people. The State owns the land.

Mr. Sarma next asked about the health of the Colony and the deputation replied that the coast was perfectly healthy but not for manual labour. On the whole it was a healthy Colony and had a relaxing climate. Compulsory education was in force inland and nearly all boys who would have to go to school under statute were at school.

Q. You say in your memorandum that the object of Government is to make this an Indian Colony. It means that practically the whole of Government will pass to the Indians and that you are prepared to face that situation?

Dr. Nunan.—At the same time we look forward to the continuance of the present friendly relations.

Mr. Sarma—You don't expect that there would be any swinging of the pendulum back when once Indians go into power and have a working majority.

Dr. Nunan.—No, I don't expect it. We are prepared for it and we don't see any reason to be afraid of it.

Asked by Mr. Chanda on the Indian strength in the public services, Mr. Luckhoo said that in the very highest grade there were none and frankly told the Committee that at present there was none qualified for it but Indians had risen to almost senior positions.

Replying to Mr. Sinha, Dr. Nunan said that so far there had not been an Indian in the Executive Council. The present Legislature consisted of 22, of whom fourteen were elected and seven nominated, besides the Governor.

Mr. Sinha—Your Legislature does not control the Executive.

Dr. Nunan—No, but it can hang up the executive. (Laughter).

Mr. Sinha—I wish we could do it here. (Renewed laughter).

Dr. Nunan gave an instance in which the legislature by indirect pressure once enforced their will on the Executive. Continuing he said that in a case of dispute between the Legislature and Executive the matter would go to the Secretary of State who would generally favour the view of the Legislature and ask the Executive to follow.

Q. Do you think that for a long time to come Indians will continue to be in a position of a numerically large but rather uninfluential community ?

A. It is the most influential community because they are very industrious and thrifty. They have not used political power so far because they have not bothered about it.

Q. Supposing we agree to your scheme would your Government accept an arrangement that after a year's trial or after a reasonable time the Government of India would send a deputation to investigate the matter and see how the scheme had worked.

A. O, yes, and we are also agreeable to the other safeguard, that is permanent residence in the colony on behalf of the Government of India of person or persons to watch the interests of emigrants.

Q. Is it the case that Indians there demand more wages and better state of living ?

A. That is not so, although I know that people will not be satisfied with anything.

Q. There is a suspicion here in India that Indians who are already in colonies are somewhat opposed to your scheme and that you are trying to bring an abiding force against them and make their conditions hard.

A. Indians is British Guiana unanimously supported a resolution welcoming our scheme of colonization if well organised. I therefore deny that there is any ground for apprehension.

Further asked by Mr. Sastri, Dr. Nunan said if Indians emigrated the younger part of their population would not suffer for want of educational facilities. They were taught in their own vernaculars. The caste system was being rigidly kept up and there was no necessity of overstepping it in a precipitate manner. Their proposal was to import families and they did not want to take anybody unless they could provide him with a wife.

The Colonization Scheme

The following is a summary outline of the scheme of em'gration put forward by the British Guiana Deputation.

Recent changes in the Imperial policy as regards preference and urgent demand for foodstuffs all over the world made it incumbent upon them to set aside £100,000 to be be offered as an inducement to the emigrants. The Colony had arranged for regular passenger and cargo line of steamers between Indian Ports and the British Guiana. For the first three years not more than 5,000 adults a year would be given free passages. On arriving in British Guiana, they could, if desirous of working land of their own, obtain land, either agricultural or pastoral, on easy terms in small or large holdings. If the settlers preferred employment, the Guiana Government guaranteed the local rates of pay which, for the piece-work on sugar estates on a seven hour day, amounted to Rs. 3 for males, and females at light work about half of that. He would also be provided with house accommodation. The coast of living was under 40 per cent of the ordinary, and the male wage-earner could have at least a rupee a day. Wages would be controlled by the official Arbitration Boards to prevent variations unfair to the wage-earner. Reward grants of five acres of the coast or river land, specially protected by an embankment from floods, prepared for irrigation, drainage and cultivation, would be given to families after three years' agricultural work in the Colony. The Indian Government has been asked to appoint its own official at the cost of the Colony to watch the interests of the settlers. The deputation welcomed Mr. Gandhi's suggestion that, after a certain period, an independent report shall be the made by popular leader at the Colony's expense. The deputation also suggested the constitution of a Committee consisting of an Indian Government official, a nominee of the unofficial section of the Indian Legislative Council and Mr. C. F. Andrews to report on the working of the scheme. At the request of the Indian Government's supervising officer, any indiviual or family would be repartriated free of charge at any time, while if such a request emanated from an individual or a family, the Guianese Government would pay half the estimated cost of the reparation at the end of 3 years residence, three fourths of the cost at the end of five years, and free of charge at the end of 7 years. The repartriation would not affect any land or other rights fully acquired. Cheap return tickets would be provided to those wishing to return on family reasons. This would secure a regular commercial intercourse between the two countries. A limited

number of professional men, such as doctors, engineers, clerks, schoolmasters, *etc.*, would be given passages either free or at very low rates. One priest or minister of religion for each religious group would be taken free on each voyage. Guarantees of continuance of the existing privileges could be furnished by the Colony and the Colonial Office, stating that their definite policy was the continuance of political and commercial equality of all races. If necessary, a declaratory ordinance could be passed in Guiana, recording the actual position but one legislature could not bind another in regard to this matter.

Before proceeding to examine the scheme, the President, Mr. Bannerji, read out the following cablegram received from the Under-Secretary to the Colonial Office to Dr. Nunan : " Your telegram, 3rd January. The message from the Government, dated 28th December, states the Indian Government has been notified that the existing indentures of last emigrants will be cancelled. " The deputation said that they were perfectly certain that there had been an immediate and unconditional cancellation of the indentures for the purpose of creating a favourable atmosphere, and that this cancellation was independent of the scheme they were putting forward.

Dealing with the scheme, Mr. Bannerji asked: One of the papers commenting on our work makes the suggestion : What is the guarantee that you can give, so that the rights and privileges that now exist will not be taken away at some future time?

A:—If we are false to our work, we can dodge any guarantee. An ordinance will be passed declaring that all people are equal before law in the British Guiana, whether they come from outside or not.

Q:—That is only to a limited extent, because another legislature might set it aside. The Colonial Office should give to the Indian Government an undertaking that the policy which has been going to for years will not be departed from.

A :—That I am prepared to ask the Colonial Office to do.

Q :—Will your legislature make a declaration to that effect ?

A :—Yes. On behalf of our Government I undertake now to get a declaration passed immediately.

The Committee was also informed that at present the Colony was short of medical practitioners, and that if some doctors went from this country, they could easily make £1,000 a year, at present doctors there make even more money. Clerks were also required, and an ordinary clerk in a commercial concern could earn from Rs. 60 to Rs. 120 per mensem. There were large irrigation and drainage scheme which required engineers. A first class engineer could

make £1,000 a year. There was room also for Indian Lawyers who could earn between three to five hundred pounds annually. English was the court language and there were qualified interpreters in courts. An unskilled labourer got 7 annas, whereas a skilled labourer got Rs. 2. Wages had gone up since 1917, and the indentured labourers had been getting more than the unindentured ones. The condition of the Indian population in the Colony was as good as it was in India, and as a moral safeguard, the deputation suggested that each group of emigrants should bring their priests. Temples and mosques could be built for purposes of worship, and the State was not going to interfere with their religion.

Mr. Crum asked if at any time, say, after 10 or 15 years a deputation that would go from India decide that the condition of the emigrants is not satisfactory and that you have not kept up to your present promise, are you prepared to repatriate them?

A:—We are prepared to repatriate any people if that is the recommendation from one of the three members of the Commission such as we have suggested in our scheme. In Guiana, they said, the coinage was of English silver and based on English Gold basis. They were not affected by the depreciation in English Pound to the same extent as they were in England There was ample opening for medical men. The deputation was not sure if the Indian University medical qualification was a bar. If so, they undertook to get it removed.

Mr. Sarma referred to the decrease of population, bad, water-logged conditions of several places, and wanted explanation for a statement that the health of the Colony was better than in India.

The deputation replied that the decrease of population was due not to death rate which compared favourably with other Colonies, but to the fact that there had been a large number of emigrations from the British Guiana to the Dutch Guiana for higher wages that were obtainable in Surinam and Trinidad and at the time of the Panama Canal construction. The death rate was lower than what prevailed in India, and there was no cholera, plague or small-pox as here. If thousand families were to go now to the British Guiana, there was house accommodation ready for them, and they would not take any family if they could not provide ready made accommodation. An average man could earn a doller, that is, just above Rs. 2. The deputation was not in favour of fixing a minimum wage, because it was not in the interests of the wage-earners themselves. They had only seven hour labour in the British Guiana. There was nothing like that in the world, not even among the Bolsheviks. (laughter.)

Mr. Chanda elicited the information that an agricultural labourer had not to work in jungles or forests, and that the land was

already cleared for him to cultivate. The moment a minimum wage was fixed for these in the Colony, the colonisation system was doomed.

Mr. Sinha got from the deputies the promise of submitting tomorrow a written draft of the Declaratory Ordinance regarding the establishment of equality of race in the Colony, and to Mr. Marjoribanks they said the present Asiatic immigration Ordinance would be so amended as to include this and other guarantees.

Mr. Crum asked : Are you prepared to sign, on behalf of your Government, a note of the proceedings, or, at any rate, those points in regard to which you are in a position to give guarantee ?

A:—Yes. Our Government will agree to any other points which we might decide.

On the Committee reassembling on 10th February, Mr. Surendra Nath Banerjea, placed a copy of the correspondence which passed between Mr. Polak, Honorary Secretary, Indian Overseas Association, London, and the Secretary of State for Colonies.

Correspondence Between Mr. Polak and the Colonial Secretary.

Mr. Polak stated that the East Indian Association of Georgetown (British Guiana), which body the Indian delegates of the Deputation claimed to represent, had expressed strong dissent from the objects of the proposed scheme which they characterised as being not one for colonisation but for labour. Mr. Polak hoped that nothing would be done until the East Indian Association and other similar bodies were given full oppotunities of presenting their views and until educational and sanitary improvements that were officially regarded as urgently needed in the Colony had been carried out by the Colonial administration.

It appeared that the East Indian Association at a meeting resolved that the pamphlets issued by the Deputation while in England were unauthorised and misleading, and that their scheme was unworkable and detrimental to the incoming caste Indians.

The Secretary of State for Colonies, in reply, assured Mr. Polak that the interests of all sections of the community would be carefully weighed in connection with the scheme.

Dr. Nunan explained that Mr. Luckhoo, who was the President of the East Indian Association, has, before leaving Guiana, addressed the Association on the scheme which they unanimously approved. A couple of members had a personal feeling and one of them was spending time and energy over this.

Draft of Declaratory Ordinance.

The deputation then presented the draft of the Declaratory Ordinance which they had resolved to see passed in their Legislature

establishing and making clear equal rights for all races. The draft *inter alia* states that all ordinances purporting to confer any franchise, vote, appointing or nominating power, or any right to be elected, appointed or nominated to any office or honour or emolument under Political Condition Ordinance, Local Government Board Ordinance, Education Ordinance or under any other Ordinance shall be deemed to apply equally to every British subject of every race or orgin, and that any Ordinance purporting to confer upon the British subjects any right for trade, commerce, land-holding, land transfer, lease or mortgage of movable or immovable property or any right of association, or purporting to regulate the exercise thereof, shall be deemed to apply to all British subjects resident within the Colony.

Searching Questions by Members.

The members of the Committee subjected the deputation to severe cross-examination on the immediate prospects of those who would go to the Colony, especially as regards housing, wages, land for cultivation, repatriation, sanitation and education. It was assured that emigrants would, on landing, be given cottage and lands and advance of money for cultivation of the first crop or until they were well set up.

Sir Dinshaw wanted a detailed prospectus to be prepared by the deputationists showing the necessaries that might be supplied to the emigrants.

Dr. Nunan :—Do you think that a prospectus could be prepared with the varying conditions of a thousand miles of the country.

Sir Dinshaw :—Then better not invite labourers.

Dr. Nunan.—I shall work up one.

Mr. Sarma.—Do you take any special interest to protect Indian interests?

Dr. Nunan.—We have got Arbitration Board and there is the Protector of Colonies.

Sir Dinshaw.—The Protector of Colonies or mere protector of the colony than protector of Indians?

Dr. Nunan.—That has never been the case in the British Guiana and that would never be.

Sir Dinshaw :—Have you not got indegenous population, neighbouring population, whom you could employ for labour? Why do you come so many miles to India?

Dr. Nunan :—We have considered all these things. American Indians there are who are a timid set and fit only for boat work.

Sir Dinshaw :—Possibly their labour is too dear and therefore you can't make money.

Dr. Nunan :—We are a wealthy Colony and we offer the current wage there. We offer the same privileges to the people at home.

Sir Dinshaw :—We will wait and see.

Guarantees.

After further discussion, the following guarantees were put forward and signed by Dr. Nunan, on behalf of the deputation :

(*a*) By a declaration by the Legislative Assembly that the present civil status involves equality of all British subjects in the Colony, politically and commercially, and an assurance by the Government of the Colony and by the Colonial Office that the maintenance of such status is a settled policy.

(*b*) Guarantees as regards wages, housing, sanitation, repatriation, inspection by Indian Government Officers and representatives deputed by the Indian leaders, repatriation in the event of any change in the status, and finally the number of men not to exceed the number of women.

Report of the

British Guiana & Fizi Colonisation Committee

This Committee of the Imperial Council (p. 328) was also authorised to meet a similar deputation from Fizi. The Report which was shortly after submitted was published for information by the Govt. of India on 7th May 1920. The following is the full text :—

We, the Committee appointed with reference to the Resolution of the Legislative Council on the 4th February 1920,

(*a*) to examine the scheme of colonisation which the deputation from British Guiana desire to put forward and to report thereon and make recommendations to the Government of India,

(*b*) to meet the deputation from Fiji and to examine any proposals which they may put forward and to report thereon and make recommendations to the Government of India, and

(*c*) to examine the credentials of the deputations,

have the honour to submit the following report.

2. The British Guiana deputation consisted of Dr. J. J. Nunan, L. L. D., and Mr. Luckhoo, Barrister-at-Law. The members of the Fiji deputation were His Lordship the Bishop of Polynesia and Mr. R. S. D. Rankine.

We find that Dr. Nunan and Mr. Luckhoo are accredited to the Government of India by the Secretary of State for India on

behalf of a representative deputation from British Guiana headed by the Governor of that Colony which deputation was received by the Secretary of State for the Colonies and was introduced by the Secretary of State for the Colonies to the Secretary of State for India. The object of the deputation was to represent the needs of the Colony both for the maintenance of present industries and for their extension and to show the advantages which this colony affords to immigrants from other countries. The scheme of colonisation proposed in respect of Indian immigrants is contained in Appendix A. to this Report. This paper was handed to the Committee by Dr. Nunan.

3. As regards Fiji, we find that Mr. Rankine is an officer of the Government of Fiji sent by that Government and that his Lordship the Bishop of Polynesia has been selected by the Government of Fiji, at the request of the planting community of that colony, to visit India and ascertain whether a system of immigration of Indians into Fiji cannot be devised that would satisfy both the Government and public opinion in India. The proposals put forward for Fiji as handed to the Committee are in Appendix B to this Report.

4. Before dealing with the details of these schemes, the Committee would in the first place record their opinion that no scheme of immigration of Indians to either of these colonies should be approved unless it is certain that the position of the immigrants in their new homes will in all respects be equal to that of any other class of His Majesty's subjects resident there. Upon this point, therefore, the Committee questioned the deputations at some considerable length. So far as British Guiana is concerned, the deputation assured the Committee that East Indian immigrants had now equal rights with all other classes of British subjects in the colony which was under a liberal constitution giving the people large powers of self-Government. The deputation went further and undertook to declare this equality in rights by legislative ordinance and to secure its continuance by obtaining an announcement of the Colonial Office that the maintenance of such status was a settled policy. A draft of the proposed ordinance has been handed to the Committee by Dr. Nunan and is appended to this Report, Appendix C.

5. In the case of Fiji, the from of Government appears to be less liberal than in Guiana. The guarantees therefore that the Fiji Government can give regarding equality of the political rights are more limited in scope. The Fiji deputation, however, assured us

(1) that Indians in Fiji are at present entitled to engage in professions, and trade and commerce, and to acquireproperty, on the same conditions as other residents, including

Europeans, and that the Government of Fiji will undertake that these rights will not be altered in any way to the detriment of Indians as compared with other residents:—

(2) that the Government of Fiji will further undertake that the existing municipal rights enjoyed by Indians will not be altered, except in so far as municipal rights of other residents may be altered in the same direction; and that the political rights now being extended to Indians to elect two Indian representatives to the Legislative Council of Fiji will not be withdrawn.

6. While welcoming these assurances, the experience of the past in other colonies compels the Committee to recommend further investigation of this aspect of the matter. It is possible that while political and economic condition render the grant of equal political rights to Indians practicable and expedient at present, there may be (the Committee do not say there are) forces at work calculated to change this happy state of things, which forces may not be easily recognizable save by investigation and enquiries on the spot in British Guiana and Fiji respectively.

7. Coming now to the schemes themselves, the Committee consider, subject to the qualification expressed below, that the terms proposed are in themselves fair and reasonable. The Committee, however, feels that the effect of the scheme on the Indian immigrant will depend more on factors that can only be guaged on the spot rather than on written provisions of rules and laws. The Committee will endeavour to explain the difficulty it has in the matter by examples:—

1. The most satisfactory feature of both schemes is the provision of land for settlement. But for this part of scheme to be real and not illusory, the land proposed to be granted must be of such quality and situation that a new Indian settler would not find beyond his power to cultivate it successfully and maintain himself and family thereon. It seems to the Committee impossible to form an opinion on this part of the scheme without local enquiry.

2. Wages are said to be much above the cost of living but as it is not practicable to enforce the payment of wages irrespective of the works done, the Committee think that local enquiries into the tasks expected of a worker, the wages paid therefor and the cost of living, by persons conversant with the capabilities and needs of Indian agriculturists could alone elucidate whether the prospects of immigrants are really so good as they appear to be

on paper. This appears to the Committee to be more particularly necessary in the case of Fiji.

3. Health conditions in both colonies are reported to be good; and the Committee sees no reason to doubt this in the case of Fiji. In the case of British Guiana notwithstanding the favourable (in comparison with India) death-rate the Committee understands the East Indian population has been practically stationary. It is possible that this state of things is due to re-emigration or repatriation or is explainable on other grounds than bad death and birth rates. But the Committee feel that it would be well to have the matter investigated on the spot.

8. For the reasons set forth in the above paragraphs the Committee resolves to submit its conclusions in the form of the two following resolutions which have been passed by the members unanimously.

Resolutions

I

"This Committee having heard Dr. Nunan and Mr. Luckhoo is inclined to take a favourable view of the Scheme of Colonisation presented by them in view of guarantees and safeguards which they are prepared to provide by legislation and otherwise, but before recommending definite acceptance of it would advise the appointment of a deputation of three competent persons to proceed to British Guiana, investigate the conditions on the spot and report to the Government of India.

II

This Committee recommends :—

I. (*a*) that the Government of Fiji be asked to give guarantees similar to those which the British Guiana deputation declared that their Government was prepared to give :

(*b*) that if the Government of Fiji do give these guarantees the Government of India should send a deputation similarly constituted to test the scheme generally and specially as to the question of the adequacy of wages, and

II—subject to the above guarantees being given and to a satisfactory report being made by the deputation, this Committee would recommend a favourable consideration being given to the colonisation scheme by the Government of India.

[(Signed)

Members of the Committee (see p. 328)]

Note by the Hon. Mr. Chanda

It seems to me that the British Guiana deputation was on a somewhat better footing than the Fiji one as regards binding their respective Governments. Political conditions in British Guiana are also more favourable than in Fiji as regards Indians, but the climate of British Guiana is not very attractive and the wages in Fiji are decidedly inadequate as the recent riots indicate. Land sheeme seems to be a secondary consideration—in Fiji at any rate—real object is to obtain labour immediately.

I am not very anxious to give much encouragement to any emigration on a large scale on other grounds also.

However, I agree that definite guarantees being given, matter should be investigated by a deputation which we recommend before any definite recommendation be made.

(Sd.) KAMINI K. CHANDA.

Note by the Hon. Mr Sarma

1. I shall add a few lines by way of explanation. The two deputations have the moral support of the Governments concerned behind them and the British Guiana deputation has a large body of colonial opinion in its support, but I do not think that either of them has any authority to bind its Government.

2. It was not clear to me that the wages in British Guiana were adequate and at the present rate of exchange the wages in Fiji appears to be inadequate. The wages promised to be guaranted were not very definite. As regards housing, I believe the existing arrangements and the arrangements promised meet the requirements of those who may engage themselves to work on plantations. Free labourers may be afforded facilities, but it did not seem to be clear that any difinite pledges were given.

3. Guarantees mentioned in the note should be given before any deputation is sent. The deputations were anxious about the importation of labour to work on plantations and the scheme proper appeared to be a matter of secondary importance at the present moment. There seems to be no clearly planned arrangement already made for land colonisation. I am not in favour of encouraging emigration unless it be for immediate land colonisation, but the possibilities are so great that if the necessary guarantees are given, deputations should be sent to investigate the problems on the spot.

(Sd.) B. N. SARMA.

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The Deputation to the Viceroy.

23rd July 1920.

A deputation of the Indian residents of British East Africa, waited upon the Viceroy, Lord Chelmsford, along with Sir G. Barnes, the Commerce Member, Government of India on July 23rd at the Viceregal Lodge. The deputation consisted of the Hon. Mr. Abdul Rasul, Mr. Visram, Member, Legislative Council, East Africa, Mr. HusainBhoy Abdulabhoy Lalji, merchant and a member of the Bombay Municipal Corporation, Mr. Beharilal Narayana, merchant, Zanzibar, Mr. Muhammed Saleh Kassim, rice merchant, Zanzibar, Mr. Karabhai Teja, rice merchant, Mombassa and Mr. Nanubai Desai, merchant, Kissumu, East Africa.

The Representations

The representations made by the deputation covered the whole ground of Indian grievances in British East Africa. The first point related to Sir Benjamin Robertson's visit to Tanganyika and British East Africa, and the deputation expressed regret that Sir-Benjamin would consult only the local administrations and would leave Indian residents unheard.

His Excellency explained that the deputation was under a misapprehension. It was true that Sir Benjamin Robertson's visit was infomal, but this would not mean that he would not discuss the situation with Indians and take all possible measures to appreciate and understand their views. In order that there might be no misunderstanding on the point, the Viceroy undertook to send a telegram to Sir Benjamin Robertson in this sense. The deputation then asked what action would be taken on Sir Benjamin Robertson's report when received, and His Excellency reminded them of his declaration in the Indian Legislative Council on July 30th last. He had stated that the position of the Government of India was and always would be that there was so justification, in a Crown Colony or Protectorate, for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. His Excellency stated that he adhered to this declaration and that he would continue to press this view on His Majesty's Government. At the same time he expressed the hope that Indians would co-operate with him by putting forward their case in a manner which was likely to win general acceptance. He pointed out to the deputation that it was a matter of great importance that in presenting their case they should avoid all overt statements and exaggeration. He suggested they should concentrate on the main issues and should avoid arousing anta-

gonism and resentment by putting forward exaggerated claims. The deputation then referred to the present currency policy in British East Africa and to the harm done to Indian trade with the Colony by the present position of exchange. They stated that owing to exchange it was difficult for Indian merchants in British East Africa to place firm orders with Indian mills at rupee rates and they also referred to the fact that Italian merchants trading in Italian sphere of influence in Abyssinia had the benefit of special preference given in that territory to goods made in Italy and they suggested that it would be beneficial if Indian merchants were placed in a similar position in British East Africa. In reply, His Excellency pointed out that currency policy in British East Africa was an internal matter of great complexity, and he doubted whether the Government of India would be justified in interfering in a domestic problem of this kind. He emphasised, moreover, that the policy affected both Indians and Europeans and that it did not imply any racial discrimination. Similarly the question of tariff preference to Indian imports into British East Africa raised a very large issue and did not specifically affect the question which he was there to discuss, namely that of disabilities of Indians in British East Africa. The next point raised was in connection with the recent territorial division of British East Africa into Kenia Colony and Kenia Protectorate. His Excellency stated that the Government of India was still without information as to the exact meaning of this change, but he promised to make enquiries in the matter. The deputation then asked that an Indian Trade Commissioner might be appointed in British East Africa. His Excellency assured the deputation that the Government of India had already considered that proposal and were in correspondence with the Secretary of State on the subject. He added that if a Trade Commissioner were appointed it must be clearly understood that his duties would be purely of a commercial nature. The deputation then referred to the power vested in the hand of the administrator of Tanganyika Territory to deport undesirables, and they suggested that these powers might make it possible for the administrator to deport Indians without trial. His Excellency stated that the Government of India had no copy of the ordinance referred to, and he asked the deputation to send a copy to Sir George Barnes in order that it might be examined by the Government of India. At the same time he pointed out that Tanganyika Territory was still an occupied enemy country and was under quasi-military law and he saw no *prima facie* reason to suppose that the ordinance should be regarded as being directed against Indians. He read out to the deputation a portion of the draft mandate for Tanganyika Territory which, it was

proposed, Great Britain should receive from the League of Nations. If this mandate were ratified, it would entirely safeguard the rights of Indians.

Municipal Disabilities.

The disabilities of Indians in municipal matters were then discussed. The deputation complained that the constitution of Nairobi municipal Council had recently been changed. Formerly, the municipal Councils contained 5 European elected members, 4 nominated officials, 2 elected Indian members and one Goanese elected member. The deputation stated that the number of elected Europeans had now been raised from 5 to 9 and that nominated officials had been eliminated from the Council. The deputation objected to this change, because formerly they had been able to count on 4 nominated officials to safeguard the interests of Indians. They considered it unfair that Europeans should have such a disproportionate representation on the Council in comparison with Indians. The Indians paid considerably greater share of the total municipal revenue from taxation than Europeans, and moreover they outnumbered Europeans by 3 to 1. They stated that the new constitution of the Municipal Council had aroused great resentment among Indian population in Nairobi and that in order to give concrete expression to this resentment Indians had refused either to offer themselves for election to the Council or to accept nomination. His Excellency agreed that there was great force in what the deputation said on this point, and hoped that their grievances in this matter would be redressed.

The deputation also referred to the question of political franchise, and they complained that an ordinance had already been passed in the local Legislative Council which did not adequately meet the claims of Indian residents in the matter of franchise. His Excellency agreed that this matter was vital. It was covered, however, by his declaration of January 30th last in the Imperial Legislative Council.

In conclusion His Excellency reminded the deputation that the decision in matters of this kind lay with His Majesty's Government and not with the Government of India. The Government of India were in sympathy with many of the demands of Indians resident in British East Africa. They had already made representations to His Majesty's Government on the subject and they would continue to do so. At the same time he repeated his appeal to the deputation that Indians should not make the task of the Government of India more difficult. He again advised them to concentrate on the main issues, to state their case with studied moderation and to avoid making exaggerated claims and demands which would tend to alienate sympathy and weaken what was otherwise a strong case.

Govt. of India Despatch on Indians in E. Africa

21st October 1921.

A mass meeting of East Africa Indians was held at Nairobi (British E. Africa) on the 22nd August to consider the announcement of Lord Milner's decisions. A resolution was passed, protesting against assigning an inferior status to the British Indians in the East African Territories (*a*) by not granting them due and effective representation on the Legislative and Municipal Councils, (*b*) by insisting upon the application of the principle of segregation of races, and (*c*) by putting restrictions on the ownership of land by them.

On these issues the Government of India write :—

We are convinced that the only reliable safeguard for Indian interests is adequate representation in the Legislative Council. At the same time, we desire to reiterate our opinion that there should be a common electoral roll and a common franchise on a reasonable property basis *plus* an educational test, without racial discrimination, for all British subjects. We believe that this is the true solution of the East African problem. We fear that separate representation for different communities will perpetuate and intensify racial antagonism. On the other hand, a common electorate, whereby a member of one community, would represent the constituents of another community, would tend to moderate and compose racial differences. In the other way we believe the diverse races in East Africa will become a united people. We recognise that practical objections will be urged against such a solution. In the first place, the Legislative Council Ordinance of 1919 conferred adult suffrage on the European population, and it may be admitted at once that the Indian community is not ripe for adult suffrage. On the other hand, the adoption of a common franchise on the basis which we have suggested, would mean a narrower franchise for the European community than that which they now enjoy. It is not within our province to question whether it was wise at once to confer adult suffrage on the shifting European population of a new country like the Kenya Colony. It is probable, at any rate, that the great majority would satisfy the property and educational qualifications which we would suggest. We recognise that it would not be possible to disfranchise any one who already has the vote, but for the future we would urge that there should be a common qualification for everyone of whatever race who is admitted to the electoral roll. The composition of the Legislative

Council is admittedly experimental, and we would submit with respect that its revision should not be prejudiced by the Ordinance of 1919, which was passed without a consideration of our views, and, indeed, without our knowledge. Secondly, it may be objected that as the Indians in East Africa are more numerous than the Europeans and are likely to increase more rapidly, a common electorate would mean that the Indian members would dominate the Legislative Council, and that this would be incompatible with the responsibilities of the British Government for the welfare of the colony as a whole and of the native population in particular. The objection is admittedly not immediate, for it is stated in paragraph (3) of the Despatch of the 21st May that there is only a very small number of the Indian community who can be regarded as qualified to exercise the franchise. Hence if the qualification for a common franchise is properly defined, it follows that the number of Indian voters will be far less than the number of of European voters. In future it is the rule that, with better educational facilities and increase of wealth, the Indian voters might outnumber the Europeans. But the Indian voters would still, it is believed, to a large extent, be concentrated in the urban consti tuencies. The country districts would continue to return European members, Finally, it is common cause that the interests of the native population require that the official majority should remain. The fear of Indian domination is, we submit, unfounded. In paragraph (4) of the Despatch of the 21st May, Lord Milner directs that the same arrangements should be made for the elective representa tion of Indians on the Municipal Council. We understand that the Nairobi Municipal Council, which is the most important in the Colony now, consists of one nominated official and twelve elected Europeans and that it is proposed to add three elected Indians. We have no exact figures to show the relative positions of the different communities, but we are informed that the population and the incidence of municipal taxation are roughly as follows: Europeans—population, 2,000—municipal taxation Rs. 70,000; Indians—population, 5,000—municipal taxation Rs. 1,20,000; Africans—population, 12,000—Rs. 10,000 Government grant-municipal taxation Rs. 50,000. Here, again, we would urge most strongly that Indian interests should be adequately represented. In the Municipal Councils there is not even the safeguard of an official majority. And it is believed that the insanitary conditions in which Indians are frequently living are due in part at any rate to the neglect of the Municipal authorities. Here again we would press for roll and common franchise. The ward system of election would secure adequate representation for each community, and an increase

in the number of official members, which, the interests of the large native population would appear to require, would be a safeguard against the predominance of any single community.

Segregation of Races.

In paragraph (7) of the Despatch of the 21st May Lord Milner has directed that the principal of race segregation should be adhered to in the residential areas of townships and whenever practicable in commercial areas also. We noted with satisfaction Lord Milner's assurance to Lord Islington's deputation that, in any decision which might come to, he would certainly not be actuated, either by racial prejudice, to allow the consideration of trade jealousy to prevail, and we observe that there is no intention to discriminate against Indians or to sacrifice Indian to European interests. It appears from Lord Milner's speech in the House of Lords, on the 14th July, that the policy of race segregation emanates from Professor W. J. Simpson, whose principles are enunciated in paragraph (16) of his report on sanitary matters in the East Africa Protectorate, Uganda and Zanzibar. Professor Simpson's object is sanitary. Lord Milner is also influenced by social reasons. To quote, again, his speech of the 14th July : "My own conviction is that, in the interests of social peace, the residence of different races in different areas, I am speaking now of the populous city areas, is desirsble, and so far from stimulating it is calculating to mitigate hostility and ill-feeling." Nevertheless, Lord Milner's decision is bitterly resented not only by Indians in East Africa, but by educated opinion throughout India. The reason for this resentment requires careful considera tion. We will first consider segregation in commercial areas. The first objection is that it is irrational. If the end in view is to prevent intermingling in the same quarters of town and trade centres of races with different customs and habits, the nationality of a business firm would appear to be less important than the nationality of its employees and customers. It seems irrational, for instance, that a European and an Indian firm, which are alike dealing mainly with European customers and are alike employing Indian clerks and assistants, should be made to trade in different quarters, or again sanitation and social convenience do not appear to require that a European firm, with a large native retail trade, should carry on its business in the European quarter. The distinction would break down altogether in the case of companies. Secondly, from the strictly commercial point of view it is inconvenient that firms, doing the same class of business, should be separated by an artificial barrier. In the Uganda Protectorate, which is less affected by racial prejudice, the recently appointed Develop-

ment Commission, in paragraph 209 of their report, stated that they would be strongly opposed to any segregation in the business areas. And we are informed that the Uganda Chamber of Commerce has expressed similar views. Again, in Mombasa, the most important commercial town in East Africa, which is free from the racial bitterness of the Uplands, we understand that European opinion generally favour a joint business area. Thirdly, it is feared that the condition of segregation, which Lord Milner postulates, namely, that Indians should be fairly dealt with in the selection of sites, will not be fulfilled, and it must be admitted that the plans ofNarobi, Mombasa and Kisumu facing the pages 24, 45 and 59 of Professor Simpson's report, are sufficient cause for anxiety. In Nairobi, Professor Simpson proposed that the whole of the present business quarter between the Railway Station and the river should be reserved for Europeans. Indians were to be relegated to the other side of the river. In Mombasa, again, the whole of the area adjoining the harbour of Kilindini was to be the European business area. Indians were to be kept on the other side of the Island. And in Kisumu, where practically the whole of the trade is in the hands of Indians, one short street was allotted for the Indian bazar, while an extensive block was to be laid out as European business quarters. Fourthly, it is objected that segregation in commercial areas is impracticable. In Nairobi, a considerable part of the land, which Professor Simpson included in the European commercial area, is already occupied by Indians who it is recognised, cannot be expropriated. We are indebted to Sir Edward Northey for the plan attached to this Despatch showing the lay-out which is now proposed. The comparison with the map facing page 24 of Professor Simpson's report will show that his recommendations have been substantially modified. We gratefully acknowledge the liberal spirit in which Sir Edward Northey has interpreted Lord Milner's orders. At the same time, it is apparent that his proposals, which are based on practical considerations, are not consistent with Professor Simpson's theories. The European and Asiatic areas are now separated only by the width of a street and the Indian bazar, which in Professor Simpson's opinion is the centre of infection, remains where it is running out like promontory into the European area. Moreover, a large number of plots in the revised European area, and more especially in the important Government road, are still occupied by Indians, whom it is not intended to disturb. In fact, it would appear that commercial segregation in Nairobi is now practically narrowed down to the question whether Indians shall be allowed to bid for certain unoccupied plots in the best business streets in

which Indians are already established, but which it is now desired to reserve for European occupation. If then the object in view is sanitation and social convenience, we submit that the criterion should be the class of business and not nationality. We suggest that there should be a joint commercial area regulated by strict sanitary and building laws, which would ensure that only business of good class, whatever may be their nationality, should be established in the best streets, and that the business of the inferior class whatever may be their nationality, should be confined to less important streets. Further, it has frequently been noticed that the practice "of living in" leads to insanitary habits and overcrowding, and we would suggest that "living in" should be prohibited, at any rate, in the best streets. In other words, to use the phrase, which ,we understand, is current in Nairobi, there should be a joint "lock-up"

Residential Areas.

We have next to consider the question of segregation in residential areas. It is admitted that the Indians in East Africa naturally prefer to live together in their own quarter, and have no desire to live in the European residential area. They have only asked that they should be allowed to acquire suitable residential sites, which hitherto have generally been denied to them. The only exceptions are the few Indians who have been brought up to live in European style, and it is understood that the Government of the Colony would desire to enforce the policy of segregation rigidly in such cases. The Indian objection to residential segregation is primarily a question of principle. It is felt not only by Indians in East Africa, but also throughout India that compulsory segregation implies a racial stigma. In theory, it may be that there is no question of racial discrimination against Indians. It is unfortunate, however, that the policy of segregation, as advocated by Europeans in East Africa, is animated by the racial feeling, which marred the Economic Commission's Report. And it is not easy for Indians to appreciate that the reasons, for which Lord Milner has accepted this policy, are wholly different. Nor is it a matter of mere sentiment. They fear that in practice the policy of segregation will be administered in a spirit of racialism rather than of even-handed justice. In his speech of the 14th July Lord Milner said the condition, on which he was prepared to defend segregation, was that there should be fair treatment of both races, in the matter of sites. "I mean to say," he added "that you should not give all the best sites to Europeans and cram the Indians into inferior localities. This, however, they consider,

is precisely what has happened in the past, when the principle of segregation was not formally recognised. And they see no reason to expect that the formal recognition of the principle will better their condition. These fears do not apper to us to be groundless. In the projected plans of Nairobi, Mombasa, and Kisumu in Professor Simpson's report, the areas demarcated for European and Asiatic residence respectively, apart from any question of convenience are wholly disproportionate to the numbers of the two communities. And it is understood that in the case of residential areas, no substantial modification of Professor Simpson's proposals is intended. It seems to us, indeed, almost inevitable that compulsory segregation will mean that the best sites will be allotted to the race which is politically most powerful. Further, it can be taken as almost certain that the race which controls the Municipal Council will spend an unfair proportion of the revenue of the municipality on its own quarter, and will neglect the areas occupied by other races. The practical effect of compulsory segregation on the race, which is politically weaker, can be seen in the Asiatic ghettos in the Transvaal. We deeply regret that Lord Milner should now have considered it advisable to adopt the principle of race segregation. It seems to us to be a reversal of the principle, for which His Majesty's Government have always contended in the parallel case of South Africa. We may, perhaps, be permitted to quote the words, in which the late Mr. Alfred Lyttelton in his Despatch, dated the 20th July, 1904, rejected the proposals which the Governor of the Transval had submitted for the segregation of Indians in the Transval. We believe that sanitation and social convenience could be adequately secured by mutual consent, by the strict enforcement of sanitary and building laws and by a just administration of municipal revenues. In this way the end, which Lord Milner has in view to promote social comfort, a social convenience and social peace, might be attained. But legislation on racial lines, so far from mitigating, will stimulate hostility and ill-feeling. It will, we fear, gratuitously provoke a consequence in this country and throughout the Empire.

Restrictions on Ownership of Land

We will consider first the restriction on the ownership of land in townships. In paragrph (8) of the Despatch of the 21st May, Lord Milner says that it seems necessarily to follow from the adoption, of the principle of race segregation, that as a general rule, no transfer of land, either by way of ownership or mortgage between Europeans and Asiatics, should be allowed and similarly when township plots are put up to auction, Europeans should not be allowed to bid for plots in the Asiatic quarter, or Asiatics to

bid for plots in the European quarters. It may be added that the restriction would close a legitimate field for investment both to Indians and to Europeans, and in the case of sales of new plots would be likely to prevent the State also from obtaining the full market price for Crown lands. It is understood that Indians already own many plots in the areas now occupied by Europeans and *vice versa*. It would appear to us to be inequitable to restrict the right of transfer of plots already alienated and unnecessary to impose any such restriction in the sale of new plots which may be alienated hereafter. There remains the restriction on the acquisition by Indians of agricultural land in the Uplands. It is suggested in paragraph (6) of the Despatch of the 21st May that this merely reaffirms Lord Elgin's decision contained in his Despatch of the 19th March 1908, that, as a matter of administrative convenience, grants of land in the Upland area should not be made to Indians. We understand, however, that practically no land, which is now capable of development, remains to be alienated in the Uplands. In the course of his address to the Convention of Associations at Nairobi on the 9th August last, His Excellency the Governor is reported in the *East African Standard* of the 11th August to have said. "By the time this whole settlement scheme (the soldier settlement scheme) had been readjusted in the firms which had not turned out to be what it was hoped they would be, and were replaced by something better, there should not be a farm left worth having." It would thus appear that there is now practically no land left to which Lord Elgin's decision could be applied. It is understood, however, that the restriction has now been extended so as to prohibit the transfer of land to Indians. We would point out that this goes far beyond Lord Elgin's decision and it is incompatible with his own pronouncement that it is not consonant with the views of his Majesty's Government to impose legal restrictions on any particular section of the community in regard to the acquisition of land. Lord Milner has justified the exclusion of Indians from the Uplands, on the ground that Europeans were by nature physically excluded from other areas. Hence, if the limited area, which is suitable for European settlement were thrown open to the competition of Asiatic there would be, taking the Colony as a whole a virtual discrimination in favour of Asiatic as against European settlement. He cannot, therefore, regard the Indian claim to be admitted to the Uplands as just or reasonable. It has been argued with force that there are vast areas in the Empire suitable for European settlement, from which Indians are excluded, either by law or climatic conditions, and that it is, therefore, unjust that Indians should be prohibited

from acquiring agricultural land in a colony which has been, to a considerable extent, developed by Indian enterprise. Apart from this, however, it is not clear that the admission of Indians to the Uplands would be a virtual discrimination against Europeans. First, it is necessary to determine what exactly is meant by the Uplands. This term is defined in the Despatch of the 17th July, 1906, in which the Colonial Secretary approved of the principle that the land outside municipal limits, roughly lying between Kiu and Fort Ternan, should be granted only to European settlers. It might be inferred from the Despatch of the 1st may and from Lord Milner's speech of the 14th July that the European settlers were confined to a comparatively small area, while Indians enjoyed a monopoly elsewhere. But a reference to the map appended to this Despatch, for which we are again indebted to Sir Edward Northey, will show that by far the larger part of the area coloured red, which is the alienated land or land surveyed for alienation, lies between Kiu and Fort Ternan. Further, almost the whole of the alienated land outside these limits, that is in the lowlands, which *ex-hypothesi* are unsuitable for European settlement has been alienated to Europeans. The total area alienated to European or available for alienation is given as 11,859 square miles. The total area held by Indians, we are informed, is only 32 square miles, out of which 21 square miles have been purchased from Europeans, and only 11 square miles have been obtained from the Government. In addition the Indians hold a small area of agricultural land in the coastal belt, but here, again, we understand the Europeans own large plantations. The attitude of the Government, towards the acquisition by Indians of agricultural lands, even in the lowlands, can be judged from the case which has been brought to our notice. We submit that it is not easy to reconcile the land policy of the East African Government with Lord Milner's assurance that it has been the avowed principle and is the definite intention of the British authorities to mete out even-handed justice between the different races inhabiting those territories. In the circumstances which we have set forth, we are unable to agree that the Indian claim to be allowed to acquire agricultural land anywhere in the Colony is neither just nor reasonable. We do not consider that the proposal in the latter part of paragraph (6) of the Despatch of the 21st May is adequate compensation for the exclusion of Indians from the Uplands, and we hold most strongly that there is no justification for the extension of Lord Elgin's decision so as to prohibit the transfer of land to Indians which, in our view, is incompatible with his own pronouncement. We would add that it is the opinion of Sir Benjamin Robertson that climatic disabilities in the Colony, as a whole, tend to operate against the Indian rather

than against the European settler. The European, who works on the plantation system with native labour, can and does cultivate the Lowlands. The European planter is no more excluded by climatic consideration from the Lowland than he is excluded from other tropical countries. On the other hand, it is doubtful whether the Indian farmer would prosper in the cold climate of the Upland. We understand that this opinion is supported by experience in Natal. The acquisition of agricultural land by Indians in Natal is not restricted. There are many wealthy Indians, and there are more than 1,000 Indians of the agricultural class. There is a keen demand for land in the coast belt, which has not been satisfied. But very few farms have been acquired by Indians in the Uplands and the evidence before the recent Commission was that where Indians have attempted to farm in the upland, they have generally failed. If, then, as Lord Milner suggests, the issue in Kenya Colony is merely a question of climate, we would urge that it be left for the climate to decide. The Despatch of the 21st May purports to deal only with the various questions affecting the Indian community in British East Africa. We are informed, however, by Sir Benjamin Robertson that under the order of the Colonial Office, Lord Milner's decisions were announced simultaneously in Nairobi and Entebble and understood to apply *mutatis mutandis* to the Uganda Protectorate. We were not previously aware that the position of the Indians in Uganda was even under the consideration of the Colonial Office. Moreover, from the information before us, it would appear that the East African decisions are generally inapplicable to the conditions in Uganda. In the first place, we understand that in Uganda there is no Legislative Council, nor any elected Municipal Council. On the contrary, in the important Uganda province, the native Lukiko already enjoy a substantial measure of autonomy, and it is likely that a similar from of native Government will eventually be established in the other province. Secondly, as has already been stated, the Uganda Development Commission, in Paragraph (209) of their report, have rejected the principle of segregation in business area as impracticable. Thirdly, the Development Commission in the same paragraph of their report, which was signed by two Asiatic members, accepted generally the principle of separate residential areas for different races, and it would appear that if no order had been issued, this question would have been settled amicably by mutual consent. Fourthly, as already stated, the Development Commission, in paragraph 212 of their report, have rejected restriction on the acquisition of land in townships as neither justifiable nor necessary. Finally, there is no "upland" in Uganda. In short, the racial issue would seem to have been raised unnecessarily

in Uganda. We are informed by Sir Benjamin Robertson that the relations of the Indian community in Uganda with the Government and with unofficial Europeans have always been cordial, and this is borne out by the friendly spirit of the report of the Development Commission on which all classes were represented. We may be permitted to quote paragraph 3 of their report in contrast to the racial bitterness which animated the report of the East African Economic Commission :

"The country owes much to the Indian trader, and we consider that a broad policy of toleration should be adopted towards him. He has shown energy and enterprise and has assisted in the opening up of the more remote districts. He is also of value as an agricul turist, and his activities in this direction might well be encourged."

It seems to us regrettable that Uganda should have been drawn into the East African controversy. As things now stand the Indians in Uganda fear that disabilities to which they have not hitherto been subjected will now be imposed upon them. It will relieve anxiety if they are assured as early as possible that this is not the intention of His Majesty's Government.

Conclusion.

To conclude, we are unable to accept Lord Milner's decision as a final settlement. It is our duty to impress on you that public opinion throughout India regards the case of the Indians in East Africa as a test of the position of India in the British Empire. At the Imperial Conference of 1918, for the sake of Imperial unity, we accepted the reciprocity resolution which practically excludes Indians from the Self-Governing Dominions. We cannot agree to iniquity of treatment in a Crown Colony, more especially in a Colony in which India has always had a peculiar interest. We have shown in this Despatch that whatever may be the intention of Lord Milner's decision, there is, in practice, an unfair discrimination against Indians in East Africa. If further proof is needed, we may point out to the fact that in Tanganyika territory, where Indians are protected by the Government of the League of Nations, Lord Milner's decisions cannot be applied. It seems to us to be an impossible position that British Indians in a British Colony should be subjected to disabilities to which they cannot be subjected in an adjoining mandated territory. It has been suggested that a Royal Commission should be appointed to consider the whole question of the administration of the East African Territories, and it appears from his reply to Lord Islington's deputation on the 19th April, that Lord Milner himself is not averse to the proposal. We would urge the appointment of such a Commission at the conclusion of the Indian

question in the terms of reference. In no other way we believe will it be possible to assemble the facts on which a just decision can be based. We would also urge that the Government of India should be represented on the Commission. We cannot admit that we are not directly concerned. To quote once more Lord Milner's reply to Lord Islington's Deputation, "we will cease to be an Empire if any portion of the Empire is entirely relieved from the responsibility for what happens in another." The Government of India cannot and will not disclaim responsibility for the welfare of the Indians who are settled in East Africa.

The Sec. of State's Reply.

To this the Secretary of State for India replied by cable, dated India Office, the 24th December, 1920:

East Africa. Your despatch of October 21st. I need hardly say that I am fully alive to the importance of the question, and as responsible here for the protection of Indian interests, I have urged upon his Majesty's Government the strength of the case which you have so cogently presented. I have not answered your despatch, merely because matter is still before His Majesty's Government, and I wish Your Excellency's Government to be assured that your despatch has reinforced the case which I was already urging.

(Note)

The Islington deputation of 19th April mentioned above was the deputation headed by Lord Islington and comprising Sir J. D. Rees, Sir M. Bhownagree, Sir Krishna Gupta, Messrs Ormsby Gore, Bennett, and Col. Wedgwood, together with members of the East African Indian Delegation which waited on Mr. Montagu and Lord Milner, the Colonial Secretary, and made representations urging equality of treatment for Indians in East Africa and the removal of existing disabilities and asked for a commission of enquiry. The proceedings were, however, private. Mr. Jeevanji, head of the Indian Delegation, afterwards regretted that he consented to the deputation being received privately. He said that if he knew beforehand that such would be the case he would have refused to go. Publicity was never given to the affairs of East Africa. The result of the deputation was that the Colonial Office took the matter coldly and apathetically The following memorandum was then published,

Memorandum

To the Secretary of State
By the Indian Overseas Association

The following petition submitted to the Secretary of State for India by the Indian Overseas Association and Indian Delegates from and on behalf of Indians in British East Africa covers the whole field of the infamous wrongs that are being perpetrated there against the Indian settlers.

Introductory.

In the year 1920 it might seem a work of supererogation to insist upon the fact of the ancient association of India with the Eastern Territories of the African Continent. The local administration of the British East Africa Protectorate and His Majesty's Government should be fully aware of all the facts relating to that association, but that they are in danger of being forgotten is clear from Part I of the final Report of the Economic Commission issued last year by the Government of the East Africa Protectorate. (*See Cmd. 874 of 1920.*) That Commission was appointed by the Governor of the Protectorate andwas presided over by a high officer of the Administration. The Report was signed by him in common with the other members of the Commission. In Chapter 2 a historical survey of East Africa is given. It is incredible that the signatories of this Report were ignorent of India's historic connection with these territories, yet the astonishing fact remains that this chapter contains not a single reference to India or her people, and the only conclusion that can properly be come to by a perusal of this chapter, together with Chapter 7, is that the omission of any such reference was deliberate. It will be necessary at a later stage to revert to the allegations contained in Chapter 7.

Historical.

Indian trade connection with Zanzibar and the East African Territories is almost pre-historic. It is, at any rate, upwards of three centuries old and it is notorious that since the middle of last century, from the time of Lord Canning, British Indians and the Government of India have taken a very active part in extending British influence in East Africa. It was admitted before the Sanderson Committee in 1910, by Sir John Kirk, with probably an unequalled knowledge

of the protectorate, that "but for the Indians we (the British) should not be there now. It was entirely through being in possession of the influence of these Indian merchants that we were enabled to build up the influence that eventually resulted in our position." One of the main grounds stated for granting the Royal Charter to the Imperial British East Africa Company in 1888 by Queen Victoria was that it was calculated to be advantageous to the "commercial and other interests" of the British Indians, and that "the possession by a British Company of the East Coast line" would protect British Indian subjects from being compelled to reside and trade under the Government and protection of Alien Powers". In the early days of the conquest and pacification of the Protectorate, Indian soldiers bore a very honourable part, and the history of events in Natal at the outbreak of the Boer War was repeated when, in the beginning of the late World War, the timely help given by India in men, money, and material to East Africa saved the country from complete destruction and its occupation by the German forces. The earliests transport facilities in the protectorate were provided by Indian contractors and labour. The main factor in opening up the interior of the country was the construction of the Uganda railway, entirely by Indian labour and subordinate staff, under the most trying conditions and with considerable loss of life. Since then very large numbers of Indian traders, merchants, agriculturists, artisans and labourers have migrated to the country at the express invitation of the local Government, and relying on justice and equal treatment under British rule. This enterprising, loyal, simple-living, and law abiding Indian population has rendered invaluable service to the country in its industrial and commercial development, and has introduced into and invested in it very large sums of money in the erection of large numbers of substantial and permanent buildings, comprising several streets and Bazzars entirely owned by Indians, in the chief towns of the Protectorate and also in Uganda. In his book "My African Journey" (a journey undertaken by him as Under Secretary of State for the Colonies) the Rt. Hon. Winston Churchill, at present the Secretary of State for War, wrote : "It is the Indian trader, who, penetrating and maintaining himself in all sorts of places to which no white man could go, or in which no white man could earn a living, has, more than anyone else, developed the early beginnings of trade, and opened up the first slender means of communication."

The Present Position

By far the greater proportion of the clerical and mechanical staff on the Uganda railway and its workshops consists of Indians,

and large numbers of Indian clerks are employed in the Government offices and commercial houses. The erection of buildings throughout the country is carried on by Indian contractors and artisans, and about 80 per cent, of the trade and commerce of the Protectorate is carried on by Indians. The present European population of the Protectorate is said to be appoximately six thousand, and includes a considerable proportion of officials, military, and missionaries. In 1911 slightly more than one-half of the European population was actually engaged in the development of the country. The proportion to-day so engaged is believed to be not very much greater. The present Indian population of the Protectorate is certainly not less than 25 thousand, and it is estimated that it is between 30 and 35 thousand.

It is thus clear that, apart from the pioneer character of Indian enterprise in East Africa, the Indian population of the Protectorate is considerably greater than the European. Its invested capital is far greater, its hold upon the trade and commerce of the Protectorate is four-fifths of the whole, and it pays a very much larger proportion of the taxation of the country than does the European population. No impartial observer could fail to come to the conclusion that in all essentials, including those of climate, the Protectorate is, in fact, apart from the native population, an Indian and not a European colony. Indeed, Indian law is, and was, as a matter of course, administered in East Africa. So distinguished and disinterested a traveller as Dr. P. Chalmers Mitchell, in a dispatch appearing in the *Times* of 16th March, 1920, says: "The retail trade is almost wholly in the hands of the Greeks as far as the Sudan, and to the South, of the Indians. Indian and Japanese products are ousting British. . . The goods are adapted for local European and native requirements. . . , Indians are rapidly gaining control of the ivory, hides, and other markets. There are branches of Indian banks in every centre." Dr. Mitchell, being a stranger, could not have known that Indian trade existed in the protectorate generations before any British goods were introduced.

European and Indian Relations

Inspite, however, of their prior claims to consideration at the hands of the authorities, due to their pioneer work in the carrying of the products of modern civilisation to the barbarous and semi-barbarous people of the country, and the vital and trading risks incidental thereto, and notwithstanding their numerical preponderance and the immensely superior proportion of the private Indian capital invested in the country, the Indian settlers did not adopt a dog-in-the-manger policy. They did not demand preferential treat-

ment. They did not demand European exclusion, nor did they agitate for the imposition of disabilities upon such Europeans as were already settled or might be allowed to settle in the Protectorate. On the contrary, they were not afraid of competition, and welcomed and were willing to co-operate on a basis of equality with all new comers whether Indian or European. Some prominent members of the Indian Community even went out of their ways to recommend the country for European settlement as well as Indian. In the early days of the British administration of the Protectorate, the relations between the Indian community and the Administration were of a very friendly character. The Foreign Office, which at that time controlled the Administration, fully recognised the invaluable and indispensable services rendered by India and the Indian settlers. Shortly after the Boer War, a number of malcontent Dutch settlers from South Africa, dissatisfied with the conditions in the neighbouring German Territory, migrated to the Protectorate, and eventually settled in the area known as 'the Highlands'. These settlers brought with them the bitter South African racial prejudice directed against coloured people, and togther with other white settlers, with experience of conditions in South Africa and other self-governing portions of His Majesty's Dominions, but entirely ignorant of Indian traditions and customs and of the earlier history of the Protectorate, commenced an agation against the Indian settlers with the object eventually of reducing them to the same position of inferiority as has been the unhappy fate of their countrymen in South Africa. At first these efforts met with no success, to the great chagrin of the white settlers who pressed for the transfer and the control of the Administration from the Foreign Office to the Colonial Office. His Majesty's Indian subjects in East Africa date their principal troubles from the beginning of Colonial Office administration in East Africa. Without endeavouring to determine how far the Colonial Office was responsible for the change, they nevertheless believe that a deliberate attempt was made at that time to alter the whole character of the administration—which before them had been equitiable and even-handed to all sections of the community but which thereafter under the growing influence of the South Africa immigrants or other settlers having similar experience in European controlled British Colonies, so as to give advantages and perferential treatment, to the white settlers under the pretext that the Protectorate should come more and more under European influences in the interests of the native population. In Agust 1907, the Land Board of the Protectorate recommended that Government land in certain specified areas should not be allotted to Indians, but should be

reserved for European settlement. In transmitting the resolution to the then Secretary of State, Lord Egin, the commissoner of Lands reminded him that but for India the railway would never have been constructed, that most of the trading wealth of the country was in the hands of the Indians were British finally, that Indians were British subjects. Unfortunately, as had happened some months earlier in the case of Indians in South Africa, His Lordship did not give to these powerful considerations the importance that they merited. In a dispatch to the Governor, dated 18th March 1908, Lord Elgin said "With regard to the granting of land to Indians, it is not consonant with the views of His Majesty's Government to impose legal restrictions on any section of the Indian community, but, as a matter of administrative convenience grants should not be made to Indians in the upland areas." It is submitted in the first place, that the rights and the well being of His Majesty's Indian subjects ought never, in a territory such as British East Africa, to have been subordinated to mere "administrative convenience", but, that, it is common knowledge that no question of "administrative convenience" was at issue at that time. The European settlers wish to reserve the whole of the uplands area, as one of the healthiest and best parts of the Protectorate for themselves. Not that they wished themselves to develop the country. They relied and still rely entirely upon native labour for the purpose; but they wished to live a life apart from and out of contact with the Indian community, and to reserve for themselves the most favourably situated areas, access to which has been made possible only by Indian enterprise and labour. The departure from principle on the flimsy grounds advanced by His Majesty's Government was disastrous, and from that time the Indian position has gradually gone from bad to worse. And whereas, in contrast with the reservation of the upland area for exclusive White settlement, it was generally understood that the lowlands were to be reserved for Indian settlement, it is significant and characteristic of the unfairness of the White settlers that they are to-day engaged in an endeavour to secure the assent of the Colonial Office to an encroachment upon the Lowland areas.

When the War broke out, the Indian Community was specially requested and loyally consented to abstain from controversial agitation. Their consent was obtained on the understanding that such abstention was to be reciprocal. Unfortunately, neither the Government nor the European settlers abided by the agreement. Racial differentiations of an administrative and of a legislative character have followed fast, until to-day the situation is such as to agitate the people of India, who are asking with the utmost anxiety whether the tragic history of the Indian population of South

Africa, for which, to a very large extent, they hold his Majesty's Government responsible, is to be repeated in East Africa, with far less possibility of justification, and where the Administration is not, as in South Africa, that of a self-governing Dominion enjoying Responsible Government, but of a Protectorate directly controlled by His Majesty's Government, who must bear the full responsibility for all the consequences of the adoption and continuance of the present racial policy which they have initiated or permitted.

The Economic Commission

A reference was made above to Chapter 7 of the Report of the Economic Commission. The Commission appointed by the local Government did not include a single Indian representative, and by way of protest no Indian evidence was tendered, and practically no evidence bearing upon the Indian situation was produced before the Commission. Yet in that Chapter the Commission, without supporting testimony of any kind, delivered an attack upon the commercial methods and the private morality of the Indian Community, of such a character as it it is impossible for any self-respecting and high spirited people for one moment to tolerate. These allegations of a most offensive type have been made with the very clear object of creating an atmosphere of prejudice against the Indian section of the population. European and Christian civilisation has been deliberately invoked and contrasted with Eastern and non-Christian civilisation to the detrement of the latter and in the alleged interests of the native population, and recommendations have been made that the Protectorate should be treated, together with adjacent territories, as a quasi Dominion, and that power should be handed over to the small oligarchy of white settlers, whose views need no elucidation in the light of the declaration on the Indian question of the Convention of Associations of East Africa (the most important non-official body of European in the country, which is often known as "The White Man's Parliament") that their aim was to change the whole character of the country and its population by the stoppage of Indian immigration and the gradual elimination of the Indian population. The Indian Community has felt that such a campaign, undertaken ostensibly on behalf of the native population by the white settlers, is hypocritical in the extreme. Those who are best acquainted with local conditions and who can read between the lines of the proceedings of the Convention of Associations and the Report of the Economic Commission, are under no illusion as to the altruism of the motives of the European settlers.

The present agitation is reminiscent of similar campaigns conducted at various times in different parts of South Africa preli-

minary to the introduction of anti-Asiatic legislation imposing further disabilities upon the resident Indian population. The Indian community in East Africa has bitterly resented the imputations that have been made against it, and it challenges impartial investigation. It desires at this stage to make no counter charges, but it is content to quote the opinion of the authorised representatives of the Native people themselves. Mr. C. F. Andrews, who was specially deputed by the Imperial Indian Citizenship Association of Bombay to investigate the situation in East Africa recently, made a special point of meeting the Prime Minister and the Chief Justice of Uganda, two Ministers of the Native Parliament. This is what Sir Apollo Kagwa, Prime Minister, and Mr. Staisles Enganya, the Chief Justice, say in a letter to Mr. Andrews:

"With reference to our meeting with you in our Native Parliament this morning, we beg to confirm in writing our opinion we expressed on the following two points which came out—namely: (*a*) We do want the Indians to remain in our country, as we consider that their being here would improve our country, and would do no harm to the country. Besides, we find them a moral people. We would, of course, like better Indians. (*b*) We do not want our country to be united to any other Protectorate, for we consider that if this was done it would greatly interfere with our Uganda Treaty, 1900, and our customs. We have other reasons besides. Therefore, we would very much like this Protectorate to remain as it is."

Dr. Cock, the wellknown East African medical expert, has publicly corroborated the evidence of the Native leaders regarding Indian morality. In the light of this disinterested testimony, it is clear that the sole motive for the hostile activities of the European colonists lies in colour and race prejudice and trade jealousy. It is significant, too, that the Convention of Associations has deliberately sought to raise the question of religious privilege and to destroy the religious neutrality for which the British administration is supposed to stand, as the word "christian" does not appear in the original draft of the declaration that the Convention circulated to its members. It is, however, no function of His Majesty's Administration in East Africa to promote specially any form of religious belief or civilisation. The threatening attitude of European settlers towards the Indian colonists and sympathetic officials alike has filled Indians with alarm lest His Majesty's Government should mistake a clamorous and spurious agitation, based upon crude self-interest, for a reasoned demand for changes in the Administration that will, if given effect to, completely alter its character, with calamitous consequences for the old-established Indian population. Indians recognise fully the fact that there are a number of officials of all ranks in the country

who are anxious to administer it sympathetically and impartially. But they are not blind to the hostile activities of the bulk of the European population, which includes a most violent element, and which threatens them whenever they show a disposition to fair-minded and just administration. Recent episodes of this character are well-known, and it is strongly felt that His Majesty's Government ought to discourage severely the anti-Indian tendencies that are locally prevalent, and which are fraught with untold mischief to the Empire.

Having thus reduced to its true meaning and proportion the European opposition, the Indian Community desires to place the following views on record, in the knowledge that they have the support of the Indian people and the sympathy of the Government of India.

What Indians Want.

It is no longer possible for the people of India and the Indian settlers in British East Africa to tolerate or recognise anything in the nature of racial differentiation, whether as a matter of "administrative convenience" or by statutory enactment. If the European settlers could not content themselves with equality of treatment with their Indian fellow subjects, they need not have come to or stayed in a country already widely populated by Indians, and in which Indians had preceded them by many generations; had His Majesty's Government done their duty towards the Indian population, the disabilities today complained of would never have been imposed. The Imperial Government have never justified and cannot possibly justify to the people of India the anti-Indian policy that has been tacitly and officially adopted for the past thirteen years. The Indian communities in the neighbouring territories of Zanzibar, Uganda, and Tanganyika have watched with alarm the growth of anti-Indian feeling in the Protectorate whose effects they are already beginning to feel. The policy of racial differentiation as regards ownership of land in townships has already been put into operation in Uganda, where it has hitherto been absent. Yet the Uganda Economic Commission, which has just reported, says of the Indian settler: "The country owes much to the Indian trader, and we consider a broad policy of toleration should be adopted towards him. He has shown energy and enterpise, and has assisted in the opening up of the more remote district. He is also of value as an agriculturist, and his activities in this direction might be well encouraged." That India is far from reconciled to the evil fate that has befallen her children in South Africa is evident from the anxiety with

which the mission to the Union of Sir Benjamin Robertson, on behalf of the Government of India, is being watched. It would be disastrous, and it would be regarded as a breach of faith on the part of the British Government, if the history of the South Africa Indians were repeated in the East Africa Protectorate and the adjacent territories. India is proud of results of the efforts of her colonists settled for centuries in East Africa, and she cannot possibly look with equanimity upon a movement calculated to injure fatally a most important portion of her foreign trade. It is felt by all classes of the Indian people that when the temperate parts of the Empire, controlled by self-governing European communities, are for all practical purposes, closed to Indian immigration, it would be inequitable and unpardonable if, as is now being attempted in the East Africa Protectorate, the same policy of exclusion were adopted. Therefore, Indians deem it essential, in the interest of all the elements of the mixed population of the country, that an absolutely open door, as regards immigration, should be maintained. Immigrants of both European and Indian origin should be equally welcome and given equal opportunities for the development of individual enterprise, and no special privileges should be given to any section of the population.

The political as well as the municipal franchise, which are at present confined to Europeans, should be equally conferred upon Indians. It is absurd to hold that Indians, who, in large numbers in their own country, in British Guiana, Trinidad, Fiji, and even in the Cape Colony, have been enfranchised, should, when settled in East Africa, where the average franchise is higher, be incapable of exercising the franchise. It is not even disguised that the European community have opposed an extension of the franchise to Indian because they wish, in a Colony that owes its very existence to Indian foresight, courage, and enterprise, to enjoy a monopoly of political power in the pretended interest of the Native inhabitants.

The people of India naturally look to His Majesty's Government to remove all racial checks, bars and differentiations: such, for example, as the exclusion of Indians from the Executive Council; the practical municipal disfranchisement of Indians in Nairobi; the preferential grants of land to Europeans: the encouragement of settlement by European ex-soldiers without corresponding encouragement of settlement by Indian ex-soldiers; the sale of Crown lands by auction at which Indians are forbidden to bid to the detriment of the finances of the colony; the power granted to the Governor, under the Crown Lands Ordinance (1915), enabling him to veto (as he has invariably done in practice)

the transfer of Europeans owned land to Indian purchasers ; the policy of racial segregation in townships and extra-municipal areas ; and the introduction of legislation, ostensibly of a general character, but capable of special administration for political purposes against Indians by an Executive controlled by a hostile White minority.

The East African Indian community has placed its views on the various matters of complaint and disability upon record in a series of moderate and constructive resolutions passed unanimously at the recent session of the Eastern Africa Indian National Congress, (see Register, 1920) to which reference is hereby made, in the earnest hope that in so far as they fall within the competence of His Majesty's Government, full relief will be granted. And here it may be added that the local Indian community is much alarmed at the prospect of ruin resulting from the adoption by the Colonial Office of a new policy of currency and exchange without consultation with the East African Indians, or reference to the India Office and which it believes to have been adopted mainly in the interests of a small section of the European settlers. That this view is held by independent observers is evident from the opinion of the English President of Kisumu Chamber of Commerce, among others, and from the following message to "The Times" from its Mombasa correspondent.—

The Times,' March 12, 1920

Mombasa, March 6 (delayed)

"Recent legislation respecting the rate of exchange enforced on instructions from the Colonial Office, by which the value of the rupee is fixed at 2s. 4d. now, 2s. 2d. as from July 1, and 2s. as from December 1, while in India the rate remains at about 2s. 8d., resulted in a serious dislocation of the trade of the Protectorates of Zanzibar and Tanganyika (formerly German East Africa). In the first place a considerable quantity of the trade and finance of the territories is geographically dependent upon India ; secondly, the position is aggravated by the already serious shortage of silver ; and thirdly, the legislation is enforced during the harvesting of the Uganda crop requiring about 150 lakhs (L1,750,000 at the exchange of 2s. 4d.) to purchase the 60,000 bales of native production. The impression locally is that in the introduction of the recent measures too great consideration was given to settlers' interests, to the direct exclusion of established commercial and industrial interests, and entailing restrictive consequences upon native production. The local conditions resulting from these factors warrant the assumption

that there will be a breakdown of the country's trade, and that a financial crisis is imminent."

Conclusion.

India is to day entering upon a new path as a free Nation, on the road to Dominionhood, within the British Empire. The susceptibilities of her people can no longer be ignored, as have, in the matter of the welfare of her colonists, been only too often in the past. In South Africa, the existence of an independent Dominion Government has been held by the Imperial Government to excuse them for non-intervention on behalf of the unhappy and ill used Indian population. The same considerations do not apply to East Africa, where the Imperial Government are solely responsible for policy and administration, a responsibility which they cannot share and have no right to delegate. As to the Tanganyika Territory which will be governed under a mandate from the League of Nations, the British Government will be responsible to the international conscience of the world. But India, too, is an original member of the League of Nations, and is entitled to demand not only that all peoples alike should be treated equally in the mandated area, but that in the neighbouring British Territory equal treatment should be adopted, lest the evil results of the opposite policy react adversely upon the peoples on the other side of a vague and artificial boundary. In the eyes of the Indian public, the sincerity of Great Britain's attitude towards India on Imperial questions will be tested to a great extent by the policy enforced in East Africa.

Indians look upon the British East Africa Protectorate, Uganda, Zanzibar, and Tanganyika as one territory which was for centuries settled and developed by Indians residing under the jurisdiction of Asiatic sovereigns, and who brought with them large amounts of capital whose investment in the country accounts for its present prosperity. Throughout this vast area there was no European settlement whatever until the mushroom growth of the last twenty years. If the Indian population were to leave East Africa to-morrow the entire territory would immediately fall into ruin and decay, and its Native population relapse into barbarism. It is believed in India that, when reminded of all the facts, the British people and the British Government will not allow judgment to go by default, but will respond generously to India's claim to the equal treatment of her colonists in East Africa, and the reversal of the present prevalent anti Indian policy.

The Fizi Papers

The Fizi Despatch

The following papers on the conviction of Mr. D. M. Manilal and the Indian riots in Fizi are published by the Govt. of India

Despatch from the Governor of Fiji to the Colonial Office No. 25, dated the 22nd January 1920.

I have the honour to acknowledge the receipt of your telegram of the 8th (? December) instant, asking for a report on the circumstances in which a sentence of imprisonment was passed on Mr. D. M. Manilal.

2. The facts of the case are as follows :—Early in 1918 Mr. Manilal applied for the lease of a piece of native land in the village of Nausori, Rewa, on which he desired to erect an office. The Board which reports and advises on applications for leases recommended in this case that the application should not be approved, as the land, which is on the bank of the Rewa river. was " right in the native village, and close to the ferry approach, which at any time may require to be deviated owing to flood wash, or to give a better gradient. " The Governor in Council concurred in the Board's recommendation, and Mr. Manilal was accordingly informed that his application could not be approved.

3. Early this year Mr. Manilal apparently came to some irregular agreement with the native owners of the land, and, notwithstanding a warning given him by the Acting District Commissioner, Rewa, and that there are other sites in Nausori suitable for an office, commenced to erect a building on it. The Acting Secretary for Native Affairs, with my approval, given on the advice of the Acting Attorney General, thereupon issued a notice to Mr. Manilal under the provisions of section 3 of Ordinance No. 5 of 1889, warning him to depart forthwith from the native town of Nausori and to cease to occupy any land or building within the said town or its precincts.

4. As Mr Manilal did not comply with this notice, proceedings were instituted against him, and, on the case being heard before the District Commissioner, Rewa, he was fined 10*l.* or in default one month's imprisonment. The fine was paid.

5. The only protest received in connection with this matter came from the " Indian Imperial Association of Fiji. " of which Mr. Manilal is Chairman. As it was a case in which Mr. Manilal, who is himself a lawyer, deliberatelv flouted the law, in spite of official warnings, I did not consider that the protest called for any consideration.

6. I enclose copies of a paragraph which appeared in the *Fiji Times* of 25th September last on this subject and of a letter dated 3rd subsequently sent to the same newspaper by members of the Indian community not belonging to the Association.

ANNEX 1 :—*Extract from " Fiji Times, " 25th September 1919*

MOTION OF PROTEST. FAVOUR MR. MONILAL

At a meeting of Suva Indians on the 24th, the following motion was passed :—

" This meeting of the Indian Imperial Association of Fiji views with alarm, deep sorrow and profound indignation the prosecution and conviction of Mr. D. M. Manilal, M.A., LL. B., Barrister-at-law, and the sentence of 10*l*. fine or month's imprisonment pronounced against him for the crime of building an office on a piece of land for which a grateful native had given him license to occupy without any tenure, simply because this convenient business site had originally been coveted by a company of which the Government has refused a proper lease to Mr. Manilal without any objection, that he was not prepared to meet, singling him out from amongst many others, withdrawing the charge against the native himself for the alleged offence. And this Association strongly protests against the conviction knowing that many of the European settlers in this Colony have already acquired large areas of freehold lands from natives by presents of match boxes, matchlocks, and illicit liquor, while our only leader in this Colony and Chairman of this Association is prosecuted to conviction in spite of irregularities in procedure and unsufficiency of evidence for putting up a place of business where the local European clique do not wish an Indian to remain without dependency on themselves, which precaution was entirely uncalled for and unnecessary after he had complied with the Government notice to leave the premises and sold the building to the native himself."

ANNEX 2 :—From " Fiji Times," 3rd October 1919.

THE INDIAN PROTEST.

SIR,

We, the undersigned members of the Indian community of Suva, feel that we cannot allow the contributed article in your issue of

Monday, 25th September, headed "Indian Meeting Motion of Protest," "Favour Mr. Manilal," to pass without a slight comment.

The so-called Indian Imperial Association is in no way an association representative of the Indian community of Fiji. It is a quasi secret society. To become a member you must be an intimate friend and approved by one or more of the few gentlemen who run the society.

Mr. Manilal, Mr. George Suchit and Mr. Ram Singh are the leaders, we believe, and the remainder of the society is comprised roughly of some dozen of their personal friends.

The Association is not open to the Indian community here in general, and unless one shares the views held by the above-named gentlemen, one is not eligible.

The law in respect of a breach of which Mr. Manilal was fined is a law to prevent Fijians exploiting Indians, and Indians in their turn from exploiting each other.

We do not infer that Mr. Manilal had any idea of committing a crime, but if he had been suddenly called to India and had sold his right and title in his building, the purchaser would have found that his right and title was on a very precarious footing, and we understand that the Ordinance was passed by the Government solely to prevent dealings of this kind, and it ill behoves us to grumble at legislation passed in our interest.

We hope that this letter will, to some extent, remove from the public any idea that the so-called Indian Imperial Association is in any way representative of the Indian community, consisting, as it does, of a few malcontents and quidnuncs.

We are, &c.,
Non Members,

Telegram from the Governor of Fiji to the Secretary of State for the Colonies, dated 6th March 1920.

Your telegram dated 3rd March. Following is statement of offences, arrests, convictions and dismissals during riots:—Cutting telegraph wires, two men arrested, one committed for trial, one remanded. Bridge wrecking, 27 men arrested and remanded. Wounding with intent, eight men and three women arrested and committed for trial. Unlawful assembly, summary jurisdiction, nine men arrested and convicted. Intimidation, summary jurisdiction, one man (?) arrested, and convicted. Riot, common law, 14 men and three women arrested and committed for trial. Riotous behaviour, summary jurisdiction, 168 men 18 women arrested, 128 men 14 women convicted, 40 men and 4 women cases dismissed, all refused bail.

Telegram from the Governor of Fiji to the Secretary of State for the Colonies, dated 18th March 1920.

Following is summary of petition addressed to Government by numerous Indians of Suva and district:—

"Loyal Indians respectfully ask Government to take steps to punish agitators responsible for recent troubles among Indians. We feel that many who have been committed to gaol have been incited to do acts for which they have been punished by leaders who are still at large, and we pledge ourselves to render to Government every assistance in our power to bring agitators to justice."

Telegram from the Governor of Fiji to the Secretary of State for the Colonies, dated 29th March 1920.

In connection with recent Indian disturbances I have to inform you that by Order made under Peace and Good Order Ordinance, 1875, following persons: (1) D. M. Manilal, (2) Mrs. Manilal, (3) Harapal Maharaj, (4) Faiil Khan, have been prohibited from residing for two years within (a) Island of Vitu Levu, (b) Island of Ovalau, (c) District of Vanua Levu, known as Macuata Province. Order served 27th March and takes effect from 1st April, but reasonable latitude will be allowed for making transport arrangements, &c.

Despatch from the Governor of Fiji to the Colonial Office, No. 66, dated the 12th March 1920.

I have the honour to make the following report on the recent strike of Indian labourers in Fiji and the consequent disturbances at Suva and other centres.

2. The first indication of trouble was a strike of the Indian employees of the Public Works Department on 15th January; on 19th January the employees of the Municipal Council followed suit and the strike became fairly general in Suva. No definite demands were put forward, but there was talk of a general demand for 5*s*. per diem pay. On 21st January a strike began on a small scale in the Rewa district and minor cases of intimidation were reported both there and at Suva. At this stage it was thought advisable to enrol 21 European constables at Suva, in case they should be required. In the course of the next three days the strike became general in the Rewa district and was reported to be spreading to the up river centres, Viria and Vunidawa.

3. Up to this point there was no disorder and no reason to anticipate any. There was no evidence of hostility against the Government. Meetings were held among the Indians, but the speakers generally counselled respect for law and order and the observance of constitutional methods. The initial grievances felt were

apparently against the merchants, whose high prices were regarded as being the cause of the increased cost of living.

4. On the afternoon of 27th January news was received by telephone of a threatening demonstration at Nausori on the Rewa river, where the Colonial Sugar Refining Company have one of their principal mills. The trouble began with the arrest of certain Indians for intimidating others desiring to return to work. The arrested men were rescued from the police by a crowd, which rapidly increased to the number of 1,000 or more, and attempted to rush the police station at Naduruloulou in order to attack the witnesses. Late in the afternoon Captain R. Kane, M. C. the District Commissioner, reported that there was every prospect of a riot, and in response to his request for assistance I authorised the despatch of 12 native constables from Suva, followed later by 20 Europeans and a machine gun section of the Defence Force. The arrival of these reinforcements had a tranquillising effect, and the night passed without further incident. On this occasion and in the subsequent emergencies at Rewa, the situation was resolutely and judiciously handled by Captain Kane.

5. On 28th January the elected members of the Legislative Council resident at Suva, called upon me and asked what steps the Government were taking to deal with the situation. They represented that the public were seriously alarmed, that the attitude of the Indians was believed to be largely racial, and that there were reports of a large and probably hostile demonstration at Suva being planned for 2nd February. I informed them fully of the steps already taken and of those which it was proposed to take. On the same day I received a telegram from the Mayor of Levuka reporting that all the Indian labourers employed on the municipal and harbour works there had struck, but eventually these men went back to work and there was no trouble at Levuka. There was still no evidence of any intention on the part of the strikers to formulate their demands, though it was reported about this time that they were selecting delegates to represent their grievances to me.

6. On the evening of the 29th, a mob of about 200 Indians, armed with sticks, gathered in Toorak (the Indian location at Suva) with the object of attacking the manager of one of the hotels (Patesan by name), whom they accused of having flogged an Indian servant and of having used insulting language to Indians passing his hotel. The mob was dispersed by the constabulary, but not without a baton charge. Other mobs assembled at Tamavua (a village on the outskirts of Suva) with the same object, but were met by the Inspector General of Constabulary, who persuaded them to go home and told them that their proper course was to seek

redress in the magistrate's court instead of taking the law into their own hands.

7. Meanwhile a request had been made to me, through the Agent-General of Immigration, that I would receive a deputation of Indian workers and hear their grievances. I at once consented to receive the deputation, which waited upon me on 30th January. The deputation consisted of about 15 leading Indians and several women, and was headed by a Mrs. Manilal, the wife of D. M. Manilal, a local Indian lawyer who was already under suspicion, and is now regarded beyond all reasonable doubt as being the prime mover in the agitation. Manilal himself was not present. A long statement of grievances was read to me representing the increased price of foodstuffs and other necessaries and the inadequacy of the prevailing rates of wages, and concluding with the request that the Government should pay its labourers 5s. a day, and appoint a Commission to consider the question of controlling prices after work had been resumed. I had already decided, in consultation with my advisers, that no increase should be promised until work was resumed; but, after asking the deputation, a number of questions and discussing the subject matter of their petition, I informed them that I was prepared to appoint a Commission, and that I had already obtained the consent of the Chief Justice to act as Chairman. I added that, if after considering the findings of the Commission the Government decided to give an increase of wages to its employees, the increase would have effect from the date on which they resumed work—an offer which I hoped might induce the strikers to resume work quietly.

8. I proceeded immediately with the appointment of the Commission, and on the following day I published the names of the members, and the terms of reference, which were to enquire and report as to—

(a) the present cost of living as compared with the cost in former years;
(b) the present rates of salaries and wages as compared with the rates prevailing in former years;
(c) Whether at the present cost of necessaries the salaries or wages earned by different classes of the community afford a reasonable means of livelihood;
(d) if not, what measures the Government should take with a view to adjusting any disproportion between cost of necessaries and the prevailing rates of salaries or wages.

In response to a request made to me by the deputation, provision was inserted enabling the Commission to include as an additional member a representative of the Indian wage-earning class in any particular district, a concession of which the Indians promtly availed themselves by nominating as their representative Mr. S. S. Chowla,

a clerk in the Law Department. News of the appointment of the Commission was quickly circulated among the Indians at Suva and Rewa, apparently with good effect, as they spent much time during the following days in discussing the means of appointing delegates and presenting evidence.

9. Meanwhile reports were being received of further cases of intimidation and of preparations for the large demonstration which was expected on the following Monday, 2nd February. There was nothing to indicate what form this demonstration was likely to take, and no actual reason to anticipate that it would be otherwise than pacific, but the possibility of a concentration of five or six thousand Indian strikers at Suva was a little disturbing in view of the small forces at the Government's disposal, and there was, not unnaturally, a certain amount of anxiety on the part of the public. In the circumstances it was thought advisable to be prepared for any contingency. Accordingly a rough scheme of defence was improvised, by which all available forces were to stand to at day light on the Monday morning. On Sunday morning I met the leading citizens of Suva at the Defence Force Club and addressed them informally on the situation. I said that, although the Government had thought it wise to make all possible preparations in case of trouble on the following day there was nothing in the reports received inconsistent with a perfectly peaceable intention on the part of the strikers; and that even if a demonstration took place, it need not necessarily be accompanied by any disturbance. At the same time I observed that in times like these men with grievances, whether white or coloured, were prone to excitement, and that Europeans might hear things said by the Indians which would try their patience severely; but I deprecated interference with any crowds so long as there was no actual violence or threat of damage to life or property.

10. Sunday, the 1st of February, passed off quietly. A large meeting of Indians was held at Rewa, but the meeting was entirely peaceable and was largely occupied with discussion as to the representation of grievances before the Commission, the appointment of which had apparently given satisfaction. On the following day, 2nd February, everything was in readiness for the expected demonstration at Suva, but nothing happened beyond a meeting of Indians in one of the suburbs. On the following day, however I received a disquieting report of the attitude of the Indians at Rewa. Gatherings of Indians at outlying points in the Rewa district were reported, the intention undoubtedly being to concentrate on Nausori. The object of the consentration was clearly hostile, and there was much talk of looting stores and damaging property. Visits paid by Rewa Indians to Suva and the evidence which they saw of the Government's pre-

paredness there no doubt had the effect of checking for the moment the plans of the strikers at Nausori. Nevertheless the time had clearly come for the Government to be in readiness for grave developments. Accordingly, I decided to mobilise the Defence Force and to send two sections to Nausori, the remainder being concentrated in barracks at Suva. At the same time I gave orders that the crossing of the Rewa river by Indians in considerable numbers in either direction was to be stopped. Trouble of a more or less serious nature seemed inevitable and preparations were hurried forward. Interference by Indians with the telephone wires betwen Nausori and the up-river centres was reported. Late in the evening a heavy thunderstorm burst over Suva, and the lighting, which was the most vivid I have ever seen, made telephone conversation difficult and hampered the work of preparation. At 7 P. M., a great blaze was observed on the sea front. At first it was thought that the Government workshops were on fire, but afterwards it was found that a cutter in the harbour, loaded with benzine, had been struck by lightning. The incident provided an exciting close to an eventful day.

11. At this stage considerable activity among Indian women became noticeable, the most prominent among them being Mrs. Manilal, who addressed meetings of Indians, exhorting them not to go back to work and to prevent all their countrymen from doing so. Mrs. Manilal, accompanied by a crowd of women, attempted to force an Indian employee at one of the motor garages to leave his work, but the police appeared on the scene and the women went home. Bands of women of the lowest class were organised to intimidate workers with obscene language and filthy practices.

12. On 5th February the Commission held its first sittings, and I issued a Proclamation calling upon the strikers to resume work and explaining the situation to the Indians. In the course of the week I had been verbally approached throug the Agent-General of Immigration with the suggestion that, on the following Sunday, 8th February, I should go out to Nausori unofficially, accompanied only by the Agent-General of Immigration and the Inspector-General of Constabulary, and attend a meeting of the strikers at which no other European should be allowed to be present. The Agent-General very properly declined to submit any such request to me unless it were made in writing, which was not done. The request was illustrative of the dictatorial attitude now being assumed by the strike leaders. The proposal that the Governor should make a journey of 14 miles, in order to parley in a clandestine fashion with strikers, was one which, I need hardly say, I should not have been prepared to entertain for a moment, and I regret that the leaders did not put forward their request in writing and

so afford me an opportunity of telling them what I thought of the suggestion. Later on, I was shown the draft of an address which had been prepared to be presented to me at the proposed meeting. It had very little to do with the stated grievances, namely, the cost of living and the rate of wages, and consisted of a long *resume* of political complaints and aspirations. It was in fact a clear proof that, the economic grievances, on which the leaders had induced the labourers to strike, had been relegated to the background, and that the movement had been converted into a political agitation. I may mention here that, at one of the previous meetings at Suva above referred to, a resolution was solemnly passed ordaining that, while all other Indian domestic servants were to be called out under threats of beating, those in the employ of the Governor, the Chief Justice and the Colonial Secretary might be specially exempted.

13. On 7th February there was an attempt at arson on the premises of the Public Works Department at Suva, which was fortunately discovered in time to prevent a serious conflagration.

14. I have not so far referred to Navua, an important sugar centre on the south coast where the Vancouver-Fiji Sugar Company have a large mill. The Indian labourers here also, to the number of two or three thousand, went on strike ; but there was no disorder, and the situation was well handled by the District Commissioner, Mr. A. H. Roberts, with the aid of the local police and 50 Fijian special constables. There were, nevertheless, moments of anxiety for the safety of residents and property at Navua, and for several days an armed party was held in readiness to proceed there by launch from Suva at half an hour's notice.

15. Hitherto no serious developments had been reported from the up-river centres beyond Rewa, but on the afternoon of Sunday the 8th of February disturbing news was received from the District Commissioner at Vunidawa, who reported that all the Indian labourers had struck, that intimidation was rife, and that on the previous day bloodshed had been narrowly averted, one of the European planters living with his wife and two children on an isolated estate having been attacked by Indians. All the planters had been brought into the Government station, but they had no means of defence. After consultation with the District Commissioner by telephone, I authorised him to enrol local Fijians as special constables, and told him to defend the station as best he could pending the arrival of reinforcements. These, to the number of 12 half-caste and Fijian members of the Defence Force under a European officer, were dispatched at once, proceeding part of the way by motor-car and the rest by river.

16. The first serious collision occurred at Suva on the afternoon of the 11th February. Shortly after 2 P.M., a report reached the Inspector-General of Constabulary to the effect that some 60 or 70 Indians, armed with sticks, were coming into Suva from one of the suburbs. The Inspector-General immediately proceeded in his car to the outskirts of the town, accompanied by an Inspector and a small body of constables. The police were drawn across the road and held up the mob. When asked what they intended to do, the Indians said that Mrs. Manilal had been arrested, and that they intended to go to the prison (apparently with the object of attempting to release her). The Inspector-General told them that they could not be allowed to pass. This was resented, and the women persisted in passing. The Inspector-General, having insufficient men to deal with the rest of the crowd, and being unwilling to precipitate trouble, decided that it would be unwise to interfere with the women ; but he took away the loaded and other sticks from the men that had them, and informed the crowd that the report of Mrs. Manilal's arrest was untrue. As they were disinclined to believe, Colonel Golding offered to take their leader into Suva in his car, in order that he might see for himself that Mrs. Manilal was in her house, provided that the crowed remained where they were. This was done, and on Colonel Golding's return the crowd were satisfied, and slowly dispersed. On his way back to Suva the Inspector-General met another crowd of Indians, armed with sticks, coming from a different direction. He stopped them, and asked them where they were going, and what they intended to do. The replied that white men were being beaten, and that they were going to see what the trouble was. Colonel Golding told them that this was not true, and turned them back. Shortly after his return to the police station the Inspector-General received information that there was likely to be trouble at Toorak, where Indians were reported to be gathering with the intention of a hostile attack upon loyal Indians returning from work. He thereupon ordered Inspector Swinbourne to take some special constables to Toorak, and patrol the neighbourhood. Inspector Swinbourne subsequently reported as follows :—

"Approaching Toorak, a riot was found to be in progress, and it appears that Special Constable Reay, whilst endeavouring to arrest an Indian woman named Rahiman, was set upon and beaten by Indian men and women, as were the Fijian constables and an elderly European gentleman named Pilkington, who had gone to his assistance. Reay and the police were forced to retire and were pursued down Toorak road by a howling mob of some 300 Indians, who hurled sticks and stones after them and generally terrorising the whole neighbourhood. With the individual arrival of 'Specials' and Sub-Inspector Lucchinelli, the Indians were driven off the Rewa road into a gully near the com-

pound, where the Indian women were originally seen in the morning by the constabulary officers. There Special Canstables Caldwell, Savage and James Brown (police van driver) were severely beaten and wounded and the police driven back to Toorak road. The Magistrate was asked to attend by Inspector Swinbourne. The Chief Police Magistrate and a party of soldiers under Major Knox soon afterwards arrived on the scene."

The Inspector-General himself arried upon the scene about the same time as the Military. The Indians who had been participating in the riot ran into some houses in the neighbourhood. Colonel Golding ordered these houses to be surrounded and caused all found inside to be disarmed and collected in one spot. A Party of 175 men and 14 women were marched down to the police station under escort. Meanwhile, Colonel Golding despatched some especials, under command of Inspector Swinbourne, to deal with a crowd of Indians armed with sticks who had been reported as coming into Suva from another quarter. This crowd was intercepted and forced to retire to the outskirts of the town.

17. Late in the evening I visited the police station and congratulated the police and special constables on the way in which they had handled a very difficult and dangerous situation. I also visited the hospital, where I saw Mr. W. Savage and Mr. C. Caldwell, Special Constables. They were both very badly injured and almost unconscious, Mr. Savage's head and face being a mass of bruises, while Mr. Caldwell had an arm and several ribs broken. I also saw Mr. Pilkington, a gentleman, over 70 years of age, who had very pluckily gone to the assistance of the police and had had an arm broken.

18. At an early stage of the trouble it had become apparent to me that naval or military assistance, or both, from outside the Colony would be required. Even if a sufficient force could have been organised locally, it was clear that the Indians would never believe in its sufficiency; and the inevitable result of a collision between several thousands of Indians and a force which they believed they could overpower, although in the end the armed force would probably have prevailed, would have been a resort to rifle and machine-gun fire involving serious bloodshed and damage to property. In the circumstances I decided to ask the Government of Australia to send a warship, and at the same time, in case a vessel should not be available from Australia or should not arrive in time, to ask the New Zealand Government for assistance also. Both requests were generously and promptly complied with, and I desire to record the deep appreciation of the Government and people of this Colony of the action of the Commonwealth and the Dominion Authorities. The assistance from New Zealand, which arrived first,

consisted of a detachment of 60 officers and men of the New Zealand Defence Forces with Lewis gun sections. These arrived on the morning of 12th February on board the New Zealand Government vessel *Tutanekai*. Being uncertain at what point this force might be first required, I had requested the *Tutanekai* to proceed to Levuka and there to await developments. On the night, however, of 12th February, in view of the serious affray in Suva and possibility of further trouble here, I requested the *Tutanekai* by wireless to come direct to Suva. The arrival of the force was most opportune. A portion of the force was immediately called upon to support the police in preventing the incursion of crowds into Suva and generally in restoring order in the town and neighbourhood, while late in the same day a section was despatched by launch up the Rewa river in order to reinforce the Fijian police and Defence Force already stationed at Nausori, who had had to deal during the day with serious disturbances amounting to riot.

19. The following is a detailed account by Inspector A. Pictor, of the Fiji Constabulary, on the riot at Nausori on 12th February :—

"On account of trouble occurring at Suva on the 11th instant in the afternoon, the special constables who had already been sworn in were mobilised, rifles issued and Nausori picketed with posts of regular and special constabulary that night. No disturbance occurred, however, and nothing out of the ordinary until 11-20 P. M. it was found that the telephone wires to Suva had been cut. A special constable motor cyclist and linesman were sent out to locate the break, while despatch runners (Fijian) were sent to Suva at the same time. The cut was located and reported to Suva. On Thursday, the 12th instant, crowds were reported as coming in at an early hour from Raralevu, Vuci, Waimbokasi, &c , with sticks, knives, &c., and concentrating at Vunimoni. These people did not seem to know why they had been summoned, and a large number dispersed when called upon to do so. I ordered all sticks to be thrown away, and this was carried out. At 10-30 P. M., however, a crowd of about 300 men were reported as coming from Suva direction towards Davuilevu. The bridges from Nasinu to Nansori had previously been reported as broken, and this crowd were the perpetrators. I at once repaired to Davuilevu by launch with a detachment of Fijian constables, followed later by a launch load of specials (with rifles). A guard of six specials was already posted at Davuilevu Hotel, and on arrival I found the crowd had passed the hotel and had proceeded to the pontoon landing. I followed them up and asked their intentions. They stated that they were going to Nausori and that nothing would stop them. The pontoon having previously been withdrawn to the Nausori side, they were unable to proceed further, and the Fijian constables were in their rear. I called upon them to throw down their sticks and other arms therefore, which about 50 per cent. did; the remainder, however, escaped up the road towards Suva again They were followed up and when opposite the hotel the 'specials' previously referred to reinforced the Fijians. The crowd somehow obtained other sticks and iron palings, however, and their numbers were momentarily

being swelled with reinforcements brought over in EVINRUDE boats from the Nausori side. As the tember of the crowed was ugly I formed square and telephoned Nausori to have a patrol sent on to the river to cut communication between the Nausori and Davuilevu side to prevent further reinforcements, and requested Captain Kane, the District Commissioner, to come over as I anticipated the necessity of reading the Riot Act. At the same time I sent for cerain Indian leaders I could more or less trust and try to disperse the crowd by peaceable means. This latter move was successful, and the Nausori men who had crossed in small boats expressed their desire to return to their own side peaceably. This was consented to, and the pontoon sent for; nobody, however, was to be allowed to land at Nausori with a stick. I telephoned to Captain Faddy, Officer Commanding Defence Force, who had a guard on the Nausori side of the pontoon-way, to request him to have this order enforced, and to this he agreed. Left by the Nausori men, the Nasinu crowd rapidly dispersed, the majority throwing away their sticks. The Constabulary then returned to the Nausori side at 2 P. M. The Constabulary had scarcely landed at the Company's wharf, Nausori, when whistels were heard from the pontoon bridge. Collecting the Fijian constables who had fallen in at the first alarm, I proceeded to the spot, accompanied by Sub-Inspector Tucker. On arrival at the bridge the Defence Force guard was found to be in difficulties, as an angry crowd, armed with sticks, were on the bridge, and actually at grips with several members. It appears the trouble arose through the pontoon guard taking away sticks from the second pontoon load of people from the Davuilevu side as requested. It was obviously a case for swift measures, and so the Fijians were formed up in front of the Defence Force guard, across the bridge which was then held by a line of Fijian constables, with fixed bayonets. At sight of these the crowd fell back to the far end of the bridge, while the Fijians were subjected to a lively fusilade of stones. I am glad to be able to state that no trained troops could have stood this more steadily than the Fijians, whose behaviour throughout has been exemplary. The special constabulary now came up behind the Fijians, but seeing bodies of the crowd moving back at a run towards Vuci, I sent the specials back to take up a position blocking the Vuci road, which enters Nausori opposite Marks store at right angles to the river, while others were to hold the Naduruloulou road, to prevent people from the Nausori coolie lines taking us in reverse. Both these forces came face to face with armed crowds, but the sight of the [illegible] and the coolness of the N. C. O.'s was sufficient to meet the situation. Captain Kane now arrived at the bridge, and having spoken to the crowd without effect, read the Riot Act. The crowd, under the influence of certain of their leaders who were not inclined to violence, retired slightly and gradually dispersed without any firing taking place. There were no further incidents this day. On this date all European women and children were concentrated at Nausori, arrangements having previously been made."

20. The affair at Nausori on 12th February was the most serious of any that have occured. Although, however, the most serious, it was not the last, for on the following day the police came into collision with a mob of several hundreds of Indians who had been wrecking bridges and telephone wires on the road between Suva and Rewa. I cannot describe this incident better than in

the words of the Inspector-General of Constabulary, whose report reads as follows :—

"On Friday the 13th instant at about 3 o' clock I received information that Major Knox with some mounted men and his Lewis gun section were holding up at the Samabula Bridge a crowd of between 200 and 300 Indians who were demanding to be allowed to come into Suva. Permission to do so had been refused, and Mr. Pennefather, Chief Police Magistrate, had proceeded to the scene and called upon the Indians to disperse. The Indians refused and remained in the vicinity of the bridge. I proceeded to the scene with Inspector Swinbourne, Sub-Inspector Lucchinelli and party of 25 European special constables and Fijian Constabulary. I conferred with Mr. Pennefather, who told me of the situation, whereupon I told Major Knox, officer in charge of the Defence Force party, that I was going to advance on the mob and asked him to follow up my party with his mounted men in case I should require their assistance. I then crossed the bridge with the constabulary and hustled the mob of Indians, taking care not to inflict damage on those who did not resist. The main body of Indians ran up the road a distance of about 400 or 500 yards, and in the vicinity of an Indian dwelling house a number picked up poles and bludgeons and offered us serious resistance by flinging rocks, stones and sticks at us and striking at us with their weapons. One tall Indian I noticed in particular came for me with a pole, but was prevented reaching me by one of the Corporals of Constabulary, who was himself stunned by a staggering blow. At this moment I heard revolver and pistol shots being fired behind me, but I am unable to say who fired them. I saw Sub-Inspector Lucchinelli discharge his revolver twice at the Indian who attacked me, but the shots did not take effect, as I saw the Indian making off when I had ordered constables to take him in flank. Had not fire been opened on the crowd of Indians, who vastly outnumbered us, I do not hesitate to say that there would have been serious loss of life on our side. I remained on the spot half-an-hour after the action and collected the wounded Indians and constables and had them conveyed to Suva in the police van for treatment at the hospital. Three Indians were suffering from gunshot wounds (one of whom has since died) and several others from contusions on the head and body."

A magisterial enquiry was subsequently held on the death of the Indian who was killed, and the Magistrate's finding was that the case was one justifiable homicide. This was the only life lost, but the few shots that were fired and the death of the Indian may have been the means of saving greater loss of life. There is no doubt that the Indians had been led to believe by agitators that firearms would under no circumstances be resorted to by the Government forces—a belief which greatly increased the difficulties of the police in effecting peaceable dispersals. I cannot speak too highly of the restraint and forbearance shown both by the European and by the Fijian members of the constabulary and the Defence Force in the three affrays at Toorak, Nausori, and the Samabula Bridge.

21. The pacification of the district between Suva and Rewa presented no little difficulty. On each side of the road between the two centres there are scattered settlements of Indians of a miscellaneous class, of whom only a few were genuine strikers, and who, for the most part, were merely out for trouble and ready to join forces with any crowd that might collect either at Suva or at Rewa. After the Samabula affair it was necessary to patrol the Rewa road. At the same time it was desirable to give these people every chance of coming to an understanding with the Government. Accordingly, with my consent, Mr. T. E. Fell, C. M. G., the Colonial Secretary, went out by motor-car on 15th February in order to get into touch with the Indians in this neighbourhood and to hear what they had to say. The attitude of the Indians after the events of the 13th was very uncertain, and, although Mr. Fell was accompanied by two motor cyclists and arrangements had been made for relief in case of any mishap, the journey was by no means unattended by risk. After at first displaying considerable mistrust, about 50 Indians collected and were addressed by Mr. Fell, who explained the position to them from the point of view of the Government, assuring them that if they were law-abiding and peaceful the Government was ready to help them, but warning them that if they persisted in opposing the Government and damaging property it would their own fault if they found themselves in trouble. Having eventually received assurances from the Indians that they would do no more damage to property or interfere with men guarding the roads and that they would obey the law and not assemble in crowds without permission Mr. Fell gave permits to a few Indian storekeepers to come into Suva to make necessary purchases, and told them that, if their conduct warranted it, a larger number would be allowed to come into the town later. The meeting was not regarded by Mr. Fell as entirely satisfactory, but it clearly pointed to the advisability of appointing a civilian official to act as intermediary between the Government and the Indians and to take note of any complaints against patrols operating in this area. I therefore appointed Mr. C. E. de F. Penne-father (Magistrate, Suva) as Political Officer for this purpose During the ensuing 10 days Mr. Pennefather paid frequent visits to the district and received numerous minor complaints, which were all investigated and, as far as possible, adjusted. I believe that this appointment had a good effect.

22. The difficulty of restoring order in Suva was increased by the presence of bands of young Indian hooligans, who together with the women, were chiefly responsible for the intimidation of loyal Indians for preventing them returning to work. At a meeting of

"Loyal Indians, British subjects" a resolution was passed thanking me for having appointed the Commission, expressing a desire to return to work forthwith, and asking for protection against interference. The only effective way of ensuring protection for the loyal element and of preventing further riotous behaviour by these hooligans (or "larrikings," as Mr. Badri Maharaj described them in conversation with me) was to prescribe an area within which movements and gatherins of Indians should be restricted and to which only those should be admitted who were engaged in *bona fide* business or employment. On 12th February the Legislative Council passed an Ordinance enabling the Governor in Council to take certain measures for the public safety in the event of civil commotion, and under this Ordinance a simple but effective system of permits was instituted, and an area, including the greater part of the town of Suva, was prescribed with the above objects. The system has worked satisfactorily, and, while it has had a good disciplinary effect on the disorderly element, has involved the least possible irksomeness to the law-abiding Indian population. The policy will be to relax it gradually, and already certain of the restrictions at first imposed have been removed.

23. His Majesty's Australian Sloop *Marguerite* arrived at Suva on 14th February and after remaining for a day, paid a visit to the north-western coast of Vitilevu. I have reason to believe that the appearance of this vessel had an excellent effect, and I greatly regret that it has only been possible for her to remain in these waters for one month. The Government forces were further augmented by the arrival, on 16th February, of 200 natives from Lau, whom Mr. G. M. Hennings, a leading resident in the Lau Group, had volunteered to recuit and who formed a most useful auxiliary to the police in patrolling roads and protecting bridges. I may here say that the attitude, both of the local Fijians and of those who were recruited in Lau, Rewa, Navua and elsewhere to assist the police, has been most gratifying. They have shown a keen desire to help the Government, and there have been very few complaints of vaxatious behaviour towards the Indians with whom they have been brought in contact.

24. On 15th February the Hon'ble Badri Maharaj, M. L. C., arrived at Suva and proceeded to Nausori, where he addressed a meeting of Indians, warned them against the danger into which they were being led by agitators, and strongly advised them to return to work. This advice, following upon the prompt measures taken by the Government to deal with the rioters, apparently had a good effect. On the following day, 16th February, the strike ended as suddenly as it had began, and the Indians at Rewa, Suva and Navua were all reported to be returning to work.

25. I am glad to say that, although efforts were undoubtedly

made by the agitators to extend the strike to the principle sugar centres in the north-western districts, there has been no trouble among the large Indian population on that side of the main island. It was persistently rumoured that large bodies of Indians from the north coast were arranging to march across country to join in a concentration at Suva, but nothing of the sort happened. The Indians residing in Suva, Nausori, Navua and on the south cost generally are of a different and generally speaking of an inferior class to those beloning to the north-western districts. There has always been a tendency for malcontents and bad characters to gravitate towards the south cost centers. Neither is there any indentity of interests between Indians on the Suva side and those elsewhere. The latter include a considerable element of substantial cane-growers who are themselves employers of labour, and who have a stake in the country. If the strike had extended to the north-western districts, it would probably have been from different causes (*e. g.*, dissatisfaction with the terms offered by the Colonial Sugar Refining Company as regards the price of cane and the rate of wages). While the Government has been by no means free from anxiety concerning possible developments in the north-western districts, this anxiety was in a large measure relieved by an announcement which the Colonial Suger Refining Company made to the Indian cane growers at Loutoka and other centres on 4th February. This was briefly to the effect that an additional bonus of 2*s.* 6*d.* per ton would be paid to growers for their cane, together with a special grant of 20*s.* per acre on all land under proper cultivation. Although his concession applies to the present year only and still leaves growers in uncertainty as regards the treatment for future years, and although I have not yet heard that the offer has been definitely accepted, there is reason to hope that any immediate likelihood of a general cessation of work has been averted. At the same time it is to be regretted that the concession was not made earlier. If it had been, it is possible that the strike at Nausori, which has been the chief cause of anxiety and expense to the Government, might have been avoided.

26. In conclusion, I should like to place on record the valuable services rendered by Mr. T. E. Fell, C. M. G., Colonial Secretary, Mr. P. R. Backhouse, Agent-General of Immigration, Col. G. J. L. Golding, Inspector-General of Constabulary, and Lieut.-Col. P. S. Hall, D. S. O., Commandant of the Defence Force. I also desire to bring to Your Lordship's notice the assistance given to the police authorities by the Hon. H. M. Scott, K. C., and the Hon. R. Crompton, C. B. E., in the very arduous task of collecting evidence and preparing charges in connection with the prosecution of the rioters.

There are many others, both Civil Servants and members of the public, who have rendered valuable assistance, and I purpose to submit their names to Your Lordship in a later despatch.

The following order of prohibition and removal of Mr. D. M. Manilal was handed over to him on the 27th March 1920.

Order under Peace and Good Order Ordinance 1875, Fiji.

Whereas by the Peace and Good Order Ordinance, 1875, the Governor in Council is empowered by Order under his hand to prohibit any person whom he shall believe to be disaffected to the King or otherwise dangerous to the peace and good order of the Colony from residing or being within any particular district or districts of the Colony during any space of time not exceeding two years, and by the same or any subsequent order under his hand to authorize and direct that if such prohibition be not obeyed forthwith or within a specified time the person disobeying the same shall be arrested and imprisoned and shall be removed being so arrested and imprisoned beyond the limits of the prohibited district and in such removal force may be used if need be for the purposes thereof;

And whereas the Governor in Council believes that Doctor Maginmal Manilal is dangerous to the peace and good order of the Colony;

Now, therefore, by and with the advice of my Executive Council, I do by this order under my hand prohibit the said Doctor Maginmal Manilal from residing or being within all or any of the undermentioned district of the Colony during the space of two years, that is to say, the Island of Vitilevu, the Island of Ovalau, the province of Macuata.

And I do further, by and with the advice of my Executive Council, by this order under my hand, authorize and direct that if the above prohibition be not obeyed within the following specified time, that is to say, by or before noon on the first day of April 1920, then and in such case the said Doctor Maginmal Manilal shall be arrested by the Inspector General of Constabulary or by any Police Constable or by any other Peace Officer within the Colony and imprisoned, and shall be removed being so arrested and imprisoned beyond the limits of the prohibited districts, and in such removal force may be used if need be for the purposes thereof.

Dated at Government House, Suva, this twenty-seveth day of March, 1920.

(sd) R. N. CALDWELL
Clerk, Executive council

The Fiji Government published the following Petition from Indian Residents to His Excellency the Governor of Fiji, dated April 1st 1920.

We, the undersigned, Indian residents, beg most respectfully to submit the following representations to His Excellency the Governor for his kind consideration. We have learned with profound sorrow that an order has been served by His Excellency the Governor on Mr. Manilal, our foremost leader in Fiji, which amounts to his expulsion from this country. We deeply grieve for this and earnestly request His Excellency to cancel the order

immediately. We beg to express our views regarding the matter that we do not want to live in this country if our leader or leaders are expelled from here. We would also mention here that in case our petition is not considered favourably we all intend to return to our mother country together with Mr. Manilal. We would therefore request Your Excellency's Government to make immediate arrangements for repatriation of those amongst us who are entitled at this moment to a free return passage to India. We may suggest that if these arrangements cannot be made immediately the order for Mr. Manilal be withdrawn for the present and postponed, until the Government can make the above-mentioned arrangements asked for. Otherwise we would refrain from doing any work in the Colony until we are repatriated, as a protest against such action of the Government. We do not mean to interfere with the work of the Government of this Colony but we fitly express our feelings. The simple thing is that, as we have already stated, we do not want to live in this country without a proper leader to guide us and one who safeguards our interests. If it is contended that he has committed any offence or has broken any law of the country, we do not see any reason why the Government prefer expelling him from here rather than proceeding against him in a Court of Justice. In the absence of a prosecution against him we are inclined to think that it is because he might be an undesirable person in the estimation of the European community and the Government of this country in advocating our cause. In that case we do not see how any self-respecting Indian can continue to live here any longer. In view of the above fact we submit this petition, hoping that it will receive due consideration at the hands of His Excellency's Government. In the absence of a prompt reply to this petition we will be compelled to stop all work for the future and get ready to return home.

1,500 signatures.

To this His Excellency the Governor sent the following reply dated April 14th 1920.

His Excellency the Governor has received the petition of Indian residents in the Ba district, with reference to the order recently served on D. M. Manilal.

The order in question prohibits Manilal and others from residing for two years in Vitilevu or the Macuata Province. Outside these districts the persons concerned may go where they please and there is no restriction on their movements. The order was issued by the Governor in Council after full deliberation because these persons are believed, while resident in any of the districts mentioned, to be dangerous to the peace and good order of the Colony. Under no

circumstances will His Excellency reconsider the decision, and he dismisses forthwith the request in the petition that he should cancel the order.

Manilal has not deceived the Government, but he has grievously deceived the Indians at Suva and Rewa with the result that many of them are in prison or awaiting trial, while he has been careful to save his own skin. Loyal Indians here have protested to His Excellency against these agitators, who are responsible for the recent trouble, being allowed to remain at large while their dupes are punished.

Manilal has been the worst enemy of Indian progress in Fiji. If the petitioners knew all that the Government knows about him they would rejoice at his departure. It is entirely owing to him and to the trouble which he has caused that the Government has been unable to proceed with its intention, already publicly announced, to make provision for the election by the Indian community of two representatives in the Legislative Council. This would, in the Governor's opinion, have afforded a safeguard of Indian interests, such as the Petitioners desire, and a constitutional means of voicing Indian aspirations through their chosen and recognised leaders. The enforced postponement of this important concession has been a matter of regret to His Excellency.

The petitioners ask that if the order against Manilal is not withdrawn they may be repatriated, and they threaten to strike. As regards repatriation, arrangements have already been made for two ships to come to Fiji to fetch those who are entitled to repatriation and who wish to go. The first ship is due to arrive at the end of next month and it is hoped that the second will follow not long after. Lists of those desiring to be repatriated are being prepared and those who are entitled to free passages and wish to go should send in their names to the Agent General of Immigration. The Government has no desire to impede or delay the departure of those Indians who do not wish to remain in Fiji. Malcontents are not wanted here.

As to the threat of a strike, the petitioners are making a grave mistake if they think that the Government is to be intimidated by threats of this nature. The petitioners state that "they do not mean to interfere with the work of the Government." If by this they mean that they do not intend to commit any breach of the peace, His Excellency strongly advises them to abide by this intention. Any disorder or violation of the law will be promptly and sternly dealt with.

April 14th, 1920.

Mr. Manilal's Letter.

Mr. Manilal's version of the affair is given in the following letter which he addressed to the Press on February 19th 1920.

Since my arrival here in Fiji I have strenuously laboured to have an end put to the system of indentured labour which was slavery in disguise. Eventually the system received its *coup de grace* on the 2nd. of January last, when all remaining indentures was cancelled by the Fiji Government, presumably at the cost of the revenues of land.

The cancellation of indentures set all Indian labourers on an equal footing and they all began to realise painfully how their lives have economically, morally, socially, and politically been influenced by their arrival and stay in Fiji under that monstrous system. The incidents of coolie life formed a sort of shuttlecock to weave the web of colonial life round them; and their depressed and ruined condition became more patent under the strain of 200 and 300 p. c. rise in the prices of the necessaries of life, without a rise in their wages. The want of a steady homelife, of a wife worth the name, promiscuous intercourse and natural children, dirt and squalor and immorality in general, can be geneologically traced to the indenture system.

People who had finished their indentures had been for years in receipt of two shillings a day wages for unskilled labour before the War. And they have continued receiving that until a few months ago when a sixpence was added only for some labourers.

The labourers had approached the Indian Imperial Association of which I am President to represent their grievances to Government. And my Association wrote to the Government recommending legislation for 5 per cent. minimum wages for labourers, expressing our readiness to prove our case. The Government paid no heed to our representations and the Immigration Department had hitherto followed a policy of bluff, browbeating and disguised threatening towards those who have been clamouring for better pay. The local news-paper an only paper-pursued a campaign of malicious misrepresentation against me and my Association at the instigation of a number of colonial-born Indians who are converts to Christianity and whose conduct is influenced by their pastors or shepherds. The Indian people in Fiji had felt very much that the Government prosecuted me for building an office on a Fijian

Chief's land with his permission, when any number of European and other Indians who have done similar things have not even been warned. But at the general Indian Conference held on Dec. 20th, last at the Town Hall, all sections of Indian settlers in and around Suva, Rewa and Navua, attended in great numbers and with the exception of half-a-dozen Indian Christians and a number of their European patrons, the meeting was a great initial step towards Indian organisation; and the labourers invited me to two of their meetings, where I was enthusiastically received. I then left for Lovuka and subsequently for Ba, where I heard that some Indian labourers in Suva were on strike. All sorts of rumours were rife and the campaign of misrepresentation by the Suva press had the desired result of making every White person highly indignant or ill-disposed towards me. Anyhow, the Indian element in Ba district was so important that the Ba Europeans did not care about to unpleasant lengths with me and the District Commissioner who is also the Magistrate, being a Theosophist and a good type of Oxford graduate, was sympathetic towards Indian aspirations. In face of some opposition after some hesitation he attended and presided over a large representative gathering of Indians on the last Sunday in January where the Indian Association was formed with rudimentary Panchayets in important Indian settlements. Here I was, as expected, unanimously chosen as President of the Association, which was now formed, and Mr. H. G. Pilling, District Commissioner placed his name at our disposal as patron and promised to audit our accounts. This is the same gentleman as had given unique assistance to Mr. C. F. Andrews and to the schools he initiated—the establishment of the Misses Priest and Dixon—who have been sent out from Australia at Mr. Andrews' instance to work educationally (and the latter lady professionally as nurse also) amongst Indian women and children in Fiji, derived great help and sympathy from the Englishman, the like of whom are not as frequently met with (in little Crown Colonies as this) as one may desire.

I was hardly on the way to settle in Ba district when a sudden call came from Suva informing me that the Indian strike in south had led to the appointment of a Commission of enquiry into the cost of living wages, reasonable means of livelihood etc. before and after the war. A special launch came to Ba to fetch me to Suva. It was not to be expected that the Government would place me on the Commission and the Agent-General of Immigration had succeeded in convincing Indians that I might be more useful as counsel to lead evidence on behalf of the Indian labourers,

who then chose Mr. S. Chowla, an experienced and patriotic Indian Interpreter, to be on the Commission. I came to Suva and great crowds of Indians poured in to see me offering to help with the evidence. Some of the members of the Indian Imperial Association had been so threatened and treated by their European employers and others and for their consequent advice to strikers had become so unpopular amongst Indians, that they themselves kept out of the labour movement; and I did not press them further. I also pacified those who had cherished strong feeling against them and I held one meeting at Muanivetu and another on the Cricket ground in Suva and the next day in Nausari. It was wonderful how the strikers were of one mind and what is more, absolutely peaceful so far so that the Inspector General of Constabulary, Col. Colging, telephoned to Inspector Picto of Rewa to motor down from his station to the Indian meeting and convey to me his message of thanks and appreciation of the quiet and orderly way in which the meetings had been conducted. It is worthy of note that this labour movement was contemporaneously signalled by the formation and support of the Indian Women's Association in Suva, who pressed my wife to be the president. The moral support rendered by this Association during my absence in Ba and ever since was a powerful factor in the insistent demand of men for 5 per cent. wages as a minimum to enable a person to live in decency and comfort under the present high cost of living. When I came to Suva, I appreciated their work but warned people of both sexes in public as well as in private against the use of force to prevent weak-minded persons from returning to work. But some of the women could not bear insults and injuries and assumed a militant attitude towards any Indian Christians or European Special Constables interfering with their meetings or their movements. I must point out here that without the least necessity for doing so the Fiji Government became funkey and called in the aid of their military consisting of the Returned Soldiers and sailors and the local Defence Force men. They disarmed the Indians by taking away their sticks and the military special Constables and rowdy Europeans established a reign of terror in Suva. The Fiji Government have never displayed any tact in such situations. They did not dismiss these Europeans from their duties of special Constables against whom the Inspector General of Constabulary heard authentic genuine complaints from peaceful Indians. The Police themselves began to act under the instruction of half of the dozen Indian Christians and the "Methods of Indian Policy" (vide the pamphlet of Mr. Mackerness) began to be taught. These Europeans committed excesses. Prominent Indians were waited for and threatened, abused, ill treated, assaulted

and others prosecuted. The women could not remain quiet under these circumstances. They held meetings privately and the fatal one was the last near the house of Ilahi Ramkan, on whose advice a European special constable walked roughly over the women sitting and used provoking language which led to a quarrel and then Indians who could not bear the sight of their women being treated in a cowardly manner rushed with the sticks of firewood from a kitchen in the vicinity. The Police whistled for help and the European force and the military arrived and Fijian policemen with rifles—a machine gun also was set against these women. Instead of pouring oil on troubled waters, some responsible persons are reported to have foolishly circulated a rumour that there were warrants out to arrest women, including my wife and strong rumours spread through the length and breadth of Suva, Rewa and Navua that she had actually been arrested as leader of women. Those who started such tactics whether they be in the Constabulary service or outside whether white or brown are themselves before God for subsequent riots and bloodshed which took place in several localities. I am openly told by the Mayor of Suva, the Hon H. M. Scott K. C. that I am at the bottom of the whole trouble. But I am not. I was away weeks before the strike started, the immediate cause of such was the order to do work for 9 hours instead of 8 as before, and the contagion spread to other centres. I was away at Tailevu when the riots were provoked. After I came back I went to the Chief Police Station in Fiji on appointment to interview women who were under arrest; but I was refused permission to see them on that occasion and whilst I waited I was kept out of Inspector Swinburn's office, where confidential matters were being reported or advised upon by the Indian Christians and their Pastor, who could have any man or women locked up, any man's house and premises forcibly entered and searched, any person on the street stopped, sleeping passengers or inmates in boarding houses examined. A special Constable—white man with a blackened heart—used filthy language to me. I did not know whether I should wait for the arrival of the Inspector General. In the mean-while Inspector Swinburne appeared to be annoyed at my persistence and clearly told me that I was hindering his work. I therefore accompanied him to go out, when at the gate the special constable lifted the frame of my left ear, another white man caught hold of my right shoulder and in spite of Inspector Swinburne's warning gave me a blow on the back of my head which did not hurt me, however. The Inspector General has now advised me to remain practically prisoner in my own house as he will not have me interfered with by the ruffians. There are many others in my position in this respect. I must in fairness admire that he has given all the

protection he could against a man called Pateson and he has promised me escort whenever I want to go out. But this same officer, either of his own accord or under pressure, applied for and obtained a special Legislation which puts in shade all Rowlatt Acts and other repressive Legislations in India put together. You cannot leave your locality without a permit to move about, not more than six persons can meet at your residence, not more than four go with you, you can take no sticks with you. The returned soldiers and sailors with rifles and bayonets and machine guns and any White man or Fijian or halfcaste can do you anything. Moghul rule in India could not have been worse. Women are beaten and tortured to confess and testify against my wife or me, and men and women are exposed to season and melow their confession under the scorching rays of the sun, and are refused even water to drink and kept on little or no food.

Men are dead or dying—a great many whose trace is lost—a few are lying unattended in the bush. Bayonets have passed through the entrails of some, and bullets through the bodies of others. This German rule of the Whites masquerading under the British flag can not last much longer. Our cup is now full and we earnestly believe "the Gods confound the intelligence of those whom they destroy" which though a translation from some Greek source seems to be the same as "Tulsidas."

Indians want either to obtain a living wage or provisions cheap as before, or food and clothing etc., with nominal wages or a piece of land to cultivate, or to be shipped back to India, or to be shot down or gaoled."

The Fiji Deputation

The Colonisation Committee mentioned on p. 328 met the Fiji Deputation consisting of the Rt. Rev. Turtchell, Bishop of Polynesia, and the Hon. Mr. Rankine, C.M.G., on February 19th. afternoon in the Secretariat, and in two hours finished the inquiry into their scheme of free emigration to that Colony.

An Outline of the Fiji Scheme

Their suggested scheme was a system of free and voluntary State aided emigration, the object being the encouragement of the settlement of Indians. The emigrant would be free of any financial

liability connected with the costs of his introduction in Fiji and would in no way be restricted to service under any particular employer. A Protector of emigrants would be appointed by local Governments in India to exercise supreme control of emigration in the Province. At the ports of departure, Colonial camps would be started which could be visited by Indians of standing nominated by the Provincial Governments. The Colonial Government would bear half the cost in the case of those wishing to return to India if they had stayed in the Colony at least three years, three-fourth of the cost if it was five years, and the whole cost if seven years. Land suitable for settlement would be available for all who desire it. The scheme also stated as follows :—Indians in Fiji already enjoy the same facilities for primary education as are possessed by other inhabitants of the Colony. Under the Education Ordinance of 1916 provision is made for grants in aid to any private or vernacular school for Indians. Government schools are being established at necessary centres of the settlement where assisted schools do not exist. Since 1916, new schools have been opened every year and the Board of Education aims at providing facilities for every child in the Colony, no matter how remote the district may be. Provision is also made under the Education Ordinance for secondary schools as required. Indian colonists already acquired the same municipal rights as any other inhabitants and under the constitution of the Colony two East Indian members of the Legislative Council of Fiji are elected by East Indian constituencies.

Questioned by Mr. Banerjee, the deputation replied that they were not at present prepared to give guarantees like the British Guiana deputation, (see p. 337) because there were certain matters like repatriation, equality of status, etc., in regard to which they could not speak authoritatively. But they would communicate to the Government of Fiji as to whether they could give a guarantee or not. At the same time, the Committee was assured that there was perfect equality of all mankind in the eye of law in Fiji, but admitted there was not the same franchise for all people. Fijians, for instance, had no franchise at all. Their's was an old-fashioned Crown Colony and was exactly in the same position as, or perhaps a little more democratic than, Ceylon, or the Federated Malaya States. The Legislative Council had a majority of nominated European members who were always in favour of the Government. Fijians also had been nominated to the Council and in the coming general election they could be elected. No Indian stood for municipal election until now although he had the same privileges as a European.

No Racial Animosity.

Questioned by Sir Dinshaw Wacha, they said there was no differentiation of treatment between Indian and European in trains, etc.

The Committee subjected the deputation to questions about cultivable lands, wages, housing, etc., and were told that it was very extraordinary that Indians were able to become capitalists in a few months. The Deputationists promised to consider the question for Indians until they were in a position to maintain themselves in the Colony. The minimum wages was two shillings a day, which came to about Rs. 2-8, one-third of which could be easily saved. Primary education was not compulsory at present. We must confess, said they, that we have been very remiss in giving education to all classes, but in 1916, a new Ordinance was passed which provides for the establishment of both primary and secondary schools. A sum of £8,100 had been set apart for the education of Indians. In the last two years, 28 schools had been established, twelve of which were under the direct control of the Indian community. They wanted Indians not only to cultivate lands, but also to work for wages. The new comer would be granted land, but not money. The climatic conditions were unsurpassable on the face of the earth. There was no small-pox, cholera or any such disease. In order to remove the sex inequality, their object was to import families, but at the same time there ought to be exceptional cases which should necessarily be very few.

Mr. Sastri: If there is perfect political equality, the Colony would get more and more into the hands of the Indians. Then, don't you think there would be a feeling among the European population to try to get rid of these people?

A: There is no sign of racial animosity at present, and I see no reason to anticipate it in the future.

Here ended the work of the Committee, and their final report is given on p. 337.

India in the International Labour Conference

Part 13 of the great Peace Treaty of 1919 deals with Labour and gave birth, along with the League of Nations, to the International Labour Bureau. The first International Labour Conference was held at Washington U. S. A., in November 1919, and India being an original member of the League of Nations also comes under the Labour Conference. For the Proceedings of the Washington Conference see P. 238, Part II of 1920 Register. The permanent office of the Bureau is established at Geneva, Switzerland. It has primarily a two fold function :—

1. It has to insure the drawing up, passing and enforcement in all States of an international labour legislation, which, subject to differences of climate, habit and custom, should aim at being uniform throughout the world.

By this means unfair competition will be prevented and those States which are anxious for progress will not be hampered by States which exploit their workers.

2. The office is charged with the duty of making every endeavour to better the condition of the working classes in all countries by its studies, enquiries, and propaganda. It aims at men being more free, better able to think for themselves, at making men educated and happy. It has to contribute towards the creation of that higher form of civilisation which alone can insure peace.

The Washington Labour Conference adopted six draft conventions and six recommendations as follows :—

Draft Convention.

1. The application of the principle of an eight-hour day and forty-eight hour week. (10 hours for India).
2. The question of preventing or providing against unemployment.
3. The employment of women before and after childbirth.
4. The employment of women during the night.
5. The minimum age of employment of children in industry.
6. The night work of young persons employed in industry.

Recommendations.

1. Concerning public employment exchanges.
2. Concerning reciprocity of treatment of foreign workers.

3. Concerning the prevention of anthrax.

4. Concerning the protection of women and children against lead poisoning.

5. Concerning the establishment of Government Health Service.

6. Concerning the application of the Berne Convention of 1906, on the prohibition of the use of white phosphorus in the manufacture of matches.

The Geneva Assembly

At one of the closing meetings of the Assembly of the League of Nations at Geneva held in December 1920 consideration was given to India's claim to representation on the International Labour Board as a matter of right, as India is one of the eight States of chief industrial importance. Sir William Meyer and Sir Ali Imam were deputed by the Govt. of India to submit a case to the Assembly, and thus bring the issue to their attention. Sir William gives the following account of the work of the Indian delegates to a journalist (St. Nehal Singh):—

Sir William Meyer's Account.

"I found at the Assembly a disposition to put India in the first place when it was a question of making her pay, but when it came to the distribution of privileges, her very existence was ignored, and the smallest European countries were given the prizes. That may sound cynical, but it is the bare truth.

"A special organising committee was appointed, with reference to the first Labour Conference as Washington, to select the eight States of chief industrial importance which, as contemplated in Article 393 of the Treaty of Versailles, were of right to serve upon the governing body of the International Labour Bureau. This was because the Council of the League, with whom the decision ought to have rested, had not yet come into being. The members of that Committee consisted of representatives of the United States, Great Britain, France, Italy, Japan, Belgium, and Switzerland. Seven of the eight countries selected were those to which these representatives belonged. The eighth was Germany. The United States declined to serve and the place earmarked for her was assigned to Denmark.

"Sir (then Mr.) Louis Kershaw, Mr. A. C. Chatterjee and Mr. N. M. Joshi, who represented India at that Conference, were so indignant that India, with her many millions of industrial and agricultural labourers—for it must be remembered that agricultural labourers come within the scope of the International Labour Office—

had been ignored in favour of such small European countries as Demark, Belgium and Switzerland that they refused to take part in the election of States to fill the four seats assigned to "secondary States."

"The result of the nominations made and of the election held was that out of 24 seats on the Labour Council, including representatives of employers and employed, 20 are appropriated by Europe, while four are divided among the other five countries.

"The Labour Conference at Washington was struck with that anomaly, and a resolution was carried on the motion of a South African delegate, condemning the constitution of the governing body which, however, philosophically continues to hold office.

"The Secretary of State for India tried to have the injustice done to India removed by making representations to the Council of the League of Nations, which did not exist at the time of the Washington Conference. But almost a year passed before the matter came before it.

"Although the Covenant of the League of Nations had expressly provided, in the penultimate paragraph of Article IV, that any member of the League not represented on the Council should be invited to send a representative to sit as a member at any meeting for the consideration of matters specially affecting the interests of that member, the Council did not accord that privilege to India. No one who could speak with authority for India was, therefore, present to plead her cause, and the Council dismissed the Indian appeal on the following grounds :—

"(1) The governing body was organised and in actual operation before the Council came into existence.

"(2) The composition of the governing body was formally endorsed by the delegates at Washington (this was not, in fact, correct).

"(3) Recognition of India's claim would involve the replacement of some country already on the governing body and, (it may be), a general reconstruction of the list.

"(4) The principles upon which the organising committee's list was finally approved have never been formulated, or communicated to the Council and the Council profess their ignorance of the precise meaning to be attached to the phrase, 'industrial importance.'

"The Council added that they were fully cognisant of the importance of India as an industrial Power and that the present governing body would only hold office till 1922, during which period the Council would have studied the subject fully and be ready to deal with the matter of nomination to a fresh governing body when

"The Secretary of State felt that the reply was unsatisfactory, that the claim of India had been largely 'burked' on technical considerations, and that it was not fair to ask her to wait, seeing that it was just in these early years that any new departures might be taken and precedents created. Accordingly, he put before the Assembly relevent papers and asked that the matter might be considered.

"The Assembly referred the case to one of its Grand Committees, on which I sat, and I put forward the case for India with all the emphasis I could command. I pointed out that it was not only her interests that were involved, but those of non-European countries generally. The difficulties that the Council had raised in respect of immediate action could be overcome, e.g., by the present governing body, discredited by the vote of Washington above referred to, resigning. The following extract will show in what way I summerised India's industrial position :—

"Excluding peasant proprietors, there are nearly 28,000,000 agricultural workers in India who come within the scope of the International Labour Office. India has 141,000 maritime workers, lascars, etc , and in this respect comes second only to the United Kingdom. She has over 20,000,000 workers in industries, including cottage industries (in which the 'industrials' of Japan are also largely employed), mining, and transport. Factories, mines and railways provide employment for nearly 2,000,000 persons. The mileage of her railways is in excess of every other country except the United States. Her export of manufactured goods, in itself very considerable, would be much greater were it not for the huge size of the country and resultant large home consumption. The export test, of course, favours countries whose home area is relatively small."

"I laid stress on the fact that while India was denied the position of a first class Power on the labour body, she was given it without question when it came to the contribution of the assessment of expenses, whilst Belgium and Switzerland were given third place and Denmark fourth.

"I was sorry to find that my British colleague, the Rt. Hon. G. N. Barnes, M. P., who took a leading part in the drafting of the constitution of the labour organisation, tried to defend what had been done in Washington. The committee, however, declined to consider the case on its merits, arguing that under the constitution of the League the matter was one for the Council and not for the League. Technically this was correct, and I had to accept the decision ; but I pointed out that India had expected an adequate measure of sympathy which, I regretted, had been denied to her. When the Committee reported to the Assembly, I repeated my

previous arguments that India could not regard the Governing Body as fairly representing Labour interests.

The £ 50,000 Contribution of India

As regards the way in which financial contributions are levied, Sir William said that "it was according to the grouping system laid down by the International Postal Union," "That system, which clasifies States into seven groups each representing many units of ex penditure, is good enough for the purpose for which it was devised, because the share of the expenditure in connection with the International Postal Union, which falls upon the various countries, is quite small. But in a matter such as the contrbution to the League, which is already costing India £ 50,000 a year, the scale of allotment needs to be worked out much more carefully, and with reference to such considerations as net revenue. At present the British Empire collectively pays over one-fourth of the total expenses of the League : and India, Australia, and South Africa (as well as Canada) are placed in the first class of contributors along with Great Britain and France.

"Everybody admits that the present system is bad and that Article VI. of the Covenant, which tied the League to the Postal Union methods, was very unsatisfactory. The Budget Committee proposed to get the Postal Union to revise their system and to obtain, if possible, a method which should be fair alike for the Postal Union and the League.....but the Assembly rejected this in favour of the Committee's scheme"

The Indian Delegates at the Geneva Conference

December 1920

The following speech was delivered by Sir William Meyer, H gh Commissioner for India, before the meeting of the Council of the League :—

"I do not propose to move any amendment or resolution on this subject, but my Government wishes the Assembly to be in possession of the reasons for which India has felt and still feels aggrieved by her exclusion from the eight Powers of chief industrial importance contemplated in Article 392 of the Treaty of Versailles. A note stating the ground on which India claims this position has been circulated as Assembly Document No. 226 and I need only add a very few remarks to the points there set forth.

"The eight chief industrial powers were to be selected by the Council of the League, but as that Council was not in existence at the time that the Washingon Conference met towards the close of last year, the selection of the eight States of chief industrial importance was left to a special organising Committee which contained representatives of the United States, Great Britain France, Italy, Japan, Belgium, and Switzerland. It is a somewhat remarkable coincidence that the Committee proposed all the seven States to which they collectively belonged as great industrial Powers. The eighth selected was Germany. India has never been able to understand on what valid principles some of the selections were made. For instance, why was Switzerland, whose population is about one hundredth part of that of India, preferred to her? When the United States of America decided not to be for the present on the Governing Body of the Labour Office, Denmark was put into her place, a selection which, with all respect to Denmark, was still less intelligible to India. It may be added than when it was a question of contribution to the funds of the League, India's importance was at once recognised. She was put into the first class of assessees while Belgium and Switzerland were relegated to the third and Denmark to the fourth.

"Among the documents which have already been furnished to the Assembly are statistics which show India's pre-eminent claim and I would merely mention here a few salient figures illustrating her industrial importance.

[*Here Sir William gave the figures mentioned above on p. 399*]

The Claim Delayed.

"The Council of the League, having now come into definite existence, India lodged a protest with it, the result of which is set forth in the Council's Report of August 5th 1920. The Council

expressed itself fully conscious (to use its own words) of the magnitude of India's industrial output, the large number of her population engaged in industrial pursuits, the international importance of her overseas trade and other circumstances which might be urged in favour of her claim to be one of the eight States of chief industrial importance. The Council considered itself, however, precluded from taking any immediate action in support of India's claims, for reasons set forth in its Report of August 5th last above referred to. I will not discuss these in detail now, but will merely say that they seem to India to savour too much of technical pleading, as for instance, that the Council was not in existence when the Governing Body was organised ; that the composition of the Governing Body was endorsed by the conference at Washington—I have already indicated that the conference passed what may be called a vote of censure on the composition of the Governing Body—that recognition of India's claim would involve the elimination of some other State ; that the Council did not know the principles on which the Organising Committee had acted, and found some difficulty as to the exact meaning of the words "industrial importance." Surely it is not more difficult to come to a conclusion as to what are the most important Industrial Powers of the world than to specify what are the Great Powers with reference to other matters.

"The Council, therefore, held that the existing Governing Body should sit on till 1922, and in the meantime proposed to investigate the methods of coming to a decision on the "Industrial importance" question and directed the Secretary General to take this matter up with the International Labour Office.

"It may be urged that, after all, consideration of India's claim was only delayed for two years more, but it is just those early years that are of importance, having regard to the fact that principles will be evolved and precedents created and that a great oriental country with its special labour conditions deserves special consideration.

Bitter Disappointment

"One more point I may mention, having regard to the penultimate paragraph of Article 4 of the Covenant, which states that any member of the League not represented on the Council should be invited to send a representative to sit as a member at any meeting for the consideration of matters specially affecting the interest of that Member. It seems to me that India ought to have been asked to send a special representative to the Council meeting which resulted in the Report of August 5.

"I quite realise that although the decision arrived at has been a bitter disappointment to India and to her intellectual and indus-

trial classes, who are apt to look suspiciously on procedure which in their view subordinates the interests of Asia to Europe, committee No. 2 were technically justified in holding that the Assembly was not in a position to override the Council's decision. We had not, in fact, asked for this. What we did hope was that a sympathetic reception of our representations might nevertheless lead to some solution which would have been welcomed by us. For instance, the resignation of the Governing Body, on the ground that it had been selected, if I may say so, in a somewhat irregular way, and its replacement at the Conference of 1921 by a body which would be more regularly constituted under the Council's decision as to what the eight industrial Powers are, would have effected a satisfactory solution.

It was for these reasons that my Government desired that the matter should be ventilated before the Assembly, and the fact that the claim was included in the Assembly's Agenda seemed to us to show that it was regarded as "prima facie" suitable for discussion. But, as I have said, though disappointed with the decision of Committee No. 2, we must for the moment endure it. We can only wish that the Governing Body were constituted in a manner which would render it more capable of giving full consideration not merely to India's interests but generally to those of countries outside Europe".

Sir Saiyad Ali Imam said :—"The hour is late, and I should be guilty of trespassing on the attention of the Assembly if I were to say one word more than is necessary. The case has been so admirably put before the Assembly by my colleague Sir William Meyer that it is not necessary for me to point out the importance of India from the point of view of labour. With regard to a country where we have got over 10,000,000 of people employed in labour, if a voice is raised for representation on the Governing Body of the International Labour Bureau, I suppose, that there is some justification for it. But there is one point in connection with this, that I would like to mention, and that is this. I heard it said, and I think that there is a certain amount of impression abroad, that because India is within the British Empire, therefore her membership of that Empire is sufficient for the protection of her interests. I would like to mention in this Assembly, that so far as fiscal, economic and labour conditions are concerned, there is not always necessarily identity between her interests and the interests of the rest of the British Empire. Therefore, there is an additional reason why India should be given a certain amount of recognition. I know that the Assembly cannot decide this question : perhaps the Assembly cannot deal with this question, but when a voice is raised

here, that voice is heard in quarters where the appeal can be answered. Therefore, I entirely support the views which have been put forward by my colleague Sir William Meyer."

The Net Result of the Conference.

The Indian delegates did not move any resolution on the subject of India having a seat on the International Labour Board. The Assembly of the League could not over-ride the decision of the Council. The Council in their decision, given on 5th August, 1920, at San Sebastion, practically admitted India's right to rank among the first eight nations of "industrial importance," though they were careful to, add that they were aware of no authoritative interpretation of the meaning of the phrase. They declined to allow India's claim on the ground that they could not question the right and authority of the Organising Committee which, as the Council were not in existence at the time, selected the eight favoured countries, and also that the Washington Labour Conference 1919 had endorsed the list. The council could easily have secured, under Article 4 of the covenant, an Indian delegate to give expert evidence, but instead decided that India should wait for its chance till 1922 when the Governing body will be reconstituted. The result is that India will be unrepresented on the Board during the year of its existence when, as said Sir William, the most important decisions of first principles will be taken '

The Brussels Conference

The following letter was addressed by the Finance Secy, Govt. of India to all chambers of Commerce for information.

1. I am directed to enclose, for the information of your Committee, copies of the Report of the Delegates for India to the recent International Financial Conference held at Brussels.

2. It is understood that the resolutions accepted by the Conference will shortly be considered by the League of Nations, and meanwhile the Government of India will be glad to receive any observations which your Committee may desire to offer with regard to them. It will be observed, however, that most of the resolutions merely register the unanimous adherence of the Conference to certain canons of sound public finance, and set forth certain generally-accepted principles, in the light of which India may justly claim that her public finace has been consistently administered.

3. Apart from the recommendations of general application, this country is specially interested in those relating to international credits, and I am particularly to invite the attention of your Committee to the scheme refered to in paragraph 8 of Appendix A, Enclosure IV and set forth as Annex A thereto. The Government of India are disposed cordially to welcome any endeavour to work out a scheme of international credits, the importance of which to India's export trade need not be emphasised. They think, however, that it is essential that for any such scheme to be of practical value, so far as India is concerned, the bonds in question must be fully negotiable, and for this reason your Committee will probably agree with them that the amplifications suggested by Sir Marshall Reid, as printed in Appendix II, are an improvement.

4. The present depression in the export trade is no doubt partly due, in the case of some exports, to the existence of large unused stock in foreign countries, but, in the case of other exports, it is probably due to the lack of credit facilities. It is as regards the latter class of exports that a scheme such as that put forward at the Brussel's Conference may be of value. I am accordingly to invite the opinion of your Committee, firstly, as to how far any such scheme is likely to assist various export interests represented in your Chamber, and secondly, whether your Committee have

any criticisms or suggestions to make regarding the practical details of the scheme adumbrated by Sir Marshall Reid in Appendix H. In the event of a scheme on such lines proving practicable and finding general acceptance among the nations represented at the conference, the Government of India will then consider the question of partcipating thereon to the extent of accepting responsibility for some definite share of the international guarantee.

5. The Government of India have expressed to the Secretary of State their appreciation of the able way in which India was represented in Brussels by her delegates, Mr. H. F. Howard, Sir Marshall Reid and Sir Fazulbhoy Currimbhoy.

The Report of the Indian Delegates

The International Conference was convened by the League of Nations "with a view to studying the financial crisis and looking for the means of remedying it and of mitigating the dangerous consequences arising from it." The original intention was that the Conference should be held about the end of May 1920, but it was, for various reasons postponed, and it finally assembled at Brussels towards the end of September, under the presidency of Mr. Gushtav Ador, ex-President of the Swiss Republic. In all no less then 39 States were represented, and the Conference held 17 sittings commencing on the 24th September and concluding on the 8th October. In the invitations issued to the members of the League of Nations the Council of the League requested that each Government should send not more than three delegates conversant with public finance and banking as well as with general economic questions. The delegates appointed to represent India were:—

Mr. H. F. Howard, late Secretary to the Government of India (Finance Department), and at peresent Controller of Finance, India Office.

Sir Marshall Frederick Reid, late Member of the Council of the Secretary of State for India, and previously Chairman of the Bombay Chamber of Commerce.

Sir Fazulbhoy Currimbhoy, a prominent Member of the Bombay, Business Community, late President of the Bank of Bombay, and for several years a Member of the Viceroy's Legislative Council.

2. The Conference was opened by an address by the President, Mr. Ador. Copies of this, as also of the general proceedings of the Conference, have been submitted as the Conference proce-

ded, and the conclusions arrived at by the Conference are embodied in its report (Appendix A). It will, therefore, be sufficient in the present report to give a brief outline of the proceedings, merely referring to matters of special interest from the point of view of India. The address by the President was followed by the presentation of written statements from each country setting out its general financial situation, including its budget situation, internal and external debt, currency, exchange, foreign trade, import and export restrictions, exchange control etc., and the present policy of each Government on these questions. These statements were introduced by each delegation in a brief speech. Many of these statements were of much interest, and the bulk of the delegations were at pains to show the efforts which their countries were making to arrange their finances, etc., on sound lines.

3. While fully realising the difficulty of many of the problems with which India has to deal at the present time as the aftermath of war, the Indian delegation could not fail to be impressed with her great inherent financial and economic strength, if her position be compared with that of the bulk of the participants in the Conference. To quote from the opening sentence of the Conference resolutions: "Thirty-nine nations have in turn placed before the international Financial Conference a statement of their financial position. The examination of those statements brings out the extreme gravity of the general situation of public finance throughout the world, and particularly in Europe. Their import may be summed up in the statement that three out of the countries represented at this Conference, and 11 out of 12 of the European countries, anticipate a budget deficit in the current year. Apart, too, from the fact that India has emerged from the war with her resources relatively unimpaired, she stands in a special position at the present time and possesses special opportunities, in as much as she has a surplus of important commodities to dispose of, whereas many countries are suffering from a deficiency of foodstuffs and raw materials and from a depreciation of their currencies which make it imposible to carry on the normal process of production or even to set its machinery once again in motion.

4. The written statement (Appendix B) of the delegates for India, while briefly reviewing her financial situation, brought out the fact that she is able to export considerable supplies of various commodities as regards which the Government of India had furnished information, and Mr. Howard in his speech (Appendix C) emphasised that she is anxious to so assist the world's reconstruction by doing so, provided that satisfactory financial arrangements can be made.

5. Apart from the above review of the financial and economic situation of the various countries, the main business of the Conference consisted in a discussion of financial policy. The field was subdivided into the four following subjects, a separate debate on each subject being opened by the Vice-President whose name is noted against it :—

(1) Public Finance—Hon. R. Brand, England.
(2) Currency and exchange—Dr. Vissering, Holland.
(3) International Trade—M. de Woutersd' Oplinter, Belgium.
(4) International Credits—M. Celier, France.

6. In opening the first debate Mr. Brand gave a striking address setting out the correct principles which should govern the conduct of public finance. Mr. Howard had submitted his name to speak on this debate, as the acceptance of the principle set out by Mr. Brand appeared to be of fundamental importance from the point of view of the re-establishment of international credit, in which India is vitally interested ; but as these principles were not questioned in any quarter, he considered it sufficient to confine himself to a few remarks (Appendix D) noting the universal acceptance with which these principles had met.

7. In the debate on currency and exchange the delegates were in full accord with the views stated by Lord Cullen, representative of Great Britain and considered it unnecessary to intervene. A paper read by Mr. Strakosch, delegate for South Africa, with regard to the future of gold, possesses special interest for India (Appendix E).

8. In the debate on international trade the question of tariffs was touched, and it seemed possible that this might be made an important issue. Sir Fazulbhoy Currimbhoy accordingly intervened in the debate to emphasise that while India was anxious to co operate in the world's reconstruction, there was a strong body of public opinion in India which favoured a policy of protection for her industries, and he urged that the question of tariffs should be excluded from discussion as not relevant to the matters actually at issue. A copy of this remark is appended (Appendix F).

9. Special interest centered in the debate on international credits, since this afforded an opportunity for constructive measures. The Conferene had before them numerous schemes varying widely in scope and apparent practicability. That of M. Delacroix, Prime Minister of Belgium, had perhaps attracted most attention, and formed a starting point for discussion. It was, however, generally felt that his proposals were on too ambitious a scale, and the Indian delegates think they are correct in stating that Sir Marshall Reid (*vide* copy of his speech at appendix G) focussed the general sense of the Conference in urging that what was required for the

purposes of reconstruction was not the setting up of entirely new, expensive and untried machinery, but an attempt to repair and lubricate the machinery which was already existing though it had in large measure fallen into disuse. This point of view was further developed by Mr. C. E. ter Meulen (Holland), and a scheme outlined by him formed the basis of discussion later.

10. After the formal debates in plenary session, the separate heads of discussion were referred to general Committees for the purpose of preparing draft resolutions for the adoption of the Conference. On these Committees each country was allowed one representative, India's representation being as follows :—

(1) Public Finance ...Mr. Howard.
(2) Currency and Exchange ...Sir Marshall Reid.
(3) International Trade ...Sir Fazulbhoy Currimbhoy.
(4) International Credit ...Sir Marshall Reid

Each Committee in turn selected from its members a small "drafting" committee, which was entrusted with the active preparation of the drafts for consideration of the main committees. Sir Fazulbhoy Currimbhoy and Sir Marshall Reid were selected to serve on the drafting Committees in the case of International Trade and International Credit respectively. The draft resolutions so prepared were after approved by the main Committees, presented to the Conference and passed without a dissentient vote.

11. The resolutions of the Conference (of which copies will be found as Enclosures I, II, III, and IV of appendix A) have already been published. The delegation found themselves able to subscribe to these without reservation, and it is only to the resolutions with regard to International Credit that they desire to make any further reference. The operative part of this group of resolutions is contained in paragraphs 8 and 9 of Appendix A, Enclosure IV. The scheme referred to in paragraph 8 as Annex A had the support of a number of delegates of a great internal experience, who expressed confidence in its practicability. Paragraph 9 of the same group of resolutions refers to a scheme put forward by Sir Marshall Reid (a copy is attached as Appendix H). This proposal was made by Sir Marshall Reid in the light of commercial experience, and he explained that he could not in any way commit his Government. The Indian delegates wish to say, however, that Sir Marshall Reid's proposal was elaborated with full concurrence of his colleagues, who considered that its adoption would materially conduce to more normal conditions in the consuming markets, with corresponding advantages to the producers of raw materials. They suggest, therefore, that an early expression of the views of the Government of India in this matter should be obtained. For, while some delay is inevitable before a definite con-

clusion can be arrived at on the practical recommendations of the Conference, serious consideration of these recommendations will begin at an early date, and the various countries affected will then be expected to define their attitude at short notice.

12. Apart from the four Committees mentioned above, a further important Committee was appointed "to consider the principles on which the expenses of the League of Nations should be distributed among its members and to make recommendations for a new basis of apportionment." Mr. Howard was a member of this Committee and of its drafting Committee. The report of the Committee was not published, M. Ador the President, informing the Conference that this would be forwarded to the Council of the League of Nations.

13, In conclusion, the Indian delegation wish to say that it has been a great privilege to them to take part in this historic and and instructive Conference. The general atmosphere of courtesy and goodwill, and the desire to find common ground where points of view were necessarily divergent, were very remarkable. The delegates also desire to acknowlenge the great hospitality which was extended to the delegations by the Government and people of Belgium.

(Sd.) H. F. HOWARD,
,, MARSHALL REID.
,, FAZULBHOY CURRIMBHOY.

The Indian Scheme.

The following is Sir Marshall Reid's Scheme referred to above :

In accordance with Annexe A there will be created :—

(a) The undertaking of the buyer to fulfil his contract.

(b) The assurance of the buying country that he is probably capable of doing so.

(c) The confirmation of the assurance by the Central Commis sion.

(d) The bond of the buying country to be handed over to the seller as collateral.

While supporting the scheme of M. ter Meulen (Annexe A), the Indian Delegation are of opinion that it will serve only a limited purpose, and that it will be of little practical value to countries which are remote from Europe, but which produce so much of the raw materials essential for reconstruction. They are of opinion that the bonds created under Annexe A will not be acceptable as collateral except at a considerable discount by the banks abroad to which they look to finance their shipments. The large proportion

of risk which will thus remain with the seller will seriously affect the usefulness of the scheme.

The aim of the present proposal is to create a bond which will be of value in international markets, and will be readily accepted by banks as collateral at approximately its face value, in fact will be practically equivalent to confirmed letter of credit.

The following are the outlines of the scheme :—

(1) The bond created under Annexe A [paragraph (d) above] be delivered to the Central Commission instead of being handed over to the seller. The Central Commission would retain it as collateral and issue in its place a "Central Commission Bond," which would be secured under a limited joint guarantee of the countries or bodies participating in the scheme.

(2) The Guarantee Fund would consist of an unlimited number of shares of such value as may be considered convenient. Subscribers would be entitled to an allotment of Central "Commission Bonds" which would bear the same proportion to the total permissible issue of bonds as their share contribution would bear to the total amount subscribed. Thus if the ratio of 10 to 1, as suggested in paragraph 4, were adopted each subscriber of, say, 10,0001 would be entitled to an allotment up to 1000,001, in bonds.

(3) Seeing that Central Commission Bonds would have the full benefit of the security of Annexe A Bonds, it may be fairly assumed that the calls on the guarantee would at the worst amount to a very small proportion of the transactions carried through under the collateral of the bonds.

(4) It is therefore suggested that the volume of transactions current at one time under the system might quite safely amount to ten times the amount of the guarantee. Thus if shares were subscribed to the amount of say, 101, millions gold, transactions up to 1001, millions gold be guaranteed.

(5) Subscribers would not be required to pay for their shares in cash, but would furnish such securities as the Central Commission required ; the risk of each subscriber would be definitely limited to the amount of shares subscribed.

(6) Central Commission Bonds would be available for use only in connection with transactions between countries or bodies who were subscribers.

(7) The Central Commission Bonds for transactions between two subscribers might be furnished either from the allotment of the buying or selling subscriber. This provide the buying parties with bonds in excess of their allotments, provided always that they were able to furnish Annexe A Bonds for the full amount.

(8) On the completion of the transaction, the bonds would be

returned to the Central Commission who would cancel them and return the relative Annexe A Bonds to the buying country.

(9) The maturity of the bonds would be the same as in the case of the Annexe A Bonds.

(10) The Central Commission would publish periodical state ments showing such important particulars as total bonds current and totals of each buying and selling country—also total of Annexe A Bonds of each country in its keeping.

(11) A commission would be charged on all "Central Commission Bonds" to cover expenses and to compensate guarantors.

(12) It might be that some countries might not find themselves in a position, for one reason or another, to participate as a nation in a scheme of this sort, but it would be quite open to a trade or section, e.g., the cotton growers of America, to join in the guarantee, and to get the full pro rata benefit of it.

(13) Bonds under Annexe A scheme would only be issued to buying countries for limited quantities of specific commodities and Central Commission Bonds would only be issued for the same commodities, but it would be open to selling subscriber independently to restrict the purposes for which their bonds should be utilised.

(14) If the Central Commission had at any time reason to fear that heavy calls were likely to be made in the near future, they might have to consider the expediency of restricting or discontinuing the issue of further bonds until the situation cleared and it became evident that the amount of the Guarantee Fund was ample to cover the risks in outstanding transactions.

NOTE—M, Colier, Vice-President, has kindly promised to submit these proposals to the League of Nations for the consideration of the Committee which will deal with the Conference resolutions on International Credits, particularly paragraphs 8 and 9.

The Meulen Scheme.

Regarding International Credits, the Brussel Conferrence make the following recommendations:—

8. An international organisation should be formed and placed at the disposal of States desiring to have resort to credit for the purpose of paying for their essential imports. These States would then notify the assets which they are prepared to pledge as security for the sake of obtaining credit, and would come to an understanding with the international organisation as to the conditions under which these assets would be administered.

The bonds issued against this guarantee would be used as collateral for credit intended to cover the cost of commodities.

A plan based upon these principles is developed in Annex, A.

It has been devised to enable States to facilitate the obtaining of commercial credits by their nationals. It is easy to see that the scheme is susceptible of development in various directions and that some of its provisions might be adapted so as to facilitate the extension of credit direct to public corporations.

A committee of financiers and business men should be nominated forthwith by the Council of the League of Nations for the purpose of defining the measures necessary to give practical effect to this proposal.

9. It has been represented to the Conference that more complete results might be achieved if the bonds used as collateral were to carry some international guarantee.

The Commerce sees no objection to the further consideration of this proposal. The Committee referred to in paragraph 8 above might usefully consider the conditions under which it could be applied.

The Meulen Scheme

Annexe A.—International Credit

1. In order that impoverished nations, which under present circumstances are unable to obtain accommodation on reasonable terms in the open market, may be able to command the confidence necessary to attract funds for the financing of their essential imports, an International Commission shall be constituted under the auspices of the League of Nations.

2. The Commission shall consist of bankers and businessmen of international repute, appointed by the Council of the League of Nations.

3. The Commission shall have the power to appoint Sub-Commissions, and to devolve upon them the exercise of its authority in participating countries or in groups of participating countries.

4. The Governments of countries desiring to participate shall notify to the Commission what specific assets they are prepared to assign as security for commercial credit to be granted by the nationals of exporting countries.

5. The Commission, after examination of these assets, shall of its own authority determine the gold value of the credits which it would approve against the security of these assets.

6. The participating Government shall then be authorised to prepare bonds to the gold value approved by the Commission each in one specific currency to be determined on the issue of the bond.

7. The date of maturity and the rate of interest to be borne by these bonds shall be determined by the participating Government in agreement with Commission.

8. The service of these bonds shall be secured out of the revenue of the assigned assets.

9. The assigned assets shall in the first instance be administered by the participating Government, or by the International Commission as that Commission may in each case determine.

10. The Commission shall at any time have the right of making direct representations to the Council of the League of Nations as to the desirability of transferring the administration of the assigned assets either from the Commission to the participating Government or from the participating Government to the Commission.

11. The decision of the Council of the League of Nations on this question shall be binding.

12. After the preparation of these bonds the participating Government shall have the right to loan the bond to its own nationals, for use by them as collateral security for importations.

13. The bonds shall be made out in such currencies and in such denominations as are applicable to the particular transaction in respect of which they are issued.

14. The participating Government shall be free to take, or not to take, security for the loan of these bonds from the nationals to whom they are lent.

15. The maturity and the rate of interest of the loan of the bonds shall be fixed by agreement between the participating Government and the borrower of the bonds; they need not be the same as the maturity and the rate of interest of the bonds themselves.

16. When making application to his government for a loan of these bonds, the importer must furnish proof that he has previously obtained from the International Commission express permission to enter into the transaction for which the bonds are to be given as collateral.

17. Each bond, before it is handed over by the participating Government to the importer, shall be countersigned by the Commission in proof of registration.

18. Having obtained the consent of the Commission, and received from them the countersigned bonds, the importer will pledge these bonds to the exporter in a foreign country for the period of the transaction.

19. The exporter will return to him on their due date the coupons of the pledged bonds, and the bonds themselves on the completion of the transaction.

20. On receipts of the coupons and the bonds, respectively, the importer will return them to his Government.

21. Bonds returned to the participating Government shall be cancelled, and may subsequently be replaced by other bonds,

either in the same or in a different currency, up to an equivalent amount.

22. The exporter, or if he has pledged the bonds, the institution with which he has repledged them, acting on his behalf, would be free, in the event of the importer not fulfilling the terms of his contract, to hold until maturity the bonds given as collateral by the importer, or to sell them in accordance with the custom in his country in case of default.

23. In the second alternative an option of repurchasing the bonds direct must first be given for a short period to the Government which issued them.

24. If a sale is resorted to and results in a surplus beyond what is necessary to cover the claims of the exporter upon the importer, the exporter shall be held accountable for that surplus to the Government which issues the bonds.

25. The revenues from the assigned assets shall be applied as follows to the service of the bonds.

26. Out of these revenues the Commission or the participating Government, as the case may be, shall purchase foreign currencies sufficient to meet at their due date the coupons on all bonds at any time outstanding in the different foreign currencies.

27. In addition they shall establish abroad in the appropriate currencies a sinking fund calculated to redeem at maturity 10 percent of the bonds outstanding in each of the different countries.

28. Further, in addition to the amounts provided for payment of coupons and for the endowment of the sinking fund, they shall establish out of the assigned revenues a special reserve in one or more foreign currencies for the redemption of bonds sold in accordance with paragraph 22.

29. The amount to be set aside for the special reserve shall in each case be determined by the Commission.

30. Any surplus remaining at the end of each year after the provision of these services shall be at the free disposal of the participating Government.

31. A participating Government shall have the right to offer its own bonds as collateral for credits obtained for the purpose of importations on Government account. The previous assent of the Commission will in these cases also be required for the particular importations desired by the participating Government.

32. If a participating Government which has been in control of its assigned revenues should fail to fulfil its obligations the exporter concerned will notify the Commission and the Commission will apply to the Council of the League of Nations for the transfer of the management of the assigned revenues to the Commission.

33. The consent of the Commission is necessary whenever bonds secured on the assigned assets are given as collateral, and shall, as a rule, be accorded only for the import of raw materials and primary necessities.

34. The Commission may, however, at its discretion, sanction in advance the importation of specified quantities of such goods.

35. Even in the case of imports under such a general sanction a notification of the particular transaction must be registered with the Commission.

36. The assent of the Commission must also be obtained in every case to the term of the credit which it is proposed to open.

The Murray Report

The following is the report of Mr. A. R. Murray, C. B. E., representative of the employers of factory labour in India at the Washington International Labour Conference, 1920 :—

At a meeting of the Indian Jute Mills Association held in Calcutta on 5th September, I had an opportunity of ascertaining generally the views of the members of that Association regarding the hours of work and conditions of factory labour in the Bengal jute mills. On the morning of 15th September, too, I attended an informal meeting of the Committee of the Mill Owners' Association at Bombay and had a short discussion regarding the hours and condition of factory labour in the Bombay cotton mills. Apart from these two meetings I had no opportunity of formally ascertaining the views of employers of labour in India. It was not until I was sailing from Bombay on the 15th September that I received copies of the Organizing Committee's letter and questionnaire and relative papers. On my arrival in London on 6th October I received at the India Office copies of the three reports prepared by the Organising Committee for the International Labour Conference, which had been published in August. These reports analysed and summarised the material contained in the replies to the questionnaire received from different Governments and in them the Committee presented as a result of their examination of the material, certain conclusions and recommendations in the shape of draft conventions as a basis for the discussion by the Conference of the several subjects on the Agenda. The first three reports deal respectively with—(1) The eight hours day or 48 hours week, (2) Unemployment, (3) The employment of women and children and the Berne Conventions of 1906 : but they contain nothing about India or Japan except provisional suggestions of the Organizing Committee that these and similar countries might be able to accept certain alternatives to the conventions drafted for the other countries of the world. These notifications will be dealt with later and I merely refer to them at this stage to show that the Organizing Committee felt themselves justified in making suggestions to meet India's special circumstances without having before them materials on which to form opinions of any value.

Before I left India, the Government of India had drawn the attention of the local Governments to certain paragraphs in the Indian Industrial Commission's Report and had invited the opinion

of the local Governments whether, taking into account the present position of Indian mills and mill operatives, they think that the hours of labour should be shortened, and if so to what extent, for what classes of labour and by what stages, if any, and also whether there are other points in the existing factory law requiring amendment. On receipt of replies the Government of India were to consider what further action should be taken ; whethe. for instance, it would be necessary to appoint a Committee of Enquiry, or whether the opinions received would warrant the framing of legislation, either with or without further discussion with local Governments. When I sailed, the Government of India could not have received replies, from all local Governments, to their request for expressions of opinion as to shortening the hours of labour, far in less have had time to consider carefully such an important question in all its bearings as affecting Indian labour and Indian industries. I was, therefore, surprised to learn in the course of informal discussions with the Indian Government delegates when crossing the Atlantic that they were prepared to agree, on behalf of the Government of India, to the principle of a sixty hours week. On the face of the Government of India's replies to the questionnaire and relative explanatory Memorandum on Indian labour conditions, there is nothing to indicate why the Government of India should commit themselves to a precise reduction of working hours. In discussions with the Indian Government and Workers' delegates I urged that the enquiries instituted by the Government of India should be completed and all the facts taken into consideration before agreeing to any particular amendment of the existing Factory Act. This seemed to me the correct attitude for the Indian delegation to take up at the Conference, but unfortunately I was unable to carry my fellow delegates with me on this point and we, therefore, arrived at Washington on 27th October 1919, holding divided opinions on what the Organizing Committee described as the most important subject on the agenda for the consideration of the Conference.

The recommendations of the Committee as regards India are incorporated in Article 10 of the Draft Convention adopted by the Conference which reads as follows :—

In British India the principle of a sixty hour week shall be adopted for all workers in the industries at present covered by the factory acts administered by the Government of India, in mines and in such branches of railway work as shall be specified for this purpose by the competent authority. Any modification of this limitation made by the competent authority shall be subject to the provisions of Articles 6 and 7 of this Convention. In other respects the provisions of this Convention shall not apply to India, but

further provisions limiting the hours of work in India shall be considered at a future meeting of the General Conference.

Under the existing Indian factory laws, adult males may work twelve hours per day in Indian textile industries, women 11 hours, and children (between the ages of 9 and 14) 6 hours. If the draft Convention is ratified by the Indian Legislature, the effect of the foregoing article will be to limit the hours of work in Indian industries to 60 per week for both men and women. It will be observed that Article 10 applies to mines as well as other industries. The limitation of hours of work of adults in mines will, if adopted, from a new departure in Indian mining legislation and this question will require careful consideration by those interested. Indeed the Committee recommended that the Government of India should be asked to consider the possibility of limiting the hours of underground work in mines to 54 in the week. They also recommended that the Government of India should be asked to consider the possibility of adopting a modified definition of "Factory," which would reduce the number of workers required to bring a factory under the scope of the Act. Under the existing Indian factory laws, this number is fixed at 50 although in certain cases, it may be, and has been, reduced to 20.

Mr. Joshi, the Worker's delegate from India, gave notice of a motion to add to the proposed Convention concerning India.

1. The world "Factory" in the Convention to be applied to India should mean "any industry "worked with steam, water or any other mechanical power or electrical power and employing not less than ten persons."

(2) The hours of work for women employed in factories shall not exceed 54 a week.

(3) Children under 14 shall not be employed for more than 30 hours a week.

These particular proposals had all been fully discussed in Committee and were brought up in the Central Conference by Mr. Joshi in the hope that he might be successful in getting them adopted there. On the second last day of the conference, however, Mr. Joshi withdrew his proposed amendment in order to save time, and contented himself by putting in a written statement which appears in the Provisional Record of the 20th day of the conference. He closes that statement by saying that he postpones consideration of the question mentioned in his amendment to the next year's meeting of the Conference in the strong hope that they will then receive very sympathetic consideration. The Committee's Report regarding India and the other countries, except Japan, was adopted by the Conference by a vote of 67 to 1, the dissenting vote being

that of the Workers' delegate from Belgium, Mr. Mertens, who is one of the Vice-Presidents of the International Federation of Trade Unions.

In addition to the Draft Convention limiting the hours of work in industrial undertakings to eight in the day and fourty-eight in the week, two resolutions were passed by the Main Committee on the Hours of Work. One had reference to work of re-construction in devastated areas which, it was agreed, justified special consideration. The other was in the following terms :—

The provisions of this convention shall not interfere with any better conditions already in operation, or agreed upon, for all or part of the workers of any country, neither shall they interfere with any negotiations now proceeding in which the workers are asking for better conditions than the convention provides.

Both resolutions were adopted unanimously at the plenary sitting of the Conference on 25th November. Another resolution of importance was proposed by the Workers' delegates from France and Italy and was ultimately carried unanimously on the second last day of the Conference in the following form :—

The Conference hopes that in no case should the wages of workmen be reduced simply by reason of the introduction of the 8-hour day, and the 48-hour week, in order that the conditions which exist in certain industries and which the present convention allows to continue may not be aggravated by the imposition of lower wages on the workers.

If ratified by the Indian Government, the effect of article will be to raise the age limit of children from 9 to 12 years, to widen the existing definition of a factory and to bring mining and the transport and handling of goods within the scope of factory legislation in India.

India in Parliament
1920

India in Parliament, 1920

Introduction

The House of Commons first met in 1920 on Feb. 10th. In the following pages are given some of the more important interpellations of the year on Indian affairs, excepting military, pension and cognate matters of a technical nature. The outstanding features of the debates relate to the 1919 affairs of the Punjab under that arch-enemy of India, Michael O'Dwyer, and the Rules framed under the new Reform Act—the former by far the most stormy that has ever taken place since a very long time in Parliament.

The first report of the Punjab Government on the riots (rebellion, according to it) was submitted to the Government of India on October 11th, 1919—six months after the tragic massacres! This report was kept a secret till it was issued as a White paper on January 30th. 1920. On December 16th. 1919, Mr. Montagu stated in reply to a question in the House that he was not then fully in possession of the facts relating to the Punjab Massacre (see Register 1920, Part II. p. 381 and implored the House to suspend judgment till the Report of the Hunter Committee then sitting in India was out.

But meanwhile the Punjab Government's admittedly one-sided report was issued on the eve of the meeting of Parliament, and the reason is obvious, for the intention was to influence public mind in favour of the Punjab officials. In answering a question on this subject on February 10th. Mr. Bonar Law described the report as merely "a narrative of events" when it was in fact a strong case deliberately prepared in its own favour by O'Dwyer's Government. In reply to another question, however, he said "until the Committee now sitting in India under Lord Hunter to enquire into the disturbances had reported to the Government of India and the Government of India have expressed their views to the Secretary of State, it would obviously be improper to take any action", though it was thought quite proper to publish and make known the facts adroitly marshalled by the Punjab Government.

All this in the House of Commons. In the Lords, the Sydenham gang was not inactive.

On Feb. 25th 1920 Lord Sydenham asked the following question :—

Lord Sydenham :—My Lords, I beg to ask the Under Secretary of State for India (Lord Sinha) whether the Secretary of State has been informed that—

1. Among the inflammatory notices posted at Layallpur on April 13th last was one suggesting to the mob that there were European women at the Rallying Post who should be outraged.

2. The necessity for proclaiming martial law at Lyallpur has been denied.

3. During the week ending January 17th last, all Europeans were directed not to enter Delhi, the capital city of India, for four days, in consequence of the celebrations attending the release from internment of Mahomed Ali and Shaukat Ali.

4. Indian witnesses before the Hunter Commission who gave evidence not in accordance with the views of the National Congress have been cruelly persecuted and boycotted.

5. Public buildings, such as schools, have been permitted to be used for political meetings organised by the party which has demanded the recall of the Viceroy.

Viscount Sandhurst :—My Lords, I hope that my noble friend will allow me to answer the Questions in the absence of the Under Secretary of State, who is in India. The Secretary of State for India is aware that a notice suggesting the dishonouring of English women was found posted up at Lyallpur. He is also aware that the necessity for proclaiming martial law in any Punjab district has been widely questioned in India. This indeed is one of the main subjects of inquiry by the Hunter Committee. On the third, fourth, and fifth points the Secretary of State is informed as follows : Europeans generally avoided Delhi city at the period in question, but no prohibitory orders were issued to civilians and, in fact, the Chief Commissioner reports that certain Europeans were assisted through the crowd by volunteers on the day of the Ali brother's reception. Orders were, however, issued to the troops, British aad Indian, by the General Officer Commanding Delhi Brigade, placing Delhi city out of bounds from January 14 to 18 inclusive. The object was to avoid possible collisions between the troops and the mob. This course has frequently been adopted on occasion of festivals. The Government have had reports that Sir Umar Hayat Khan and other pro-Government witnesses before the Hunter Committee have been accorded hostile receptions. Reports have also been received that Indians considered to be pro-Government are subject to social persecution and boycott. No reports have been received that meetings of the nature referred to have been held in schools. The foundation of the rumour in probably the fact that school boys often take a prominent part in meetings of the extremist party and are employed as volunteers in public demonstrations. It may be added that agitation for the recall of the Viceroy is very little in evidence at present.

Lord Hunter's Report was submitted to the Govt. of India on March 8th, 1920 ; it was forwarded by that Govt. to the Secretary of State on May 3rd and was issued to the public in June, together with the famous despatch of the Secretary of State. Then came that nauseating fusillade of questions in the Commons inspired by a sympathy of Dyerism given on page 460, *et seq.* and then that historic debate in Parliament on July 8th 1920.

Regarding the Debate on Amritsar and General Dyer, the following critical account given by a 'Student of Politics' and published in the London *Times* is worth reproducing.—

" When the Secretary for India rose to-day to speak on General Dyer's conduct at Amritsar, the benches were more crowded than they have been for a year, except in some of the Russian debates. Before a word was said, one could feel the air beating with excitement.

" Mr. Montagu is a sincere man and a genuine Liberal, but he does not know the House of Commons. His opening speech was bad advocacy, and one could see his critics growing more and more irritated with each sentence. He acknowledged the services of General Dyer, but said his principles were wrong when he declared that his intention was to read Indians at large a "moral lesson"—that was terrorism. His compulsory salaming and his " all fours " order was racial humiliation. His setting up of the whipping triangles was the policy of frightfulness. These things were inconsistent with our policy in India. If you justified General Dyer it meant that we ruled India by the sword ; and the end of that policy would be that our rule in India would stink in the nostrils alike of our own democracy and of the Indian people, and that the two would combine to close it. You must choose between the policy of force and the policy of partnership. You could not mix the the two, voting for partnership one year and for force the next. As Mr. Montagu developed this argument the House became more and more restive. When he went on to say that there was a theory abroad that an Indian was tolerable only so long as he obeyed orders, interruptions swelled into a prolonged roar of anger. He persisted courageously and lowered the horns of his dilemma more menacingly. " Choose, choose," he said, " between race ascendancy and partnership, and on your choice will depend the continuance of the British Empire."

" The House was now thoroughly angry. It had not expected this sort of speech. It was bad advocacy in two ways. It was too passionate, and the malcontents were irritated by its sharp logical dilemmas. Secondly, the English mind does not work in that way. We are the most daring political generaliser in the world, but it

is our way in politics, as in science, to proceed inductively from the particular to the general, and not from the general to the particular.

"The House would have welcomed the principles of Mr. Montagu, which were not merely sound, but noble, if he had led up to them by an accumulation of instance. But between our inductive English method of political argument and this deductive argument from sharply opposed logical propositions, there is an interval of 2,000 years, and 30 deg. of longitude. East and West, be they produced ever so far, will never meet, and Mr. Montagu, patriotic and sincere English Liberal as he is, is also a Jew, and in excitement has the mental idiom of the East. That was the fault of a speech which in logical idea was a singularly pure and brilliant expression of Liberal doctrine.

"A more violent contrast than that between the speech of Mr. Montagu and that of Sir Edward Carson who followed, it would be impossible to conceive. There was not a general idea in Sir Edward Carson's speech, unless we regard his passion for justice to the individual as a general idea. "We cannot try him, but we have a right to insist that he should have a fair trial." For the rest, his speech was an appeal to prejudice. To break a man without fair trial, was un-English; you must trust the man on the spot. Even if there had been an error of judgment, ought he alone to bear the consequences? His strongest point was that the punishment was not immediate, but was delayed. How unfair for armchair politicians in Downing street to pass these judgments on men who had these frightfully difficult practical problems, not of their own making, to solve. You must encourage your agents by your support if they do the onset. Perhaps General Dyer had saved India. The substance of the speech was extraordinarily poor; the manner was impressive, and the advocacy perfect.

"Mr. Churchill, who followed, was amazingly skilful, and turned the House (or so it seemed) completely round. He began so haltingly as to get the patient ear of the House. He avoided at first expressing an opinion on the merits and entered on an elaborate, not to say dry discourse on the law of master and servant in the Army. He defined the three degrees of dissatisfaction with the conduct of an officer in the Army. General Dyer's retirement on half-pay was the mildest of the three punishments, and you could not say he had been treated unfairly unless you were also prepared to insist on a special trial for the hundreds of officers who had been treated so during and since the war. He met the argument that General Dyer's conduct had been condoned by his superiors by making it clear that but for that he would have been subjected to severe punishment.

"Having thus met the suspicion that there was something especially vindictive in the treatment of General Dyer, Mr. Churchill

began to deal with the merits of the case. He admitted the difficulties that confronted an officer in dealing with civil disturbances. Still there were certain elementary tests. Was the crowd with which he had to deal attacking or threatening to attack? Was it armed? At Amritsar the answer to both the questions was in the negative. He then went on to describe the slaughter. We had a picture of the crowd massed in a narrow space, rushing wildly from centre to the corners and back again, as the guns were turned to this direction or that. The feeling of pity grew dominant as the picture became more vivid.

"Mr. Asquith followed with a criticism of Sir Edward Carson's speech. He complained that he had not addressed himself to the merits of the case. To ask the House of Commons to reverse the decision that had been taken was to condone one of the worst outrages in our history.

"After that the debate flagged. Mr. Spoor for the Labour Party developed that General Dyer was typical of an Anglo Indian spirit which was not only illiberal and tyrannical, but was under-mining the foundations of our rule.

"Feeling was again very high when Mr. Bonar Law rose to wind up the debate. He laboured to show that he understood all the difficulties of General Dyer's position, but hardly succeeded in soothing the anger of the malcontents. He seemed less successful usually in gauging the moods of the House, and in managing them.

"The Labour amendment to reduce the India Office Vote by £100 was lost by 247 votes to 37 : and Sir Edward Carson's amendment, also for a reduction of the vote, by 230 votes to 129.

"General Dyer listened to the debate from a seat under the gallery. The following Indian princes were in the Distinguished strangers' Gallery : The Maharaja of Jhallawar, the Maharaja of Kapurthalla, the Tikka Saheb of Kapurthala, the Maharaja of Cooch Behar, the Yuvaraja of Mysore, the Maharaja of Alwar, and the Jam Saheb of Nawanagar."

The Lord's Debate

The Debate in the Lords on Lord Finlay's Motion "to deplore the conduct of the case of General Dyer as unjust and as establishing a precedent dangerous to the preservation of order in the face of rebellion" lasted for two days and was lively in the extreme. It had all the accompaniments of a great occasion. For once the Peers of the realm found means to leave their shady career and congregate

to assert a principle on wich lay the foundation of their decrepit existence. More than 200 of their Lordships, most of them as innocent of that pampered chamber as of India, attended and a very "distinguished" gathering of Peeresses and 'fashionable' society-women, reeking capitalists and other friends and admirers of the "Hero of the Punjab", lent an imposing air to the assembly. The Gaekwar of Baroda, the Maharani, and other Indian Princes and noblemen also attended.

Lord Finlay had been well briefed for his job. He stuck to the case of General Dyer throughout, without any concern for the graver issues involved for the people of India or a word of sympathy for the innocent victims of the massacre. He condemned the partisanship which the Indian members of the Hunter Committee had displayed and depicted the disadvantages under which the accused officer laboured.

Lord Sinha, apologetic in his tone and manner, was more placid and restrained. Perhaps the atmosphere of the House was too strong for him and he thought it wiser to leave the more unqualified denunciations to those who could speak with cabinet authority. He went out of his way to condemn the activities of Mr. Gandhi especially in relation to the new movement of Non-Co-operation. It was a calm, well reasoned speech.

The Lord Chancellor mercilessly denunciated the cruel acts of General Dyer. He did this certainly in unqualified language such as one does not often hear from such lofty quarters ; but he also showed that he was not unaware of the deeper issues that were at stake and of the fundamental principles that there were involved. In words that were worthy of the high office which he holds, Lord Birkenhead asserted the right of Indians to equal treatment with other citizens of the empire, and he warned their Lordships of the harm they would be doing in India if they passed the resolution.

The case for the Government of India was stated by Lord Meston. His business was to justify the policy of finding a scape-goat for others (himself included). He was the only speaker who thought it necessary to defend the action of the Viceroy.

Lord Curzon declared his distrust of the theory that General Dyer saved the Punjab by his exertions, and he altogether denied that he saved India by example—Were the principles upon which General Dyer acted approved, said his Lordship, we should lower our reputation in India, lower our own standards of justice and humanity, and debase the currency of our national honour. The House heard him throughout with breathless interest, but with scarcely a sign of approval. The motion was adopted by 129 votes to 86—a direct defeat of the Government !

HOUSE OF COMMONS—Feb. 18th, 1920

Mr. Ormsby Gore asked the Secretary for India what instruction, if any, have been sent by him to the Government of India or to the Governor of Madras with regard to the framing of the franchise rules governing the representation of non-Brahmins in the province of Madras; and whether an agreement has been reached by the Government of India with regard to the method and amount of representation to be given to the non-Brahmins in Madras?

The President of the Board of Education (Mr. Herbert Fisher): My right hon. friend has sent no instructions either to the Government of India or the Governor of Madras, beyond requesting them to carry out as speedily as possible (along with other recommendations) the recommendation of the Joint Select Committee contained in paragraph (c) of their Report under the heading "Clause 7" and explaining to the Governor of Madras that in recommending provision for non Brahmins of "separate representation by means of reservation of seats" the Committee did not intend to recommend the setting up of separate electorates consisting only of non-Brahmins. The Viceroy reported on January 26th that Lord Willingdon was hopeful of a speedy settlement of the matter. I am not aware whether a settlement has actually been reached.

Mr. Ormsby Gore: Is the right hon. gentleman not aware that the Joint Committee expressly suggested that the matter should not be left to the Governor of Madras but dealt with by the Government of India on its own initiative and that a great deal of unrest has been caused in Madras by the intervention of the Governor of Madras in the very delicate negotiations?

Sir J. D. Rees: Who should properly intervene, or more properly intervene, than the Governor of Madras?

Mr. Fisher: I think it is quite obvious that the Governor of Madras is the proper person.

Sir J. D. Rees asked what progress had been made by the Committee on financial relations which is considering the question of provincial contributions to the Government of India in view of the eventual equalisation in incidence of such contributions?

Mr. Fisher: The work of the Committee is barely begun, and no report of its progress has yet been received. (See P. III, p. 49)

HOUSE OF COMMONS.—Feb. 25th 1920

Strikes at Bombay.

Colonel Wedgwood asked the Secretary of State for India whether the Bombay mill strikers were fired on in January of this year; and how many casualties resulted among the Indian population?

The President of the Board of Education (Mr. Herbert Fisher):

I am informed that before a settlement of the strike was reached the mob attacked a picket of military police accompained by a magistrate, the magistrate and others of the party being struck by stones. On the crowd being ordered to disperse they displayed a defiant attitude ; threats of firing had no effect on the mob, and the magistrate gave orders to disperse it by force. The serjeant and one private fired one round each, killing one rioter and seriously injuring another. Subsequently, when, as the result of the Governor's mediation, concessions were made to the stikers and preparations made to start work at four or five mills, determined efforts to prevent this were made. At one mill large crowds stoned the military posts, forcibly entered the mill compound and stoned the cashier and two sepoys. A few rounds were fired, one mill hand being wounded in the thigh. The Governor of Bombay has brought to my notice the admirable conduct during these disturbances of the military and police, who were on duty continuously for nearly a month and were constantly engaged in minor conflicts with the mob. I feel sure that the House will agree that Sir George Lloyd was justified in this opinion.

Legal Proceedings Against Ministers

Colonel Yate asked whether the exclusion of Ministers from being sued in the High Courts in India, as provided for in the Government of India Act, will have the effect of differentiating the constitution of India from that of all the Dominions and of this country, and of denying to the peoples of India any means of redress in the case of illegal proceedings by Ministers.

Mr. Fisher : I understand that my hon. and gallant friend is referring to the Amendment made by means of part II of the Second Schedule to the Government of India Act, 1919, whereby Ministers appointed under that Act are brought within the scope of Section 110 of the Government of India Act, 1915-16. The Amendment referred to has no effect at all in five of the major provinces in India. In three provinces it has the effect of placing Ministers in the same legal position as that occupied by Governors and Lieut.-Governors of provinces and members of their Executive Councils. To a limited extent no doubt the position of Ministers in India will in this respect be different from that of Ministers in the Dominions, but it must be remembered that Ministers in India are not in all respects on the same footing as Ministers in the Dominions. It is not the case that the Amendment will have the effect of denying to the people of India all means of redress in the case of illegal proceedings by Ministers. Proceedings may be taken against Ministers under other provisions of the Act. The provisions of the section in question may be repealed or amended at any time by the Indian Legislature.

HOUSE OF COMMONS—10th March 1920

Mesopotamia (Army of Occupation)

Colonel Wedgwood asked how much of the cost, if any, of the Army of Occupation and the civil administration in Mesopotamia falls directly or indirectly upon the Exchequer of India?

Mr. Fisher: No part of the cost of the civil administration of Mesopotamia falls upon the India Exchequer. The same is now the case as regards the Army of Occupation. During the War the ordinary (but not the extraordinary) charges of the troops despatched from India for service in Mesopotamia and other theatres of War were borne by Indian revenues under the Parliamentary Resolutions of 16th September and 26th November 1914. No contribution is now being made by India towards the cost of the troops overseas.

Military Affairs (Commission of Inquiry)

Mr. Spoor asked the Secretary for India if he will state how far the Committee or Commission enquiring into Indian military affairs has been able to proceed with that enquiry and how soon the Report will be forthcoming; whether he will state if the deliberations of that body are being carried on under the presidency or acting chairmanship of Sir Michael O'Dwyer, the ex-Lieutenant-Governor of the Punjab, whose administration of that Province during the spring of last year came under examination by the Hunter Committee and has been the subject of controversy both here and in India; and, if he is so acting, whether he will consider the advisability of relieving him of that position until his administration of the Punjab, which supplies a considerable percentage of the recurits for the Indian army has been cleared?

Mr. Fisher: The Committee will shortly complete their inquiries in India, but no estimate can be given of the date when their Report will be issued. Sir Machael O'Dwyer is acting chairman of the committee. The Secretary of State sees no reason for relieving him of the position. His administration of the Punjab has no bearing on the matters under discussion by the Committee.

Industrial Workers (Wages)

Mr. Jhon Davison asked the present rates of wages paid to Indian workers in the principal industries; and whether it is the intention of the Government to take steps to ensure an early approximation of Indian industrial conditions to British standards?

Mr. Fisher: As in serveral cases, increases have recently been granted I have no exact information as to the present rates of wages in the various industries in India, but I will enquire. The settled policy of the Government of India, which has the full

approval of my right hon. Friend, is to improve as rapidly the condition of Indian workers, but in a country like India British standards cannot in all cases be adopted. This, as the hon. Member is aware, is recognised in Article 405 of the Treaty of Peace, which lays down that in framing Draft Conventions and Recommendations for general adoption, the International Labour Conference shall suggest modifications to meet the case of those countries in which, to quote the words of the Treaty, "climatic conditions, imperfect development of industrial organisation or other special circumstances, make the industrial conditions substantially different."

Lieut.-Commander Kenworthy: Can the right hon. Gentleman say whether it is the intention of the Government of India to retain power over Labour legislation and to introduce any system of legal minimum wage in India as has been suggested?

Sir J. D. Rees: Can the right hon. Gentleman say whether the approximation to the British standard will include the compulsory adoption of English clothing, food and housing, and if so, who will pay for the mutiny which must result?

Mr. Fisher: It is obvious that there must be great differences between economic legislation in India and in England. The differences must be adjusted to the economic circumstances in the two countries. The whole matter of the economic legislation suitable to Indian conditions is under the consideration of the Government of India.

Colonel Wedgwood: Is the right hon. Gentleman aware that at present there are 60,000 mill workers out in Bombay, striking for higher wages, and may we understand that the cause of these striking mill-workers is being supported by Sir George Lloyd and the Government against the employers, with a view to securing a wage more compatable with that paid in other countries?

Mr. Hallwood: Under the Government of India Act, are they not capable of dealing with those cases in India?

Mr. Fisher: Sir George Lloyd has already intervened in an important labour dispute in Bombay and his intervention has been effective in securing a settlement, and I have no reason to suppose that his intervention in any later dispute will be less successful than in the past.

Colonel Wedgwood: Is the right hon. Gentleman not aware that there is a dispute on now and that 60,000 men are out in Bombay?

Burma Rice Trade

Mr. Talbot asked the Secretary for India whether he is now in the position to make a statement respecting the excessive price

fixed by the Government of India for rice exported to Ceylon and certain other British Dominions?

Mr. Fisher: As the reply is somewhat long I propose, by the permission of my Hon. Friend to circulate it in the Official Report:

THE FOLLOWING IS THE REPLY REFERRED TO:—

The object which the Government of India had in vew in assuming control over the Burma rice trade was to enable consumers in India and Burma to obtain a stable food at a reasonable price and to supplement the seriously depleted stocks in India. As this necessarily involves a limitation of the profits of producers, the Government of India are under an obiligation to obtain a fair market price for the exportable surplus and to restore the profits to the producers. But although the world shortage of rice, caused by the failure of the Siam crop and a short Burma crop, would have enabled exceedingly high prices to have been obtained, the moderate minimum export price of about Rs. 15 per cwt. f. o. b. Rangoon has been fixed against a cost price of Rs 9 at which India is supplied. This export price is very considerably less than the world price, which but for the control, British Possessions would have been compelled to pay. Further—and perhaps more important—practically the whole of the exportable surplus has been reserved for British Possessions. This surplus, unfortunately, is insufficient to meet all demands, but is being distributed as fairly as possible. Had this control not been established it is reasonably certain that the Colonies would not only have been forced to pay a much higher price, but would have been unable to obtain the quantities allotted to them under the scheme.

Last week the Viceroy received a deputation from Ceylon which represented the serious condition of affairs in the island caused by the high price of rice. Lord Chelmsford, while sympathising with the deputation, emphatically repudiated the suggestion that the Government of India were in any way responsible for the rise in the price of rice in the world's markets, and pointed out, as explained above, that the control which had been established enable Ceylon to obtain her requirements at much below world prices. In the matter of allotments also, Ceylon had been treated very favourably, as 360,000 tons had been reserved for the colony. To the complaints of the deputation, that no prevous warning had been given, the Viceroy replied that, so long ago as November last, the Ceylon Food Controller knew that the control over exports might be removed, and the Government of Ceylon therefore should have been prepared for a rise in the price of Burma rice to the level of world prices. As regards the claim of the deputation, that Ceylon should be treated as part of India, Lord Chelmsford, while recognising the close histori-

fixed by the Government of India for rice exported to Ceylon and certain other British Dominions?

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cal and geographical connection between the two countries, pointed out that Ceylon was politicallly and financially independent of India, and could not expect to obtain what would in effect amount to a large subsidy from India by receiving its supplies of rice at less than the price which had been accepted by other Colonies without question. But moved by the appeal on behalf of the general population, and especially the Indian population, and having regard to the fact that Ceylon affords employment for the surplus population of Southern India, which might be forced to return to India in the event of a food shortage in Ceylon, he agreed to supply 180,000 tons of rice at the flat rate of Rs. 12 cwt. I feel sure that my Hon. Friend will agree that the concession which the Viceroy has found it possible to make—involving as it does a surrender of over £1,252,000—is a substantial one and I trust that it will serve to relieve the situation in Ceylon.

Mr. Gideon Murray: Is the reply satisfactory?

Mr. Fisher: It depends upon the point of view from which the reply is regarded.

Mr. Murray: Will a reduction be made in the price that is being charged for the rice?

Mr. Fisher: Yes.

Indentured Labour (Fiji)

Mr. Fredric Roberts asked the Secretary of State for India whether a deputation of Fiji planters is at present in India: whether this deputation is demanding the continuance of indentured labour in Fiji: and whether His Majesty's Government and the Government of India will make a public denial that there is any intention of supplying indentured labour to Fiji, in view of the recent unrest there?

Mr. Fisher: The unofficial Fiji Mission now in India is certainly not asking for a renewal of indentured labour, which is quite well understood to have been finally stopped. The recent unrest in Fizi occurred after the cancellation of all remaining indentures.

Mr. William Carter asked the Secretary of State for India if he will state how many Indians have left India during the last 10 years under indenture and how many are at present under indenture, and in what localities.

Mr. Fisher: In the last 10 years, 6,401 Indians have left India under indenture but none have gone since 1917. I gave the hon. and gallant Member for Gateshead, on the 24th February, the latest figures as to the number still under indenture in the several Colonies.

Strikes and the Military

Mr. Lunn asked how many strikes have occurred in India since the beginning of this year ; in how many cases were troops called out ; on how many occasions have there been conflicts between the strikers and the military in which the military fired on the crowd ; and what has been the total number of casualties resulting among the Indian population ?

Mr. Fisher : Information available at the India Office shows that since the beginning of the year, in addition to the widespread strikes in the Bombay Presidency, which affected the cotton mills and other industries, strikes occurred in the Jamalpur railway workshops, at four Calcutta jute mills, and at Cawnpore. No official information has yet been received regarding the more recent strike at Jamshedpur. As regards the latter part of the question I would refer the hon. Member to the replies given on the 25th February and the 3rd March to questions asked by the hon. and gallant Member for Newcastle under-Lyme and the hon. Member for Barnard Castle,

Mr. W. Thorne : Does the right hon. Gentleman not think that the economic conditions of the Indians would be very much better if they were not compelled to carry on their backs some of the tribe of Civil Servants !

Mr. Lunn asked how many iorn and still workers are at present on strike in Jamshedpur District: and whether an attempt is being made to give the strikers' claims a fair hearing and to arbitrate the strike on British lines, in view of the regrettable occurrences at Sholapur and elsewhere ?

Mr. Fisher : I have received no report from the Government of India regarding the strike.

Colonel Wedgwood : Will the right hon. Gentleman take steps to obtain a report on this strike from the Government of India ?

Khilafat Delegation.

Lieut. Colonel James asked the Secretary of State for India whether the Indian Khilafat or Islamic delegation at present visiting this country is led by certain Muhammad Ali . whether this Muhammad Ali is the same individual who, on account of his revolutionary tendencies and his intimate association with the Committee of Union and Progress, was interned on his own responsibility by His Highness the Nawab of Rampur and who was subsequently interned by the Indian Government, together with his brother Shaukat Ali, who had earned a similar reputation at the University of Aligarh ; whether the inclusion of a man of such revolutionary tendencies on this Islamic delegation is approved by the Government of India and whether he will consider the possible prejudice to the cause of the

millions of loyal Islamic subjects of the Crown of the inclusion of an avowed revolutionary on a mission of this kind?

Mr. Fisher: The answer to the first part of the question is in the affirmative. As regards the second part, the leader of the delegation is the same individual who was interned by the Government of India. With regard to the third and fourth parts of the question, the Government of India had no hand in selecting the personel of the delegation. I can accept no responsibility on this point.

Lieut. Colonel James: Is it a fact that members of the delegation have been officially received by representatives of the Indian Government in this country; does not such reception constitute an act of approval of the constitution of the delegation; and is it a fact that the Government of India, quite properly, had no hand in selecting the personel of the delegation?

Mr. Speaker: The hon and gallant Member should hand in his question at the Table.

Colonel Wedgwood: Is the right hon. Gentleman aware that a visit of a Committee of this kind is of the utmost advantage to the relations between ourselves and the Muhammadans in India; and is he also aware that it can only be of advantage to this Empire for men like Muhammad Ali to come here?

Mr. Speaker: The hon. and gallant Gentleman must follow the example of the hon. and gallant Member and hand in his question.

The following Questions appeared on the Order Paper for non-oral answers:

Colonel Wedgwood asked the Under Secretary of State for the Colonies (1) whether Indian soldiers who served in the campaign against the Germans in East Africa are receiving grants of land from the East African local Governments in the same way as the British soldiers of European descent; if not, whether His Majesty's Govenment will instruct the East African authorities to do so, in view of the resentment which is caused among the Indians by the differential treatment of British white troops and Indian soldiers who fought side by side in the same campaign; (2) whether he is aware that resentment is caused among the Indians in East Africa by the omission on the part of the Government of East Africa to appoint any Indian member on the British East Africa Economic Commission and by those parts of the Commission's Report which affect the Indian community; and whether His Majesty's Government will consider the advisability of appointing another Commission with at least one Indian member to safeguard the interests of the Indians in East Africa?

Lieut.-Colonel Amery: I will answer these four questions together. The matters dealt with in the hon. and gallant Member's

four questions, including that addressed to the Secretary of State for India, are included in the Resolutions adopted by the Easter Africa Indian National Congress in the November last. (*See Register 1920.*) These Resolutions, and the position of Indians generally in East Africa, will be discussed by the Secretary of State for the Colonies, on arrival in England, with the Governor of the East Africa Protectorate, who is remaining in England for the purpose. In the circumstances, I am not in a position to make any statement on the points raised in the questions.

Colonel Wedgwood: Will this discussion include a representative of the India Office, preferably the Secretary of State?

Lieut.-Colonel Amery: I have no doubt the Secretary of State for the Colonies will consult him.

Lieut.-Commander Kenworthy: Will the hon and gallant Gentleman convey to the Colony in question the views of the Colonial Office on the question of flogging?

Lieut.-Colonel Amery: I am not prepared to do that.

Mr. Spoor asked the Under-Secretary of State for the Colonies (1) whether a Government Commission on Native Labour sat in British East Africa in 1912-13; whether the Hon. A. C. Hollis, C. M. G., Secretary for Native Affairs, gave evidence showing that labour recruited through the Native Chiefs was in practice compulsory labour; whether it is the policy of His Majesty's Government now to introduce compulsory labour in British East Africa; if not, whether the Governor's instructions to Provincial and District Commissioners, that the onus of finding labour was to be put on Native Chiefs and elders, will now be withdrawn; (2) whether the Governor of British East Africa has issued instructions to Provincial and District Commissioners to inform Native Chiefs and elders that it is part of their duty to advise and encourage young men in their areas to go out and work on plantations; whether any such duty has been imposed by law on Native chiefs and elders; if not, on what authority the Governor's statement was made; on what authority reports are called for on any headman who is impervious to His Excellency's wishes; and what is the nature of the action which the Governor proposes to take against any such headman?

Lieut.-Colonel Amery: As I informed the Hon. Member on the 23rd February, the whole question of native labour in East Africa, including the issue raised by the administrative circular to which the Hon. Member refers, will be discussed with Sir E. Northey by the Secretary of State on his return.

Colonel Wedgwood: That circular has not yet been received?

Lieut.-Colonel Amery: No.

HOUSE OF COMMONS—24th March, 1920.

Committees of Inquiry [Composition]

Lieut.-Commader Kenworthy asked the Secretary of State for India whether his attention has been drawn to the complaints in India that representatives of the Indian National Congress have been persistently excluded from the Committees appointed for purposes of investigation of public questions by the Government of India, for instance, the Hunter Committee and recent Advisory Committee regarding Rules and Regulations to be framed under the Government of India Act, 1919 ; and whether he will take steps to ensure that this body is represented on such public Committees in future?

Mr. Fisher : The Secretary of State has seen these complaints in Indian newspapers. As regards the Hunter Committee it was obviously necessary to select members who had not, as prominent adherents of the Congress, had already committed themselves to strong views on the points which required investigation.

As regards the Reforms Committees appointed in the Provinces, the Secretary of State has not full information on their composition. But the hon. Member is probably aware that the prevailing party in the National Congress, being dissatisfied with the Reforms, and having declared itself sceptical as to their sincerity and value, great number of Indian Liberal politicians, who are desirous of obtaining the best results from the new system have left its ranks and formed a separate Congress of their own. It is probable, and the hon. Member will perhaps recognise that it would be reasonable, in appointing Committees to work out the details of changes consequent on the recent Act, to enlist the services of men who, while criticising certain features, have promised sincere co operation in working the new system rather than those who have denounced the Act as unacceptable or unworkable.

Lieut. Commander Kenworthy : Would it not be desirable that men of pronounced views, even if hostile to certain aspects of the present Government of India, should be on this Committee ?

Mr. Fisher : My right hon. Friend is of opinion that the Hunter Committee in its composition should be a judicial body, and that it is undesirable to appoint on that Committee men who have taken a very strong line in public controversies.

Lieut. Commander Kenworthy : If this Hunter Committee is a judicial body it must be impartial, and why should not distinguished legal luminaries, even if they have pronounced views, be upon it

Lord Hunter's Committee.

Colonel Wedgwood asked the Secretary of State for India if Lord Hunter has left or is on the point of leaving India; if the Report by his Committee has been submitted or is ready for submission; if he could state when that Report is to be published; and when time can be allotted for discussing in the house the issues that the Report is sure to raise?

Mr. Fisher: I understand that Lord Hunter is on his way home, and that the Report of his Committee reached the Government of India few days ago. It will be published as soon as possible, but cannot be published before the house rises, so that the question of allotting time is not immediate.

Mr. Neil Maclean asked the Secretary of State for India whether Lord Hunter, before leaving India on or about the 13th instant, handed in the Report of his Committee to the Government of India; whether it is the intention of the Government to publish that Report in this country and in India; and whether the evidence tendered by the ex-Governor of the Punjab, the Chief Secretary to the Punjab Government, and on behalf of the military authorities will be included or published separately?

Mr. Fisher: The answer to the first two parts of the question is in the affirmative. I cannot yet make any definite statement as to the publication of evidence.

Deportation of B. G. Horniman.

Colonel Wedgwood asked the Secretary of State for India whether Mr. B. G. Horniman, who was deported from India by the Government of Bombay to this country in April last without charge or trial, has been refused permission to return to Bombay, where he had been domiciled for several years, and resume his professional occupation and whether he will state why Mr. Horniman has been excluded from the amnesty recently extended under the terms of the King's Proclamation to persons against whom Orders under the Defence of India Act affecting their entry into British India were in force?

Mr. Fisher: The Secretary of State refused to recommend Mr. Horniman for a passport to India so long as the Government of Bombay considers it necessary to enforce the Order made against him. I do not understand the last part of the question, and doubt if there were any persons excluded from British India in the same manner as Mr. Horniman, who have been allowed to return to it.

Lajpat Rai

Colonel Yate asked whether Lajpat Rai, who was deported from the Panjab in 1907 was concerned in any way during his resi-

dence in America with the plots that were hatched there for revolution in India; and how many other deportees similarly situated have also been permitted to return to India?

Mr. Fisher: I must refer my hon. and gallant Friend to the statement made in this House on the 28th November, 1917, by the Home Secretary (Viscount Cave). I am not aware that any Indian has been deported to a foreign country. Lajpat Rai was released from internment nearly 12 years ago, and went voluntarily to the United States in 1914.

Colonel Yate: Will the right hon. Gentleman answer my question whether Lajpat Rai was concerned in any of the plots that were hatched in America for revolution in India?

Mr. Fisher: I am not aware that he was.

Muhammad Ali

Colonel Yate asked whether Muhammad Ali, who has arrived in England as a member of the Indian Khilafat deputation, is the same Muhammad Ali mentioned in paragraph 164 of the Report of the Committee appointed to investigate revolutionary conspiracies in India as concerned in the project hatched in India with the object of destroying British rule by means of an attack on the North-West frontier supplemented by a Muhammadan rising in India itself; whether it was for this reason that he was interned; and, if, not, for participation in what conspiracy was he interned?

Mr. Fisher: The individual mentioned in paragraph 164 of the Report cited in the question is not the Muhammad Ali who is now in England as a member of the Khilafat Deputation. The latter was interned during the War for conduct tending to promote the interests of His Majesty's enemies.

Khilafat Delegation

Mr. Ormsby Gore asked what steps have been taken to secure early and wide publicity in India of the Prime Minister's recent reply to the Indian Khilafat delegation regarding British policy in the Near and Middle East?

Mr. Foreman asked the Secretary of State for India whether steps have been taken to telegraph to India the reply of the Prime Minister to the Indian Muslim delegation on the future of Turkey, and to publish it throughout the whole of India in all the vernacular papers; and, if not, will he at once consider the desirability of taking these steps?

Mr. Fisher: A very full summary of the Prime Minister's reply to the delegation was telegraphed to the Viceroy on the 21st March for purpose of publication in India.

Constitutional Reform (Lord Hardinge)

Mr. Waterson asked the Secretary of State for India whether Lord Hardinge, at the request of the India Office or otherwise, sent, prior to his retirement from the Viceroyalty and Governor-Generalship of India, a despatch making important recommendations for constitutional reforms; if so, would he have any objections to the publication of that despatch to complete the series of records issued on that subject; and would he state the main recommendations contained in the despatch and the principle upon which Lord Hardinge's recommendations were based, and particularly would he indicate whether Lord Hardinge contemplated the introduction of the principle of duality or diarchy, or did Lord Hardinge elaborate the suggestion of provincial autonomy made in the despatch sent by him about the time of the last Delhi Durbar?

Mr. Fisher: Though the question of constitutional reforms was, of course, under consideration before Lord Hardinge left India, his Government had not addressed any despatch on the subject to the Secretary of State.

British East Africa (Indian Medical Practitioners)

Mr. Waterson asked the Under-Secretary of State for the Colonies whether Indian medical practitioners in British East Africa are forbidden to carry on independent medical practice; and, if so, on what grounds?

Lieut.-Colonel Amery: The question of medical practice in the East Africa Protectorate is governed by the Medical Practitioners and Dentists Ordinance, 1910. Under that ordinance the holder of any British Indian degree, diploma, or licence entitling him to registration in the United Kingdom is entitled to be registered as a medical practitioner in the East Africa Protectorate. Under the same ordinance the practice of systems of therapeutics according to native, Indian or other Asiatic method is permitted for persons recognised by the community to which they belong to be duly trained in such practice, subject to provisos that such systems may only be practised amongst the community to which the practitioner belongs and that no act under any such system on the part of such persons as is dangerous to life shall be permitted.

HOUSE OF COMMONS—31st March 1920

Disturbances at Jamshedpur.

Lieutenant Commander Kenworthy asked the Secretary of State for India whether he has any information with regard to the recent disturbances at Jamalpur, in the North West Provinces; what was the cause of the disturbance; whether strikers were fired

on by the troops; if so, whether there were any casualties among the troops or among the strikers; and whether any form of inquiry will be held into the occurrence?

The President of the Board of education (Mr Herbert Fisher): The honourable and gallant Member no doubt refers to the recent disturbances at the Tata Ironworks at Jamshedpur, in the Province of Bihar and Orissa, erroneously reported in the newspapers as having taken place at Jamalpur. The strike, which was declared towards the end of February, involved some 30,000 workers. Disturbances began on the 13th March, when determined and well-orgainsed attempts were made by armed bodies of strikers to prevent those who wished to attend work. The factory was besieged and troops escorting a motor lorry bringing food to workers were attacked. The Deputy Commissioner of the district was able to avert a collision, but picketing continued and no workmen were allowed to enter the works. On the morning of the 15th it was discovered that the railway lines had been tampered with, and the Deputy Inspector-General of Police ordered two parties of mounted police to arrest the offenders, with instructions not to fire unless in self-defence. About forty arrests were made, but the prisoners were rescued and a large mob of strikers then attacked the police, who were compelled to fire in self-defence. Mr. Ashby and several police were seriously injured, five of the crowd being killed and 21 wounded. The police fell back on the works and fired only when closely pressed. The injured were taken to hospital for treatment. The situation then improved rapidly, and on the 17th 2,000 men had resumed work. An announcement by the directors seems to have had a favourable effect, and my latest information is that on the 18th 15,000 men had returned to work, the rest being expected to return on the 20th.

Lieutenant Commander Kenworthy: Will there be any form of inquiry held into the occurrence as asked for in the last part of my question?

Mr. Fisher: The facts will certainly be investigated.

Muhammad Ali [Speech at Woking.]

Sir Charles Oman asked the Secretary of State for India whether his attention has been drawn to a speech delivered at Woking on 21st March, by Mr. Muhammad Ali, leader of the Indian Khilafat delegation, in which the speaker declared that if England fought the Turks on the question of the temporal powers of the Khalifa then the Indian Muslims must fight on the side of the Turks, and that they did not want it, but they must fight for

their religion; and whether he intends to take any action with regard to such speeches?

Mr. Fisher: I do not propose to take any action.

HOUSE OF COMMONS—14th April, 1920.

Punjab Legislative Council

Colonel Wedgwood asked the Secretary of State for India if he has received any intimation that a representative Provincial Conference held early this month at Jullundur, in the Punjab, protested against what it considered to be an attempt to deprive the Punjabis of the opportunity of getting the utmost out of the Government of India Act by so framing rules under that Act as to keep the Punjab Legislative Council small, pack it with landed aristocracy and other conservative elements, and otherwise keep as far as possible educated Punjabis out of that council; and whether he would give an assurance that consideration of the Punjab rules will be postponed until detailed representation of the Conference's wishes is received in England.

Mr. Montagu: I have seen a telegram, the general purport of which, though less specific, is of the kind indicated in the question. If the complaints are well founded I have no doubt that the Government of India and their non-official Advisory Committee (on which the Punjab is represented) will pay due attention to them in considering the draft rules, which will eventually come before Parliament.

Deobund Arabic School

Lieut. Colonel James asked the Secretary of State for India whether the Sheikhul Islam, of the Deobund Arabic School, in the Shaharunpur district, has recently been arrested and deported from India on account of the subversive and anti-Government propaganda in which he has been engaged; whether, for many years past, the Deobund Arabic school, originally inaugurated with the intention of grounding trans frontier Pathans in the principles of Islam, has, in fact, been a centre of seditious propaganda; and whether, in view of this, the school will now be closed?

Mr. Montagu: I presume the Hon. Member refers to one of the doctors of the school in question, who had mixed himself up in seditious intrigues before leaving for Mecca in September, 1915. His conduct in Arabia led to his arrest by the Hedjaz authorities. He was removed to Egypt and eventually interned at Malta. Neither before these intrigues nor since the departure of the particular doctor has there been, to my knowledge, complaint of seditious propaganda at Deobund, and there appears to be no reasons for the suggestion that the school should be closed.

Border Districts

Mr. Waterson asked the Secretary of State for India if he is aware that a representative Provincial Conference that met on 2nd April at Jullundur in the Punjab expressed great concern at conditions of insecurity of life and property in border districts and in the North-West Frontier Province and if he will enlighten the house as to the steps that he is taking to protect life and property in those districts?

Mr. Montagu : I have received no report of the proceedings at the Conference referred to. The hon. Member is aware that military operations are in progress for the purpose of restoring order, and he may rest assured that conditions on the border are engaging the active attention of the Government of India.

Colonel Wedgwood : Is the right hon. Gentleman aware that this question refers also to Baluchistan, where, apparently, Indian life and property are not safe at the present time?

Mr. Montagu : I was not aware of the geographical area to which it refers.

Colonel Wedgwood : I have sent the right hon. Gentleman a letter about it to day.

East Africa Protectorate

Indian Medical and Legal Degrees

Mr. Waterson asked the Under Secretary of State for the Colonies if he is aware that persons holding Indian university medical and law degrees, such as L. M. S. and B. A. B. L., who are eligible to practise medicine and law, respectively, in India, are not allowed to so practise in British East Africa, and, if so will he state why in British East Africa, where the Protectorate was first established with the object of safeguarding the interest of His Majesty's Indian subjects in that country, where Indian law is to-day administered, and where Indians preponderate both in point of numbers and vested interests, the said Indian university medical and law degrees are not recognised?

The Under Secretary of State for the Colonies (Lieut. Colonel Amery): I explained to the hon. Member in my answer to his question on the 24th of March that Indian medical degrees or diplomas are recognised in the East Africa Protectorate, provided that they entitle the holder to registration in the United Kingdom. Advocates who have been admitted and are entitled to practise before one of the High Courts in British India are entitled to practise in the East African Courts.

The general question of the position of Indians in East Africa is under consideration between the Secretary of State and the Governor of the Protectorate.

HOUSE OF COMMONS—15th April 1920.

Major Entwistle asked the Secretary of State for India if Lord Meston's award, granting only 28 seats out of 65 in the future Legislative Council of the Madras Presidency to the non Brahmans, is final in view of the opposition of the non-Brahmans to the proposal?

Mr. Montagu: The allocation of seats on the Madras Legislative Council will not be final until the rules in which it is embodied are approved by the Parliament. But I hope that the general principle that the award of an independent arbitrator is the final (and only possible) settlement of a question on which the parties cannot agree will be accepted in this case by both parties.

Prince of Wales's Tour (Advisory Committee)

Captain Terrell asked the Secretary of State for India if he will inform the House what Indian representatives have been appointed to the Advisory Committee to discuss the arrangement for the Prince of Wales's tour to India; and if he will state whether they are Brahmans, Moslems, or non Brahmanas'

Mr. Montagu The Indian representatives are as follows;—

H. H. the Maharaja of Gwalior (Hindu);
H. H. the Maharaja of Bikaner (Hindu);
H. H. the Maharaja of Patiala (Sikh); and
Mr. Banerji (Brahmans).
Sir Umar Hyat (Moslem);
Sir Dinsha Wacha (Parsee)

Fiji Islands (Disturbances)

Mr. Bennet asked the Under-Secretary of State for the Colonies if he has received information of a disturbance reported to have occurred at Levuka, Fiji Islands, on Saturday last in favour of Indians awaiting deportation; who these Indians are and for what reason and under whose authority they are to be deported; whether they have been tried by any of the ordinary courts of the Colony; whether there has been a renewal of trouble since the announcement in this House that the situation had been restored; and for what reason New Zealand troops are being kept in the Fiji Island!

Lieut.-Colonel Amery: No information has been received from the Governor as to a disturbance having taken place on the day mentioned, or as to there having been a renewal of the recent trouble since my statement in the House on the 3rd March. A telegram has been received from the Governor stating that by an order made under the Peace and Good Order Ordinance, 1875, the following four persons: D. M. Manilal, Mrs. Manilal, Harapal Maharaj, and Fazil Khan, have been prohibited from residing for two years within certain parts of the Colony. The Governor states

that he is reporting by mail the grounds for the action taken. As I stated in the House on the 10th March, an armed guard of about 50 men was sent from New Zealand. This small detachment afforded valuable help during the actual rioting, and if they are still being kept in Fiji it is no doubt because their presence is considered desirable by the Governor.

Mr. B. G Horniman.

Mr. Lunn asked the Secretary of State for India whether in view of his assertion at the time of Mr. B. G. Horniman's deportation from India a year ago that this measure was necessitated by the emergency of the moment which required swift and prompt action to be taken, he will state the reasons why the Government of India, after this lapse of time, consider that Mr. Horniman's return to India is still incompatible with the public safety?

Mr. Montagu: The Government of India have stated that they do not consider that Mr. Horniman's return to India is compatible with the public safety. As I stated in the House on 21st April, I do not propose to interfere with their discretion. I presume they have taken into account Mr. Horniman's journalistic work, and I am content to leave to the Government of India and the Government of Bombay the decision as to the date on which Mr. Horniman can be allowed to return.

Lieut. Commander Kenworthy: Will Mr. Horniman be allowed to return after peace is finally ratified?

Mr. Montagu: The decision as to when he will be allowed to return will be left to the Government of Bombay. If they decide that he shall return when peace is signed I shall accept their decision. If they do not so decide I shall again accept their decision.

Sir W. Joynson Hicks: May I ask whether peace after the Great War has anything whatever to do with Mr. Horniman and his conduct?

Sir J. D. Rees: Would not Mr. Horniman's return distinctly tend to destroy peace in India?

Mr. Montagu: The point on which I prefer to rely is that by statute discretion is left with the Governor of Bombay. In the exercise of my responsibility to this House I propose to leave the matter to his discretion. If hon. Members do not like that, the best thing to do is to put down a Motion.

Sir Thomas Bramsdon asked the Secretary of State for India, in view of the fact that Mr. B. G. Horniman was deported from India 12 months ago without trial, that he has been refused inquiry into the charges made against him, and that he denies the truth of these charges or any other justification for such deportation,

if he will say what is the earliest occasion upon which the matter can be debated in the House?

Mr. Montagu : My Hon. Friend must address the Leader of the House as to opportunities for debate.

Indian Reforms [Lord Meston's Award.]

Mr. Forrest asked the Secretary of State for India whether he contemplates the re-appointment of the Joint Committee on Indian Reforms to reconsider the rules and regulations governing the working of the Indian Reforms ; whether in that case the protest of the Non-Brahmanas of Madras against the award of Lord Meston will also be considered ; and how he proposes to ensure that Parliament is properly advised on the matter ?

Mr. Montagu : The answer to the first two parts of the question is in the affirmative ; to the last part, I will do all in my power to see that the Joint Committee receives all the information it requires.

Mr. Forrest asked the Secretary of State for India whether he sent any instructions to Lord Meston or to the Government of India regarding the interpretation of the Joint Committee's recommendation for the separate representation of non-Brahmanas.

Mr. Montagu . The answer is in the negative.

Civil Service.

Sir. W. Joynson-Hicks asked the Secretary of State for India whether he received a series of petitions, sent through the Madras Government in May, 1919, from a large percentage of the Indian Civil Service in that province ; and when he proposes to make an answer to such petitions ?

Mr. Montagu : The answer to the first part of the question is in the negative, although a day or two ago my hon. Friend was good enough to forward me copies. The second part therefore does not arise.

Sir W. Joynson-Hicks : Will my right hon. Friend inquire of the Government of Madras as to what has become of this very large block of petitions? I personally know that they were addressed to him.

Mr. Montagu : I will inquire, if my hon. Friend wishes. Of course, a memorial from the Civil Service must be transmitted through the local Government, which has a discretion as to what it will forward.

Sir W. Joynson-Hicks asked the Secretary of State for India whether he can see his way to giving an option to the members of the Indian Civil Service to retire during the next five years if

they feel unable to serve under the new altered conditions on the basis of a pension proportionate to service and loss of prospects?

Mr. Montagu: I would ask leave to refer my hon. Friend to my explanation in this House on 4th December last on Clause 36 of the Government of India Bill, of which I will send him a copy.

Government of India Act. [Draft Rules]

Motion made, and Question proposed:

"That it is expedient that a Select Committee of Seven Members be appointed to join with a Committee to be appointed by the Lords to revise the Draft Rules made under the Government of India Act."—[*Mr. Montagu.*]

Lieut.-Colonel Malone. The Committee which is going to redraft these rules is considering one of the most important measures concerning the Government of India. Those draft rules are, in my opinion, as important, if not more so, as the Government of India Bill, which we are to discuss next week and I consider that seven members on this Committee is totally inadequate. We presume that one of the seven will be a Liberal and one a Labour member, and in case these two members are absent there will only be five members left representing the supporters of the Government to consider these very important questions. If the number of members of the Committee cannot be increased, what opportunity, if any, will be given to this House to consider the draft regulations when they have finally been re-drafted? Will they be placed upon the Table of the House, and will an opportunity be given to Hon. Members to discuss these Orders, and will they be given full opportunities to examine all the evidence and all the particulars which have been put before this Committee when it discussed these Orders? I shall be much obliged to the Right Hon. Gentleman if he will give us some information on those points before we pass this Motion.

The Secretary of State for India (Mr. Montagu): I quite agree that the duty of this Committee is very important. This is being done in conformity with the Act passed last year, and it seems to be advisable that the same men should deal with the rules. Most of the rules will have to be laid on the Table of the House, and some of them will have to receive the consent of both Houses of Parliament. I can promise my hon. and gallant Friend that there will be ample opportunity for consideration by this House, and all the evidence taken by the Joint Committee will be laid before them in the Report of that Committee.

Colonel Yate: Do I understand that the intention of the Government is to appoint the same Committee as was appointed

last year? If so, the Right Hon. Gentleman seems to me to be departing from the Regulations which have been laid down in Clause 295 of the Montagu-Chelmsford Report. In that report it is distinctly stated that a Select Committee on Indian Affairs shall be appointed at the beginning of each Session. Last year the Right Hon. Gentleman appointed a Committee and put himself on it with six other members who had all signified on the Second Reading their approval of his scheme. I do not want, however, to enter into that question now. I spoke on it last year. The Bill then under discussion has now become an Act of Parliament and I shall, as I am sure all men serving in India will, loyally do my best to make it a great success. But the Right Hon. Gentleman has not followed the proposal laid down in the Montagu-Chelmsford Report, which distinctly says that a new Committee shall be appointed at the commencement of each Session. I know the Committee suggests that they should be continued in office, but I do not think a Select Committee should have power to make any such suggestion, and at any rate, it should not be carried into effect. It is further laid down that the Secretary of State shall appear before the Committee to answer questions about Acts of Administration over which he and, therefore, Parliament, exercises control. There is nothing said in the Report about the Secretary of State being himself a member of the Committee, and I think it is entirely wrong he should be so. I, therefore, ask him to consider the propriety of his present action, and whether it is not right that a fresh Committee should be appointed to deal with this question in accordance with the Montagu-Chelmsford report.

Mr. Montagu: The Committee to which my hon. and gallant Friend referred will only come into existence when the Act is working. This is not that Committee at all. When the Act comes into operation another Committee will be appointed by the Houses. The Committee, the appointment of which I am now moving, will complete the work of bringing the Act into force, and it was for that purpose that it was considered by the Joint Committee desirable to make the recommendation referred to. The names of this Committee will be submitted to the House for approval in a subsequent Motion, and my hon. and gallant Friend can then use his discretion as to whether he will ask the House to take other names than those recommended by the Government. The Committee was appointed last year by the vote of the House, and I was not upon it.

Motion agreed & Message to the Lords to acquaint them therewith

HOUSE OF COMMONS—6th May 1920.

General Dyer

Mr. Spoor (*by Private Notice*) asked the Secretary of State for India whether his attention has been called to an interview alleged to have been given by General Dyer to a Press representative, in which the statement is made that General Dyer has been requested to resign his appointment; whether this statement is correct and if so whether this action on the part of the Government is consequent upon their consideration of the Hunter Committee's Report?

The Secretary of State for India (Mr. Montagu): I am informed that the Commander-in-Chief directed General Dyer to resign his appointment as Brigade-Commander in India. The whole matter is now engaging the consideration of His Majesty's Government. I hope that full documents will be available to Parliament within the next fortnight and I hope hon. members will be content to delay discussion until they have full information.

Colonel Wedgwood: If General Dyer is allowed to resign his commission, does that mean he will not be court-martialled for these massacres?

Mr. Montagu: This is a very serious question and very difficult to discuss by way of question and answer when, unfortunately no papers are before the House. I am prepared to answer all these questions when the time comes for the debate and I hope that the House, which has been so patient so long, will wait the few remaining days in order to get full information.

Colonel Wedgwood: Can we be assured that the question will not be prejudged by General Dyer being allowed to resign?

Mr. Lambert: Will the papers circulated include Lord Hunter's Report on the subject?

Mr. Montagu: Yes, certainly; the papers I propose to lay are Lord Hunter's Report, the evidence taken before the Hunter Committtee, and the resolution of the Government of India on the subject.

Colonel Wedgwood: Will they include all the evidence that was given, or will Sir M. O'Dwyer's evidence be omitted?

Mr. Montagu: My hon. and gallant Friend knows that certain evidence was taken in camera for public reasons, and it is not proposed to publish any evidence which the Committee thought ought to be heard in private.

The Bombay Chronicle (Distribution Among British Troops)

Lieut. Commander Kenworthy asked the Secretary of State for India whether the Chairman of the Indian Newspaper Company, Limited,

in his cable informed the right hon. Gentleman that the directors of the company had made careful inquiry into the allegation that the paper which Mr. Horniman edited had been distributed free to British troops in the hope of exciting insubordination and found it to be absolutely without foundation, and the board of directors had ascertained that no copy of the "Bombay Chronicle" was distributed free to the British troops in Bombay; whether to say merely that the Chairman of the board of directors of the Indian Newspaper Company denied all knowledge of the free distribution to British troops is a proper description of this categorical and authoritative refutation of the charge; and whether, in such circumstances, he will make public the evidence on which his assertion that there was such free distribution is based?

Mr. Montagu : The terms of the cable message were as quoted by the hon. and gallant Member. I accepted the assurance as far as I could, but the directors were not in a position to say that distribution had not taken place. All that they could say was that they were in no way connected with what I believe to have occurred. The evidence I have is, to my mind, indisputable that some reader of the paper did distribute it to British troops in the Bombay Presidency.

East Africa (Indian Subjects).

Mr. Bennet asked the Under-Secretary of State for the Colonies whether he has received from or on behalf of His Majesty's Indian subjects in East Africa any request for the franchise upon the basis of the franchise created by the Government of India Act, 1919, or an indiscriminate and uniform franchise?

Lieutenant Colonel Amery. The Secretary of State has received representations in favour of the grant of elective representation to the Indian community in East Africa, it is understood that the franchise desired is the same as that already granted to Europeans, including woman suffrage.

Colonel Wedgwood asked the Under-Secretary of State for the Colonies whether the Secretary of State for the Colonies received, on or about 19th April, a deputation on the subject of the grievances of Indians in His Majesty's Protectorates and Territories in East Africa; whether the Colonial Office proposes to make inquiry into those grievances, and, in case no inquiry is to be undertaken, if he will indicate the nature of action that his office proposes to take to insure equality of treatment to His Majesty's Indian subjects in these Protectorates and Territories?

Lieut. Colonel Amery : The Secretary of State for the Colonies received a deputation on the 19th of April. He has since had an

opportunity for full discussion of matters affecting the Indian community in East Africa with the Governors of the East Africa and Uganda Protectorates; and he does not consider that further inquiry will be necessary. The decisions on the matters discussed will be announced in due course.

HOUSE OF COMMONS—12th May 1920.

British Officer's Wife [Peshawar]

Sir W. Joynson Hicks asked the Secretary of State for India whether he has yet received details regarding the case of the British Officer's wife who was carried away from Peshawar by Afridi tribesmen and what steps the Government of India proposes to take to bring them to justice?

Mr. Montagu: If the House will allow me, I will read out a statement which the Goverament of India have published concerning this case.

"As there have been exaggerated rumours regarding the abduction of an English lady from Peshawar Cantonment, we are authorised to state that the following are the actual facts. A gang of Afridi ruffians entered outskirts of Peshawar Cantonment of Sadar Bazar late on the night of 23rd, 24th March, probably with the object of theft. It happened that, contrary to usual practice, an English lady and her family were occupying the house in this exposed quarter. The gang broke into this house and carried off the lady, dragging her in a most brutal manner with them accross the border The alarm was raised as soon as it was found what had happened and troops, militia, constabulary police and villagers started in pursuit in all directions with the result that the gang was all but intercepted and one of them was actually arrested. Meanwhile, Khyber authorities got into touch with the Afridis along the border, and an Afridi rescue party of over 1,000 men started within a few hours. Members of this party pushed forward and blocked passes, and came into conflict with the gang more than once, and eventually rescued the lady after some sharp fighting. The lady was at once brought into Jamrud within 36 hours of abduction—a very prompt performance, considering the nature of the country. The next day a large Afridi jirga of all sections waited spontaneously on the Political Agent at Khyber to express their abhorrence of this outrage, their sincere regrets that members of their tribe should have been guilty of such conduct, and their assurance that such acts would not be permitted in future. Measures are in progress to ascertain the identity of the offenders and to take further action. No ransom was paid and no reward given to the rescue party who were told that they had merely done their duty."

The Government of India assure me that every effort is being made to secure the arrest of the offenders, and to exact reparation from the section to which they belong.

Sir J. D. Rees: Was this English woman fairly treated during the time she was in the hands of the tribesmen?

Mr. Montagu: I must refer my Hon. Friend to the passage in the answer, which says: "Carried off the lady, dragging her in a most brutal manner with them across the border." I do not think it would be in the interests of the lady to give a detailed description of her treatment.

Indian Medical Service

Sir W. Joynson-Hicks asked the Secretary of State for India if he can state the number of officers of the Indian Medical Service, native and European, in 1914 and 1919; how many of each race were gazetted in 1919; and what steps he is taking to make the Service attractive to English doctors?

Mr. Montagu: In 1914 the number of officers in the Indian Medical Service was 706 Europeans and 63 Indians. In December 1919, excluding officers holding temporary commissions, there were 650 Europeans and 80 Indians. During 1919, 25 Europeans and 21 Indians were appointed to permanent commissions.

In amplification of improvements already sanctioned, I hope to announce at an early date increased rates of pay and pension for the Indian Medical Service. I also recognise that it is essential to improve the facilities for leave and study, but no decision on these points can be effective until recruitment has brought the Service nearer to its normal strength.

Sir W. Joynson-Hicks: If I put a question in a month's time will the right hon. Gentleman say if he hopes to be able to give the increases and the other arrangements for improving the Service?

Mr. Montagu: Yes, I hope so, and if my hon. Friend will permit me, as soon as a decision has been reached, which, I hope, will be only a matter of a few weeks, then I will let him know.

HOUSE OF COMMONS—12th May 1920.

Crown Colonies and Protectorates [Indian Communities]

Mr. Bennett asked the Secretary of State for India if his attention has been called to the declaration made by the Viceroy on the 30th of January last that the position of the Government of India is, and always has been, that there is no justification in a Crown Colony or Protectorate assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects; and whether he can assure the House that the principle thus asserted will be adhered to by the Imperial Government in the arrangements

for the political and administrative settlement of East Africa that are now under consideration ?

Mr. Montagu : The Viceroy declared that the position of the Government of India is, and always will be, as stated by my hon. Friend. I am assured by the Colonial Office that full consideration is being given to the claims of the Indian communities in the East African Protectorates as well as to those of the other section of the population.

Mr. Bennett asked the Under-Secretary of State for the Colonies whether and upon what conditions His Majesty's Indian Subjects exercise the franchise in any province of the Union of South Africa, in Rhodesia, in British Guiana, in Fiji, in Trinidad, and in Ceylon : whether it is proposed in any of these territories or in any other of His Majesty's territories to extend the franchise to His Majesty's Indian subjects, and, if so, upon what conditions, whether, in any of the British Colonies an Indian sits in the local Legislature by election as distinguished from nomination: and whether the statement that, for the present, it was not proposed to extend the franchise to His Majesty's Indian subjects in the East African Protectorate is to be taken as the considered reply of the Secretary of State for the Colonies on this point to the representations made to him thereon by the deputation under the auspices of the Indian Overseas Association that waited upon him on 19th April last?

Lieut.-Colonel Amery : As regards the first part of the question the electoral law of the Cape Province of the South African Union and of Southern Rhodesia draws no distinction as to race or colour in respect of voters qualified for registration. In British Guiana there is an elected Legislature, and there is no racial distinction as regards the franchise. In Fiji, Indians do not exercise the franchise at present. In Trinidad, the Legislative Council is nominated. In Ceylon, a person of Indian origin, born in Ceylon and otherwise qualified, is able to vote for the Ceylonese member of the Council.

As regards the second part of the question, in Fiji it is proposed that Indians should be added to the Legislative Council as the elected representatives of the Indian inhabitants of the Colony, but the condition upon which they shall be elected have not yet been settled. In Ceylon, proposals are under consideration which would qualify as a voter any male British subject who possesses the requisite qualifications. No proposals with regard to the extension of the franchise are under consideration in any other Colonies or Protectorates.

As regards the third part of the question, in British Guiana there is an elected member of the Legislature who is of East Indian race, and in Ceylon a person of Indian origin but born in Ceylon

sits on the local Legislature by election as the Ceylonese members of the Legislatures of other Colonies or Protectorates.

As regards the fourth part of the question, the Secretary of State has given careful consideration to the representations made to him by the deputation to which my hon. Friend refers, but I am not yet in a position to announce his final decision on this point.

HOUSE OF COMMON—13th May 1920.

Defence of India Act [Punjab]

Mr. Cape asked the Secretary or State for India if he will give a list of the persons against whom the Defence of India Act was used during Sir Michael O'Dwyer's administration of the Punjab; hom many persons were prohibited from entering the Punjab; and how many local men were interned during his administration?

Mr. Montagu: There were 145 persons whose movements were restricted under the Defence of India Act in the Punjab at various times, of whom only 24 remained under such restriction on the 1st April, 1919. Four persons were prohibited from entering the Punjab. Besides the number restricted under the Defence of India Act, about 100 were interned at different times in gaol, and 1,625 restricted to their own villages, under the Ingress into India Ordinance. In April, 1919, seven of these still remained in goal, and 124 under restriction in their villages. These were men who had returned to India form America and the Far East at the beginning of the War, with the object of causing revolutionary outbreaks.

Punjab Newspapers

Mr. Cape asked the Secretary of State for India what newspapers edited outside the Punjab were prevented from being circulated in the Punjab during Sir Michael O'Dwyer's administration; from how many newspapers security was demanded; and in how many cases security already deposited was forfeited during that period?

Mr. Montagu: From 1914 to 1918 eight newspapers including "Sadaqat" "Jamhur" and "Naqqash" of Calcutta, and "New India" of Madras, were kept outside the Panjab. In 1919 twelve such Orders were passed, namely, against the "Congress" "Vijaya," "Inqilab" of Moradabad, the "Al Khalil" and "Yathrib" of Bijnor, the "Independent" of Allahabad, the "Hamdam" and "Akhuwat" of Lucknow, the "Swadesi" of Gorakhpur, and the "Amrita Bazar Patrika" of Calcutta. To the best of my information, security was demanded during Sir Michael O' Dwyer's administration from four newspapers and twenty-four presses. Forfeiture was ordered in the case of one newspaper and four presses. But I am not quite sure that these figures are complete.

Martial Law

Mr. Lunn asked the Secretary of State for India (1) whether the Hunter Committee, or any of its members personally, visited any of the places affected by Martial Law ; if so, which ; and whether the Punjab Sub-Committee of the Indian National Congress or some of its members, personally visited, during their enquiry, almost all the principal places affected by Martial Law and

(2) the names of witnesses examined by the Punjab Sub-Comittee of the Indian National Congress regarding illtreatment of women during the administration of Martial Law, with a brief statement of the allegations made by it?

Mr. Montagu : The answer of the first part is in the affirmative to the second, Amritsar, Gujranwala, Kasur, Lahore, and Ahmedabad. As regards the last part of this question I would refer the hon. Member to the Report of the Congress Sub-Committee.

HOUSE OF COMMONS– 13th May 1920

Amritsar Hunter Report

Captain W. Benn asked the Prime Minister when the Hunter Report will be published ?

Mr. Clynes asked the Lord Privy Seal whether he will give an early day after the recess to discuss the Report of the Hunter Commission regarding the Amritsar incident : and whether if a definite Motion is placed on the Paper, he will allow the discussion to take place on that Motion and not on a Motion for the Adjournment?

Mr. Bonar Law : I am informed that these papers will be published before Parliament re-assembles. The subject can be raised on a Supply day on the salary of the Secretary of State.

HOUSE OF COMMONS—19th May 1920.

Legislative Council [Committees]

Mr. Swan asked the Secretary of State for India whether he is aware that during the last sessions of the Imperial Legislative Council, the Honourable Mr. Patel and the Honourable Mr. Chanda were not included on any Select Committee on Government Bills or any other Committee appointed by Government during the Sessions; that during the whole session the Honourable Pt. Madan Mohan Malaviya and the Honourable Mr. Khaparde were taken only on one Committee ; and whether the Government of India have of late adopted a policy of excluding as far as possible prominent Congress men from all Committees ?

Mr. Montagu : I do not know whether the statements are

correct; I would deprecate discussion in this House as to the personnel of the Committees of the Legislative Council in India.

Amnesty of Political Prisoners.

Mr. Swan asked the Secretary of State for India whether the Government of India have given, or propose to give, to Savarkar brothers of the Bombay Presidency the benefit of the Royal amnesty; whether one of the brothers had submitted two petitions, one in 1914 and another in 1917, offering his services to the Government during the War, and praying that a general amnesty be granted to all political prisoners.

Mr. Montagu: The answer to the first part is in the negative; to the second, in the affirmative.

General Dyer.

Mr. Swan asked the Secretary of State for India whether he will state the different posts and places to which General Dyer was appointed after the Jallianwalla Bagh firing; what was his remuneration before the firing; and what was his remuneration at the date of his resignation?

Mr. Montagu: Brigadier-General Dyer was in command of 45th (Jullundur) Brigade prior to the disturbances at Amritsar, and this was his substantive appointment up to the time when he returned to this country. He served with this brigade during the Afghan operations, and on its return from field service he was posted to officiate in command of the 5th Infantry Brigade in the Khyber Pass, and this was his actual command when he left India. His pay throughout has been that of a brigade-commander.

Gold Importation [Restrictions.]

Mr. Lunn asked the Secretary of State for India whether the restrictions on the import of gold into India by the public still continue and what are the reasons for the continuance of the same; whether Indian industrial and commercial opinion has protested against the continuance of such restrictions; whether, as a creditor country with a favourable balance of trade in her favour, India is entitled to receive in gold the balance due to her by other countries; and what is the total amount of profit made by the Government of India on the gold transactions?

Mr. Montagu: There is undoubtedly a considerable feeling in India in favour of a removal of the restrictions which it has been thought necessary to continue in respect of the import of gold for the reasons given in the announcement of which I am sending a copy to my hon. Friend. The announcement recognises the removal of present control as an objective of currency policy in India. The

question of profit on the gold transactions of the Government of India is complicated by exchange considerations; taking these transactions as a whole, the Government of India estimated that for the year 1920-21 a net loss would accrue. I am also sending to my hon. Friend a copy of the reference to the subject in the Government of India's budget.

Fiscal Policy [Commission.]

Mr. R. Richardson asked the Secretary of state for India whether he will lay upon the Table the correspondence which may have taken place between the Government of India and himself on the question of Imperial Preference?

Mr. Montagu: The communications which have passed between the Government of India and myself on this subject were of a confidential character and I do not think that any useful purpose would be served by their publication, especially as I understand that the Government of India are now considering the advisability of appointing a Commission to consider the whole question of the future fiscal policy of India.

Currency.

Mr. Lunn asked the Secretary of State for India whether he is aware of the great dissatisfaction prevailing in India on the action taken by the Government of India on the recommendations of the Majority Report of the Indian Currency Committee; whether the recommendations were published in the Government of India Gazette, or in any other way, in order to enable the Indian public to consider the effect of such recommendations; and whether the policy was undertaken with the entire concurrence of the Government of India?

Mr. Montagu: I am aware that the action taken on the Report has been criticised in certain quarters in India. The nature of the subject was such as to require action immediately on publication of the Report, and as was done in the case of the closing of the mints in 1893, the decisions arrived at were put into effect without previous notice. The Government of India concurred in the main recommendations in the Majority Report which forms the basis of the present policy.

Franchise Rules [Wage-Earning Classes.]

Mr. R. Richardson asked the Secretary of State for India whether, in the opinion of the Government of India, the practical application of the recommendation of Lord Selborne's Committee to secure better representation of the wage-earning classes in India is attended with difficulties; whether they propose to restrict

such representation to two cities only in the whole of India and on the Provincial Councils; whether he is aware that the problem is no less urgent in many cities, such as Madras and Ahmedabad, than in the cities of Calcutta and Bombay, and that the Government of India has even refused to call for the Report of the Bombay Government on the question of providing representation of the wage-earning class of the city of Ahmedabad; whether the Bombay Government, in their original franchise proposals submitted to the Franchise Committee, included all persons earning Rs. 250 annually; and if so what difficulties do the Government of India anticipate if those proposals were accepted?

Mr. Montagu: With regard to parts 1, 2, and 3 of the question, I have not yet received the Government of India's final proposals for franchise rules under the Act of 1919, which will embody their views on this question, but from informal communications I understand that they do anticipate difficulties. I hope to receive these draft rules very shortly and submit them in due course to the Joint Select Committee and to Parliament.

With regard to parts 4 and 5 of the question, I understand that this is not a correct statement of the case, and that what happened was that in endeavouring to work out a basis for decision as to the number of members to represent each district on the Bombay Provincial Council, the Bombay Government adopted as one of their experimental tests an income of Rs. 250 in order to gain some rough idea of the number of voters each district might be expected to contain. I do not understand that this test was even put forward as a definite proposal for a voting qualification.

Rate of Exchange (Sterling Transfers)

Mr. Charles Edwards asked the Secretary of State for India what is the total amount of Reverse Council Bills sold by the Government of India since the new policy of fixing the rate of exchange on the basis of the London New York rate was introduced, such amount to include remittances made to this country through the Post Office; out of what funds is payment being made here against such bill; what was the rupee equivalent at which these funds were accumulated and stood in the books; what is the rupee amount now realised by such sales; what is the total loss incurred so far by the Government of India by these sales; and against what is it to be debited?

Mr. Montagu: The total amount of "Reverse Council Bills" or sterling transfers, sold since 5th February, 1920, is about £30,000,000. Remittance through the Post Office during February,

March and April, amounted to about £2,000,000. Payment against these transfers is being made from the Paper Currency Reserve and from Treasury. The funds held in the Paper Currency Reserve stand in the books at a rupee equivalent of Rs. 15 equal to £1. These funds, as also the Treasury holdings, were laid down in London at rates of exchange varying from 1s, 4d. to 2s. four and half pence. The rupee amount realised by the sales of reverse mentioned above is approximately Rs. 23 crores. The precise loss cannot be calculated, as the funds held in England cannot be earmarked against particular remittances from India. these having been effected, as just mentioned at varying rates. Moreover, it will in any case be necessary, as recognised by the Currency Committee, to revalue the sterling holdings of the Government on the basis of a 2s. rupee. On this basis the net loss on the sales as measured in sterling is approximately £7,000,000, representing the difference between remittances at 2s and the rates actually realised by the sales. The net loss incurred by reason of the high rate at which these remittances were effected will ultimately be debited to revenue which will per contra profit by the fact that under the new policy the Government of India will be able to make the remittances necesary for the purpose of meeting their sterling expenditure in this country at a far more favourable rate than was formerly the case. In this connection it may be mentioned that the rise in exchange above the rate of 1s. 4d. on which the Government accounts have hitherto been based, led, in the years 1917-19, to an exchange gain on the Government's total remittances of about £ 8,000,000.

Amnesty

Mr. R. Richardson asked the Secretary of State for India whether he will lay upon the Table, a statement giving the number of all the political offenders, including the detenues, internees, State prisoners, and persons convicted under the Indian Penal Code or otherwise confined in gaols or kept under restrictions in each province in India and in the Andamans on the 23rd December, 1919, their original sentences or periods of restriction ordered by the executive ; the period undergone by each : the number of those who were released under the Amnesty Clause of the Royal Proclamation; and the number and names of those to whom benefit of the royal amnesty has been refused, with the reasons for such refusal in each case?

Mr. **Montagu**: The following figures are taken from the statement made by the Secretary to the Government of India in the Imperial Legislative Council on the 24th February

Total number released under the amnesty ...	1,235
Of these there were :	
(*a*) State prisoners under Regulation III 3 1818 ...	24
(*b*) Restricted under the Defence of India Rules ...	309
(*c*) Restriction under the ingress into India Ordinance.	—
(*d*) Persons who had been convicted of offences against the State.	52
(*e*) Persons convicted in the disturbances of March and April 1919.	727

By comparison of these figures with an earlier return, I gather that the numbers in each of the above classes not released was on that date as follows : (*a*) 40 ; (*b*) 9 ; (*c*)— ; (*d*) 55 ; (*e*) 115. I have not inquired the names of these persons. His Majesty's Proclamation directed the Viceroy to exercise clemency in the fullest measure which in his judgment was compatible with the public safety.

Army and Public Services (Increased Pay)

Mr. Lunn asked the Secretary of State for India whether he will state the financial effects of the recent increases in the remuneration for the Indian Medical Service, the Indian Police Service, the Indian Educational Service, the Indian Civil Service, and the Indian Army, and lay upon the Table the correspondence on the subject between him and the Government of India on the subject?

Mr. Montagu: The approximate cost per annum of the increases of pay which have been sanctioned is estimated to be.

	£
Indian Civil Service	360,000
Indian Police Service	130,000
Indian Educational Service	100,000
British officers of Indian Army and of British troops in India ...	1700,000
Indian Medical Service ...	250,000

The correspondence is very voluminous, and I do not propose to lay it before the House. The usual course is for the Government of India to announce the decisions arrived at in the form of Resolutions promulgated in India. This is, I think, the most convenient procedure.

Mr. B. G. Horniman.

Mr. J. ADamson asked the Secretary of State for India whether he has received from Mr. B. G. Horniman a letter controverting the charges made against him by the right hon. Gentleman in this House on 23rd May, 1919; whether he promised to send Mr. Horniman a considered reply to this letter, but afterwards wrote to him saying that he preferred to deal with the matter in Parliament; whether, in

these circumstances, he will agree to Mr. Horniman's request for an investigation of these charges by a Parliamentary Committee ; and if so, whether he will make a Motion before the House rises for the appointment of a Committee for that purpose ?

Mr. Montagu : I received a letter form Mr. B. G. Horniman, and my considered reply was that any controversy which might arise about the statements I have made in this House should be conducted in the House itself. I am prepared to explain or justify here these statements if they are called in question. But there is, in my opinion, no need of inquiry.

Government of India Act [Draft Rules] Ordered :

"That a Select Committee of Seven Members be appointed, to join with a Committee to be appointed by the Lords, to revise the Draft rules made under the the Government of India Act, 1919."—[*Colonel Gibbs.*]

Motion made and question proposed, that Mr. Ackland, Mr. Bennett, Sir Henry Craik, Mr Montagu, Mr. Ormsby Gore, Sir J. D. Rees, and Mr. Spoor be Members of the Committee.—[*Colonel Gibbs.*]

Colonel Yate: I object to this for the reasons which I gave the other day. In my opinion the Secretary of State should give evidence before this Committee and not be a Member of the Committee. He should not be both counsel, judge and jury. I lodge my protest against the appointment of this Committee and the appointment of the Secretary of State and the Under Secretary of State as Members of it, and I beg to move: "That the Secretary of State be not appointed."

The Secretary of State for India (Mr. Montagu): I would remind the hon. and gallant Gentleman that his protest was more appropriate when it was first made, when the original Committee was appointed to consider the Bill. He then made his protest and House decided against him. The rules which are to be revised by this Committee are part of the Bill. They arise out of the Bill, and it would be most unfortunate, having regard to the great importance of time, to delay matters by a change in the personnel of the Committee of Gentlemen who have devoted their attention to the rules, who are familiar with all the process which relate to the rules being framed and incorporated in the Bill itself. I am afraid that I can never convince my hon. and gallant Friend, and therefore I will not go on trying.

Question put, and agreed to.

Ordered, "That the Committee have power to send for persons papers, and records."

Ordered that "Five be the quorum,"—[*Colonel Gibbs*]

Hunter Report [Evidence].

Mr. Inskip asked the Prime Minister whether the Hunter Report will be issued with the evidence; and whether, in view of the desirability of giving ample time for the perusal and study of the evidence, there is any objection to the immediate issue of the Report with the evidence, in order that it may be available before the Whitsuntide Recess?

Mr. Bonar Law: The evidence will be made available to Members who wish to study it as soon as the Report is presented. No effort is being spared to minimise delay, but I fear it will not be possible to present the Report before the early part of next week.

University Franchise—Women

Mr. Lunn asked the Secretary of State for India whether it is proposed to include women graduate of seven years' standing in the electoral rolls for university seats in the local Legislative Councils; and whether Lord Selborne's Committee has recommended the giving of the vote in the University constituencies to all graduates of seven years' standing irrespective of sex.

Mr. Montagu: I give the hon. Member the reply which was given on behalf of the Government of India to this same question when it was put in the Indian Legislative Council during the last session:

"(*a*) No. As recommended by the Joint Committee, provision will be made in the rules under Section 7 (4) (*b*) of the Government of India Act, 1919, for their inclusion in any province in which the Legislative Council may by Resolution so recommend.

"(*c*) The Joint Committee recommended that the franchise for the University seats should be extended to all graduates of over seven years' standing, but the Government of India understand that this recommendation, which does not include the last three words in the hon. Member's question, is subject to the general proposal of the Committee in regard to the admission of women to the franchise."

HOUSE OF COMMONS—8th June 1920.

General Dyer.

Mr. Gwynne asked the Secretary of State for War whether the question of General Dyer's conduct whilst in command in India has been referred to the Army Council; if so, when and with what result?

Mr. Churchill: Yes, Sir; As is stated in the published despatch of the Secretary of State for India to the Viceroy on this subject, the circumstances of the case of General Dyer have been brought to the notice of the Army Council by the Secretary of State for

India. Secondly, The Commander-in-Chief in India has recommended that General Dyer should be retired from the Army. Thirdly, General Dyer himself has written to the War Office requesting to be allowed to make a further statement. A preliminary discussion has taken place in the Army Council, and it has been decided to allow General Dyer to submit in writing the further statement which he wishes to make.

Colonel Burn : Is the opinion of the Army Council in unison with the opinion expressed in Lord Hunter's Report ?

Mr. Churchill : It would be improper for the hon. and gallant Gentleman to ask questions in regard to confidential business of a Council of this character, and it would certainly be very improper for me to offer him any enlightment.

The Punjab—Arms Act

Mr. Swan asked the Secretary of State for India whether, after the Royal Proclamation, the District Magistrate, Jullunder, in the Punjab, has refused to renew licenses under the Arms Act to several applicants on the ground that they had attended the Indian National Congress, which he said had passed seditious resolutions : whether he refused to forward to the Government of the Punjab a representation on the subject made by the Jullunder District Congress Committee, on the ground that that body was irresponsible and self-constituted ; whether a series of questions on this subject, of which notices were given by several members of the Indian Legislative Council, were disallowed by His Excellency the President during the last session ; and whether he proposes to take any action in the matter ?

Mr. Montagu : I have no information beyond some complaints made in the Press. I will make inquiries,

HOUSE OF COMMONS—9th June 1920.

General Dyer

Mr. Gwynne asked the Secretary of State for India whether General Dyer resigned his command in India voluntarily ; if not, who asked him to resign ; and was any reason given ?

The Secretary of State for India (Mr. Montagu) : The Commander-in-Chief informed General Dyer that he accepted the conclusions of the Hunter Commission in regard to the occurrences at Amritsar, and directed him to resign his appointment as brigade commander.

Commander Bellairs : Was General Dyer supplied with legal assistance at this inquiry ?

Mr. Montagu : I do not think so.

Commander Bellairs: Is that accepted by the India Office as a fair trial for this distinguished General?

Mr. Montagu: The hon. and gallant Gentleman must know it is not a question of a trial. The Commander-in-Chief in India has a perfect right to dispense with the services of any officer.

Commander Bellairs: Is the right hon. Gentleman aware that it is not in accordance with the rules of any military court that General Dyer should have no legal assistance and that he should not be able to cross-examine witnesses?

Mr. Montagu: I quite agree with the hon. and gallant, Gentleman, but the Hunter Commission was not a military court and cannot be regarded as a substitute for a military court.

Sir H. Craik: Is it not the case, as was stated yesterday, that the Army Council has had the case of General Dyer before it, and has given time to General Dyer to give a further statement of his case before they come to judgment?

Mr. Montagu: Yes, that was the policy announced yesterday by the Secretary of State for War.

Sir H. Craik: Is it not proper—

Mr. Speaker: We are going to discuss the matter tomorrow.

Acting Deputy Commissioner, Gujranwalla

Colonel Yate asked the Secretary of State for India what action has been taken by the Government of India in the case of the Acting Deputy Commissioner of Gujranwalla, who is reported in the Majority Report of the Hunter Commission to have committed an error of judgment in refusing to give the police liberty to fire upon and disperse the mob engaged in burning the post office there?

Mr. Montagu: The Government of India, in paragraph 25 of their despatch, accept the opinion of the majority of the Committee. As stated in paragraph 44 of the despatch, they are asking the Local Government to take such action as may be necessary to mark their disapprobation.

Hon. Pandit Jagat Narayan—10th June

Lieut. Colonel Sir F. Hall asked the Prime Minister if Pandit Jagat Narayan, who in 1917 accused Sir Michael O'Dwyer of having imprisoned thousands of people without trial, and who subsequently undertook to make a public withdrawal of this false charge, has yet done so: if this person is identical with the Mr. Narayan who has signed the Minority Report of Lord Hunter's Commission on the Punjab disturbances; and, if so, will he state who was responsible for placing on the Commission, a person who had already, by his own confession, been guilty of false and seditious statements of a glaring character?

The Prime Minister : I should be much obliged if my hon. and gallant Friend would address this question to the Secretary of State for India.

Sir F. Hall : Perhaps the Secretary for India could answer the question now ?

The Secretary of State for India (Mr. Montagu) : I do not like to do so without preparing a carefully written answer, and if the hon. Gentleman will be good enough to put it down for Monday I will answer him.

Hunter Commission—14th June

Sir W. Joynson-Hicks asked the Secretary of State for India whether one of the Indian members of the Hunter Commission had been, shortly before his appointment to investigate the actions of the Punjab Government, forbidden by that Government to enter the Punjab ?

Mr. Montagu : One of the Indian members applied in May, 1919, for permission to enter the Martial Law area to defend one of the accused before the Martial Law Commission. His application was refused by the Administrator of Martial Law.

On 16th June Sir F. Hall repeated the same question and Mr. Montagu replied :—

Mr. Montagu : Pandit Jagat Narayan Singh, who signed the Minority Report of Lord Hunter's Committee, made a speech in which he brought this charge in 1917. On being informed of its inaccuracy in 1918 he offered to withdraw it publicly, but in view of the lapse of time the Provincial Governments concerned thought it unnecessary to ask him to do so. He was appointed to the Committee in 1919 by the Government of India, acting in close consultation with myself and with the Lieutenant-Governor of the United Provinces. The habit of bringing unfounded charges against the Government is not confined to India, although we could all wish that the willingness to withdraw them when disproved were less exceptional. If the hon. and gallant Member really takes the view that he appears to take of the matter, he will, of course, discount the Pandit's recorded opinion accordingly. If he wishes to know my views on that opinion, he will gather them from the Papers which have been presented.

Sir F. Hall : May I ask my right hon. Friend whether he does not think it would have been more advisable to put somebody on this Commission who had not got a debit balance standing against his name ; and is he aware that perhaps not everybody right through the country has the same opinion with regard to

whether or not it is right for the right hon. Gentleman to put such people on the Commission ?

Mr. Montagu : I can assure my hon. and gallant Friend that every effort was made to get Indian representatives put on this Commission who were impartial. The fact that a very highly distinguished and esteemed member of the United Provinces Legislative Council made a mistake once, which he offered to withdraw, does not, in my opinion show he was a partial inquirer.

Sir F. Hall : As that offer of withdrawal had been suggested, does not my right hon. Friend think it would have been advisable that the Government should have accepted it and not have put this gentleman on the Commission ?

Mr. Montagu : As a matter of fact, although it would not have affected my judgment on the subject, neither the Government of India nor I knew of this case when he was appointed, but I am not going to censure the Local Governments concerned when they advised this gentleman a year afterwards that it was not necessary to make a public withdrawal and that it was sufficient that he had offered to do so.

Commander Bellairs : Were the Government of the Punjab asked their opinion as to the qualifications of this gentleman to serve on the Commission !

Mr. Montagu : That I do not know. I do know that this question of the unfortunate speech of this distinguished Gentleman was brought to the notice of the Government of India after his appointment, by the Government of the Punjab, who at the time stated that they did not wish on that ground to object to his appointment.

Brigadier-General Dyer—21st June

Colonel Ashley (*by Private Notice*) asked the Secretary of State for War whether the Army Council have decided to restore Brigadier General Dyer to the Army !

The Secretary of State for War (Mr. Churchill) : No, there is no truth in that statement, which has been published in a great number of newspapers. The Army Council are still awaiting a statement which Brigadier-General Dyer is being allowed to submit. He expressed an opinion the he would be able to make his statement by Wednesday last, the 16th, but he asked for a few more days delay to enable him to complete his statement. That is how the matter stands. All statements to the contrary are without any kind of foundation.

Colonel Ashley : When the statement is investigated, will ther Army Council be able to come to a decision on that statement, o will there have to be a further Court of Investigation?

Mr. Churchill: That would be prejudging the discussion which is going to take place.

Sir D. Maclean ; In view of what the right hon. Gentleman knows of the progress of the proceedings before the Army Council, is there any likelihood that the debate on this subject will not take take place next Monday?

Mr. Churchil: Yes. I think that there is a considerable chance that we should not be able to have the debate next Monday. We certainly ought not to take any course which appears to deny reasonable facilities for the preparation of the statement, nor do I suppose for one moment that there would be any intentional delay in making the statement; and after that there should be a certain period for consideration and discussion by the Army Council. I think it quite possible that I shall have to ask my right hon. Friend the Leader of the House to make representations to those concerned to postpone the discussion for a little longer in both Houses of Parliament.

HOUSE OF COMMONS—23th June 1920

Punjab Disturbances

Brigadier-General Surtees asked the Secretary for India whether the Government of India propose to recognise the services of those officers, both civil and military, who, in its opinion, contributed to the quelling of the disturbances it the Punjab and elsewhere in India, by any other method than the general expression of satisfaction mentioned in paragraph 13 of the Government of India's letter on the Hunter Committee's Report ?

Mr. Montagu : I have not received from the Government of India any proposal for further recognition. I will draw the attention of the Government of India to the hon. and gallant Member's suggestion.

Mr. Gwynne asked the Secretary of State for India whether Sir Michael O'Dwyer communicated day by day with the Government of India concerning the various outbreaks in the Punjab and the measures taken by General Dyer to deal with them; whether this information was submitted forthwith to the India Office ; and and if not, for what reason?

Mr. Montagu: I received daily telegrams from the Government of India from the beginning of the disturbances up to the middle of May. These telegrams embodied the reports of the Punjab Government and, as I have already stated, were all, except two important messages, communicated to the Press here. General Dyer was in charge in only one area, and there was no mention of him by name

in those telegrams, and only one mention of him as General Officer Commanding, Amritsar. Some movements of troops that were under his command are also reported in those telegrams.

Mr. Gwynne : If the right hon Gentleman was receiving the communications daily from the Government of India, will he say why he stated in December that he knew no details except what he read in the newspapers ?

Mr. Montagu: There has been a great deal of misunderstanding on the point. I can assure my hon. Friend that what I said then was true. I was referring to a question put by my right hon. Friend the Member for Peebles (Sir D. Maclean) on the publication of General Dyer's evidence in the newspapers. I then stated that I had published reports on the occurrences as I received them. If my hon. Friend will look at it, he will see that the matters dealt with in the published newspaper evidence of General Dyer were not covered in this report.

Lieut Colonel Sir F. Hall: Does the right hon. Gentleman think that the manner by which this gallant officer has been treated is likely to assist officers in general in dealing with outbreaks ?

Mr. Speaker . That does not arise out of the question.

M. Palmer : Is it not a fact that the right hon. Gentleman actually told the House that he knew nothing of these occurrences, and that he would wire for information with regard to them, and left the impression on us that he was entirely ignorant of the whole business ?

Mr. Montagu: Perhaps the hon. Member will be good enough to look at the official Report on the question and supplementary question I answered. Perhaps he will look also at the speech I made immediately after the occurrence, and the telegrams which resulted. I think then he will be in a position to take part in the Debate.

Mr. Gwynne : Is the right hon. Gentleman aware that he stated on 16th December: 'I thought I said I knew no details until I saw the account in the newspapers.'

Mr. Montagu: Every report I had received from the Government of India, with the exception of these two telegrams, was published. That is true. The occurrence to which my right hon. Friend drew attention was the details of the shooting by General Dyer at Amritsar. I had no information on that subject.

Lieut. Commander Kenworthy; Did the Government of India keep the right hon. Gentleman fully informed of events or did the telegrams hush up the most important part of the account?

Mr. Montagu : A great deal of this unfortunate controversy has arisen because there is an impression that I was accusing the Government of the Punjab or the Government of India of concealing

facts. I never made such an accusation, and I am prepared to defend their conduct in awaiting the Committee's report.

Mr. Gwynne asked the Secretary of State for India on what date he first interviewed Sir Michael O'Dwyer in regard to the outbreaks at Amritsar and discussed General Dyer's action; and whether at any time he interviewed Miss Sherwood, who was assaulted during the riots, and, if so, when?

Mr. Montagu: The answer to the first part is, I think, on the 30th June, 1916; to the second, yes, on the 7th October, 1919.

Mr. Gwynne: Will the right hon. Gentleman explain how it was that he was able positively to state in December, if he knew from detailed information, both from Sir Michael O'Dwyer and Miss Sherwood in June, "I said I knew no details until I saw the report in the papers." If he sent the report to the papers he must have known it before he saw it in the papers. Is that a correct way of giving information to the House?

Mr. Montagu: I suggest that the hon. Member's question shows the wrong headedness of the whole thing. Miss Sherwood could not possibly have given me any information of what General Dyer did because this gallant lady had been attacked long before all these incidents occurred. If the hon. Member wishes to accuse me of giving false information or making a statement which is not true perhaps he will raise the point in Debate, when I shall have an opportunity of answering him.

Mr. Gwynne: I shall have great pleasure in asking the right hon. Gentleman to explain how it is he is able to say he knew nothing at all of any details when he had seen Sir Michael O'Dwyer and had all the details from him six months before.

Mr. Palmer: Does the right hon. Gentleman suggest that he kew nothing of the Amritsar shooting until he read it in the *Daily Express*?

Mr. Montagu: No, I never said so. The fact that there had been shooting at Amritsar was known to me and was published to the world when it occurred in the telegrams I received from the Government of India. What I said in December and what I say now, is that I had no information as to the details, shooting without warning, and shooting to the exhaustion of ammunition, and the principles upon which General Dyer acted, and so forth. Those things came to me as a shock when I read them in the newspapers.

Sir W Joynson-Hicks: When the right hon. Gentleman saw the Lieutenant-Governor of the Punjab, why did he not, in June and at that interview and other interviews, ask him for full details?

Mr. Montagu: I can answer that much better in Debate, and I should prefer to do so. I have many most important private

interviews at the India office, and it is very difficult to keep in one's head a year after exactly what occured, but I think I can satisfy the House, if not the hon. Member, that everything I have said is absolutely true.

Mr Remer: Will the right hon. Gentleman publish the account which Miss Sherwood gave him before the Debate takes place?

Mr. Montagu : How can I do that six months after I had the private interview with Miss Sherwood of which no record was kept? The step I took about Miss Sherwood, if the hon. Member wishes to know, was to tell, I think, two important London newspapers that Miss Sherwood was in London, and that it would be a good thing in the public interest if she were interviewed. I do not know what other steps I could have taken.

On June 25, 1920 Brig-General Surtees asked Mr. Montagu if before the House discussed the affairs of the Punjab, he would lay upon the table copies of all memorials, and declarations sent by Anglo-Indians to the Viceroy and himself regarding General Dyer.

Mr. Montagu replied that the only message of the kind he could trace was as follows:—

Cablegram from the European Association of India, received in London, 9th June 1920—

'The Council of the European Association expresses indignation at the despatches of the Secretary of State and the Government of India on the Hunter Committee's Report. The Council consider the situation in India from 1918 onwards to be much more dangerous than is indicated by that Report, and consider that the Government of India and the Secretary of State have subordinated justice to political expediency. They consider that General Dyer was absolutely justified at Amritsar in considering the whole situation in India and that therefore the doctrine of minimum force does not apply ; that General Dyer's action stopped a revolution ; that the refusal of Government to support its officers is destructive of sound government and will place all officers in an impossible position in any emergency in which responsibility has to be undertaken. The Council asks, therefore, that General Dyer should be exonerated from all blame, and should suffer no loss of rank or emoluments, and that Government's proposal to punish the officers who suppressed the rebellion shall be abandoned."

On June 28th Sir Frederick Hall asked the Prime Minister if, in view of the conflicting statements that had been made as to the extent and nature of the information furnished to the Secretary of State for India by Sir Michael O'Dwyer and others with regard to the occurrence at Amritsar in the spring of 1919 and

the dates at which such information was given, the Government would appoint a Select Committee of the House to inquire into the matter and to report after taking all available evidence.

Mr. Lloyd George replied that he saw no reason for the appointment of such a Committee. The matter could be brought up in debate.

On June 30th Mr. Rupert Gwynne renewed the attack on Mr. Montagu by asking him whether the Punjab disturbances in general, and General Dyer's action at Amritsar in particular, were debated at length in the Legislative Council at Simla during September 1919; whether reports of these debates were received by him, and if so, on what dates.

Mr. Montagu: The answer to the first part of the question is in the affirmative. Many allegations were made by non-official members to which the reply of Government representatives was generally that these were matters on which judgment should be suspended till the Committee had reported. The debates were received in two parts on the 5th and 12th November.

Mr. Gwynne: Will the right hon. member say how, if that is the case, he could still state in December that he had no information on the subject of Amritsar except what he read in the papers.

Mr. Montagu: The hon. member still persists in misquoting. What I said on the 15th December was that I had no details of these occurrences, not that I had no knowledge whatever. I have given accounts to the House. If the hon. member suggests that on reading the allegations of hon. members of the Legislative Council of India, I should have communicated those as authentic to the House whilst there was at that moment a Committee of Inquiry sitting, I venture to differ from him.

Sir Richard Cooper: Will the right hon. gentleman say how he was able to state positively that he had no information of the details when he had read the full account and that the discussion in the Legislative Council was a false discussion?

Mr. Montagu: I cannot carry on a debate at Question Time but what I said was that I had no knowledge of the details of the occurrences.

Lieut.-Colonel Croft: Was not the right hon. gentleman schocked?

Mr. Montagu: Certainly, I think the words I used were that the evidence as reported in the newspapers was profoundly disturbing. I think those were the words.

Mr. Palmer: You said "shocking"

Mr. Montagu: Well, I accept "shocking." I had no knowledge whatever that General Dyer had made those statements that he was reported to have made until I saw the account in the papers.

Mr. Gwynne asked the Secretary of State for India whether Sir Michael O'Dwyer informed him at his interview on 30th June 1919, that General Dyer had ordered his troops to shoot on the prohibited meeting at Jalianwala Bagh without further warning than that already given by him by Proclamation causing death casualties to the then estimated extent of 200 persons?

Mr. Montagu: So far as I can state with certainty the details of a conversation which took place a year ago, I am confident that nothing was said about warning. The casualties as ascertained at the time had already been published.

Mr. Gwynne: Is the right hon. Gentleman aware that Sir Michael O'Dwyer stated positively that he told the right hon. gentleman all the details, and he found he was then so well informed, and knew them as well as he did, of the shooting, and the casualties and the firing, and the crawling order; and is he also aware that Sir Michael O'Dwyer wrote to him on 13th December of last year directly he saw the accounts in the papers that the right hon. Gentleman said he knew nothing about it and of the details?

Mr. Speaker: The hon. Member has put a fresh series of statements and I think he ought to give notice of them.

Dr. Murray asked Mr. Montagu: Do all these questions not show that the time has come when the Debate on Amritsar should take place to settle all these things, and can he not say when it will take place?

Mr. Montagu: The sooner it comes on the better I shall be pleased. I understand that General Dyer's statement to the Army Council is expected in the War Office to-day, and therefore I confidently hope it will be possible to hold the Debate next week.

On July 1st, 1920 Mr. Bonar Law announced that Thursday week, i.e., July 8th had been set apart for the Debate on the Vote for the Secretary of State for India. Members wanted two days, one, a Supply Day to discuss the Administration of India on the Vote for the Sec. of State for India, and another specially for the Amritsar Debate. This the Leader of the House could not promise.

On July 5th Mr. Palmer (*by Private Notice*) asked the Secretary of State for India whether, in view of the forthcoming debate on the shooting at Amritsar, he would be willing to include in a White Paper the letter of Sir Michael O'Dwyer dated Delhi, December 30th, 1919, and his letter marked "private and confidential," which was sent in reply.

The Secretary of State for India replied: I do not think it is necessary to issue a White Paper. I propose, however, to circulate with the letter of the 30th December, 1919, and the reply which

I caused to be sent by telegram through the Viceroy on the 2nd February, 1920. As the name of Sir T. Holderness has also been mentioned in this controversy, I propose to add with his permission a letter which he addressed to me on the 30th June last.

Mr. Palmer: Will the document include the letter marked "private and confidential"?

Mr. Montagu: I think that the Hon. Member is under a misapprehension. There was no letter. It was a telegram addressed to the Viceroy marked "private and personal"

Sir W. Joynson Hicks: Will the right hon. Gentleman add to these papers the report of the Brigade-Major which has been referred to all through the Hunter Commission, but has not been published in the papers so far as I can gather?

Mr. Montagu: I do not think that I can promise to publish any special papers in answer to a question asked without notice, but if a question is put down to-morrow I will answer it.

The following are the documents referred to:

Sir M. O'Dwyer's Letter to Mr. Montagu

Army in India Committee,
Delhi, 30-31 December, 1919.

DEAR MR. MONTAGU,

Since I wrote last week Reuter has been cabling summaries of the discussions in Parliament of the Punjab disturbances. I enclose one of these dated London, 16th December, which report the Secretary of State as saying *inter alia*, "he did not know the details (of the Amritsar occurrences) until he saw (the) reports in the newspapers." That telegram has led many people here to ask me if, when I reached England at the end of June, I took any action to inform the India Office of the position at Amritsar and elsewhere. The Press here, too, has been asking whether Meston and I, when we got home, did anything to explain the situation in India.

At the time I got home I probably knew as much about the Punjab situation as any one in India or England, and I would not like you or any one else to think that I kept anything back. You will remember that you were good enough to give me two long interviews on 30th June (two days after I arrived), and on 24th July (those dates I get from my diary), a few days before I left town. On one or both of those occasions we went over all the main facts of Dyer's action at Amritsar, and the impression I then formed was that the India Office knew as much about all the material facts as I did.

I have a distinct recollection (though my diary is silent on this point) that at our conversation of 30th June I brought out the fact

that Dyer, on 13th April, having already formally warned people that he would disperse any gathering by force, did not think it necessary to give any further warning to the gatherings which assembled an hour or two later in defiance of his proclamation. I certainly explained then that two British police officers were with him when he fired and that the District Magistrate thinking a gathering in defiance of the proclamation impossible, had gone off to look after the 80 panic-striken women and children who had been collected in the Fort for safety after the murder of Europeans on the 10th. I also said that Dyer's rough estimate of the death casualties was 200; but my memory was not clear as to whether he had fired 1400 or 1600 rounds.

The question of Dyer's so-called 'crawling' order was not discussed. I said it was quite indefensible, that I had asked for its cancellation directly I saw it, and so had the Commander-in-Chief, and my recollection is that you told me you had gathered this from copies of my letters to the Viceroy which he had sent on to you. After leaving you on the 30th June I went on to see Sir T. Holderness, and a few days later I saw Lord Sinha. I endeavoured to explain to them, as clearly as I could, the whole situation in the Punjab, and especially in Amritsar. I gathered from them also that India Office was already in possession of all the main facts though in some respects I was able to offer further explanation, e. g., as to the necessity of sending aeroplanes to Gujranwala, the exclusion of legal practitioners, and the treatment in gaol of the Editor of the *Tribune* regarding which Lord Sinha had received many letters and telegrams. Possibly Reuter's summary, as quoted above may be giving to us here an incorrect impression. But, in any case, you will, I am sure, forgive me for trying—perhaps needlessly—to make it clear that I endeavoured to put the Secretary of State and the India Office in possession of such knowledge as I had. You may remember too, that I stated to you on the 30th June, a fact which was not perhaps mentioned in the telegrams from India and may not have been reported at the time, that the aviator at Gujranwala, on the 14th April, seeing the English Church in flames, had, very wrongly, dropped a bomb close to a mosque in the town, but, fortunately, it did not explode. In writing all this I am less concerned with my own responsibility in the matter than with how others may be affected by any misunderstanding or obscurity.

Dyer, at the first interview I had with him (on the 16th April), told me everything about the Amritsar events on 13th April as frankly and as fully as the limited time I could spare him—when there was rebellion(!!) all round—allowed. I did my best to report his version, with my own comments to you and others of the India Office on the

very first opportunity. If I did not do so fully or clearly enough then the fault is certainly not his, but rests either with me or with those who were questioning me But, as I have said above, there was even as far back as 30th June, little room for doubt as to the substantial facts, namely, the circumstances in which he opened and maintained fire on the prohibited assembly on the 13th April, covering death casualties which, at the time, he estimated roughly at 200 but which up to date inquiries put at 379.

Yours sincerely,
(Sd.) M. F. O'DWYER.

Telegram from the Secretary of State for India to the Viceroy, dated 2nd February, 1920.

Private and personal,—Following for O'Dwyer. I have received your letter of the 31st, December. Of course, I need hardly say that in the House of Commons I was not referring to conversations of which no record is kept and which cannot be a substitute for official information, nor did I make any complaint; indeed, I explained, and have explained frequently since, that I thought it was quite natural that I should have received no detailed information. Let me say that I certainly do not hold you in any way responsible. I have no recollection of, and such notes as I took do not contain, any statement about the two British police officers. But in any case the details I was referring to were these: That Dyer is reported to have stated in his evidence that the crowd might have dispersed without his firing on them, that he fired without warning, and that he stopped firing because his ammunition was exhausted. I do not remember that you ever dealt with these things.

Letter of Sir W. T. Holderness

30th June, 1920.

"Dear Mr. Montagu,

As I am mentioned in Sir M. O'Dwyer's letter of 8th June, which appeared in the Morning Post of 9th June, (*for this letter See "Punjab Unrest—Before & After," App. P. 251*) as one of the officials of the India Office who were fully informed by him during the summer of 1919 of the disorders which had occurred in the Punjab in April of that year, and in particular of the circumstances of the action taken by General Dyer to disperse the crowd assembled in the Jallianwalla Bagh, I think it right, in justice to myself, to submit to you a few remarks on so much of his letter as concerns myself.

"Sir M. O'Dwyer writes, "I put all my information at the disposal of the Secretary of State, and also of Lord Sinha, Sir T. Holderness and others at the India Office. The impression I then

formed (in June and July last) was that as regards all the main facts the India Office was quite as fully informed as I was; though I was naturally able to explain certain points, *e. g.*, the reasons for using aeroplanes at Gujranwala, for the exclusion of legal practitioners from other provinces by the Martial Law authorities, etc."

. . . . "Indeed, all that time, my endeavour was to impress upon the authorities at the India Office the gravity of the situation in the Punjab, which to my mind they had not sufficiently realised."

"Lower down he quotes from a letter dated 30th December 1919 which he wrote from India to the Secretary of State, in which the following passage occurs: 'Dyer at the first interview I had with him on the 16th April, told me everything as frankly and fully as the limited time I could spare him (when there was a rebellion all around, would allow. I did my best to repeat his version, with my own views and comments, to you and to others at the India Office on the very first opportunity. If I did not do so fully enough, then the fault is certainly not his, but rests either with me or with those who were questioning me. But, as I have already said, there was even as far back as 30th June, little room for doubt as to the substantial facts, *viz.*, the circumstances in which he opened and maintained fire on the prohibited assembly on 13th April, causing death casualties which at the time he roughly put at about 200, but which the complete up to date enquiries put at 379.'

"I gather that the interview which Sir M. O'Dwyer had with General Dyer was limited to a quarter of an hour, and that when Sir M. O'Dwyer left India in May the Punjab Government was still awaiting General Dyer's Report. (*See* Hunter Committee Report), General Dyer's Report was not made till August, 1919. It is this Report that contains the passage which gives the key to General Dyer's action and which is the centre of the controversy to which his action has given rise. "It was no longer a question of merely dispersing the crowd, but one of producing a sufficient moral effect, from a military point of view, not only on those who were present, but more especially throughout the Punjab. There could be no question of undue severity." (Hunter Committee's Report, page 30.) Up to the time I remained in the India Office, General Dyer's Report had not reached it.

"I had the privilege of frequent conversations with Sir M. O'Dwyer during the summer of 1919, and learnt from him many particulars regarding the disorders in the Punjab that bore out his view that the situation had been one of extreme gravity. As regards General Dyer's handling of the Amritsar riots, I have a clear recollection that Sir M. O'Dwyer justified the casualties (then thought

to be about 200 killed) by the necessity for dispersing a hostile and dangerous mob, inflamed by the license and savagery which for several days had prevailed in the city and for regaining control over the populace. But I have no recollection that he considered the force employed to have been in excess of the immediate necessities of the case, and deliberately exercised in excess with the distinct object of producing a moral effect throughout the province. My recollection is fortified by the astonishment which I felt on reading the report of General Dyer's evidence which appeared in the *Times* of 15th December. I was by that time aware that a bitter controversy had arisen in India over circumstances of the Jallianwalla Bagh affair, and that the exact incidents were in dispute between the National Congress party and the Government. But the details given by General Dyer to the Commission came to me as a great surprise and were entirely unexpected.

"In conclusion, I would like to say, that if I had been called upon during the summer or autumn of 1919 to prepare a statement for publication regarding the Jallianwalla Bagh incident, and had framed it on the information verbally received from Sir M. O'Dwyer and on the scanty information transmitted by the Government of India, the narrative would have been of a different complexion from the account of the facts given by General Dyer. It would not and could not have included the critical features on which discussion has since centred. On the publication of General Dyers evidence, the India Office would assuredly have been taken to task if it had forestalled the Committee's inquiries by publishing an imperfectly, and as some persons would have considered, misleading account of what actually had happened. The Government of India in their despatch forwarding the Committee's Report say that in view of the fact that a Committee was about to make a formal investigation, they had deliberately refrained from instituting preliminary inquiries. The India Office took the same view and I venture to think that its reticence has been justified by the event.

"It is perhaps superfluous to say that I kept you fully informed of my conversations with Sir M. O'Dwyer. My recollection is that while recognising the great value of the information placed by him at your disposal, you were as impressed as I was with the inadequacy of our knowledge of what really happened at Amritsar and elsewhere, with the conflicting character of the rumours and assertions appearing in the Indian and Anglo-Indian press, and with the necessity for awaiting a full inquiry on the spot by a strong Committee.

Yours sincerely,
(Sd.) T. W. HOLDERNESS.

On 7th July 1920, the day before the famous Amritsar Debate in the House of Commons, the Dyerites raised a howl against Mr. Montagu and plied him with questions.

Sir W. Joynson Hicks began the heckling by asking Mr. Montagu whether he would publish the Report of Major Briggs, the Brigade-major to General Dyer, which was refused publication by the Hunter Committee owing to the death of the writer. Mr. Montagu said that the document refered to was not admitted as evidence by Lord Hunter's Committee and had never been communicated officially. It was appended to the statement submitted by General Dyer to the Army Council and will be published with that statement.

Then Viscount Curzon and others asked whether all witnesses included General Dyer called before the Hunter Committee was given an open opportunity of correcting the report of their evidence. Mr. Montagu could not give a definite reply, but said that Gen. Dyer's statement has been published.

Sir W. Joynson-Hicks asked by private notice whether Mr. Montagu was in a position to announce the decision of the Army Council in reference to General Dyer and if, and when, he proposed to publish General Dyer's statement.

Mr. Churchill (*War Minister*): I am about to lay a paper on the table of the House in dummy which will, I hope, enable hon. members to be in possession of General Dyer's statement in time for the debate to-morrow. With regard to the decision of the Army Council, they came to the following conclusion:—

The Army Council Decision

"The Army Council have considered the report of the Hunter Committee, together with the statement which Brigadier-General Dyer has, by their directions, submitted to them. They consider that inspite of the great difficulties of the position in which this officer found himself on April 13th, 1919, at Jallianwala Bagh, he cannot be acquitted of an error of judgment. They observe that the Commander-in-Chief in India has removed Brigadier-Genl. Dyer from his employment; that he has been informed that no further employment will be offered him in India; that he has, in consequence, reverted to half-pay, and that the Selection Board in India have passed him over from promotion. These decisions the Army Council accept. They do not consider that further employment should be offered to Brigadier-General Dyer outside India.

Mr. Churchill also said that they have also considered whether any further action of a disciplinary nature is required from the Army Council. In view of all the circumstances they do not feel called upon from the military point of view, with which they are alone concerned, to take any further action.

Sir W. Joynson-Hicks: Is my right hon. friend prepared to endorse the action of the Army Council and is he also prepared to defend it here to-morrow?

Mr. Churchill: Yes, certainly.

Lieut-Colonel Croft: Is it not a fact that General Dyer, after these events happened, was employed to take part in the operations in Afghanistan?

The Speaker: The hon. and gallant gentleman is asking a question which has been answered before.

Commander Bellairs: Will hon. Members be precluded from moving the adjournment of the House with regard to the War Office decision at a later stage, in view of the fact that the discussion to-morrow is on the India Office Vote?

The Speaker: I can only answer in the well-known Parliamentary phrase "Wait and see" (Loud laughter in which Mr. Asquith joined).

Sir W. Joyson-Hicks asked Mr. Montagu how many appeals had been referred to the Privy Council by persons convicted of rebellion, murder, and other serious offences during the Punjab disturbances; what had been the result of the appeal which had been heard; and what steps he was taking to defend the remainder.

Mr. Montagu: There have been six appeals of 52 persons. One appeal of 21 persons has been heard and dismissed. The remaining five are pending. If proceeded with, counsel of standing will be retained to defend them in accordance with the usual practice. My right hon. friend the Attorney General was one of those who acted in this behalf in the appeal which was dismissed.

Sir W. Joynson-Hicks: May I ask what is the position of the appeals? Are they going to be proceeded with or not?

Mr. Montagu: That depends upon the appellants. My legal advisers have, I think, pressed that the appeals should be proceeded with.

Dr. Muhammed Bashir

Replying to Sir W. Joynson Hicks and Colonel Yate with reference to the case of Dr. Muhammed Bashir, Mr. Montagu said that Dr. Muhammed Bashir was sentenced to death by a Martial Law Commission in the Amritsar Leaders' case, which included the charge against him of inciting the mob in the attack on the National Bank. The sentence was reduced by Sir Edward Maclagan, Lieutenant-Governor of the Punjab, to one of six years' rigorous imprisonment. The two High Court Judges appointed to examine cases tried by Martial Law Courts agreed that the part of the case against the doctor relating to the events at the National Bank rested on the uncorroborated testimony of an approver; one Judge was of the opinion that there was sufficient evidence to justify a conv ic-

tion for waging war only, but the other Judge would not admit the sufficiency of the evidence to justify a conviction at all. The Punjab Government, in the circumstances, recommended the release of Dr. Muhammed Bashir and the Government of India accepted these recommendations.

Sir W. Joynson-Hicks: Can the right hon. gentleman say what the conditions were, whether they had been fulfilled and whether this gentleman who was convicted, sentenced to death, and let out, is the leader of an agitation in the Punjab against this country?

Mr. Montagu: The conditions were (1) that during the remaining term of sentence he would not commit or abet the commission of an offence against the State or public tranquility, (2) that during the same period he would not directly or indirectly take part in any movement directed against the State or public tranquility, or likely to lead to the commission of any offence of the nature described above. If any of these conditions be not, in the opinion of the Local Government, fulfilled, the Local Government may cancel the suspension of the sentence. The hon. member will perceive that, under the terms of the condition, the Local Government have full discretion to act, and I would prefer to leave it to the Local Government to act.

Colonel Yate: Do the Government of India think it right to go against four judges and is it likely to uphold the judiciary of India when four judges out of five condemn a man and the Government of India order his release?

Mr. Gwynne asked Mr. Montagu if when he first heard of the Amritsar occurences he thought it a matter for immediate inquiry and if so why he did not arrange for the commission to commence proceedings before 29th October.

Mr. Montagu: As I stated in this House on the 22nd May, 1919, the Viceroy had always contemplated an inquiry and in the first week of that month he intimated this fact to me. I said, however, on the same date "Let us talk of an inquiry when we have put the fire out." Any subsequent delay was due to climatic conditions and to the obvious difficulties in selecting and arranging for such a Committee.

Mr. Gwynne: Will the right hon. gentleman say on what date he considered the fire to be put out?

Mr. Montagu: I would not like to say that accurately in answer to a supplementary question, but I would suggest to the hon. member that it was certainly not before martial law.

Mr. Gwynne: Does the right hon. gentleman suggest it was reasonable, taking into consideration all that he has said, to wait from April until the end of October before proceedings were started?

Mr. Montagu: I understand that that is one of the charges which the hon. member will make in the debate. You cannot hold an inquiry of this kind in the Punjab during the hot weather, and you cannot ask people to serve on an inquiry the date of which has not yet been fixed.

Mr. Gwynne rose—

Mr. Speaker: The hon. member had better wait until to-morrow. He is in danger of spoiling his case by this preliminary canter.

Nevertheless Mr. Gwynne continued his cross-examination and next asked Mr. Montagu if it was his intention to publish the evidence of all the witnesses examined by the Committee, or, expected the House to form an opinion on extracts from evidence of a few witness, as set forth in the Blue Book Cmd 681.

Mr. Montagu: The evidence of witnesses examined by the Hunter Committee has been published and is on sale, except that of three witnesses heard "in camera." Members were informed, on a slip attached to the Report, which has been distributed, that copies of evidence would be supplied on application to the India Office.

Mr. Gwynne: Is the right hon. gentleman aware that I have applied twice in the Vote office for a copy of the evidence, and have been unable to get one?

Mr. Montagu: Nobody can regret more than I do the misfortunes of the hon. member. I will see that he gets a copy of the evidence this afternoon.

Mr. Gwynne: Does not the right hon. gentleman think it is very important that we should all have it? Is it not usual for hon. members to be able to get evidence of all important Commissions and inquiries in this house?

Colonel Wedgwood: Will the right hon. gentleman let me have a copy too?

Mr. Montagu: There are, I think, five volumes. If I printed and distributed them all to every hon. member I should be accused of unnecessary expenditure. If the hon. member has found any difficulty in getting the evidence, it is rather remarkable that he waits till the day before the debate is to take place.

Mr. Gwynne said: Mr. Montagu must know that it is usual to send round such evidence. Continuing his questions Mr. Gwynne asked Mr. Montagu at what date and through what source he eventually became aware of the details of the occurrences at Amritsar.

Mr. Montagu: Brigadier-General Dyer's own Reports were first received at the India Office in January, 1920, and the Committee's Report at the end of March. Earlier official repors had not given

the details in question. It was in the previous December that I read a newspaper cablegram reading what Brigadier-General Dyer had said in evidence.

Mr. Gwynne : Will the right hon. gentleman kindly answer my question, which was, from what source he eventually kept himself informed as to the details of the occurrence ?

Mr. Montagu : Perhaps the hon. member will be good enough to study carefully the printed report of the answer I have just read to the House.

Colonel Yate : Can the right hon. gentleman explain why the Government of India did not send home General Dyer's Report ?

Mr. Speaker : That does not arise out of the question.

Mr, Remer asked Mr. Montagu whether the contents of the leading Indian newspapers containing comments on the Amritsar disturbances and evidence given before the Hunter Commission were cabled to him, and particularly whether a full Report of General Dyer's evidence before the Hunter Commission on 19th November was cabled to him : if they were not cabled, on what date the newspapers published from April to July were received : and whether he made a careful study of them.

Mr. Montagu : I do not think it is a part of the duty of Ministers to explain what newspapers they read and with what attention they read them.

Mr. Remer further asked whether he would state the names of the two London newspapers he asked to interview Miss Sherwood in October last. Mr. Montagu's reply was : No. Sir, I do not think it necessary to give this information.

Mr. Gwynne asked if there was any reason to believe that the tribal risings in April and May 1919 had any connection with the disturbances throughout India and especially Punjab.

Mr. Montagu replied that he was not in a position to add anything to the information given in paragraph 22 of Chapter XI of the Hunter Report.

Brig.-Gen. Surtees asked Mr. Montagu if he had received any reports from Afganistan and the border tribes, as to the activity of Bolshevik agents in those countries, and if that was resulting in a dangerous effervescence directed against British rule in India ; and if he had found Bolshevik agents working in the more disturbed portion of that Empire.

Mr. Montagu : I have received reports on Bolshevik activities in the regions mentioned in the question. I know the Government of India are carefully watching the propaganda, which is, of course, dangerous in any country. I am consulting them as to the publication of a statement on the subject.

The Amritsar Debate

In the House of Commons

Supply Day—8th July 1920

The House went into Committee of Supply Mr. Whitley in the Chair. On the vote of £53, 500 to defray the charges up to March 31, 1921, for the contributions towards the cost of the Department of the Secretary of State for India—

Mr. Montagu said: The motion that you have just read from the Chair is historic. For the first time in the history of this House the Committee have had an opportunity of voting or of paying the salary of the Secretary of State for India, and it is signalized by a very large desire for a reduction. (Laughter.) I gather that the intention is to confine the debate to the disturbances which took place in India last year. That being so, after more careful consideration, not only of the circumstances in this House, but of the situation in India, I have come to the conclusion that I shall best discharge my Imperial duty by saying very little indeed. The situation in India is very serious owing to the events of last year and owing to the controversy which has arisen upon them. I am in the position of having stated my views and the views of His Majesty's Government, of which I am the spokesman. The dispatch which has been published and criticised was drawn up by a Cabinet Committee and appoved by the whole Cabinet. I have no desire to withdraw from or to add to that dispatch. Every single body, civil and military, which has been charged with the discussion of this lamentable affair, has come, generally speaking, to the same conclusion. The question before the Committee this afternoon is whether they will endorse the position of His Majesty's Government, of the Hunter Committee, of the Commander-in-Chief in India, and of the Army Council or whether they will desire to censure them. I hope the debate will not take the shape of a personal criticism of the personnel of any of them. It is so easy to quarrel with the judge when you do not agree with his judgment.

Sir E. Carson :—And with an officer too.

Mr. Montagu.—The Hunter Committee which was chosen after the most careful consideration with one single desire and motive to get a tribunal impartial to discharge the most thankless duty to the

best of their ability, was, I maintain, such a body. I resent very much the insolent criticisms that have been passed either on the European members, civil and military, or upon the distinguished Indian members, each of whom has a record of loyal and patriotic public service. The real issue can be stated in one sentence, and I will content myself by asking the House one question. If an officer justifies his conduct, no matter how gallant his record is—and everybody knows how gallant General Dyer's record is—by saying that there was no question of undue severity, that if his means had been greater the casualties would have been greater, and that the motive was to teach a moral lesson to the whole of the Punjab, I say without hesitation, and I would ask the Committee to contradict me if I am wrong, because the whole matter turns upon this, that it is a doctrine of terrorism. (Lieutenant-Commander Kenworthy —Prussianism.) If you agree to that, you justify everything that General Dyer did. Once you are entitled to have regard neither to the intentions nor to the conduct of a particular gathering, but to shoot and to go on shooting with all the horrors that were involved in order to teach somebody else a lesson, you are embarking on terrorism to which there is no end. (Cheers.)

I say further, that when you pass an order that all Indians must crawl past a particular place, when you pass an order to say that all Indians must forcibly or voluntarily salaam any officer of His Majesty the King, you are enforcing racial humiliation. I say, thirdly, that when you take selected schoolboys from a school, guilty or innocent, and whip them publicly, when you put up a triangle where an outrage, which we all deplore, has taken place and whip people before they have been convicted, when you flog a wedding party, you are indulging in frightfulness, and there is no other adequate word which could describe it.

If the Committee follows me on these three assertions, and I shall be only too glad if there be any answer, this is the choice and this is the question which the Committee has put to it to-day before coming to an answer. Dismiss from your mind, I beg of you, all personal questions. I have been pursued for the last three months by some people and by some journals with personal attack. I do not propose to answer them to-day. Are you going to keep your hold upon India by terrorism, racial humiliation and subordination, and frightfulness, or are you going to rest it upon the goodwill and the growing goodwill of the people of your Indian Empire? I believe that to be the whole question at issue. If you decide in favour of the latter course, well, then you have got to enforce it. It is no use one Session passing a great Act of Parliament which, whatever its merits or demerits, proceeded on the principle of

partnership for India in the British Commonwealth, and then allowing your administration to depend upon terrorism. You have got to act in every Department, civil and military, unintermittently upon a desire to recognise India as a partner fn your Commonwealth. You have got to safeguard your administration on that Order passed by the British Parliament. You have got to revise any obsolete ordinance or law which infringes the principles of liberty which you have inculcated into the educated classes in India.

That is one choice, to adhere to the decision that you put in your legislation when you are criticising the administration. **There is the other choice, to hold India by the sword, to recognise terrorism as part of your weapon, as part of your armament to guard British honour and British life with callousness about Indian hononr and Indian life.** India is on your side in ensuring order. Are you on India's side in ensuring that order is enforced with the canons of modern love of liberty in the British democracy? There has been no cirticism of any officer, however drastic his action was in any province outside the Punjab. There were 37 instances of firing during the terrible, dangerous disturbances of last year. The Government of India and His Majesty's Government have approved 36 cases and only censured one, censured one because, however good the motive, I believe that it infringed the principle which has always animated the British Army and infringed the principles upon which our Indian Empire has been built.

Mr. Palmer—It saved a mutiny.

Mr. Montagu.—Somebody says that it saved a mutiny.

Captain W. Benn.—Do not answer him.

Mr. Montagu—The great objection to the rule of force is that you pursue it without regard to the people who suffer from it and that having once tried it you must go on, and that every time an incident happens you are confronted with the increasing animosity of the people who suffer. There is no end to it until the people in whose name we are governing India, the people of this country, and the national pride and sentiment of the Indian people, rise together in protest and terminate your rule in India as being impossible on modern ideas of what an Empire means.

The Alternative to Terrorism

There is an alternative policy which when I assumed office I commended to this House and which this House has supported until to day. It is to put the coping stone on the glorious work which England has accomplished in India by leading India to a complete free partnership in the British Commonwealth,—to say to India: "We hold British lives sacred, but we hold Indian lives sacred too. (Cheers). We

want to safeguard British honour by protecting and safeguarding India too, that our institutions shall be gradually perfected whilst protecting you and ourselves against revolution and anarchy in order that they commend themselves to you." There is a theory abroad on the part of those who have criticised His Majesty's Government upon this issue that an Indian is a person who is tolerable so long as he will obey your orders, (Cries of "No," "Shame" and "Withdraw") but if once he joins the educated class, if once he thinks for himself, if once he takes advantage of the educational facilities which you have provided for him, if once he imbibes the ideas of individual liberty which are dear to the British people, why then, you class him as an educated Indian and as an agitator. (Cheers.) What a terrible and cynical verdict on the whole!

Mr. C. Palmer.—What a terrible speech!

Mr. Montagu.—As you grind your machinery and turn your graduate out of the University you are going to dub him as belonging, at any rate, to the class from which your opponents come (Hon. Members—"No.")

Colonel Ashley.—On a point of order. May I ask the right hon. gentleman to say against whom is he making his accusation?

The Chairman.—That is not a point of order. We are here to hear different points of view, and all points of view. (Cheers)

Brigadier-General Cockerill—On that point of order, Mr. Chairman, are we not here to discuss the case of General Dyer? What is the relevancy of these remarks to that?

The Chairman called on Mr. Montagu to resume his speech.

Mr. Montagu.—If any of my arguments strike anybody as irrelevant—

Mr. Palmer.—You are making an incendiary speech.

Mr. Montagu—The whole point of my observations is directed to this one question, that there is one theory upon which I think General Dyer acted, the theory of terrorism and the theory of subordination. (Cheers.) There is another theory, that of partnership, and I am trying to justify the theory endorsed by this House last year. I am suggesting to this House that the Act of Parliament is useless unless you enforce it both in the keeping of order, and in the administration. (Cheers.) I am trying to avoid any discussion of details which do not to my mind affect that broad issue.

I am going to submit to this House this question, on which I would suggest, with all respect, they should vote: Is your theory of rule in India the ascendancy of one race over another, of domination and subordination—(Hon. Members,—"No")—or is your theory that of partnership? If you are applying domination as your theory then it follows that you must use the sword with increasing

severity—(Hon. Members —"No")—until you are driven out of the country by the united operation of the civilised world. (Cheers and interruption.) (An Hon. Member—"Bolshevism"). If your theory is justice and partnership, then you will condemn a soldier, however gallant (Mr. Palmer.—"Without trial.") who says that there is no question of undue severity, and that he is teaching a moral lesson to the whole country. That condemnation, as I said at the beginning, has been meted out by everybody who has considered this question, civil and military. As far as I know, no reputable Indian has suggested any punishment, any vindictiveness, or anything more than the repudiation of the principles upon which these acts were committed. I invite this House to choose and I believe that the choice they make is fundamental to a continuance of the British Empire and vital to the continuation, permanent I believe it can be, of the connexion between this country and India. (Cheers.)

Sir E. Carson.—I think upon reflection, that my right hon. friend who has just addressed the House will see that the kind of speech he has made is not one that is likely in any sense to settle this unfortunate question. (Cheers.) My right hon. friend, with great deference to him, cannot settle artificially the issue which we have to try. He has told us that the only issue is as to whether we are in favour of a policy of terrorism and insults towards our Indian fellow subjects, or, whether we are in favour of partnership with them in the Empire. What on earth has that to do with it? (Cheers.) (Lieutenant Commander Kenworthy.—"Everything.") I should have thought that the matter we are discussing is so grave both to this country and to our policy in India that we might, at all events, have expected a Minister of the Crown would have approached the matter in a much calmer spirit than he has done (Cheers.)

An Hon. Member.—He ought to resign.

An Hon. Member.—So should Ulster. (Interruption.)

The Chairman.—All round the House there seems to be a lack of understanding as to the seriousness of this matter. Let me remind the House that this is the first occasion on which we have had these Indian Estimates—that is to say, the salary of the Secretary of State—by deliberate act of the House, and for public reasons—put on the British Estimates, and we ought, I think, to recognise that occasion. (Cheers.)

Sir E. Carson.—If I thought that the real issue was that which was stated by my right hon. friend, I would not take part in this debate. There would be no dissension from the proposition that

he has laid down in this House. (Cheers.) But it does not follow because you lay down a general proposition of that kind that you have brought those men, on whom you are relying in extremely grave and difficult circumstances as your officers in India, within the category that you yourself are pleased to lay down. As to whether they do come within those categories is the real question. My right hon. friend begs the question. (Cheers.) After all, let us even in the House of Commons, try to be fair, some way or other, to a gallant officer of 34 years' service—(Colonel Wedgwood—Five hundred people were shot)—without a blemish upon his record, and whatever you say, and mind you this will have a great deal of effect on the conduct of officers in the future as to whether or not they will bear the terrible responsibility, which they have not asked for, but which you have put upon them—we may at least try to be fair and to recognise the real position in which this officer is placed. (Cheers.) So far as I am concerned, I would like, at the outset, to say that I do not believe for a moment it is possible in this House, nor would it be right, to try this officer (Cheers.) To try this officer, who puts forward his defence as I saw it for the first time an hour ago, would be a matter which would take many days in this House. Therefore, you cannot do it; but we have a right to ask: Has he ever had a fair trial? and to put this further question before you break him and send him into disgrace. Is he going to have a fair trial?

You talk of the great principles of liberty which you have laid down. General Dyer has a right to be brought within those principles of liberty, and he has no right to be broken on the *ipse dixit* of any Commission or Committee, however great, unless he has been fairly tried—and he has not been tried.—(Cheers) Do look upon the position in which you have put an officer of this kind. You send him to India, to a district seething with rebellion and anarchy. You send him there without any assistance whatever from the civil Government, because the Commission have found that the condition of affairs was such in this district that the civil Government was in abeyance, and even the magistrate, as representing the civil power, who might have been there to direct this officer, had gone away on another duty. I cannot put the matter better than it was put before the Legislative Council of India on September 19 last by the Adjutant General of India:—"My Lord," he said "my object in recounting to this Council in some degree the measures taken by the military authority to reconstitute civil order out of chaos produced by a state of rebellion is to show there is another side to the picture, which is perhaps more apparent to the soldier than to the civilian critic." Now

mark this: "No more distasteful or responsible duty falls to the lot of the soldier than that which he is sometimes required to discharge in aid of the civil power. If his measures are too mild he fails in his duty; if they are deemed to be excessive, he is liable to be attacked as a cold blooded murderer. His position is one demanding the highest degree of sympathy from all reasonable and right-minded citizens. He is frequently called upon to act on the spur of the moment in grave situations in which he intervenes, because all the other resources of civilians had failed. His actions are liable to be judged by *ex poste facto* standards, and by persons who are in complete ignorance of the realities which he had to face. His good faith is liable to be impugned by the very persons connected with the organisation of the disorders which his action has foiled. There are those who admit that measure of force may have been necessary, but cannot agree with the extent of the force employed. How can they be in a better position to judge of that than the officer on the spot? It must be remembered that when a rebellion has been started against the Government it is tantamount to a declaration of war, and war connot be conducted in accordance with standards of humanity to which we are accustomed in peace." (Cheers.) That was a statement of the position of General Dyer. He went to Amritsar on April 10, and found the place and all the great towns in the immediate neighbourhood in a state of rebellion. On April 11 and 12 murders of officials and bank managers were rife. The civil power had to abandon its functions, and he was asked to make up his mind, as best he could, how to deal with the situation. Now he is to be broken because it was said that he made up his mind wrongly. Yes, Sir, the armchair politician in Downing Street.

Colonel Wedgwood: What are you?

"Armchair Politicians"

Sir E. Carson: I am not a Bolshevist anyhow—

The armchair politicians in Downing Street (cheers) had, no doubt, a very difficult task to perform. I do not contend that in no case should they overrule what an officer had done in the spot, but they ought to try to put themselves in the position of the man whom they asked to deal with difficult circumstances. That officer had to decide whether the occurrence was a riot, or an insurrection, or a rebellion, or a revolution, or a part of a revolution. There is a great deal to show, even on the face of the report, that it was at all events the precursor to a revolution. Different rules officially laid down were applicable to each of those different matters. What is the error of judgment? It is admitted that he acted in perfect

good faith and in most difficult circumstances with great courage and great decision; but the fault found with him is that, while he thought that the circumstances necessitated that he should teach a lesson to the country all round, the Committee thought that he ought to have dealt with it solely as local matter. That is the difference—and for that you are going to smash and break an officer who has done his best. In reference to the very action which you are going to break him for, or have broken him for, after his 34 years of honourable service, you have to admit it may have been that which saved the most bloody outrage in that country, which might have deluged the place with the loss of thousands lives and may have saved the country from a mutiny to which the old mutiny in India would have appeared small. Admit, if you like, in your armchair that he did commit an error of judgment, but was it such that alone he ought to bear the consequences? That is the way I prefer to put the matter because I cannot believe you can betray the case here. I am sure I shall have the assent of any man who has had to do with government and thinks the matter out, when I say that if you are going to lay down here today this doctrine for your officers who are put into these situations—"before you act, no matter what state of affairs surrounds or confronts you, take care and sit down and ask yourself what will Downing Street think, what will the House of commons say to us, when they have been stirred up six months afterwards". If that is to be the position of your officers and you make a scapegoat of them because there is an *ex post facto* statement of the events, you will never get an officer to carry out his duties towards his country.

I remember when I was First Lord of the Admiralty I recalled a Commander-in-chief because I thought he had, of two courses, taken one which was very harmful to the duty he had in hand. He came and saw me afterwards and asked me for an explanation. I said, "you are perfectly entitled," and I handed him his own report and I said to him, "Let us not talk, I as First Lord, or you as an Admiral, but read your own report and tell me did you do the best thing under the circumstances for the Admiralty and for your country" He said, "No, Sir. The reason I took the course was because I did not know whether I would be supported by the Admiralty." I said to him, "your observation goes to show me that I was right in recalling you because if you would not take the consequences, and act in the way you thought right, you are not fit to be a commander". Yes, sir, but you have to deal with human nature in the men you put into all these difficult places. Do not let them suppose that if they do their best, unless on some very grave consideration of dereliction of duty, that they will be

made scapegoats of and be thrown to the wolves to satisfy an agitation such as that which arose after this incident.

You must back your men, and it is not such a distinction, as I have already shown, that is the origin of this matter as to this error of judgment, that will ever give confidence to those faithful and patriotic citizens who have won for you and kept your great Empire beyond the seas. The most extraordinary part of this case is as to what happened immediately after this incident occurred, and I beg the house to pay attention to this part of the matter. We all know perfectly well how differently every body views the situation when the whole atmosphere is different and when the whole danger has passed away. What happened immediately afterwards ?

My right hon. Friend said that nobody in authority, as I understood him, approved of General Dyer's action. I will tell you who approved it. Brigadier General Dyer, in his statement says:

"On 14th April, 1919, I reported the firing in the Bagh to Divisional Head quarters in the report B. 21.

"On the next day or the day following, my Divisional Commander Major-general Beynon, conveyed to me his approval.

"The Lieutenant Governor about the same time agreed with the Divisional Commander."

May I state here that I am very proud of him as an Irishman, and I am very glad at all events that it is not an Irishman who has thrown over his subordinate?

What followed?

"On the 21st April with the concurrence of the authorities, I went on a special mission to the Sikhs.

"On 8th May 1919 I was sent on active service in command of my Brigade to the frontier.

"On about the 28th may, 1919, I was detained to organise a force for the relief of Thal, then invested by the Afghan Army. On this occasion I had an interview with General Sir Arthur Barret, commanding at Peshawar. I had by then become aware that the influences which had inspired the rebellion were starting an agitation against those who had suppressed it.

"Sir A Barrett told me he wanted me to take command of the relief force. I told him that I wished, if possible, to be free from any anxiety about my action at Amritsar, which so far had been approved. He said 'That's all right, you would have heard about it long before this, if your action had not been approved.' I give the precise words as nearly as I can.

"About the end of July, 1919, I saw the Commander-in-Chief. He congratulated me on the relief of Thal. He said no word to me

of censure about Amritsar, but merely ordered me to write a report on it, which I did. This report is dated the 25th August, 1919.

"On the 25th September 1919 Major-General Beynon in his report on the rebellion made to Army Headquarters repeated his previous approval of my action, and added a testimony to my other services in connection with the rebellion."

And so this officer went on, put day after day into more difficult positions. After he had carried out this work at Amritsar, I believe he was promoted to a higher command. He had not only that, but, as I gather from the evidence, he received the thanks of the native community for having saved the situation, the thanks of some of those, at all events who, when the danger was over, and everything was peaceful, turned upon him and said he ought to be punished. Yes, when that agitation began, everything took a different turn, and the extraordinary part of it all was—and I am not going into details of what has been going on by way of question and answer in this House for the past three or four weeks—that all through these months my right hon. Friend never even knew the truth of the affair. That is really a most extraordinary matter. He had at the India office during these months Sir Michael O'Dwyer, the Ex-Governor of the Punjab, meeting him day by day and getting his reports day by day from India, and he never took a single step until this agitation broke out in India—an agitation which only broke out after the situation had been practically saved. That is a most unfortunate matter. If there was anything to be investigated, if there was punishment to be meted out, it ought to have been an immediate matter, not only in justice to General Dyer but in justice to the Indian people. What is the good, six or seven months afterwards, of trying to placate these people by going back, after all these months, on everything that was done by the Lieutenant Governor, by the Commander-in-Chief, and by the immediate Divisional commander, and telling them that they were wrong. What do you get by it? Was there ever a more extraordinary case than that of a man who comes forward and tells you: I won the approval of my Divisional Commander and the Lieutenant Governor of the Province. I was given promotion, I was sent to do more and more difficult jobs, and eight months afterwards, you tell me I shall never again be employed because I have disgraced myself by inhumanity and an error of judgment?" (Cheers.)

I suppose he will have to bear his punishment. [Hon. Members "why?"] The Secretary for War and the Army council have said it. Let me say this: whatever be the realities of the case, however you may approve of the doctrines laid down by my right hon. friend

—and I do approve of them—however you may approve of the Hunter Commission—and I find it difficult myself, having read the report of the commission, to agree with some of the conclusions that they came to, for instance, I find it difficult to agree with their conclusion that there was no conspiracy to overthrow the British Raj—

Lieutenant-Commander Kenworthy you are an expert in that.

Sir E. Carson :—The hon. member opposite may be sure he is so beneath contempt that—(*Interruption*)—I wonder.....

How many members of the House and of the Government really following out the conspiracy to drive the British out of India and out of Egypt it is all one conspiracy. It is all engineered in the same way and for the same object. I hold in my hand a document which was sent to me by somebody in America few days ago. It goes through the whole of this case in its own peculiar way—this case of the 13th April, in which you are going to punish General Dyer because you were not satisfied that there was a conspiracy to overthrow British Power, for that is the finding of the commission although I notice that even on that question on which General Dyer had to make up his mind, they are themselves a little uneasy, because they say :—

"Apart from the existence of any deeply laid scheme to overthrow the British, a movement which had started in rioting and become a rebellion might have rapidly developed into a revolution."

Because General Dyer thought he ought to prevent it developing into a revolution you have now broken him. I have read the article, and I ask my right hon. Friend to look at the document entitled "Invincible England," and see what it says :

"There is no idea of putting England out of India, but Asia is waking up. Its participation in the Great War, the grossly immoral tactics used by the great European powers, and the conquest of Asian Territory, the realisation that the revolutionary elements of India, Ireland, Egypt and other nations have shaken the supposed invulnerability of England, is already morally loosening the hold of Europe on Asia. England still retains her territory. She has also grabbed Turkey, but her expulsion from Asia looms largely on the horizon. Russia has relinquished her sphere of influence in Persia, and has assured India that the present Russia is not like the ambitious nation of the past, and has no expansionist ideas. She has abandoned all the privileges improperly acquired from China by the late Government."

And then it goes on :—

"Uncertainty, as concerns India, is in the air. Its influence on the situation is unmistakable. Arms are lacking, it is true, but India has the will and determination to expel England."

If, that is true—and I am not arguing the causes or the policy of the Secretary of State in trying to alleviate the situation there by the Act passed last year—all these matters are outside the domain of the soldier. But for Heaven's sake, when you put a soldier into these difficult positions, do not visit upon him punishment for attempting to deal to the best of his ability with a situation for which he is not in the slightest degree responsible. (Cheers.) If he makes an error of judgment, approach it with the full idea that if he is *bona fide* and you can see it was impossible for him in the circumstances to have calmly made up his mind in the way you would do, then you may censure him, but do not punish him, do not break him. (Cheers.) I should like to ask my right hon. friend, if men are to be punished for an error of judgment such as occurred in this case, how many of those right hon. gentlemen would now be punished sitting on the Treasury bench (Loud cheers.) I hope we may not get off on false issues.

I am speaking here with reference to a soldier, whom I believe I saw once, whom I otherwise do not know at all. I am speaking of a man who in his long service has increased the confidence he had gained of those under whom he was serving, who had won the approval of the Lieutenant-Governor of the Province, who was acquainted with the whole facts—and who had got the approval of the Divisional Commander and of the Commander-in-Chief. I say to break a man under the circumstances of this case is un-English.

Mr. Churchill (President, Army Council).—I shall certainly endeavour to follow very carefully and strictly the advice my right hon. friend has given, that we should approach this subject in a calm spirit, avoiding passions and attempts to excite prejudice. Members ought to address themselves to the subject with desire to do to-day what is most in accordance with the long view of the general interests of the British Empire. There has not been for many years a case of this kind which raised so many grave and wide issues, or in regard to which a right and wise decision is so necessary. There is the intensity of racial feeling which has been aroused on both sides in India and every word we speak ought to have regard to that (Hear, hear.) There are the difficulties of military officers, who in these turbulent times have been, or are likely to be, called upon to handle their troops in the suppression of civil disturbance; there are the requirements of justice and fair play towards an individual (cheers); and there are the moral and humanitarian conceptions involved. All these combine to make the task of the Government and of the Committee one of exceptional seriousness, delicacy and responsibility.

I will deal first of all with the action of the Army Council, for

which I accept full responsibility. The conduct of a military officer may be dealt with by three perfectly distinct ways. First of all, he may be removed from his employment, relegated to half-pay, and told that he has no prospects of being employed again. This may be done to him by a simple administrative act. It is sufficient for the competent superior authority to decide that the interests of the Public service would be better served if some one else were appointed in his stead, to justify and complete taking off of such a step. The officer in question has no redress. He has no claim to a court of inquiry or a Court Martial. He has no protection of any kind against being deprived of his appointment, and being informed that he has no further prospects of getting another. This procedure may seem somewhat harsh, but a little reflection will show that it is inevitable. There is no excuse for superior authority not choosing the most suitable agents for particular duties, and not removing unsuitable agents from particular duties. During the War, as every member of the Committee knows, hundreds, and probably thousands, of officers have been so dealt with by their superiors; and since the war, the tremendous contraction of the Army has imposed similar hardships on hundreds, and possibly thousands, of officers against whom not one word of reproach could be uttered, and whose careers in many cases have been careers of real distinction and of invariable good service. This applies to all appointments in the Army, and I have no doubt, in the Navy, too, and it applies with increasing severity in proportion as the appointments are high ones. From the humble lance-corporal who reverted to a private by the stroke of the pen, if the colonel thought he would prefer some other subaltern, up to the highest general or field-marshall, all officers are amenable to this procedure in regard to the appointments which they held. The procedure is hardly ever challenged, and it is not challenged by General Dyer in his statement. It is accepted with soldierly fortitude, because it is believed, on the whole, that the administration of these great responsibilities is carried out in a fair and honest spirit.

Indeed when one thinks of the hundreds of officers of high rank who in the last year have had their professional careers brought abruptly and finally to a close, and the patience, good temper and dignity with which this great personal misfortune has been borne, one cannot help feeling a great admiration for the profession of arms to which those officers belong. That is the first method by which military officers may be dealt with. Under this procedure the officer reverts automatically to half-pay, and in a very large proportion of cases, having reverted to half pay, he applies to be placed on retired pay, because, especially in the case of senior

officers, retired pay is often appreciably higher than half-pay. The second method is of a more serious character, and affects, not the employment of an officer, but his status and his rank. Here, it is a question of retiring an officer compulsorily from service, or imposing on him some reduction or forfeiture in his pension on retired pay.

In this case the officer is protected under article 527 of the Royal warrant, by the fact that it is necessary for three members of the Army Council to approve the proceeding, and by certain rights of laying his case before them. All the same the Secretary of State for the time being, by virtue of his office, has the power to make a submission direct to the crown, and advise that an officer be retired compulsorily, or simply that his name be removed from the list, His Majesty having no further use for his services.

Mr. Bottomley : What has all this to do with General Dyer—I mean with the specific case we are dealing with ?

Mr. Churchill : I have great respect for the Committee, and I do not believe it will refuse to allow a minister or a Government to unfold a reasoned and solid argument to its attention : and I am surprised that my hon. Friend, who himself takes a not undistinguished part in debates, should not appreciate that fact, and should not be willing to facilitate my doing so.

I was saying that is the second method, in which the personal reputation of an officer is undoubtedly affected. The third method is of a definitely penal character. Honour, liberty, life are affected. Cashiering, imprisonment, or the death penalty may be involved, and for this third category, of course, the whole resources and protection which the judicial procedure, lawful tribunals and British justice accord to an accused person are brought into being.

Those are the three different levels of procedure in regard to the treatment of the conduct of officers. Although my hon. Friend has not seen the relevance of it, I think it right at the outset, to unfold these distinctions very carefully to the committee, and to ask the Committee to bear them attentively in mind.

Coming to the case of General Dyer it will be seen that General Dyer was removed from his appointment by the Commander-in-Chief in India, that he was informed, as hundreds of officers had been informed, that there was no prospect of further employment for him under the Government of India, and that in consequence, he reverted automatically to half-pay. These proceedings were brought formally to the notice of the Army Council by a letter from the India Office, which recommended further that he should be retired from the Army, and by telegram from the Commander-in-Chief in India, which similarly recommended that he should be ordered to retire. That was about a month ago.

At a latter stage it was brought publicly to the notice of the Army Council by the published despatch of the Secretary of State for India, which stated that the circumstances of the case had been referred to the Army Council. The first step taken by the Council was to direct General Dyer—we had an application from him that he desired to take this course—to submit a statement of his case for their consideration.

The statement is, I think, in the possession of the Committee at the present time. We asked him to make that statement, and we accepted his request that he should be allowed to make it, because we felt that if any action was to be taken against him, apart from removing him from his appointment and employment in India, it was essential that he should furnish a statement in his own behalf and should be judged upon that and not upon evidence which he had given as a witness in any inquiry before which he had been summoned without having any reason to believe that he was cited as an incriminated party.

The conclusion of the Hunter Committee might furnish the fullest justification for removing him from his appointment.

Commander Bellairs ; No, no !

Mr. Churchill : I am expressing my opinion. When my hon. and gallant Friend is called, he will express his opinion. That is process which we call Debate. But if any question of retiring General Dyer from the Army was to be examined, direct statement from him in his own defence was indispensable. The conclusion reached by the Army Council, which have been communicated to the House, was reached unanimously and speaks for itself. It must be remembered, however, that the Army Council must deal with these matters, mainly, from a military point of view. They had to consider the rights and interests of officers and also to consider the effects of any decision which they may come to upon the confidence with which officers will do their duty in the kind of extremely difficult and tragical circumstances in which General Dyer and a good many other officers of the Army had in recent times been placed.

The Army Council have to express an opinion of General Dyer's conduct from what is primarily a service standpoint. Their function is one of great responsibility, but at the same time it is one of a limited and special responsibility.

Nothing could be more unjust that to represent the Army Council as seeking to raise a constitutional issue, or setting themselves up against the paramount authority of the Govt. of the country. I very much regret to have seen that that suggestion has been made. It is quite unmerited and uncalled for. Asked to express their opinion, they were bound to give it sincerely and plainly

from their special stand-point. Their conclusions in no away affected *the Final freedom of* action of the cabinet. The cabinet has many interests to consider far out side and beyond the scope and authority of a body like the Army Council which is an administrative body, a subordinate body, and which is not at the same time a judicial tribunal. If the Cabinet with their superior authority and mere general outlook, took the view that further action was required against General Dyer beyond the loss of employment, beyond the censure pronounced by the Hunter Commission, by the Government of India, and by the Secretary of State's despatch, which was a cabinet document bearing the considered opinion of the Government, if it was thought further action of a disciplinary character was required, the cabinet were perfectly free to take it without any conflict of powers arising from the subordinate, administrative Army Council, and the Supreme Executive council of State.

I made it perfectly clear to my colleagues on the Army Council, that in assenting to the conclusion to which we came, as an Army council, I held myself perfectly free if I thought right and if the cabinet so decided, to make a further submission to the Crown for the retirement of General Dyer from the Army.

Lieut. Colonel Croft : And the converse may be true, also. The cabinet upset the whole decision also in the other directions!

Mr. Churchill . Certainly. The cabinet can certainly after the the employment of any officer. I now come to explain and to justify the decision of the Cabinet. This is the question I have been asking myself and which I think the House should consider. Were we right in accepting, as we have done, the conclusion of the Army Council as terminating the matter so far as General Dyer is concerned, or ought to have taken further action of a disciplinary or quasi-disciplinary character against him! Here, for the first time, I shall permit myself to enter, to some extent, upon certain aspects of the merits of the case

However we may dwell upon the difficulties of General Dyer during the Amritsar riots', upon the anxious and critical situation in the Punjab, upon the danger to Europeans throughout that province, upon the long delays which have taken place in reaching a decision about this officer, upon the procedure that was at this point or at that point adopted however we may dwell upon all this, **one tremendous fact stands out—the slaughter of nearly 400 persons, and the wounding of probably three or four times as many at the jallianwalla Bagh. That is an episode which appeared to be without precedent or parallel in the modern history of the British Empire.** It is an event of an entirely different order

from any of those tragic occurrences which take place when troops are brought into collision with the civil population. It is an extraordinary event, a monstrous event, an event which stands in singular and sinister isolation. Collisions between troops and native populations had been painfully frequent in the melancholy aftermath of the Great War.

My right hon. Friend has reminded the House that in this particular series of disturbances there were 36 or 37 cases of firing upon the crowd in India at this particular time, and there have been numerous cases in Egypt. In all these cases the officer in command is placed in a most painful difficult and different position.

"I agree absolutely with the opinions quoted from the Adjutant General in India as to the distasteful, painful, embarassing, torturing situation mental and moral, in which the British officers in command of troops were placed, when he was called upon to decide whether or not he should open fire, not upon the enemies of his country, but on those who were his countrymen or who were citizens of our common Empire. But there were certain broad lines by which I think, an officer in such cases could be guided. First of all the officer might ask himself, "Is the crowd attacking any thing or anybody? Are they trying to force their way forward to the attack of some building or troops or police, or are they attempting to attack some brand of persons or some individual who has excited their hostility?" The question is, "Is the crowd armed?" By armed I mean armed with lethal weapons.

Sir W. Joynson-Hicks: How could they be in India?

Mr. Churchill: Men who take up arms against the State must expect at any moment to be fired upon. Men who take up arms unlawfully cannot expect that the troops wait untill they are quite ready to begin the conflict.

Mr. Donald: What about Ireland?

Mr. Churchill: I agree, and it is in regard to Ireland that I am specially making this remark or until they have actually began fighting. Armed men are in a category absolutely different from unarmed men. An unarmed crowd stands in a totally different position from an armed crowd. At Amritsar the crowed was neither armed nor attacking. (Cries of Oh!") When I use the word "armed" I mean armed with lethal weapons, or with firearms. There is no dispute on that point. "I was confronted," says General Dyer, "by a revolutionary army." What is the chief characteristic of an Army? Surely it is that it is armed. This crowed was unarmed. There is another test which is not quite so simple, but which nevertheless has often served as a good guide to officers in these difficult situations—I mean the doctrine that no more force should be used than is necessary

to secure compliance with the law. The officer should also confine himself to a limited and definite objective—that is to say, to prevent a crowd from doing some thing they ought not to do, or to compel them to do something which they ought to do.

My right hon. Friend (Sir E. Carson) will say it is easy enough to talk like this, and to lay down these principles here in safe and comfortable, and in the calm atmosphere of the House of Commons or in armchair in Dowing street or Whitehall. But it is quite a different business on the spot in great emergency, confronted with a howling mob, with a great city or a whole province, quivering round with excitment. (Cheers.) I quite agree. Still these are good guides, and sound simple tests, and it is not too much to ask of our officers to consider and observe them. After all, our officers are accustomed to accomplish more difficult tasks than that. Over and over again we have seen British officers and soldiers storm entrenchments under the heaviest fire with half their number shot down before they entered the position of the enemy, the certainty of a long bloody day before them, and a tremendous bombardment crashing all around : we have seen them taking out their maps and watches, and adjusting their calculations with the most minute detail. They had been seen showing not merely mercy, but kindness to prisonêrs, observing restraint in the treatment of them, punishing those who deserved to be punished by the hard laws of war, and sparing those who might claim to be admitted to the clemency of the conqueror, and they had been seen exerting themselves to show pity and to help the wounded, even to their own peril. They had done all that thousands of times and in requiring them in moments of crisis dealing with civil riots, when the danger is incomparably less, to consider these broad, simple guides, I do not think we are taxing them boyond their proved strength.

Commander Bellairs : what about the women and children !

Lieut.-colonel Croft : There are no women and children in the trenches.

Mr. Churchill : I am bound to say I do not see to what part of my argument that remark applies. I say I do not think it is too much to ask a British officer in this painful, agonising position, to pause and consider these broad, simple guides—I do not even call them rules—before he decides upon his course of conduct. Under circumstances, in my opinion infinitely more trying, they have shown themselves capable of arriving at right decisions.

If we offer these broad, positive guides to our officers in anxious and dangerous times, if there are guides of a positive haracter there is surely one guide which we can offer them of a

negative character. There is surely one general prohibiton which we can make. I mean a prohibition against what is called "frightfulness." (By frightfuler.) By frightfulness I mean inflicing great slaughter or massacre on a particular crowd of people with the intention of terrorizing not merely the rest of crowd, but the whole district or the whole country. We cannot admit this doctrine in any form. Frightfulness is not a remedy known to the British Pharmacopæa.

I yield to no one in my detestation of Bolshevism, and of the revolutionary violence which precedes it. I share with my right hon. Friend (Sir E. Carson) many of his sentiments as to the world-wide character of the seditious and revolutionary movement with which we are confronted. But my hatred of Bolshevism and Bolsheviks is not founded on their silly system of economics, or their absurd doctrine of an impossible equality. It arises from the bloody and devastating terrorism which they practice in every land into which they have broken, and by which alone their criminal regime can be maintained. I have heard the hon. member for Hill (Lieut. Commander kenworthy) speak on this subject. His doctrine and his policy is to support and palliate every form of terrorism as long as it is the terrorism of revolutionaries against the forces of law, loyalty and order. Governments who have seized power by violence and usurpation have often resorted to terrorism to keep what thay have stolen, but the British Empire, where lawful authority descends from hand to hand, generation after generation, does not need such aid. All such ideas were absolutely foreign to the British way of doing things.

These observations are mainly of a general character, but their relevance to the case understood, and they lead me to the specific circumstances of the fusillade at the Jallianwallah Bagh. Let me marshal the facts. The crowd was not armed, except with bludgeous, and it was not attaking anybody or anything. When fire had been opened on it, it tried to run away, but it was pinned up in a narrow space, considerably smaller than Trafalgar square with hardly any exits when one bullet would drive through three or four bodies. The people ran madly this way and that and the firing was only stopped when the ammunition was on the point of exhaustion, enough being retained to provide for the safety of the force on its return journey. If more troops had been available, says this officer, the casualties would have been greater in proportion. If the road had not been so narrow, the machine guns and the armoured cars would have joined in. Finally when the ammunition had reached the point that only enough only remained to allow for the safe return of the troops, and after

379 persons had been killed and when most certainly 1,200 or more had been wounded, the troops, at whom not even a stone had been thrown, marched away. I do not think it is in the interests of the British Empire or Army to take a load of that sort for all time upon our back. We have to make it absolutely clear that this is not the British way of doing things. (Cheers.)

I shall be told that it "saved India." I do not believe it for a moment. The British power in India does not stand on such foundations. I am going to refer to the material foundations of our power very bluntly. Take the Mutiny as the datum line. In those days there were normally 40,000 British Troops in the country and the ratio of British troops to Native troops was one to five. The Native Indian Army had a powerful Artillery, of which they made tremendous use. There were no Railways, no modern appliances, and yet the mutiny was effectively suppressed by the use of a military power far inferior to that which we now possess in India. Since then the British troops have been raised to 70,000 and upwards, and the ratio of British to Native troops is one to two. There is no native artillery of any kind. The power and the importance of the artillery has increased in the meantime 10 and perhaps 20 fold. Since then a whole series of wonderful and powerful war inventions have come into being, and the whole apparatus of scientific war is at the disposal of the British Government in India—machine guns, the magazine rifle, cordite ammunition, which cannot be manufactured as gunpowder was manufactured except by a scientific power, and which is all stored in the magazines under the control of the white troops. Then there have been the great developments which have followed the conquest of the air and evolution of the aeroplane. even if the railways and telegraphs were cut or rendered useless by a strike, motor lorries and wireless telegraphy would give increasingly the means of concentrating troops and taking them about the country with an extraordinary and almost undreamed of facility. When one contemplates these solid, material facts, there is no need for foolish panic or talk of its being necessary to produce a situation like that at Jallianwalla Bagh in order to save India. On the contrary, as we contemplate the great physical forces and the power at the disposal of the British Government in their relations with the native population of India, we ought to remember the words of Macaulay—

"and then was seen what we believe to be the most frightful of all spectacles, the strength of civilisation without its mercy" Our reign in India or anywhere else had never rested on a basis of physical force alone, upon it.

The British way of doing things has always meant close co-operation with the people of the country. In no part of the British Empire have we arrived at such success as in India whose princes spent their treasure in our cause, whose brave soldiers fought side by side with our own men, whose intelligent and gifted people are co-operating at the present moment with us in every sphere of government and of industry. In Egypt there has recently been a breakdown of the relations between the British and the people, and we are trying to rebuild that relationship laboriously and patiently. We have plenty of force, if force were all, but what we are seeking was co-operation and goodwill. If such a rupture between the Government and the people had taken place throughout the Indian Empire, it would have been one of the most melancholy events in the history of the world. That it has not taken place is I think largely due to the constructive policy of His Majesty's Government, to which my right hon. Friend the Secretary of State for India has made so great a personal contribution. I was astonished by my right hon. Friend's sense of detachment when, in the supreme crisis of the war, he calmly journeyed to India and remained for many months absorbed and buried in Indian affairs. It was not until what I saw in Egypt, and, if you like; what is going on in Ireland today, that I appreciated the enormous utility of such service, from the point of view of the national interests of the British Empire, in helping to keep alive that spirit of comradeship, that sense of unity and of progress in co-operation, which must ever ally and bind together the British and Indian peoples.

I do not conceal from the house my sincere personal opinion that the conduct of General Dyer at Amritsar deserved not only loss of employment and the measured censure which the Government have pronounced, but also to be marked by a definite disciplinary act, namely his being placed compulsorily on the retired list. But we have only to turn to the statement of General Dyer, we have only to cast our mind back to the most powerful passage in the speech of my right hon. Friend (Sir E. Carson) to see that such a course was barred. It is quite true that General Dyer's conduct has been approved by a succession of superiors above him, who pronounced his defence, and that at different stages events have taken place which it may well be argued amounted to virtual condonation so far as a penal or disciplinary action is concerned. (Hear, hear.) General Dyer may have done wrong, but, at any rate, he has his rights, and do not see how, in face of such virtual condonation, it would have been possible, or could have been considered right, to take disciplinary action aginst him. For these reasons the Cabinet found themselves in agreement with the

conclusions of the Army Council, and to those moderate and considered conclusions they confidently invite the assent of the House. (Cheers.)

Mr. Asquith: I have heard this afternoon so much sound and excellent doctrine from the treasury Bench, notwithstanding an occasional deviation in one or two of his intercalary perorations from my right hon. Friend (Mr. Churchill) who has just sat down, that I shall content myself with two or three observations. The issue as far as the Debate has gone, is reduced to a very narrow point. I assume that we have heard, as we always do here from such a consummate advocate as my right hon. and learned Friend (Sir E. Carson). the full strength of the case that can be made against the Government decision. To what does that case amount? My right hon. and learned Friend has not attempted to justify General Dyer's action on the merits. He made no attempt of any sort or kind to meet he points which have been submitted to the Committee by the Secretary of State for War. He had two suggestions and two only, to support his general allegation of hardship and grievance. The first was an extraordinary one—that General Dyer had not had a trial. General Dyer's case has been considered on his own evidence before the Hunter Committee. [Hon. Members: "No!"] By what I think was an unfortunate decision, many of the witnesses who were available were not called and examined.

His case was considered on his own evidence before the Hunter Committee. Both of the majority and minority agree in their condemnation, and their judgement is supported and endorsed by the Government of India. It is confirmed not only by the Secretary of State but by the full Cabinet here. Then he represents his case as he has done in the last few weeks, in an *ex parte* statement of his own, to the Army Council. The Army Council reconsider the case, and come to the same decision which had been arrived at by other authorities. To say, in all the circumstances that he has not had fair hearing and ought to have another opportunity of saying whatever he can say in his own defence, seems to me to be an abuse of language. (Hear, hear) It is undoubtedly the case that he had been commended at the time by his superior officer and by the Lieutenant-Governor. Whether they were then in full possession of the facts, I do not know; whether they were impartial judges in the circumstances, I do not know. There was much of feverish, hectic excitement in the atmosphere. They had very little opportunity of making a passionate inquiry into the case. I have heard nothing from the right hon. and learned member (Carson) which could in any way impugn the correctness and force of the decision concurrently arrived

at by so many authorities. The case is as simple a case as has ever been presented in the House.

Undoubtedly on the 10th April —I do not go into the larger question whether there was or was not evidence of a conspiracy in the Punjab—very serions riot occurred which involved both arson and murder that was put down. During the three days which elapsed from the 10th to the 13th of April there had been no outbreak. My right hon. Friend spoke of these days a very dark and rife with murder. I do not know from what evidence he was speaking. I know of no such evidence of any sort. On the contrary, the riots were put down on the 10th. The 11th and 12th passed in perfect tranquility, or, at any rate, there was no further offensive.

Here I must offer a word of criticism on a point which has not so far been referred to at all in the course of the discussion. I feel that it is deeply to be deplored and reprehended that the civil authority abdicated its function and handed over something very much in the nature of a *carte blanche* to the General in command. It is the worst example, and in India particularly, it is a very bad example. The civil authorities were guilty of a gross dereliction of duty in divesting themselves, or trying to divest themselves, of their functions, and handing the whole thing over to the discretion of the military authorities. I cannot help thinking that if the civil officers at Amritsar had, at the beginning of the transaction, taken a proper sense of the duty which the law of their office imposed on them, and had controlled and directed, or at any rate supervised, subsequent military operations, it is quite possible that this terrible incident of the 13th might never have occurred. (Cheer). It is only fair and just to General Dyer to say this, in what I conceive to be a most terrible error of Judgment and even worse, he had not, in this very critical and responsible situation, the advantage which he was entitled to have and which tht Executive ought to have given him, of the assistance and advice of the civil authority familiar with all the local circumstances, and ultimately responsible for the maintenance of order.

But that criticism having been made, two days passed in tranquility, at any rate without further outrage. The General saw fit to prohibit the holding of a public meeting and he went round the town with an escort and with drums for the purpose of communicating that prohibition to the population. The meeting, nevertheless, was held. As my right hon. Friend has just pointed out, it was a meeting of unarmed persons. I think that I am right in saying that there were women and children there as well as men.

[Hon. Members : No !]

Sir W. Joynson-Hicks: There were no women or children:

Mr. Asquith: Be it so. I believe that there were boys, but be it so. It was an unarmed crowd, in a closed space, from which the exit were few and narrow. There is no evidence, nor could there be, that the bulk of the people were aware of the Proclamation which had been issued earlier in the day. General Dyer with his troops, giving no warning of any sort or kind, fires indiscriminately into this mass of people until he has practically exhausted the whole of his available ammunitiou. There has never been such an accident in the whole annals of Anglo-Indian history nor, I believe, in the history of our Empire. (Hear, hear) To ask the House of Commons to reverse the considered decision given after hearing everything that General Dyer had to say or put forward to all these great responsible authorities, to reverse that decision upon no new facts—to take General Dyer's statement and judge him on that—is not only to fly in the face of the presumptions of evidence and the rules of common sense and the practice of all civil and judicial tribunals, but is something much worse than that. It is for the House of Commons to take upon itself on behalf of the British Empire as a whole, the responsibility of condoning and adopting one of the worst outrages in the whole of our history. (Cheers) For my part, so far as I can command any authority or confidence among others in this House, it is an occasion on which I ask my hon. Friends to give their hearty support to the Government in the course which they have taken. (Cheers).

Mr. Ben Spoor: I beg to move that Item A (Salaries, £ 6,500) be reduced by £ 100. I hoped that Mr. Montagu would have dealt at greater length with the extremely grave situation in India and the result of the happenings of last year. I would like to say how very much I appreciate, and all the members of the labour party appreciate, the very definite declaration of the Secretary of State with regard to the question of the Hunter report. I will only add this, that if the spirit which infused the right hon. Gentleman's speech infuses and directs the policy of the Government in India in the months ahead there is some chance of peaceful relations being established between India and England. I am glad that the right hon. Gentleman reminded the House how extremely grave the situation is there. I wondered, as I heard some of the rather unseemingly interruption of time, whether those who took part in the interruptions realised what was happening in India at this moment, whether the interrupter's knew that there was a wane of unrest that was full of dangerous possibilities, whether they realised that the reforms that were passed through this House and became an Act last year, and which it was hoped would shortly

come into operation in India, were seriously prejudiced by the attitude of the Indian people as a direct result of the policy that led up to Amritsar. In this Debate, I hope that the committee will not lose sight of the attitude of the Indian people themselves. I am quite sure that the sentiment of which we have had abundant evidence this afternoon, the sentiment of sympathy with some officers to whom direct reference has been made, is a sentiment not shared by many people outside this House. I would like to suggest to any Indian who may be present in the chamber—

Mr. Palmer : Is it in order for an hon. member to address the gallery, and not the Committee ?

The Deputy-Chairman : I am sorry that for the moment I was not paying attention to the hon. Gentleman's remarks. If he will proceed, I will listen carefully.

Mr. Spoor : I am extremely sorry if I have said anything not in accordance with ordinary procedure in our Debates. If what I have said was not in order I withdraw it. I will put the matter this way. I would be extremely sorry if I thought that people outside the Commons, whether British or Indian, believed that the sentiment of which we have had evidence this afternoon represented in any real degree the feeling of the people of this country. A fortnight ago the Labour Party held a great conference and passed a resolution on that subject which some people no doubt thought was of an extreme character. It asked for the recall of the Viceroy, the impeachment of Sir M. O'Dwyer, the trial of officers against whom allegations have been made, and the repeal of repressive Legislation. and coercive Legislation which more than any thing else has contributed to the present unhappy state of affairs in India. That resolution expressed the considered opinion of Labour party outside the House of Commons. It was a resolution framed by men not unfamiliar with the Indian situation, and it commanded the unanimous support of the whole Conference. In all seriousness, I submit that that resolution and the sentiment that was in evidence at the conference much more correctly express what I believe to be the general feeling of the public in this country that the exhibition we have had here this afternoon. Sir E. Carson said : "Let us be fair to a distinguished soldier." I want to be let them be fair to the hundreds of Indians who have lost their lives, and to the children who were bombed from the air by British Officers.

I am quite sure that no reasonable being could attempt for a single moment the defence of many of the horrible acts that took place, and when we ask for justice for our own generals and officers—and I hope justice will be done to them—let us also insist upon equal justice for the people of India themselves. I would

like to refer to the broad fact of the Indian situation as it existed in the time immediately preceding these events. Those of us who took any part in the Indian Debates last year had abundant evidence of the extra-ordinary outburst of political opinion, the extra-ordinary awakening of political consciousness, to which reference has been made already to-day. During the war promises were made to the Indian people and in a measure an attempt was made in the Act of last year to give effect to those promises. Yet at the same time that we were promising the people of India that we would apply the principle of self-determination to the country and give them Home Rule, those activities were countered by repressive legislation throughout India and more particularly in the Punjab; they were countered not only by repressive legislation, but by Acts that have been rightly described here as Acts of unrestrained Prussianism. The inevitable happened. The Secretary of State for India in his despatch has condemned General Dyer severely. He speaks of him as having on one occasion violated every canon of civilised Government. Even the Government of India seems to regret the inhumanity of this British officer.

Sir J. D. Rees: why "Even the Government of India?"

Mr. Spoor: If the hon. Member will wait a moment, I will answer his query. I am going to suggest that the Government of India share a great measure of responsibility for this tragedy. The Government of India were behind the policy that led up to these unfortunate events. But even the Government of India regretted the inhumanity of General Dyer. I want to suggest that Amritsar is not an isolated event any more than General Dyer is an isolated officer. These are not things that can be judged apart, if they resulted from a certain policy that some men have pursued, from a certain mentality that some men seem to possess in India in a most extraordinary degree. Talking about the curious mentality of some Anglo Indians, may I be permitted to quote one short paragraph from the evidence of the Brigadier-General Commanding the Delhi Brigade. It is taken from volume one page 172 of the evidence.

"Composed as the crowd was of the scum of Delhi, I am of opinion that if they had got a bit more firing given them it would have done them a world of good, and their attitude would be much more amenable and respectful, as force is the only thing that an Asiatic has any respect for."

I put it that if that is a typical example of a British officer in India—

Colonel Wedgwood: It is not.

Mr. Spoor: If it is not a typical example, I would ask, is that British officer still in India? Is he still in a position of authority

or has he been called upon to resign? I said that the happening in India resulted from certain policy, on the other hand, and a curious mentality on the other. As far as the Punjab was concerned, the policy was obviously that of Sir Michael O'Dwyer. On page 92 of the Hunter Committee report the minority point out that his speech in the Legislative Council, in September 1917, was regarded as an attack on the educated classes, that he prohibited during his administration certain political leaders from entering the Punjab, and that he put the Press Act more rigorously into operation in the Punjab than elsewhere. In a word his administration was tyrannical. He revealed no qualities of statesmanship.

Sir Charles Oman: That is not the report, but the Minority Report to which you are referring?"

Mr. Spoor: Yes. He revealed no qualities of statesmanship: he showed always a blunt reliance on force. It was Sir Michael O'Dwyer who was primarily responsible for the use of aeroplanes at Gujranwala. In connection with that raid, I believe, bombs were actually dropped into the play-ground of a school. According to the Congress report, all disorder that had occurred in Guiranwala had actually ceased before the aeroplanes arrived and began their bombardment. I submit that Sir M. O'dwyer and those like him typify that kind of Anglo-Indian who is the greatest menance to the security of the Empire and the greatest barrier to the progressive realisation of responsible Government in India. Behind Sir M. O'Dwyer we have the Viceroy and he cannot by any manner of means evade his responsibility in this crisis.

Earl Winterton: On a point of order. It is not in order to criticise the action of the Viceroy of Ireland save on a substantive motion. I submit that by the rulings of successive speakers it is equally out of order to criticise the doings of the Viceroy of India in his executive capacity without putting down his substantive motion.

The Deputy-Chairman: The Noble Lord is quite right. It is not in order to discuss the conduct of the Viceroy except upon a motion put down for that purpose.

Colonel Wedgwood: When the Mesopotamia Report was discussed in this House the conduct of the Viceroy was attacked then, and no ruling was made that such an attack was not to be allowed. I think we ought to protest at once against the idea that we are not to be allowed to criticise the actions of the Viceroy and Executive of India in this Debate.

Mr. Spoor: I was speaking of the Viceroy as the president and representative of the Indian Government. The Indian Government as the overruling authority, cannot possibly evade their responsibili-

ties in this matter. I am one of those—and I am sure there are many others in the House—who do not like the idea of General Dyer being made a scape-goat of in connection with these matters. The truly responsible persons must be discovered, and, without vindictiveness, they must be punished, in justice to the people of India. Therefore, when I use the name of the Viceroy, I refer to him in his capacity as president and Governing head of the India Government. I do submit respectfully, one is not only entitled, but almost compelled, to make references to the Ruling head of India in a Debate of this character, if we are to allocate responsibility in the fairest possible way. What I was going to say with regard to Lord Chelmsford I will leave unsaid in deference to your ruling.

The Deputy-Chairman : The hon. Member must not discuss the actions of the Viceroy. He is entitled to refer to the actions of the Government of India.

Mr. Spoor : I think it is quite clear that what one is criticising is the policy for which the Government of India have to be responsible and a policy which has contributed far more than has yet been admitted in this House to the serious situation that at present exists in this country. We therefore ask that the Viceroy and Sir Michael O'Dwyer should be dealt with in a way that would secure justice for the Indian people. I referred just now to the curious mentality of some Anglo-Indians. There may be some climatic explanation—one cannot tell—but the fact is they are of the most extraordinary mentality which seems to possess some of those in positions of authority out in that country. India may be governed by consent ; she will never again be governed by force. (Cheers.) Any attempt to do so is to act contrary to the often declared principle that has governed the policy of his Majesty's Government, not only in India, but in all parts of the Empire. Every contributory cause to that extraordinary mentality must be removed. There were three courses open to the Government. The first is that which would be advocated by those who believe that General Dyer and his colleagues had saved the country. The first course, a frank approval of the head of the Indian Government, Sir Michæl O'Dyer, General Dyer, and the other officers implicated. The second course is the one which has apparently been followed up to now by the Secretary of State for India, that is to say, approval of the Indian Government and approval of Sir Michæl O'Dwyer, but condemnation of General Dyer, who, after all, is the instrument of their will. The third, and the only logical course, is to be found in the pursuance of the liberal spirit which is supposed to inspire the Reforms of last year, and which we were told this afternoon aims at leading the people of India into Liberty. If this last course is followed it

obviously involves the condemnation of all those who have been responsible for this reactionary policy. We, of the Labour Party, and I speak for all my colleagues, stand for the last course as the only one which is consistent with our national honour and obligation. It involves the recall of the Head of Indian Government, the trial of Sir. M. O'Dwyer, General Dyer and others implicated, a trial in His Majesty's courts of Justice. I may, in passing, submit that they will probably have a more judicial hearing and receive a more impartial trial there than they are likely to secure from the columns of "Morning post" or the columns of the "Times."

Last of all, and to me it is really more important, our Government should take action in this matter and immediately repeal all that repressive and coercive and totally unnecessary legislation which has defaced the Statute Book in India, and which has had no other effect than to promote continual irritation and dissatisfaction. Unless that legislation is immediately repealed and the people of India are made to realise that they are in the Empire on equal terms, so far as their ordinary rights are concerned, with every British citizen, there is not the slightest hope of peace in that country. If the Government do not do this, then it is impossible to say what the consequences will be and the situation in India will not improve. I have referred to the feeling of bitter indignation that swept and is still sweeping over India, and you are not going to remove that feeling by calling on the British general who happened to lose his head to resign. You have got to go a great deal further. You will only do it by showing, unmistakably, that the policy of governing India by a military policy and by getting rid of the prehistoric mental outlook which possesses individuals out there, and is the foundation of unrest in India. I wonder how familiar members are with the movement that has recently been initiated in India, and which is calling upon the Indian people to refuse to co-operate in the working of the Act that was passed last year. It is a movement which has spread with great rapidity, and it is a movement which has the support, not only of the Extremists, but also of moderate men, and it is a movement which, if it is persisted in and developed, will most certainly make the working of reforms altogether impossible. I am one of those who want to see the people of India really free. I hope to God they are not going to wade through blood to get that freedom, but if we want to destory this non-co-operation movement, and to remove the justification for it we can only do so in so far as we are prepared to do justice to the people of India in regard to the tragedies of last year. Some of us hope much from the reforms which were passed. Some of us believed we were present at the birth of a new understanding between East

and West. Those hopes will never be realised, unless the Government is prepared to act with courage and decision, and unless the Government is prepared to repudiate in the most emphatic manner possible those men whose policy, if continued, will surely wreck all possibilities of co-operation between an awakened India and ourselves.

Lieutenant-General Sir Hunter Weston, as one who had served with native troops in India, appealed to the Committee to exercise moderation in what they said about the regrettable occurrences in India, and with a due feeling of responsibility and of the harm that might be done by intemperate speeches on either side. There was a great danger of exacerbating feeling between the British section of the population of India and that conglomeration of different races, different religions and, indeed, of different civil nations which they were apt to class as one, as the people of India. There was undoubtedly present a certain strain in the relations between the British population in India and certain sections of the Indian races, and to still further aggravate that feeling would be to do the gravest disservice to their country. General Dyer by his record had shown himself to be a man and an officer well able to deal with threatening situations without the use of force. The evidence contained in the Report of Lord Hunter's Committee could not be used against any man in any Court of Law, either civil or military and, therefore, it should not be used as the basis of defence or attack in that House or outside. In principle, the use of the military in aid of the civil power was the same in that country and in India. To allow anything in the nature of "frightfulness" was abhorrent to the British Nation, and therefore to the British Army. If both the Commander-in-Chief in India and the Army Council had decided that General Dyer should be relieved of his command, the Committee might be sure that he had been treated fairly, and that no good could be done to him, to the Army, or to the country by attacking a decision made by responsible soldiers, who had the full confidence of the Army and the Nation, and had the facts fully before them and the best legal advice at their disposal.

He appealed to those who desired to defend an eminent soldier not to attack those other eminent soldiers who had to adjudicate on the case, and especially not to say anything which could be quoted in the difficult days ahead as showing that members of Parliament approved anything which could give colour to the assertion that the British Army might be used as an instrument of oppression. Upon those members, whose sympathy with the relatives of those who lost their lives at the Jallianwala Bagh prompted them to condemn General Dyer utterly, and to call upon the Government to

punish him still further, he urged moderation in the expression of their opinion, remembering that harm might be done by their words in embittering feeling in India and adding to the difficulties of those who in the future would have to uphold law and order.

The situation with which General Dyer had to deal had been in existence for some time, and before his arrival, had led to the murder of Europeans, to an assault upon an English woman, to loss of life among the natives, and to much damage to property. The terms of the written order given to him by the civil authority on his arrival on April 11, were: "The Troops have orders to restore order in Amritsar and to use all force necessary. No gathering of persons nor procession of any sort will be allowed. All gatherings will be fired on." That notice was given out to several of the citizens on April 11. On the afternoon of April 13 having received notice from the Superintendent of Police that a crowd was assembling in the Jhallianwala Bagh, a park in Amritsar city, General Dyer marched to the spot, and found a huge assembly of many thousands of people, who appeared to him to be in a dangerous mood. A determined rush might easily overwhelm his little force of 50 native soldiers armed with rifles, and 40 armed only with kukris. General Dyer and his little band were entirely isolated in the city. Narrow streets were behind him, his flanks and rear were open to attack, and no reinforcements were within reach. If this little band, who were the sole guardians of law and order, had been overwhelmed, there was nothing to hold in check instigators of crime and insurrection, nothing to prevent the recurrence of the loot and murder and arson which had raged in the city only three days before. (Hear, hear) Any hesitation on General Dyer's part, any failure to use, and to use at once, the necessary force might have been the spark that would light the conflagration of another mutiny. No one who had not been placed in a similar situation should venture to condemn General Dyer. (Cheers.)

Lieutenant Colonel James said that, as it appeared to him, the question was one affecting not so much the Indian Empire as justice. When General Dyer put in his statement to the Army Council, one should have thought that the natural thing would have been to send for him and ask for oral explanations. He understood that procedure was never followed at the War Office, and he thought that alone vitiated the virtue of appeal. Unless they could have a man face to face with the president of the tribunal, they could not form a proper judgment on his case. General Dyer was faced with an unparalleled situation and the only judge of the amount of force which should be used at the moment was he himself. (Cheers) To say that there was no evidence of a general conspiracy in India

was just as absurd as it would be to set up a board of inquiry in Ireland at the present moment, and to say that there was no evidence of constables being killed, for the simple reason that they had not been caught (Laughter and cheers). He asked hon. members to stand for the cause of justice, fair play and moderation towards the great mass of the loyal Indian peoples, who would be the first to suffer if they in that House did not stand by their own people. (Cheers)

Sir W. Joynson Hicks : I came down to the House very fully intentioned to make a very moderate statement, and to deal in my remarks with the wider question of the future of our government in India, rather than to speak on the actual case of General Dyer. I should like to congratulate the hon. and gallant Gentleman who has just disappeared so rapidly after making his maiden speech ; the whole house, I should say, will like to hear him again, I should like to refer for one moment to the hon. and gallant Member for Northampton, and the very fine speech in which he put the case of General Dyer admirably. He described the Amritsar events of that awful afternoon of 13th April. Yet I do not know whether every one in the Committee heard the beginning of the speech. He appealed to the hon. Members as Members of this House, to support the decision of the Army Council because the Army council has come to a decision. Really, the second part of the speech of my right hon. Friend was a complete justification for anyone who votes against the decision of the Army Council. I want to say at once that as a member of this house I am not prepared to abdicate not merely my rights but my duty of taking part in this debate, and of supporting my convictions by my vote, and, if necessary, voting against the decision of the Army Council, which has been put forward for justification on the ground that it is a decision of the Army council. What is the House of Commons for ? What is this Debate for ? I am glad to see that my right hon. Friend the Secretary of State acknowledges the correctness of what I say as to what is the right and the duty of the House of Commons. We are here to debate questions, and to say what we believe to be right, not merely to confirm the views of some other body.

After all, we are, as I think the right hon. Gentleman the member for paisley (Mr Asquith) once described the House of Commons to be: "The great inquest of the Nation." We are the best Court to which General Dyer, or any other person aggrieved by the action of any Government Department, can come. General Dyer has appealed to the Commander-in-Chief. He has appealed to the Secretary of State. He has appealed to the Army Council. In the last resources he appeals to us. We have to decide the case. We

have to decide one way or the other. My hon. and gallant Friend made a powerful appeal for moderation in regard to this matter. I do not intend to attack the Secretary of State. But I think I must say that a more disastrous speech—and I say that with a sense of responsibility and the hope that my words may be believed—has never been made on the Amritsar affair. I had just returned from a visit to India and to Amritsar, and the opinions I am expressing as to the events which took place there are held by at least 80 per cent. of the Indian Civil Service throughout India and 90 per cent. of the European people. (Hear, hear.) The Secretary of State for India has, for some time past, entirely lost the confidence of the Indian Civil Service. (Cheers.) It is a very serious matter, and the speech of the Secretary of State of this afternoon will have utterly destroyed any little shreds of confidence which was left to him, not merely in the minds of the Indian Civil Service, but in the minds of the British Army in India. (Cheers.) It is difficult in the face of the speech to make a moderate speech, which was merely one long vituperation of General Dyer in his action in India, and one long appeal to racial passions. (Cheers.)

The right hon. Gentleman the Member for Paisley asked for a defence of General Dyer. He asked whether there was any body in this House prepared to say that General Dyer did right. I am prepared to say so. I am backed up in that opinion, as I say, by 80 per cent. of the Indian civilians and by 90 per cent. of the European population.

Mr. Mills: Where did you get those figures?

Sir W. Joynson Hicks: In India. I devoted my time in India to seeing and speaking to every one I could, both agitators as well as the governing classes. I did my best to form an accurate opinion. There is one person whose opinion I think may carry weight with this House. Hon. members had heard of the lady missionary who had nearly been killed in Amritsar on 10th April. I refer to Miss Sherwood. She has told the whole of the facts of the case, how she has lived for 15 years amongst the Indian population, how she was torn from her bicycle while riding to or from her work, how she was battered from head to feet, how she was left for dead, and how subsequently she was carried into a house, and after being there a little while had to be carried to another.

Mr. Mills: By Indians?

Mr. Joynson Hicks: By Indians, who were themselves attacked for having so carried her into the house. Miss Sherwood after her return to England, I think I am correct in saying, went to see the Secretary of State for India, and declined to accept any money compensation. She would not take

blood-money from this country. I have seen her. I have seen General Dyer and Sir M. O'Dwyer. Miss Sherwood has asked me to read to the House of Commons a letter which she has written, and I crave the indulgence of the Committee while I read it. It is a letter from an Englishwoman on the spot who, even after her ill-treatment, still hopes and intends to go back to the Punjab. She says :

"I have lived in the Amritsar neighbourhood for nearly 15 years, and my work in connection with the Church of England Zenana Missionary Society has brought me into close contact with the homes of the Punjab, both in Village and City. Moreover, I was superintendent and manager of the city Mission Schools for over 600 girls, Hindu and Muhammadan, at the time of the riots. As is known to you, I was almost killed on the 10th of April, and was, in fact, left for dead in the streets of Amritsar. I was picked up and carried into the fort, where I lay for 19 days before I could be removed to England. During that time I heard all about the further riots and the shooting on the 13th from people who were in touch with what was happening. In March people of Amritsar bazars were talking of striking. The prospect of the police even joining it was discussed."

I want the Committee to realise the position of affairs in Amritsar and the whole of the Punjab.

" 'Never mind if they don't, we ourselves will fight, is a translation of the actual words used. On the day I was wounded, I saw men tearing down poles from shop awnings and seizing hold of anything likely to serve for a weapon, and a rushing out of the city to a given rendezvous."

"To teach the people that a wrong was done them (as sedition-mongers are doing, backed by English people) is a cruel and wicked thing, and far from mending matters will make them infinitely worse. No Indian in writing or conversation with me has referred to the repression measures as other than meet and right under the circumstances. I should like to say that, loving the people as I do, having worked amongst them for years, and still hoping to go back to India, I am convinced that there was real rebellion in the Punjab, and that General Dyer saved India and us from a repetition of the miseries and cruelties of 1857."

I have letters from five other English Missionary ladies who were in Amritsar at the time, and who went through this terrible time. All asked me to implore the House of Commons not to do this great wrong to General Dyer. One account says :

"The children had no milk, but only bully beef, and there were no sanitary conveniences in the fort. We had a terrible time,

recalling the days of Mutiny which was a very, very bad time for Englishwomen and children." Another account :

"I was 16 days in the Amritsar Fort in April, 1919, in consequence of the deplorable riots which took place, and I wish to do my part in strongly protesting against the injustice being done to General Dyer, who, I believe, did his duty and saved us from unspeakable horrors. I have lived in India longer even than Miss Sherwood, and love India's people very dearly, but in such crises only those on the spot can judge as to what action to take, and they, according to British tradition, should be justly treated."

What was the condition of affairs before General Dyer struck his blow—this inevitable and necessary blow on 13th April ? One would imagine, from all that is being said, that General Dyer, a blood-thirsty English officer, found this gathering perfectly peaceful on the Jallianwala Bagh, and had said, "We must destroy this crowd, we must fire merely for the love of firing." The whole of Northern India was in what amounted to revolt and rebellion in the early part of April, 1919. From Calcutta to Peshawar and from Lahore to Bombay there were sporadic revolts and riots all over the country.

Colonel Wedgwood : Why ? what were the causes ?

Sir W. Joynson Hicks : I am not now going into the causes. What we have got to face are the facts with which General Dyer had to deal, the knowledge that was within General Dyer's brain when he was called upon by the Civil authorities to take a hand in this disposal. I know there are political causes. I know there are political troubles in India, and there will be far worse political trouble in India in the near future.

Colonel Wedgwood : After they have read your speech ?

Sir W. Joynson Hicks : I am trying merely to give to the Committee what I believe to be the facts of the case. I want hon. Members to realise that General Dyer knew that he had charge of this whole district. In Lahore the capital, there had been riots. I want to refer to those, because I notice in *the Times* newspapers this morning a leading article is pleading for moderation, and asking why it was not possible to adopt the same methods at Amritsar as had been used in that quelling of the mob at Lahore on April 1910 and '12. If the leader writer in *The Times* had read the evidence given before the Commission, he would have seen that Lieut. Colonel Johnson who was in charge at Lahore, gave evidence before the Commission in which he said that he considered the quieting of Lahore was due 60 per cent. to the action of General Dyer at Amritsar. The action at Amritsar of General Dyer spread all through the Punjab and particularly quieted the town of Lahore. In Amritsar itself when these riots

broke out they were directly anti-British and anti-Christian. The crowd attacked one of the English banks and murdered the English manager, and the English assistant they beat to death. They piled up the furniture and set fire to the whole place. Then they went to the Alliance Bank and murdered the Manager. Afterwards they visited both the Town Hall and the Post office and set fire to them. I brought back photographs of these places given to me by the Lieut. Governor of the Punjab, and they showed these burned buildings where the bank managers were murdered, and building after building occupied by English residents and Christians were burnt.

The telegram system was attacked and the railways, and wherever they could get hold of an English guard on the railway he was beaten to death. They went to an Army hospital to get hold of another lady missionary and she only escaped through the kindness and loyalty of her Indian friends. They went to Indian christian church and burned that. The Religions tract Society's Depot was burned, and they tried to get hold of the Church Missionary Society Girl's School. The state of things there on the 10th and 11th of April did amount to a rebellion. The difference between myself and the Secretary of State for War is, whether there was a rebellion or not ! If there was no rebellion but merely a local riot, then General Dyer could be rightly convicted of inhumanity and cruelty, but if there was a rebellion, as I submit there was, then General Dyer's action was justified. It was a rebellion which might have led to almost anything, in fact, it was open rebellion.

It is not a question in these circumstances as to how far General Dyer should have gone, because he was at a war with a section of the people of India, and a section of the people of India were at war with General Dyer. The right hon. Gentleman the Member for Paisley (Mr. Asquith) said that nothing happened between the 10th and the 13th of April. At that time the whole city was in the hands of the military, soldiers had to be poured in, and the reason why General Dyer had only a few troops was because the troops were guarding every available place, protecting the European population. The whole city was picketed during the 11th and 12th of April. It was all one continuous operation, and not merely incidental firing on the part of General Dyer's force. The native populace had every possible warning. During the riot the military had to shoot in Amritsar, and some men were killed, and at their funeral on the 10th the following notice was issued:

"The troops have orders to restore order in Amritsar and to use all force necessary. No gatherings nor procession of any sort will be allowed. All gatherings will be fired on. Any persons leaving

the city in groups of more than four will be fired on. Respectable persons should keep indoors." On the night of the 11th of April General Dyer arrived, and on the 12th he marched round the city with as large a show of force as possible. As he marched the inhabitants were insolent and spat on the ground as the troops passed, and amid all this provocation General Dyer did nothing to them, and the most extreme opponent of General Dyer could not find fault with him up to this point. He did his best not to take the extreme measures on the 12th which he was forced to take on the 13th. One or two extracts from the reports of the Committee which investigated the disturbances in the Punjab will show exactly what took place on the 13th when the following proclamation was issued:

"The inhabitants of Amritsar are hereby warned that if they will cause damage to any property or will commit any act of violence in the environs of Amritsar, it will be taken for granted that such acts are due to incitement in Amritsar city, and offenders will be punished according to Military Law. All meetings and gatherings are hereby prohibited, and will be dispersed at once under Military Law."

On the 12th instant my right hon. Friend said that nothing happened, but a force had to be sent out to bring in two ladies, and during the day the telegraph wires were cut between Chheharta and Amritsar, between Khasa and Gurusar, and between Khasa and Chheharta. In spite of all that happened on the 10th, in spite of all the firing that took place, the rebels were quietly taking means to isolate Amritsar and prepare themselves for anything that might take place on the following day. On the 13th General Dyer went round Amritsar, and at 19 places he called a halt, and by sounding a drum he summoned the people and at those 19 places he read out another proclamation which was drawn up in English and in the vernacular as follows:

"It is hereby proclaimed to all to whom it may concern that no person residing in the city is permitted or allowed to leave the city in his own or hired conveyance or on foot without a pass. No person residing in the Amritsar city is permitted to leave his house after 8. Any persons found in the city after 8 are liable to be shot. No procession of any kind is permitted to parade the streets in the city or any part of the city, or outside of it, at any time. Any such processions or any gathering of four men will be looked upon and treated as unlawful assembly and dispersed by force of arms, if necessary."

It is idle to say that these proclamations were not known to the whole of the population. I have spoken with men on the spot who were in the police force at the time, both Native and English and not only these, but the Indian official as well in

Amritsar, supported General Dyer to the utmost in the action he was taking, and none of them will dispute that the inhabitants of that city knew of this proclamations, and knew of the danger they would be subject to. In spite of those proclamations word was brought to General Dyer that this crowd was assembling in the Jallianwala Bagh. It is true that it was impossible for more than a few troops to get through the narrow opening into this place at the same time, but the right hon. Gentleman is not correct when he said the crowd could not get out at the other end because they could get out the garden and over the walls. There was only one entrance for the troops, and General Dyer and his troops came in at this narrow entrance. He knew that the telegraph wires had been cut and that Amritsar was isolated. He knew that there was a crowd being addressed by an agitator, the same agitator who was condemned for his connection with the murders on the 10th, but who, I regret to say, was pardoned by the Indian Government. He was haranguing the mob and doing his best to excite them. General Dyer had only 50 men armed with rifles and about 40 with cutlasses or knives. What would this House have said if he had waited and allowed the crowd to charge him? The mere force of numbers and the mere impact of the crowd would have swept General Dyer and his force absolutely out of existence if they had attacked him. The Europeans were behind General Dyer, and I am sure hon. Members would have condemned him and rightly condemned him if he had allowed himself to be overwhelmed by that mob.

It is not for me to say what some of my hon. Friends would have done, but it is not for hon. Members who do not know the facts to say that they would have acted differently. I do not know any man who would say that with such responsibility upon his shoulders, and with the knowledge that General Dyer had, he would have dared to have abstained from firing in the way he did. It is said that General Dyer's force fired without any cessation, but if you look at the report of the Brigade-Major of his forces who has since died, it will be seen that he says :

"We began to fire upon the crowd, which broke into two bodies. Things were getting very serious indeed, and looked as if they were going to rush. Fire was ordered first on one lump of crowd which looked the most menacing and then on the other."

Those are the words of this officer who was merely making his formal report, and he says that the crowd looked as if they were going to rush them. What has happened since? Was General Dyer assailed by the people of the Punjab for the action he took? Certainly not. They afterwards came to him in their thousands

and thanked him for what he had done. They thanked him for the action he had taken. He was made a Sikh—one of the highest honours given to men. He was employed by the Government to march round the whole district and pacify it—this blood-thirsty man who is said to have wantonly shot down so many of their fellow country-men, was the man who was selected to do his best in friendly conversation with them. I assert that General Dyer was and is to-day beloved of the Sikh Nation. I should like to say one word with regard to the speech of the Secretary for War. He made great play with the statement that the crowd were not armed with lethal weapons. Any one acquainted with conditions in India would have known it was impossible under the Arms Act for them to be armed with guns. Nevertheless they imported into Amritsar hundreds of thousands of ironshod bamboo canes which they proposed to use. It was suggested by the right hon. Gentleman that if the object of General Dyer was to disperse the crowd, his action was uncalled for and unnecessary. I say, on the other hand, if it was to stop or to put an end to rebellion, then he was entitled to judge of what was to be done in military fashion.

The hon. Gentleman said that nobody with any reputation in India had suggested the punishment of General Dyer or other officials concerned. Has he seen the report of a meeting which took place in the Kingsway Hall, London, on the 3rd June? It was attended by gentlemen who are supporting my right hon. Friend to-day. It was addressed by an hon. Member of the Legislative Council—the Hon. Mr. Patel. May I here utter a word of warning to the hon. and gallant Member for Newcastle-under-Lyme (Col Wedgwood) in this connection. I happened to be in the Legislative Council at Delhi when the Hon. Mr. Patel was making a speech not quite so bad perhaps, but one in which he quoted a speech of the hon. and gallant Gentleman, and then turned round and said, "These are the noble words of a noble man." After that I went out. This is what Mr. Patel said at the meeting in London the other day.

"When the Indian people are informed that the Government have the fullest confidence in Lord Chelmsford and a high appreciation of Sir M. O'Dwyer's energy, do you suppose they will be impressed by Mr. Montagu's platonic condemnation of some of the excesses under Martial Law? No; they will judge you by your deeds, not by your words, and if you have confidence in Lord Chelmsford, they will have no confidence in you. Lord Chelmsford must go. It is a fresh insult and outrage to Indian sentiment that the Government should express their confidence in such a Viceroy".

There was another speech made by a Mr. Horniman, who was expelled or deported from India, and it was almost equally as bad. I will refer to only one further speech, and that was deliverd by an Indian lady, Mrs. Naidu, who gave a description of alleged action of our troops at Amritsar. If hon. Members really believe in the increasing goodwill of certain sections of the people of India, I want them to realise what this woman said and said in the presence of two English Members of Parliament—the hon. Member for Newcastle (Major Barnes) and the hon. Member for Glasgow (Mr. Neil Maclean) on the 3 rd June 1920 at the Kingsway Hall. Mrs. Naidu said :

"Women, whose faces had never been touched by the curious sun or the moon, were dragged into the market place. My sisters were stripped naked , they were flogged , they were outraged ; and yet you dare to talk of the auction of souls."

Neither of the two hon. Members bounded up in his seat as I should have expected any English Member of Parliament would have done. One of them in fact, the hon. Member for Newcastle, said

"We have just listened to a very, very wonderful speech which had that greatest power a speech can ever have, to get past the head to the heart, and that is where it arrived "

Immediately I got that report, I wrote to General Dyer and Sir M. O'Dwyer, and I am authorised by those two gentlemen to say in this House of Commons that that statement, as far as their knowledge goes, and I think their knowledge is conclusive in the matter, is absolutely and totally untrue. Let English Members realise that that is the kind of incitement to hostility to our rule in India which is indulged in by extreme sections of the Indian Community. This was going on last year, and it is going on to-day. When I was at Peshawar there was a placard posted up in that city, which itself is too liable to disorder and crime, calling upon the Indians to rise and destroy the British forces. It said ,

"Your hearts will soon be soothed by the entire annihilation of British Imperialism and the complete destruction of these enemies of humanity."

This placard was posted up in Peshawar in March, 1920, and it goes on :

"Active resistance will crush the viper's head. Burn their offices, mutilate their railways and telegraphs, induce the police and Army to work with you and slay these dogs of Britain everywhere you find them."

I want to make an appeal to this Committee on behalf of the Englishmen and Englishwomen in the Civil Service, and in the Army, who are upholding our flag there under very great difficulties,

We hear a great deal of the responsibilities of Empire, but what is too often referred to is the responsibility to the native races on the part of the Government. There is, however, a responsibility also to the Europeans. You send these men out, you allow their women and children to go out there to live in scattered areas, spread all over the country—often miles and miles away from any help, and they are only enabled to live and to rule by the knowledge of the fact that there is in India a British Army on which they can rely in the last resort. I appeal to this Committee, not merely on behalf of them, but on behalf also of the soldiers in India, who feel strongly with regard to the action which the Army Council has taken in the case of General Dyer. They feel that when the next riot takes place they may be called upon in similar circumstances to come to a somewhat similar decision. Are you going to tell them that this House of Commons has supported the action of the Army Council in the case of General Dyer, and are you going to tell them also that in the future in any action they may take they will not have the support of Great Britain? We must trust the men on the spot. We send out our best men to India to the Civil Service and to the Army, and we have to trust them not once or twice, but at all times.

Mr. Bennett: A meeting took place in this city not many weeks ago attended mainly by Englishmen whose lives have been spent largely in India. As reported to me, the speech of the Chairman of that meeting may be summarised in these words: "We English have got to live with the natives, and the best we can do is to get on good terms with them, and say as little as we can about these disturbances." With part of that sentiment I cordially agree. We have to pursue a policy of moderation. There are obstacles in the way of that policy and in the way of a good understanding between the two races. Some of them are raised by hon. Members opposite, some by hon. Members around me. So far as hon. Members opposite are concerned, I deprecate the agitation—premature and purely fictitious—on this question which they have carried on. The meetings that have been held have been artificial in character. I have a letter from Mr. Horniman, who has been referred to to-day, a journalist who was expelled, and, in my opinion, properly expelled, from Bombay. In that letter he writes to a newspaper in Bombay to the effect that he is "working the press in this country for all that it is worth." He goes on further to say "you may trust me to keep the Press of England up to the mark."

That discounts a great deal of what we read in the English Papers. On the other hand, we have got a mischievous Press in

England poisoning the wells against the Secretary for India. I think we have seen some co-operation in that unworthy purpose in some of the questions which have been put in this House during the last few days. The great obstacles to a friendly understanding, which is profoundly to be desired, therefore come from two sides. Two eminent Members of the legal profession, one representing the higher and the other the less high branch of the profession, have shown what I may call the forensic astuteness in concentrating the discussion to-day upon the case of General Dyer. That made an appeal to our fair-mindedness ; they put before us the case of an honourable officer, who has served his country for 34 years, and who, they think, has not had justice. I have read fully the statement which General Dyer laid before the Army Council, and have given it my best consideration, and I am satisfied that there is every warrant for the decision which has been come to in regard to him. I notice one thing that was not known to me before—namely, that General Dyer was for some years on the staff as instructor in Military law. That rather disturbs me. I want to know how many officers of the Indian Army have received the benefit of his teaching in military law, and how many of them have imbibed the peculiar principles to which he has given expression. For instance, is it generally believed, amongst the officers of the Indian Army, that, in cases of trouble, it matters little whether there is to be excess of shooting or not ? He says excess does not concern him. " I was not concerned with excess," I think he says, "because I had in view the effect which it was necessary to produce upon the public feeling in the Punjab."

I am not going further into the question of General Dyer. I want to take the discussion away from General Dyer altogether for the time being, and to call the attention of the committee to the exercise of Martial Law in the Punjab at this time, the conditions under which Martial Law was exercised and the lessons to be derived from it. We shall waste our time if we simply stand here condemning or exonerating particular individuals. We want to find what happened, and to guard in the future against the consequences of the errors that have been made. I will ask hon. Members to study carefully the evidence given by a number of the officers who were appointed as area military officers to carry out Martial Law, after the control had been handed over by the civil authority. The committee recognised, of course, the serious dangers which follow from the institution of Martial Law. The ordinary rules of evidence are suspended, but what is worst of all is that a number of men are put in positions of judicial authority who necessarily have had no experience of exercising such authority and are utterly incapable of doing so properly.

Martial Law may be a matter of military necessity. Owing to pressure of circumstances it may be inevitable, but it is a thing to be avoided so far as it possibly can be. I want the committee to endeavour to get some grasp of the conditions under which Martial Law was carried out, and of the kind of men who were occupied in carrying it out. I wish to make no personal attacks on them, and I shall as far as possible avoid naming any of these officers, but the errors of their administration and their want of judgment and, at times, even of commonsense, must be made known. There was a young officer—I fancy he must have been a very young soldier indeed—who invented a number of minor punishments. These punishments have been called "freak punishments" and I think that is a term which sufficiently does justice to them. He invented skipping as a means of minor punishment—very minor, I think we must say. In another case, finding that a culprit before him was given to poetry, he ordered to him to write an ode in his honour. He also ordered that one after another of the persons who came before him should touch the grounds with their foreheads. He justified himself for that by saying that it was a common thing, and he believed it was done all over India. If that is so, I hope the Government of India have had their attention directed to it, and we should like to have an assurance that no longer are men humiliated by being made to touch the ground with their foreheads.

We get more serious things than this. A military officer exercising authority under martial law had to deal with a case in which martial law notices had been stripped from the wall of a school. He had no evidence as to who was guilty of this irregularity, but he thought he could find out, or, at any rate, that he could administer justice, by ordering that some of the bigger in the school should be picked out and whipped. His own admission before the Committee was, "They were not necessarily guilty but it was their misfortune." Then he was asked, "Were warnings against defacement of notices written or oral? "I do not remember," he said, "but what does it matter?" Questions of life or death may come before these tribunals, and some importance must be attached to the regularity of the procedure; and when an officer gives an answer indicating that he does not care whether an order is written or oral, it is a clear indication of the general prevalence of slipshod procedure in these courts. Again, and I think this is still more serious, we read that at Lahore a whipping triangle was set up before the accused persons were tried. That seems to be an anticipation of events scarcely consistent with a judicial attitude of mind. Worse still, also at Lahore, gallows were erected before the court opened. There again, is the sinister anticipation of the issue which, I think, is discreditable to all who are

associated with it. If we want a historic parallel to that, we should find it in the case of the Duc d'Eughien, whom Napoleon had tried at vincennes, and for whom a grave was dug before the trial began. I put this case of the erection of a gallows before the opening of the court on a par with that sinister episode in the procedure of Napoleon. In another case, a Deputy Commissioner in Gujranwalla caused the leaders, or those who were believed to be the leaders of the popular party, to be handcuffed and chained, marched through the streets to the station, and sent to Lahore in a goods truck. The same official arrested Govar Singh, aged 60, as a hostage, because his three sons were missing. An order was passed confiscating his property, and a warning was issued that any one attempting to reap his crops would be shot.

These are matters to which hon. Members here attach no importance. They concentrate the whole of their thought and care upon vindicating General Dyer, and proving that he has been very badly treated. I think they would spend their time a little more usefully, and would be more fully performing their duties in regard to India, if they would inquire into the methods by which martial law was administered at that time. I think we ought, in following these proceedings, to note the mentality of the men who were engaged in them. What can you say of the mentality of a man who, over and over again, will tell you that the people of the Punjab like martial law? We have heard of eels getting used to be skinned, but when it is said that the people of a province like martial law, it only shows what extraordinary persons were put in charge of the administration of martial law at that time. "People liked my administration." "People liked martial law, especially the masses." Another officer who had not been salaamed by some children—the pupils at a school—gave orders that the whole of the boys in that school should for a week be made to come and salute him at his office, and should, in addition, salute the Union Jack. If that officer had set himself to devise means by which the children of that town could be made as long as they lived, to hate the Union Jack and the people who ruled under it he could not have adopted a more efficacious procedure. Because the pupils in one group of colleges were suspected of tearing down a martial law notice, the whole of the students—a thousand all told—were made for a whole week to march 16 miles a day to the military headquarters. That is the rising generation in India. Those are the students, the class of people who in Italy, for instance, took a prominent part in the *risorgimento*. What *gaucherie*, what stupidity there must be amongst this school of officers in the Punjab, who will take these men and make them hate England

and English officers! We have heard a great deal about General Dyer, and the dangers that would have arisen if he had not been as stern as he was, but no one in this Committee, so far, has seemed to contemplate the danger to British rule that follows proceedings of this kind. I maintain that those who uphold this procedure, or who ignore it, and concentrate their attention in a wrong fashion on the problem, are doing every harm to British rule. The proceedings I am describing do not stand alone. There is a whole group of blunders and appressions and hardships of this kind which seem to me to provide material for a hymn of hate against England, and nothing short of it. I ask hon. Members to study that aspect of the question, and not to concentrate upon General Dyer. I will give another instance. We have heard—reference was made to it in the speech of Secretary of State—of a particular officer who arrested a wedding party and had them flogged because they were in excess of the number allowed to pass in the streets. The officer said this whipping of the wedding party was the only regrettable incident that occurred in his jurisdiction under martial law. He must have had dense mind and a strange perception, because it was this officer who had been responsible for this marching backwards and forwards of students and for a number of other acts of oppression which were only too characteristic of the reign of martial law in that part of country.

We have had in the Report of the Commission an exoneration of the Government of Sir M. O'Dwyer from the charge that he had exercised undue pressure in recruiting and the loan campaign. As to recruiting, it is fair to Sir M. O'Dwyer to recognise that there was a quota which the various administrations were expected to work up to in their recruiting operations, it is fair to say that when these were brought to notice measures were taken to prevent their repetition, and it is also fair to say that one witness before the commission said that those who were guilty of exercising pressure in recruiting were native officials of some standing. As to the loan operations, I do not accept the finding of the Commission in regard to that, because I have here a circular which was issued in the Punjab administration giving instructions as to the way in which encouragement was to be given to the Loan, and this passage occurs:

"Deputy commissioners will find much assistance in estimating the contributions that they ought to get from various places by going to the Income Tax office and getting the Income Tax returns, which will furnish a fairly reliable index to the financial conditions of individuals who are expected to help the loan."

In India, as I understand, Income Tax operations are as confi-

dential as they are in this country, and we can realise the possibilities at all events of a somewhat oppressive officialism if we contemplate the officers of the Government in charge of Loan operations going to the Income Tax officer, and asked him to give a return of the incomes of this or that individual. I cannot, in view of that circular, join in the acquittal of the Punjab Government of the charge of having exercised undue pressure in some, at all events, of their operations.

We have had a good deal said to-day as to the Punjab having been saved by the operations of General Dyer. What evidence have we of that? What inductive process based upon known facts have we which leads legitimately to the conclusion that a great rising, equal to that of the Mutiny of 1857, was imminent, and that these severe measures had to be taken to prevent it? The Punjab knows something of conspiracy as Bengal know a good deal of conspiracy. We had a conspiracy seven or eight years ago and another of the same kind occurred a little later. There was organised dacoity carried out with the object of seizing arms and the money with which to buy arms. It was accompanied by attempts to corrupt the native army, by attacks upon the regimental armouries, and attempts to get arms from them, and by the manufacture of bombs, and I believe classes were opened to teach what may be called political chemistry—the manufacture of bombs. But there is absolutely no indication of the existence of any preparations of that kind during the troubles in the Punjab. We have evidence, too, which will not be questioned, as to the condition of the villages and of many towns even after these troubles had taken place. We have the statement of General Benyon that he had gone through all the villages in the neighbourhood and that he found the villagers were quiet and willing to co-operate with him in watching the railway lines. On page after page there is evidence that in the rural districts the people were as a whole quiet, and orderly and well-behaved. Not only so, but I have every reason to believe that the Government of the Punjab, even at the worst time, had confidence in two things. They trusted the Army, and their trust was fully justified. The Army was absolutely loyal during the whole of the proceedings. They also trusted the village populations. On the whole, they were quiet and orderly, and there were no signs, in large areas of the rural part of the Punjab, of any tendency towards insurrection. Therefore, I hold that this purely hypothetical danger to which General Dyer points as his excuse for an act of gross and excessive severity did not exist. I have as much reason to say there was no danger as hon. Members opposite have to say that there was, and in any case the findings of the Committee is with me. The Commit-

tee had much fuller opportunities for inquiring into the facts. The Committee came to the conclusion that there was no evidence of a widespread conspiracy. We had confirmation of that in Delhi. Immediately after the Afghan invasion a meeting of 40,000 people was held in Delhi at which the conduct of the Amir was condemned, and the Deputy-Commissioner of Delhi states his opinion that meeting was sincere. That is a fact which discourages belief in anything like a widespread movement towards conspiracy.

We have heard a great deal about General Dyer, but I have not heard one word from those who defended him as to the 300, 000, 000 of people who live in India, and what they think. The most remarkable thing to me has been that hon. Members have taken up the interests of one individual, and have concentrated all their thoughts on one individual, but have turned an absolutely blind eye to what the people of India think. That is not a reasonable way of dealing with a great question of this kind. We have to live with these people, and we have to be on close terms with them that we have been before, and they will have some reason to complain if they read this Debate and do not find one word as to what the people of India think of these happenings. It is no sign of real interest in India when a number of hon. Members become excited, as they did this afternoon, over the interests of an individual, and are so absolutely indifferent to the bearings of our discussion upon the people of India. We have been told that India was conquered by the sword and is being held by the sword. That doctrine is absolutely repudiated by every historical authority of any importance. We began as a trading nation. We did not go as a military nation, and we should have accomplished nothing in India but for the co-operation of Indian agents. Why should we vaunt this doctrine of holding by the sword in the face of a people whom we want to make a free people, whose liberties we are enlarging? During the enquiry we had the Commandant of a regiment stating that we can influence the Asiatic only by force. That is a view which is at the back of all these happenings and the operation of Martial law. There has been an idea that the native of India is an inferior person who has to be held in restraint by coercion. The Secretary of State for India seems to have aroused the anger of certain hon. Members by a speech which I regard as a dignified and noble vindication of the liberal policy which has been pursued in India. What hon. Members have seen to justify them in speaking of it as an appeal to racial perjudice I do not know. The appeal to racial prejudice has come from their side. There is no warrant for the condem-

nation which has been passed upon a speech which is worthy of the subject and worthy of the occasion. Recently we have had an opportunity of refreshing our memories on some of the achievements and speeches of the Earl of Beaconsfield. I came accross a passage in which he reminded the people of this country that we were proud of our Empire, and the chief reason for being proud of it was that it had been based on sympathy as well as on force. Let us never forget that. Unless we get the sympathy and good will of the people of India our task is ended or will be ended in a short time. We cannot contemplate a future in which the normal condition of things in India is one of antagonism between the people and the Government. If we are to continue the Dyer policy, the results must necessarily be no progress in India and no improvement in the relations between the people of India and the Government. The other day I had a letter from India, in which the writer—an Englishman who had lived the better part of his life there, and in whose judgment I place the most absolute confidence—said: "Dyer is the greatest asset that the extremists in India have got." No truer word has been contributed to this discussion. Dyerism will be an enormous help to those who are trying to oust the British Government from its place in India, and hon. Members who have been censuring the Secretary of State for India for the generous and sympathetic words in which he spoke of the people of India ought to realise that we reached a point at which most critical issues have to be decided. We have to ask ourselves whether we are to be on terms of friendship with the people of India or whether we are to go on dealing with them in a way in which so many officers have dealt with them. Those who have looked too lightly and with approval, in too many cases, upon the action of General Dyer have a scale of values of their own of human life, in which they place the Indian below the European. This is not a political question, but a question of human values, and until we get rid of that idea and recognise the sacredness of European life, we shall be suspected by the people of India, our actions will be unfavourably coloured, and our policy in that country will be a failure.

I appeal to those hon. Members on the other side of the House who have put themselves in antagonism to the policy of the Government to realise that it is they and not those who are supporting the Secretary of State, who will be responsible if in the time to come we should ever lose India. God grant that the connection between this country and India may long continue, that it may never cease, that India being a self-governing country, will at the same time remain an integral part of the British commonwealth. But at the same time

we have to make it worth the while of the people of India to retain their place in that commonwealth, and if they are to be treated as serfs, to be treated as too many of them were treated in those troublous times, the day of our rule will come to an end. I hope that hon. Members on that side who concentrate so much on the individual aspect of this case will realise its political importance and will realise that one at all events of the lessons which we have derived from this experience is that we must never again allow the military authorities to get out of touch with the civil authorities. Let hon. Members, if they want to see how things should be done, turn from Amritsar to Ahmedabad in the Bombay Presidency and see the success of an entirely different method. There the civil authority never lost touch with the military authority. The result was that within forty-eight hours the military authority was enabled to withdraw its orders suspending assemblages, and the abnormal condition of things was brought to an end. The real lessons which the Government have to learn is to follow the example of Ahmedabad and never again allow the military authorities to get into such entire detachment from the civil authority as it was allowed to do at Amritsar, with consequences of the most deplorable kind.

Brigadier-General Surtees urged hon. members to remember the effect that speeches and decisions in that House would have upon natives in all parts of the Empire. If British prestige were destroyed the Empire would collapse. In 1865 Governor Eyre saved the European inhabitants of Jamaica by prompt and strong action, for which he was persecuted as General Dyer had been. General Dyer had a similar idea in his mind. Europeans on the spot were the best judges of the situation. "We could not surrender India even if we wished to do so, yet if a plebiscite were taken tomorrow as to who should rule India the result would be against us. If we did not hold India by moral suation we must hold it by force, possibly thinly veiled, but undoubtedly by force." He believed that General Dyer, by his action, saved the Empire from serious danger. As Mr. Palmer had rightly said they had a most deplorable speech that day from the Secretary of State for India which would go out to our great Dependency as an encouragement to lawlessness and those forces of disorder which every sane and patriotic Englishman was anxious to see laid to rest in India. His attitude would feed the flames of antagonism against him in a manner which, in his more reserved moments, he would sincerely regret.

Mr. Palmer: I think we are to be congratulated that during this dinner hour some one of more sober thoughts has addressed

himself to this tremendous question. Every one will feel that they are face to face with a crisis, as far as India is concerned. I imagine there is not a man in this House who does not realise that we hold in trust a great and mighty population in India, and that it is our duty to treat them with generosity and with justice. This debate has revealed, that, while the vast body of the population of India are loyal subjects of the crown, there is in India, as in other parts of the world, a vast organisation determined to bring down the strength and might of the British Empire. It was this distinguished general who was called upon at a moment of great emergency to settle for himself how he should deal with a crisis. No one who has read the evidence can fail to realise that throughout the Punjab and other parts of India there was a concerted attempt at revolution. General Beynon can be quoted in favour of General Dyer—

"The strong measures taken by General Dyer at Amritsar had a far reaching effect and prevented any further trouble in the Lower Division Area."

We have had to-day a most deplorable speech from the Secretary of State for India, a speech which, I think, will go out to India as an encouragement to disloyalists and those forces of disorder which every sane and patriotic Englishman is anxious to see laid at rest. We know that during the War India provided some of the most gallant of our troops. It is not fair to suggest there are people here who believe that the great and loyal Indian population only to be kept down and repressed, and that we will not treat them as citizens of the Empire. One thing that has impressed me very much was this—that while General Dyer, able to visualise what was happening, realising the atmosphere in which he was moving, did his duty, severely, yes, but for the sake of the British Empire and for the sake of the people of India, a right hon. Gentleman sitting in oriental aloofness in Whitehall, a year after, and 6000 miles away, is pleased to measure the less or more of the severity applied by that gallant soldier. They actually passed strictures upon other gallant officers who did not exercise sufficient severity in the circumstances in which they were placed. On the one side you have the right hon. Gentleman in this House, far away from the scene, smug and safe here, censuring this gallant officer for the extra severity which, in his particular judgment, he thought it right to display, and we have on the other side actually criticism, if not censure, of other gallant officers, because they were not sufficiently severe in putting down sporadic risings. Let me quote, in one case with regard to Delhi—

"Firing continued no longer than was necessary to achieve the

legitimate object of restoring order and preventing a disastrous outbreak of violence."

That is a commendatory statement. "Here is another one in regard to Ahmedabad—"The force used against the rioters was certainly not excessive. If greater force could have been applied at an early stage the commission of an atrocious murder and much destruction of property might have been prevented."

Here is another in regard to Gujranwala.

"In failing to order the police to fire upon and so disperse the mob surrounding the burning post office, the Acting Deputy commissioner appears to us to have committed an error. If effective measures had then been taken to disperse the mob and restore order, the later incidents of the day might have been avoided."

It passes ones comprehension to understand the position. If an officer in the exercise of his discretion uses a little more or less severity according to the measure of the Secretary of State for India, he is broken on the wheel—no trial, no possibility of defending himself, and even his statement to the Army Council is carefully put out after we have had an announcement that he is condemned. That announcement went out last night to the world, and I came here at 8 o'clock this morning to get hold of General Dyer's statement. A more manly and splendidly frank and open statement I have never read. Here we have the right hon. Gentleman, the Secretary for War, sitting in his oriental aloofness in Whitehall denouncing General Dyer for what he did, and we have in the Hunter Commission Report criticisms of other officers for failing to take effective measures immediately to put down disturbances. The right hon. gentleman, the Secretary for India, made a deplorable speech. It will go out to India, to the seething masses there, who are ready for trouble and revolution, that there are large masses of opinion in this country who think that the Indian is to be downtrodden. That is not so. The right hon. Gentleman has done a great thing to India in the great measure of freedom and reform that he has brought about. That measure of freedom was passed by the House of Commons and by the very men whose opinions he has denounced to-day. Instead of coming down to this House to-day with a statesman-like and reasonable speech he fed the flames of antagonism in a manner which I feel sure in his more reserved moments he will sincerely regret. An hon. Member said just now that no regard had been given to Indian opinion and yet we know that a vast mass of sober patriotic Indian opinion was with General Dyer and applauded him for the splendid severity of his action before the right hon. Gentleman and the Government gave way to the clamour of revolution, and six months after these events, set up a

committee. I have had some letters from people in India who were concerned in these tremendous and troublesome days. An hon. Gentleman referred in terms of praise to what happened in Ahmedabad. I have a letter here from a lady in which she says :—

"I was in Ahmedabad at the time of the Amritsar riots, when we experienced riots of similar nature, and I have not the least hesitation in saying that the prompt action taken by General Dyer in the Punjab saved our lives. The British police-sergeant who was the very first victim in Ahmedabad, had his hands cut off, and he was then hacked to peices. At a small station, a loyal native, who gave the order to fire on the mob, was tied to a chair with the official records piled around him, and they then poured kerosene oil on him, thus burning him alive. I expect you know that they burned down most of the other Government buildings, but although the guard on the Bombay Bank fired on them the building was left untouched owing the fact that the securities of the natives were in the bank. We people are powerless to help the man who, by a great decision made in a few minutes, saved us all from a fate too horrible to think of."

That is the testimony of a woman who was in India at the time. I have had many other letters from those who were with General Dyer. One man writes :

"I have had the pleasure of serving under this General, and a better or kinder-hearted man you could not wish to meet. I went all through the Amritsar and Lahore riots with the motor transport section, and consequently saw a lot of events that happened ; and only those that were in those riots could realise fully the danger it meant to the empire. This General had only one alternative, and that was to deal with a firm hand. If he did not give the orders he gave, there would not be many of the garrison alive to day to tell the truth."

There are many other people I could quote. General Dyer saved India. In my opinion, for what it is worth, there was an incipient revolution which might have grown into immense and mighty proportion and greater proportion even than the great Indian Mutiny. Every evidence shows that that was so. I think it is rather a commentary on the turn of the wheel that it should be the business of the right hon. Gentleman the Secretary of State for war, who is responsible for more errors of judgment than any man sitting on the Treasury Bench, and responsible for the loss of more lives than any man sitting in this House, to get up and denounce this gallant man who, in my opinion, saved India from grave trouble and saved the women from grave outrage and saved India for the Empire. Some hon. Gentlemen,

who may not have given a deep study to all the documents, including the report of the National Council, which was well worth reading, do not, I think, realise what was happening there. Not only was Amritsar the centre of this thing, but throughout the whole of the Punjab there was a deep and concerted movement to overthrow the British Raj. Here is one case which is worth mentioning. In a city of the Punjab frightened women had taken refuge in one of the rallying points, as they were called, waiting eagerly for the arrival of the troops, and whilst there notice were issued by the natives stating that there were 80 women and children waiting to be ravaged. In fact, no girls' school was sacred. Then there was the remarkable letter written by the Archbishop of Simla, who is not a politician, and not a man who is seeking to make dialectical points in this House to break a gallant officer for the sake of saving their own position. He is a right reverend prelate of the Church who has the respect and affection of thousands of the natives of India. No man in this House who has only sense of responsibility can fail to appreciate what he wrote. I ask hon. Gentlemen who as a rule associate themselves with the Government to pause before they go into the lobby to support the right hon. Gentleman to-night. This is a matter which cannot easily be settled by mere argument in this House. It goes much deeper—it goes down to the very bed-rock of our great Empire. I appreciate what the right hon. Gentleman said, and with much of his speech I agree, but the whole tone and temper of that speech inflamed the Committee more than I have seen it flamed in 35 years' experience. We are sincere in this matter, and I grant that he is. We feel that General Dyer has been sentenced without trial. Cannot the Government see some way by which justice can be meted out to this honourable and gallant officer by which we can yet have an inquiry where he can put his case and defend it, as he has never yet had a real opportunity of doing? If that suggestion, which I throw out, could be accepted by the Government, many of us who feel very deeply on this matter would have our feelings somewhat alleviated. I ask hon. Members to forget coupons and to remember the British Empire, and to realise throughout the vast spaces of the world. We ask our gallant soldiers to uphold the British Flag, and if a man goes a little beyond what we consider to be just and fair, do not break him on the wheel without trial, but give him a fair chance of being heard. Reprimand him if you will, and say to him he exceeded the legitimate needs of the case, and that in the circumstances in which he was placed he may have overdone the severity, but let us realise that we shall not hold our Empire together if, whenever we get clamour from revolution arise, a gallant soldier

who has done his duty is to be broken at the dictate of the Treasury Bench.

Lieutenant Commander H. Young unreservedly supported the action of the Government of India and the Secretary of State. They were dealing simply with a question of the exercise of professional discretion by a soldier. He would fain take every point in favour of General Dyer up to the critical moment of the opening of fire at Amritsar and assume that he was right in opening fire. But as to the continuance of the firing, it was common ground that the shooting was more than necessary to disperse the meeting. It was carried on for another purpose—for the sake of intimidation. That was an extension of the simple, definite, well established rule of the use of minimum of force for the immediate circumstances which ought not to be countenanced either in the interests of officers in charge, for it extended their area of judgment from the situation immediately before them to the situation in the widest possible aspect, or in the interest of the civilian population, for whom the rule was the charter for the protection of their lives, liberties, and safety from unduly violent action.

Colonel Wedgwood : I know I am regarded as an antipatriot in this House of Commons—as one opposed to the interests of his own country, of course. Old Members of this House know that that is not so. If ever there was a time in which it behoved those who love England to speak out it is to day. Hon. Members have discussed this question of General Dyer as if it concerned only him; but General Dyer was only an incident: What we are discussing or ought to be discussiug, is whether India is to have a chance to remain part of the British Empire. That is the questio that I do beg hon. Members to take into account. Do we desire to see the British Empire preserved? If we do, we must remember that it can only be preserved by the co-operation of the Indians and not by any other means. Some are carried away by the idea that the safety of English men and women comes first. It does not come first. Every man who went out to France to fight in the War knew, perfectly well that his safety and the safety of his relatives and friends was of no importance whatever. They knew that the honour of their country come first. And there is a profound antagonism between honour and safety. General Dyer no doubt acted as if the safety of English men and women should come first. I think that was the wrong thing to do. It is more important to save the national honour than to save any particular item in the nation. I would rather say, for the interests of our country, that Englishmen and women had been shot down at Jallianwalla by Indians than that Indians had been shot down by Englishmen,

The principal charge I make against Dyer is not that he shot down Indians, but that he placed on English history the gravest blot since in days goneby we burned Joan of Arc at the stake.

I am not speaking from an Indian point of view, but solely from an English point of view. Where a question of National honour is concerned we must look at it with English eyes and I beg hon. Members to realise that by doing this action General Dyer has injured our honour and that is his crime. The safety of life is of no importance, the safety of women and children, even, is of no importance compared with the honour of England, and every member knows that that is so. The complaint is not that General Dyer Committed this crime. It is not just a question of punishing General Dyer. I agree with Mr. Gandhi, the great Indian, representing, I think, all that is finest in India, when he said, "We do not want to punish General Dyer; we have no desire for revenge; we want to change the system that produces General Dyers." That is what we must do. It seems to me that it is hopeless now, after this Debate. I could hope in the old days that the Indians would listen to what I said and would take it as coming from a friend. Now they will have faith no longer—because I am an Englishman. But this I would urge upon the Indians—to remember that revenge is the aim of fools. What really matters is to change the system that produces crime. That is why I welcomed the tone and speech of the right hon. Gentlemen opposite. After all, we do not care whether General Dyer is punished or not. What we want to do, what we want to put before the minds of the Indians is that with the help of Indian co-operation and their control of their own destinies, they will be in charge in future of law and order in India and will be able to prevent these things happening. That is the only hope in the present situation. I do not believe that hon. Members understand and what the feeling is in India at the present day. When we were passing the Bill for India, I had the brightest hopes for the future of India as a self-governing dominion within the British Empire, but since that time the situation day by day has got worse. The worst thing of all is that 80 percent, of the Anglo-Indian opinion backed General Dyer, and were against the Secretary of State. That is what perpetually, and day by day is making the Indians enraged, antagonistic, anti-English and Sinn Fein. If they decide that they will take no part in the new constitution, that they will boycott it, then it is all up with the British Empire in India. I will read this telegraph which I have received among other messages. It is from a mass meeting in Bombay.—

"Hunter Report and despatches rudely shaken deepest faith in British justice, unless parliament vindicates character British rule by condemnation and repudiation Punjab official miscreants."

I know that is strong language—

"Britains moral prestige, of greater consequence than military strength, will be irretrievably lost and peoples' hearts alienated form British rule."

That message was sent by Jamnadas Dwarkadas who is a "moderate." That is the feeling of the moderates there about the course adopted by the extremists in England. It is an illustration of what I have said. that hon, Members do not understand what is the feeling in India. They do not understand how near we are to Sinn Fein in India, and that it will become more and more difficult to secure a settlement. The hon. Member for Twickenham (Sir W. Joynson Hicks) put the finishing touch upon the whole affair. He spoke with a certain authority, for though the voice was the voice of the hon. Member, the words were the words of Sir Michael O'Dwyer. He spoke as though the future relationship of the Indians and the English was worth nothing, as though what was important alone was our caste rule in India. Rule by force, by a class must now come to an end all over the world. No one need fear military uprising in India. A military uprising is absolutely impossible in these days of aeroplanes, armoured cars, roads and railways, and wireless telegraphy. Such an uprising would be absolutely impracticable. What we are face to face with there is not a military uprising, but simply passive resistance. Once you get people refusing to take part in Government, you may carry on for a few years, but in the end you will find yourselves where the Irish Government is to-day—and without an Ulster '

You have got this situation before you in India. What are you going to do ' Is the only message that the English Parliament has to send to India this, that the only day on which we discussed Indian affairs was taken up with discussing the right and wrongs of a British General ? That is no message for India. It may be good enough for thoughtless people who want simply to create a little sensation for the moment. The speeches that have been made will attract attention. Every word that is said here to day will be read in India. We cannot help it even if we would. To my mind every speech ought to be delivered to appeal to Indians, to show them that the people in England condemn this affair at Amritsar, condemn the horrors of the Military law, that we are one. I speak here to-day for thousands of Liberals as well as Labour Members, in saying that we are against the Jallianwala Bagh murder,

against the way in which the martial law was carried on in the Punjab, against Sir M. O'Dwyer and against the whole administration of the Punjab. We send that as a word to help those men, like Mr. Lagan, who is now trying to bring the Punjab back to sanity, and Sir George Lloyd, who managed to carry Bombay through these stirring times without any martial law. Cannot we send to them a message of help, try to assist them in the work they are doing, instead of perpetually making their work of reconciliation more impossible by the insane speeches made from these benches.

Will not hon. Members understand that unless we now take broad view of the future of the British Empire, unless we now turn down for ever the idea that the British Empire is a replica of the Roman Empire, it will be an evil day for us? Hon. Members will remember how Macaulay's "Lays" end—

Shall be great fear
On all who hear
The mighty name of Rome.

That was most attractive when we were younger. It may have been so in the British Empire in the old days. It will not work now. Where we are now we must decide to throw over the Roman Empire idea of fear and force! Here we are at the end of a great Victorious War. We are for the strongest Power in the world. The old Great Powers have come to an end. We dominate the old world as the United States dominates the new. There are no other great Powers. How are we to deal with the future? The other nations are looking to us, the small nations the Magyars, the Austrians, the Poles, the Czecho-Slovaks—all look towards England as being the greatest Power in the world; the people that can help them, of whom they are afraid. How are you going to use this great Power and influence? If you are going to utilise that power in the way suggested by some, you may go on for some years, but in the end you smash.

Sir C. Oman: How are you going to carry on—with Provincial Councils?

Colonel Wedgwood: I would like to refer the hon. Member in this matter to a greater historian even than the hon. Gentleman—to Mr. H. G. Wells and his "Out line of History."

Sir C. Oman: If that is where the hon. and gallant Gentleman gets his history, then I do not wonder at his views about India.

Colonel Wedgwood: Perhaps the hon. Member would prefer in this connection Gibbon's "Decline and fall." But the real point is this: Are we to try to carry on the great position we have to-day by the terrorism of subject races? (Hon. Members: "No!") The only alternative that I can see is to invite them to come into the

British Empire on equal terms so that Indians should be British citizens, and have the same rights as Englishmen or Australians. If you give those rights, you offer a certain attraction to people to belong to the British Empire. If you persist in treating Indians, not only in India, but be it observed, in our colonies, East Africa, South Africa, and elsewhere, as though they were an inferior people, not equal to you and me, so long as there is this social feeling against them, so long as they are legally inferior, you are ruining the British Empire and the future cause of country. I want to see England embracing all these people, not only Indians, but as they come along in the scale of civilisation, the black men of Africa, as well as the Jews of Palestine and the Egyptians of Egypt. I want to see them all as proud of being British citizens as the men in the Roman days were proud of being Roman citizens. There is nothing finer in the records of Lord Palmerston than the way he stood up for that Gribraltar Jew, Don Pacifico. Lord Palmerston made it a *Casus belli* because that man had lost some of his property. If that is the way you are going to make people proud of being British citizens, well and good. But so long as you go on treating Indians as though they were a subject race, as if those who had the wit, intelligence, and energy to educate themselves were all wicked agitators and people to be condemned, as they were condemned by Sir Michael O'Dwyer in his speech, so long as the only decent Indian is the Indian who is tamed and who is content to be your servant, so long as that is the feeling of Englishmen, you are injuring the prospects and the true development of the British Empire.

If we get a division to-night in which a large number of Members go into the Lobby against the Secretary of State, that will be an indication to India that, bad as is the Secretary of State, whom they condemn, there are people worse than the Secretary of State, worse than General Dyer, the people who support Prussian Terrorism as the essence of British rule. If that is going to be the message to India it can have nothing but a disastrous result. The Secretary of State will prove to the full that what he has done is all that England would let him. He has not done enough. I believe that in the blessing he has given in his despatch to Sir Michael O'Dwyer and Lord Chelmsford, he has done more to undermine his reforms than anything he has ever done before. We on these benches are not prepared to say that he is correct in blessing Sir M. O'Dwyer and Lord Chelmsford. We know that the right hon. Gentleman has undone some of his best work. We wish that he had put such words on paper.

My last message to the right hon. Gentleman is this, that unless something is done, and done quickly, to put into hands of

Indians not only the Legislative power but the administrative power to deal with these questions of law and order, questions which have been so mishandled by the military, unless you give the people power to repeal the Seditious Meetings Act and restore to them that Magna Carta and freedom which we enjoy in this country, unless this is done, all the right hon. Gentleman's great reforms, from which we all hoped so much, fall into fire of racial hate, which will destroy not only India's chances of freedom but the whole future of the British race.

Mr. Rupert Gwynne: The hon. Gentleman who has just sat down has suggested that this is really a controversy between Indians and Europeans, but I venture to say that it is nothing of the kind. There are in India a great majority of citizens who are loyal and patriotic, but there are also a minority who are disloyal and unpatriotic, which is the same as in this country. It is, I think, unfortunate to suggest that because some of us feel that General Dyer has not received justice that we should be stamped as taking the part of the Anglo-Indians against the Indians. There are a great many Anglo-Indians and Indians who are fully alive to the fact that although General Dyer had to perform a very unpleasant duty, he really did save an appaling situation, and I think everyone whether Indian or European, must on reflection, feel that General Dyer has not had, even after this discussion to-day, justice in any sense of the word as we know it here.

The right hon. Gentleman the Member for Paisley (Mr. Asquith) says that General Dyer had full justice, but how can he say that when he knows that he has never been definitely accused, and that he has been judged and condemned on evidence which he gave before a commission which was not enquiring into his case in particular, coupled with statement which he was allowed to send to the Army Council. May I say here that I think it is extremely unfortunate that that communication, which most of us feel carries great weight, was not issued to the House until this morning and the vast majority of hon. Members have not had an opportunity of informing themselves properly in regard to General Dyer's case. The Secretary of State for India, in his despatch, stated that General Dyer's evidence was afterwards available for public as an authorised version, but it was admitted that it was not an authorised version as the evidence had not been submitted to him.

The right hon. Gentleman said it was unfortunate that General Dyer had to return to the front and therefore inaccessible. Let me inform the Secretary of State for India that General Dyer, after having given his evidence before the Commission, returned to his duties some 200 or 300 miles away, while other members who were

examined before the Commission went a thousand miles away, but they were sent after their evidence while General Dyer was not. It may be a coincidence but it is an unfortunate coincidence, and it was a lack of justice which it was the Secretary of State's duty to see should be meted out to this officer. The right hon. Gentleman devoted the greater part of his speech to condemning in a wholesale manner General Dyer, and he was followed by the Secretary of State for War. I am bound to say that when I heard the Secretary of State for War condemning in wholesale language General Dyer's action which after all the Hunter Committee found was an error of judgment, I felt reminded of the man in the parable who, having been excused the payment of hundred talents by his master, went and cast his fellow servants into the prison because he would not pay him a hundred pence.

The right hon. Gentleman the Secretary of State for War committed an error of judgment when he was in a high office before, and risked the lives not of hundreds but of thousands of men in Gallipoli, as he thought, with the object of saving a great number of lives. His error of judgment ended in disaster and was unsuccesful. He gave up one great post, but he is now at another. General Dyer committed an error of judgment, according to the Hunter Report. He was, at any rate, successful, but there is no pity for him, on the part of the right hon. Gentleman who condemns him wholesale for having taken the lives of two or three hundred people, as he thought, to save the lives of thousands of others. As regards the Secretary of State for India, I think, at the present time, that whatever effect he may think General Dyer's conduct had in India, the right hon. Gentleman's administration of affairs in India is a very much greater danger to that country. During the last few weeks I have tried to elicit certain informations from the right hon. Gentleman in this House, and I regret to say that he has misinformed this House. He has said and repeated on more than one occasion things which I think I can prove are not true, and if that is so anyone occupying the great position which the right hon. Gentleman does is not fit to be Secretary of State for India if he misleads, and continues to mislead, this House on matters of importance.

There are other reasons why I think the right hon. Gentleman is not a suitable person to fill that high office. I think it is conclusive that his sympathies have been with those who are opposed to law and order in India, whilst he has been prejudiced against those who have been trying to maintain it. There has not been any word said in the Debate about the people who are responsible for these riots, and the whole condemnation has been in regard to those

who have tried to put them down. I hope to show that the right hon. Gentleman, by his action throughout last year, has proved that he is really the friend of that small disloyal minority, that he has encouraged them and discouraged the officials and those whom he ought to be the first to protect who are working under his administration. As regards my first charge, that the right hon. Gentleman has misled this House, I may say that on the 16th December last the right hon. Member for Peebles(Sir D. Maclean) asked the Secretary of State when he had become acquainted with the details of the occurrence at Amritsar, and the right hon. Gentleman replied that he had not received any detailed account, nor did he expect to do so. Then he was asked by the right hon. Member for Peebles when did he become aware of the occurrences, and what reason had he for not informing the House of Commons, and he replied :

"I thought I said I knew no details of the circumstances until I saw a report in the newspapers. It is not an official communication yet" (official Report, 16th December, 1919 ; col. 241 ; vol. 123)

On the 23rd June I asked the right hon. Gentleman questions arising out of that. I asked him why it was that he did not know in December the details of the occurrences at Amritsar, and he replied :—

"What I said in December and what I say now is that I had no information as to the details, shooting without warning and shooting to the exhaustion of ammunition, and the principles on which General Dyer acted, and so forth. These things came to me as a shock when I read them in the newspapers"—(official Report, 23rd June 1920 ; cols. 2153-4 ; vol 130)

If the right hon. Gentleman in December had felt it was not in the public interest to state in this House various matters connected with the Amritsar affair and had said so, I do not suppose we should have pressed him. But he did not say so. He said he had no information, and he led the House to believe he was in perfect ignorance. Time went on. During the last two or three weeks I have pressed him in this matter and he has continued to insist that he knew nothing of the details in regard to the shooting by General Dyer at Jallianwala Bagh. I say it is perfectly clear that the right hon. Gentleman did know and he was deliberately misleading the House when he saw that he did not. Let me substantiate that case. It is very difficult to suggest reasons which may be apparent in the minds of some one else, but it is a fair inference to say, looking back on events, that the right hon. Gentleman was anxious to keep back from this House and from the

country the real state of affairs in India during that time, until he had got his Government of India Bill through.

Let me run through the dates and see what was the course of events. The Amritsar affair took place on the 13th April, and after that there were communiques sent to the Press. These went on during April : Four or five of them were issued about the riots in India, and then the matter dropped. On the 12th May the right hon. Gentleman was asked by the hon. Member for Melton if it was true that first class priority tickets on the steamers were given to certain representatives of the agitators in India to let them come over here and give evidence while officers and women and children anxious to get home could not obtain berths. The Secretary of State replied that what he had in mind was that the passage of the Indian constitutional reforms through this House was urgently vital. On 22nd May, the right hon. Gentleman during the discussion on the Indian Budget, made certain statements in regard to the riots, and then again the matter was dropped. On 29th May, the first reading of the Government of India Bill took place in this House. On 5th June the Second reading took place, and no mention was made of the disturbances in India. On 30th June the right hon. Gentleman saw for the first time Sir Michael O'Dwyer who had come home from India. He is then informed, presumably, of what is going on in India. In August, General Dyer was required to send in a Report of what took place at Jallianwala Bagh. That is received by the Government of India. Why did not the right hon. Gentleman inform himself then when he saw the full Report—the Report on which he now condemns General Dyer ?

Mr. Montagu—Does the hon. gentleman suggest that I saw the report in August ? If he does, I say it is not true.

Mr. Gwynne.—I asked the right hon. gentleman why he did not inform himself.

Mr. Montagu.- I did not deal with the subject. I am sure the right hon. gentleman does not want to misrepresent me. I thought I had already informed him that I had called for no report from the Government of India because in May immediately after the occurrence had happened we decided to appoint a committee. I thought then that the best thing to do was to await the findings of that committee.

Mr. Gwynne : Sir M. O'Dwyer states positively that he told the right hon. Gentleman. He says he is willing to go into a Court of Law and swear on oath that he told the right hon. Gentleman details of the affairs at Amritsar. I would ask him this. He told me the other day, in answer to a question, that he received in November the Report of the Legislative Council meeting at Simla. I suppose I am right in assuming that the right hon. Gentleman

informed himself of what the Indian Government were doing out there. If he received that Report, he must have received full details of what had taken place at Amritsar. In that Report full details were given, but the right hon. Gentleman told me the other day they were merely statements made by certain aggrieved persons. I say, at that discussion at Simla, certain statements were made by aggrieved persons, but the answer to them was given by Government of India officials. Let me ask the right hon. Gentleman, how did he know that of the aggrieved persons, if he had not taken the trouble to read the Report? When this discussion took place at Simla, one Government member after another was put up to answer it, and this Report was issued, which the right hon. Gentleman admits he got in November. Here we find speeches from Sir William Vincent, Sir George Lowndes, Mr. Hailey, General Hudson and others, all representing the Government of India. What was the attitude of the Government of India at that time? They took the attitude, every one of them, that General Dyer was justified in what he had done, and that he would have been guilty of negligence if he had not done what he did do. Here is the Government of India's own Report, from the soldiers point of view, which the right hon. Gentleman had in November. Sir Havelock Hudson representing the Government of India and, I take it, equivalent to the Secretary of State for War here, says:

"My Lord, my only reason for intervening in this Debate is to clear up one or two remarks which have been made by my hon. Friend as regards the action of certain officers connected with the suppression of rebellion at Amritsar.... ... ...

The first event to which I shall refer is the Jallianwala Bagh."

He goes on to give the whole details of that. I am not going to read the whole of it, but apparently the right hon. Gentleman was not aware of it. I want, however, not to repeat what has been already said to day as to the details in regard to Amritsar, but to show that the Government of India had then considered the case of General Dyer and come to a decision, and that decision was strongly to support General Dyer in the action he had taken. This is what the official spokesman of the Government of India said at Simla:—

"It was clearly the duty of the officer in command to disperse this unlawful assembly, realising the danger to his small force, unless he took immediate action, and being well aware of the inadequacy of the measures taken to restore order on the 10th April, he ordered fire to be opened."

The right hon. Gentleman said he was shocked when he heard that there was firing.—

"The crowd was dispersed and the force was withdrawn. I

have given the Council this narrative to show how the situation would be viewed by the soldier, and will content myself with saying that from a military point of view, the sequence of events justified the exercise of military force and that the object of its exercise was fully attained. Also, from a purely military point of view, the officer in command would have been gravely at fault"—mark those wards—

"had he permitted the elements of disorder to continue unchecked for one moment longer."

The right hon. Gentleman turns round now and is shocked to learn of the shooting without further warning. If there was time, I would read the whole Report, which goes into every detail. The right hon. Gentleman was also shocked when he heard of the principles on which General Dyer acted. What does Sir Havelock Hudson say? He says:

"Something was required to strike the imagination and impress on all the determination of the Military authorities to protect European women. ... ... There are those who will admit that a measure of force may have been necessary, but who cannot agree with the extent of the force employed. How can they be in a better position to judge of that than the officer on the spot? It must be remembered that when a rebellion has been started against the Government it is tantamount to a declaration of war. War cannot be conducted in accordance with standards of humanity to which we are accustomed in peace. Should not officers and who, through no choice of their own, are called upon to discharge these distasteful duties, be in all fairness accorded that support which has been promised to them?"

That was the soldier's point of view. What did the civilian representatives of the Government of India say? He took this line

"How can any member of this Council expect military officers of Government to do their duty unless they receive reasonable support? A military officer is in a position of peculiar difficulty. If he does not suppress disorders he is liable to censure, blame and punishment at the hands of his superior officers. If he does not take adequate measures, he may be removed from his office. . . Let each Member visualise to himself what his position would be, faced with these difficulties, often with insufficient forces at his disposal to cope with disorders, doing what he thinks to be his duty, ... and then being penalised and held liable to prosecution and persecution for no reason whatsoever."

This is what was said by Sir William Vincent, who is the Home Secretary. Does the hon. Gentleman repudiate him? He said:—

"If officers acting on that assumption, and acting *bona fide* and perfectly reasonably, are not to be protected by Government, then the future prospects of Government officers are very serious. How can any member of this Council expect an officer to act confidently, firmly and decisively, if he knows that this Legislative Council and the Government will repudiate his action at the first opportunity? ... ... In a resolution published by this Government some time ago, I think during the period of the disturbances, we solemnly promised all those charged with this onerous duty of restoring order our full countenance and support, and it is in fulfilment of that promise that I now come to this Council and ask hon. members to ratify what we then promised."

Did the right hon. Gentleman know that that meant support for General Dyer? If so, he is certainly not in a positon now to say that he is justified in continuing his office. He does not even know what his own Government in India were doing. He has placed the Legislative Council and the Government of India in a hopeless position, saying one thing one day, and then, when he is pressed, presumably by his agitator friends, reversing the whole position.

Mr. Montagu.—Does the hon. Member suggest I put pressure on the Government of India?

Mr. Gwynne.—It is most amazing if you did not. Why did they suddenly turn round? (Loud cheers.)

Mr. Montagu.—The charge has been made in my absence that I put any pressure upon the Government of India. They waited to receive the Hunter Report, then made their decision and communicated it to me. The hon. gentleman is making many foul charges against me which are not supported by the facts. (Cheers.)

Mr. Gwynne.—Charges are foul when they are made against civilians, but they are not foul when made against soldiers. (Loud cheers) General Dyer is disgraced after 34 years' service without trial. (Cheers) When the right hon. gentleman is criticised in this House, he says the charges are foul. At any rate he is not losing his office. I only wish he were. I say the right hon. Gentleman must have known in December these details, because he admits having received that Report in November. If he says that that Report does not contain evidence that General Dyer shot without further warning, and that he had certain motives in shooting, then, I say, I leave the committee to judge whether he is telling the truth. I said a short time ago that the right hon. Gentleman to my mind, had shown during his last year of office that his sympathies were with those who were in favour of disorder in India, rather than with those who were trying to keep the Government of India going. Look at the right hon. Gentleman's speech in this House on the

22nd May, 1919, that is to say, just after the disturbances at Amritsar. No one knew or ought to have known better than the right hon. Gentleman that the man who was more responsible for these disturbances than any one else in India was Mr. Gandhi. We, in this House, had been kept in ignorance of the fact—details had not been given us—but the right hon. Gentleman must have known the feeling in India. He knew, and it has been proved by the Hunter Commissions Report, that Mr. Gandhi had started on foot this passive resistance movement which led to the riots and disturbance. Let me read what was said about Mr. Gandhi at the Legislative Assembly at Simla by one of the representatives of the Government.

"I maintain that no one with any feeling for the security of the Province could have safely allowed Mr. Gandhi to have arrived in the Punjab at this juncture."

What does Mrs. Besant say?

"People who committed arson and assaulted woman did so with the name of Mr. Gandhi upon their lips."

What does one of the posters say which was issued by these seditious people?

"Conquer the English monkeys with bravery. God will grant victory. Leave off dealings with the Englishmen. Close offices and workshops. Fight on. This is the command of Mahatma Gandhi. Get ready soon for the war and God will grant victory to India very soon. Fight with enthusiasm and enlist yourselves in the Danda Army."

While that was going on, what does the right hon. Gentleman say in this House?

"I cannot do better in describing this body of men than quote the words of a very great and distinguished Indian, Mr. Gandhi. There is no man who offers such perplexity to a Government as Mr. Gandhi, a man of the highest motives and of the finest character, a man whom his worst enemy, if he has any enemies, would agree, is of the most disinterested ambitions that it is possible to conceive, a man who has deserved well of his country by the services he has rendered, both in India and outside it, and yet a man who has friends, and I will count myself as one of them, who would wish to exercise his great powers with a greater sense of responsibility and would realise in time that there are forces beyond his control and outside his influence who use the opportunities afforded by his name and reputation."

Viscount Wolmer: That explains his speech to-day.

Mr. Gwynne: It is without significance that at the present time Mr. Gandhi is at large, free to go about India still further

trying to spread pernicious doctrines, and the right hon. Gentleman knows perfectly well that at the very time he was making his speech it was telegraphed to India, and what effect can it have had? That was in May, when, as he told me yesterday, the fire had not yet been put out. The right hon. Gentleman gave that amazing character to the man who, rightly or wrongly started these insurrections, which proved a danger to this country, and if he is Mr. Gandhi's friend, he has no right to be Secretary of State for India. What is Mr. Gandhi doing now? He started another organisation. He is now at large in this country, and has even passed resolutions saying that his Excellency the Viceroy shall be approached and given notice of one month to see that the Turkish peace terms are revised in accordance with Moslem sentiment and, in case it is not done, to start the movement of non-co-operation. The hon. and gallant Gentleman (Colonel Wedgwood) said this movement of non-co-operation was hopeless in India, and that it meant trouble. Here Mr. Gandhi is spreading it. He is at the head of the movement to bring about non-co-operation, a fresh system of passive resistance, and that is the man whom the right hon. Gentleman is supporting. Let us turn round and see who is supporting those who are trying to carry out the law. If the right hon. Gentleman continues, we are going on the right road to lose India. The most graceful thing he could do now would be to resign. I would even prefer that the usual method of the Government should be proceeded with and that he be given, if necessary, a more important appointment rather than should be allowed to ruin India (An hon. Member: "Are you out for the job?") No Sir, I want no job at present in this Coalition Government, if we are to be classed with colleagues of that kind. I would much rather remain an unimportant, unofficial Member with freedom to criticise if I like. I have no doubt that my right hon. Friend who is to reply will suggest some very good reasons for refuting the accusations I have made. It is not plesant for me to have to get up and attack the party which I have come here to support, but I do so because I feel strongly that those men who are under the right hon. Gentleman, and who are depending upon him for justice and for representation in this House, have not been looked after as they have a right to be. I would remind him that when he was asked last year whether he would have representatives from the various Governors and Lieut-Governors to come over and give evidence as to the reforms in India, he said that the only representative in this country of the Governors and Lieut-Governors and others in India was himself, as Secretary of State. If that is the case, if the Governors and Lieut-Governors and those who are

carrying out the laws in India are solely dependent upon him, then their position is indeed an unhappy one, because not only are they flouted, but the enemies of this country are encouraged, and I think I have proved that to be the case in my speech.

Mr. Clynes (Labour Leader) said that while he thought the Government had gone the right way, so far as they had gone, the Labour members wished to express their appreciation of the tenor of the speech of the Secretary of State for India that day. They felt the minimum of reparation which the people of India were entitled to demand had not been made, and therefore they would go into the lobby, not for the purpose of reducing the Secretary of State's salary, but to portest against the action of the Government in taking no step to remove those conditions of repression which provoked those incidents of disorder and commotion such as led up to the unhappy Amritsar affair. If the issue to be decided in the lobby was the murder of these hundreds of Indians and injury to thousands of them under conditions which sent them to their doom like cattle, he felt that they ought to carry with them a very large number of members who did not belong to the Labour Party at all.

Major-General Sir J. Davidson.—Considerable play has been made in this Debate with the report of the Army Council, but I think that there is nothing in it. There are two main points: First, General Dyer was guilty of an error of judgment. Perhaps he was, but who of us in a similar position would not be guilty of an error of judgment. It was a difficult and a most objectionable position to be in. One has some idea when one has been on strike duty, as I have been in connection with the railway strike, which is a most detestable duty for a soldier. There was liability to error of judgment during the whole operation in India, and he would be more than human if he were not guilty of an error of judgment during the whole of that period. The second point is the statement that he would not be employed at home. I do not know General Dyer, but I think he did not expect to be employed at home. An officer of 56 would not expect to be employed at home. What is important is the action of the Government of India. For ten months after the 13th of April, when the Amritsar incident occurred, General Dyer was given one appointment after another. He was praised up to the skies and congratulated and then he was turned down as a scapegoat. This is most reprehensible and reflects very badly on the Secretary of State for India. I would ask the Mover of the Amendment what good is it going to a division? I am not frightened going to a division, and I shall vote in the Lobby against the Government on the ground of the abominable action of the Government of India in

the matter, including that of the Secretary of State for India. But what is the use of going to a division? I see no objection in the least, and I appeal to the hon. Baronet not to press his Amendment.

Mr. Bonar Law (Leader of the House): I was sorry to listen to what was said by my hon. Friend the Member for East bourne (Mr. Gwynne). I think my right hon. Friend (Mr. Montagu) is in a false position, (Cheers) for this reason that, as he said, the subject was too large to make it right for him to answer personal charges, and it is not possible for him to answer now except at the expense of my taking no part in the debate. I am quite willing to give place to him (Montagu), but he says it would not be wise (Cheers and laughter). I think the House of Commons is always fair. But I doubt whether it has been fair to my right hon. Friend. It is entirely wrong to suppose that my right hon. Friend is especially responsible without the conjunction of the Cabinet for the policy in India. The first step of the new policy in India was taken before he became Secretary of State.

Apart from this incident the debate has been a painful one to me. I confess that this is one of the most difficult subjects which either the House of Commons or individuals can ever attempt to deal. It raises issues of precisely the same kind as were raised in regard to Governor Eyre very long ago.

It happened when I was a very small boy, and apart from having read about it, I have still a vague recollection of the extent to which the whole empire was divided from top to bottom on the issue then raised. Then, as now, it was not, I think, a question of argument so much as of temperament, and criticisms arose according to the different points of view from which these things are regarded.

As I listened to the Debate to day, I felt that nothing could be easier than to make an effective advocate's speech from either point of view. If on the one hand you look simply at what happened at Jallianwala Bagh, without a proper regard to the circumstances under which it happened, it would be perfectly easy, on the ground of humanity, to raise an amount of passion which, in my opinion, would not represent the actual facts of the case. On the other hand, if you disregard altogether what happened, and look at it simply from the point of view of supporting our officers who were doing their duty in difficult circumstances, it would be equally easy to make a case which would carry conviction almost to any one who was not determined to get to the bottom of it for himself. My duty is more difficult. It is more difficult to make a speech when you are not on one side or the other, and when you are trying to judge fairly all the circumstances of the case.

But apart altogether from speeches, which after all are very unimportant, what the Government did was to look at the case, not as an advocate on one side or the other, but to judge it as fairly as they could and to come to a decision which they thought and in the best interests of the empire as a whole. This is what they have done. When I first heard of the occurrences at Jallianwala Bagh I had that feeling of indignation which has been expressed by many hon. members who take one view of the subject. As it became necessary for the Government here to take a decision, I had to examine the evidence available, and while on the main issue my opinion is not changed, the result of that examination has been to make me more sympathetic, because I understand much better the difficulties of the position in which General Dyer was placed. Consider what that position was. Disturbances had taken place in Amritsar. They were not ordinary riots. It is no very important whether or not there was a conspiracy, as General Dyer thought, of which all this was a part, but the Hunter Committee itself declared that what was taking place there was not a riot but a rebellion. That was a very serious thing. General Dyer was called to Amritsar after the atrocity of the 10th April.

I listened to the speech of my right hon. friend the Member for Paisley (Mr. Asquith), and agreed with his conclusion, but I do not think he at all did justice to the difficulties of General Dyer. It was not as if, as he seemed to think, after the occurrences of the 10th April, everything has quieted down, and that there was no further danger. Quite the reverse. It is quite true that the riots and murders had ceased, but it is true also that the party which had been guilty of those crimes were in command, and it is true that every appearance justified General Dyer, in my opinion, in thinking that the same outrages which occurred before might occur at any moment. That makes a very great difference. In addition, there is this point. My right hon. Friend spoke of it as if this meeting at Jallianwala Bagh was merely a seditious meeting. It was not that General Dyer had made his proclamation throughout Amritsar and what I thought in reading the evidence, one of the most striking thing was that almost simmultaneously with this proclamation, the rebels were following him with a proclamation urging the people to go to this place inspite of the proclamation That makes a great difference. It makes this difference, that when General Dyer came to that place, and found the meeting there, he had a right not to consider that every one there was guilty of open rebellion but he had the right to consider that a large number of them had come there for the express purpose of flouting the Government, and showing that the Government could not maintain its power in that city.

All that has got to be taken into account. We have discussed it over and over again in the Cabinet, and the views which I am expressing are, I am sure, the views of my right hon. Friend the Secretary of State for India and my colleagues. What further followed? General Dyer knew that the British in that city were very few; he knew that his military force was very small; he knew that there was great danger. Every one admits that, and he had to take all that into account. He came to this place; the shooting began; it continued. I have spoken, I hope, fairly of my view of General Dyer's action, but it has not in the least altered the opinion with which I began—not in the least that that action was wrong, enterly wrong, and that the Government responsible for the Government of this country and of India is bound to declare that, in its opinion, it was wrong. The Hunter Report has, I am sure, been read by all Members of this House who are interested in this question. I think it is a very fair Report. I think it does justice to General Dyer's difficulties, and I would remind the Committee of this also, that in the despatch sent by the Secretary of State for India, those difficulties are pointed out and are emphasised.

The majority of the Hunter Committee came to this decision, that, in their view, General Dyer was open to serious criticism on two grounds. The first was, that he had not given notice before he began to fire. I see that my right hon. Friend and, no doubt, many others, think there is no justification for that criticism. I do not agree. General Dyer himself admitted that, though he felt sure the bulk of the people there did know what they were doing, and were there to flout the Government, there might have been some—indeed, I think he said there might have been many—who were not aware of what they were doing. Surely seeing it was the universal custom in India, as it is here, to give notice before beginning to fire, it would have been right to give warning first!

Mr. A. Parkinson: Did not General Dyer gave six hours' notice for them to disperse out of the square before he fired!

Mr. Bonar Law: The Hunter Committee express the opinion that the firing without notice would have been justified had General Dyer thought he was in danger of being attacked by the people. (Hon. Members: "He was!") Oh, no. In his evidence General Dyer says that was not so, but that he was determined before he came there to shoot right away. He himself said it. Now let us consider what General Dyer says on that in the report sent to the Army Council, which is a very able defence although it does not, I think, give any new facts. What he said, was this. "If I had been thinking of myself, of my own protection, then I would have given notice." That, I think,

itself is a proof that notice ought to have been given. When a soldier is in the position of representing the Government, as, of course, a soldier exercising martial law is, if it would have been right for him, from the point of view of his own protection, to have given notice first, it was his duty also to think of the moral position of the Government. (Hon. Members: "Oh"; and "Hear, hear!) Surely if you are looking at the thing in a broad way, as General Dyer said he was—if you are looking at it, not merely from the point of view of the effect on the crowd itself, but the wider issue then we have to look at all the wider issues, and surely it is right to think, not only of the merely military effect, but the effect on India as a whole, of the action, and make sure that there is no ground for saying that notice was not given before the firing began.

The next ground on which the Hunter Committee criticised General Dyer was that he continued firing long after he ought to have stopped. With every desire to put myself, as far as I can, in General Dyer's place, I agree with that criticism, and I think there is no possible justification that I can see for the continued shooting. Just consider what it means. Here were these people almost like sheep in a pen. It is quite true that probably the mass of them were there in rebellion. I agree with my hon. Friend the Member for Twickenham (Sir W. Joynson Hicks) in that respect, that if they had had the courage, in spite of being only armed with iron sticks, they might have rushed a small force, but again General Dyer said distinctly that that was not an element which weighed with him. His defence was quite different, and it is really that defence—and I am going to put this solemnly to the Committee—which above every thing else makes it necessary that this Government, or any Government—that this country, if it is to retain the reputation it always has had, must repudiate the action. I am not going at this moment to read the exact words he said, but I will look at his defence. He admits it is an elementary rule that, in the exercise of Martial Law, you should not use more force than is necessary for the purpose. Then, when it was pointed out by the Hunter Committee, as also by the Secretary of State in his despatch, that there was far more force than was necessary for the purpose, General Dyer gives a defence which is quite right. He said he must take, to some extent, the circumstances into account. Nobody questions that, that is to say, as General Dyer puts it. If you are dealing with a riot in a city which is otherwise tranquil, you ought to be less severe than you are bound to be if you are dealing with a riot where a whole city is endangered, and something else may happen. I admit it is very difficult to draw the line, but I should myself think that, probably,

the right line to draw in a case of that kind is to use whatever force is necessary to prevent the body with which you are dealing from giving trouble. I think that is as good a distinction as I can make, but consider what General Dyer's own view was. He said :—

"I fired, and continued to fire, until the crowd dispersed..... If more troops had been at hand, the casualties would have been greater in proportion. It was no longer a question of merely dispersing the crowd, but one of producing sufficient moral effect from a military point of view not only on those who were present, but more specially throughout the Punjab.

Consider what that means. If you once accept the principle that in inflicting punishment on any set of men, you are to consider not merely that of which they are guilty, and that which they should receive, but also the effect of their punishment upon other people, then there is no end to it. I say for myself—and on this I feel as strongly as any Member of the House—that is a principle which ought to be repudiated, not only by the "arm-chair politician" of whom my right hon. friend (Sir E. Carson) spoke, and of whose peaceful and tranquil life he has had some experience—

Sir E. Carson : I never make a scape-goat of any body.

Mr. Bonar Law : Quite right, and I hope that I never do. It is a principle opposed to the whole of the British Empire and, in my opinion, can never be justified. General Dyer's whole record was a good one, and no one accused him—at least I do not—of anything except a grave misconception as to what was his duty. The very fact that that view as expressed by a man of that kind makes it all the more necessary that it should be repudiated by the Government of this country.

Mr. Gwynne : Would the right hon. Gentleman say why the Legislative Council have changed their minds?

Mr. Bonar Law : I cannot answer that question, but I should hope that the answer of the Government of India would be that they changed their minds on the evidence before the Hunter Committee. Let us consider the position further. My right hon. friend the Member for the Duncairn Division said that General Dyer had not had a fair trial. I do not see how that statement can be justified. We all know that throughout the war scores of Generals were subjected to the same penalty as General Dyer, on no other authority than that of their superior officers. I am dealing now with the position after the Hunter Report. This General was liable to nothing more than to which every Governor or any one in the same circumstances would be liable. He had no right whatever to a court martial. It has never been accorded to any one else. The Government of India took the view that his action must be repudiated. The Comman-

der-in-Chief who, I should have thought would not be unmindful of the difficulties of the soldier, took the same view. It was submitted to the Army Council here. I have seen suggestions that the Army Council in coming to their decision were cowardly. No charge could be more unjust. In my view, theirs is the proper position for the soldier. The same view was expressed by my hon. friend the Member for one of the Divisions of Ayrshire (Lieutenant-General Sir Aylmer Hunter Weston), who has served in the Army, and understands the Army point of view. I myself have discussed this with a good many soldiers. Nearly all of them share the view that no action ought to have been taken against General Dyer. But there is not one to whom I have spoken who has not taken the view that General Dyer was wrong. That is a fact.

Suppose the Army Council took the view that General Dyer was wrong, and at the same time felt all these difficulties, felt the necessity, as far as possible, of supporting the officers who were placed in that kind of position, but thought that no action should have been taken. I can imagine nothing which would be worse, not only for the country, but for the Army. Are you really going to take the view—for that is what it amounts to—that if a soldier make mistake in any portion of his life or activities—on the battle-field for instance—he has to pay for it, but if he make a mistake when dealing with the civilians, whatever that mistake may be then the Army must back him up? (Hon. Members: "No, no!") That is what I think it comes to. Take, in conclusion, the case presented by my right hon. and learned Friend (Sir E. Carson). I do not see in what respect the Government were to blame. He said in his speech: "By all means censure him, but do not punish him." What is punishment? My hon. Friend who spoke last (Mr. Gwynne) explained. But it is not more punishment than happened to many generals in the War.

Sir E. Carson: The right hon. Gentleman says it is nothing more than happened to many generals in the war. Does he then admit that the state of India and the Punjab at that time was to be compared to War?

Mr. Bonar Law: I think I have dealt with that. My right hon. and learned Friend says: "You are right in censuring him." Does he mean that if we have the right to censure General Dyer, we have the right to continue him in employment? (Mr. Charles Palmer: "You re-employed Churchill!") My right hon. Friend went a step further. He said you must back those who are doing their best in support of your authority. I agree, but how far? I can concieve of nothing worse than that the Government should make a scapegoat of a man of that kind. I am sure my right hon.

Friend will not say that we have got to support them however wrong they are; but he would say perhaps that if an officer is doing his best, then we have to support him whatever he does. I cannot accept that doctrine. Personally, I am very sorry that this question has been treated with so much heat. I can say honestly that the Government have tried to deal with it fairly and justly.

Lieut-colonel Croft: What about the Secretary of State for India's speech?

Mr. Bonar Law: We have tried to deal with the question fairly and justly, and I think what we have done is fair and just. We have, however, to consider something more. We have to think not only of public opinion here, but in India as well. We have to think not only of the opinion of Anglo-Indians, but of the opinion of Indians themselves; and when my hon. Friend the Member for Twickenham (Sir W. Joynson Hicks) tells us of the outrageous speeches of those who are against British rule, we know that there are deadly enemies to British rule in India. I am not afraid when they make charges such as those which the hon. Member referred to—which every honest man in this country and in India knows are false—but I am afraid if we do anything that gives them the right to say that we are treating Indians less fairly than we treat other British subjects.

Question put, "That Item A be reduced by £100." (Labour move)

The Committee divided: Ayes, 37; Noes, 247.

Original Question again proposed by Sir Edward Carson: I beg to move, that the vote be reduced by £100. The Committee divided: Ayes, 129; Noes, 230.

Question put, "That a sum not exceeding £53,600 be granted for the said Service."

The Dyer Debate

In the House of Lords

July 19th, 1920

The case of General Dyer was taken up in the House of Lords on the 19th July, 1920, when Viscount Finlay rose to move :—

That this House deplores the conduct of the case of General Dyer as unjust to that officer, and as establishing a precedent dangerous to the preservation of order in face of rebellion

The Noble and learned Viscount said : My Lords, I can assure your Lordships that it is with a feeling of very great responsibility that I have undertaken this motion. I have felt impelled to do so by my strong feeling that an injustice has been done to a very distinguished and very deserving officer, and that the case is one of a nature which, in its effects in the future, may be deleterious to the efficiency of our public service. I trust that not one word will escape me in the course of this debate which could in any way aggravate our difficulties in India ; but, I desire as shortly as I may—and I trust that your Lordships will think I have been justified in raising the matter in this House—to bring into the clearest light that I can, the facts with regard to General Dyer, and the considerations which are probably applicable to his case.

Now I shall not say a word to imply any doubt as to the absolute prerogative of the Crown to dispense at any time with the services of any officer. That is unquestioned and unquestionable ; but General Dyer has been relieved of all employment in the Army, under circumstances which affix a stigma on him, a stigma which I believe, is entirely undeserved ; and what I propose to bring before your Lordships is the question whether the Government have been justified in allowing General Dyer to be treated in that way, when his case has not really been tried at all. Further, a very severe censure has been passed upon General Dyer by the Secretary of State for India, and whether that censure was justifiable is a matter on which I am going to invite your Lordship's opinion. The effect of this case upon the future of our public service in India, and indeed in all parts of our Empire, opens up a very large field. On that it is not necessary for me to say more than a very few words. One of the main stays of our Empire has been the

feeling that every officer whose duty it was to take action in times of difficulty, might rely, so long as he acted honestly, and in the discharge of his duty, upon his superiors standing by him. If once the suspicion was created that for any reason, political or otherwise, an officer who had done what he believed to be his duty was to be thrown over, no one can exaggerate the mischievous effect such a feeling might have upon our public service.

The ground, and the main ground, on which General Dyer has been condemned, is that in dealing with the mob at Amritsar he had regard to the effect of his action over the rest of the Punjab, and in very emphatic terms it has been laid down by the Secretary of State that, in doing so he committed a grievous error, and that he ought to have had regard only to putting down the disturbance at Amritsar. I am going to submit to your Lordships that it is the Secretary of State who falls into error upon this matter. In dealing with a disturbance the question how it is to be dealt with must depend entirely upon the circumstances If it is merely a local riot, then the one object to be kept in view is the putting down of that disturbance and the restoration of order in the locality affected; but if the local disturbance is but a feature in a widespread insurrectionary movement, it assumes a different complexion altogether, and the officer in command is not only entitled but bound to look at the effect of his action upon the rest of the district which is affected by that insurrectionary movement.

Now the question of what force should be used in putting down a disturbance is, of course, often a very difficult one indeed, but I think every one will agree that no more force should be used than is necessary for the purpose in view. Any excessive force is entirely out of place and reprehensible, but then, in the case of a mere local disturbance, the only object in view is the restoration of order in the locality. If you are dealing with a disturbance which is a feature of a widespread insurrection, any capable officer is bound to have regard to the effect of the action which he takes in putting down that movement upon the rest of the district which is affected by the insurrection. As I understand it, General Dyer has been condemned because in measuring the amount of force to be used, he had regard to the state of things in the rest of the Punjab, and he has been told that he had no business to take such a consideration into account in dealing with the circumstances before him, and that he ought to have confined himself simply to restoring order in Amritsar. Surely, it is one thing when you have merely to quell a local disturbance, and another when you have to determine in what manner an insurrectionary movement should be put down in the place with which the officer has more immediately to deal.

On page 12 of the statement which General Dyer has put in and which is printed as a white paper, your Lordships will find this sentence used by General Dyer—

"What the Hunter Commission have done is to apply the principles applicable to unlawful assembly in times of otherwise general peace and quiet to a vital incident of a rebellion."

The Government, as I understand their action, have identified themselves with that doctrine promulgated by the Hunter Commission. I am going to submit to the House that that is an erroneous canon, and that it is unjust to an officer, in such circumstances as those in which General Dyer was placed, to apply any such canon in judging his conduct. Let me not be misunderstood. No man is more averse from what is called frightfulness than I am. The essence of frightfulness, of which we have had of late years some conspicuous examples on the continent of Europe, is that innocent people are treated severely and harshly with a view of producing an effect elsewhere. In defence of such conduct I never should utter a word, but the question here is a totally different one.

If you are dealing with a formidable mob, assembled in defiance of the express order of the Government, and at a time when an insurrectionary movement is in progress throughout the whole district, are you not justified, when you choose your way of putting down that insurrectionary movement, in doing it in a way which will have a beneficial effect on the restoration of order throughout the whole district? Where you have a state of things such as, unfortunately, existed in the Punjab (which really approximated a state of war) strength is sometimes the best moral. If your tLordships would look at the map which is at the end of the Report of the Hunter Commission, your Lordships will find that it represents by a series of red marks what was the state of things in the Central and Northern Punjab in April of last year. There are a number of red marks which indicate the districts where the cutting of telegraph wires, arson and murder had prevailed, and a most formidable appearance have these red marks upon that map. They extend from the Sutlej on the east, through the districts of five rivers, through the Punjab itself, and they go on to the Indus. When you have that state of things there it is impossible, by the light of evidence, to come to any conclusion other than that the action taken throughout the Punjab was concerted action and it was a conspiracy.

Lord Hunter's Commission said that no evidence had been brought before them sufficient to establish a conspiracy to overthrow the British Government in that region. A conspiracy is always inferred from the acts of people who are obviously acting in concert,

It is very seldom that you can get any evidence of a conspiracy except from such action, and any one who looks at the evidence regarding the state of things in the Punjab must, I submit, come to a very different conclusion on this matter from that to which Lord Hunter's Commission came. The City of Amritsar was the centre of the disturbance, and the state of things there was indeed formidable. It is a city of about 150,000 inhabitants, and the men of the city and of the district are of a hardy and formidable race. There you had a state of things that I will endeavour to describe in the words of the documents which contain what the Government themselves thought of it. They show how formidable it was. Let me only add that Amritsar is the sacred city of the Sikhs, famous for its Golden Temple, and that it is a vital link in our chain of railway communications. There was a cloud on the Afghan frontier which very shortly afterwards—in May last year, I think—resulted in an Afghan invasion, and if the railway system had been cut at Amritsar it might have had a most disastrous effect upon our power of dealing with that Afghan trouble.

General Dyer is an officer who had served for thirty-four years. He is generally recognised, I think, as an officer of very great ability. What is more, he has shown that he eminently possesses the qualities of tact and humanity. He can strike hard, when it is necessary to do so, but no man has more thoroughly evinced that he is averse from the unnecessary use of force. He was at Jullundur, a little to the east of Sutlej, when the state of things at Amritsar was such that he was sent to Amritsar. He arrived there on April 11. What was the state of things that he found there? May I answer that question by referring your Lordships to the despatch of the Secretary of State of May 26 of this year? I will quote only two sentences from that despatch—

"In Amritsar itself violence, murder and arson of the most savage description had occurred three days previously, and the city was still practically in possession of the mob. From the surrounding countryside reports were hourly being received of similar violent outbreaks and attacks upon communications, and the deficiencies in this report (due to the success of attacks on communications) were supplemented by rumours which there was little means of verifying and as little ground for disbelieving."

It is impossible to picture a more serious state of things! General Dyer himself, in vivid terms, in that statement of his—the White Paper—describes what he found when he arrived on the evening of April 11.

He found a crisis of the gravest kind. He says—

"On the 10th the mob had risen, killed every one of European

nationality in the city upon whom it could lay its hands, burnt banks and Government buildings, and had been held off the European settlements outside the city only with the greatest difficulty. The situation had already been handed over to the local commander by the civil authorities as being a military one and beyond their control. I found a clear conviction upon the part of the local officials and abundant signs that a determined and organised movement was in progress to submerge and destroy all the Europeans on the spot, and in the district, and to carry the movement throughout the Punjab, and that the mob in the city and the excitable population of the villages were organised for this purpose."

The forces that General Dyer had at his disposal were very slender—some 500 British troops and some 700 native troops. He took every step to avert bloodshed in the way of warning the population and endeavouring to secure that the law should be obeyed without recourse to arms.

He marched a column through the city, showing those who were disposed to make mischief that he had some force with which they would have to reckon. He prepared the Proclamation—referred to as Proclamation No. 1—which prohibited all meetings, and announced that they would be dispersed by force of arms. On the next day a second Proclamation was issued which prohibited all processions and any gatherings of four men. That second Proclamation was issued in circumstances of the greatest possible publicity—circumstances such as to make it absolutely incredible that it was not known to every one in Amritsar. He marched through the city with a guard, spending some two or three hours in the process. By beat of drum the people were assembled to hear the Proclamation read, and it was read to them in their own language.

This was done, and General Dyer hoped that no recourse to force would be necessary. A Counter-proclamation was actually issued by those who were engaged in fomenting disorder, announcing that a meeting would be held, and the threats of that meeting were freely circulated. At first General Dyer could not believe them, but later in the afternoon he found that the matter was serious, and that the leaders of the forces of disorder were in earnest.

He proceeded in the afternoon to a place called the Jallianwallah Bagh, which is a great open space in the city. Your Lordship will see it on the map of Amritsar which is annexed to the Report; it is not very far from that Golden Temple which is so celebrated in India.

In the Jallianwala Bagh he found an enormous gathering of men. It is absolutely untrue that, as has been said, any women or children were present. Women in India do not attend meetings of

that kind; and there were no children. The meeting consisted entirely of men. It is difficult to get an estimate, but there is no doubt that it was an enormous meeting. General Dyer's own estimate is from 15,000 to 20,000. Any how the people were there in multitudes. It was an assembly of men, many of them criminals of the worst type, who had been engaged in the excesses to which I have already referred.

In the other House the Secretary of State, I think, in speaking of that crowd as "an unarmed crowd," was careful to explain that when he said "unarmed" he meant that they were not in possession of what he called "lethal weapons or fire arms." I presume from this statement that the Secretary of State for War considers that the fauj, a bludgeon of stout bamboo shod with iron, is not a lethal weapon. As I understand, it is a formidable weapon, and your Lordships will find the name of it on page 23 of the despatch of the Secretary of State. You will also find a statement that the name the disaffected gave to themselves was "Bludgeon Army." The bludgeon of course, are not as formidable as fire-arms or bayonets, but they are very formidable weapons indeed in the hands of determined men. The meeting was assembled in open defiance of the Proclamations that had been made that day, and if General Dyer had hesitated, all would have been lost. He opened fire at once and the meeting was dispersed.

Two charges have been made against General Dyer in connection with this meeting. The first is that he did not give another warning before he opened fire. The Committee censure this omission to give another warning in addition to the Proclamations, but in very mild terms: and indeed, the mildness of the censure is not wonderful considering what they go on to say. On page 30 of the Report the Hunter Committee state—

"We think it distinctly improbable.....that the crowd..... would have dispersed upon notice being made..... and much more likely that recourse to firing would have been necessary to secure obedience to the Proclamation. The majority, at all events, of the people who assembled had done so in direct defiance of a Proclamation issued in the interests of peace and order, many thinking that the reference to firing was mere bluff."

Having found that, nevertheless the Committee go on to pronounce their mild censure—

"In spite of this circumstance, notice to disperse would have afforded those assembled in ignorance of the Proclamation, and other people also, an opportunity to leaving the Bagh. If the notice had been disregarded, General Dyer would have been justified in firing on the crowd to compel it to disperse."

How many people were there in that crowd who were ignorant of the Proclamation? They were there because they were determined to defy it.

But the censure pronounced by the Hunter Committee is not enough for the Secretary of State for India who says, in that despatch to which I have referred, "The omission to give warning before firing was opened was inexcusable." I submit to your Lordships that this is a most extraordinary statement.

Will your Lordships picture the scene? There is the narrow lane through which General Dyer with his handful of men—fifty with rifles and forty armed only with kukris. This handful of men, with General Dyer at their head, debouching from that narrow lane, came upon this enormous assembly. What would have been the effect of beginning to parley with that crowd in such circumstances? The mere rush of the crowd would have swept that slender force off its feet; and your Lordships can picture to yourselves what the result would have been in Amritsar and throughout the Punjab if General Dyer and his men had been massacred and the city left in possession of the triumphant mob.

Parleying in those circumstances would have been useless and fatal. Indeed, I think I am entitled to put it higher than that, and to say he was the man on the spot. In his judgment it would not only have been useless but also absolutely mischievous, and the judgment of the man on the spot is that which, in such circumstances, ought to be accepted. If he had hesitated, the rebellion would have acquired irresistible momentum. Your Lordships will recollect that there were many women and children who had taken refuge in the so-called fort who, if the mob had triumphed, would have been at their mercy. I shall not picture what their fate would have been. If life is to be taken—and it is a hateful necessity—I would rather that the lives taken were those of the members of a criminal mob than of law abiding citizens who have been loyal to the Crown and to the Empire. The first charge about not giving a second warning is, I submit a frivolous charge, and the fact that it is made in the Report of the Hunter Committee goes rather to diminish any importance that might be attached to other parts of the finding.

The second charge made was that General Dyer continued firing too long, and had regard to the effect that would be produced throughout the Punjab elsewhere than in Amritsar. In the Hunter Report at page 30 your Lordships will find this passage—

"In continuing firing as long as he did it is evident that General Dyer had in view not merely the dispersal of the crowd that had assembled contrary to his orders, but the desire to produce a moral effect in the Punjab ... . In our view this

was unfortunately a misconception of his duty. If necessary a crow assembled contrary to a proclamation issued to prevent or determine disorder may have to be fired upon ; but continued firing upon that crowd cannot be justified because of the effect such firing may have upon people in other places."

I believe that to be a profound misconception. It is confusing the case of a mere riot with the case of a local disturbance which is really part of the battle that is going on throughout the district between the Government and the forces of insurrection. In the way in which you deal with the opposing troops on a part of the battlefield you must have regard to the effect that will be produced elsewhere throughout the whole extent of the field. It is otherwise in the case of a mere riot, but, where you are dealing with what is really an insurrectionary movement, merely to make the mob move on is to do far more harm than good.

It might only aggravate the situation, and the ineffective firing which had taken place, on April 10, has been referred to by the Adjutant-General, speaking in the Legislative Council in India, as an example of the inefficiency of the half measures in matters of that kind. This was no mere riot, when the military are called in in aid of the civil power. The civil authorities had handed over to the military the whole control of the situation, and I should be very much surprised to be told that they had not done that with the entire concurrence of the Central Government of India. In these circumstances, with the country in insurrection, would General Dyer have been fit for his post if he had hesitated to treat such a mob as that in a manner which might affect and tend to break the rebellion throughout the whole district ?

I abhor frightfulness. This was not a case of frightfulness exercised upon innocent people. It was a guilty force which had to be dealt with, and in measuring the amount of force that it was proper to use General Dyer was bound to take into consideration the whole situation. A wider outlook was necessary than in the case of a mere local riot. Indeed, this is admitted in one passage of his despatch by the Secretary of State himself. On page 24 your Lordships will find this sentence,—

"In discharging this responsibility with the small force at his disposal Brigadier-General Dyer naturally could not dismiss from his mind the condition in the Punjab generally, and he was entitled to lay his plans with reference to those conditions."

I quite agree to that. No one, I think, could really question that. In that sentence the Secretary of State was right, but unfortunately, he goes on, in an immediately following sentence, to say—

"But he was not entitled to select for condign punishment an unarmed crowd which, when he inflicted that punishment, had committed no act of violence, had made no attempt to oppose him by force, and many members of which must have been unaware that they were disobeying his commands."

I have dealt with the question of the unarmed crowd and with the knowledge among them, and I am going to submit to your Lordships that this was not a case really of condign punishment, as the Secretary of State asserts.

It was a case of repressing a mob which was out for mischief, which consisted very largely of criminal elements, and which, unless it were checked, and effectively checked, had taken a course which might have been the beginning not merely of hideous disorders in Amritsar itself, but of a general rising throughout the Punjab. This was no innocent gathering. It was the same mob, in effect, General Dyer says, which had committed the crime of April 10. They knew of the proclamation. They were there in spite of the proclamation. They were there because of the proclamation in order to show that they were stronger than the Government, and to defy the order of the Government. In these circumstances I submit that the closely reasoned statement which will be found in the White Paper prepared by General Dyer, to which I have already referred (pages 12 and 13) was thoroughly justified, and I invite the attention of every one of your Lordships to that document.

What was the opinion of those who were there, who were in positions of trust and confidence and who were best able to judge whether General Dyer's action had been right or not. I will cite a few of them. Sir Michael O'Dwyer was the Lieutenant Governor of the Punjab. He was a witness before Lord Hunter's Committee. He says this—

"Speaking with perhaps a more intimate knowledge of the then situation than any other else, I have no hesitation in saying that General Dyer's action that day was the decisive factor in crushing rebellion, the seriousness of which is only now being generally realised."

Mr. Miles Irving, the Deputy Commissioner of Amritsar, says this, in his evidence—

"The result of the firing on the mob was that the whole rebellion collapsed. There was an idea that the Government would do nothing, and this came as a disillusion."

Colonel Jhonson was called before Lord Hunter's Committee. He was in command in the Lahore area from April 15 to May 29. He was asked that how it was that peace was maintained and blood-

shed avoided in the Lahore area, and he said it was mainly by reason of General Dyer's action at Amritsar.

Mr. Kitchin, the Commissioner in the Lahore District, was called as a witness and your Lordships will find his evidence at page 222 of Volume III of the evidence. He uses this remarkable expression—

"All independent opinion is united that the blow struck on the 13th April in Amritsar saved the Central Punjab from anarchy, loot, and murder."

Major General Beynon is an officer whose evidence will be found in volume IV of the Evidence given before Lord Hunter's Committee, and what I am going to read will be found on page 322. He wrote to the Adjutant General in India—

"The wisdom of General Dyer's action has been fully proved by the fact that there has been no further trouble of any sort in Amritsar. The news had a decidedly sobering effect on the surrounding villages when it spread to them."

Then, to wind up these testimonies, the Government of India itself, in a letter written as late as May 3, 1920, after expressing opinion that General Dyer exceeded the reasonable requirements of the case, nevertheless go on to say this—

"We are convinced that General Dyer acted honestly in the belief that he was doing what was right, and we think that, in the result, his action at the time checked the spread of the disturbance to an extent which is difficult now to estimate."

Surely that is a very remarkable testimony, and surely the man who achieve that result is not to be lightly condemned on some theory, framed when the danger is over, that less force might possibly have answered the purpose.

I am not going to read your Lordships the very remarkable speech which was made by the Adjutant-General for India to the Legislative Council, on September 19, 1919. It is a speech that is worth reading, for it deals, from a broad point of view, with the difficulties which confront a soldier when he is put to deal with such a situation as that which existed at Amritsar. He concludes a speech to which I think every one would listen with some emotion by saying that, in the discharge of a distasteful duty of that kind, any soldier who honestly tries to do his duty deserves sympathy and support.

Thanks were showered upon General Dyer from all quarters. I am informed that he received very many letters—hundreds of them, I am told—from natives of the country thanking him for what he had done. The Government promoted him. They not only raised his rank, but they gave him charge of the expedition for the relief

of Thal which was invested by the Afghans, and he discharged that duty in a manner to enhance even his military reputation. He was universally regarded as the man who had saved the Punjab. It is a curious incident that the Sikhs felt so strongly what General Dyer had done that they conferred upon him what, I believe, is a very rare honour, the honour of making him a Sikh. The investiture consists in putting a slender armlet upon the wrist of the recipient of the honour. It is an honour that, I am told, has never been conferred on any Brirish subject before ; and that was the action of the sikh population of the district

Everything promised well. But in October, 1919, the Hunter Committee were appointed. They reported on March 8, 1920, and on March 22 General Dyer was told that he must resign. I think General Dyer has very good ground for complaining of the manner in which he had been treated with reference to that Committee. He was called as a witness before it. He was never really told that he was on his own trial when that investigation was proceeding. No warning was given him. He had no legal assistance. He was cross-examined with great ability by three members of the Commission who were vakils, or pleaders, I understand, of very great ability in the Indian Courts. I must very respectfully enter my protest against the practice which is getting so common, of appointing strong partisans upon Committees or Commissions of Inquiry. To my mind it is a gross abuse. The duties of such a Committee or Commission are judicial, and such a cross-examination as your Lordships will find in the record of these proceedings was unseemly. Forensic ability is out of place in one who occupies, for a time, a judicial position. If you are to have partisans on a Commission you ought to have them not on one side only, but on both, in the hope that by the friction, by the collision of the opposing forces, truth may be evolved. But no partisans of General Dyer were appointed. In some Commissions lately we have seen partisans appointed on both sides, and we have seen the Commissioners giving evidence in the course of the proceedings.

Here General Dyer was put at every disadvantage, and I submit to your Lordships that this constitutes grievous flaw in the proceedings of Lord Hunter's Committee. As a result General Dyer has been ruined. His punishment is a very severe one. Surely it was not necessary to brand him as has been done. If it was not expedient to employ him in that part of India, he might have been sent elsewhere, or if necessary, he might have been employed in another part of the Empire. Surely it was a very cruel thing to say, not only that he was relieved of his command in India and would never be employed there again, but that the same thing was to

apply to a command elsewhere. I am not disputing the right of the Crown to do it. What I am disputing is the wisdom of those who advised that such action should be taken in such a case. He was condemned without trial, and, as I believe, on a misconception as to the considerations which should govern a soldier in dealing with a local disturbance which is part of a general insurrection. Whether judged by that standard—the only true standard—his action was excessive, was a matter which, before he was condemned, should have been tried by a qualified Court of Inquiry; and I am certain of this, that any competent Court would, in such circumstances, attach very great weight to the opinion of the man who was on the spot and who had to decide.

But then your Lordships may be told that the Army Council here have approved of the Report of Hunter Committee and of the action taken by the Secretary of State and others, Before I know what importance should be attached to the decision of the Army Council, I should like to know upon what view of the law they proceeded. Did they accept the view, laid down in the Hunter Report, that the force to be used must be judged simply by the necessity for putting down the local disturbance, or were they told that the wider view shall be taken and that, so long as General Dyer did not use excessive force with regard to the effect produced in the Punjab, he was not doing anything that was wrong? Until I know that, I confess that I should not be disposed to allow my judgment to be very much swayed by the conclusion which was arrived at in the Army Council presided over by the Secretary for War. Now that the danger is past we are all apt to forget it. I believe there is a Spanish proverb referring to the way in which people are ready to forget assistance which they were eager to have at the time—"The river passed, the saint forgotten." I believe there is a Italian version of the same proverb, of which the action of the Government in this case, I confess, reminds me; it is: "The river passed, the saint mocked."

I cannot sit down without referring to one very cruel charge that has been made against General Dyer by the Secretary of State. He says in the Despatch to which I have so often referred already—on page 21 of the correspondence—

"Further, that Brig.-General Dyer should have taken no steps to see that some attempt was made to give medical assistance to the dying and wounded was an omision from his obvious duty,"

It is very odd that the Secretary of State should have thought it necessary to say that. The Committee had considered the criticisms which had been passed in that respect, and what they say

is tantamount to an acquittal of General Dyer. In effect they discard the charge; they refer to the fact that the hospitals were open, that the medical officers were there, and they add—

"It has not been proved to us that any wounded people were, in fact, exposed to unnecessary suffering from want of medical treatment."

General Dyer himself, in his statement on page 18, as to sending medical officers into the city, says—

"No medical officer could have lived in the city without a strong escort, and in my judgment none could be spared."

Surely it is not in accordance with the traditions of our public life that a charge of that kind, which must have been read by tens of thousands who would never read the paragraph in the Committee's Report from which I have quoted, exonerating General Dyer in this matter of the wounded, should be circulated broadcast. There is nothing to which the people of this country are more sensitive than a charge of inhumanity, and I think that the Secretary of State should have weighed his words more carefully before he put such a stigma as this upon a gallant officer whose humanity is beyond question.

I have only a very few words to add on the more general aspects of the case. The matter may not rest here. In this case you have a man selected for a most arduous and unpleasant duty: he discharges it in a manner such as to achieve results that could not have been surpassed: he is praised and promoted, and employed on active service. A year afterwards, on the Report of the Committee, he is sent as a scapegoat into the wilderness. I am told that soldiers rather distrust politicians, but hitherto the Government has supported its servants who have tried to do their duty. Nothing could be imagined more demoralising than the suspicion that they may not be backed, for political or other reasons.

It may be said that our soldiers are made of sterner stuff, and that they will do their duty whatever course the politicians may take. I believe that to be generally true. But all soldiers are not equally strong, and when you have the less strong men faced with a situation of difficulty and danger, where his conscience and his military instincts tell him that he ought to take a strong line if he is to save the situation, if such a man has a feeling that the support to which he is entitled may not be accorded to him, and that the result of his doing his duty may be the ruin of himself and all those that are dear to him, can you wonder if, for a moment, he might hesitate? Can you wonder if, in some cases, the results of such hesitation might be disastrous?

Moved, to resolve, "That this House deplores the conduct of the case of General Dyer as unjust to that officer, and as establishing a precedent dangerous to the preservation of order in face of rebellion"—(Viscount Finlay)

The Under Secretary of State for India (Lord Sinha) : My Lords, it is with great hesitation, indeed with reluctance, that I rise to address your Lordships this evening. I am not so presumptuous as to think that I can deal effectively with the case which has been presented with such skill and eloquence by the noble and learned Viscount who has just finished. That I must leave to abler hands than mine. Indeed, I fear that I cannot hope to throw fresh light on a matter which has been discussed threadbare for the last few months. I cannot hope that anything that I can urge will change the opinion or alter the convictions of those who have arrayed themselves on opposite sides in this unfortunate controversy. I might, however unintentionally, fan the flames of bitter racial animosity which is now raging. The only reasons which compel me to trespass on your Lordships' indulgence are that I hope I shall be able to clear away certain misunderstandings and remove certain wrong impressions which have been caused by incidental issues, false and irrelevant issues which have been raised and have tended to obscure the main issues underlying the Punjab disturbances. I ask your indulgence, because I fear that my silence might be miscoustrued, both in this country and in India.

I desire at the outset, on behalf of my fellow-countrymen in India to express the deep horror and regret that we all feel at the abominable outrages committed at Amritsar, Ahmedabad and elsewhere, in April last year—a regret and horror to which public expression was given by the Secretary of State for India as soon as the news arrived. I must also ask your Lordships' leave to express, on behalf of my countrymen the deep resentment and indignation, which is felt in India over the humiliation inflicted, and the indignities heaped, on some of my countrymen in the Punjab in the course of the administration of martial law in that Province. I ask your Lordships' House to endorse the judgment of His Majesty's Government that those acts flout the standards of propriety and humanity which the inhabitants not only of India but of the civilised world have a right to demand from those set in authority over them. I desire to make it clear that what my fellow countrymen in India desire is the vindication of principles, and not the punishment of individuals. That is of secondary importance. Indeed it is of importance only in so far as it tends to give effect, adequate or otherwise, to your vindication.

The unhappy incidents which occurred in various parts of India

and particularly in the Punjab, in April last year, will form, in any case, a deplorable chapter in the history of British rule in India. They have given rise to a controversy prolonged beyond the limits of safety. The more responsible sections of the Press in this country and in India have counselled all parties to the controversy to accept the decision of the Cabinet as final and to refrain from further strife. I regret that the advice seems to have fallen upon deaf ears, and that the publication of papers has been the signal for a revival of bitter racial animosity. I am afraid there is little hope of an end to this dangerous feud unless both parties determine to drop the question, to efface the bitter memories of last year, and set themselves to accomplish the great task of peace and reconciliation so ably begun by Sir Edward Maclagan, the present Lieutenant Governor of the Punjab.

The noble viscount has referred to the Report of the Hunter Committee. I am not quite sure whether he accepts or rejects the findings of the Committee, or even of the Majority section of the Committee. I am in doubt, after having listened to him, whether he does or does not. It is unfortunate that the Report is not unanimous. It is still more unfortunate that, at first sight, the divergence seems to proceed on racial lines. I hope, however, to satisfy your Lordships that there is no real, substantial, and fundamental divergence, and that a divergence on matters of opinion, as distinct from questions of fact, is consistent with a conscientious integrity on the part of the dissentients. I claim both for the British portion of the Committee and for the Indian portion that they have conscientiously endeavoured to discharge their duties to the best of their abilities.

I regret that Lord Finlay has considered it fit to cast aspersions on the Indian members of the Committee. I hope to satisfy your Lordships that those aspersions are unmerited As I have said, the difference of opinion with regard to the necessity for martial law and its duration is one that is natural and almost inevitable. Some would be chiefly impressed with the dangers of the situation, by the heavy responsibilities thrown on the authorities, and by a feeling that the safety of a large population, including the small European portion, might possibly depend upon firm and energetic action. Others, firm in their conviction (happily well-founded) that India is as steadfast in loyalty to-day, as during the war, would as certainly take a less serious view of the possibilities of the situation, however menacing it might appear on the surface and would concentrate their attention upon the sudden outbursts of disorder, the measures taken to ensure their quick cessation, and the abuse of powers conferred solely for the purpose of repressing disorders.

I submit that two points of view are possible with regard to the introduction and the continuance of martial law, but one view, and one view alone, is possible with regard to the incident which has loomed so large in this controversy—the shooting at Jallianwala Bagh—and also with regard to some of the orders issued in the course of the administration of martial law ; and it is precisely this that we find in the Report of the Hunter Commission. I have said that it will be my principal endeavour to clear the atmosphere by getting rid, so to speak, of the side issues which have been raised, some of them of a personal nature, and all of them, I submit, introduced for the purpose of prejudice.

The first and foremost of these is one to which I regret Lord Finlay has to day, to some extent at any rate, lent the great authority of his name—namely that the Government of India was at any time of opinion that General Dyer's action at Jallianwala Bagh was justified, and thereby to some extent at any rate endorsed—I do not say fully ; I hope not—but to some extent endorsed—the mischievous, I may almost say the dangerous, suggestion that the government of India has, in deference to the wishes of the Secretary of State, or of his Majesty's Government, altered its original view with regard to General Dyer's action. I can assure your Lordships that that is not so ; that any such suggestion is absolutely unfounded ; that the Government of India has at no time changed its view with regard to the action of General Dyer at Jallianwala Bagh, and that the noble viscount was incorrect in stating to your Lordships to day that they had given General Dyer promotion after the incident of Jallianwala Bagh.

Upon what grounds is this suggestion made? It is said that after April 13 General Dyer was sent to the front, in connection with the Afgan War which supervened soon afterwards, and that he was given promotion. I have already said that it is not the fact that he was given promotion, but he certainly was sent, in the position and *status* which he occupied before, to the front, where his services would be best employed, and where, I am glad to say, he gave such a good account of himself. But at that time—this was early in May—there had been no inquiry and there was nothing before the Government of India except the meagre report made by the General Dyer himself on April 14, the day after the occurence. None of the details which have since appeared were before the Government of India, and I submit that it would have been not only unfair to General Dyer, but contrary to public interests, if the services of that gallant soldier had not been utilised and employed wherever the public service required that they should be employed.

Then it is said that, at the time when a debate took place in the Legislative Council of India, the Government of India, through its member, expressed approval of, or justified or condoned, the action of General Dyer at Jallianwalla Bagh. That is an equally unfounded statement. I can only presume that those who make that suggestion have not read the report of the proceedings of the Legislative Council in September of last year. With your Lordships' leave I will tell you, as shortly as I can, what happened, and give you one extract from the speech of the member of the Government of India who was in charge of the Bill then before the Legislative Council, to show that, so far from approving, or justifying or condoning, the action of General Dyer, the Government of India, in specific terms, refused to express any opinion, and stated that no opinion could be formed until the Enquiry by the Hunter Committee had been completed, and that no action could be taken, and that it was wrong for private members who had made allegations to make *ex parte* statements in the absence of General Dyer himself, and at a time when the Committee is going to hold its Enquiry.

There are three dates in September on which this Bill came before the Legislative Council. The Bill was what? A Bill of Indemnity, to indemnify officers employed in the administration of Martial Law for any act of theirs committed reasonably and in good faith in the course of such administration —that is to say, to protect them from legal proceedings in the Courts. Sir William Vincent, the Home Member, was in charge of that Bill. He introduced it on September 18, and in doing so he expressly said that there was no intention to justify any particular action, or to indemnify any officer concerned in the firing at Jallianwalla Bagh, and that necessary action would be taken, and could only be taken, on the findings of the Hunter Committee. On September 19 he repeated that statement, and on September 25 he made a statement which explains what the noble and learned Viscount Lord Finlay read, the speech of Sir Havelock Hudson which is supposed to have expressed approval of General Dyer's action.

May I read that extract from the last speech of Sir William Vincent, because it makes clear of what I have advanced—namely that the Government of India did not, and could not, justify and asked for a suspension of judgment. He said this in his closing speech in moving that the Bill be passed—

"You have one member saying one thing; another saying something quite different; on many occasions neither of them speaking from first hand knowledge; and on their statement this Council is asked to condemn or justify the conduct of individual officers. I use the word 'condemn' deliberately ... ... I put it

emphatically to the Council that such a statement is neither fair nor reasonable. These are matters for Committee. I will take one incident which has been repeatedly referred to, this unfortunate Jallianwala Bagh affair.

"My Lord, no one deplores the loss of life on that day more than the Government. It has been, and must be to all of us, a source of great distress, and it does not really make so very much difference from this point of view whether the number killed was 300 or 500. In either case the loss of life is serious enough in all conscience and greatly to be regretted. But we have no right in this Council either to justify or condemn that action. It is not part of our duty ; it does not come within the scope of the Bill. General Hudson has, it is true, put before the Council certain considerations relating to this occurrence, but as I understood him—he was merely attempting to put the matter as it might have appeared to a military officer at the time and was not in any way putting his personal views before the Council. That is the way I understood his remarks. I mention this because his statements have been made the ground for attacks on him : and it was suggested he sought to justify what was done. I do not think that the Council, when they have considered the position, will for one moment accept that as a fair presentment of his intentions. What I ask this Council to do now is, not to prejudge this matter in any way, neither to condemn nor to justify any action, neither to say a man is innocent nor to say he is guilty until the proper time for such a decision shall arrive."

I submit, therefore, that it is incorrect to say that the Government of India, by any speech of any member of that Government in the debates of September last year, in any manner approved of or justified or condoned the action of General Dyer at Jallianwala Bagh.

There is even a more dangerous suggestion made in this connection—namely, that the original Despatch of the Government of India has been altered in deference to the wishes either of the Cabinet or of the Secretary of State, with reference to the case of General Dyer. I assure your Lordships that there is not one word of truth in any suggestion of that kind. There were consultations, of course, in the Cabinet over the Hunter Report and, in the course of those consultations, communications passed by cable with the Government of India, and changes were made not only in the Despatch of the Government of India but in the draft of the Despatch from the Government here.

In no single respect, however, did the Government of India, in any matter of substance, modify their original views, and not in

any respect did they modify their view (which throughout has been the same) with regard to the conduct of General Dyer. It is founded on the unanimous finding of the Hunter Committee, which they have accepted and endorsed, and which have similarly been accepted by His Majesty's Government in this country. I venture to hope, therefore, that what I have said to your Lordships to-day will dispel any suggestion about the Government of India having yielded, with regard to their views upon the conduct of General Dyer, in deference either to the Secretary of State or to His Majesty's Government as a whole.

I must ask your Lordships' forgiveness if I refer to another matter which is of a somewhat personal nature. I am sure that if your Lordships hear the circumstances you will extend your indulgence to me. Most of your Lordships, if not all of you, are aware that it has been suggested by Sir Michael O'Dwyer that, amongst others, he communicated to me in the India Office, details of the firing at Jallianwala Bagh when he saw me in June last year. He said that he had communicated these details not only to the Secretary of State, but to Sir Thomas Holderness (the distinguished permanent Under Secretary in the India office who retired in Jannuary last after long service) and also to me. So far as the Secretary of State is concerned he has given his denial from his place in Parliament, and so far as Sir Thomas Holderness is concerned your Lordships will have seen his denial in a letter placed before Parliament and appearing in the official Report of the House of Commons on Monday, July 5.

I ask your Lordships to remember that Sir Thomas Holderness saw Sir Michael O'Dwyer frequently, and that my interview was only for half an hour on one particular day. This is what Sir Thomas Holderness said—

"The details given by General Dyer to the Commission came to me as a great surprise and were entirely unexpected. In conclusion I would like to say, that if I had been called upon during the summer or autumn of 1919 to prepare a statement for publication regarding the Jallianwala Bagh incident, and had framed it on the information verbally received from Sir M. O'Dwyer and on the scanty information transmitted by the Government of India, the narrative would have been a different complexion from the account of the facts given by General Dyer. It would not and could not have included the critical features on which discussion has since centered."

Personally I was more concerned then with the present than with the past. Our conversation was confined to such details as the treatment of the editors and lawyers then in gaol, the necessity for

their prosecution, and the necessity for excluding counsel from outside appearing before the tribunal for the defence of these prisoners, and things of that nature.

I did not put one single question to Sir M. O'Dwyer about Amritsar, or the firing at Amritsar, nor did he tell me one single thing with regard to the incidents of the 13th. The reason why the matter did not occur to me was that I had only seen the official communication stating that on April 13 there had been a collision between troops and a mob, with the result that there had been heavy casualties to the extent of 200. I inferred that it was a mob of the same kind as had committed the outrages on the 10th, when they looted, burned, and murdered, and that the heavy casualties were due to the determined resistance which they must have made when fired upon. But the details which have since appeared, and appeared only when General Dyer was examined before the Hunter Committee—I will mention the details presently—were absolutely unknown to me.

These details are—I shall not have to repeat them when I am dealing with the Jallianwala Bagh incident—(1)That the crowd was within an enclosed space almost like "sheep in a pen"—to use the words of Mr. Bonar Law—with the main entrance guarded by troops, and the entrance to the passage leading to the square guarded by two armoured cars with an aeroplane reporting now and then, though not under General Dyer's command; (2) that this crowd included boys and thousands of villagers from outside Amritsar who were there, as stated in the case of the Punjab Government themselves, as mere spectators—that this crowd was unarmed. My noble Friend is in error in saying that the evidence was that they were armed with bludgeons or anything else. That crowd was not merely unarmed with lethal weapons or firearms, but unarmed. They were attacking nothing and no one, they were seated on the ground squatting, and listening to a speech when they were fired upon. The firing began without any notice, it was continued and directed in the manner now admitted, and the wounded—whose number is still unascertained—were left unattended either by the military or by the civil authorities. These details were then, and for months afterwards unknown to me. I have every reason to believe that they were unknown to the Viceroy and his then colleagues—I speak in the presence of one of them, the noble Lord, Lord Meston—until the examination of General Dyer before the Hunter Committee.

What possible motive could there be for the India Office not to inform Parliament or the public of these details if they had been communicated? On the contrary, it seems to me that it has been urged, with some show of reason on the Indian side, that, whereas

full and elaborate details of the foul deeds committed by the rioters were published by means of official *communiques* and by the Anglo-Indian Press, much of the details of the action taken by officials, civil and military, in suppressing the so-called rebellion, were left to be discovered by unofficial inquires which became possible only some time afterwards, when the strict censorship over the Press and private correspondence was removed and free ingress into the Punjab was once more permitted to public-spirited outsiders.

One other matter has been introduced which I am afraid will cause serious misunderstanding in India—namely, with regard to the *personnel* of the Hunter Committee. I regret most heartily that anything should have fallen from Lord Finlay to-day to lend colour to the suggestion that the Indian members of the Committee were imbued with a spirit of partisanship. I had understood before that the objection was not merely to the Indian members, but also to the English members of the Committee : and Sir Michael O'Dwyer's objection at any rate so far as the English members were concerned, was on the ground of their lack of administrative experience So far as that is concerned, I should have thought that, in as much as the Committee had to decide upon evidence placed before them and the knowledge and administrative experience of officials was made available by means of evidence before them, this would not be in any way a drawback with regard to their qualifications. But the monstrous charge was made that these Gentlemen belonged to the same class which was largely responsible for creating the situation that led to these disorders, and which, in several cases, actively participated in the rebellion.

I desire to submit to your Lordships with all the emphasis I can that this is a most monstrous and most undeserved charge. Remember who these three gentlemen, the Indian members of the Committee were. One was Sir Chimanlal Harilal Sitalvad, who was a distinguished advocate of the Bombay High Court for many years, and Vice Chancellor of the University there, and is at the present moment—after the Report of the Hunter Committee—a judge of the Bombay High Court : a man who has been famous throughout his public life for moderation of thought and speech. Another Indian member of the Committee was Mr Sultan Ahmed, a Minister to the State of Gwalior, a graduate of Cambridge, a Barrister of England, who has never taken any part in British-Indian politics, whose services and the services of whose family, have been acknowledged, amongst others, by Sir Michael O'Dwyer himself, and against whom not a breath of suspicion has ever arisen as regards his taking part in political agitation, much less in fomenting disorder. The third Indian member was the Hon. Pundit Jagat Narain, advocate of the

Judical Commissioner's Court of Oudh, who has devoted the best part of his public life to local self-Government in that province, and who as a member of the Legislative council, has earned the confidence and the esteem both of the Government and of the people of that province.

It was said that he had made an incorrect statement as regards the number of persons interned by Sir Michael O'Dwyer. This was in 1917. The moment his attention was drawn to it he withdrew that charge. He wrote at once to the papers stating that he had been incorrect, and explaining how the inaccuracy had risen, and Sir Harcourt Butler obtained Sir Michael O'Dwyer's thanks for having drawn the attention of Pundit Jagat Narayan to this matter and obtained this withdrawal. It seems to me that there is nothing in that distinguished gentleman's career to disqualify him from sitting on the Hunter Committee. Speaking for myself, I claim that all aspersions on the honesty, the impartiality and the competence of the members of the Committee, whether English or Indian, are absolutely without foundation.

I cannot pass from this without referring to what Lord Finlay was pleased to call the astute cross-examination of these three native lawyers, which is supposed to have placed General Dyer at a disadvantage. Will your Lordships be surprised to hear that the judgment of the Hunter Committee, of the Government of India, and of His Majesty's Government is based, not upon any single word in cross-examination, but upon a statement made in a carefully prepared document—prepared long before the Committees sat, namely, on August 25, and signed by General Dyer—for the military authorities as, I suppose, a part of his report So far as the cross-examination is concerned, those of your Lordships who care to take the trouble to read it will, I have no hesitation in saying, find that the most damaging statements are made, not under cross-examination by any of those Indian members of the Committee, but under cross-examination by Lord Hunter and Mr. Justice Rankin.

Therefore, this again is introduced as a matter of prejudice, and, so far as the cross-examination by three Indian lawyers is concerned, eliminate it if you like, it has not been relied on by the Committee, or by the Government here, nor has even the cross-examination of Lord Hunter and Mr. Justice Rankin, but the judgment both of the Hunter Committee, and of the Government of India, and of His Majesty's Government is founded upon General Dyer's own statement, and his own statement alone. I am afraid I have taken up a great deal of time already with reference to matters which I have, perhaps, treated as of more importance than they deserve. But it seemed to me that some, at any rate, of these

matters have created an atmosphere of prejudice, which was detrimental to a right judgment being formed upon the main issues.

Now I come to the main issues arising upon the Hunter Report. Apart from the question of the necessity of martial law and its continuance, there are only two others—namely, the acts done, the orders passed in the course of the administration of martial law, and that incident of Jallianwala Bagh. I have already said with regard to the introduction and continuance of martial law, that the difference of opinion between the two sections is more superficial than fundamental. After all, they both agreed that it was necessary to call in the military for the purpose of repressing the disturbances that had taken place. I am perfectly certain that if the majority had expressed themselves with the same degree of condemnation of those acts, done in the course of administration of martial law, as His Majesty's Government here has, there probably would not have been even such difference of opinion as exists. It turns on the construction of the words of "open rebellion" in the regulation of 1804, with regard to which it is possible to hold two different opinions; but, as I say, it has become now a more or less theoretical, abstract, academical question, considering that both sections were agreed that it was necessary to call in the military for the purpose of repressing the disturbances.

For myself, I will not even read to you the list of acts done in the course of administration—flogging, crawling orders and so forth—because the mere mention of them raises a storm of passion which I desire to avoid. But I am confident that your Lordships have all seen the allegations, as well as the unanimous findings of the Committee upon those acts, and the judgment pronounced both by the Government of India and by the Committee. It seems to me that hardly any importance has been attached to those acts in the debate which have taken place so far, and attention has been concentrated only upon this one question of whether General Dyer has been properly or improperly dealt with. That again is, I venture to think, a matter which will cause misunderstanding and create a wrong impression in India. However, that may be, I, for my part, am not willing to go into those acts, because I fear to add to the bitter feelings now prevailing.

I will, therefore, content myself with a very few words only as to the Jallianwala Bagh incident and the decision of the Government thereupon. I have, incidentally, referred to the details of the firing. I have told your Lordships that the crowd was unarmed; that it was listening to a lecture; and that there must have been, according to the case of the Punjab Government themselves, a very large number of outsiders from the Punjab who were not there for

any political purposes; who were not aware even of the proclamation that had been made that morning; and who were there merely as spectators; and there is reason to believe that many of them had been misled into coming to that assembly by false representations as to what was going to be done there. That being so, I submit there was no justification for firing upon the crowd at once. It was not attacking anything or anybody, it was not doing any act of violence, it was sitting on the ground, and, as General Dyer himself said, there was no question of its trying to attack or rush him, or anything of that kind.

Assume, even on the basis of the reasoning that Lord Finlay has urged, that it was necessary, or desirable, or justifiable to fire without previous notice, was it necessary to continue the firing, to the extent and in the manner that was done? Assume it was an army of rebels. Supposing they wanted to surrender, would a military commander on the field of a battle give them quarter or not in those circumstances? The circumstances in this case were such that General Dyer himself said, 'If I had more troops, and if my armoured car would come through the lane—which they could not because it was too narrow—I would have done every one of these men to death until the whole assembly had dispersed.' Therefore, admittedly, we are on common ground that more force was used than it was necessary to disperse the crowd, and if more force was used, it was used for what purpose? For the purpose of creating a moral effect, that is to say, of intimidation, terrorism, frightfulness, or whatever else you choose to call it. And that, My Lords, is the doctrine which I am profoundly thankful to think His Majesty's Government has emphatically repudiated. I hope when your Lordships have heard, from abler advocates than I am, all the arguments in favour of the position which has been adopted by the Government of India, your Lordships will emphatically endorse that judgment.

The Secretary of State for War the other day described this incident as a monstrous event, standing in singular and sinister isolation in the history of the British Empire. A former Prime Minister of England described it as a monstrous outrage. Do your Lordships, then, wonder that this has created, throughout the length and breadth of India, the deepest anger and the deepest resentment? It is said that the action of General Dyer saved the Punjab. I hope, my Lords, even if that were so, there will be no one in this House who will endorse the doctrine that the end justifies the means. But is it certain, my Lords, that it did save the Punjab? The Hunter Committee, after a patient and protracted inquiry, have held that it is impossible to come to that conclusion

notwithstanding the statements of Sir M. O'Dwyer and of those officials whose evidence Lord Finlay quotes. Are we to reject that finding?—a finding by a body of competent and experienced persons who heard the evidence on the spot, and against whose competence, I submit, there is no reason whatsoever that can fairly be urged, But even if it could be said, contrary to that finding, that General Dyer's action did save the Punjab and did prevent another Mutiny, are you certain—can any body ask your Lordships to hold —that nothing but this frightful massacre would have accomplished that end? Is there any evidence, is there any justification, for asking your Lordships to hold that this massacre of the 500, or the 10,000 or the 20,000 persons who were there was the only thing that could have saved the Punjab from rebellion or mutiny!

I submit that it would be in the highest degree dangerous to assent to any doctrine of that kind. And I know that whatever may be the decision that is come to in this House or in the other House of Parliament, there is not a single Indian who believe that the situation was in any way similar to that existing in 1857, or that General Dyer's action saved British rule in India. The Secretary of State for War said that he did not believe it. The Hunter Committee did not believe it. Nor is there, so far as I know, any person in authority in India at that time who will advance that proposition.

I have taken up your Lordships time at greater length than I intended, but I can not conclude those remarks without dwelling for one moment on the lessons to be learned from these bitter experiences which would otherwise be thrown away. To my mind there are lessons to be learned both by rulers and ruled. Both section of the Hunter Committee have unanimously said that the movement of *Satyagraha*, passive resistance, civil disobedience, or by whatever name it has been called, has been, to some extent at any rate, if not to a great extent, responsible for the spirit of lawlessness which resulted in these disorders. I ask my fellow-countrymen to lay well that lesson to their hearts. I ask them to dissociate themselves from a similar pernicious movement started by Mr. Gandhi—a movement which he calls by another name, that of non-co-operation. It can only lead to the same disastrous results as the *Satyagraha*, or the civil disobedience movement, produced in April of last year. The more reasonable sections of my countrymen—and they are by far the majority—have already dissociated themselves from this movement, and if the Government of India is only allowed to pursue the wise course it is now pursuing, I have no doubt that soon there

will not be a single Indian, either Hindu or Mussulman, who will subscribe to or act upon that doctrine.

But if there is that lesson to be learned by my countrymen, there is also another to be learned by the Government, and that is the policy which was pursued so successfully in the United Provinces by Sir Harcourt Butler, in Bombay by Sir George Lloyd, and in Bengal by Lord Ronaldshay. Do not interfere too hastily or too violently with an agitation of this nature. Let it kill itself; as in time it will. Idleness cannot last; shops can not be closed for ever. It is against the interests of the people themselves to allow that. Ruthless methods of repression and coercion result in disorder as much as passive resistance, and direct action, or civil disobedience. I ask my fellow countrymen to co-operate as much as they can with all section of the community, both European and Indian, in order that the large and benevolent scheme of reform which has just been launched might result in the progressive realisation of self-government in India which has been declared to be the object of His Majesty's Government. I apologise to your Lordships for the time I have taken.

In the course of the second day's debate on the Dyer case in the House of Lords, on July 20, 1920, Lord Curzon on behalf of the Government said that he hoped the House would not dissociate itself from the unanimous verdict of the high authority who had hitherto dealt with the matter and would not thereby send a message to India which he was firmly convinced would be a source of the greatest apprehension, if not worse, there. He dwelt on the importance and respect due to the views expressed by Lord Meston who strongly supported the steps taken by Government. He was glad that the debate had enabled some of the existing misapprehensions to be disputed such as General Dyer's alleged promotion after Amritsar. Dyer was Brigadier-General in the Afghan war and subsequently. Lord Curzon also referred to the dissipation of the suggestion that pressure was brought to bear on the Commander-in-Chief in India and on the Indian Government or that the latter modified its views. He defended the Government of India from irresponsible criticism. He admitted that General Dyer was possibly at a disadvantage before the Hunter Committee at the hands of a skilful Indian counsel, but said that the Government's case rested with General Dyer's answers to question by the Chairman of the Committee, Lord Hunter, and on statements in his own declarations, particularly on the published statement he drew up a few weeks ago. The two aspects which chiefly struck his Lordship were the crawling order and the happenings at Jallianwallah Bagh when the case came up

before him as a member of the Cabinet, because he was convinced that those incidents had impressed themselves indelibly and produced much of the trouble to which Lord Meston had referred. In the course of his long experience in India he had been more than once involed in troubles and crisis of racial aspect. That experience was burnt into his soul, but he had emerged from it all with the unshakable conviction that only upon certain principles could any administrator of India,, civil or military, honourably take his stand.

Lord Curzon said that he had noted that most of the previous speakers had only lightly touched upon the crawling order. He declared that if General Dyer's explanation of it before the Hunter Committee was to be accepted then it was a very vicarious form of punishment because most of the people who submitted to it were ordinary inhabitants of the street by means of which they were able to gain only exit from their houses. Also this punishment was inflicted on April 19th for crime perpetrated on April 10th, and moreover, people arrested on minor charges in the different parts of the town had been subjected to this humiliation. Regarding the crawling order the explanation in General Dyer's recent statement, namely, that his order meant that the street should be regarded as the holy ground which was as well understood by Indians, was an afterthought if not an absurdity. Lord Curzon described the manner in which an Indian pays penance in order to mark the difference from crawling action. General Dyer's action in this connection was impossible to excuse despite the extreme and intense provocation. The subsequent explanation was inconsistent with the facts. He then proceeded to examine the Jallianwalla Bagh affair and refuted at length Lord Finlay's presentation of minor facts and submitted the version based on the evidence of General Dyer himself and the Deputy Inspector of Police and his Brigade Major. He had only discovered one reference in the whole of the evidence on which the theory that the crowd was armed with lethal weapons appeared to rest. He described as a very dangerous doctrine General Dyer's explanation of his action that he wished to produce sufficient moral effect throughout the Punjab. That meant that any officer would be entitled to apply the maximum rather than the minimum degree of force in a similar situation, if he only cast his eyes away from the arena in which he was acting and looked over a sufficiently wide field beyond. If that doctrine was applied to the quelling of any civil riot in England and if such action were taken and condoned, would any British Government stand for forty-eight hours in office? Lord Curzon then proceeded to develop his arguments against the contention that General Dyer saved the Punjab by his action, expressing the opinion that

General Dyer no more saved India by the massacre at Amritsar than you could defeat the Bolsheviks or save Russia by a massacre at Odessa or Warsaw. He profoundly mistrusted the theory that General Dyer saved the Punjab by his exertions. He altogether denied that he had saved India by his example and the Government could not possibly accept Lord Finlay's theory that so long as an officer acted honestly in difficult circumstances he could rely on his superiors standing by him. To General Dyer sympathy could be given without stint but not necessarily support. He, however, paid a tribute to General Dyer's high personal and professional qualities and recognised that the respect felt for him had been manifested by the Sikhs. Lord Curzon did not desire to minimize the gravity of the situation which had existed and he quite understood how the temper of any man might be aroused by a series of shocking outrages, but what he condemned was General Dyer's conception of his duty which was altogether a wrong conception. He appealed to the House not to condone General Dyer's error and lower British standards of justice and humanity.

Lord Milner deplored the debate as likely to harm national interest. He declared that the suggestion that injustice had been done to General Dyer from political motive was unfair and gratuitous. He was one of the Cabinet Committee which had investigated the report of the Hunter Committee and he had approached the subject with bias all in favour of the soldier, of firm and even stern repression of sedition and maintenance of Imperial power, but he was forced regretfully to conclude that in the suppression of disorders, acts were committed for maintenance of authority which were ultimately likely not to strengthen but to undermine it. General Dyer's continuing firing, in order to create a moral impression in the Punjab, was a frightful error of judgment involving fearful consequences, but the Government would have committed a more terrible mistake if for fear of unpopularity they had hesitated to condemn General Dyer's action. As regards employment of General Dyer, His Lordship declared that it would be unjustifiable and impossible to employ General Dyer when many other British officers of equal rank and distinction were awaiting employment. The Government were not inflicting any penalty or stigma on General Dyer by not employing him, because they could not employ him without extreme injustice to others. The Government took full responsibility for the repudiation of General Dyer's action. No lighter terms of censure would have adequately met the case. The suggestion that any hurt had resulted to General Dyer beyond the inevitable result of censure which the Government felt bound to pronounce was quite contrary to fact: As far as was consitent with their duty in asser-

ting principles they were bound to assist Government and they had dealt with General Dyer considerately and leniently. Far graver consequences to individuals might have to be faced, if neces sary, in order to assert principles which the Government considered vitally important to sound administration and the fair name of the Government of India for capacity of maintaining order by strong but temperate and not ruthless or cruel methods.

Lord Canterbury regretted the discussion on the ground that it might be construed as a approbation of General Dyer's policy.

Lord Buckmaster opposed the motion.

Lord Meston said that the motion was really a vote of censure on the Government of India. He denied that there was any avoidable delay in bringing the case of General Dyer to investigation. General Dyer's continuing to fire after the crowd had dispersed was unjustifiable. It was untrue that the security of the Punjab depended on General Dyer. It was the steadfast front of the Government of India in the Punjab and elsewhere and the courage of Sir Michael O'Dwyer that had kept the Punjab together. No other officer had acted in a similar way to General Dyer in suppressing disorders. They did what was necessary and no more.

Lord Sumner who strongly supported Lord Finlay and declared that General Dyer had been unjustly convicted without trial said that nobody supporting the motion desired one standard of justice for Europeans and another for Indians. They desired the law to be administered fairly and equally to all citizens of the Empire. They claimed that General Dyer's action should be viewed in the light of two prominent considerations- Firstly that General Dyer alone saw things as they were when action had to be taken, and secondly, that General Dyer was one of a long file of officers who now and hereafter would be called on to meet similar situations and upon whose firmness and judgment great and fateful events must depend. General Dyer was faced with incipient planned rebellion. General Dyer had apparently been punished because he had the candour to say that he thought in time to attack the moral of the rebels and try to suppress them at the outset by showing vigour and not faltering to their disloyal endeavours. Lord Sumner suggested that the campaign against General Dyer was opened not because he evolved in his own mind a theory from which the rulers thought it wiser and necessary to dissent. He expressed the opinion that some members of the Hunter Committee came to the enquiry with information derived from evidence laid before it. In view of the vast new responsibilities we were assuming, it was increasingly the duty of the military authorities to deal with sudden rebellion. They were weakening

the hands of these officers if they let it be understood that fair consideration would not afterwards be given to their difficulties and dangers. He urged their Lordships to pause long before, by voting against the motion, they laid down as a safe rule the policy that the less force a military officer used, if he had to use it at all, the better, and if he used more than the minimum he could keep to, he did so at his peril.

Lord Salisbury, another pro-Dyerite, deplored the violence of Lord Curzon's language. He pointed out that General Dyer was in a position of greatest difficulty and reasserted the authority of the Crown. He expressed the opinion that thanks were due to such an honourable and gallant gentleman. He could not find a trace of General Dyer having acted with vengeance. He did not approve of all General Dyer had done and said, but the House ought to concentrate their attention on the broader issue namely whether officers doing their best in positions of great difficulty in which if they did not do their duty, the most formidable consequences would follow, were to be supported by Government or not. If such officers were not supported, the confidence of those responsible for maintaining law and order would be undermined and it would have a most demoralising effect on them and on the people of India who were entering on a great experiment and who ought to understand that there was nothing in self-government which authorised disorder.

During the Dyer debate in the Lords, Lord Harris expressed the opinion that General Dyer was not justified in continuing firing on the crowd. Lord Ampthill considered that General Dyer was absolutely right and saved India from anarchy.

Lord Carmichael thought that General Dyer was guilty of a grave error of judgment.

Lord Lamington criticised the delay in taking action and pointed out that the adoption of the resolution did not mean the endorsement of everything that General Dyer had done

On the Motion made by Lord Finlay the House divided with the result that 129 voted for and 86 against it— indirectly a Note of confidence on General Dyer and a vote of censure on Government.

PART II.

Govt. of India Act 1919

Rules Thereunder & Govt. Reports 1920

The Royal Proclamation

On The Reforms Act 1919

GEORGE, THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To my Viceroy and Governor-General,

To the Princes of Indian States and

To all my Subjects in India of whatsoever race or creed,

Greeting—

1. Another epoch has been reached to-day in the Council of India. I have given my Royal Assent to an Act which will take its place among the great historic measures passed by the Parliament of this Realm for the Government of India and the greater contentment of her people. The Act of seventeen hundred and seventy-three and seventeen hundred and eighty-four were designed to establish a regular system of administration and justice under the Honourable East India Company. The Act of eighteen hundred and thirty three opened the door for Indians to public office and employment. The Act of eighteen hundred and fifty-eight transferred the administration from the Company to the Crown and laid the foundations of public life which exist in India to-day. The Act of eighteen hundred and sixty-one sowed the seed of representative institutions and the seed was quickened into life by the Act of nineteen hundred and nine. The Act which has now become law entrusts elected representatives of the people with a definite share in Government and points the way to full representative Government hereafter. If, as I confidently hope, the policy which the act inaugurates should achieve its purpose, the results will be momentous in the story of human progress ; and it is timely and fitting that I should invite you to-day to consider the past and to join me in my hopes of the future.

2. Ever since the welfare of India was confided to us, it has been held as a sacred trust by our Royal House and Line. In

eighteen hundred and fifty-eight QUEEN VICTORIA of revered memory solemnly declared herself bound to her Indian subjects by the same obligations of duty as to all her other subjects; and she assured them religious freedom and the equal and impartial protection of law. In his message to the Indian people in nineteen hundred and three my dear father KING EDWARD the Seventh announced his determination to maintain unimpaired the same principles of humane and equitable administration. Again, in his proclamation of nineteen hundred and eight, he renewed the assurances which had been given fifty years before and surveyed the progress which they had inspired. On my accession to the throne in nineteen hundred and ten I sent a message to the Princes and peoples of India aknowledging their loyalty and homage and promising that the prosperity and happiness of India should always be to me of the highest interest and concern. In the following year I visited India with the Queen Empress and testified my sympathy for her people and my desire for their well-being.

3. While these are the sentiments of affection and devotion by which I and my predecessors have been animated, the Parliament and the People of this Realm and my officers in India have been equally zealous for the moral and material advancement of India. We have endeavoured to give to her people the many blessings which Providence has bestowed upon ourselves. But there is one gift which yet remains and without which the progress of a country cannot be consummated: the right of her people to direct her affairs and to safeguard her interests. The defence of India against foreign aggression is a duty of common Imperial interest and pride. The control of her domestic concerns is a burden which India may legitimately aspire to taking upon her own shoulders. The burden is too heavy to be borne in full until time and experience have brought the necessary strength; but opportunity will now be given for experience to grow and for responsiblity to increase with the capacity for its fulfilment.

4. I have watched with understanding and sympathy the growing desire of my Indian people for representative institutions. Starting from small beginning this ambition has steadily strengthened its hold upon the intelligence of the country. It has pursued its course along constitutional channels with sincerity and courage. It has survived the discredit which at times and in places lawless men sought to cast upon it by acts of violence committed under the guise of patriotism. It has been stirred to more vigorous life by the ideals for which the British Commonwealth fought in the Great War, and it claims support in the part which India has taken

in our common struggles, anxieties and victories. In truth the desire after political responsibility has its source at the roots of the British connection with India. It has sprung inevitably from the deeper and wider studies of human thought and history, which that connection has opened to the Indian people. Without it the work of the British in India would have been incomplete. It was therefore with a wise judgment that the beginning of representative institutions were laid many years ago. This scope has been extended stage by stage until there now lies before us a definite step on the road to responsible Government.

5. With the same sympathy and with redouble interest I shall watch the progress along this road. The path will not be easy and in marching towards the goal there will be need of perseverance and of mutual forbearance between all sections and races of my people in India. I am confident that those high qualities will be forthcoming. I rely on the new popular assemblies to interpret wisely the wishes of those whom they represent and not to forget the interests of the masses who cannot yet be admitted to the franchise. I rely on the Leaders of the people, the Ministers of the future, to face responsibility and endure to sacrifice much for the common interest of the State, remembering that true patriotism transcends party and communal boundaries; and while retaining the confidence of the legislatures, to co-operate with my officers for the common good in sinking unessential differences and in maintaining the essential standards of a just and generous Government. Equally do I rely on my officers to respect their new colleagues and to work with them in harmony and kindliness; to assist the people and their representatives in an orderly advance towards free institutions: and to find in these new tasks a fresh opportunity to fulfil as in the past their highest purpose of faithful service to my people.

6. It is my earnest desire at this time that so far as possible any trace of bitterness between my people and those who are responsible for my Government should be obliterated. Let those who in their eagerness for political progress have broken the law in the past respect it in future. Let it become possible for those who are charged with the maintenance of peaceful and orderly Government to forget extravagances they have had to curb. A new era is opening. Let it begin with a common determination among my people and my officers to work together for a common purpose. Therefore I direct my Viceroy to exercise in my name and on my behalf my Royal Clemency to political offenders in the fullest measure which in his judgment is compatible with public safety.

I desire him to extend it on this condition to persons who for offences against the State or under any special or emergency legislation are suffering from imprisonment or restrictions upon their liberty. I trust that this leniency will be justified by the future conduct of those whom it benefits and that all my subjects will so demean themselves as to render it unnecessary to enforce the laws for such offences hereafter.

7. Simultaneously with the new constitution in British India, I have gladly assented to the establishment of a **Chamber of Princes**. I trust that its councels may be fruitful of lasting good to the Princes and States themselves, may advance the interests which are common to their territories and British India, and may be to the advantage of the Empire as a whole. I take the occasion again to assure the Princes of India of my determination ever to maintain unimpaired their privileges, rights and dignities.

8. It is my intention to send my dear son, the **Prince of Wales**, to India by next winter to inaugurate on my behalf the new Chamber of Princes and the new constitution in British India. May he find mutual goodwill and confidence prevailing among those on whom will rest the future service of the country, so that success may crown their labours and progress and enlightenment attend their administration. And with all my people I pray to Almighty God that by His wisdom and under His guidance India may be led to greater prosperity and contentment and may grow to the fullness of political freedom.

December the Twenty-third, Nineteen hundred and Nineteen.

Royal Instruction

To Provincial Governors

The following are the terms of the instruction issued under the Royal Sign Manual to the Governor or acting Governor for the time being of each Governor of a Province.

December 1920 GEORGE, R. I.

Whereas by the Government of India Act provision has been made for the gradual development of Self-Governing institutions in British India with a view to the progressive realisation of responsible Government in that country as an integral part of our Empire.

And Whereas it is our will and pleasure that in the execution of the office of Governor in and over the Presidency of ..... you shall further the purposes of the said Act to the end that the institutions and methods of Government therein provided shall be laid upon the best and surest foundations, that the people of the said Presidency shall acquire such habits of political action and respect such conventions as will best and soonest fit them for self-Government, and that our authority and the authority of our Governor-General-in-Council shall be duly maintained—

Now, therefore, we do hereby direct and enjoin you and declare our will and pleasure to be as follows:

1. You shall do all that lies in your power to maintain the standards of good administration, to encourage religious toleration, co-operation and good-will among all classes and creeds, to ensure the provity of public finance and the solvency of the Presidency Province and to promote all measures making for the moral, social and industrial welfare of the people and tending to fit all classes of the population, without distinction, to take their due share in the public life and Government of the country.

2. You shall bear in mind that it is necessary and expedient that those now and hereafter to be enfranchised shall appreciate the duties, responsibilities and advantages which spring from the privi-

lege of enfranchisement, that is to say, that those who exercise the power henceforward entrusted to them of returning representatives to the Legislative Council being enabled to perceive the effect of their choice of a representative, and that those who are returned to the Council being enabled to perceive the effect of their votes given therein, shall come to look for the redress of their grievances and the improvement of their condition to the working of representative institutions.

3. Inasmuch as certain matters have been reserved for the administration according to law of the Governor-in-Council, in respect of which the authority of our Governor-General-in-Council shall remain unimpaired, while certain other matters have been transferred to the administration of the Governor acting with a Minister, it will be for you so to regulate the business of the Government of the Presidency Province, so far as possible, that the responsibility for each of these respective classes of matters may be kept clear and distinct. Nevertheless, you shall encourage the habit of joint deliberation between yourself, your Councillors and your Ministers, in order that the experience of your official advisers may be at the disposal of your Ministers and that the knowledge of your Ministers as to the wishes of the people may be at the disposal of your Councillors.

4. You shall assist the Ministers by all the means in your power in the administration of the transferred subjects and advise them in regard to their relations with the Legislative Council.

5. In considering a Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the Legislative Council and to the wishes of the people of the Presidency Province as expressed by their representatives therein.

6. But in addition to the general responsibilities with which you are, whether by statute or under this instrument, charged, we do further hereby specially require and charge you,—

(1) To see that whatsoever measures are, in your opinion, necessary for maintaining safety and tranquillity in all parts of your Presidency Province and for preventing occasions of religious or racial conflict, are duly taken, and that all orders issued by our Secretary of State or by our Governor-General-in-Council on our behalf to whatever matters relating are duly complied with.

(2) To take care that due provision shall be made for the advancement and social welfare of those classes amongst the people committed to your charge, who whether on

account of the smallness of their number, or their lack of educational or material advantages, or from any other cause, specially rely upon our protection and cannot as yet fully rely for their welfare upon joint political action, and that such classes shall not suffer or have cause to fear neglect or oppression.

(3) To see that no order of your Government and no Act of your Legislative Council shall be so fromed that any of the diverse interests of, or arising from, race, religion, education, social condition wealth or any other circumstances may receive unfair advantage, or may unfairly be deprived of privileges or advantages which they have heretofore enjoyed, or be excluded from the enjoyment of benefits which may hereafter be conferred on the people at large.

(4) To safegaurd all members of our services employed in the said Presidency Provinces in the legitimate exercise of their functions and in the enjoyment of all recognised rights and privileges, and to see that your Government order all things justly and reasonably in their regard and that due obedience is paid to all just and reasonable orders, and diligence shown in their execution.

(5) To take care that while the people inhabiting the said Presidency shall enjoy all facilities for the province, in the development of commercial and industrial undertaking no monopoly or special privilege, which is against the commercial interest, shall be established, and no unfair discrimination shall be made in matters affecting commercial or industrial interests.

7. And We do hereby charge you to communicate these our instructions to the members of your Executive Council and your Ministers and to publish the same in your Presidency in such manner as you may think fit.—

Secretary of State's Powers

The powers of superintendence, direction and control vested in the Secretary of State and the Secretary of State in Council under the Act or otherwise shall, in relation to the transferred subjects, be exercised only for the following purposes, namely.

(1) to safeguard the administration of central subjects ;

(2) to decide questions arising between two provinces in cases where the provinces concerned fail to arrive at an agreement ;

(3) to safeguard imperial subjects ;

(4) to determine the position of the Government of India in respectto questions arising between the Indian and other parts of theBritish Empire ; and

(5) to safeguard the due exercise and performance of any powers and duties possessed by or imposed onthe Secretary of State or the Secretary of State-in-Council under or in connection with or for the purposes of the following provisions of the Act, namely, Section 29 A, Section 30 (A) part 7-A, or of any rules made by or with the sanction of the Secretary of State in Council.

Royal Instruction

To the Governor-General of India

The following revised Instrument of Instructions to H. E. the Governor General of India was issued under the Royal Sign Manual. These instructions were given to H. E. the Governor-General at Buckingham Palace on the 15th of March 1921.

"Whereas by the Government of India Act it is enacted that the Governor General of India is appointed by Warrant under Our Royal Sign Manual and we have by Warrant constituted and appointed a Governor General to exercise the said Office subject to such instructions and directions as Our Governor General for the time being shall from time to time receive or have received under Our Royal Sign Manual or under the hand of one of Our Principal Secretaries of State

"And Whereas certain instructions were issued under Our Royal Sign Manual to our said Governor General bearing the date of the nineteenth day of November 1918 and whereas by the coming into operation of the Government of India Act of 1919, it has become necessary to revoke the instructions and to make further and other provisions in their stead

"Now therefore we do, by these our instructions, under Our Royal Sign Manual, hereby revoke the aforesaid instructions and declare Our pleasure to be as follows :—

(1) Our Governor General for the time being (hereinafter called our said Governor General) shall, with all due solemnity, cause Our Warrant under Our Royal Sign Manual appointing him to be read and published in the presence of the Chief Justice for the time being or in his absence of the senior Judge of one of the High Courts established in British India and of so many of the Members of the Executive Council of Our said Governor General as may conveniently be assembled, Our said Governor General shall take the Oath of Allegiance and the Oath for the due execution of the office of our Governor General of India and for the due and impartial administration of Justice in the forms hereto appended, which Oaths the

said Chief Justice for the time being or in his absence the Senior Justice of our said High Courts shall and he is hereby required to tender and administer unto him.

(2) And we do authorise and require our said Governor General from time to time by himself or by any other person to be authorised by him in that behalf to administer to every person who shall be appointed by Us by Warrant under Our Royal Sign Manual to be a Governor of one of our Presidencies or Provinces in India and to every person who shall be appointed to be a Lieutenant Governor or a Chief Commissioner, the Oaths and Allegiance of Office in the said forms and, we do authorise and require Our said Governor General from time to time by himself or, by any other person to be authorised by him in that behalf to administer to every person, who shall be appointed by Us by Warrant under Our Royal Sign Manual or by the Secretary of State in the Council of India to be a Member of the Governor General's Executive Council or a Member of a Governor's Executive Council, and to every person who shall be appointed to be a Member of a Lieutenant Governor's Executive Council and to every person whom any of our said Governors shall appoint to be a Minister, the Oaths and Allegiance of Office in the said forms together with the Oath of of secrecy hereto appended.

(3) And We do further direct that every person who under these instructions shall be required to take an Oath may make an Affirmation in place of the Oath, if he has any objection to taking an Oath.

(4) And We do hereby authorise and empower our said Governor General in Our name and on Our behalf to grant to any offenders convicted in the exercise of its Criminal Jurisdiction by any Court of Justice within Our said territories a pardon either free or subject to such lawful conditions as to him may seem fit.

(5) And in as much as the policy of Our Parliament is set forth in the preamble to the said Government of India Act of 1919, we do hereby require Our said Governor General to be vigilant that that policy is constantly furthered alike by his Government and as well by the Governments of all our Presidencies and Provinces.

(6) In particular it is Our will and pleasure that the powers of superintendence, direction and control over the said Local Governments vested in Our said Governor General and in our Governor General in Council, shall unless grave reason to the contrary, appears, be exercised with a view to furthering the policy of the Local Governments of all Our Governors' Provinces when such policy

finds favour with a majority of the members of the Legislative Council of the Province.

(7) Similarly, it is Our will and pleasure that Our said Governor General shall use all endeavour consistent with the fulfilment of his responsibilities to Us and to Our Parliament for the welfare of Our Indian subjects, that the administration of the matters committed to the direct charge of Our Governor-General in Council may be conducted in harmony with the wishes of Our said subjects as expressed by their representatives in the Indian Legislature so far as the same shall appear to him to be just and reasonable.

(8) For, above all things, it is Our will and pleasure that the plans laid by our Parliament for the progressive realisation of Responsible Government in British India as an integral part of Our Empire may come to fruition to the end that British India may attain its due place among Our Dominions. Therefore we now charge our said Governor General by the means aforesaid and by all other means which may to him seem fit to guide the course of our subjects in India whose governance We have committed to his charge, so that subject on the one hand always to the determination of Our Parliament and on the other hand to the co-operation of those on whom new opportunities of service have been conferred, progress toward such realisation may ever advance to the benefit of all Our subjects in India.

And We do hereby charge our said Governor General to communicate these our instructions to the Members of His Executive Council and to publish the same in such manner as he may think fit."

The Government of India Act 1919

9 & 10 Geo. 5, Ch. 101.

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3. Revised system of local government in certain provinces.
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SECTION.
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The Government of India Act 1919

AN ACT TO MAKE FURTHER PROVISION WITH RESPECT TO THE GOVERNMENT OF INDIA.

PREAMBLE

WHEREAS it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the Empire ;

And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken ;

And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples :

And whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility :

And whereas concurrently with the gradual development of self-governing institutions in the Provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India which is compatible with the due discharge by the latter of its own responsibilities :

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I

LOCAL GOVERNMENTS.

Classification of central and provincial subjects.

Sec. 1. (*1*) Provision may be made by rules under the Government of India Act, 1915, as amended by the Government of India (Amendment) Act, 1916 (which Act, as so amended, is in this Act referred to as "the Principal Act")—

a. For the classification of subjects, in relation to the functions of government, as central and provincial subjects, for the purpose of distinguishing the functions of local governments and local legislatures from the functions of the Governor-General in Council and the Indian legislature ;

b. For the devolution of authority in respect of provincial subjects to local governments, and for the allocation of revenues or other moneys to those governments ;

c. For the use under the authority of the Governor-General in Council of the agency of local governments in relation to central subjects, in so far as such agency may be found convenient, and for determining the financial conditions of such agency ; and

d. For the transfer from among the provincial subjects of subjects (in this Act referred to as "transferred subjects.") to the administration of the Governor acting with Ministers appointed under this Act, and for the allocation of revenues or moneys for the purpose of such administration.

(*2*) Without prejudice to the generality of the foregoing powers, rules made for the above-mentioned purposes may—

i. Regulate the extent and conditions of such devolution, allocation, and transfer ;

ii. Provide for fixing the contributions payable by local governments to the Governor-General in Council, and making such contributions a first charge on allocated revenues or moneys ;

iii. Provide for constituting a finance department in any province, and regulating the functions of that department ;

iv. Provide for regulating the exercise of the authority vested in the local government of a province over members of the public services therein ;

v. Provide for the settlement of doubts arising as to whether any matter does or does not relate to a provincial subject or a transferred subject and for the treatment of matters which affect both a transferred subject and a subject which is not transferred ; and

vi. make such consequential and supplemental provisions as appear necessary or expedient :

Provided that, without prejudice to any general power of revoking or altering rules under the Principal Act, the rules shall not authorise the revocation or suspension of the transfer of any subject except with the sanction of the Secretary of State in Council.

(3) The powers of superintendence, direction, and control over local governments vested in the Governor-General in Council under the Principal Act shall, in relation to transferred subjects, be exercised only for such purposes as may be specified in rules made under that Act, but the Governor-General in Council shall be the sole judge as to whether the purpose of the exercise of such powers in any particular case comes within the purposes so specified.

(4) The expressions "central subjects" and "provincial subjects" as used in this Act mean subjects so classified under the rules.

Provincial subjects, other than transferred subjects, are in this Act referred to as "reserved subjects."

Borrowing powers of local governments

Sec. 2 (1) The provision in sub-section (1) of section thirty of the Principal Act, which gives power to local governments to raise money on real or personal estate within the limits of their respective governments by way of mortgage or otherwise, shall have effect as though that provision conferred a power on local governments to raise money on the security of their allocated revenues, and to make proper assurances for that purpose.

(2) Provision may be made by rules under the Principal Act as to the conditions under which the power to raise loans on the security of allocated revenues shall be exercised.

(3) The provision in sub-section (1) of section thirty of the Principal Act which enables the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India to prescribe provisions or conditions limiting the power to raise money, shall cease to have effect as regards the power to raise money on the security of allocated revenues.

Revised system of local government in certain provinces

Sec. 3 (1) The presidencies of Fort William in Bengal, Fort St. George, and Bombay, and the provinces known as the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces, and Assam, shall each be governed, in relation to reserved subjects, by a Governor in council, and in relation to transferred subjects (save as otherwise provided by this Act) by the Governor acting with Ministers appointed under this Act.

The said presidencies and provinces are in this Act referred to as "Governor's provinces" and the two first-named presidencies are in this Act referred to as the presidencies of Bengal and Madras.

(2) The provisions of sections forty-six to fifty-one of the Principal Act, as amended by this Act, shall apply to the United Provices, the Punjab, Bihar and Orissa, the Central Provinces, and

Assam, as they apply to the presidencies of Bengal, Madras, and Bombay : Provided that the Governors of the said provinces shall be appointed after consultation with the Governor General.

Appointment of Ministers and Council Secretaries.

Sec. 4 (*1*) The Governor of a Governor's province may, by notification, appoint Ministers, not being members of his Executive council or other officials, to administer transferred subjects, and any Ministers so appointed shall hold office during his pleasure.

There may be paid to any Minister so appointed in any province the same salary as is payable to a member of the Executive council in that province, unless a smaller salary is provided by vote of the legislative council of the province.

(*2*) No Minister shall hold office for a longer period than six months, unless he is or becomes an elected member of the local legislature.

(*3*) In relation to transferred subjects, the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice : Provided that rules may be made under the Principal Act for the temporary administration of a transferred subject where, in cases of emergency, owing to a vacancy, there is no Minister in charge of the subject, by such authority and in such manner as may be prescribed by the rules.

(*4*) The Governor of a Governor's province may at his discretion appoint from among the non-official members of the local legislature Council Secretaries who shall hold office during his pleasure, and discharge such duties in assisting members of the Executive council and Ministers, as he may assign to them.

There shall be paid to Council Secretaries so appointed such salary as may be provided by vote of the legislative council.

A Council Secretary shall cease to hold office if he ceases for more than six months to be a member of the legislative council.

Qualification of members of local Executive councils.

Sec. 5. (*1*) The provision in section forty-seven of the Principal Act, that two of the members of the Executive council of the Governor of a province must have been for at least twelve years in the service of the Crown in India, shall have effect as though "one" were substituted for "two," and the provision in that section that the Commander-in-Chief of his Majesty's Forces in India, if resident at Calcutta, Madras, or Bombay, shall, during

his continuance there, be a member of the Governor's council, shall cease to have effect.

(*2*) Provision may be made by rules under the Principal Act as to the qualifications to be required in respect of members of the Executive council of the Governor of a province in any case where such provision is not made by section forty-seven of the Principal Act as amended by this section.

Business of Governor in council and Governor with Ministers.

Sec. 6. (*1*) All orders and other proceedings of the government of a Governor's province shall be expressed to be made by the government of the province, and shall be authenticated as the Governor may by rule direct, so, however, that provision shall be made by rule for distinguishing orders and other proceedings relating to transferred subjects from other orders and proceedings.

Orders and proceedings authenticated as aforesaid shall not be called into question in any legal proceeding on the ground that they were not duly made by the government of the province.

(*2*) The Governor may make rules and orders for the more convenient transaction of business in his Executive council and with his Ministers, and every order made or act done in accordance with those rules and orders shall be treated as being the order or the act of the government of the province.

The Governor may also make rules and orders for regulating the relations between his Executive council and his Ministers for the purpose of the transaction of the business of the local government :

Provided that any rules or order made for the purposes specified in this section which are repugnant to the provisions of any rules made under the Principal Act as amended by this Act shall, to the extent of that repugnancy, but not otherwise, be void.

Composition of Governor's Legislative councils

Sec. 7. (*1*) There shall be a Legislative council in every Governor's province, which shall consist of the members of the Executive council and of the members nominated or elected as provided by this Act.

The Governor shall not be a member of the Legislative council, but shall have the right of addressing the council, and may for that purpose require the attendance of its members.

(*2*) The number of members of the Governors' Legislative councils shall be in accordance with the table set out in the First Schedule to this Act ; and of the members of each Council not more

than twenty per cent. shall be official members, and at least seventy per cent. shall be elected members :

Provided that—

a. Subject to the maintenance of the above proportions, rules under the Principal Act may provide for increasing the number of members of any council, as specified in that schedule ; and

b. the Governor may, for the purposes of any Bill introduced or proposed to be introduced in his Legislative council, nominate, in the case of Assam one person, and in the case of other provinces not more than two persons, having special knowledge or experience of the subject-matter of the Bill, and those persons shall, in relation to the Bill, have for the period for which they are nominated all the rights of members of the Council, and shall be in addition to the numbers above referred to ; and

c. members nominated to the Legislative council of the Central Provinces by the Governor as the result of elections held in the Assigned Districts of Berar shall be deemed to be elected members of the Legislative council of the Central Provinces.

(*3*) The powers of a Governor's Legislative council may be exercised notwithstanding any vacancy in the council.

(*4*) Subject as aforesaid, provision may be made by rules under the principal Act as to—

a. the term of office of nominated members of Governors' Legislative councils, and the manner of filling casual vacancies occurring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, resignation duly accepted, or otherwise ; and

b. the conditions under which and manner in which persons may be nominated as members of Governors' Legislative councils ; and

c. the qualification of electors, the constitution of constituencies, and the method of election for Governors' Legislative councils, including the number of members to be elected by communal and other electorates, and any matters incidental or ancillary thereto ; and

d. the qualifications for being and for being nominated or elected a member of any such Council ; and

e. the final decision of doubts or disputes as to the validity of any election ; and

f. the manner in which the rules are to be carried into effect :

Provided that rules as to any such matters as aforesaid may provide for delegating to the local government such power as may be specified in the rules of making subsidiary regulations affecting the same matters.

(*5*) Subject to any such rules any person who is a Ruler or subject of any State in India may be nominated as a member of a Governor's Legislative council.

Sessions and duration of Governors' legislative councils.

Sec. 8. (*1*) Every Governor's Legislative council shall continue for three years from its first meeting :

Provided that—

a. the Council may be sooner dissolved by the Governor ; and

b. the said period may be extended by the Governor for a period not exceeding one year, by notification in the official gazette of the province, if in special circumstances (to be specified in the notification) he so thinks fit ; and

c. after the dissolution of the Council the Governor shall appoint a date not more than six months or, with the sanction of the Secretary of State, not more than nine months from the date of dissolution for the next session of the Council.

(*2*) A Governor may appoint such times and places for holding the sessions of his Legislative council as he thinks fit, and may also, by notification or otherwise, prorogue the Council.

(*3*) Any meeting of a Governor's Legislative council may be adjourned by the person presiding.

(*4*) All questions in a Governor's Legislative council shall be determined by a majority of votes of the members present other than the person presiding, who shall, however, have and exercise a casting vote in the case of an equality of votes.

Presidents of Governors' Legislative councils

Sec. 9. (*1*) There shall be a President of a Governor's Legislative council, who shall, until the expiration of a period of four years from the first meeting of the Council as constituted under this Act, be a person appointed by the Governor, and shall thereafter be a member of the Council elected by the Council and approved by the Governor :

Provided that if at the expiration of such period of four years the council is in session, the president then in office shall continue in office until the end of the current session, and the first election of a President shall take place at the commencement of the next ensuing session.

(*2*) There shall be a Deputy-President of a Governor's Legislative council who shall preside at meetings of the council in the absence of the President, and who shall be a member of the Council elected by the Council and approved by the Governor.

(*3*) The appointed President of a Council shall hold office until the date of the first election of a President by the Council under this section, but he may resign office by writing under his hand addressed to the Governor, or may be removed from office by order of the Governor, and any vacancy occurring before the expiration of the term of office of an appointed President shall be filled by a similar appointment for the remainder of such term.

(*4*) An elected President and a Deputy-President shall cease to hold office on ceasing to be members of the council. They may resign office by writing under their hands addressed to the Governor, and may be removed from office by a vote of the Council with the concurrence of the Governor.

(*5*) The President and the Deputy-President shall receive such salaries as may be determined, in the case of an appointed President, by the Governor, and in the case of an elected President or Deputy-President, by an Act of the local legislature.

Powers of local legislatures.

Sec. 10. (*1*) The local Legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good government of the territories for the time being constituting that province.

(*2*) The local Legislature of any province may, subject to the provisions of the sub-section next following, repeal or alter, as to that province, any law made either before or after the commencement of this Act by any authority in British India other than that local Legislature.

(*3*) The local Legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—

a. imposing or authorising the imposition of any new tax unless the tax is a tax scheduled as exempted from this provision by rules made under the Principal Act ; or

b. affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force and imposed by the authority of the Governor General in Council for the general purposes of the government of India, provided that the imposition or alteration of a tax scheduled as aforesaid shall not be deemed to affect any such tax or duty ; or

c. affecting the discipline or maintenance of any part of His Majesty's naval, military, or air forces ; or

d. affecting the relations of the government with foreign Princes or States ; or

e. regulating any Central subject ; or

f. regulating any provincial subject which has been declared by rules under the Principal Act to be, either in whole or in part, subject to legislation by the Indian legislature, in respect of any matter to which such declaration applies ; or

g. affecting any power expressly reserved to the Governor-General in Council by any law for the time being in force : or

h. altering or repealing the provisions of any law which, having been made before the commencement of this Act by any authority in British India other than that local Legislature, is declared by rules under the Principal Act to be a law which cannot be repealed or altered by the local Legislature without previous sanction ; or

i. altering or repealing any provision of an Act of the Indian Legislature made after the commencement of this Act, which by the provisions of that Act may not be repealed or altered by the local Legislature, without previous sanction :

Provided that an Act or a provision of an Act made by a local Legislature, and subsequently assented to by the Governor-General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this Act.

(*4*) The local Legislature of any province has not power to make any law affecting any Act of Parliament.

Business and procedure in Governors' Legislative councils.

Sec. 11. (*1*) Sub-sections (1) and (3) of section eighty of the principal Act which relate to the classes of business which may be transacted at meetings of local Legislative councils, shall cease to apply to a Governor's Legislative council, but the business and procedure in any such Council shall be regulated in accordance with the provisions of this section.

(*2*) The estimated annual expenditure and revenue of the province shall be laid in the from of a statement before the Council in each year, and the proposals of the local government for the appropriation of provincial revenues and other moneys in any year shall be submitted

to the vote of the Council in the form of demands for grants. The Council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to either by a reduction of the whole grants or by the omission or reduction of any of the items of expenditure of which the grant is composed :

Provided that—

a. the local government shall have power, in relation to any such demand, to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the demand relates to a reserved subject, and the governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject ; and

b. the Governor shall have power in cases of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquillity of the province, or for the carrying on of any department ; and

c. no proposal for the appropriation of any such revenues or other moneys for any purpose shall be made except on the recommendation of the Governor, communicated to the council.

(*3*) Nothing in the foregoing sub section shall require proposals to be submitted to the Council relating to the following heads of expenditure ;

(i) contributions payable by the local government to the Governor-General in Council ; and

(ii) interest and sinking fund charges on loans ; and

(iii) expenditure of which the amount is prescribed by or under any law ; and

(iv) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ; and

d. salaries of judges of the High Court of the province and of the Advocate-General.

If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the Governor shall be final.

(*4*) Where any Bill has been introduced or is proposed to be introduced, or any amendment to a Bill is moved or proposed to be moved, the governor may certify that the Bill or any clause of it or the amendment affects the safety or tranquillity of his province or any part of it or of another province, and may direct that no

proceedings or no further proceedings shall be taken by the council in relation to the Bill, clause or amendment, and effect shall be given to any such direction.

(5) Provision may be made by rules under the Principal Act for the purpose of carrying into effect the foregoing provisions of this section and for regulating the course of business in the Council, and as to the persons to preside over meetings thereof in the absence of the President and Deputy-President, and the preservation of order at meetings ; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on and the discussion of any subject specified in the rules.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in the council, in so far as these matters are not provided for by rules made under the Principal Act. The first standing orders shall be made by the Governor in Council, but may, subject to the assent of the Governor be altered by the local Legislatures. Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the Principal Act, shall to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules and standing orders affecting the Council, there shall be freedom of speech in the Governors' Legislative Councils. No person shall be liable to any proceedings in any court by reason of his speech or vote in any such Council or by reason of anything contained in any official report of the proceedings of any such Council.

Return and reservation of Bills

Sec. 12. (1) Where a Bill has been passed by a local Legislative council the Governor, Lieutenant-Governor or Chief Commissioner may instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the Council for reconsideration, either in whole or in part, together any amendments which he may recommend, or, in cases prescribed by rules under the Principal Act may, and if the rules so require shall, reserve the Bill for the consideration of the Governor-General.

(2) Where a Bill is reserved for the consideration of the Governor-General the following provisions shall apply :—

a. The Governor, Lieutenant-Governor or Chief Commissioner may, at any time within six months from the date of the reservation of the Bill with the consent of the Governor-General, return the Bill for further consideration by the

Council with a recommendation that the Council shall consider amendments thereto :

b. After any Bill so returned has been further considered by the Council, together with any recommendations made by the governor, Lieutenant-Governor or Chief Commissioner relating thereto, the Bill, if re-affirmed with or without amendment, may be again presented to the Governor, Lieutenant-Governor, or Chief Commissioner :

c. Any Bill reserved for the consideration of the Governor-General shall, if assented to by the Governor-General within a period of six months from the date of such reservation, become law on due publication of such assent, in the same a way as a Bill assented to by the Governor, Lieutenant-Governor or Chief Commissioner but, if not assented to by the Governor-General within such period of six months, shall lapse and be of no effect unless before the expiration of that period either—

(*i*) the Bill has been returned by the Governor, Lieutenant-Governor or Chief Commissioner, for further consideration by the council ; or

(*ii*) in the case of the Council not being in session, a notification has been published of an intention so to return the Bill at the commencement of the next session.

(*3*) The Governor-General may (except where the Bill has been reserved for his consideration), instead of assenting to or withholding his assent from any Act passed by a local legislature, declare, that he reserves the Act for the signification of His Majesty's pleasure thereon, and in such case the Act shall not have validity until His Majesty in Council has signified his assent and his assent has been notified by the Governor-General.

Provision for case of failure to pass Legislation in Governors' Legislative Councils.

Sec. 13. (*1*) Where a Governor's Legislative Council has refused leave to introduce, or has failed to pass in a form recommended by the Governor, any Bill relating to a reserved subject the Governor may certify that the passage of the Bill is essential for the discharge of his responsibility for the subject, and thereupon the Bill shall, notwithstanding that the Council have not consented thereto, be deemed to have passed, and shall, on signature by the Governor, become an Act of the local legislature in the form of the Bill as originally introduced or proposed to be introduced in the Council or (as the case may be) in the form recommended to the Council by the Governor.

(2) Every such Act shall be expressed to be made by the Governor, and the Governor shall forthwith send an authentic copy thereof to the Governor-General who shall reserve the Act for the signification of His Majesty's pleasure, and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the local Legislature and duly assented to:

Provided that where, in the opinion of the Governor-General a state of emergency exists which justifies such action, he may, instead of reserving such Act, signify his assent thereto, and thereupon the Act shall have such force and affect as aforesaid, subject however to disallowance by His Majesty in Council.

(3) An Act made under this section shall, as soon as practicable after being made, be laid before each House of Parliament, and an Act which is required to be presented for His Majesty's assent shall not be so presented until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat.

Vacation of seats in local Legislative Councils.

Sec. 14. An official shall not be qualified for election as a member of a local Legislative Council, and if any non official member of a local Legislative Council, whether elected or nominated, accepts any office in the service of the Crown in India, his seat on the council shall become vacant:

Provided that for the purposes of this provision a Minister shall not be deemed to be an official, and a person shall not be deemed to accept office on appointment as a Minister.

Constitution of new provinces, etc, and provision as to backward tracts.

Sec. 15. (1) The Governor General in council may, after obtaining an expression of opinion from the local government and the local legislature affected, by notification, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new Governor's province, or place part of a Governor's province under the administration of a Deputy-Governor to be appointed by the Governor-General, and may in any such case apply, with such modifications as appear necessary or desirable, all or any of the provisions of the Principal Act or this Act relating to Governor's provinces, or provinces under a Lieutenant-governor or Chief-commissioner, to any such new province or part of a province.

(2) The Governor-General in Council may declare any territory in British India to be "a backward tract," and may, by notification, with such sanction as aforesaid, direct that the Principal Act and

this Act shall apply to that territory subject to such exceptions and modifications, as may be prescribed in the notification. Where the Governor-General in Council has, by notification, directed as aforesaid, he may, by the same or subsequent notification, direct that any Act of the Indian Legislature shall not apply to the territory in question or any part thereof, or shall apply to the territory or any part thereof, subject to such exceptions or modifications as the Governor-General thinks fit, or may authorise the Governor in council to give similar directions as respects any Act of the local legislature.

Saving.

Sec. 16. (*1*) The validity of any order made or action taken after the commencement of this Act by the Governor-General in Council or by a local government which would have been within the powers of the Governor-General in Council or of such local Government if this Act had not been passed, shall not be open to question in any local proceedings on the ground that by reason of any provision of this Act or of any rule made by virtue of any such provision, such order or action has ceased to be within the powers of the Governor-General in Council or of the government concerned.

(*2*) Nothing in this Act, or in any rule made thereunder, shall be construed as diminishing in any respect the powers of the Indian Legislature as laid down in section sixty-five of the Principal Act, and the validity of any Act of the Indian Legislature or any local Legislature shall not be open to question in any legal proceedings on the ground that the Act affects a provincial subject or a central subject as the case may be, and the validity of any Act made by the Governor of a province shall not be so open to question on the ground that it does not relate to a reserved subject.

(*3*) The validity of any order made or action taken by a Governor in Council, or by a Governor acting with his Ministers, shall not be open to question in any legal proceedings on the ground that such order or action relates or does not relate to transferred subject, or relates to a transferred subject of which the Minister is not in charge.

PART II.

GOVERNMENT OF INDIA.

Indian Legislature.

Sec. 17. Subject to the provisions of this Act, the Indian legislature shall consist of the Governor-General and two Chambers, namely the Council of State and the Legislative Assembly.

Except as otherwise provided by or under this Act a Bill shall not be deemed to have been passed by the Indian Legislature unless it has been agreed to by both Chambers, either without amendment or with such amendments only as may be agreed to by both Chambers.

Council of State.

Sec 18. (*1*) The Council of State shall consist of not more than sixty members nominated or elected in accordance with rules made under the Principal Act, of whom not more than twenty shall be official members.

(*2*) The Governor-General shall have power to appoint, from among the members of the Council of State, a President and other persons to preside in such circumstances as he may direct.

(*3*) The Governor-General shall have the right of addressing the Council of State, and may for that purpose require the attendance of its members.

Legislative Assembly.

Sec 19. (*1*) The Legislative Assembly shall consist of members nominated or elected in accordance with rules made under the Principal Act.

(*2*) The total number of members of the Legislative Assembly shall be one hundred and forty. The number of non-elected members shall be forty, of whom twenty-six shall be official members. The number of elected members shall be one hundred :

Provided that rules made under the Principal Act may provide for increasing the numbers of the Legislative Assembly as fixed by this section, and may vary the proportion which the clases of members bear one to another, so however, that at least five-sevenths of the Legislative Assembly shall be non-official members.

(*3*) The Governor-General shall have the right of addressing the Legislative Assembly, and may for that purpose require the attendence of its members.

President of Legislative Assembly.

Sec. 20. (*1*) There shall be a president of the Legislative Assembly, who shall, until the expiration of four years from the first meeting thereof, be a person appointed by the Governor-General and shall thereafter be a member of the Assembly elected by the Assembly and approved by the Governor-General :

Provided that, if at the expiration of such period of four years the Assembly is in session, the President then in office shall continue in office until the end of the current session, and the first election

of a President shall take place at the commencement of the ensuing session.

(2) There shall be a Deputy-President of the Legislative Assembly, who shall preside at meetings of the Assembly in the absence of the President, and who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General.

(3) The appointed President shall hold office until the date of the election of a President under this section, but he may resign his office by writing under his hand addressed to the Governor-General or may be removed from office by order of the Governor-General and any vacancy occurring before the expiration of his term of office shall be filled by a similar appointment for the remainder of such term.

(4) An elected President and a Deputy-President shall cease to hold office if they cease to be members of the Assembly. They may resign office by writing under their hands addressed to the Governor-General and may be removed from office by a vote of the Assembly with the concurrence of the Governor-General.

(5) A President and Deputy-President shall receive such salaries as may be determined, in the case of an appointed President by the Governor-General, and in the case of an elected president and a Deputy-President by Act of the Indian Legislature.

Duration and sessions of Legislative Assembly and Council of State.

Sec. 21. (1) Every Council of State shall continue for five years, and every Legislative Assembly for three years, from its first meeting:

Provided that—

a. either Chamber of the Legislature may be sooner dissolved by the Governor-General; and

b. any such period may be extended by the Governor-General if in special circumstances he so thinks fit; and

c. after the dissolution of either Chamber the Governor-General shall apoint a date not more than six months, or, with the sanction of the Secretary of State not more than nine months after the date of dissolution for the next session of that chamber.

(2) The Governor-General may appoint such times and places for holding the sessions of either Chamber of the Indian Legislature as he thinks fit, and may also from time to time, by notification or otherwise, prorogue such sessions.

(*3*) Any meeting of either Chamber of the Indian Legislature may be adjourned by the person presiding.

(*4*) All questions in either Chamber shall be determined by a majority of votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

(*5*) The powers of either Chamber of the Indian Legislature may be exercised notwithstanding any vacancy in the Chamber.

Membership of both chambers.

Sec. 22. (*1*) An official shall not be qualified for election as a member of either chaimber of the Indian Legislature, and, if any non-official member of either Chamber accepts office in the service of the Crown in India, his seat in that Chamber shall become vacant.

(*2*) If an elected member of either Chamber of the Indian Legislature becomes a member of the other Chamber, his seat in such first mentioned Chamber shall thereupon become vacant.

(3) If any person is elected a member of both Chambers of the Indian Legislature, he shall, before he takes his seat in either Chamber, signify in writing the Chamber of which he desires to be a member, and thereupon his seat in the other Chamber shall become vacant.

(*4*) Every member of the Governor-General's Executive Council shall be nominated as a member of one Chamber of the Indian Legislature, and shall have the right of attending in and addressing the other Chamber, but shall not be a member of both Chambers.

Supplimentray provisions as to composition of Legislative Assembly and Council of State

Sec. 23. (*1*) Subject to the provisions of this Act, provisions may be made by rules under the Principal Act as to—

a. the term of office of nominated members of the Council of State and the Legislative Assembly, and the manner of filling casual vacancies occuring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise : and

b. the conditions under which and the manner in which persons may be nominated as members of the Council of State or the Legislative Assembly ; and

c. the qualification of electors, the constitution of constituencies, and the methods of election for the Council of State

and the Legislative Assembly (including the number of members to be elected by communal and other electorates) and any matters incidental or ancillary thereto ; and

d. the qualifications for being or for being nominated or elected as members of the Council of State or the Legislative Assembly : and

e. the final decision of doubts or disputes as to the validity of an election : and

f. the manner in which the rules are to be carried into effect.

(*2*) Subject to any such rules, any person who is a ruler or subject of any State in India may be nominated as a member of the Council of State or the Legislative Assembly.

Business and proceedings in Indian Legislature.

Sec. 24. (*1*) Subsections (*2*) and (*3*) of section sixty-seven of the Principal Act (which relate to the classes of business which may be transacted by the Indian Legislative Council) shall cease to have effect.

(*2*) Provision may be made by rules under the principal Act for regulating the course of business and the preservation of order in the Chambers of the Indian Legislature, and as to the persons to preside at the meetings of the Legislative Assembly in the absence of the President and the Deputy-President ; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussions of, any subject specified in the rules.

(*3*) If any Bill which has been passed by one Chamber is not, within six months after the passage of the Bill by that Chamber, passed by the other Chamber either without amendments or with such amendments as may be agreed to by the two Chambers, the Governor-General may in his discretion refer the matter for decision to a joint sitting of both Chambers : Provided that standing orders made under this section may provide for meetings of members of both Chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two Chambers.

(*4*) Without prejudice to the powers of the Governor-General under section sixty-eight of the Principal Act, the Governor-General may, where a Bill has been passed by both Chambers of the Indian Legislature, return the Bill for reconsideration by either Chamber.

(*5*) Rules made for the purpose of this section may contain such general and supplemental provisions as appear necessary for the purpose of giving full effect to this section.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either Chamber of the Indian Legislature in so far as these matters are not provided for by rules made under the Principal Act. The first standing orders shall be made by the Governor-General in Council, but may, with the consent of the Governor-General, be altered by the Chamber to which they relate.

Any standing order made as aforesaid which is repugnant to the provisions of any rules made under the Principal Act shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules and standing orders affecting the Chamber, there shall be freedom of speech in both Chambers of the Indian Legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either Chamber, or by reason of anything contained in any official report of the proceedings of either Chamber.

Indian budget

Sec. 25. (1) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both Chambers of the Indian Legislature in each year.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.

(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either Chamber at the time when the annual statement is under consideration, unless the Governor-General otherwise directs—

(*i*) interest and sinking fund charges on loans ; and

(*ii*) expenditure of which the amount is prescribed by or under any law ; and

(*iii*) salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council ; and

(*iv*) salaries of Chief Commissioners and Judicial Commissioners ; and

(*v*) expenditure classified by the order of the Governor-General in Council as—

a. ecclesiastical ;

b. political ;

c. defence.

(4) If any question arises whether any proposed appropriation of revenue of moneys does or does not relate to the above heads, the decision of the Governor-General on the question shall be final.

(5) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the above heads shall be submitted to the vote of Legislative assembly in the form of demands for grants.

(6) The Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.

(7) The demands as voted by the Legislative Assembly shall be submitted to the Governor-General in Council, who shall, if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities, act as if it had been assented to, notwithstanding withholding of such assent or the reduction of the amount therein referred to, by the Legislative Assembly.

(8) Notwithstanding anything in this section the Governor-General shall have power, in cases of emergency, to authorise such expenditure as may in his opinion, be necessary for the safety or tranquillity of British India or any part thereof.

Provision for case of failure to pass Legislation.

Sec. 26. (1) Where either Chamber of the Indian Legislature refuses leave to introduce or fails to pass in a form recommended by the Governor-General, any Bill, the Governor-General may certify that the passage of the Bill is essential for the safety, tranquillity or interests of British India or any part thereof, and thereupon—

a. if the Bill has already been passed by the other Chamber, the Bill shall, on signature by the Governor-General, notwithstanding that it has not been consented to by both Chambers, forthwith become an Act of the Indian Legislature in the form of the Bill as originally introduced or proposed to be introduced in the Indian Legislature, or (as the case may be) in the form recommended by the Governor-General ; and

b. if the Bill has not already been so passed, the Bill shall be laid before the other Chamber, and, if consented to by that Chamber in the form recommended by the Governor-General, shall become an Act as aforesaid on the signification of the Governor-General's assent, or, if not so

consented to, shall, on signature by the Governor-General, become an Act as aforesaid.

(*2*) Every such Act shall be expressed to be made by the Governor-General and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat; and upon the signification of such assent by His Majesty in Council and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the Indian Legislature and duly assented to.

Provided that, where in the opinion of the Governor-General a state of emergency exists which justifies such action, the Governor-General may direct that any such Act shall come into operation forthwith, and thereupon the Act shall have such force and effect as aforesaid, subject, however, to disallowance by His Majesty in Council.

Supplemental provisions as to powers of Indian Legislature.

Sec. 27. (*1*) In addition to the measures referred to in sub-section sixty-seven of the Principal Act, as requiring the previous sanction of the Governor-General, it shall not be lawful without such previous sanction to introduce at any meeting of either Chamber of the Indian Legislature any measure.—

a. regulating any provincial subject, or any part of provincial subject, which has not been declared by rules under the Principal Act to be subject to Legislation by the Indian Legislature.

b. repealing or amending any Act of a local Legislature;

c. repealing or amending any Act or ordinance made by the Governor-General.

(*2*) Where in either Chamber of the Indian Legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor-General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquillity of British India, or any part thereof, and may direct that no proceedings, or that no further proceedings, shall be taken by the Chamber in relation to the Bill, clause, or amendment, and effect shall be given to such direction.

Composition of Governor-General's executive council.

Sec. 28. (*1*) The provision in section thirty-six of the Principal Act, imposing a limit on the number of members of the Governor-General's Executive Council, shall cease to have effect.

(*2*) The provision in section thirty-six of the Principal Act as to the qualification of members of the council shall have effect as though the words "at the time of their appointment" were omitted, and as though after the word "Scotland" there were inserted the words "or a pleader of the High Court" and as though "ten years" were substituted for "five years."

(*3*) Provision may be made by rules under the Principal Act as to the qualifications to be required in respect of members of the Governor-General's executive council, in any case where such provision is not made by section thirty-six of the Principal Act as amended by this section.

(*4*) Sub-section (*2*) of section thirty-seven of the Principal Act (which provides that when and so long as the Governor-General's executive council assembles in a province having a Governor he shall be an extraordinary member of the council) shall cease to have effect.

Appointment of Council Secretaries.

Sec. 29. (*1*) The Governor-General may at his discretion appoint, from among the members of the Legislative Assembly, Council Secretaries who shall hold office during his pleasure and discharge such duties in assisting the members of his executive council as he may assign to them.

(*2*) There shall be paid to Council Secretaries so appointed such salary as may be provided by the Indian Legislature.

(*3*) A Council Secretary shall cease to hold office if he ceases for more than six months to be a member of the Legislative Assembly.

PART III.

SECRETARY OF STATE IN COUNCIL.

Payment of salary of Secretary of State, etc., out of moneys provided by Parliament.

Sec. 30. The salary of the Secretary of State, the salaries of his under-secretaries, and any other expenses of his department may, notwithstanding anything in the Principal Act, instead of being paid out of the revenues of India, be paid out of moneys provided by Parliament, and the salary of the Secretary of State shall be so paid.

Council of India.

Sec. 31. The following amendments shall be made in section three of the Principal Act in relation to the composition of the Council of India, the qualification, term of office, and remuneration of its members .—

(*1*) The provisions of sub-section (1) shall have effect as though "eight" and "twelve' were substituted for "ten" and "fourteen" respectively as the minimum number of members, provided that the council as constituted at the time of the passing of this Act shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision.

(*2*) The provisions of sub-section (*3*) shall have effect as if 'one -half" were substituted for "nine" and "India" were substituted for "British India."

(*3*) In sub-section (*4*) "five years" shall be substituted for "seven years" as the term of office of members of the Council, provided that the tenure of office of any person who is a member of the Council at the time of the passing of this Act shall not be affected by this provision.

(*4*) The provisions of sub-section (*8*) shall cease to have effect and in lieu thereof the following provisions shall be inserted :

"There shall be paid to each member of the Council of India the annual salary of twelve hundred pounds : provided that any member of the Council who was at the time of his appointment domiciled in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds.

Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament."

(*5*) Notwithstanding anything in any Act or rules, where any person in the service of the Crown in India is appointed a member of the Council before completion of the period of such service required to entitle him to a pension or annuity, his service as such member shall, for the purpose of any pension or annuity which would be payable to him on completion of such period, be reckoned as service under the Crown in India whilst resident in India.

Further provisions as to Council of India.

Sec. 32. (*1*) The provision in section six of the Principal Act which prescribes the quorum for meetings of the Council of India shall cease to have effect, and the Secretary of State shall provide for a quorum by directions to be issued in this behalf.

(*2*) The provision in section eight of the Principal Act relating to meetings of the Council of India shall have effect as though "month" were substituted for "week."

(*3*) Section ten of the Principal Act shall have effect as though the words "all business of the Council or committees thereof to be transacted" were omitted and the words "the business of the Secretary of State in Council or the Council of India shall be transacted, and any order made or act done in accordance with such direction shall, subject to the provisions of this Act, be treated as being an order of the Secretary of State in Council" were inserted in lieu thereof.

Relaxation of control of Secretary of State.

Sec. 33. The Secretary of State in Council may, notwithstanding anything in the Principal Act, by rule regulate and restrict the exercise of the powers of Superintendence, direction, and control, vested in the Secretary of State and the Secretary of State in Council, by the Principal Act, or otherwise, in such manner as may appear necessary or expedient in order to give effect to the purposes of this Act.

Before any rules are made under this section relating to subjects other than transferred subjects, the rules proposed to be made shall be laid in draft before both Houses of Parliament, and such rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications or additions to which both Houses agree, but upon such approval being given the Secretary of State in Council may make such rules in the form in which they have been approved, and such rules on being so made shall be of full force and effect.

Any rules relating to transferred subjects made under this section shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Correspondence between Secretary of State and India.

Sec. 34. So much of section five of the Principal Act as relates to orders and communications sent to India from the United Kingdom and to orders made in the United Kingdom, and section eleven, twelve, thirteen and fourteen of the Principal Act, shall cease to have effect, and the procedure for the sending of orders and communications to India and in general for correspondence between the Secretary of State and the Governor-General in Council or any local government shall be such as may be prescribed by order of the Secretary of State in Council.

High Commissioner for India

Sec. 35. His Majesty may by Order in Council make provision for the appointment of a High Commissioner for India in the United Kingdom, and for the pay, pension, powers, duties, and conditions of employment of the High Commissioner and of his assistants; and the Order further provide for delegating to the High Commissioner any of the powers previously exercised by the Secretary of State or the Secretary of State in Council whether under the Principal Act or otherwise in relation to making contracts, and may prescribe the conditions under which he shall act on behalf of the Governor-General in Council or any local Government.

PART IV.

THE CIVIL SERVICES IN INDIA.

The Civil Service in India.

Sec. 36. (*1*) Subject to the provisions of the Principal Act and of rules made thereunder, every person in the civil service of the Crown in India holds office during His Majesty's pleasure, and may be employed in any manner required by a proper authority within the scope of his duty, but no person in that service may be dismissed by any authority subordinate to that by which he was appointed, and the Secretary of State in Council may (except so far as he may provide by rules to the contrary) reinstate any person in that service who has been dismissed.

If any such person appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a Governor's province, and on due application made to that superior does not receive the redress to which he may consider himself entitled, he may, without prejudice to any other right of redress, complain to the Governor of the province in order to obtain justice, and the Governor is hereby directed to examine such complaint and require such action to be taken thereon as may appear to him to be just and equitable.

(2) The Secretary of State in Council may make rules for regulating the classification of the civil services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct. Such rules may, to such extent and in respect of such matters as may be prescribed, delegate the power of making rules to the Governor-General in Council or to local Governments, or authorise the Indian Legislature or local Legislatures to make laws regulating the public services :

Provided that every person appointed before the commencement of this Act by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights, or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable.

(3) The right to pensions and the scale and conditions of all persons in the civil service of the Crown in India appointed by the Secretary of State in Council shall be regulated in accordance with the rules in force at the time of the passing of this Act. Any such rules may be varied or added to by the Secretary of State in Council and shall have effect as so varied or added to, but any such variation or addition shall not adversely affect the pension of any member of the service appointed before the date thereof.

Nothing in this section or in any rule thereunder shall prejudice the rights to which any person may, or may have, become entitled under the provisions in relation to pensions contained in the East India Annuity Funds Act, 1874.

37 and 38 Vict., c. 12.

(4) For the removal of doubts it is hereby declared that all rules or other provisions in operation at the time of the passing of this Act, whether made by the Secretary of State in Council or by any other authority, relating to the civil service of the Crown in India, were duly made in accordance with the powers in that behalf, and are confirmed, but any such rules or provisions may be revoked, varied or added to by rules or laws made under this section.

Appointments to the Indian Civil Service.

Sec. 37. (1) Notwithstanding anything in section ninety-seven of the Principal Act the Secretary of State may make appointments to the Indian Civil Service of persons domiciled in India, in accordance with such rules as may be prescribed by the Secretary of State in Council with the concurrence of the majority of votes at a meeting of the Council of India.

Any rules made under this section shall not have force until they have been laid for thirty days before both House of Parliament.

(2) The Indian Civil Service (Temporary Provisions) Act, 1915 (which confers power during the war and for a period of two years thereafter to make appointments to the Indian Civil Service without examination), shall have effect as though "three years" were substituted for "two years."

5 and 6 Geo. 5. c. 87.

Sec. 38. (1) There shall be established in India a public service commission, consisting of not more than five members, of whom one shall be Chairman, appointed by the Secretary of State in Council. Each member shall hold office for five years, and may be re-appointed. No member shall be removed before the expiry of his term of office, except by order of the Secretary of State in Council. The qualifications for appointment, and the pay and pension (if any) attaching to the office of Chairman and member, shall be prescribed by rules made by the Secretary of State in Council.

Public Service Commission.

(2) The public service commisson shall discharge, in regard to recruitment and control of the public service in India, such functions as may be assigned thereto by the Secretary of State in Council.

Sec. 39. (1) An Auditor-General in India shall be appointed by the Secretary of State in Council, and shall hold office during His Majesty's pleasure. The Secretary of State in Council shall, by rules, make provision for his pay, powers, duties, and conditions of employment, or for the discharge of his duties in the case of a temporary vacancy or absence from duty.

Financial Control

(2) Subject to any rules made by the Secretary of State in Council, no office may be added to or withdrawn from the public service, and the emoluments of no post may be varied, except after consultation with such finance authority as may be designated in the rules, being an authority of the province or of the Government of India, according as the post is or is not under the control of a local Government.

Sec. 40. Rules made under this Part of this Act shall not be made except with the concurrence of the majority of votes at a meeting of the Council of India.

Rules under Part IV.

PART V.

STATUTORY COMMISSION.

Statutory Commission.

Sec. 41. (*1*) At the expiration of ten years after the passing of this Act the Secretary of State, with the concurrence of both Houses of Parliament, shall submit for the approval of His Majesty the names of persons to act as a Commission for the purposes of this section.

(*2*) The persons whose names are so submitted, if approved by His Majesty, shall be a Commission for the purpose of inquiring into the working of the system of Government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith, and the Commission shall report as to whether and to what extent it is desirable to establish the principle of responsible Government, or to extend, modify, or restrict the degree of responsible Government, then existing therein including the question whether the establishment of second Chambers of the local Legislatures is or is not desirable.

(*3*) The Commission shall also inquire into and report on any other matter affecting British India and the provinces, which may be referred to the Commission by His Majesty.

PART VI.

GENERAL.

Modification of s 124 of Principal Act.

Sec. 42. Notwithstanding anything in section one hundred and twenty-four of the Principal Act, if any member of the Governor-General's Executive Council or any member of any local Government was at the time of his appointment concerned or engaged in any trade or business, he may, during the term of his office, with the sanction in writing of the Governor-General, or in the case of ministers of the Governor of the province, and in any case subject to such general conditions and restrictions as the Governor-General in Council may prescribe, retain his concern or interest in that trade or business, but shall not, during that term, take part in the direction or management of that trade or business.

Signification of Royal Assent

Sec. 43. Any assent or disallowance by His Majesty, which under the Principal Act is required to be signified through the Secretary of State in Council, shall as from the passing of this Act be signified by His Majesty in Council.

Power to make rules.

Sec. 44. (*1*) Where any matter is required to be prescribed or regulated by rules under the Principal Act and no special provision is made as to the authority by whom the rules are to be made the rules shall be made by the Governor-General in Council, with the sanction of the Secretary of State in Council, and shall not be subject to repeal or alteration by the Indian Legislature or by any local Legislature.

(*2*) Any rules made under this Act or under the Principal Act may be so framed as to make different provision for different provinces.

(*3*) Any rules to which sub-section (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an Address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Provided that the Secretary of State may direct that any rules to which this section applies shall be laid in draft before both Houses of Parliament, and in such case the rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications or additions to which both Houses agree, but, upon such approval being given, the rules may be made in the form in which they have been approved, and such rules on being so made shall be of full force and effect, and shall not require to be further laid before Parliament.

Amendments of Principal Act to carry Act into effect, etc

Sec. 45. (*1*) The amendments set out in parts I and II of the Second Schedule to this Act, being amendments to incorporate the provisions of this Act in the Principal Act, and further amendments consequential on or arising out of those provisions, shall be made in the Principal Act, and any question of interpretation shall be settled by reference to the Principal Act as so amended. The provisions of the Principal Act, specified in Part III of that schedule, being provisions which are obsolete or unnecessary, or which require amendment in detail, are hereby repealed or modified, and shall be dealt with, in the manner shown in the second column of that schedule.

(*2*) Every enactment and word which is directed by the Government of India (Amendment) Act, 1916, or by this section and the

Second Schedule to this Act, to be substituted for or added to any portion of the Government of India Act, 1915, shall form part of the Government of India Act, 1915, in the place assigned to it by the Government of India (Amendment) Act, 1916, or that schedule ; and the Government of India Act, 1915, and all Acts, including this Act, which refer thereto shall, after the commencement of this Act, be construed as if the said enactment or word had been enacted in the Government of India Act, 1915, in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enatment or word.

A copy of the Government of India Act, 1915, with the amendments, whether by way of substitution, addition or omission, required by the Government of India (Amendment) Act, 1916, and by this section and the Second Schedule to this Act, shall be prepared and certified by the Clerk of the Parliaments, and deposited with the Rolls of Parliament, and His Majesty's printer shall print, in accordance with the copy so certified, all copies of the Government of India Act, 1915, which are printed after the passing of this Act, and the Government of India Act, 1915, as so amended, may be cited as "The Government of India Act."

Sub-section (*3*) of section eight of the Government of India (Amendment) Act, 1916, is hereby repealed.

Definition of official.

Sec. 46. In this Act the expressions "official" and "non-official," where used in relation to any person, mean respectively a person who is or is not in the civil or military service of the Crown in India :

Provided that rules under the Principal Act may provide for the holders of such offices as may be specified in the rules not being treated for the purposes of the Principal Act or this Act, or any of them, as officials.

Short title, commencement, interpretation, and transitory provisions.

Sec. 47. (*1*) This Act may be cited as the Government of India Act, 1919, and the Principal Act, as amended by any Act for the time being in force, may be cited as the Government of India Act.

(*2*) This Act shall come into operation on such date or dates as the Governor-General in Council, with the approval of the Secretary of State in Council, may appoint, and different dates may be appointed for different provisions of this Act, and for different parts of India.

On the dates appointed for the coming into operation of the provisions of this Act as respects any executive or Legislative

Council all the members of the Council then in office shall go out of office, but may, if otherwise qualified, be reappointed, renominated or re-elected, as the case may be, in accordance with the provisions of the Principal Act as amended by this Act.

(3) Any reference in any enactment, whether an Act of Parliament or made by any authority in British India, or in any rules, regulations, or orders made under any such enactment, or in any letters patent or other document, to any enactment repealed by the Principal Act, shall for all purposes be construed as references to the Principal Act as amended by this Act or to the corresponding provision thereof.

(4) Any reference in any enactment in force in India, whether an Act of Parliament or made by any authority in British India, or in any rules, regulations, or orders made under any such enactment or in any letters patent or other document, to any Indian Legislative authority shall for all purposes be construed as reference to the corresponding authority constituted by the Principal Act as amended by this Act.

(5) If any difficulty arises as to the first establishment of the Indian Legislature or any Legislative Council after the commencement of this Act or otherwise in first giving effect to the provisions of this Act, the Secretary of State in Council or the Governor-General in Council, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.

SCHEDULES.

* FIRST SCHEDULE.

NUMBER OF MEMBERS OF LEGISLATIVE COUNCILS.

Legislative Council.	Number of Members.
Madras	118
Bombay	111
Bengal	125
United Provinces	118
Punjab	83
Bihar and Orissa	98
Central Provinces	70
Assam	53

*Section 7.

† SECOND SCHEDULE.

PART I.

The provisions of this Act set out in the first column of the following table shall be incorporated in the principal Act in the manner shown in the second column of that table, subject to the modifications specified in the third column of that table :—

TABLE.

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Sec. 1	To be inserted as a new section (15A) after s. 45.	"this Act" to be substituted for "the Government of India Act, 1915. . . "principal Act)," for "the principal Act," and for "that Act."
Sec. 3 (1)	To be substituted for s. 46 (1).	——
Sec. 4	To be substituted for s. 52.	"this Act" to be substituted for "the principal Act."
Sec. 6	To be substituted for s. 49.	"any other rules made under this Act" to be substituted for "any rules made under the principal Act as amended by this Act."
Sec. 7,8,9	To be inserted as new sections (72A, 72B, and 72C), after s. 72.	"this Act" to be substituted for "the principal Act."
Sec. 10 .	To be inserted as a new section (80A) after s. 80.	"this Act" to be substituted for "the principal Act," "the commencement of the Government of India Act, 1919," to be substituted for "the commencement of this Act" and "such first mentioned Act" to be substituted for "that Act" in subsection (3).

† Section 54.

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Sec. 11 .	To be inserted as a new section (72D) after s. 72C.	The following sub-section to be substituted for subsection (1) :— "(1) The provisions contained in this section shall have effect with respect to business and procedure in Governors' legislative councils." "this Act" to be substituted for "the principal Act."
Sec. 12 .	To be inserted as a new section (81A) after s. 81.	"this Act" to be substituted for "the principal Act."
Sec. 13 .	To be inserted as a new section (72E) after s. 72D.	———
Sec. 14 .	To be inserted as a new section (80B) after s. 80A.	The following new section to be inserted at the end thereof :— "80c. It shall not be lawful for any member of any local legislative council to introduce, without the previous sanction of the Governor, Lieut-Governor or Chief Commissioner, any measure affecting the public revenues of a province or imposing any charge on those revenues."
Sec. 15	To be inserted as a new section (52A) after s. 52.	"this Act" to be substituted for "the principal Act or this Act" and for the principal Act and this Act.

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Sec. 16 (1) and (3).	To be inserted as a new section (52B) after s. 52A.	"the Government of India Act, 1919," to be substituted for "this Act," where those words first occur, and "that Act" to be substituted for "this Act," where those words secondly occur, and "that Act or this Act" to be substituted for "this Act," where those words thirdly occur.
Sec. 16 (2).	To be inserted as a new sub sec. (2) of s. 84.	"Nothing in the Government of India Act, 1919, or this Act" to be substituted for "Nothing in this Act" and "this Act" to be substituted elsewhere for "the principal Act."
Sec. 17-23 inclusive.	To be inserted as new sections in lieu of ss. 63 and 64, and numbered 63, 63A, 63B, 63C, 63D, 63E, and 64.	"this Act" to be substituted for "the principal Act."
Sec. 24 (2).	To be inserted as sub-section (1) of section 67 in lieu of the existing sub-section (1)	"this Act" to be substituted for "the principal Act."
Sec. [illegible] (3)-(7).	To be inserted as sub-sections (3)-(7) of section 67 in lieu of the existing sub-section (3)	"this Act" to be substituted for "the principal Act."
Sec. 25 and 26	To be inserted as new sections (67A and 67B) after s. 67.	
Sec. 29.	To be inserted as a new section (43A) after s. 43.	

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Sec. 33. .	To be inserted as a new section (19A) after s. 19.	"this Act" to be substituted for "the principal Act" and "the Government of India Act,1919," to be substituted for "this Act,"
Sec. 34 .	To be inserted as new section (11) in lieu of sections 1 to 14 inclusive.	For the words from the beginning of the section down to and including the words "effect and" there shall be substituted the words "Subject to the provisions of the act."
Sec. 35 .	To be inserted as a new section (29A) after s. 29.	"this Act" to be substituted for "the principal Act."
Sec. 36,38, 39, and 40	To be inserted as new sections (96B,96C,96D, and 96E) after section 96A. constituting a new Part (VIIA.)after Part VII.	"this Act" to be substituted for "the principal Act," and "the Government of India Act,1919." to be substituted for "this Act." except in section 40.
Sec. 37 (1)	To be inserted as a new sub-sec. (6) of s. 97.	"this section" to be substituted for "section ninety-seven of the principal Act," and "any rules made under this sub-section" to be substituted for "any rules made under this section."
Sec. 41 .	To be inserted as a new section (84A) after s. 84, constituting a new Part (VIA) after Part VI.	"The Government of India Act, 1919" to be substituted for 'this Act."
Sec. 42 .	To be inserted as a proviso to s. 124.	"Provided that notwithstanding anything in this Act" to be substituted for "Notwithstanding anything in section one hundred and twenty-four of the principal Act."

Provision of Act.	Place and Method of Incorporation in the Principal Act.	Modifications.
Sec. 44 .	To be inserted as a new section (129A) at the beginning of Part XII.	"this Act" to be substituted for "the principal Act" and for "this Act or under the principal Act-"
Sec. 46 .	To be inserted as a new paragraph at the end of s. 134.	"in this Act" to be omitted, and "this Act" to be substituted for "the Principal Act" and for "the principal Act or this Act."
Sec. 47 (3) and (4)	To be inserted as new paragraph at the end of s. 130.	"this Act" to be substituted for "the principal Act" and for "the principal Act as amended by this Act."
First Schedule.	To be inserted in lieu of Schedule I.	

PART II.

The provisions of the principal Act specified in the first column of this table shall be amended in the manner shown in the second column.

Table.

Section of Act.	Amendment.
2	In sub-section (2) "or rules made thereunder" shall be inserted after "this Act." The following sub-section shall be substituted for sub-section (3) :— "(3) The salary of the Secretary of State shall be paid out of moneys provided by Parliament, and the salaries of his under-secretaries and any other expenses of his department may be paid out of the revenues of India or out of moneys provided by Parliament."

Section of Act.	Amendment.
3 (1)	"eight" shall be substituted for "ten," and "twelve" shall be substituted for "fourteen," and the following words shall be inserted at the end of the sub-section :— "Provided that the Council as constituted at the time of the passing of the Government of India Act, 1919, shall not be affected by this provision, but no fresh appointment or re-appointment thereto shall be made in excess of the maximum prescribed by this provision."
3 (3)	"one-half shall be substituted for "nine," and "India" shall be substituted for "British India."
3 (4)	"five years" shall be substituted for "seven years," and the following words shall be inserted at the end of the sub-section :— "Provided that the tenure of office of any person who is a member of the Council at the time of the passing of the Government of India Act, 1919, shall be the same as though that Act had not been passed."
3 (8)	The following sub-sections shall be substituted for this sub-section :— "(8) There shall be paid to each member of the Council of India the annual salary of twelve hundred pounds : Provided that any member of the Council who was at the time of his appointment domiciled in India shall receive, in addition to the salary hereby provided, an annual subsistence allowance of six hundred pounds. Such salaries and allowances may be paid out of the revenues of India or out of moneys provided by Parliament. (9) Notwithstanding anything in any Act or rule, where any person in the service of the Crown in India is appointed a member of the Council before the completion of the period of such service required to entitle him to a pension or annuity, his service as such member shall, for the purpose of any pension or annuity which would have been payable to him on completion of such period be reckoned as service under the Crown in India whilst resident in india."

Section of Act.	Amendment.
5	The words of this section from and including the words "but every order" to the end of the section shall be omitted.
6	For "not less than five members are present" there shall be substituted "such number of members are present as may be prescribed by general directions of the Secretary of State."
8	For "week" there shall be substituted "month."
10	For "all business of the Council or committees thereof is to be transacted" there shall be substituted "the business of the Secretary of State in Council or the Council of India shall be transacted, and any order made or act done in accordance with such direction shall, subject to the provisions of this Act, be treated as being an order of the Secretary of State in Council."
19	The words of this section from the beginning down to and including "Provided that" shall be omitted.
20(2)(*d*)	After "under this Act" there shall be inserted "except so far as is otherwise provided under this Act."
21	At the beginning of this section there shall be inserted "subject to the provisions of this Act and rules made thereunder."
27(9)	After "revenues of India" there shall be inserted "or out of moneys provided by Parliament."
29	In sub-section (1) at the beginning there shall be inserted the words :— "Subject to the provisions of this Act regarding the appointment of a High Commissioner for India."
30	After sub-section (1) the following sub-section shall be inserted. "(1A) A local Government may on behalf and in the name of the Secretary of State in Council raise money on the security of revenues allocated to it under this Act, and make proper assurances for that purpose, and rules made under this Act may provide for the conditions under which this power shall be exercisable."

Section of Act.	Amendment.
	In sub-section (2) "sub-section (1) of this section" shall be substituted for this "section."
31	"Indian legislature" shall be substituted for "Governor General in Legislative Council."
33	At the beginning of the section there shall be inserted "Subject to the provisions of this Act and rules made thereunder."
35	This section shall be omitted.
37	"ordinary" in sub-sections (1) and (2) shall be omitted. In sub-section (2) for the words from and including "five or" to the end of the sub-section there shall be substituted "such as His Majesty thinks fit to appoint." In sub-section (3) "at the time of their appointment" shall be omitted, after "Scotland" there shall be inserted "or a pleader of a High Court," and "ten" shall be substituted for "five." In sub-section (4) for "person appointed as ordinary member of the council" there shall be substituted "member of the council (other than the Commander-in-Chief for the time being of His Majesty's forces in India)." At the end of the section the following new sub-section shall be inserted :— "(5) Provision may be made by rules under this Act as to the qualifications to be required in respect of the members of the Governor-General's Executive Council in any case where such provision is not made by the foregoing provisions of this section."
37	The following section shall be substituted for section thirty-seven :— "37. If Commander-in-Chief for the time being of His Majesty's forces in India is a member of the Governor-General's executive Council he shall, subject to the provisions of this Act, have rank and precedence in the Council next after the Governor-General"
39	In sub-section (2) for "one ordinary member of the Council" there shall be substituted "one member of the Council (other than the Commander-in-Chief)."

Section of Act	Amendment.
40	At the end of sub-section (1) there shall be inserted—"and when so signed shall not be called into question in any legal proceeding on the ground that they were not duly made by the Governor-General in Council."
42	For "ordinary member" there shall be substituted "member (other than the Commander-in-Chief)."
45	At the beginning of the section there shall be inserted "Subject to the provisions of this Act and rules made thereunder."
46	The following sub-section shall be substituted for sub-section (2):— "(2) The Governors of the said presidencies are appointed by His Majesty by warrant under the Royal sign Manual, and the Governors of the said provinces shall be so appointed after consultation with the Governor-General." In subsetion (3) "the Governors' provinces" shall be substituted for "those presidencies" and "province" shall be substituted for presidency."
47	In sub-section (2) "One at least of them must be a person who at the time of his appointment has been" shall be substituted for "Two at least of them must be persons who at the time of their appointment have been." The following sub-section shall be substituted for sub-section (3):— "(3) Provision may be made by rules under this Act as to the qualifications to be required in respect of members of the executive Council of the Governor of a province in any case where such provision is not made by the foregoing provisions of this section."
48	"province" shall be substituted for "presidency."
50(2)	"province" shall be substituted for "presidency."
53(1)	For the words from the beginning down to "the Punjab and" (inclusive) there shall be substituted "The province of," and the words "with or without an executive Council" shall be omitted.

Section of Act.	Amendment.
57	At the end of the section there shall be inserted "an order made as afore-said shall not be called into question in any legal proceedings on the ground that it was not duly made by the Lieutenant-governor in Council"
58	"Assam, the Central Provinces," shall be omitted.
65	For "Governor-General in Legislative Council" there shall be substituted "Indian Legislature."
67	"either chamber of the Indian Legislature" shall be substituted for "the Council." At the end of sub-section (2) the following shall be inserted— (*i*) regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under this Act to be subject to Legislation by the Indian Legislature ; or (*ii*) repealing or amending any Act of a local Legislature ; or (*iii*) repealing or amending any Act or ordinance made by the Governor-General. (2A) Where in either chamber of the Indian Legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor-General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquility of British India, or any part thereof, and may direct that no proceedings, or that no further proceedings, shall be taken by the chamber in relation to the Bill, clause, or amendment ; and effect shall be given to such direction."
68	"Bill" shall be substituted for "Act" and "a Bill" for "and Act ;" "by both chambers of the Indian Legislature" shall be substituted for "at a meeting of the Indian Legislative Council," and "whether he was or was not present in Council at the passing thereof" shall be omitted. "A Bill passed by both chambers of the Indian Legislature shall not become an Act" shall be substituted for "An

Section of Act.	Amendment.
	Act of the Governor-General in Legislative Council has not validity."
	"in Council" shall be inserted after "His majesty" and "to the Governor-General through the Secretary of State in Council" shall be omitted.
69	"Indian Legislature" shall be substituted for "Governor-in Legislative Council;" "in Council;" shall be inserted after "His Majesty" and "through the Secretary of State in Council' shall be omitted.
70	This section shall be omitted.
71(2)	"Indian Legislature" shall be substituted for Governor-General in Legislative Council."
72	"Indian Legislature" shall be substituted for "Governor-General in Legislative Council."
73	In sub-section (1) "a Governor or of" shall be omitted and "and of members nominated or elected as hereinafter provided " shall be substituted for "with the addition of of members nominated or elected in accordance with rules made under this Act." In sub-section (3) "as hereinafter provided" shall be substituted for "in accordance with rules made under this Act.')
74	This section shall be omitted.
75	This section shall be omitted.
76	In sub-section (1) "section" shall be substituted for "Act" and the following proviso shall be substituted for the existing proviso:— "Provided that the number of members so nominated or elected shall not, in the case of the Legislative Council of a Lieutenant-Governor, exceed one hundred." In sub-section (2) "non-officials" shall be substituted for "persons not in the civil or military service of the Crown in India." In sub-section (4) "Indian Legislature or the local legislature" shall be substituted for "Governor-General in Legislative Council."

Section of Act	Amendment
78	The following provision shall be inserted at the beginning of sub-section (1):— "A Lieutenant-Governor or a Chief Commissioner who has a Legislative Council may appoint such times and places for holding the sessions of his legislative council as he thinks fit, and may also, by notification or otherwise, prorogue the Council, and any meeting of the Legislative council of a Lieutenant-Governor or a Chief-Commissioner may be adjourned by the person presiding." In sub-section (2) "in accordance with rules made under this Act" shall be omitted. For sub-section (3) the following sub-section shall be substituted:— "(3) All question at a meeting of the Legislative Council of a Lieutenant-Governor or Chief Commissioner shall be determined by a majority of votes of the members present other than the Lieutenant-Governor, Chief Commissioner, or presiding member, who shall, however, have and exercise a casting vote in case of inequality of votes. (4) Subject to rules affecting the Council, there shall be freedom of speech in the Legislative Councils of Lieutenant Governors and Chief Commissioners. No person shall be liable to any proceedings in any court by reason of his speech or vote in those Councils or by reason of anything contained in any official report of the proceedings of those Councils."
79	This section shall be omitted.
80	In sub-section (1) after "local Legislative Council," there shall be inserted "(other than a Governor's Legislative Council)." Sub-section (2)shall be omitted. In sub section (3) after "local Government" there shall be inserted "of a province other than a Governor's province," the word "Governor," where it occurs immediately before the word "Lieutenant-Governor," shall be omitted, and "Indian Legislature" shall be substituted for "Governor-General in Legislative Council."

Section of Act.	Amendment.
	At the end of the section the following new sub-section shall be inserted:— "The local Government of any province (other than a Governor's province) for which a local Legislative Council is hereafter constituded under this Act shall, before the first meeting of that Council, and with the sanction of the Governor-General in Council, make rules for the conduct of Legislative business in that Council (including rules for prescribing the mode of promulgation and authentication of laws passed by that council). (5) The local Legislature of any such province may, subject to the assent of the Lieutenant-Governor or Chief-Commissioner, alter the rules for the conduct of Legislative business in the local Council (including rules prescribing the mode of promulgation and authentication of laws passed by the Council) but any alteration so made may be disallowed by the Governor in Council, and if so disallowed shall have no effect."
81	Throughout sub-sections(1) and (2) and in sub-section (3) where it first occurs, for "Act," there shall be substituted "Bill" and in sub-section (1) "by" shall be substituted for "at a meeting of." For "an Act" there shall be substituted "a Bill" and for "has no effect" there shall be substituted "shall not become an Act."
82	For "any such Act" where those words occur for the first and third times, there shall be substituted "an Act" and for those words where they occur for the scond time there shall be substituted "the Act." In sub-section (1) after "His Majesty" there shall be in "Council" and the words through the Secretary of State in Council shall be omitted.
83	This section shall be omitted.
84	"an Act of the Indian legislature" shall be substituted for "a law made by the Governor-General in Legislative

Section of Act.	Amendment.
	Council" and "non-official members" shall be substituted for "members not holding office under the Crown in India."
	In paragraph (c) "an Act of" shall be substituted for "a law made by."
86	In sub-section(1) "ordinary" shall be omitted, and after the words "Executive Council" where they first occur there shall be inserted the words "(other than the Commander-in-Chief)."
87	"ordinary" shall be omitted and after "Governor-General," where it occurs for the second time, there shall be inserted "other than the Commender-in-chief)."
89	In sub-section (4) for "ordinary member of the Council" where it occurs for the second time, there shall be substituted "member of the council (other than the Commander-in-Chief)."
90	In sub-section (1) after "Governor" there shall be inserted "of a presidency."
	In sub-section (4) 'ordinary' shall be omitted, and after, "executive council" there shall be inserted "(other than the Commander-in-Chief)."
92	"a member," shall be substituted for "an ordinary member" and for "any ordinary member," and after "executive council of the Governor-General" there shall be inserted "(other than the Commander-in-chief)"
	In sub-section (5)(a) "under this Act" shall be omitted.
93 (1)	"either chamber of the Indian legislature" shall be substituted for "the Indian Legislative Council."
95	Before "offices" wherever that word occurs before "Officers" and before "promotions" where it occurs for the second time, there shall be inserted "military."
97	"Section 96 A of this Act" shall be substituted for "the foregoing section."
110	In sub-section (1) after "Governor or Lieutenaut-Governor" there shall be inserted "and minister appointed under this Act."

Section of Act	Amendment.
124	In sub-section (4) after "Lieutenant-Governor" where it secondly occurs, there shall be inserted "or being a minister appointed under this Act."
131	"Indian legislature" shall be substituted for "Governor-General in Legislative Council."
134(4)	The following paragraph shall be substituted for paragraph (4):— "(4) "Local Government" means, in the case of a Governor's province, Governor in Council or the Governor acting with ministers (as the case may require), and, in the case of a province other than a Governor's province, a Lieutenant-Governor in Council, Lieutenant-Governor or Chief Commissioner. "Local Legislative Council" includes the Legislative Council in any Governor's province, and any other Legislative Council constituted in accordance with this Act. "Local Legislature" means, in the case of a Governor's province, the Governor and the Legislative council of the province, and, in the case of any other province, the Lieutenant-Governor or Chief Commissioner in Legislative council."
135	The following section shall be substituted for section 135:— "135. This Act may be cited as the Government of India Act."
Second Schedule	The following Schedule shall be substituted for the Second Schedule:—

SECOND SCHEDULE.

OFFICIAL SALARIES, ETC.

Officer.	Maximum Annual Salary.
Governor-General of India . .	Two hundred and fifty-six thousand rupees.
Governor of Bengal, Madras, Bombay and the United Provinces.	One hundred and twenty-eight thousand rupees.

Section of Act.	Amendment.	
	Commander-in-Chief of His Majesty's forces in India.	One hundred thousand rupees.
	Governor of the Punjab Bihar and Orissa.	One hundred thousand rupees.
	Governor of the Central Provinces.	Seventy-two thousand rupees.
	Governor of Assam	Sixty-six thousand rupees.
	Lieutenant-Governor	One hundred thousand rupees.
	Member of the Governor-General's executive Council (other than the Commander-in-Chief).	Eighty thousand rupees.
	Member of the executive Council of the Governor of Bengal, Madras, Bombay, and the United Provinces.	Sixty-four thousand rupees.
	Member of the executive Council of the Governor of the Punjab and Bihar and Orissa.	Sixty thousand rupees.
	Member of the executive Council of the Governor of the Central Provinces.	Forty-eight thousand rupees.
	Member of the executive Council of the Governor of Assam.	Forty-two thousand rupees.

Third Schedule. The following Schedule shall be substituted for the third Schedule*—

THIRD SCHEDULE.

OFFICES RESERVED TO THE INDIAN CIVIL SERVICE.

A.—Offices under the Governor-General in Council.

1. The offices of secretary, joint Secretary, and deputy secretary in every department except the Army, Marine, Education, Foreign, Political, and Public Works Departments: Provided that if the office of secretary or deputy secretary in the Legislative Department is filled from

* Section 98.

Section of Act.	Amendment.

among the members of the Indian Civil Service, then the office of deputy secretary or secretary in that department, as the case may be, need not be so filled.

2. Three offices of Accountants General.

B.—Offices in the provinces which were known in the year 1861 as "Regulation Provinces."

The following offices, namely :—

1. Member of the Board of Revenue.
2. Financial Commissioner.
3. Commissioner of Revenue.
4. Commissioner of Customs.
5. Opium Agent.
6. Secretary in every department except the Public Works or Marine Department.
7. Secretary to the Board of Revenue.
8. District or sessions judge.
9. Additional district or sessions judge.
10. District magistrate.
11. Collector of Revenue or Chief Revenue officer of a district.

Fifth Schedule — "Indian legislature" shall be substituted in the heading for "Governor-General in Legislative Council."

PART III.

Section of Act.	How dealt with.
16	To be omitted.
42	"and signifies his intended absence to the Council" shall be omitted.
45 (2)	To be omitted.
51	"and signifies his intended absence to the Council" and "civil" shall be omitted.

NOTE.—In parts I and II of the Second Schedule to this Act references to any word or expression in any provision of the principal Act or this Act apply, unless the contrary is stated to that word or expression wherever the word or expression occurs in that provision.

Section of Act.	How dealt with.
54 (2)	To be omitted.
55 (1)	In paragraph (*b*) after "illness or otherwise" there shall be inserted "and for supplying a vacancy until it is permanently filled."
65	In sub-section (1) (*d*) "airmen" shall be inserted after "soldiers" and "or the Air Force Act" shall be inserted after "the Army Act." In sub-section (2) (i) "the Air Force Act" shall be inserted after "the Army Act."
67	"naval, or air" shall be substituted for "or naval."
73 (2)	To be omitted.
81	In sub-section (1) "whether he was or was not present in Council at the passing of the Act" shall be omitted.
85	The following proviso shall be inserted at the end of sub-section (3):— "Provided that nothing in this sub section shall apply to the allowances or other forms of profit and advantage which may have been sanctioned for such persons by the Secretary of State in council."
87	For "subject to the foregoing provisions of this Act as to leave of absence" there shall be substituted "save in the case of absence on special duty or on leave under a medical certificate." After "council of a governor" there shall be inserted "or of a lieutenant-governor."
88	To be omitted.
89	"entitled under a conditional appointment to succeed to the office of Governor-General, or" and "absolutely" shall be omitted, and for "that office" there shall be substituted "the office of Governor-General."
90	In sub-section (1) "conditional or other" shall be omitted. In sub-section (3) for "this Act" there shall be substituted "section eightynine of this Act," and "respecting the assumption of the office by a person conditionally appointed to succeed thereto" shall be omitted.

Section of Act.	How dealt with
	In sub-section (4) conditional or other" shall be omitted.
91	In sub-section (1) "conditional or other" shall be omitted.
92	In sub-section (1) "conditional or other" shall be omitted. In sub-section (3) "then, if any person has been conditionally appointed to succeed to his office and is on the spot, the place of that member shall be supplied by that person, and if no person conditionally appointed to succeed to the office is on the spot" shall be omitted. In sub-section (4) "conditionally or" shall be omitted.
115	At the end of sub-section (1) the following shall be inserted :— "His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of the episcopal functions and ecclesiastical jurisdiction of the bishop during a vacancy of any of the said sees or the absence of the bishop thereof" At the end of sub-section (2) the following shall be inserted :— "and as metropolitan shall have, enjoy, and exercise such ecclesiastical jurisdiction and functions as His Majesty may by letters patent direct. His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of such jurisdiction and functions during a vacancy of the See of Calcutta or the absence of the bishop."
118	In sub-section (1) "and archdeacons" shall be omitted, and after "letters patent" there shall be inserted "and the archdeacons of those dioceses by their respective diocesan bishops."

Financial Relations Committee

The following is the full text of the report :—

Chapter I.—Preliminary.

As a preliminary to constitutional reforms, the authors of the Montagu-Chelmsford Report urged the importance of a complete separation between the finances of the Central Government in India and those of the various Provincial governments. To this end they outlined the scheme described in Chapter VIII of their report. It abrogates the present system by which certain of the main heads of revenue and expenditure are divided between the central and the provincial exchequers ; some of these it hands over wholly to the Central Government, others wholly to the provinces. Inasmuch, however, as by this rearrangement the Government of India will lose heavily the scheme proposes to compensate them, to such extent as may be necessary, to prevent a deficit in their own budget, by contributions from the provinces ; and the power to levy such contributions is taken in section 1 (2) of the Government of India Act, 1919.

2. In assessing this levy the authors of the report met with a serious obstacle in the disparity which already exists between local Governments in the pitch of their revenues and the scale of their expenditure, a disparity deep rooted in the economic position of the different provinces, their revenue history and the tale of their oft-revised financial arrangements with the Central Government. For this inequality of burdens the authors of the report found no remedy in the several alternative methods of fixing the provincial contributions which they examined. Their ultimate choice fell upon an assessment in the ratio of the gross surplus which they estimated that each province would enjoy under the new allocation of resources. In recognition of the admitted fact that this method would largely affirm existing inequalities, they advised that the whole question should be re-investigated by the statutory commission after ten years' working.

3. The Government of India, in expressing their views on the scheme, pressed for an earlier treatment of the matter—vide paragraph 61 of their despatch of the 5th Marth 1919. They described

the feeling which had been aroused against the prima facie injustice of the exemplar figures given in the report. They urged that any such settlement should be recognised as temporary and provisional, and that steps be taken as soon as possible to fix a standard and equitable scale of contributions.....towards which the provinces will be required to work by stages, as a condition of the new arrangements." They proposed the appointment of a Committee on Financial Relations to advise on the subject. This recommendation was accepted and endorsed by the Joint Select Committee of Parliament which sat on the Reform Bill. We were accordingly appointed by the Secretary of State, and given the following terms of reference :—

To advise on—

(*a*) the contributions to be paid by the various provinces to the Central Government for the financial year 1921-22 ;

(*b*) the modifications to be made in the provincial contribution thereafter with a view to their equitable distribution until there ceases to be an all India deficit ;

(*c*) the future financing of the provincial loan accounts and ;

(*d*) whether the Government of Bombay should retain any share of the revenue derived from income tax.

Clause (*d*) of these instructions was a latter addition made at the instance of the Government of Bombay, and was not communicated to us until we had completed our consultations with several of the larger provinces.

4. We formally opened our inquiry at Delhi on the 5th February 1920. We then visited in turn Allahabad, Patna, Calcutta, Rangoon, Madras, Bombay and Lahore. Pressure of time compelled us to ask that the consideration of the cases of Assam and the Central Provinces should be undertaken at Calcutta and Bombay, respectively, and we are indebted to the two Chief Commissioners for meeting us in this request at some inconvenience to themselves. Our procedure was to discuss the subjects of our inquiry in each province with the Member of the Executive Council who holds the financial portfolio, or, in provinces where there is no Council, with the Secretary in charge of the Financial Department, and with such other officials as those gentlemen introduced. Sir Nicholas Beatson-Bell, the Chief Commissioner of Assam, presented the case of his province in person. After taking the official evidence we met these members of the Finance Committee of the provincial legislature who were ready to favour us with their views. We finally received such members of the general public or representatives of public bodies as offered themselves for examination. In most cases we had informal consultations with the Head of the Province ; and the local Government of Bombay as a whole accorded us two interviews.

Chapter II—the Government of India's Deficit

5. In order to effect the desired separation of central from provincial finance, the Montagu-Chelmsford Report (paragraph 203) proposes that the central exchequer should receive the whole of the Income-tax and the revenue from General Stamps; and that the provinces should retain the entire receipts from Land Revenue, Irrigation, Excise and Judicial Stamps, while they should be wholly responsible for the corresponding charges and for all expenditure in connection with famine. We read the Joint Select Committee of Parliament as approving this redistribution, and we considered that it would be outside our duty to advise any alteration of the scheme in the respect unless we found the strongest reason for a change. The argument addressed to us on this branch of the subject have related mainly to Income-tax and General Stamps. Certain local Governments have remonstrated against losing a share in those two heads, and the plea for making the whole or at least one half, of the income tax receipts a provincial asset was pressed with special earnestness in Bombay. Under our instructions we have to report on the point for that presidency, but we have found it difficult to treat the issue as applicable to one province only. The grounds of the Bombay claim are common to all provinces, and more especially to those in which large commercial and Industrial activities are centred.

6. The basic objection to the transfer of Income tax is that the provinces will thus be deprived of any share in a head of revenue which has recently shown a remarkable capacity for expansion, while they are left to finance their rapidly growing administrative needs with heads of revenue in which the increase is slow or problematical. How far the remarkable growth of the income-tax receipts in late years has been stimulated by war conditions, we have not attempted to estimate; but we are assured that large improvements are being made in the assessment staff and in their methods, and that a rapid and continuous growth in the return may be counted upon. Several Local Governments urge that the yield from income-tax is the only direct contribution to their public revenue which is made by the industrial wealth of their province, and Governments, which administer great mercantile and manufacturing centres like Calcutta and Bombay, claim special consideration for the heavy expenditure in which those centres involve them. To these arguments the Bombay Government added their apprehension that a time may come when a local Government may not be anxious to direct, or its officers zealous to enforce, the collection of a tax which bring no grist to the provincial mill. This

last contention was put forcibly ; but we presume that the Government of India will not be powerless to require the fulfilment by a provincial Government of its obligations under the new constitution, and that public service will not be revised in carrying out public duties with which they can be charged by law.

7. We doubt if it will be possible permanently to exclude Local Governments from some form of direct taxation upon the industrial and commercial earnings of their people; and we recognise the natural anxiety of provinces to retain a share in a rapidly improving head of revenue. But, so far as the income-tax is concerned, we see no reasons to vary the scheme of the Report. We accept as valid the arguments given by its authors (paragraph 203) ; indeed, the second of these arguments seems to us capable of further extension in the case of public companies with share-holders scattered over India and elsewhere. We advise, therefore, that the whole of the income-tax proceeds be credited to the Central Government. Their needs in the near future are likely to be quite as great and to develop quite as rapidly, as those of the provinces ; while we do not apprehend that the richer provinces, such as Bombay, will be seriously handicapped in the administration of their own finances. We append, and shall allude to them hereafter, some figures which indicate that several of the provinces, and Bombay in particular, may look for reasonable elasticity in their revenues apart from the income-tax—an elasticity which will in most cases be encouraged by judicious capital outlay.

Percentage of growth in the Last Eight Years
(1912-13 to Budget 1920-21)

Unde the Proposed Provincial Heads.

Provinces.	Excise.	General Stamps.	Land Revenue and other Provincial heads	All Provincial heads.
Madras ...	70·24	63·22	11 66	29·06
Bombay ...	102·57	119·31	32·00	52·43
Bengal ...	35·91	69·49	13·52	22·30
United Provinces.	43·70	45·75	17·13	23·82
Panjab ...	106·78	73·73	26·86	34·88
Burma ...	36·15	26·62	33·52	33·65
Bihar and Orissa	24·20	55·29	4·53	11·20
Central Provinces	49·00	48·25	26·30	33·18
Assam ...	44·26	22·22	20·60	28·00
All the nine Provinces. ...	62·27	69·24	20·98	30·48

8. The case of General Stamps is somewhat different. We have approached it, in the first instance, from the point of view of the poorer Provinces. Some of these, it seems clear, would start with little or no surplus revenue under the allocation of resources proposed in the report; and this would be both a misfortune in itself and at variance with what we believe to be the intention, if not the implied promise, of the report. No remedy suggests itself except some extension of the schedule of provincial heads; doles and temporary assistance would be inconsistent with the whole policy. In this view, and also because it will greatly facilitate our initial distribution of the central deficit, we advise that General Stamps be made a provincial head throughout. The arguments in the report for crediting it to the Central Government have not the same force as in the case of income-tax. We are not disposed to see grave disadvantage in different rates of stamp duty in different provinces, at least on some of the transactions for which duty has to be paid; and any uniformity which may be decided to be essential can always be secured by central legislation. Moreover, in this part of the arrangements, there is still the taint of a divided head, for General and Judicial Stamps are controlled by the same agency, and there is a good deal of miscellaneous work and outlay common to both. To make the whole of the Stamp revenue provincial would secure a genuine and complete separation of resources; and we trust that the reasons for this course will outweigh the only consideration on the other side, to wit, the extent to which the deficit in the all India budget will thereby be increased.

9. That deficit we accept, subject to certain arithmetical adjustments described below, as amounting in the year 1921-22 to 10 crores, composed of the 6 crores previously estimated by the Government of India plus 4 crores for the loss of General Stamps which we propose. We have carefully examined the basis of this calculation. Clearly, we have no authority to criticise the military and financial policy on which it so largely rests; and we have restricted ourselves to a scrutiny of the budget arrangements of the Government of India, past and present, and of the normal growth of their revenue and expenditure. Factors of great uncertainty,—the needs of India's defence, her tariff policy and the future of exchange among others,—complicate the estimate, but we are satisfied that the Government of India have made reasonable allowance for those considerations in their forecast of the immediate financial future. On our tour in the provinces, it has been pressed upon us that the Government of India ought to meet their own deficit by special taxation, and a high protective tariff has

frequently been mentioned to us as an easy solution of the problem. On this latter question we naturally express no opinion : but we cannot see that the Government of India would have any justification in imposing special taxation to make good their initial shortage of revenue, at a time when the shortage in question will be more than counterbalanced by the additional resources enjoyed by local Government. As we have said, therefore, we accept the estimate of the normal deficit for the first year of the new constitution. We cannot conceal from ourselves the disadvantages in ordinary circumstances of a system of provincial contributions and we anticipate that the Government of India will direct its financial policy towards reducing those contributions with responsible rapidity, and their ultimate cessation. We recognise that it would be imprudent on the part of the Central Government to give any guarantee of the precise pace of reduction ; but we think that a formal enunciation of the general policy would go some way to allay apprehensions which have been expressed to us. Such a policy would clearly be subject to the important reservation mentioned in the report, by which the Central Government must remain empowered to levy special contributions, by way of temporary loan or otherwise, from the provinces in the event of any crisis of first importance.

10. In arriving at the figure which has actually to be distributed over the Provinces we have had to make certain adjustments. One of these is special and local, and we may dispose of it at once on the clear understanding that our treatment of the matter is entirely subject to the approval of the Government of India. It relates to the incidence of the cost of the military police force in Burma. The Government of the province, we understand, is discussing the point with the Government of India ; and their view, as expressed to us, is that 68 percent of the expenditure on the force is incurred for further defence and ought to be deficit to the central power. The figures originally before us had suggested a division of the cost of the force equally between the Government of India and Burma, but the Local Government now presses for more generous treatment and estimates that the share of the outlay on the military police which is equitably chargeable to the province is only 1742 lakhs against the 31·58 lakhs which had been taken in an earlier calculation. Subject to the assent of the Government of India, we have provisionally accepted this view ; and we are reducing the provincial expenditure accordingly, and making an equivalent addition to the charges, and thus to the deficit, of the Central Government. The main adjustments that have been suggested however, are concerned with the payment of pensions. At present the Central

Government is debited with all civil pensions drawn outside India whether the pensioner has served in a province or in an imperial department, and no debit is raised against the provinces concerned. On the other hand, pensioners whose service has been under the Central Government are paid by the province in which they reside, which received nothing in recoupment. It has been suggested that pensions paid outside India ought to be debited to the provinces when they are paid to provincial servants and simultaneously that the Government of India should relieve the provinces by paying their own pensioners. So far as the future is concerned, the propriety of this change is beyond question. Doubts, however, occured to us regarding existing payments. Exchange complications and difficulties of exact allocation interfere with precision; while other and more general considerations point on the whole to the advisability of retaining on the books of the Central and Provincial Governments respectively the pensions for which they are at present responsible. We advise, therefore, that the readjustments of debits should take place only for pensions sanctioned on or after the 1st April 1921, and that pensions drawn before that date should be allowed to work themselves off on the present footing; this arrangement being definitely made a feature in the financial settlement. We may note incidentally with reference to a point raised by the Panjab, that provinces have no claim on any annuity fund in respect of those members of the Indian Civil Service from whose pay a 4 per cent deduction has until recently been made under the general rules in the Civil Service Regulations. There is in fact no annuity fund in such cases, and the deduction has simply lapsed to provincial revenues. The result of our recommendations in this matter is that it does not necessitate any immediate change in the all-India deficit. the net growth of their pension liabilities in future is a relatively small matter for which the provinces may be left to make provision without special assistance. The last adjustment to be made is on account of leave allowances drawn outside India. These are paid at present in the same way as pensions drawn outside India, in future they ought certainly to be debited to the provinces concerned. The normal liability on this account can approximately be calculated and the Secretary of State has given us a figure of £311,000 for the nine provinces affected by our enquiry. We have converted this at two shillings to the rupee, distributed the liability among the provinces and subtracted 31·10 lakhs from the Imperial charges and deficit. The latter thus works out to 10 crores plus 14·16 lakhs for the Burma Military police minus 31·10 lakhs for leave allowances; 983·06 lakhs net.

Chapter III.—The Initial Contributions.

II. We can now proceed to fix the ratio in which each of the nine provinces should contribute to this figure of 983 lakhs in the year 1921-22. It will clear the ground to state at the outset a limiting consideration by which we have felt ourselves bound. This is an obligation to leave each province with a reasonable working surplus—a surplus which we should prefer to calculate so far as possible, with some relation to the general financial position of the province and the more imminent claims upon its resources. From the preliminary enquiry conducted at Simla in October last, it is apparent that in certain provinces no surplus at all and in others no adequate surplus, would have been possible without provincialisation of the revenue from General stamps and our task would thus in our judgement have been futile. Looked at somewhat differently, the limit we have imposed on ourselves is that in no case may a contribution be such as would force the province to embark on new taxation *ad hoc*, which to our minds would be an unthinkable sequel to a purely administrative rearrangement of abundant general resources. This limit, however, obvious as it is, makes it inevitable that the initial contributions should be in some measure arbitrary, dictated by the existing financial position of each province and not by any equitable standard such as its capacity to pay. Whatever standard ratio of contributions we might advise,—and a subsequent chapter will narrate our proposal in that direction,—it would have, were it to be applied immediately, the effect of starting some provinces on their new career with deficit, and we have thus to accept some measure of transition.

12. We have now to explain our reasons for suggesting a departure from the basis of initial contribution proposed in the Montague-Chelmsford report. We are aware that that basis was not lightly adopted, and only after consideration of various alternative basis,—population, provincial, revenue or expenditure, and the like—which for one reason or another were thought inapplicable to existing conditions. The basis of realised surplus was finally accepted partly because of the difficulty of finding a preferable alternative, partly because at all events it did not add to, though it continued, existing disparities of contribution That it has been freely criticised in evidence before us as unequitable is certainly not fatal to it, for indeed every initial basis that can be suggested is open to some such criticism, but examination has revealed some objections to it which weigh with us.

13. Obviously if any inequalities of contribution exist, the basis chosen tends to stereotype them while by disclosing them it

renders them more difficult to justify ; for each province is now able to see more clearly than under the former system its relative contribution to the purse of the Government of India. While actual deficits appear, as has been said, in some provinces, others complain that their apparent surplus, if rightly understood, makes a real deficit. The prospect of arriving at any accepted figures as a basis appears remote. While the figures of the Simla Conference as to normal provincial revenue are accepted with minor modifications of detail, the estimates of normal expenditure in each province are strongly contested. How much of the expenditure held over during the war, are clearly imminent if not already sanctioned and ought to be included in the calculation of normal expenditure ? Where is the dividing line to be drawn between expenditure essential in the immediate future and expenditure foreseen as a future commitment? Ought a province to be penalised by an increase of its contribution for strict adhesion to economy during the war while another province, which had increased its expenditure more freely is rewarded by a reduced contribution? Is adequate allowance made for the special conditions of a largely undeveloped province like Burma, or for the circumstances of a recently established province like Behar and Orissa which claims that it has never received from its start resources adequate to its needs? No satisfactory results seemed likely to be reached by our attempting to act as a court of appeal in contentions of this kind. Moreover the artificial and temporary nature of the basis cannot be overlooked. It is too much determined by mere accidents of budgetting in spite of attempts to clear away abnormalities of expenditure. But even if a normal surplus can be agreed at the moment, it tends to be obscured or to disappear in the budgets of succeeding years. How could a contribution be levied in later years on the basis of a so-called normal surplus which did doubtless once exist and might be said to be implied in the economic life of the province, but which in fact had disappeared to be replaced by a totally different surplus or perhaps by a deficit? The best argument for the basis of realised surplus was that, when originally recommended, it did recognise existing facts, that it appeared to leave all the provinces collectively with improved finances and each individual province with a surplus, and that it proceeded upon the principle of creating the minimum of financial disturbance in introducing the Reforms scheme.

14. But these advantages can be secured by another solution, which after careful consideration we think is less open to question. It must be noted that even if the original classification of sources of revenue in the Montagu-Chelmsford report is strictly adhered to, each one of the provinces gains something in revenue, while some

gain very substantially in consequence of the introduction of the Reform scheme. If our recommendation as to General Stamps is accepted, the net increase in the total income of all the provinces taken together works out at 1850 lakhs. These additional resources represent what the central Government loses and the provinces gain under the redistribution. Some parts of them the former may reasonably retain and latter forego, so long as contributions to the central Government remain necessary. Even those provinces which were found at the Simla Conference to be in deficit secured some improvement in their revenues under the original classification, an improvement which will of course be increased by the addition of General Stamps. It has been urged upon us that this increased spending power will in fact be swallowed up by the higher cost of administration, by improvement of old services, or by inauguration of new. At this stage, however, we are considering merely the revenue side of the account. These future liabilities would have had to be faced by each province, if no Reforms Scheme had come. Each province is the better able to face them by reason of the additional resources it has secured. There is the advantage that the figures of normal revenue laid down at the Simla Conference, have been submitted to Local Governments, and with minor amendments, which we have been able to accept, are agreed as arithmetically correct. We propose, subject to the limiting consideration referred to in paragragh II, to assess the initial contribution on this increase of spending power in the provinces. The proposal has the merit of proceeding on the lines of minimum disturbance of the Financial position in each province. It will enable us to comply with the requirements of leaving each province with a surplus, and of inaugurating the new Councils without the necessity of resort to fresh taxation.

15. It is of importance to realise the nature of this transaction. In the first place it implies no judgment on the merits of previous financial settlements with any province. The increase in revenues comes to the provinces as a windfall, or as a bye-product of a constitutional change. It is not due as financial settlements have been in the past to consideration of the financial needs of individual provinces. It cannot properly be quoted as an admission of financial inequalities or as an act of tardy justice to the provinces that gain by it. Clearly it has come from political and not primarily from financial motives. It originates in the desire to secure a greater measure of devolution in the provinces, and in the endeavour to draw for this purpose a defensible line of financial partition between local Governments and the Government of India. While we consider that a windfall of this nature affords a suitable basis for

initial contributions by the provinces it is not surprising to find that its application requires some modifications in view of individual circumstances.

Secondly, on this basis the system of contribution appears in a less invidious light. The Central Government in the course of a political reconstruction gives to each of the local Governments some, and to some local Governments a very considerable, increase of spending power. Finding itself in a deficit as the result of this re-construction, it withholds from each province a certain proportion of the increased resources which it is intended that the province should eventually obtain. The Central Government does not come in as raiding the hard-won surplus of a province, nor ought the Central Government to be represented, if our proposal be accepted, as the pensioner of the provinces. It can hardly be contended that a province, which has at all events decidedly improved its finances as a result of the change, has valid ground of complaint, if it does not obtain immediately the full increment which it may subsequently realise. In the cases of the provinces that gain most, it would hardly be possible for any such province to spend in the first year the whole of its suddenly increased resources ; and if it were possible, it would be financially undesirable. We think therefore that this basis affords less scope for controversy and may be accepted as both more logical and more equitable than the Montagu-Chelmsford Report.

16. A detailed calculation (of which copies are being handed to the Government of India) has accordingly been made to ascertain the net additional revenues with which each province will be endowed by the new allocation of resources. Starting on the assumption that our proposal about General Stamps will be adopted, we have worked on the figures of moral income which were accepted at the Simla Conference and on figures similarly accepted when we came to tabulate the expenditure which will be transferred to and from provinces. We took the calculations with us on tour, discussed them with the officials of each province, and made several correction at their instance. The figures of increased spending power on which we ultimately acted may be regarded as agreed figures. Certain provinces urged that they are unduly favourable to our argument, as the great rise this year in the income-tax receipts means a correspondingly greater loss to local Governments when they cease to enjoy a share of those receipts. Provision however clearly demands that all our standard should be based on figures for the same years ; and there would be advantage in elaborating a series of normal statistics different from those which specifically prepared

to assist us in our enquiry. We were also pressed to make allowances for schemes of future expenditure to which special importance was attached ; but to this we have been unable to accede as it is not our task to make budget fore-cast.

17. Having arrived in the manner indicated at the extra spending power which will accrue to each province, we first considered the possibility of securing the All-India deficit by an even rate on all the provincial figures. So far-reaching, however, is the disparity in the financial strength of the provinces that even this apparently equitable arrangement would in some cases have caused hardship. The extreme case would be that of a province which has been depending largely on doles from the central exchequer ; and difficulty arises wherever the provincial revenues are so pinched that the new resources have had to be seriously discounted to provide for the normal expenditure. We have therefore had to consider each province on its merits, relying both on the abundant statistical information which was placed at our disposal and on the insight which we gained into the general situation by our local consultations with the best expert opinion. Our recommendations may be conveniently set out in the following statement, which explains itself when read with the succeeding paragraphs :—

[In Lakhs]

Province.	Increased spending power under new distribution of revenues.	Contributions as recommended by the Committee.	Increased spending power left after contributions are paid.
Madras ...	5,76	3,48	2,28
Bombay ...	93	56	37
Bengal ...	1.04	63	11
United Provinces	3,91	2,10	1,57
Panjab ...	2,89	1,75	1,14
Burma ...	2,46	61	1,82
Bihar and Orissa ...	51	Nil.	51
Central Provinces	52	22	30
Assam ...	42	15	27
Total ...	1,850	9,83	8,67

18. The provinces which caused us most anxiety were Burma and Orissa. In the former the coming improvement in its revenues has been largely discounted by the heavy commitments necessary to

give Burma the responsible administrative conveniences which it now lacks. The province, as we have satisfied ourselves, is far behind India proper in what its Government does for the people. Profits flowing from the rice control scheme, and a wise outlay of borrowed capital, should enable rapid progress now to be made but the heavy recurring expenditure which development entails will be more imminent than the new income which it will yield. We are convinced that a very substantial share of the surplus revenues of this province should be left free, and our calculations have led us to fix on them only about six and half per cent of the total deficit ; this happens, as will be seen below, to equal what we determine as the standard ratio of contribution. In Behar and Orissa the local Government is quite the poorest in India and every special skill will be required in developing its resources. Heavy initial expenditure lies in front of what is still a new province and here is a wholly abnormal want of elasticity about its revenues. We cannot advise that any share of the deficit should be taken from Bihar and Orissa in 1921-22 and we expect that the province will be sufficiently burdened by having to work up to its standard ratio of contribution in the same period as the rest of India.

19. The two provinces which come next in difficulty are the Central Provinces and Assam. They have a small margin at the best of times, and their need for development is great. The former has a more rapidly expanding revenue than the latter, but on the other hand, its finances are more liable to disturbance by famine. On the whole we do not feel that it would be just to ask more than roughly 10 per cent of their windfall in both cases, and we have based our recommendations accordingly.

20. The special treatment of these four provinces left us with 882 lakhs to allocate among their five richer neighbours ; and this sum would be secured by a flat rate of about 60 per cent on their new revenues. After the most careful scrutiny of their various peculiarities we see no marked necessity for differential treatment inter se. In Madras and the United Provinces the windfall is so vast that it could not be employed profitably for several years. On the other hand, their revenues do not promise any remarkable elasticity, economy has been strictly practised, and considerable arrears of administrative progress are now due. In the Panjab also the windfall is large and balances are full while here the revenues move upwards with marked ease. The position is less simple for diverse reasons in Bombay and Bengal. The former has attained a scale of expenditure far above the Indian average and the pace of expansion of its revenues is distinctly higher than in any other province. We believe that it could without inconvenience forego

the greater part of its new resources at the outset, and help the less fortunate provinces from its own abundant balance. But we hesitate to differentiate it prejudicially from the other richer provinces. Bengal on the other hand has a low scale of expenditure and an inelastic revenue: and it will receive only a very moderate start in its new financial career. But its size, intrinsic wealth and general economic possibilities prevented us from treating it more favourably than the other provinces in this category.

21. On a general view of the table the heavy contributions of Madras, the United Provinces and the Punjab doubtless call for comment. Between them these three provinces have to bear 35·5 24·5 and 8 per cent respectively, of the total initial contribution making 78 per cent of the whole. Conversely, the light assessments of Bengal and Bombay contributing 6·5 and 5·5 per cent respectively of the levy will be noticed. But the character of the transaction as described above must be borne in mind. If the contribution represented some new and additional burden extracted from the wealths of the provinces, objection might fairly be taken. But it really amounts to the requirement that Madras is called upon to content itself in the initial year with an improvement in its revenue of 228 lakhs instead of a possible maximum of 576; United Provinces with an improvement of 157 lakhs instead of a possible 397 and the Punjab with an improvement of 114 lakhs instead of a possible 289. The weight of the contribution by the Provinces is the best index to the amount of their gains. both immediate, and, as will be seen, eventual, under the new financial scheme. Just because immediately they are substantial gainers, they can best afford to postpone the full enjoyment of their ultimate advantages.

22. If on the other hand it is urged that some provinces, Bengal and Bombay for instance, escape too lightly under this assessment, the answer is two-fold. In the first place they are light gainers in the new distribution of revenues, Bengal having a gross gain of 104 lakhs and Bombay of 93. Secondly, we have not overlooked the claim of certain provinces to exemption from the levy in virtue of their indirect contributions through customs and income-tax to the Government of India. While this claim is often over-stated and exaggerated, we recognised that provinces with commercial capitals such as Calcutta and Bombay make larger contributions through these channels than purely agricultural provinces; and it will be noticed that those provinces where payment to the Government of India through customs and income-tax is presumably highest make a light contribution to the provincial levy.

Chapter IV.—The Standard Contributions.

23. Our recommendation as to the ratio on which the Provinces can properly be called upon to contribute the deficit of the Government of India in the first year of contribution (paragraph 17 above) is based, as already stated, upon consideration of their present financial positions and of the immediate improvement which will be effected therein by the redistribution of revenues under the Reforms Scheme. This ratio is not intended in any manner to represent the ideal scale on which the Provinces should in equity be called upon to contribute, nor is it possible that it should do so. In making our recommendation as to the initial contributions we have had to consider established programmes of taxation and expenditure, and legislative and administrative expectations and habits, that cannot without serious mischief be suddenly adjusted to a new and more equitable ratio of contribution widely different (as an equitable ratio must admittedly be) from that of the past. It is accordingly inevitable, if such mischief is to be avoided, that the ratio for initial contributions should bear little relation to that which would be ideally equitable. But an initial ratio of this nature can only be defended as a measure of transition. It is necessary, but it is necessary only in order to give time to the Provinces to adjust their budgets to a new state of affairs; and we are clearly of opinion that no scheme of contribution can be satisfactory that does not provide for a more equitable distribution of the burden of the deficit within a reasonable time.

24. The ideal basis for such an equitable distribution can be stated with some certainty. To do equity between the Provinces it is necessary that the total contribution of each to the purse of the Government of India should be proportionate to its capacity to contribute. Unfortunately the application of this principle in practice presents many difficulties.

25. The total contribution of a Province to the purse of the Government of India will consist in future of its direct contribution towards the deficit, together with its indirect contribution (as at present) through the channels of customs, income-tax, duties on salt, etc. A valuation of the amount of this indirect contribution involves an exact arithmetical calculation of the proportion of the total sum collected under each of these heads of revenue which is properly attributable to each Province. For such a calculation the statistical information available as to the distribution of the revenue between the Provinces is not adequate. Under the head of customs the locality in which dutiable articles are consumed cannot be traced with sufficient accuracy; under that of income-tax, questions of

the utmost complexity arise as to the true local source of the income assessed—questions which the information in the hands of the assessing officers does not enable them to answer. We have nevertheless carried our investigation into this matter as far as available information permits, and by means of an examination of the statistics concerning the distribution of articles which have paid customs duty, and of those concerning the place of collection of income-tax, together with a review of the more general circumstances of the economic life of the Provinces we have found it possible to arrive at an estimate of the weight which should be given in fixing the basis for equitable contributions by the Provinces, to their indirect contributions.

26. Turning to the other circumstance which must be considered in fixing the ideal basis for an equitable distribution—the capacities of the Provinces to contribute—we find practical difficulties no less great than in the exact arithmetical calculation of the quantities involved. The capacity of a province to contribute is its taxable capacity, which is the sum of the incomes of its tax-payers, or the average income of its tax-payers multiplied by their number. In this connection also the statistical information available does not permit of any direct valuation. Enquiries of much interest have been made at various times with a view to calculating the wealth of the respective Provinces or the average income of their respective inhabitants, and the results provided much useful information; but in the absence of any general assessment of incomes, and of any census of production, they cannot be considered reliable as a direct estimate of the quantities concerned. In the absence of any such direct estimate, various circumstances have been suggested to us as capable of serving, taken separately or together, as an indirect measure of the relative taxable capacities of the Provinces. Amongst these may be mentioned gross population, urban and rural, or industrial and agricultural population; cultivated ares; provincial revenue, or provincial expenditure; amount of income-tax collected; and, more indirect, amount of salt or of foreign textile goods consumed in each Province. As measures of comparison all these are open to obvious criticisms, both on theoretical and on practical grounds. We are of opinion, however, that some of them are not without their value as a substitute for the direct information which is not available and they have indeed assisted us in coming to a general conclusion as to the relative taxable capacities of the provinces. But we are also of opinion that none of them is capable of serving, either alone or in conjunction with others, as an accurate or even an approximate arithmetical measure of those capacities.

27. For the reasons given, we believe it to be useless to attempt to state a formula, to serve as a basis for a standard ratio of contributions, capable of automatic application from year to year by reference to ascertained statistics. Although the formula could be stated, the statistics which would be needed for its application are not available. But we are able, after surveying such figures as are available and after close enquiry into the circumstances of each province, to recommend a fixed ratio of contributions which in our opinion represents a standard and equitable distribution of the burden of any deficit. In arriving at this ratio we have taken into consideration the indirect contributions of the provinces to the purse of the Government of India, and in particular the incidence of customs duties and of income-tax. We have enquired into the relative taxable capacities of the provinces, in the light of their agricultural and industrial wealth and of all other relevant incidents of their economic positions including particularly their liability to famine. It should be observed that we have considered their taxable capacities not only as they are at the present time, or as they will be in the immediate future but from the point of view also of the capacity of each province for expansion and development agriculturally and industrially, and by respect of imperfectly developed assets such as minerals and forests. We have also given consideration to the elasticity of the existing heads of revenue which will be secured to each province, and to the availability of its wealth for taxation. After estimating, to the best of our ability, the weight which should be given to each of these circumstances, we recommend the following fixed ratio as representing an equitable basis for the relative contributions of the provinces to the deficit.

Standard Contributions

Province.	Per cent contribution to deficit.
Madras	17
Bombay	13
Bengal	19
United Provinces	18
Panjab	9
Burma	6·5
Bihar and Orissa	10
Central Provinces	5
Assam	2·5
	100 per cent.

28. This, in our opinion, is the ratio which the provinces should in equity be called upon to contribute after an interval of time sufficient to enable them to adjust their budgets to the new

conditions. We further recommend that the interval allowed for adjustment should not be unduly prolonged. The initial ratio which we have proposed is a practical necessity, but the provinces which will be called upon to pay thereunder more than they should pay in equity, ought not to be required to bear that burden for a longer period or to a greater extent than is required to prevent dislocation of the provincial budgets. We propose, therefore, that contributions should be made on the standard ratio to any deficit that there may be in the seventh year of contribution and that the process of transition from the initial to the standard ratio should be continuous, beginning in the second year of contribution, and proceeding in six equal annual steps. The following table shows the initial, intermediate and ultimate ratio of contribution for the seven years, in accordance with our recommendations. The initial ratio is the rate per cent of the actual initial contributions recommended in paragraph 17 above :—

Per cent contributions to deficit in seven consecutive years beginning with the first year of contribution.

(rounded off to even halves).

Province.	1st. year.	2nd. year.	3rd. year.	4th. year.	5th. year.	6th. year.	7th. year.
Madras	35·5	32·5	29·5	26·5	23	20	17
Bombay	5·5	7	8	9·5	10·5	12	13
Bengal	6·5	8·5	10·5	12·5	15	17	19
United Provinces	24·5	23·5	22·5	21	20	19	18
Panjab	18	16·5	15	13·5	12	10·5	9
Burma	6·5	6·5	6·5	6·5	6·5	6·5	6·5
Bihar and Orissa	Nil.	1·5	3	5	7	8·5	10
Central Provinces	2	2·5	3	3·5	4	4·5	5
Assam	1·5	1·5	2	2	2	2	2·5
	100%	100%	100%	100%	100%	100%	100%

29. It should be observed that, if the Government of India fulfil their announced intention of gradually wiping out their deficit, against any increase in the proportion which a province will be called upon to contribute from year to year, there will be set off a reduction in the total to be contributed.

30. The scheme of contribution that we recommend above complies we believe with the two essential conditions, that any immediate dislocation in the provincial budgets must be avoided, and that the admitted inequalities of the proportions in which, in the past, the

provinces have contributed to the purse of the Government of India must be rectified within a reasonable time. The scheme is subject to the disadvantage that the ratio which we recommend is fixed and cannot hold good for an indefinite period. We are of opinion however that it will do substantial equity between the provinces until such a period of time has passed as may be required to effect a very substantial change in their relative states of economic development, a change scarcely to be effected in less than at least a decade.

Chapter V.—Provincial Loan Account.

31. The future financing of the Provincial Loan Account is a less controversial subject than the others that we have had to investigate. It is commonly agreed that it is the natural result of the Reforms Scheme that the provinces should for the future finance of their own loan transactions and that joint accounts of this nature between them and the Government of India should be wound up as quickly as possible. In our discussions of this subject with the Provincial Governments we have found little or no difference of opinion as to this, and our task has been only to ascertain the wishes of the Provincial Goverment as to the amount of its account which each can take over on 1st, April 1921, and how soon it can take over the rest.

32. The Government of Bengal, the Panjab, the Central Provinces and Assam signified to us their willingness to take over the whole of their respective loan accounts on 1st, April 1921 and we recommend that it should be arranged for them to do so. In some cases it was stipulated as a condition that the provincial Government should be allowed to use for the purpose any part of its balance, including the earmarked portion. We see no objection to the condition, which accords with the intention expressed in paragraph 208 of the Montagu-Chelmsford Report.

33. The Government of Bombay, the United Provinces, Burma, Bihar and Orissa signified to us their willingness to take over a portion of their provincial loan accounts on 1st, April 1921 and the remainder in instalments to cover varying periods. The Government of Madras alone expressed unwillingness to take over any part of the account. Evidence was given before us, however, by officials of that Government to the effect that they would not object to do so if the transfer could be effected by fresh credit arrangements. In view of this and of the great improvement which will be effected in the financial position of the province by the redistribution of revenues under the Reforms Scheme, we are of opinion that there is no reason why Madras should form an exception to the general scheme for the transfer of their accounts which we recommend below for application to those provinces which are prepared to take over a part of their accounts forthwith.

34. In the case of those provinces, namely, Bombay, the United Provinces, Burma, Bihar and Orissa, and including as stated, Madras, we recommend that the Provincial Loan Account should be "funded," at a rate of interest calculated at the weighted average of the three rates of three and half, four and half and five and half per cent now paid on varying portions of the account. Whatever portion of the account so "funded" the province is prepared to take over forthwith should, we recommend, be written off against an equal portion of the provincial balance as from 1st, April 1921 ; and the balance of the "funded" account should remain outstanding as a debt from the province to the Government of India. On the outstanding balance the province should pay interest at the calculated average rate, and also an annual charge for redemption enough to redeem the debt in a fixed number of years, which should not, save in exceptional circumstances, exceed twelve. The provinces should further have the option to make in any year a large repayment that the fixed redemption charge.

35. The provinces in question will probably not be in a position to state the exact proportion of their respective accounts which they are prepared to take over, or the exact number of years that they will require to repay the balance, until their closing balance on 1st April 1921, are more precisely ascertained, and also until they know what contributions will be required from them. It appears therefore that these details must be left for determination by future negotiations. We are however of opinion that a maximum period of twelve years is ample in order to enable any province to clear its account and that in some cases the period may with advantage be substantially reduced. We further consider that the fixing of a definite term of repayment and the provision of an annual charge for redemption within that term are essential in order to secure the desired clearing accounts between the Provincial Governments and the Government of India.

Conclusion.

36. Several other matters were referred to in the course of our enquiry, on which a recommendation appeared to us to be outside the strict scope of our reference. We propose, however, to communicate our views upon some of them informally to the Government of India.

37. In conclusion we wish to express our indebtedness to our secretary Mr. Dina Nath Dutt, for his careful and methodical assistance in our work. We have also derived very great benefit from the association with us of Mr. C. G. Sim, C.I.E., whom the Government of India attached to us as liaison officer.

MESTON.
CHARLES ROBERTS.
E. HILTON YOUNG.

Rules Under the
Govt. of India Act
Council of State and Legislative
ASSEMBLY

In exercise of the powers conferred by sub-sections (1) and (5) of section 67 and sub-section (1) of section 129-A of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules for the Chambers of the Indian Legislature.

Short Title.

1. These rules may be called the Indian Legislative Rules.

Definitions.

2. In these rules, unless the context otherwise requires,—

"Assembly" means the Legislative Assembly;

"Chamber" means a Chamber of the Indian Legislature;

"Council" means the Council of State;

"Finance Member" means the member of the Assembly appointed by the Governor General to perform the functions assigned to the Finance Member under these rules;

"Gazette" means the Gazette of India;

"member" means a member of either Chamber;

"member of the Government" means a member of the Governor-General's Executive Council, and includes any member to whom such a member may delegate any function assigned to him under these rules;

"resolution" means a motion for the purpose of discussing a matter of general public interest;

"standing order" means a standing order of either Chamber;

"Secretary" means the Secretary to either Chamber, and includes any person for the time being performing the duties of the Secretary.

Temporary Chairman.

3. At the commencement of every Session, the Governor-General shall nominate from amongst the members of the Assembly a panel of not more than four Chairmen, any one of whom may preside over the Assembly in the absence of the President and Deputy President, when so requested by the President, or in his absence, by the Deputy President.

President and Secretary.

4. The Deputy President and any Chairman of the Assembly and any person appointed by the Governor General to preside over the Council in the absence of the President shall, when presiding over the Assembly or the Council, as the case may be, have the same powers as the President when so presiding, and all references to the President in these rules shall, in these circumstances be deemed to be references to any such person so presiding.

5. The Secretary, and such assistants of the Secretary as the Governor-General considers to be necessary, shall be appointed by order in writing by the Governor General and shall hold office during his pleasure.

Non-official Business.

6. The Governor-General, after considering the state of business of the Chamber, shall, at the commencement of each Session of that Chamber, allot as many days as are in his opinion compatible with the public interests for the business of non-official members in that Chamber, and may, from time to time during the Session, alter such allotment, and on these days such business shall have precedence. At all other times Government business shall have precedence.

On Questions.

7. The Governor-General may within the period of notice disallow any question or any part of a question on the ground that it relates to a matter which is not primarily the concern of the Governor-General in Council, and if he does so, the question or part of the question shall not be placed on the list of questions.

8. (1) A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognisance of the member to whom it is addressed:

Provided that no question shall be asked in regard to any of the following subjects, namely:—

(*i*) any matter effecting the relations of His Majesty's Government, or of the Governor General in Council, with any foreign State;

(*ii*) any matter affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the afiairs of any such Prince or Chief or to the administration of the territories of any such Prince or Chief ; and

(*iii*) any matter which is under adjudication by a Court of Law having jurisdiction in any part of his Majesty's Dominions.

(2) The decision of the Governor-General on the point whether any question is or is not within the restrictions imposed by sub-rule (1) shall be final.

9. In matters which are or have have been the subject of controversy between the Governor General in Council and the Secretary of State or Local Government, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

Supplementary Questions.

10. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given :

Provided that the President shall disallow any supplementary question if, in his opinion, it infringes the rules as to the subject matter of questions, and in that case the question shall not appear on the record of the proceedings of the Chamber.

Motion for Adjournments.

11. A motion for an adjournment of the business of either Chamber for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Governor-General which shall not be refused, except for reasons which would justify disallowance of a resolution.

12. The right to move the adjournment of either Chamber for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :—

(*i*) not more than one such motion shall be made at the same sitting ;—

(*ii*) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specified matter of recent occurrence ;

(*iii*) the motion must not revive discussion on a matter which has been discussed in the same Session ;

(*iv*) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given ; and

(*e*) the motion must not deal with a matter on which a resolution could not be moved.

Quorum.

13. In the case of the Council the presence of at least fifteen members, and in the case of the Assembly the presence of at least twenty-five members, shall be necessary to constitute a meeting of the Council or of the Assembly for the exercise of its powers.

Language of Proceedings.

14. The business of the Indian legislature shall be transacted in English provided that the President may permit any member unacquainted with English to address the Council in a vernacular.

Points of Order.

15. (1) The President shall decide all points of order which may arise, and his decision shall be final.

(2) Any member may at any time submit a point of order for the decision of the President, but in doing so shall confine himself to stating the point.

16. The President, after having called the attention of the Chamber to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

Withdrawal of Member.

17. (1) The President shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

(2) He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Chamber, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session, the President may direct the member to absent himself from the meetings of the Chamber for any period not longer than the remainder of the Session, and the member so directed shall absent himself accordingly.

(3) The President may, in the case of grave disorder arising in the Chamber, suspend any sitting for a time to be named by him.

Notice and Publication of Bills

18. The Governor-General may order the publication of any Bill (together with the Statement of Objects and Reasons accompa-

nying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced it shall not be necessary to publish it again.

19. (1) Any member, other than a member of the Government, desiring to move for leave to introduce a Bill shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and a full Statement of Objects and Reasons.

(2) If the Bill is a Bill which under the Government of India Act requires sanction, the member shall annex to the notice a copy of such sanction, and the notice shall not be valid until this requirement is complied with.

(3) If any question arises, whether a Bill is or is not a Bill which requires sanction under the Government of India Act, the question shall be referredto the Governor-General, and his decision on the question shall be final.

(4) The period of notice of a motion for leave to introduce a Bill under this rule shall be one month or, if the Governor-General so directs, a further period not exceeding in all two months.

20. As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette.

Certification of Governor-General

21. If the Governor-General certifies that a Bill or any clause of a Bill or an amendment to a Bill affects the safety or tranquility of British India or any part thereof, and directs that no proceedings or no further proceedings shall be taken thereon, all notices of motions in connection with the subject-matter of the certificate shall lapse, and if any such motion has not already been set down in the list of business, it shall not be so set down. If any such motion has been set down on the list of business, the President shall, when the motion is reached, inform the Chamber of the Governor-General's action, and the Chamber shall forthwith, without debate, proceed to the next item of business.

Disallowance of Resolutions

22. The Governor-General may, within the period of notice, disallow any resolution or any part of a resolution, on the ground that it cannot be moved without detriment to the public interest, or on the ground that it relates to a matter which is not primarily the concern of the Governor-General in Council, and, if he does so,

the resolution or part of the resolution shall not be placed on the list of business.

Restrictions of Discussion

23. (1) Every resolution shall be in the form of a specific recommendation addressed to the Governor-General in Council, and no resolution shall be moved in regard to any of the following subjects, namely :—

(*i*) any matter affecting the relations of His Majesty's Government, or of the Governor-General or the Governor-General in Council, with any foreign State ;

(*ii*) any matter affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty, of His Majesty, or relating to the affairs of any such Prince or Chief or to the administration of the territory of any such Prince or Chief ; and

(*iii*) any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.

(2) The decision of the Governor-General on the point whether any resolution is or is not within the restrictions imposed by sub-rule (1) shall be final.

24. A copy of every resolution which has been passed by either Chamber shall be forwarded to the Governor-General in Council, but any such resolution shall have effect only as a recommendation to the Governor-General in Council.

On Bills

25. Every Bill which has been passed by the originating Cham shall be sent to the other Chamber, and copies of the Bill shall be laid on the table at the next following meeting of that Chamber.

26. At any time after copies have been laid on the table, any member acting on behalf of Government in the case of a Government Bill or, in any other case, any member may give notice of his intention to move that the Bill be taken into consideration.

27, On the day on which the motion is set down in the list of business, which shall, unless the President otherwise directs, be not less than three days from the receipt of the notice, the member giving notice may move that the Bill be taken into consideration.

28. On the day on which such motion is made or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

29. Any member may (if the Bill has not already been referred to a Select Committee of the originating Chamber or to a Joint Committee of both Chambers, but not otherwise) move as an amendment that the Bill be referred to a Select Committee, and if such motion is carried, the Bill shall be referred to a Select Committee, and the standing orders regarding Select Committees on Bills originating in the Chamber shall then apply.

Passing of Bills

30. If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration, and the provisions of the standing orders of the Chamber regarding consideration of amendments to Bills and the subsequent procedure in regard to the passing of Bills shall apply.

31 If the Bill is passed without amendment and the originating Chamber is the Legislative Assembly, a message shall be sent to the Legislative Assembly intimating that the Council of State have agreed to the Bill without any amendments. If the originating Chamber is the Council of State, the Bill with a message to the effect that the Legislative Assembly have agreed to the Bill without any amendments shall be sent to the Council of State.

32. If the Bill is passed with amendments, the Bill shall be returned with a message asking the concurrence of the originating Chamber to the amendments.

33. When a Bill which has been amended in the other Chamber is returned to the originating Chamber, copies of the Bill shall be laid on the table at the next following meeting of that Chamber.

34. After the amended Bill has been laid on the table, any member acting on behalf of Government in the case of a Government Bill or, in any other case, any member after giving three days' notice or with the consent of the President without notice, may move that the amendments be taken into consideration.

On Amendments to Bills

35. (1) If on a motion that the amendments be taken into consideration is carried, the President shall put the amendments to the Chamber in such manner as he thinks most convenient for their consideration.

(2) Further amendments relevant to the subject matter of the amendments made by the other Chamber may be moved, but no further amendment shall be moved to the Bill, unless it is consequential upon, or an alternative to an amendment made by the other Chamber.

36. (1) If the Chamber agrees to the amendments made by the other Chamber, a message intimating its agreement shall be sent to that Chamber.

(2) If the Chamber disagrees with the amendments made by the other Chamber, or any of them, the Bill with a message intimating its disagreement shall be sent to that Chamber.

(3) If the Chamber agrees to the amendments or any of them with further amendments or proposes further amendments in place of amendments made by the other Chamber, the Bill as further amended with a message to that effect shall be sent to the other Chamber.

(4) The other Chamber may either agree to the Bill as originally passed in the originating Chamber or as further amended by that Chamber, as the case may be, or may return the Bill with a message that it insists on an amendment or amendments to which the originating Chamber has disagreed.

(5) If a Bill is returned with a message intimating that the other Chamber insists on amendments to which the originating Chamber is unable to agree, that Chamber may either—

(*i*) report the fact of the disagreement to the Governor-General, or

(*ii*) allow the Bill to lapse.

37. A joint sitting of both Chambers shall be convened by the Governor-General by notification in the Gazette.

38. The President of the Council shall preside at a joint sitting and the procedure of the Council shall, so far as practicable, apply.

39. The members present at a joint sitting may deliberate and shall vote together upon the Bill at last proposed by the originating Chamber and upon amendments, if any, which have been made therein by one Chamber and not agreed to by the other, and any such amendment which are affirmed by a majority of the total members of the Council and the Assembly present at such sitting shall be taken to have been carried ; and if the Bill with the amendments, if any, is affirmed by a majority of the members of the Council and the Assembly present at such sitting, it shall be deemed to have been duly passed by both Chambers.

40. (1) If both Chambers agree to a meeting of members for the purpose of discussing a difference of opinion which has arisen between the two Chambers, a conference shall be held.

(2) At a conference each Chamber shall be represented by an equal number of members.

(3) The conference shall determine its own procedure.

(4) The time and place of the conference shall be fixed by the President of the Council.

41. Messages between one Chamber and the other Chamber shall be conveyed by the Secretary of the one Chamber to the Secretary of the other, or in such other manner as the Chambers may agree.

Joint Committees

42. (1) If a resolution is passed in the originating Chamber recommending that a Bill should be committed to a Joint Committee of both Chambers, a message shall be sent to the other Chamber to inform it of the resolution and to desire its concurrence in the resolution.

(2) If the other Chamber agrees, a motion shall be made in each Chamber nominating the members of that Chamber who are to serve on the Committee. On a Joint Committee equal numbers of members of each Chamber must be nominated.

(3) The Chairman of the Committee shall be elected by the Committee. He shall have only a single vote, and, if the votes are equal, the question shall be decided in the negative.

(4) The time and place of the meeting of the Committee shall be fixed by the President of the Council.

The Budget.

43. A statement of the estimated annual expenditure and revenue of the Governor-General in Council (hereinafter referred to as "the Budget") shall be presented to each Chamber on such day or days as the Governor-General may appoint.

44. (1) A separate demand shall ordinarily be made in respect of grant proposed for each Department of the Government provided that the Finance Member may in his discretion include in one demand grants proposed for two or more Departments, or make a demand in respect of expenditure which cannot readily be classified under particular Departments.

(2) Each demand shall contain, first, a statement of the total grant proposed, and then a statement of the detailed estimate under each grant divided into items.

(3) Subject to these rules the Budget shall be presented in such a form as the Finance Member may consider best fitted for its consideration by the Assembly.

The Budget Debate.

45. The Budget shall be dealt with by the Assembly in two stages, namely :—

(*i*) a general discussion ; and

(*ii*) the voting of demands for grants.

46. (1) On a day to be appointed by the Governor General subsequent to the day on which the Budget is presented and for such time as the Governor General may allot for this purpose, the Assembly shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage, nor shall the Budget be submitted to the vote of the Assembly.

(2) The Finance Member shall have a general right of reply at the end of the discussion.

(3) The President may, if he thinks fit, prescribe a time limit for speeches.

Voting of Grants.

47. (1) Not more than fifteen days shall be allotted by the Governor General for the discussion of the demands of the Governor General in Council for grants.

(2) Of the days so allotted, not more than two days shall be allotted by the Governor General to the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the President shall forthwith put every question necessary to dispose of the demand under discussion.

(3) On the last day of the allotted days at five o'clock, the President shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants.

Motions.

48. (1) No motion for appropriation can be made except on the recommendation of the Governor General communicated to the Assembly.

(2) Motions may be moved at this stage to omit or reduce any grant, but not to increase or alter the destination of a grant.

(3) When several motions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the Budget.

Excess Grants.

49. When money has been spent on any service, for which the vote of the assembly is necessary during any financial year, in excess

of the amount granted for that service and for that year, a demand for the excess shall be presented to the Assembly by the Finance Member and shall be dealt with in the same way by the Assembly as if it were a demand for a grant.

Additional Grants.

50. (1) An estimate shall be presented to the Assembly for a supplementary or additional grant when—

(*i*) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year, or

(*ii*) a need arises during the current year for expenditure for which the vote of the Assembly is necessary upon some new service not contemplated in the Budget for that year.

(2) Supplementary or additional estimates shall be dealt with in the same way by the Assembly as if they were demands for grants.

Committee on Public Accounts.

51. (1) As soon as may be after the commencement of each financial year a Committee or Public Accounts shall be constituted for the purpose of dealing with the audit and appropriation accounts of the Governor General in Council and such other matters as the Finance Department may refer to the Committee.

(2) The Committee on Public Accounts shall consist of not more than twelve members including the Chairman, of whom not less than two-thirds shall be elected by the non-official members of the Assembly according to the principle of proportionate representation by means of the single transferable vote. The remaining members shall be nominated by the Governor-General.

(3) The Finance Member shall be Chairman of the Committee, and, in the case of an equality of votes on any matter, shall have a second or casting vote.

Duty of Finance Committee.

52. (1) In scrutinising the audit and appropriation accounts of the Governor General in Council, it shall be the duty of the Committee to satisfy itself that the money voted by the Assembly has been spent within the scope of the demand granted by the Assembly.

(2) It shall be the duty of the Committee to bring to the notice of the Assembly—

(*i*) every re-appropriation from one grant to another grant ;

(*ii*) every re-appropriation within a grant which is not made in accordance with the rules regulating the functions of the Finance Department, or which has the effect of increasing the expenditure on an item the provision for which has been specifically reduced by a vote of the Assembly ; and

(*iii*) all expenditure which the Finance Department has requested should be brought to the notice of the Assembly.

Rules Under the
Govt. of India Act
Provincial Legislative Council

In exercise of the powers conferred by sub-section (6) of section 72 D and sub-section (1) of section 129 A of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules for the Legislative Council of the Governor of……

Short Title.

1. These rules may be called the……Legislative Council Rules.

Definitions.

2. In these rules—

"Council" means the Legislative Council of……;

"Finance Member" means the member of the Council appointed by the Governor to perform the function of the Finance Member under these rules,

"Gazette" means the …… Gazette.

"Member" means a member of the Council;

"Member of the Government" means a member of the Executive Council or a Minister, and includes any member to whom such member may delegate any function assigned to him under these rules.

"Resolution" means a motion for the purpose of discussing a matter of general public interest;

"Standing order" means a standing order of the Council; and

"Secretary" means a Secretary to the Council and includes any person for the time being performing the duties of the Secretary.

Temporary Chairman.

3. At the commencement of every Session, the Governor shall nominate from amongst the members of the Council a panel of not more than four Chairmen, any one of whom may preside over the Council in the absence of the President and Deputy President, when

so requested by the President or, in his absence, by the Deputy President.

4. The Deputy President and any Chairman of the Council shall, when presiding over the Council, have the same powers as the President when so presiding, and all references to the President in the rules and standing orders shall, in these circumstances, be deemed to be references to any such person so presiding.

Council Secretary.

5. The Secretary and such assistants of the Secretary as the Governor considers to be necessary shall be appointed by order in writing by the Governor and shall hold office during his pleasure.

Days of Business.

6. The Governor, after considering the state of business of the Council, shall, at the commencement of each Session, allot as many days as are in his opinion compatible with the public interests for the business of non-official members in the Council, and may from time to time during the Session alter such allotment, and on these days such business shall have precedence. At all other times Government business shall have precedence.

On Questions.

7. The Governor may, within the period of notice, disallow any question or any part of a question on the ground that it relates to a matter which is not primarily the concern of the local Government, and if he does so, the question or part of the question shall not be placed on the list of questions.

8. (1) A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognisance of the member to whom it is addressed :

Provided that, no question shall be asked, in regard to any of the following subjects, namely :—

(*i*) any matter affecting the relations of His Majesty's Government, or of the Government of India, or of the Governor or the Governor in Council, with any foreign State ;

(*ii*) any matter affecting the relations of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs of any such Prince or Chief or to the administration of the territory of any such Prince or Chief, and

(*iii*) any matter which is under adjudication by a Court of Law having jurisdiction in any part of his Majesty's Dominions.

(2) The decision of the Governor on the point whether any question is or is not within the restrictions imposed by sub-rule (1) shall be final.

Matters of Controversy.

9. In matters which are or have been the subject of controversy between the Governor-General in Council or the Secretary of State and the local Government no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

Supplementary Question.

10. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given.

Provided that the President shall disallow any supplementary question if, in his opinion, it infringes the rule as to the subject matter of questions, and in that case the question shall not appear on the record of the Proceedings of the Council.

Motion for Adjournments.

11. A motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Governor, which shall not be refused except for reasons which would justify the disallowance of a resolution.

12. The right to move the adjournment of the council for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :—

(*i*) not more than one such motion shall be made at the same sitting ;

(*ii*) not more than one matter can be discussed on the same motion, and the motion must be restricted to specific matter of recent occurrence ;

(*iii*) the motion must not revive discussion on a matter which has been discussed in the same Session ;

(*iv*) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given ; and

(*v*) the motion must not deal with a matter on which a resolution could not be moved.

Quorum.

13. The presence of at least ...members shall be necessary to constitute a meeting of the Council for the exercise of its powers.

Language of the Council.

14. The business of the Council shall be transacted in English, but any member who is not fluent in English may address the Council in any recognised vernacular of the province, provided that the President may call on any member to speak in any language in which he is known to be proficient.

Points of Order.

15. (1) The President shall decide all points of order which may arise, and his decision shall be final.

(2) Any member may at any time submit a point of order for the decision of the President, but in doing so shall confine himself to stating the point.

16. The President, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

Presidents Powers.

17. (1) The President shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

(2) He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Council, and the member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same Session, the President may direct the member to absent himself from the meetings of the Council for any period not longer than the remainder of the Session, and the member so directed shall absent himself accordingly.

On Bills.

(3) The President may in the case of grave disorder arising in the Council suspend any sitting for a time to be named by him.

18. The Governor may order the publication of any Bill (together with the Statement of Object and Reasons accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and if the Bill is afterwards introduced, it shall not be necessary to publish it again.

19. (1) Any member, other than a member of the Government, desiring to move for leave to introduce a Bill shall give notice

of his intention, and shall, together with the notice, submit a copy of the Bill and a full Statement of Objects and Reasons.

(2) If the Bill is a Bill which under the Government of India Act requires sanction, the member shall annex to the notice a copy of such sanction, and the notice shall not be valid until this requirement is complied with.

(3) If any question arises whether a Bill is or is not a Bill which requires sanction under the Government of India Act, the question shall be refered to the authority which would have power to grant the sanction if it were necessary, and the decision of that authority on the question shall be final.

(4) The period of notice of a motion for leave to introduce a Bill under this rule shall be as follows, namely :—

(a) if the Bill relates to a transferred subject—fifteen days ;

(b) if the Bill relates to a reserved subject—one month or, if the Governor so directs, a further period not exceeding in all two months.

20. As soon as may be after a Bill has been introduced, the Bill unless it has already been published, shall be published in the Gazette.

Certification of Bills.

21. If the Governor certifies that a Bill, or any clause of a Bill, or any amendment to a Bill, affects the safety or tranquility of a Province or any part thereof, and directs that no proceedings or no further proceedings shall be taken thereon, all notices of motion in connection with the subject-matter of the certificate shall lapse, and if any such motion has not already been set down in the list of of business, it shall not be so set down. If any such motion has been set down on the list of business, the President shall, when the motion is reached, inform the Council of the Governor's action, and the Council shall forthwith without debate proceed to the next item of business.

Disallowance of Resolutions.

22. The Governor may, within the period of notice, disallow any resolution or any part of a resolution, on the ground that it cannot be moved without detriment to the public interest, or on the ground that it relates to a matter which is not primarily the concern of the local Government, and if he does so, the resolution or part of the resolution shall not be placed on the list of business.

On Resolutions.

23. (1) Every resolution shall be in the form of a specific recommendation addressed to the Government, and no resolution

shall be moved in regard to any of the following subjects, namely :—

(*i*) any matter affecting the relations of His Majesty's Government, or of the Government of India, or of the Governor or the Governor in Council, with any foreign State :

(*ii*) any matter affecting the relations of any of the foregoing authorities, with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs of any such Prince or Chief, or to to the administration of the territory of any such Prince or Chief : and

(*iii*) any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.

(2) The decision of the Governor on the point whether any resolution is or is not within the restrictions imposed by sub-rule (1) shall be final.

Effect of Resolutions.

24. A copy of every resolution which has been passed by the Council shall be forwarded to the Government, but any such resolution shall have effect only as a recommendation to the Government.

The Budget.

25. A statement of the estimated annual expenditure and revenue of the Province (hereinafter refered to as "the Budget") shall be presented to the Council on such day as the Governor may appoint.

26. (1) A separate demand shall ordinarily be made in respect of the grant proposed for each Department of the Government, provided that the Finance Member may in his discretion, include in one demand grants proposed for two or more Departments, or make a demand in respect of expenditure, such as Famine Relief and Insurance and Interest, which cannot readily be classified under particular Departments. Demands affecting reserved and transferred subjects shall, so far as may be possible, be kept distinct.

(2) Each demand shall contain, first, a statement of the total grant proposed, and then a statement of the detailed estimate under each grant divided into items.

(3) Subject to these rules, the Budget shall be presented in such a form as the Finance Member may consider best fitted for its consideration by the Council.

The Budget Debate.

27. The Budget shall be dealt with by the Council in two stages, namely :—

(*i*) a general discussion ; and

(*ii*) the voting on demands for grants,

28. (1) On a day to be appointed by the Governor subsequent to the day on which the Budget is presented and for such time as the Governor may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage nor shall the Budget be submitted to the vote of the Council.

(2) The Finance Member shall have a general right of reply at the end of the discussion.

(3) The President may, if he thinks fit, prescribe a time-limit for speeches.

29. (1) Not more than twelve days shall be allotted by the Governor for the discussion of the demands of the Local Government for grants.

(2) Of the days so allotted, not more than two days shall be allotted by the Governor to the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the President shall forthwith put every question necessary to dispose of the demand under discussion.

(3) On the last day of the allotted days at···o'clock, the President shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants.

30. (1) No motion for appropriation can be made except on the recommendation of the Governor communicated to the Council.

(2) Motions may be moved at this stage to omit or reduce any grant or any item in a grant, but not to increase or alter the destination of a grant.

(3) When several motions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the Budget.

(4) No motion shall be made for the reduction of a grant as a whole until all motions for the omission or reduction of definite items within that grant have been discussed.

Excess Grant.

31. When money has been spent on any service for which the vote of Council is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Council by the Finance Member and shall be dealt with in the same way by the Council as if it were a demand for a grant.

Additional Grant.

32. (1) An estimate shall be presented to the Council for a supplementary or additional grant when,

(*i*) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year, or

(*ii*) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year.

(2) Supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants.

Committee on Public Accounts.

33. (1) As soon as may be after the commencement of each financial year, a Committee on Public Accounts shall be constituted for the purpose of dealing with the audit and appropriation account of the Province and such other matters as the Finance Department may refer to the Committee.

(2) The Committee on Public Accounts shall consist of not more than . . . members including the chairman, of whom not less than two thirds shall be elected by the non-Official members of the Council according to the principle of proportionate representation by means of the single transferable vote. The remaining members shall be nominated by the Governor.

(3) The Finance Member shall be the Chairman of the Committee, and, in the case of an equality of votes on any matter, shall have a second or casting vote.

Duty of the Committee.

34. (1) In scrutinising the audit and appropriation accounts of the province, it shall be the duty of the Committee to satisfy itself that the money voted by the Council has been spent within the scope of the demand granted by the Council.

(2) It shall be the duty of the committee to bring to the notice of the Council—

(*i*) every re-appropriation from one grant to another grant ;

(*ie*) every re-appropriation within a grant which is not made in accordance with the rules regulating the functions of the Finance Department, or which has the effect of increasing the expenditure on an item the provision from which has been specifically reduced by a vote of the Council ; and

(*iii*) all expenditure which the Finance Department has requested should be brought to the notice of the Council.

Rules for
The Legislative Assembly

The following rules relating to the Legislative Assembly and the Council of State, have been made under sections 63 A (1) and (2) and 64 (1) (a), (b), (c), (d), (e) and (f) of the Government of India Act and submitted for the sanction of the Secretary of State in Council, May 1920.

Composition of Legislative Assembly.

1. The Legislative Assembly shall consist of—

(1) one hundred and two elected members, and

(2) forty-one members nominated by the Governor General, of whom not more than twenty-six may be officials, and one shall be a person nominated as the result of an election held in Berar.

Elected Members—Constituencies

2. The elected members shall be elected by the constituencies specified in Schedule I to these rules subject to the provisions of that Schedule in regard to constituencies entitled to elect in rotation, and the number of member to be elected by each constituency shall be as stated therein against that constituency.

General disqualifications for being elected.

3. (1) A person shall not be eligible for election as a Member of the Legislative Assembly if such person—

(*a*) is not a British subject ; or

(*b*) is a female ; or

(*c*) is already a member of any legislative body constituted under the Act ; or

(*d*) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or

(*e*) has been adjudged by a competent court to be of unsound mind ; or

(*f*) is under 25 years of age ; or

(*g*) is an undischarged insolvent ; or

(*h*) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that, if the Ruler of a State in India or any subject of such a State is not ineligible for election to the Legislative Council of a province, such Ruler or Subject shall not by reason of not being a British subject be ineligible for election to the Legislative Assembly by any constituency in that province :

Provided further that the disqualification mentioned in clause (*d*) may be removed by an order of the Governor General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) A person who has been convicted of an offence under Chapter IX-A. of the Indian Penal Code punishable with imprisonment for a term exceeding six months or has been reported by Commissioners holding an election inquiry as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV to these rules, shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be ; and a person reported by such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) A person who having been a candidate or an election agent at an election has failed to lodge the return of election expenses hereinafter prescribed or has lodged a return which is found either by Commissioners holding an election inquiry or by a Magistrate in a judicial proceeding to be false in any material particular shall be disqualified for five years from the date of the election from being nominated as a candidate at any other election :

Provided that either of the disqualifications mentioned in sub-rules (3) and (4) of this rule may be removed by an order of the Governor General in council in that behalf.

Special qualifications for election in case of certain constituencies

4. (1) A person shall not be eligible for election as a member of the Legislative Assembly to represent—

(*a*) a general constituency in the presidency of Madras or in the presidency of Bengal, unless his name is registered on the electoral roll of the constituency or of another constituency of the same communal description situate in the same presidency ; or

(*b*) a general constituency in the presidency of Bombay, unless his name is registered on the electoral roll of the constituency and he has resided in the constituency for a period of six months prior

to the first day of January in the year in which the constituency is called upon to elect a member or members : provided that a candidate eligible for election in any such constituency shall be eligible for election in a constituency of the same communal description if the whole or part of either constituency is included in the same district ; or

(*c*) a general constituency in the province of Bihar and Orissa or in the province of Assam, unless his name is registered on the electoral roll of the constituency or of any other general constituency in the same province ; or

(*d*) a Muhammadan or non-Muhammadan constituency in the United Provinces of Agra and Oudh, unless his name is registered on the electoral roll of a Muhammadan or non-Muhammadan constituency in that province ; or

(*e*) a general constituency in the Punjab or in the Central Provinces, or a European constituency in the United Provinces of Agra and Oudh, or a constituency in the Province of Burma or any special constituency, unless his name is registered on the electoral roll of the constituency-

(2) For the purposes of these rules—

(*a*) "general constituency" means a non-Muhammadan, Muhammadan, European, non-European, or Sikh constituency ; and

(*b*) "special constituency" means a Landholders' or Indian Commerce constituency.

The right to elect—General conditions of registration and disqualifications.

5. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely :—

(*a*) is not a British subject ; or

(*b*) is a female ; or

(*c*) has been adjudged by a competent court to be of unsound mind ; or

(*d*) is under 21 years of age :

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for registration on the electoral roll of a constituency of the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for registration on the electoral roll of any constituency of the Legislative Assembly in that province :

Provided further that, if a resolution is passed by the Legislative Assembly recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the Governor General in Council shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex :

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A. of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is reported by the Commissioners holding an election inquiry as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV to these rules, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or if not on the electoral roll, shall not be so registered for a like period ; and if any person is reported by such Commissioners as guilty of any other corrupt practice as specified in the said Schedule, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be registered for a like period :

Provided that the Governor General in Council may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

Qualification of electors.

6. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

(*i*) community,

(*ii*) residence, and

(*iii*) (*a*) ownership or occupation of a building, or

(*b*) assessment to or payment of municipal or cantonment of rates or taxes or local cesses ; or

(*c*) assessment to or payment of income tax ; or

(*d*) the holding of land,

as are specified in Schedule II to these rules in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II to these rules in the case of that constituency.

Electoral roll.

7. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which, and the time within which, any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

(1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll,

(2) the time at which the roll shall be prepared,

(3) the publication of the roll in the constituency to which it relates,

(4) the mode in which and the time within which claims and objections may be preferred,

(5) the constitution and appointment of Revising Authorities to dispose of claims and objections,

(6) the manner in which notices of claims or objections shall be published,

(7) the place, date, and time at which and the manner in which claims or objections shall be heard,

shall apply for the purpose of the holding of elections within that province to the Legislative Assembly :

Provided that the Governor-General in Council may, by notification in the Gazette of India, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in the case of each province in such manner as may be prescribed by the regulations aforesaid for the republication of electoral rolls of constituencies of the Legislative Council.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the Governor General in Council may

by regulation prescribe, and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

Right to vote.

8. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member or members for that constituency provided that no person shall vote in more than one General constituency.

Nomination of candidates.

9. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

(2) On or before the date on which a candidate is nominated, the candidate shall make in writing and sign a declaration appointing either himself or some other person who is not disqualified under these rules for the appointment to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

Election.

10. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature before such time as the Governor General in Council may fix in this behalf exceeds that of the vacancies, a poll shall be taken.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor General shall, by notification in the Gazette of India call for fresh nominations for the remaining vacancies, and if any such are received, shall call upon the constituencies concerned to elect members to fill these vacancies.

(4) Votes shall be given by ballot and in General and Landholders' constituencies in person. No votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected: provided that no

elector shall give more than one vote to any one candidate except in the case of the plural-member constituencies in the presidency of Bombay, in which constituencies any elector may accumulate his votes upon one candidate or distribute them amongst the candidates as he pleases.

(6) Votes shall be counted by the Returning Officer, and any candidate, or, in the absence of the candidate, a representative duly authorised by him in writing, shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or names of the candidate or candidates elected shall be published in the Gazette of India.

Regulations regarding the conduct of elections.

11. The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

(1) the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations,

(2) the appointment of a Returning Officer for each constituency and for his powers and duties,

(3) the division of General and Landholders' constituencies into polling areas and the appointment of polling stations for these areas,

(4) the appointment of officers to preside at polling stations, and the duties of such officers,

(5) the checking of voters by reference to the electoral roll,

(6) the manner in which votes are to be given, both generally and in the case of illiterate voters or voters under physical or other disability,

(7) the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors,

(8) the scrutiny of votes.

(9) the safe custody of ballot papers, and other election papers, the period for which such papers shall be preserved, and the inspection and production of such papers, and,

(1) the conduct of elections generally,

shall apply for the purpose of the holding of elections within that province to the Legislative Assembly :

Provided that the Governor-General in Council may, by notification in the Gazette of India, direct that such modifications and adaptations as he may specify shall be made in the application of these regulations.

Multiple elections.

12. (1) If any person is elected by more than one constituency, he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department within seven days from the date of the publication of the result of such election in the Gazette of India, choose for which of these constituencies he shall serve, and the choice shall be conclusive.

(2) When any such choice has been made, the Governor-General shall call upon any constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the elections of such person shall be void and the Governor-General shall call upon the constituency or constituencies concerned to elect another person or persons.

Election agents and expenses—Disqualification for being an election agent.

13. No person shall be appointed an election agent who is himself ineligible for election as being subject to the disqualification mentioned in sub-rule (3) of rule III.

14. (1) Within one month or such longer period as the Governor General may allow after the date of the declaration of the result of the election, every candidate, either personally or through his election agent, shall cause to be lodged with the returning Officer a return of his election expenses containing the particulars specified in Schedule III to these rules.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interests for expenses incurred on account of or in respect of the conduct and management of the

election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in the said Schedule and shall be made on oath or affirmation before a Magistrate.

(4) The Governor General in Council shall cause to be prepared in such manner, and maintained for such time, as he may direct, a record showing the names of all candidates at every election under these rules and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

15. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in rule XIV shall be entered, whether such expenditure is incurred by the candidate or by the election agents or by any person under the direction of the candidate or the election agent.

Nominated Members.

16. (1) Save as expressly provided in these rules in regard to the nomination of a person elected in Berar, no person shall be nominated to the Legislative Assembly who—

(*a*) is not a British subject ; or

(*b*) is a female ; or

(*c*) is already a member of any legislative body constituted under the Act ; or

(*d*) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or

(*e*) has been adjudged by a competent court to be of unsound mind ; or

(*f*) is under 25 years of age ; or

(*g*) is an undischarged insolvent ; or

(*h*) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for nomination to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for nomination to the Legislative Assembly to represent that province :

Provided further that the disqualification mentioned in clause (*d*) may be removed by an order of the Governor-General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

(3) A persons who has been convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or has been reported by Commissioners holding an election inquiry as guilty of a corrupt practice as specified in Part I or in paragraph 1, 2 or 3 of Part II, of Schedule IV to these rules, shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be ; and a person reported by such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) A person who having been a candidate or an election agent at an election has failed to lodge the return of election expenses prescribed in these rules or has lodged a return which is found either by Commissioners holding an inquiry or by a Magistrate in a judicial proceeding to be false in any material particular shall not be eligible for nomination for five years from the date of the election :

Provided that either of the disqualifications mentioned in sub-rules (3) and (4) of this rule may be removed by an order of the Governor-General in Council in this behalf.

Terms of office of nominated member.

17. (1) A nominated non-official member shall hold office for the duration of the Legislative Assembly to which he is nominated.

(2) Official members shall hold office for the duration of the Legislative Assembly to which they are nominated or for such shorter period as the Governor-General may, at the time of nomination determine.

Obligation to take oath—Taking of oath.

18. Every person who is elected or nominated to be a member of the Legislative Assembly shall, before taking his seat, make at a meeting of the Legislative Assembly an oath or affirmation of his allegiance to the Crown in the following form, namely :—

I, A. B. having been $\frac{\text{elected}}{\text{nominated}}$ a member of this Assembly do solemnly swear (*or* affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

Effect of subsequent disabilities or failure to take oath.

19. If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (*a*), (*d*), (*e*), (*g*), and (*h*) of subrule (1) or in sub-rules (2), (3) and (4) of rule III or of rule XVI, as the case may be, or fails to make oath or affirmation prescribed by rule XVIII whithin such time as the Governor General considers reasonable, the Governor-General shall, by notification in the Gazette of India, declare his seat to be vacant.

Vacancies.

20. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void or his seat being declared vacant, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor-General shall, by notification in the Gazette of India, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor-General shall nominate to the vacancy a person having the necessary qualification under these rules.

First constitution of the Legislative Assembly.

21. (1) As soon as conveniently may be after these rules come into force, a Legislative Assembly shall be constituted in accordance with their provisions.

For this purpose the Governor-General shall, by notification in the Gazette of India, call upon the constituencies referred to in rule II to elect members in accordance with these rules within such time as may be prescribed by such notification, and shall make such nominations as may be necessary to complete the Legislative Assembly before the date fixed for its first meeting.

(3) If any difficulty arises as to the preparation or publication of the first electoral roll or the holding of the first elections after the commencement of these rules, the Governor-General in Council may by order do any matter or thing which appears to him necessary for the proper preparation or publication of the roll or for the proper holding of the elections.

General Elections.

22. (1) On the expiration of the duration of a Legislative Assembly or on its dissolution, a general election shall be held in order that a new Legislative Assembly may be constituted.

(2) On such expiration or dissolution, the Governor-General shall, by notification in the Gazette of India, call upon the constituencies referred to in rule 11 to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification :

Provided that, if the Governor-General thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Legislative Assembly would expire in the ordinary course of events.

(3) Before the date fixed for the first meeting of the Legislative Assembly, the Governor-General shall make such nominations as may be necessary to complete the Legislative Assembly.

23. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette of India.

Rules for The Council of State

Composition of Council of State.

1.. The Council of State shall consist of—

(1) thirty-three elected members, and

(2) twenty-seven members nominated by the Governor General, of whom not more than twenty may be Officials, and one shall be a person nominated as the result of an election held in Berar.

Elected Members—Constituencies.

2. The elected members shall be elected by the constituencies specified in Schedule I to these rules, subject to the provisions of that Schedule in regard to constituencies entitled to elect in rotation, and the number of members to be elected by each constituency shall be as stated therein against that constituency.

General disqualificatios for being elected.

3. (1) A person shall not be eligible for election as a Member of the Council of State if such person—

(*a*) is not a British subject ; or

(*b*) is a female ; or

(*c*) is already a member of any legislative body constituted under the Act ; or

(*d*) having been a legel practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or

(*e*) has been adjudged by a competent court to be of unsound mind; or

(*f*) is under 25 years of age; or

(*g*) is an undischarged insolvent; or

(*h*) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part:

Provided that, if the Rular of a State in India or any subject of such a State is not ineligible for election to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be ineligible for election to the Council of State by any constituency in that province:

Provided further that the disqualification mentioned in clause (*d*) may be removed by an order of the Governor General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) A person who has been convicted of an offence under Chapter IX-A. of the Indian Penal Code punishable with imprisonment for a term exceeding six months or has been reported by Commissioners holding an election inquiry as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV to these rules, shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years form such date.

(4) A person who having been a candidate or an election agent at an election has failed to lodge the return of election expenses herein after prescribed or has lodged a return which is found either by Commissioners holding an election inquiry or by a Magistrate in a judicial proceeding to be false in any material particular shall be disqualified for five years from the date of the election for being nominated as a candidate at any other election:

Provided that either of the disqualifications mentioned in sub-rules (3) and (4) of this rule may be removed by an order of the Governor General in Council in that behalf.

Special Qualifications for election in case of Constituencies.

4. (1) A person shall not be eligible for election as a Member of the Council of State to represent—

(a) a general constituency in the presidency of Bengal, unless his name is registered on the electoral roll of the constituency or of another constituency of the same communal description situate in the presidency: or

(b) a general constituency in the United Provinces of Agra and Oudh or in the province of Bihar and Orissa or in the province of Assam, unless his name is registered on the electoral roll of the constituency or of another general constituency in the same province; or

(c) a general constituency in the presidency of Madras or in the presidency of Bombay or in the Punjab or in the Central Provinces or in the province of Burma or any special constituency, unless his name is registered on the electoral roll of the constituency.

(2) For the purposes of these rules—

(*a*) "general constituency" means any constituency which is not a special constituency; and

(*b*) "special constituency" means a European Commerce constituency.

The right to elect—General conditions of registration and disqualifications.

5. (1) Every persons shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely:—

(*a*) is not a British subject; or

(*b*) is a female; or

(*c*) has been adjudged by a competent court to be of unsound mind; or

(*d*) is under 21 years of age:

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for registration on the electoral roll of a constituency of the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for registration on the electoral roll of any constituency of the Council of State in that province:

Provided further that, if a resolution is passed by the Council of State recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the Governor-General in Council shall make regulations providing that women, or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex:

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is reported by Commissioners holding an election inquiry as guilty of a corrupt practice as specified in Part I, or in paragraph I, 2 or 3 of Part II, of Schedule IV to these rules, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period ; and if any person is reported by such Commissioners as guilty of any other corrupt practice as specified in the said Schedule, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be registered for a like period :

Provided that the Governor General in Council may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

Qualifications of electors

6. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

(*i*) residence, or residence and community, and

(*ii*) (*a*) the holding of land, or

(*b*) assessment to or payment of income-tax, or

(*c*) past or present membership of a Legislative body, or

(*d*) past or present tenure of office on a local authority, or

(*e*) past or present university distinction, or

(*f*) the tenure of office in a co-operative banking society, or

(*g*) the holding of a title conferred for literary merit,

as are specified in Schedule II to these rules in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II to these rules in the case of that constituency.

Electoral roll.

7. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person

whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll may preper a claim or objection to the Revising Authority.

(2) The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

(1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll,

(2) the time at which the roll shall be prepared,

(3) the publication of the roll in the constituency to whom it relates,

(4) the mode in which and the time within which claims and objections may be preferred,

(5) the constitution and appointment of Revising Authorities to dispose of claims and objections,

(6) the manner in which notices of claims or objections shall be published,

(7) the place, date, and time at which and the manner in which claims or objections shall be heard,

shall apply for the purpose of the holding of elections within that province to the Council of State :

Provided that the Governor General in Council may, by notification in the Gazette of India, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

(3) The orders made by the Revising Authority shall be final and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in the case of each province in such manner as may be prescribed by the regulations aforesaid for the republication of electoral rolls of constituencies of the Legislative Council.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the Governor General in Council may by regulation prescribe, and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

Right to vote.

8. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member or members for that constituency : provided that no person shall vote in more than one general constituency.

Nomination of candidates.

9. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

(2) On or before the date on which a candidate is nominated, the candidate shall make in writing and sign a declaration appointing either himself or some other person who is not disqualified under these rules for the appointment to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

Election.

10. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature before such time as the Governor General in Council may fix in this behalf exceeds that of the vacancies, a poll shall be taken.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor General shall by a notification in the Gazette of India, call for fresh nominations for the remaining vacancies, and if any such are received shall call upon the constituencies concerned to elect members to fill these vacancies.

(4) Votes shall be given by ballot and in general constituencies in person. No votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected : provided that no elector shall give more than one vote to any one candidate except in the case of the Bombay (non-Muhammadan) constituency, in which constituency an elector may accumulate all his votes on any one candidate or may distribute them among the candidates as he pleases.

(6) Votes shall be counted by the Returning Officer, and any candidate, or, in the absence of the candidate, a representative duly

authorised by him in writing, shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given, to be elected.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or candidates elected shall be published in the Gazette of India.

Regulations regarding the conduct of election.

11. The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

(1) the form and manner in and the condition on which nominations may be made, and for the scrutiny of nominations.

(2) the appointment of a Returning Officer for each constituency and for his powers and duties,

(3) the division of general constituencies into polling areas and the appointment of polling stations for these areas,

(4) the appointment of officers to preside at polling stations, and the duties of such officers,

(5) the checking of voters by reference to the electoral roll,

(6) the manner in which votes are to be given, both generally and in the case of illiterate voters or voters under physical or other disability,

(7) the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors,

(8) the scrutiny of votes,

(9) the safe custody of ballot papers and other election papers, the period for which such papers shall be preserved, and the inspection and production of such papers, and

(10) the conduct of elections generally,

shall apply for the purpose of the holding of elections within that province to the Council of State :

Provided that the Governor General in Council may, by notification in the Gazette of India, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

Multiple elections.

12. (1) If any person is elected by more than one constituency, he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department within seven days from the date of the publication of the result of such election in the Gazette of India, choose for which of these constituencies he shall serve, and the choice shall be conclusive.

(2) When any such choice has been made, the Governor General shall call upon any constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the elections of such person shall be void, and the Governor General shall call upon the constituency or constituencies concerned to elect another person or persons.

Disqualification for being an election agent.

13. No person shall be appointed an election agent who is himself ineligible for election as being subject to the disqualification mentioned in sub-rule (3) of rule III.

Return of election expenses.

14. (1) Within one month or such longer period as the Governor General may allow after the date of the declaration of the result of the election every candidate, either personally or through his election agent, shall cause to be lodged with the Returning Officer a return of his election expenses containing the particulars specified in Schedule III to these rules.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interests for expenses incurred on account of or in respect of the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in the said Schedule and shall be made on oath or affirmation before a Magistrate.

(4) The Governor General in Council shall cause to be prepared in such manner, and maintained for such time, as he may direct,

a record showing the names of all candidates at every election under these rules and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

Accounts of Agents.

15. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in rule XIV shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

General disqualifications for nomination.

16. (1) Save as expressly provided in these rules in regard to the nomination of a person elected in Berar, no person shall be nominated to the Council of State who—

(*a*) is not a British subject ; or

(*b*) is a female , or

(*c*) is already a member of any legislative body constituted under the Act ; or

(*d*) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or

(*e*) has been adjudged by a competent court to be of unsound mind ; or

(*f*) is under 25 years of age ; or

(*g*) is an undischarged insolvent ; or

(*h*) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that if the Ruler of a State in India or any subject of such a State is not disqualified for nomination to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for nomination to the Council of State to represent that province :

Provided further that the disqualification mentioned in clause (*d*) may be removed by an order of the Governor General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

(3) A person who has been convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or has been reported by Commissioners holding an election inquiry as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV to these rules, shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be ; and a person reported by such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) A person, who having been a candidate or an election agent at an election has failed to lodge the return of election expenses prescribed in these rules or has lodged a return wich is found either by Commissioners holding an inquiry or by a Magistrate in a judicial proceeding to be false in any material particular, shall not be eligible for nomination for five years from the date of the election :

Provided that either of the disqualifications mentioned in sub-rules (3) and (4) of this rule may be removed by an order of the Governor General in Council in that behalf.

Terms of office of nominated members

17. (1) A nominated non-official member shall hold office for the duration of the Council of State to which he is nominated.

(2) Official members shall hold office for the duration of the Council of State to which they are nominated or for such shorter period as the Governor General may, at the time of nomination, determine.

Taking of oath.

18. Every person who is elected or nominated to be a member of the Council of State shall, before taking his seat, make at a meeting of the Council of State an oath or affirmation of his allegiance to the Crown in the following form, namely :—

I, A. B. having been $\frac{\text{elected}}{\text{nominated}}$ a member of this Council do solemnly swear (*or* affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

Effect of subsequent disabilities or failure to take oath.

19. If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (*a*), (*d*), (*e*), (*g*), and (*h*) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule III or of rule XVI, as the case may be, or fails to make

the oath or affirmation prescribed by rule XVIII within such time as the Governor General considers reasonable, the Governor General shall, by notification in the Gazette of India, declare his seat to be vacant.

Vacancies.

20. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void or his seat being declared vacant, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor General shall, by notification in the Gazette of India, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor General shall nominate to the vacancy a person having the necessary qualification under these rules.

First Constitution of Council of State.

21. (1) As soon as conveniently may be after these rules come into force, a Council of State shall be constituted in accordance with their provisions.

(2) For this purpose the Governor General shall, by notification in the Gazette of India, call upon the constituencise referred to in rule II to elect members in accordance with these rules within such time as may be prescribed by such notification and shall make such nominations as may be necessary to complete the Council of State before the date fixed for its first meeting.

(3) If any difficulty arises as to the preparation or publication of the first electoral roll or the holding of the first elections after the commencement of these rules, the Governor General in Council may by order do any matter or thing which appears to him necessary for the proper preparation or publication of the roll or for the proper holding of the elections.

Reconstitution of Council of State—General Elections.

22. (1) On the expiration of the duration of a Council of State or on its dissolution, a general election shall be held in order that a new Council of State may be constituted.

(2) On such expiration or dissolution, the Governor General shall, by notification in the Gazette of India, call upon the constituencies referred to in rule II to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification:

Provided that, if the Governor General thinks fit, such notification may be issued at any time not being more than three months

prior to the date on which the duration of the Council of State would expire in the ordinary course of events.

(3) Before the date fixed for the first meeting of the Council of State, the Governor General shall make such nominations as may be necessary to complete the Council of State.

Publication of result of General election.

23. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette of India.

List of Constituencies for
The Imperial Legislative Assembly

Madras—16

Madras, City, Non Muhammadan, Urban	1
„ Districts, Non Muhammadan Rural	
Ganjam cum Vizagapatam District	1
Godaveri cum Kistna	1
Guntur cum Nellore	1
Chittoor cum Ceded Dists. (Anantpur, Bellary, Cuddapah, Kurnool)	1
Salem, Coimbatore cum North Arcot	1
Chingleput cum South Arcot	1
Tanjore cum Trichinopoly	1
Madura, Ramnad cum Tinnevelly	1
Nilgiris and West Coast [Malabar, Anjengo, S Canara] ...	1
Muhammadan Constituencies	
North Madras [Ganjam, Vizgapatam, Godavari, Kistna Guntur Nellore, Anantpur, Bellary, Cuddapah, Kurnool and Chittoor]..	1
South Madras [Chingleput, Madras, Arcot, N & S, Coimbatore Tanjore, Trichinopoly, Madura, Ramnad, Tinnevelly] ...	1
Nilgiris and W. Coast [Malaber, Anjengo, S. Canara]	1
Europeans in Presidency	1
Landholders in Presidency	1
Indian Commerce in Presidency	1

Bombay—11

Bombay—City Non Muhammadan Urban	2
„ „ Muhammadan, Urban	1
Sind Non Muhammadan	1
Muhammadan	1
Non Mahammadan Rural	
Northern Division	1
Southern Division	1
Central „	2
Europeans in Presidency	2
Indian Merchants' Chamber	1

Bengal—15

Calcutta, Non Muhammadan, Urban	1
„ „ „ „ „ „ „ suburbs [Hoogly, Howrah, 24 Pargana Dist. Municipali.]	1
„ „ „ „ Rural, Presidency Division	1
Non Muhammadan—Rural	
Burdwan Division, excluding Hoogly and Howrah Dist. ...	1
Dacca Division	1
Chittagong—Rajshahi Division	1

Muhammadan—Urban—	
Calcutta and suburbs [Hoogly, Howrah, 24 Parganas District] ...	1
Muhammadan Rural—	
Burdwan and Calcutta Presidency Division	1
Dacca Division	1
Chittagong Division	1
Rajshahi Division	1
European—Bengal Presidency	2
Landholders—Bengal „	1
Indian Chambers of Commerce	1

United Provinces—16

Non-Muhammadan—Urban—	
Cities of U. P. [Agra, Meerut, Cawnpore, Benares, Allahabad, Bareilly, Lucknow]	1
Non-Muhammadan—Rural—	
Meerut Division [excluding Municipality and Cantonment] ...	1
Agra „ „	1
Rohilkhand and Kumaon Division	1
Allahabad—Jhansi Division	1
Benares—Gorakhpur Division	1
Lucknow Division	1
Fyzabad Division	1
Muhammadan—Urban—	
Cities of U. P. [Agra etc as above]	1
Muhammadan Rural—	
Meerut Division—[excluding Municipal and Cantonment.] ...	1
Agra „ „ „ „	1
Rohilkand and Kumaon Division	1
Lucknow and Fyzabad „ „ „	1
U. P. Southern Division [Allahabad, Benares, Gorukhpur] ...	1
European—U. P.	1
Land holders—U. P.	1

Punjab—12

Non Muammadan—	
Ambala Division	1
Jullundur Division	1
West Punjab [Lahore, Rawalpindi, Multan] Division ...	1
Muhammadan—	
East Punjab [Ambala, Kangra, Hoshiarpur, Jullunder, Ludhiana]	1
East Central Punjab [Ferozepur, Lahore, Amritsar and Gurdaspur,	1
West Central Punjab [Sialkot, Gujranwala, Sheikhupura and Lyallpur	1
North Punjab [Gujrat, Jhelum and RawlPindi] ...	1
North-West Punjab [Attock, Mianwali, Shalpur and Jhang ...	1
South-West Punjab [Multan, Montgomery, Muzafiargarh and Dera Ghazi Khan	1
Sikh—	
East Punjab [Ambala and Jullundur Division]	1
West Punjab [Lahore, Rawlpindi and Multan	1
Punjab Landholders [The Province of the Punjab	1

Bihar and Orissa—12

Non-Muhammadan—	
Tirhut Division	2
Orissa Division	2
Patna cum Shahabad	1
Gaya cum Monghyr	1
Bhagalpur, Purnea and the Santhal parganas	1
Chota Nagpur Division	1
Muhammadan—	
Patna and Chota Nagpur cum Orissa	1
Bhagalpur Division	1
Tirhut Division	1
Bihar and Orissa Landholders	1

Central Provinces

Non-Muhammadan—	
Nagpur Division	1
Central Provinces Hindi Division [The Nerbada, Jubbulpur and Chhatisgarh Divisions	2
Muhammadan Central Provinces	1
Central Provinces Landholders	1

Assam

Non-Muhammadan—	
Assam Valley	1
Surma Valley cum Shillong	1
Muhammadan—	
Assam Muhammadan	1
Assam European	1

Burma

Burma Non-European	3
Burma European	1

11. List of Constituencies entitled to representation in rotation.

Bombay	Sind	Muhammadan Rural	1
	Bombay Northern Division	do	
Ditto	Bombay Central Division	do	1
	Bombay Southern Division	do	
Ditto	Sind Jagirdar & Zamindars	Landholders	1
	Gujrat & Deccan Sardars & Inamdars	do	
Ditto	The Bom. Millowners' Association	Indian Commerce	1
	The Ahmedabad „	„ „	
Bengal	Bengal Chambers of Commerce	„	1
	Marwari Association	„	
	Bengal Mahajan Sabha	„	

III.—In a case where two constituencies are bracketed together as entitled to elect one member, the constituency first mentioned shall elect to the first Legislative Assembly at the general election and at all bye-elections so long as the first Legislative Assembly continues, and the constituency second mentioned shall elect at the general election to the next Legislative Assembly and at bye-elections in like manner, and thereafter the constituencies shall elect in like manner in rotation to succeeding Legislative Assemblies.

IV.—In the case where three constituencies are bracketed together as entitled to elect one member, the constituency first mentioned shall elect to the first Legislative Assembly at the general election and at all bye-elections so long as the first Legislative Assembly continues, and the second mentioned constituency shall elect at the general election to the next Legislative Assembly and at bye-elections in like manner, and the third mentioned constituency shall elect at the general election to the third Legislative Assembly and at bye-elections in like manner, and thereafter the constituencies shall elect in like manner in rotation to succeeding Legislative Assemblies.

List of Constituencies for
The Council of State

Province.	Name of Constituency.	No. of Members.
Madras	Madras Non-Muhammadan.	4
Ditto	Madras Muhammadan.	1
Bombay	Bombay Non-muhammadan.	3
Ditto	Bombay Presidency Muhammadan.	1
Ditto	Sind Muhammadan.	1
Ditto	Bombay Chamber of Commerce.	1
Bengal	East Bengal Non-Muhammadan.	1
Ditto	West Bengal do.	2
Ditto	East Bengal Muhammadan.	1
Ditto	West Bengal do.	1
Ditto	Bengal Chamber of Commerce.	1
United Provinces	United Provinces Central Non-Muhammadan	1
do	United Provinces Northern Non-Muhammadan	1
do	United Provinces Southern Non-Muhammadan	1
do	United Provinces West Muhammadan	1
do	United Provinces East Muhammadan	1

Province.	Name of Constituency.	No. of Members.
Punjab	Punjab (Non-Muhammadan	1
Do.	Punjab Sikh	1
Behar and Orissa.	Behar and Orissa Non-Muhammadan.	2*
Do.	do. Muhammadan.	1
Central Provinces.	Central Provinces.	1
Burma	Burma.	1
Do.	Burma Chamber of Commerce.	1
Punjab.	East Punjab Muhammadan.	
Do.	West do. do.	... 2
Bihar & Orissa.	Bihar & Orissa Non-Muhammadan.	
Assam.	Assam Non-Muhammadan,	
Ditto.	do. Muhammadan	... 1

III. In the case where two constituencies are bracketed together as entitled to elect one member, the constituency first mentioned shall elect to the first Council of State at the general election and at all bye-elections so long as the first Council of State continues, and the second-mentioned constituency shall elect at the general election to the next Council of State and at all bye-elections in like manner, and thereafter the constituencies shall elect in like manner in rotation to succeeding Councils of State.

IV. In the case where three constituencies are bracketed together as entitled to elect two members, the two first-mentioned constituencies shall each elect a member to the first Council of State at the general election and the constituency affected shall elect at any bye-election so long as the first Council of State continues, and for the purposes of the general election to the second Council of State and bye-elections occurring during the continuance of that Council the two first-mentioned constituencies shall be deemed to be one constituency and the members shall be elected, one by those constituencies combined and the other by the third-mentioned constituency, or, in the case of a bye-election, by those constituencies or that constituency, as the case may be, and thereafter the constituencies shall elect in like manner in rotation to succeeding Councils of State.

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*NOTE.—The Bihar and Orissa (non-Muhammadan) constituency is entitled to elect a third member to the second, fourth and succeeding alternate Councils of State.

Devolution Rules

In exercise of the powers conferred by section 45 A and section 129 A of the Government of India Act, the Governor-General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules :—

Short title and Definitions.

1. These rules may be called the Devolution Rules.

2. In these rules, unless there is anything repugnant in the subject or context—

(*a*) "all-India Revenues" means such portion of the revenues of India as is not allocated to local Governments under these rules ;

(*b*) "Schedule" means a Schedule to these rules ;

(*c*) "the Act" means the Government of India Act.

Part I.—Classification of Subjects.

3. (1) For the purpose of distinguishing the functions of local Governments and local legislatures from the functions of the Governor General in Council and the Indian legislature, subjects shall be classified in relation to the functions of Government as central and provincial subjects in accordance with the lists set out in Schedule I.

(2) Any matter which is included in the list of provincial subjects set out in Part II of Schedule I shall, to the extent of such inclusion, be excluded from any central subject of which, but for such inclusion, it would form part.

Settlement of doubts.

4. Where any doubt arises as to whether a particular matter does or does not relate to a provincial subject the Governor-General in Council shall decide whether the matter does or does not so relate, and his decision shall be final.

Duty of local Government to supply information.

5. The local Government of a province shall furnish to the Governor General in Council from time to time such returns and information on matters relating to the administration of provincial subjects as the Governor General in Council may require and in such form as he may direct.

Transfer of subjects and revocation or suspension of transfer.

6. The provincial subjects specified in the first column of Schedule II shall, in the provinces shown against each subject in the

second column of the said Schedule, be transferred subjects provided that the Governor General in Council may, by notification in the Gazette of India, with the previous sanction of the Secretary of State in Council, revoke or suspend for such period as he may consider necessary the transfer of any provincial subject in any province, and upon such revocation or during such suspension the subject shall not be a transferred subject.

7. If any doubt arises as to whether any matter relates to a reserved or to a transferred subject, the Governor shall decide the question, and his decision shall be final.

8. Where an Act of the Legislative Council of a Governor's province confers on local authorities powers of the management of matters relating to reserved subjects, those matters shall, to the extent of the powers conferred by such legislation, be deemed in that province to form part of the transferred subject of local self-government.

9. (1) When a matter appears to the Governor to affect substantially the administration both of a reserved and of a transferred subject, and there is disagreement between the Executive Council and the ministers concerned as to the action to be taken, it shall be the duty of the Governor, after due consideration of the advice tendered to him, to direct in which department the decision as to such action shall be given : provided that, in so far as circumstances admit, important matters on which there is such a difference of opinion shall, before the giving of such direction, be considered by the Governor with his Executive Council and his ministers together.

(2) In giving such a direction as is referred to in sub-rule (1), the Governor may, if he thinks fit, indicate the nature of the action which should in his judgment be taken, but the decision shall thereafter be arrived at by the Governor in Council or by the Governor and minister according as the department to which it has been committed is a department dealing with reserved or a department dealing with transferred subjects.

10. The authority vested in the local Government over officers of the public services employed in a province shall be exercised in the case of officers serving in a department dealing with reserved subjects by the Governor in Council and in the case of officers serving in a department dealing with transferred subjects by the Governor acting with the minister in charge of the department : provided that—

(a) no order affecting emoluments or pensions, no order of formal censure, and no order on a memorial shall be passed to the disadvantage of an officer of an All-India or provincial service without the personal concurrence of the Governor ; and

(b) no order for the posting of an officer of an all-India service shall be made without the personal concurrence of the Governor.

11. An officer shall be deemed to be serving in that department which controls the budget-head to which his pay is debited. If he performs duties both in a department dealing with reserved and in a department dealing with transferred subjects, the Governor shall decide to which budget-head his pay shall be debited.

Devolution.

12. Subject to the provisions of these rules, provincial subjects shall be administered by the local Government. But, save in the case of transferred subjects, nothing in these rules shall derogate from the power of superintendence, direction and control conferred on the Governor General in Council by the Act.

Part II.—Financial arrangements —Allocation of revenue

13. The following sources of revenue shall be allocated to local Governments as sources of provincial revenue, namely :—

(*a*) balances standing at the credit of the province at the time when the Act comes into force ;

(*b*) receipts accruing in respect of provincial subjects ;

(*c*) General stamps ;

(*d*) recoveries of loans and advances given by the local Government and of interest paid on such loans ;

(*e*) Payments made to the local Government by the Governor General in Council or by other local Governments, either for services rendered or otherwise ;

(*f*) the proceeds of any taxes which may be lawfully imposed for provincial purposes ;

(*d*) the proceeds of any loans which may be lawfully raised for provincial purposes ; and

(*h*) any other sources which the Governor General in Council may by order declare to be sources of provincial revenue.

Payment of Government revenues into the public account

14. All moneys derived from sources of provincial revenue shall be paid into the public account, of which the Governor General in Council is custodian, and credited to the Government of the province ; and no moneys so credited shall be withdrawn from the public account save in accordance with the provisions of a law passed by the Indian Legislature.

Provincial Contributions.

15. In the financial year 1921-22 contributions shall be paid to the Governor General in Council by the local Governments mentioned below according to the following scale :—

Name of Province.	Contribution (In lakhs of rupees.)
Madras	318
Bombay	56
Bengal	63
United Provinces	240
Punjab	175
Burma	64
Central Provinces and Berar	22
Assam	15

16. From the Financial year 1922-23 onwards a total contribution of 983 lakhs, or such smaller sum as may be determined by the Governor General in Council, shall be paid to the Governor General in Council by the local Governments mentioned below. The percentage of this total amount to be paid in each year by each local Government shall be according to the following scale :—

Name of Province.	1922-23.	1923-24.	1924-25.	1925-26.	1926-27.	1927-28 and thereafter.
Madras	32·5	29·5	26·5	23	20	17
Bombay	7	8	9·5	10·5	12	13
Bengal	8·5	10·5	12 5	15	17	19
United Province .	23·5	22 5	21	20	19	18
Punjab	16 5	15	13·5	12	10·5	9
Burma	6·5	6·5	6·5	6·5	6 5	6 5
Bihar and Orissa ..	1·5	3	5	7	8·5	10
Central Provinces and Berar	2·5	3	3·5	4	4·5	5
Assam	1 5	2	2	2	2	2·5

17. In cases of emergency the local Government of any province may be required by the Governor General in Council, with the sanction of, and subject to conditions approved by, the Secretary of State, to pay to the Governor General in Council a contribution for any financial year in excess of the amount required by the preceding rules in the case of that year.

18. The contributions fixed under the preceding rules shall be a first charge on the allocated revenues and moneys of the local Governments concerned, and shall be paid in such instalments, in such manner, and on such dates, as the Governor General in Council may prescribe.

19. At any time when he considers this course to be essential in order to preserve the financial stability of India, the Governor General in Council shall have power to require a local Government so to regulate its programme of expenditure as not to reduce the balance at its credit in the public account on a specified date below a stated figure. Subject to this power, local Governments shall be

at liberty to draw on their balances, provided that notice of the amount which they propose to draw during the ensuing financial year is given to the Governor General in Council before such date in each year as the Governor General in Council may by order fix.

20. Whenever the Governor General in Council has, on receipt of due notice of the intention of the local Government to draw on its balances, required it to reduce the extent of the proposed draft, he shall, at the end of the financial year in which the local Government is debarred from drawing, credit the local Government with interest on the amount which it was not permitted to draw. Such interest shall be a charge on the revenues of India and shall be calculated at the average rate at which the Governor General in Council has borrowed money in the open market during the year by the issue of treasury bills.

21. Any moneys which, on the Ist day of April 1921 are owed to the Governor General in council on account of advances made from the provincial loan account of any province, shall be treated as an advance to the local Government from the revenues of India, and shall carry interest at a rate calculated on the average rate carried by the total amount owed to the Governor General in Council on this account on the 31st March 1921. The interest shall be payable upon such dates as the Governor General in Council may fix. In addition, the local Government shall pay to the Governor General in Council in each year an instalment in repayment of the principal amount of the advance, and this instalment shall be so fixed that the total advance shall, except where for special reasons the Governor-General in Council may otherwise direct, be repaid before the expiry of twelve years. It shall be open to any local Government to repay in any year an amount in excess to the fixed instalment.

22. (*1*) The capital sums spent by the Governor General in Council upon the construction in the various provinces of productive and protective irregation works and such other works financed from loan funds as may from time to time be handed over to the management of local Governments shall be treated as advances made to the local Governments from the revenues of India. Such advances shall carry interest at the following rates, namely:—

(*a*) in the case of outlay up to the end of the financial year 1916-17, at the rate of 3·3252 *per centum*;

(*b*) in the case of outlay incurred after the financial year 1916-17, at the average rate of interest payed by the Governor General in Council on loans raised in the open market since the end of that year.

(*2*) The interest shall be payable upon such dates as the Governor General in Council may fix.

23. The Governor General in Council may at any time make to a local Government an advance from the revenues of India on such terms as to interest and repayment as he may think fit.

24. The payment of interest on loans and advances made under the three preceding rules and the repayment of the principal of an advance under rule 21, shall be a charge on the annual allocated revenues of the local Government, and shall have priority over all other charges, save only contributions payable to the Governor General in Council.

25. (*1*) Subject to the rules contained in Schedule III, the local Government shall have full power to sanction expenditure on provincial subjects—

(*a*) in the case of grants voted by the Lgislative Council to the full extent of such grant, and

(*b*) In the case of the heads of expenditure enumerated in section 72D (*3*) of the Act, to any extent.

(*2*) Sanctions once given under clause (*a*) of sub-rule (*1*) shall remain valid for the specified period for which they are given, subject to the voting of grants in each year.

Delegation of powers of sanction.

26. Any powers conferred by rule 25 upon the Governor in Council or the Governor acting with ministers may, after previous consultation with the Finance Department hereinafter referred to, be delegated, with or without conditions, to any officer subordinate to the local Government. Such officer may not in his turn delegate such powers to any officer subordinate to him.

Famine Insurance Fund.

27. Each local Government shall establish and maintain out of provincial revenues a famine insurance fund in accordance with the provision of Schedule IV, and such fund shall be controlled and administered as required by those provisions.

Taxation and borrowing.

28. All proposals for raising taxation or for the borrowing of money on the revenues of a province shall be considered by the Governor with his Executive Council and ministers sitting together, but the decision shall thereafter be arrived at by the Governor in Council, or by the Governor and minister or ministers concerned, according as the proposal relates to a reserved or to a transferred subject.

Allocation of revenues for the administration of transferred subjects.

29. Expenditure for the purpose of the administration of transferred subjects shall, in the first instance, be a charge on the general revenues and balances of each province, and the framing

of proposals for expenditure in regard to transferred and reserved subjects will be a matter for agreement between that part of the government which is responsible for the administration of transferred subjects and that part of the government which is responsible for the administration of reserved subjects.

Procedure in event of failure to agree.

30. If the Governor is at any time statisfied that there is no hope of an agreement being arrived at within a reasonable time as to the framing of proposals in regard to expenditure for reserved and transferred subjects respectively, he may by order in writing allocate the revenue and balances of the province between reserved and transferred subjects by specifying the fractional proportions of the revenues and balances which shall be assigned to each class of subject.

Period of order of allocation

31. Every such order shall specify the period for which the allocation will remain in force. Such period shall be either the period of the office of the then existing Legislative Council or such longer period terminating at a date not later than one year after the expiration thereof as the Governor may determine. The Governor may, if he thinks fit, before making an order of allocation, refer the question of the allocation of the revenues and balances of the province for the report of such authority as the Governor General may appoint in this behalf, and the Governor, if he so refers the matter, shall make his order in accordance with the terms of the report.

Condition of order of allocation.

32. Every order of allocation made under these rules shall provide that, if any increase of revenue accrues during the period of the order on account of the imposition of fresh taxation, that increase unless the legislature otherwise directs, shall be allocated in aid of that part of the Government by which the taxation is initiated.

Preparation of budget in default of agreement or order of allocation.

33. If at the time of the preparation of any budget no agreement or allocation such as is contemplated by these rules has been arrived at, the budget shall be prepared on the basis of the aggregate grants respectively provided for the reserved and transferred subjects in the budget of the year about to expire.

Part III.—Finance Department.

34. (*1*) There shall be in each Governor's province a Finance Department, which shall be controlled by a member of the Executive Council.

(2) Immediately subordinate to the member there shall be a financial secretary, with whom shall be associated, if the ministers so desire, a joint secretary appointed by the Governor after consultation with the ministers.

(3) The joint secretary shall be specially charged with the duty of examining and dealing with financial questions arising in relation to transferred subjects and with proposals for taxation or borrowing put forward by any minister.

Function of Finance Department.

35. The Finance Department shall perform the following functions, namely :—

(a) it shall be in charge of the account relating to loans granted by the local Government, and shall advise on the financial aspect of all transactions relating to such loans :

(b) it shall be responsible for the safety and proper employment of the famine insurence fund ;

(c) it shall examine and report on all proposals for the increase or reduction of taxation ;

(d) it shall examine and report on all proposals for borrowing by the local Government : shall take all steps necessary for the purpose of raising such loans as have been duly authorised : and shall be in charge of all matters relating to the service of loans :

(e) it shall be responsible for seeing that proper financial rules are framed for the guidance of other departments and that suitable accounts are maintained by other departments and establishments subordinate to them ;

(f) it shall prepare an estimate of the total receipts and disbursements of the province in each year and shall be responsible during the year for watching the state of the local Government's balances ;

(g) in connection with the budget and with supplementary estimates—

(i) it shall prepare the statement of estimated revenue and expenditure which is laid before the Legislative Council in each year and any supplementary estimates or demands for excess grants which may be submitted to the vote of the Council ;

(ii) for the purposes of such preparation, it shall obtain from the departments concerned material on which to base its estimates, and it shall be responsible for the correctness of the estimates framed on the material so supplied ;

(iii) it shall examine and advise on all schemes of new expenditure for which it is proposed to make provision in the estimates,

and shall decline to provide in the estimates for any scheme which has not been so examined ;

(*h*) on receipt of a report from an audit officer to the effect that expenditure for which there is no sufficient sanction is being incurred, it shall require steps to be taken to obtain sanction or that the expenditure shall immediately cease ;

(*i*) it shall lay the audit and appropriation reports before the committee on public accounts, and shall bring to the notice of the committee all expenditure which has not been duly authorised and any financial irregularities ;

(*j*) it shall advise departments responsible for the collection of rvenue regarding the progress of collection and the methods of collection employed.

Powers of Finance Department.

36. (*1*) After grants have been voted by the Legislative Council, the Finance Department shall have power to sanction—

(*i*) any reappropriation within a grant from one major or minor head to another,

(*ii*) any reappropriation between heads subordinate to a minor head which involves the undertaking of a recurring liability, and

(*iii*) any delegation by a member or minister in charge of a department to any officer or class of officers of power to make reappropriation between heads subordinate to a minor head, and the conditions of such delegation,

and no such reappropriation or delegation shall be made without such sanction.

(2) Copies of orders sanctioning any reappropriation which does not require the sanction of the Finance Department shall be communicated to that department as soon as such orders are passed.

37. No expenditure on any of the heads detailed in section 72D. (3) of the Act, which is in excess of the estimate for that head shown in the budget of the year, shall be incurred without previous consultation with the Finance Department.

38. No office may be added to, or withdrawn from, the public service in the province, and the emoluments of no post may be varied, except after consultation with the Finance Department; and. when it is proposed to add a permanent or temporary post to the public service, the Finance Department shall decide to what cadre the proposed post will form an addition.

39. No duty allowance, local allowance or travelling allowance and no personal pay shall be sanctioned for any post or class of posts without previous consultation with the Finance Department.

40. No grant of land or assignment of land revenue, except when the grant is made under the ordinary revenue rules of the pro-

vince, shall be given without previous consultation with the Finance Department, and no concession, grant or lease of mineral or forest rights, of right to water power or of right-of-way or other easement, and no privilege in respect of such rights shall be given without such previous consultation.

Abandonment of revenue, ect.

41. No proposal involving an abandonment of revenue for which credit has been taken in the budget, or involving expenditure for which no provision has been made in the budget, shall be submitted for the consideration of the local Government or the Legislative Council, nor shall any orders giving effect to such proposals issue, without a previous reference to the Finance Department.

Disposal of reports by Finance Department.

42. Every report made by the Finance Department on any matter on which it is required to advice or report under these rules shall be forwarded to the department concerned and shall, if the Finance Department so require, be submitted by the department concerned to the Governor. The Governor may, if he thinks fit, direct that any such report shall be laid before the committee on public accounts.

Presumption of assent of Finance Department.

43. Wherever previous consultation with the Finance Department is required by these rules, it shall be open to that Department to prescribe, by general or special order, cases in which its assent may be presumed to have been given.

Agency Employment of Local Governments.

44. The Governor General in Council may employ the agency of the Governor in Council of any province in the administration of central subjects in so far as such agency may be found convenient.

Cost of agency establishment.

45. The cost of an establishment exclusively employed on the business of agecy shall be a charge against all-India revenues.

Distribution of cost of joint establishment.

46. If a joint establishment is employed upon the administration of central and provincial subjects, the cost of such establishment may be distributed in such manner as the Governor General in Council and the Governor in Council of the province concerned may agree.

Part IV.—Limitation of control by Governor General in Council over transferred subjects.

47. The powers of superintendence, direction and control over the local Government vested in the Governor General in Council

under the Act shall, in relation to transferred subjects, be exercised only for the following purposes, namely :—

(1) to safeguard the administration of central subjects ; and

(2) to decide questions arising between two provinces, in cases where the provinces concerned fail to arrive at an agreement.

SCHEDULE I.

SEE RULE 3 ABOVE

PART I.—CENTRAL SUBJECTS

1. (*a*) Defence of India, and all matters connected with His Majesty's Naval, Military and Air Forces in India, or with His Majesty's Indian Marine Service or with any other Force raised in India other than military and armed police wholly maintained by local Governments.

(*b*) Naval and military works and cantonments.

2. External relations, including naturalisation and aliens, and pilgrimages beyond India.

3. Relations with States in India.

4. Political charges.

5. Communications to the extent described under the following heads, namely :—

(*a*) Railways and extra-municipal tramways, in so far as they are not classified as provincial subjects under entry 6 (*d*) of Part II of this Schedule;

(*b*) aircraft and all matters connected therewith;

(*c*) inland waterways, to an extent to be declared by rule made by the Governor General in Council or by or under legislation by the Indian lagislature.

6. Shipping and Navigation, including shipping and navigation on inland waterways in so far as declared to be a central subject in accordance with entry 5. (*c*).

7. Light-houses (including their approaches), beacons, lightships and buoys.

8. Port quarantine, and marine hospitals.

9. Ports declared to be major ports by rule made by the Governor General in Council or by or under legislation by the Indian legislature.

10. Ports, telegraphs and telephones, including wireless installations.

11. Customs, cotton excise duties, income-tax, salt, and other sources of all-India revenues.

12. Currency and coinage.

13. Public debt of India.

14. Savings Banks.

15. Department of the Comptroller and Auditor General.

16. Civil law, including laws regarding status, property, civil rights and liabilities and civil procedure.

17. Commerce, including banking and insurance.

18. Trading companies and other associations.

19. Control of production, supply and distribution of any articles in respect of which control by a central authority is declared by rule made by the Governor General in council or by or under legislation by the Indian legislature to be essential in the public interest.

20. Development of industries, in cases where such development by a central authority is declared by order of the Governor General in Council expedient in the public interest.

21. Control of cultivation and manufacture of opium, and sale of opium for export.

22. Stores and Stationery.

23. Control of petroleum and explosives.

24. Geological survey.

25. Control of mineral development in so far as such control is reserved to the Governor General in Council under rule made or sanctioned by the Secretary of State, and regulation of mines.

26. Botanical survey.

27. Inventions and designs.

28. Copyright.

29. Emigration from, and immigration into, British India and inter-provincial migration.

30. Criminal Law, including criminal procedure.

31. Central police organisation.

32. Control of arms and ammunition.

33. Central agencies and institutions for research (including observatories) and for professional or technical training or promotion of special studies.

34. Ecclesiastical administration, including European cemeteries.

35. Survey of India.

36. Archæology.

37. Zoological survey.

38. Meteorology.

39. Census and Statistics.

40. All-India Services.

41. Legislation in regard to any provincial subject, in so far as such such subject is in Part II of this Schedule stated to be subject to legislation by the Indian legislature, and any powers relating

to such subject reserved by legislation to the Governor General in Council.

42. Territorial changes, other than intra-provincial, and declaration of laws in connection therewith.

43. Regulation of ceremonial titles, orders, precedence and civil uniform.

44. Immoveable property acquired by, or maintained at, the cost of the Governor General in Council.

45. All matters expressly excepted by the provisions of Part II of this Schedule from inclusion among provincial subjects.

46. All other matters not included among provincial subjects under Part II of this Schedule.

PART II.—PROVINCIAL SUBJECTS.

1. Local self-government, that is to say, matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health and other local authorities established in a province for the purpose of local self-government, exclusive of matters arising under the Cantonments Act 1910 ; subject to legislation by the Indian legislature as regards—

(*a*) the powers of such authorities to borrow otherwise than from a provincial government, and

(*b*) the levying by such authorities of taxation not included in Schedule II to the Scheduled Taxes Rules.

2. Medical administration, including hospitals, dispensaries and asylums and provision for medical education.

3. Public health and sanitation and vital statistics ; subject to legislation by the Indian legislature in respect to infectious and contagious diseases to such extent as may be declared by any Act of the Indian legislature.

4. Pilgrimages within British India.

5. Education : provided that—

(*a*) the following subjects shall be excluded, namely :—

(*i*) the Benares Hindu University, and such other Universities constituted after the commencement of these rules, as may be declared by the Governor General in Council to be central subjects, and

(*ii*) Chiefs' Colleges and any institution maintained by the Governor General in Council for the benefit of members of His Majesty's Forces or of other public servants or of the children of such members or servants ; and

(*b*) the following subjects shall be subject to legislation by the Indian legislature, namely :—

(*i*) the control of the establishments, and the regulation of

the constitutions and functions, of Universities constituted after the commencement of these rules, and

(*ii*) the definition of the jurisdiction of any University outside the province in which it is situated, and

(*iii*) for a period of five years from the date of the commencement of these rules, the Calcutta University and the control and organisation of secondary education in the presidency of Bengal.

6. Public works included under the following heads, namely :—

(*a*) construction and maintenance of provincial buildings used or intended for any purpose in connection with the administration of the province ; and care of historical monuments, with the exception of ancient monument as defined in section 2 (*1*) of the Ancient Monuments Preservation Act, 1904, which are for the time being declared to be protected monuments under section 3 (*1*) of that Act: provided that the Governor General in Council may, by notification in the Gazette of India, remove any such monument from the operation of this exception ;

(*b*) roads, bridges, ferries, tunnels, ropeways and causeways and other means of communication ;—subject to such conditions as regards control over construction and maintenance of means of communication declared by the Governor General in Council to be of military importance, and as regards incidence of special expenditure connected therewith, as the Governor General in Council may prescribe ;

(*c*) tramways within municipal areas ; and

(*d*) light and feeder railways in so far as provision for their construction and management is made by provincial legislation ;—subject to legislation by the Indian legislature in the case of any such railway or tramway which is in physical connection with a main line or is built on the same gauge as an adjacent main line.

7. Water supplies, irrigation and canals, drainage and embankments, water storage and water power ;—subject to legislation by the Indian legislature with regard to matters of inter-provincial concern or affecting the relations of a Province with any other territory.

8. Land Revenue administration, as described under the following heads, namely :—

(*a*) assessment and collection of land revenue ;

(*b*) maintenance of land records, survey for revenue purposes, records of rights ;

(*c*) laws regarding land tenures, relations of landlords and and tenants, collection of rents ;

(*d*) Courts of Wards, incumbered and attached estates ;

(*e*) land improvement and agricultural loans ;

(*f*) colonisation and disposal of Crown lands and alienation of land revenue ; and

(*g*) management of Government estates.

9. Famine relief.

10. Agriculture, including research institutes, experimental and demonstration farms, introduction of Improved methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases ;—subject to legislation by the Indian legislature in respect to destructive insects and pests, and plant diseases, to such extent as may be declared by any Act of the Indian legislature.

11. Civil Veterinary Department, including provision for veterinary training, improvement of stock, and prevention of animal diseases ;—subject to legislation by the Indian legislature in respect to animal diseases to such extent as may be declared by any Act of the Indian legislature.

12. Fisheries.

13. Co-operative Societies.

14. Forests, including preservation of game therein ;—subject to legislation by the Indian legislature as regards disforestation of reserved forests.

15. Land acquisition ; subject to legislation by the Indian legislature.

16. Excise, that is to say, the control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.

17. Administration of justice, including constitution, powers, maintenance and organisation of Courts of civil and criminal jurisdiction whithin the province ;—subject to legislation by the Indian legislature as regards High Courts, Chief Courts, and Courts of Judicial Commissioners, and any Courts of criminal jurisdiction.

18. Provincial law reports.

19. Administrators General and Official Trustees ;—subject to legislation by the Indian legislature.

20. Non-judicial stamps ;—subject to legislation by the Indian legislature, and judicial stamps, subject to legislation by the Indian legislature as regards amount of Court-fees levied in relation to suits and proceedings in the High Courts under their original jurisdiction.

21. Registration of deeds and documents ;—subject to legislation by the Indian legislature.

22. Registration of births, deaths and marriages ; subject to legislation by the Indian legislature for such classes as the Indian legislature may determine.

23. Religious and charitable endowments.

24. Development of mineral resources which are Government property ;—subject to rules made or sanctioned by the Secretary of State, but not including the regulation of mines.

25. Development of Industries, including industrial research and technical education.

26. Industrial matters included under the following heads, namely :—

(*a*) factories ;
(*b*) settlement of labour disputes ;
(*c*) electricity ;
(*d*) boilers ;
(*e*) gas ;
(*f*) smoke nuisances ; and
(*g*) welfare of labour including provident funds, industrial insurance (general, health and accident) and housing ;—
subject as to heads (*a*), (*b*), (*c*), (*d*) and (*g*) to legislation by the Indian legislature.

27. Adulteration of foodstuffs and other articles ; subject to legislation by the Indian legislature as regards import and export trade.

28. Weights and measures ; subject to legislation by the Indian legislature as regards standards.

29. Ports, except such ports as may be declared by rule made by the Governor General in Council or by or under Indian legislation to be major ports.

30. Inland waterways including shipping and navigation thereon so far as not declared by the Governor General in Council to be central subjects, but subject as regards inland steam-vessels to legislation by the Indian legislature.

31. Police, including railway police ; subject in the case of railway police to such conditions as regards limits of jurisdiction and railway contributions to cost of maintenance as the Governor General in Council may determine.

32. The following miscellaneous matters, namely :—

(*a*) regulation of betting and gambling ;
(*b*) prevention of cruelty to animals ;
(*c*) protection of wild birds and animals ;
(*d*) control of poisons ;—subject to legislation by the Indian legislature ;

(*e*) control of motor vehicles,—subject to legislation by the Indian legislature as regards licences valid throughout British India ; and

(*f*) control of dramatic performances and cinematographs, subject to legislation by the Indian legislature in regard to sanction of films for exhibition.

33. Control of newspapers, books and printing presses ; subject to legislation by the Indian legislature.

34. Coroners.

35. Excluded Areas.

36. Criminal tribes ; subject to legislation by the Indian legislature.

37. European vagrancy : subject to legislation by the Indian legislature.

38. Prisons, prisoners (except State prisoners) and reformatories ; subject to legislation by the Indian legislature.

39. Pounds and prevention of cattle trespass.

40. Treasure trove.

41. Libraries (except the Imperial Library) and museums (except the Indian Museum, the Imperial War Museum and the Victoria Memoral, Calcutta) and Zoological Gardens.

42. Provincial Government Presses.

43. Elections for Indian and provincial legislature, subject to rules framed under sections 64 (*1*) and 72A (*4*) of the Act.

44. Regulation of medical and other professional qualifications and standards ; subject to legislation by the Indian legislature.

45. Local Fund Audit, that is to say, the audit by Government agency of income and expenditure controlled by local bodies.

46. Control, as defined by rule 10, of members of all-India and provincial services serving within the province, and control, subject to legislation by the Indian legislature, of other public services within the province.

47. Sources of provincial revenue, not included under previous heads, weather—

(*a*) taxes included in the Schedules to the Scheduled Taxes Rules, or

(*b*) taxes, not included in those Schedules, which are imposed by or under provincial legislation which has received the previous sanction of the Governor General.

48. Borrowing of money on the sole credit of the province, subject to the provsions of the Local Government (Borrowing) Rules.

49. Imposition by legislation of punishments by fine, penalty or imprisonment, for enforcing any law of the province relating to any provincial subject ; subject to legislation by the Indian legis-

lature in the case of any subject in respect of which such a limitation is imposed under these rules.

50. Any matter which though falling within a central subject, is declared by the Governor General in Council to be of a merely local or private nature within the province.

SCHEDULE II.

SEE RULE 6 ABOVE.

LIST OF PROVINCIAL SUBJECTS FOR TRANSFER.

Column I.	Column II.
1. Local self-Government, that is to say, matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health and other local authorities established in the province for purposes of local self-Government, exclusive of matters arising under the cantonments Act, 1910, subject to legislation by the Indian legislature as regards (a) the powers of such authorities to borrow otherwise than from a provincial Government, and (b) the levying by such authorities of taxation not included in Schedule II to the Scheduled Taxes Rules.	All Governors' Provinces.
2. Medical administration, including hospitals, dispensaries and asylums, and provision for medical education.	Ditto.
3. Public health and sanitation and vital statistics; subject to legislation by the Indian legislature in respect to infectious and contagious diseases to such extent as may be declared by any Act of the Indian legislature.	Ditto.
4. Pilgrimages within British India	Ditto.
5. Education, other than European and Anglo-Indian education; provided that—	All Governors' Provinces.
(a) the following subjects shall be excluded namely :— (i) the Benares Hindu University and such other Universities, constituted after the commencement of these rules, as may be declared by the Governor General in Council to be central subjects, and	
(ii) Chiefs' Colleges and any institution maintained by the Governor General in Council for the benefit of members of His Majesty's Forces or of other public servants or of the children of such members or servants; and	

6. Public Works included under the following heads, namely :— All Governors' provinces, except Assam.

(b) the following subjects shall be subject to legislation by the Indian legislature, namely —

(i) the control of the establishment, and regulation of the constitutions and functions, of Universities constituted after the commencement of these rules, and

(ii) the definition of the jurisdiction of any University outside the province in which it is situated, and

(iii) for a period of five years from the date of the commencement of these rules, the Calcutta University and the control and organization of secondary education in the presidency of Bengal.

(a) construction and maintenance of provincial buildings, other than residences of Governors of provinces, used or intended for any purpose in connection with the administration of the province on behalf of the departments of Government concerned, save in so far as the Governor may assign such work to the departments using or requiring such buildings ; and care of historical monuments, with the exception of ancient monuments as defined in section 2 (1) of the ancient Monuments Preservation Act, 1904, which are for the time being declared to be protected monuments under section 3 (1) of that Act ; provided that the Governor General in Council may, by notification in the Gazette of India, remove any such monument from the operation of this exception ;

(b) roads, bridges, ferries, tunnels, ropeways and causeways, and other means of communication, subject to such condition, as regards control over construction and maintenance of means of communication declared by the Governor General in council to be of military importance, and as regards incidence of special expenditure connected therewith, as the Governor General in Council may prescribe ;

(c) tramways within municipal areas ; and

(d) light and feeder railways and extra municipal tramways in so far as provision for their construction and management is made by provincial legislation ; subject to legislation by the Indian legislature in the case of any such railway or tramway which is in physical connection with a main line or is built on the same gauge as an adjecent main line. All Governors' provinces, except Assam.

7. Agriculture, including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases; subject to legislation by the Indian legislature in respect to destructive insects and pests and plant diseases to such extent as may be declared by any Act of the Indian legislature.	All Governors' provinces.
8. Civil Veterinary Department, including provision for veterinary training, improvement of stock, and prevention of animal diseases; subject to legislation by the Indian legislature in respect to animal diseases to such extent as may be declared by any Act of the Indian legislature.	Ditto.
9. Fisheries	All Governors' provinces, except Assam.
10. Co-operative societies	All Governors' provinces.
11. Forests, including preservation of game therein; subject to legislation by the Indian legislature as regards disforestation of reserved forests.	Bombay.
12. Excise, that is to say, the control of production, manufacture, possession, transport, purchase, and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.	All Governors' provinces, except Assam.
13. Registration of deeds and documents; subject to legislation by the Indian legislature.	All Governors' provinces.
14. Registration of births, deaths and marriages; subject to legislation by the Indian legislature for such classes as the Indian legislature may determine.	Ditto.
15. Religious and charitable endowment	Ditto.
16. Development of industries, including industrial research and technical education.	Ditto.
17. Adulteration of food-stuffs and other articles; subject to legislation by the Indian legislature as regards import and export trade.	Ditto.
18. Weights and measures; subject to legislation by the Indian legislature as regards standards.	Ditto.
19. Museums (except Indian Museum, Imperial War Museum, and the Victoria Memorial, Calcutta) and Zoological Gardens.	Ditto.

SCHEDULE III.

(SEE RULE 25.)

1. The following general rules shall be observed by every authority which sanctions expenditure from Government revenues :—

(1) Every public officer should exercise the same vigilance in respect of expenditure incurred from Government revenues as a person of ordinary prudence would exercise in respect of the expenditure of his own money.

Moneys borrowed on the security of allocated revenues should be expended on those objects only for which, as provided by rules made under the Act, moneys may be so borowed.

Except where such order is of general application, no authority should exercise its powers of sanctioning expenditure to pass an order which will be, directly, to its own pecuniary advantage.

(1) Unless the amount of the expenditure is insignificant, Government revenues should not be utilised for the benefit of a particular person or section of the community except when—

(*i*) a claim for the amount could be enforced in a court of law

(*ii*) the expenditure is in pursuance of a recognised policy or custom ; or

(*iii*) the object is such that the expenditure thereon may be deemed to be of a charitiable nature.

(5) No authority should sanction any expenditure which is likely to involve at a latter date expenditure beyond its own powers of sanction.

(6) The amount of allowances, such as local or travelling allowances, granted to meet special expenditure of a particular type should be so regulated that the allowances are not on the whole sources of profit to the recipient.

2. The previous sanction of the Secretary of State in council is necessary :—

(*i*) (*a*) to the creation of a permanent appointment which would necessitate an increase in the cadre of an all-India Service :

(*b*) to the abolition of any appointment in the cadre of an all-India Service ;

(*c*) to any increase or reduction of the pay of any appointment in the cadre of an all India Service ;

(*ii*) to the creation of any temporary appointment the maximum pay of which exceeds Rs. 1,000 a month and which lasts or is expected to last for more than two years, or, if the appointment be for settlement work, for more than five years ;

(*iii*) to the grant to any officer of an allowance which is not admissible under rules made under section 96 B. of the Act, or, in cases in which those rules do not apply, under the terms of any authorised Code issued or maintained under the authority of the said rules ;

(*iv*) to the grant to any retiring officer of a pension or gratuity which is not admissible under the rules for the time being in force under section 96B. of the Act ;

(*v*) to the grant of pensions or gratuities to non-officials, except in the case of—

(*a*) compassionate gratuities to the families of Government servants left in indigent circumstances,

(*b*) pensions or gratuities to the families of officers dying while employed in Government service granted in accordance with such rules as may be made in this behalf by the Secretary of State in Council,

(*c*) pensions or gratuities to non-officials injured or the families of non-officials killed during services rendered to the State, and

(*d*) pensions or gratuities to non-officials who have rendered exceptional services to Government ;

(*vi*) to any increase of the contract, sumptuary or furniture grant of the Governor ;

(*vii*) to any expenditure upon the purchase of stores, either in the United Kingdom or in India, otherwise than in accordance with such rules as may be made in this behalf by the Secretary of State in Council ; and

(*viii*) to any expenditure upon railway carriages or water-borne vessels specially reserved for the use of high officials, otherwise than in connection with the maintenance of the railway carriages already set apart with the sanction of the Secretary of State in Council for the exclusive use of the Governor.

Note.—Gratuities sanctioned under sub-clause (*v*) (*a*) of this paragraph should be subject as to total to such annual limit as the Secretary of State in Council may prescribe.

3. The previous sanction of the Governor General in Council is necessary—

(*i*) Subject to the provisions of paragraph 2 (*i*) of this Schedule—

(*a*) to the creation of a permanent appointment on a maximum rate of pay higher than Rs. 1,000 a month :

(*b*) to the increase of the maximum pay of a sanctioned permanent appointment to an amount in excess of Rs. 1,000 a month ;

(*ii*) to expenditure on a residence of the Governor in excess of Rs. 75,000 in any year ;

(*iii*) to expenditure upon irrigation and navigation works, including docks and harbours, and upon projects for drainage, embankment and water-storage and the utilisation of water-power, in any of the following cases, namely :—

(*a*) where the project concerned materially affects the interests of more than one local Government ;

(*b*) where the original estimate exceeds 50 lakhs of Rupees ;

(*c*) where a revised estimate exceeds by 25 *per centum* or 50 lakhs of rupees, whichever is less, an original estimate sanctioned by the Governor General in Council.

(*d*) where a further revised estimate is proposed, after one revised estimate has already been sanctioned by the Governor General in Council ; and

(*iv*) to revisions, involving additional expenditure exceeding Rs. 15 lakhs a year, of permanent establishments serving in departments dealing with reserved subjects.

4. Apart from the restrictions imposed by paragraphs 1, 2, and 3 of the Schedule the power of sanctioning expenditure conferred upon the local Government by rule 25 shall be unlimited.

SCHEDULE IV.

SEE RULE 27.

1. The local Governments mentioned below shall, save as hereinafter provided, make in every year provision in their budgets for expenditure upon relief of, and insurance against, famine of such amounts respectively (hereinafter referred to as the annual assignments) as are stated against each:—

	Rs.
Madras	6,61,000
Bombay	63,60,000
Bengal	2,00,000
United Provinces	39,60,000
Punjab	3,81,000

	Rs.
Burma	67,000
Bihar and Orissa	11,62,000
Central Provinces	47,26,000
Assam	10,000

2. The provision shall be made in the shape of a demand for a grant, and the estimates shall show, under the major heads concerned, the method in which it is proposed to utilise the grant.

3. The grant shall not be expended save upon the relief of famine or upon the construction of protective irrigation works or other works for the prevention of famine. Any portion of the grant which is not so spent shall be transferred to the famine insurance fund of the province.

4. The famine insurance fund shall consist of the unexpended balances of the annual assignments for each year, transferred to the fund under paragraph 3 of this Schedule, together with any interest which may accrue on these balances.

5. The local Government may, in any year when the accumulated total of the famine insurance fund of the province is not less than six times the amount of the annual assignment, suspend temporarily the provision of the annual assignment.

6. The famine insurance fund shall form part of the general balances of the Governor General in Council, who shall pay at the end of each year interest on the average of the balances held in the fund on the last day of each quarter. The interest shall be calculated at the average rate at which the Governor General in Council has during the year borrowed money by the issue of treasury bills. Such interest shall be credited to the fund.

7. The local Government may at any time expend the balance at its credit in the famine insurance fund for any of the purposes specified in paragraph 3 of this Schedule.

8. Such balances may further be utilised in the grant of loans to cultivators, either under the Agriculturists, Loans Act, 1884, or for relief purposes. When such loans have been granted, payments of interest on loans and repayments of principal shall be credited to the fund as they occur, and irrecoverable loans written off shall form a final charge against the fund.

9. In case of doubt whether the purpose for which it is proposed to spend any portion of the annual assignment or the famine insurance fund is one of the purposes specified in paragraph 3 of this Schedule, the decision of the Governor shall be final.

10. The annual accounts of the annual assignments and of the fund shall be maintained in the forms annexed to this Schedule.

Transferred Subjects Rules

In exercise of the powers conferred by section 52 (3) and section 129A. of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules :--

1. These rules may be called the Transferred Subjects (Temporary Administration) Rules.

2. In cases of emergency where, owing to a vacancy, there is no minister in charge of a transferred subject, the Governor—

(1) shall, if another minister is available and willing to take charge of the subject appoint such minister to administer the subject temporarily ; or

(2) may, if the vacancy cannot be provided for in the manner aforesaid, himself temporarily administer the subject, and while so doing shall exercise in relation to such subject all such powers, in addition to his own powers as Governor, as he could exercise if he were the minister in charge thereof.

3. In any case in which the Governor himself undertakes temporarily to administer a subject under these rules, he shall certify that an emergency has arisen in which, owing to a ministerial vacancy, it is necessary for him so to do, and shall forthwith forward a a copy of such certificate for the information of the Governor General in Council.

4. Such temporary administration by the Governor shall only continue until a minister has been appointed to administer the subject.

5. The Governor shall not exercise in respect of such subject the powers conferred on him by section 72E. of the Government of India Act.

Scheduled Taxes Rules

In exercise of the powers conferred by section 80A. (3) (a) and section 129A. of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules :—

1. These rules may be called the Scheduled Taxes Rules.

2. The Legislative Council of a province may, without the previous sanction of the Governor-General, make and take into con.

sideration any law imposing, for the purposes of the local Government, any tax included in Schedule I to these rules.

3. The Legislative Council of a province may, without the previous sanction of the Governor General make and take into consideration any law imposing, or authorising any local authority to impose, for the purposes of such local authority, any tax included in Schedule II to these rules.

4. The Governor General in Council may at any time, by order make any addition to the taxes enumerated in Schedules I and II to these rules.

5. Nothing in these rules shall affect the right of a local authority to impose a tax without previous sanction or with the previous sanction of the local Government when such right is conferred upon it by any law for the time being in force.

SCHEDULE I.

1. A tax on land put to uses other than agricultural
2. A tax on succession or on acquisition by survivorship in a joint family.
3. A tax on any form of betting or gambling permitted by law.
4. A tax on advertisements.
5. A tax on amusements.
6. A tax on any specified luxury.
7. A Registration fee
8. A stam-duty other than duties of which the amount is fixed by Indian legislation.

SCHEDULE II.

In this Schedule the word "Tax" includes a cess, rate duty or fee.

1. A toll.
2. A tax on land or land values.
3. A tax on buildings.
4. A tax on vehicles or boats.
5. A tax on animals.
6. A tax on menials and domestic servants.
7. An octroi.
8. A terminal tax on goods imported into a local area in which an octroi was levied on or before the 6th July, 1917.
9. A tax on trades, professions and callings.
10. A tax on private markets.
11. A tax imposed in return for services rendered, such as—
    (a) a water rate,
    (b) a lighting rate,
    (c) a scavenging, sanitary or sewage rate,
    (d) a drainage tax,
    (e) fees for the use of markets and other public conveniences.

Local Legislature Rules

In exercise of the powers conferred by sanction 80-A. (3) (h) and section 129-A. of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules :—

1. These rules may be called the Local Legislatures (Previous Sanction) Rules.

2. A local legislature may not repeal or alter without the previous sanction of the Governor General—

(1) any law made by any authority in British India before the commencement of the Indian Councils Act, 1861 : provided that the Governor General in Council may, by notification in the Gazette of India, declare that this provision shall not apply to any such law which he may specify and, if he does so, previous sanction shall not thereafter be necessary to the alteration or repeal of that law ; or

(2) any law specified in the Schedule to these rules or any law made by the Governor General in Council amending a law so specified.

Year.	No	Short title
1860 ..	XLV	The Indian Penal Code.
1861 ..	III	The Foreigners Act, 1861.
1865 ...	III	The Carriers Act, 1865.
,, .	X	The Indian Succession Act, 1865.
,, ...	XV	The Parsi Marriage and Divorce Act, 1865
,, ...	XXI	The Parsi Intestate Succession Act, 1865.
1866 ...	XXI	The Native Converts' Marriage Dissolution Act, 1866
,, ...	XXVIII	The Trustees' and Mortgagees' Powers Act, 1866.
1867 ...	XXV	The Press and Registration of Books Act, 1867.
1869 ...	IV	The Indian Divorce Act, 1869.
1870 ...	XXI	The Hindu Wills Act, 1870.
1872 ...	I	The Indian evidence Act, 1872.
,, ...	III	The Special Marriage Act, 1872
,, ...	IX	The Indian Contract Act, 1872.
,, ...	XV	The Indian Christian Marriage Act, 1872.
1873 ...	X	The Indian Oaths Act, 1873.
1874 ...	III	The Married Women's Property Act, 1874
,, ..	XIV	The Scheduled Districts Act, 1874
,, ..	XV	The Laws Local Extent Act, 1874.
1875 ...	IX	The Indian Majority Act, 1875.
1877 ...	I	The Specific Relief Act, 1877.
1881 ...	V	The Probate and Administration Act, 1881.
,, ...	XIII	The Fort William Act, 1881.
,, ...	XXVI	The Negotiable Instruments Act, 1881
1882 ...	II	The Indian Trusts Act, 1882.
,, ...	IV	The Transfer of Property Act, 1882.
,, ...	VII	The Powers-of-Attorney Act, 1882.

Year.	No.	Short title.
1889 ...	IV	The Indian Merchandise Marks Act, 1889.
,, ..	VII	The Succession Certificate Act, 1889.
,, ...	XV	The Indian Official Secrets Act, 1889.
1890 ...	VIII	The Guardians and Wards Act, 1890.
,, ..	IX	The Indian Railways Act, 1890.
1891 ...	XVIII	The Bankers' Books Evidence Act, 1891.
1895 ...	XV	The Crown Grants Act, 1895.
1897 ..	III	The Epidemic Diseases Act, 1897.
,, ...	X	The General Clauses Act, 1897.
,, ..	XIV	The Indian short Titles Act, 1897.
1898 ...	V	The Code of Criminal Procedure, 1898.
,, ...	IX	The Live-stock Importation Act, 1898
1899 ...	IX	The Indian Arbitration Act, 1399.
1903 ...	XIV	The Indian Foreign Marriage Act, 1903.
,, ...	XV	The Indian Extradition Act, 1903.
1908 ...	V	The Code of Civil Procedure, 1908.
,, ...	IX	The Indian Limitation Act, 1908
,, ...	XIV	The Indian Criminal Law Amendment Act, 1908.
,, ..	XV	The Indian Ports Act 1908.
,, ...	XVI	The Indian Registration Act, 1908.
1909 .	III	The Presidency-towns Insolvency Act, 1909.
,, ..	IV	The Whipping Act, 1909.
,, ..	VII	The Anand Marriage Act, 1909.
1910 ...	I	The Indian Press Act, 1910.
1911 ...	X	The Seditious Meetings Act, 1911.
1912	IV	The Indian Lunacy Act, 1912.
,, ...	V	The Provident Insurance Societies Act, 1912.
,, ...	VI	The Indian Life Assurance Companies Act, 1912.
1913 ..	VI	The Mussalman Wakf Validating Act, 1913.
,, .	VII	The Indian Companies Act, 1913.
1914 .	II	The Destructive Insects and Pests Act, 1914
,, ..	III	The Indian Copyright Act, 1914
,, ..	IX	The Local Authorities Loans Act, 1914
1916 .	XV	The Hindu Disposition of Property Act, 1916,
1917 .	I	The Inland Steam Vessels Act, 1917.
,, ..	XXVI	The Transfer of Property (Validating) Act, 1917.
1918 .	X	The Usurious Loans Act, 1918
1919 ...	XI	The Anarchical and Revolutionary Crimes Act, 1919.
1920 ..	V	The Provincial Insolvency Act, 1920.
,, ...	X	The Indian Securities Act, 1920.
,, ...	XIV	The Charitable and Religious Trusts Act, 1920

Reservation of Bill Rules

In exercise of the powers conferred by section 81A. (1) and section 129A. of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules :—

1. These rules may be called the Reservation of Bills Rules.

2. The Governor of any Governor's province shall reserve for the consideration of the Governor General any Bill, not having been previously sanctioned by the Governor General, which has been passed by the Legislative Council of the province and is presented to the Governor for his assent, if the Bill appears to the Governor to contain provisions—

(*a*) affecting the religion or religious rites of any class of British subjets in British India, or

(*b*) regulating the constitution or functions of any University, or

(*c*) having the effect of including within the transferred subject matters which have hitherto been classified as reserved subjects, or

(*d*) providing for the construction or management of a light feeder railway or tramway other than a tramway within municipal limits, or

(*e*) affecting the land revenue of a province either so as to—

(*i*) prescribe a period or periods within which any temporarily settled estate or estates may not be reassessed to land revenue, or

(*ii*) limit the extent to which the assessment to land revenue of such an estate or estates may be made or enhanced, or

(*iii*) modify materially the general principles upon which land revenue has hitherto been assessed,

if such prescription, limitation or modification appears to the Governor to be likely seriously to affect the public revenues of the province.

3. The Governor of any Governor's province may reserve for the consideration of the Governor General any Bill, not having been previously sanctioned by the Governor General, which has been passed by the Legislative Council of the province and is presented to the Governor for his assent, if the Bill appears to the Governor—

(*a*) to affect any matter wherewith he is specially charged under his Instrument of Instructions, or

(*b*) to affect any central subject, or

(*c*) to affect the interests of another province.

THE ESHER REPORT

REPORT OF THE

ARMY IN INDIA COMMITTEE

1919-1920

TERMS OF REFERENCE

1. To enquire into and report, with special reference to post-bellum conditions, upon the administration and, where necessary, the organization of the Army in India, including its relations with the War Office and the India Office, and the relations of the two Offices to one another.

2. To consider the position of the Commander-in-Chief in his dual capacity as head of the Army and Member of the Executive Council, and to make recommendations.

3. To consider and to report upon any other matters which they may decide are relevant to the enquiry.

To The Right Hon. E. S. Montagu, M.P.

SIR,

In forwarding you the first part of our Report we desire to point out a difficulty with which we are confronted at the outset of our enquiry. We cannot consider the administration of the army in India otherwise than as part of the total armed forces of the Empire ; yet we have no indication of the from of organization which may be set up in the future for the control of other parts of those forces, or of the whole.

We have, it is true, been told that proposals for the higher direction of our Imperial forces are under consideration, and we are aware of the circumstances under which an Imperial Cabinet was formed during the late war. But the bases of permanent Imperial control over the organized forces of the Empire are as yet unlaid, and we have therefore been obliged to take existing statutes and usage as the foundation of the proposals we have made in accordance with the terms of our reference. The remedies which we shall venture to suggest for such defects in the Army

in India as may be disclosed in the course of our enquiry will, therefore, be made subject to the limitations we have indicated.

Novel political machinery created by the Peace Treaty has enhanced the importance of the Army of India relatively to the military forces in other parts of the Empire, and more particularly to those of the British Isles. We feel bound to assume that Western Europe will no longer be an armed camp containing national armies in a high state of preparation for war, and we note that conflicts fraught with the gravest consequences to the belligerent nations cannot in future take place within a few days or weeks of an order to mobilize. We realize, and the evidence of Lord Allenby confirms our belief, that the war has left Eastern Europe, and what is commonly known as the Near and Middle East, in a condition of grave unrest, with consequences to India, especially as regards her military and financial resources, that we are unable to ignore.

We are aware that during the war, the necessary co-ordination of the fighting strength of the whole Empire brought into existence what has been called an Imperial Cabinet, performing real functions of Imperial Government, and accepted apparently without demur by the united peoples. The evolution of this novel constitutional instrument is for the moment arrested. If the principle of an Imperial Cabinet composed of the Prime Ministers of Great Britain and the Dominions becomes rooted in our institutions, other changes connected with Imperial defence seem likely to follow.

An Imperial General Staff, an Imperial Naval and an Imperial Air Staff, possibly an Imperial Foreign Office, may become segregated under the leadership of the British Prime Minister of the day, but controlled by a body that from the nature of the case cannot be wholly responsible to the Parliament at Westminister. If India were again to be represented directly in a permanent Imperial Council or Cabinet, such as that summoned *ad hoc* during the war, the position of her Commander-in-chief might assume a special aspect different from that which we have had to consider. Desirable and perhaps vital as such an evolution of our institutions may be, the chances of its accomplishment are not immediate. We have, therefore, accepted for the purpose of our Report the relations of India to Great Britain and to the Empire as they stand to-day.

We desire also to mention that we have been requested, in considering our recommendations, to avoid, if possible, framing them in such a manner as may hereafter prove inconsistent with the gradual approach of India towards a Dominion status ; and we observe that the Indian Constitutional Reforms recently proposed have

in view the relaxation of the control of the Secretary of State, as well as of Parliament, over the Government of India.

We are at the same time confronted with evidence of the continued reluctance of the India Office to relinquish into the hands of the Government of India greater freedom in the administration of the Army, even in cases where this could be done without compromising the administration of the Army at home or contravening the sound principle of uniformity in military policy. We are strongly of opinion that greater latitude should be allowed to the Governor-General in council and to the Commender-in-Chief in India in matters affecting internal military administration, in order to secure greater efficiency, and especially the greater contentment of the army in India.

At the same time we lay stress upon the importance of maintaining a constant and intimate touch between the Commander-in-Chief in India and the Chief of the Imperial General Staff in London and between their General Staff Officers.

Taking, then, existing institutions and the present conditions in India as the basis on which to work, we consider that we shall be laying the foundations of a sound Imperial military system, if the plans we propose are consistent—

(1) with the control by the Government of India of Indian military affairs ;

(2) with giving to the Government of India a voice in questions of Imperial defence, and

(3) with allowing the Imperial General Staff through its Chief to exercise a considered influence on the Military policy of the Government of India.

Keeping these principles in mind, we propose to submit our Report to you in several parts, and to report on each separately. Part I is forwarded herewith, and deals with matters upon which a great mass of evidence already exists in documents laid before us. We have therefore not thought it necessary to travel once more over ground investigated by numerous committees and commissions, and by eminent Viceroys and Commanders-in-Chief in past years.

We have limited our enquiry upon these matters to obtaining the views of distinguished soldiers of recent war experience, and we have found that their conclusions are in general agreement with the recorded opinions of Lord Lytton and Lord Kitchener.

At the outset of our inquiry it was necessary to decide whether formal evidence should be taken. After consideration, we determined that it was undesirable to add to the mass of documentary evidence already available. We consequently decided to take counsel with high officers, military and civil, and certain independent

persons whose views and experience could simplify our task, but not to record their evidence formally. We have thus obtained expressions of opinion given with complete freedom, and, coupled with the experience of the members of the Committee, they have been of great value to us in forming our conclusions.

We desire to remind you that the subsequent parts of our Report, dealing as they are bound to do with matters of administrative detail, would be largely influenced by the decision at which you may arrive to accept or reject the proposals we have made in Part 1. So convinced are we of the desirability of obtaining a decision of His Majesty's Government on the principles laid down in Part 1 before proceeding to the laborious examination of the numerous questions covered by our reference, that we have thought it imperative to place Part I of our Report in your hands before the Committee proceeds to India. It would facilitate the work of the Committee, and would render their complete report of greater value to His Majesty's Government and to the Government of India, if we could obtain from you at an early date an indication of the advice you are likely to tender to His Majesty's Government upon the principal questions covered by Part I of our Report.

We are,

Sir,

Your obedient Servants,
ESHER.
M. F. O'DWYER.
H. V. COX, LIEUT-GENL.
CLAUD W. JACOB, LIEUT-GENL.
J. P. DUCANE, LIEUT-GENL
G. FELL.
WEBB GILLMAN, MAJ-GENL.

C. M. WAGSTAFF, BRIG.-GENL.,

Secretary

The 3rd November, 1919.

PART I.

SECTION I.

The India Office.

1. The relations between the India Office and the Government of India are presumably based upon the importance of keeping the control of Parliament as far as possible intact over Indian expenditure. The theory, sound in itself in view of the bureaucratic form of Government in India, has proved to be illusory in practice. The business of Parliament is too great and too complex to enable any effective control to be exercised by the House of Commons over Indian expenditure. In practice, therefore, the control of the India Office has been merely the control of one bureaucracy over another.

The working of this system undoubtedly causes delay in dealing with military questions that frequently require rapid settlement, both in the interests of efficiency and of the contentment of the Army in India. We, therefore, recommend that greater latitude should be allowed to the Governor-General in Council in deciding questions of a military character, provided they do not influence by reflex action the administration of the British Army at home.

2. From 1909, and particularly during the war, the rule was relaxed under which all communications of a military nature between the Commander-in-Chief and the War Office passed through the India Office. During the war the Commander-in-Chief in India communicated direct with the War Office. We consider that this freedom of communication should now be established as a permanent right on a regular official basis ; but should be limited to communications between the Commander-in-Chief and the Imperial General Staff. The Secretary of State for India should be kept fully informed of such communications.

3. In order to facilitate what we consider of primary importance, namely the free and intimate relation between the Commander-in-Chief in India and the Chief of the Imperial General Staff, and in order that the Secretary of State for India should also be fully informed upon all questions of military policy affecting India, we recommend that the Secretary in the Military Department of the India Office should always be an officer with Indian experience, of high military rank, appointed on the recommendation of the Chief of the Imperial General Staff by the Secretary of State for India. It would be convenient and desirable that this officer should be a Deputy Chief of the Imperial General Staff in order that the Chief of the Imperial General Staff may have the benefit of experienced advice on Indian matters. Furthermore, he should

have the right of attending the meetings of the Army Council when questions affecting India are discussed. Although we strongly advocate that questions of administration regarding the Army in India should be mainly settled in India itself, and should only be referred to the India Office under the circumstances which we have previously noted, we are of opinion that the Secretary in the Military Department of the India Office should have attached to his Department two officers specially conversant with "A" and "Q" questions, in so far as they affect India.

4. We are unable to see any advantage, from the point of view of India, in retaining upon the India Council in London the services of an officer of high military rank. It is undesirable that the Secretary of State for India should be left in any doubt as to the quarter from which military advice should be offered him. The principle upon which we think it important to insist is that the sole responsible military adviser of the Secretary of State should be the chief of the Imprial General Staff. This advice could be tendered either through his Deputy Chief established in the India Office, or directly by the Chief of the Imperial General Staff himself, who should be authorized to attend any meeting of the Council of India at which military questions of first importance are to be discussed.

5. We recommend in Section III that the Commander-in-Chief in India shall be appointed with the concurrence of the Chief of the Imperial General Staff, and that the commander-in-Chief shall be the sole military adviser of the Government of India. If this system can be established, the chain of military responsibility for questions of an Imperiel character will be complete. On the one hand, the Commander-in-Chief will look to the Chief of the Imperial General Staff for supreme direction in all questions of Imperial military police in which India is concerned; and, on the other hand, the Governor-General will look to the Commander-in-Chief for military advice upon questions in which India only is concerned, and also upon questions of a wider military character with confidence that the Commander-in-Chief will be in a position to express upon the latter the considered views of the Chief of the Imperial General Staff.

6. We believe that, under the plan thus proposed, the Government of India will retain its statutory control over the Army in India, that the Governor-General will be assured of undivided counsel upon military questions, and that uniformity of military policy will at last be established between Great Britain and India.

SECTION II.

Defence Committee.

7. Our attention has been called to the Committee of Defence set up in India by the Governor-General during the war. Its composition and functions follow those of the Committee of Imperial Defence in this country as they were understood to be after it was reconstituted on a new basis in 1902 and before the establishment of its permanent Secretariat in 1905.

That Committee was consultative and not executive. It had no administrative functions. It could not prescribe a policy or give directions. Its duty was to advise. It interfered with no existing authority. It possessed no fixed constitution, and the persons composing it were selected by the Prime Minister from among his colleagues and their technical assistants, with the addition of any person whose advice he might desire to obtain upon the matters about to be discussed. The Committee, in short, contained no *ex-officio* member except the Prime Minister himself, and this flexibility, as Mr. Balfour pointed out at the time, gave it an advantage of first-rate importance in dealing with the manifold subjects that gather round the problem of national defence.

8. Such, we understand, was the body upon which the Governor-General modelled the Defence Committee in India, and we are firmly convinced that, taken in conjunction with the existence of the War Book, which had been prepared in 1914, it contributed valuable assistance towards bringing India into line with Great Britain during the war, and that it should not be allowed to disappear.

We recommend that its Secretary should be a member of the Governor General's Private Secretariat, and that he should have charge of the records and be responsible for the preparation and upkeep of the War Book.

9. The War Book, designed by Sir Maurice Hankey some years before 1914, was planned with a view to the instant mobilization of all Government departments at home on the outbreak of war. For the first time in this country the attention of all Departments of Government was drawn to the fact that war was not the sole business of the Admiralty and the War office, but that it was the concern of practically every Department of State. The Defence Committee, by its composition and its methods of working first suggested this somewhat novel conception of modern war, but the War Book stereotyped it and fixed it indelibly in the minds of the whole Civil Service.

The War Book prepared in India in 1914 has been laid before us. It is a work of such value that we strongly recommend that it should be constantly revised and kept up-to-date by the officer we have designated, who will, at the same time, be the Secretary of the Defence Committee.

We would suggest that the Secretary of the Indian Defence Committee should be placed in direct touch with the Secretary of the Imperial Defence Committee in London, so that as far as possible the measures concerted by the latter should be applied by the Governor-General in India, so far as they are appropriate, to local conditions.

SECTION III.

The High Command.

10. The definition of the High Command in India in future requires a few preliminary words of explanation. We have before observed that our attention has been drawn to the importance of keeping in view in any proposals we may make, the gradual approach of the Government of India to a Dominion status. We have also kept before our minds the possibility that, in the near future, Imperial control over the military policy of the Empire may take a form other than that which obtains at the present time, leading to the establishment of a real Imperial General Staff deriving its authority not from the War office and the British Parliament, but from an Imperial Council such as that contemplated in 1907, which materialized in the course of the late war, in what has been called an Imperial Cabinet.

We have, however, felt ourselves obliged to base the recommendations we are about to make upon existing facts. We are unable to admit any close resemblance between the principles which are applied to army administration in this country, governed as it is under democratic Parliamentary institutions, and the conditions that obtain in India, where the Government remains of a bureaucratic character with such Parliamentary checks as are found to be possible. No analogy exists between the Government of India and that of any European country. It appears to us, therefore, that Army administration in India must conform to the principles laid down by the statutes upon which that Government is based, which place the control of the Army in India in the hands of the Governor-General in Council.

11. We have endeavoured to superimpose upon the existing fabric of Indian Army administration the General Staff idea. In

other words, while leaving the control of the Army in India to the Governor-General in Council, we have tried to knit closer the relations between the High Command in India and the High Command as it now exists at the centre of the Empire. We have considered and rejected the proposal to establish in India a Civilian Member of the Executive Council responsible for the Army, and an Army Council with collective responsibilities, as unsuited to Indian requirements at the present time. Among the numerous recommendations that have been made in former years for the reconstitution of the War Department, we have adopted that of Lord Lytton, that the Commander-in-Chief should be himself the only military member of the Viceroy's Council, and we have not thought it conducive to good administration that upon the Executive Council the Commander-in-Chief should have any military colleague or competitor entitled to deal with the administration of Army affairs.

12. We recommend that in future the Army Department and the Headquarters Staff should be consolidated under one head, and with a single Secretariat, which is not at present the case, and that the Commander-in-Chief should be in that capacity considered to be the administrative, as well as the executive head of the Army, subject only to the Governor-General in Council, in whom the supreme control of the Army is vested by statute. Every trace of the duality of functions resulting from the same officer being Commander-in-Chief and Member-in-Charge of the Army Department should be swept away.

13. We are of opinion that the financial responsibility of the Commander-in-Chief should not be divorced from his executive responsibilities, and that while his purely military status should be in no way affected, it should be recognized that he possesses a personal and professional interest in and responsibility for the economical administration of Army funds. We are in agreement with the view that the Commander-in-Chief should be looked upon by all His Majesty's Indian subjects and feudatories in India as the despository and representative of a personal authority, second only to that of the Viceroy, and we are strongly of opinion that any change in the position of the Commander-in-Chief which would have the effect of weakening that authority, is inadvisable.

14. We propose that a Military Council should be established, composed of high staff officers and others to assist the Commander-in-Chief in the performance of his administrative functions. This body would have no collective responsibility. Its members, however,

would be individually responsible for the branches they would be called upon to administer.

15. We hold the position of the Secretary to Government in the Army Department, as it is generally understood, to be inconvenient and undesirable, as rendering possible an interference with the sole right of the Commander-in-Chief to offer military advice to the Governor-General in Council.

16. We propose to deal in Part II of our Report with the personnel of the Military Council and their respective functions, responsibilities and powers.

17. We are in agreement with the General Staff view that the Commander-in-Chief in India should be more directly in touch with the Chief of the Imperial General Staff, with a view to obtaining increased efficiency as regards the organization, equipment and training of the Army in India, so as to develop the military resources of India in a manner suited to Imperial necessities. We have already stated that, in our view, the Commander-in-Chief in India should have the established right to communicate in peace with the Chief of the Imperial General Staff in London with regard to strategical plans, war organization, training and the selection for commands and senior staff appointments. But we are not prepared to dogmatise as to whether the Government of India or the Imperial Government at Whitehall is to be responsible for the military safety of India. It is obvious that, if the gradual approach of India to a Dominion status is to be taken as an axiom, this question can be resolved only by the exercise of judgment, tact, and the principle of "give and take." We, however, are strongly of opinion that while unity of administration is for the present out of the question, unity of conception on broad lines of military policy, such as those for which an Imperial General Staff should be responsible, is essential in the interests of India herself and of the Empire as a whole. For this reason we suggest that the Commander-in-Chief in India should be appointed by His Majesty's Government on the recommendation of the Chief of the Imperial General Staff, and that the same procedure should be observed in the appointment of the Chief of the General Staff in India. Should this recommendation be approved, given a close co-operation and correspondence between the Chief of the Imperial General Staff and the Commander-in-Chief in India, we believe that as much will have been done towards securing unity of military purpose as can be profitably accomplished at the present time.

18. We have said that, in our opinion, the Commander-in-Chief should be the sole military adviser of the Government of India. So

important a function carries with it a necessity that the Commander-in-Chief shall be in the closest relation to the Governor-General in Council during the progress of hostilities and at all moments in peace when military questions of the first importance come under discussion. At the same time, we cannot disregard the importance of personal inspection from time to time of the larger army formations by the Commander-in-Chief himself. During his absence from headquarters under peace conditions, we therefore recommend that he should delegate to his Chief of the General Staff such functions as he thinks may be properly exercised by that officer during his absence. We do not contemplate that under any circumstances the Commander-in-Chief should himself take the field in war. In our view the command of military operations, whether on a large or small scale, should always be entrusted to an officer specially selected for that purpose. We are too well aware of the inconvenience and danger created in 1914 by stripping the War Office of its most experienced advisers and administrators, to desire to see a repetition in India of so unfortunate an incident. To the personal influence of the recognized head of the Army of India, especially over Indian troops, we have already alluded, and while we are anxious that it should not be supposed that we depreciate the value of his making himself throughly acquainted with the sentiments and requirements of officers and troops in all parts of India, we desire to make clear that, during moments of tension, it would not be consistent with the efficient discharge of his highest duties to absent himself from the Council table of the Governor-General.

19. We are convinced that the Commander-in-Chief, as being an "extraordinary" Member of Council, could be relieved of considerable technical responsibility. There appears to us no sound and valid reason why his signature should be obtained to despatches from the Government of India upon questions which have no military significance or importance, or that he should be required to study and record his opinion on cases which relate exclusively to the civil administration. We are sure that a liberal interpretation of the necessities of Indian administration would lead to an appreciable reduction of his duties. We, therefore, recommend that he should be excused attendance at the Executive and Legislative Councils except when the business under discussion affects military interests.

20. We have refrained from exploring in detail the functions which, in our view, should in future be imposed upon the Military Council which we have recommended. We believe that this can best be done after the visit of the Committee to India.

21. The recommendations we have made in Part I of our Report are based upon general principles to which the whole Committee have given their adherence, upon a mass of documentary evidence that has been at their disposal and upon the conferences between the members of the Committee and officers and others with profound experience of the working of army administration in India, previous to the war, during the war and since the armistice.

We offer these recommendations to the Secretary of State for India in the hope that he will obtain for them the early sanction of His Majesty's Government, in order that the labours of this Committee may not, like those of so many others, be thrown away.

C. M. WAGSTAFF,
BRIG.-GENL.,
Secretary.

ESHER.
M. F. O'DWYER.
H. V. COX, Lieut.-Genl.
CLAUD W. JACOB, Lieut.-Genl.
J. P. DuCANE, Lieut.-Genl.
G. FELL.
W. GILLMAN, Maj.-Genl.

The 3rd November 1919.

[NOTE]

[The first Part of this Report was drawn up in England before the 2 Indian Members could join the Committee, so that the Indian members had no opportunity of expressing an opinion, nor was their signature taken

The sittings of the committee were in Camera. There was no public examination of witnesses or a record of evidence given. The Committee relied mainly on the recorded opinions of previous Committees and Commissions, Viceroys and Commenders-in-Chief, and the whole procedure was reminiscent of the public activity of Sir Michael O'Dwyer, the notorious ex-satrap of the Punjab, who alone really guided the deliberations of the Committee. Viscount Esher never came out to India ; he simply signed the 2nd. and other part of the report as it was prepared under the guidance of Sir M. O'Dwyer.

Another secret manouvre in presenting this report is that the first part which lays down principles of the most reactionary and novel form was submitted to the Secretary of State in November 1919, but it was never made public till the whole report was ready. Not only were the Indian members excluded from this part, but the Army Committee seemed to have exacted from the Secretary of State a sort of guarantee and acquiessence in the principles enunciated therein before they proceeded to the details of Army Reform. The covering letter of Part II, which follows, refers to this matter pointely.]

Report

Of the

Army in India Committee 1919-20

Part II

To the Right Honourable E. S. Montagu M.P.

SIR,

Throughout this Report, we have been guided by the consideration that the army in India, as in all civilised States, furnishes the ultimate sanction for the security of the people against external aggression and for the maintenance of internal tranquility. We are impressed by the necessity of maintaining this instrument, placed as it always must and should be in the hands of the civil power, in the highest state of efficiency. Whatever form the future Government of India may take, however it may be democratised, and whatever advance may be made on the part of the various sections of the Indian community towards national and imperial unity, the army cannot fail to remain a vital attribute of Government in the hands of the dominant authority.

The proposals made by us in Part I having been in the main approved by you, we have in Part II attempted to deal with the difficult question of Supply, to explain in detail the functions which, in our view, should be imposed upon the Military Council, the constitution of which we recommended in Part I, and to make certain proposals regarding Military Finance.

We propose that a Military Council should be constituted for the purpose of assisting the Commander-in-Chief, with a view to relieving him, not of his responsibility, but of manifold duties which, without impairing that responsibility, he can, and should, delegate to his staff officers at Army Headquarters. We desire to impress upon the Commander in-Chief and upon the officers in question the absolute necessity of carrying out loyally and to the full this principle of delegation. All sound administration is based upon it. No administrator, however able and however conscientious, can

interpret responsibility in the sense of giving personal attention and sanction to every act of administration, if the accomplishment of his task is to stand the test of efficiency.

In the constitution of the Military Council, in the functions we have alloted to its various members, and in the handling of this difficult question of military supply, we have all been guided by the supreme consideration of the efficiency of the army in war, coupled with a due regard to the best interests of the Indian tax-payer. We aim at establishing a system which, while it will work simply and economically in time of peace, will be adaptable, without undue friction and disturbance, to the conditions even of such a war as that in which the Empire has recently been engaged.

We lay stress upon the importance, as it appears to us, of organising in India a system of military administration which will establish a chain of responsibility from the Commander-in-Chief himself through his Military Council to the military commands, and so down to divisional units, in order that the test of war, whenever it is applied, shall find ready to hand a body of men expert in administration as well as in command, ready to meet its exigencies, While we are anxious to see officers from their youth up trained in administration as well as in general staff duties, we are conscious that, under a voluntary system such as ours, it is impossible to rely wholly for the administration of the army upon the soldier. There are certain spheres of administration into which a civilian element must not only be introduced, but should be cordially welcomed. This axiom especially applies to the region of provision and production of material, which is essential to the military needs of an army in peace time and in the field. The provisioning of an army with all that it requires, which is ordinarily covered by the term "supply," has been considered carefully by us in consultation with the most experienced authorities, both in India and at home. There has been much conflict of opinion and we have been furnished with advice in diverse forms. Powerful arguments, supported by experience in war and by knowledge of Indian conditions, have been used in the course of our discussions in favour of various solutions of what is admitted to be a complicated problem.

The recommendations which we have made in Part II have been signed by us, but we regret that in regard to section I a divergency of views has occurred.

While detracting from the constructive value of our report, this divergence of opinion will not, we venture to hope, prove a serious obstacle in attempting to arrive at a decision upon the functions to be vested in the Commander-in-Chief.

We are all agreed in our recommendations regarding the composition and functions of the Military Council, except to the extent that the minority desire to see added to it a member, with the title of Surveyor-General of supply, to whom they would entrust those functions of production and provision which the majority advocate placing under a separate Member of the Executive Council.

We are,
SIR,
Your obedient Servants,

ESHER.
M. F. O'DWYER.
H. V. COX, *Lieut.-Genl.*
J. P. DUCANE, *Lieut.-Genl.*
CLAUD W. JACOB, *Lieut.-Genl.*
H. HUDSON, *Lieut.-Genl.*
G. FELL.
WEBB GILLMAN, *Major-Genl.*
UMAR HAYAT.
K. G GUPTA.

C. M. WAGSTAFF, *Colonel, Secretary.*
19th May 1920.

Production Provision

The majority consisting of Sir Michael O'Dwyer, Hirbert Cox, Sir Claud Jacob, Sir Godfrey Fell, Sir W. Gilman and Sir K. Gupta incline to the view that the military production and provisions, as also the administration of Royal Indian Marine, should be entrusted to the department to be called "Department of Munitions and Marine" in charge of civilian member of the Governor-General's Executive Council; while the minority composed of Lord Esher,

John Du Cane, Sir Havelock Hudson aud Sir Umar Hayat Khan favour solution by appointing a civil member of the Commander in Chief's Military Council and placing the Royal Indian Marine directly under the Commender-in Chief agains the idea of placing a civilian under immediate and direct control of the Commander-in Chief. The majority point the enormous difficulties that would arise in future in regard to labour and the growth of trade unionism which would affect the working of Government factories under the Reforms Scheme. The responsiblity for the expenditure of nearly half of the total revenues would rest on the shoulders of of one man (Commander-n-Chief) and, therefore, the creation of a separate department for production and provision would result, in in their opinion, increased efficiency and consequent economy, thus tending to minimise public criticism. The minority challenge these majority conclusions as being irreconcilable with the fundamental principle of concentrating the command and administration of the army in the hands of a single responsible authority. The civilian member according to the minority, should be called the "Surveyor General of supply," and he should be a member of the Military Council, in which capacity he would be in constant touch with his military colleagues.

Further relief could be afforded to the Commander-in-Chief, if the Secretary, Army Headquarters, or one of the members of the Military Council, were authorised to attend meetings of the Legislative and Executive Councils on behalf of the Commander-in-Chief in order to explain the questions of military administrations as also before the Viceroy. The Committee, as a whole, think that the Commander-in-Chief should be the President of the Military Council, of which the members should be: (1) Chief, of the General Staff, (2) Adjutant General, (3) Quarter master-General, (4) Financial Adviser, and (5) Civil Member and Secretary, Army Headquarters, with provision that, in the event of the minority view prevailing, the Council would include a Surveyor-General of supply.

Financial Control

As regards functions, the Military Council can have no collective responsibility, and one of their principal duties is to watch the progress of military expenditure with a view to securing economical use of Army Funds. Other recommendations are summarised below :—

Summary of Recommendations.

(*a*) That the system under which financial control is exercised at Army Headqurters should be continued.

(*b*) That the Financial Adviser should be a Member of the Military Council.

(*c*) That there should be a Deputy Financial Adviser in each of the principal spending branches of Army Headquarters and in the Royal Air Force, with functions as described.

(*d*) That whatever arrangement is made for production and provision, there should be at headquarters a Controller of Ordnance Factory Accounts, who would also act as Deputy Financial Adviser to the authority responsible for administration. This Controllers' functions might extend to the clothing factories ; but, if this is not found practicable, there should be a separate Controller for the latter.

(*e*) That the system under which separate finance and accounting offices are attached to the ordnance factories should be extended to the clothing factories.

(*f*) That the accounts and audit relating to contracts should be concentrated under a Controller at headquarters, who should also act as Deputy Financial Adviser to the administrative authority.

(*g*) That a Controller should be attached to the office of the Director, Royal Indian Marine, at Bombay to maintain the marine accounts and to act as Deputy Financial Adviser to the Director.

(*h*) That for the present no change should be made in the arrangements under which financial assistance and advice are given in commands and divisions.

(*i*) That no change should be made in the status and duties of the Military Accountant-General.

(*j*) That the Controller and Auditor-General should exercise more definite authority over the audit staff of the Military Accounts Department.

(*k*) That the responsibility for preparing their estimates and administering their grants should be definitely placed on the heads of branches at Army Headquarters and of the officer commanding the Royal Air Force.

(*l*) That the military accounts should be maintained in such a from as will enable the heads of branches to watch the progress of expenditure, with a view to savings being made available for other objects.

(*m*) That prompt information should be afforded to the Government of India regarding the progress of expenditure at home on stores, etc.

(*n*) That there should be a block vote for each arm of the service and for the Royal Air Force.

(*o*) That savings effected in the "on-costs" of factories should be available for expenditure on the improvement of the factories.

(*p*) That the spheres of financial responsibility of the Commander-in-Chief and the Member for Munitions and Marine (if this department is formed) should be defined on the lines indicated.

(*q*) That the Financial Adviser at Army Headquarters should also be the Financial Adviser to the proposed Department of Munitions and Marine.

(*r*) That a radical change, on the lines proposed by the Government of India, should be made in the system under which pay is disbursed.

(*s*) That the regulations dealing with pay, allowances, leave, pensions, etc., should be revised.

Part III—Decentralisation and Liaison

Part Three deals exclusively with the decentralisation and liaison, and after examining the present organisation of commands in India, draws attention to the proposal that India should be divided into fourteen separate areas to be called districts in order to provide a link between the army headquarters and districts, with a view to avoid return to a state of affairs which existed before the war. The Committee recommend the creation of four commands, each under an army commander, graded as General officer commanding in chief with adequate staff. These commands will comprise districts, each containing a certain number of brigade commands. Burma should form an independent district, and several districts should be classified according to their importance. This part of the report also deals with the internal security and liaison between the military and civil authorities, and urges the importance of establishing a close and regular liaison with Provincial Governments, the extension of Indian military and civil intelligence near and far East, Europe, America and Africa, with a view to counteract seditious and revolutionary movements calculated to tamper with the loyalty of troops. Lastly, the Committee emphasise the importance of propaganda and a greater use of the press, adding that the value of the press in India as a medium for information appears to have been neglected in the past.

Part IV—Organisation of Air Forces Etc.

Part four : The Committee believe that the last war has made it clear that India's partnership in the Empire demanded that the organisation of Air Forces should conform closely to the rest of the force of the Empire. For the attainment of this object, steps are suggested so as to secure closer relations between the British and Indian armies. The recommendations, therefore, aim on the assimilation of conditions, closer liaison, uniformity of ideals and interchange of officers among British and Indian's services.

As regards regimental offices, the Committee recommend a scheme for forming closer connection between the British officers cadre of the Indian Army and that of the British Army, and has shown the necessity for assimilating so far as practicable the organisation and system of administration of the services concerned with the feeding of the army, transport, stores, medical assistance, signalling.

After detailed examination, the Committee consider the completion of the Royal Army Service Corps and the Supply and Transport Corps as yet impracticable, but desire more in the direction of unification of the two corps.

Coming to the veterinary service, the Committee approves the scheme of reorganisation now under consideration of the Government of India, but suggest the admission of qualified Indians to commission in veterinary service by removing the existing racial bar.

The *personnel* of the Signal Service should be definitely posted to the corps. A joint service called Army Ordnance Corps, India, should be formed.

The Committee then proceed to examine the possibility of unification of the two medical organisations with the Indian Medical Service, and the Royal Army Medical Corps. After critical examination of the various suggestions put forward by responsible authorities the Committee are reluctantly forced to say that the amalgamation of the two services at present is impracticable. They however, suggest some reforms to secure a more harmonious working and closer co-operation between these two services.

Conditions in India are such that the amalgamation of pioneers and engineers is not advisable in the organisation of army headquarters. Field engineers' training should be co-ordinated by a Senior Royal Engineer Officer affiliated to the General Staff, and that military works services should become a directorate under the Quarter-Master-General in command. Chief Engineers should be retained. The Committee emphasises the need for close co-operation in training and military education between Home and Indian armies to afford higher appointments. If the Commander in-Chief belongs to the British service, two of his three principal staff officers (C.G.S., A.G. and Q.M.G.) should belong to the Indian Army ; while, if the Commander-in-Chief belongs to the Indian Army, two of the principal staff officers should come from the British service.

Part V—Amelioration of Conditions of Service.

The Committee are aware of the spirit of unrest and dissatisfaction in both armies arising, *inter alia*, out of the complexity of the regulations governing pay, leave and travelling allowances, and want of suitable accommodation. After em-

pasising the necessity of complete revision of the regulations, they urge that considerations of finance should not be allowed to postpone the urgent work of providing suitable accomodation, as, otherwise, it will affect the efficiency of the army. Recent changes and reforms have, no doubt, proved another unsettling factor in the minds of the British officers, but this feeling will, it is hoped, pass away in time. The Committee's intention is to render the service sufficiently attractive to secure a constant flow of the best of Sandhurst cadets and to ensure that the officers who are selected for the army and the British service officers while stationed in India, remained contented throughout the service. With this object in view, they propose several practical and detailed suggestions regarding pay and pensions, consessions, travelling and detention allowances, medical attendance, family pensions, funds, *etc.* They are convinced that each mounted officer should be provided, free of charge, with the authorised number of chargers, as also hospital accomodation for wives and families of British officers in places where European doctors are available. In applying the uniform rate of pay to all British officers in India or in service elsewhere, the Committee suggest that the present system of fixing the pay on rupee basis to be continued, that the pay of the ranks of officers be assimilated to consolidated pay of British service officers in India of corresponding rank and length of service, that all officers be given anallowance of Rs. 100 per month, except when serving as departmental or staff officers on consolidated rates of pay, that the consolidated pay should include the element of certain overseas or expatriation allowance, etc. In making some improvements in barracks accomodation, state of regimental institutes, Church parade service, etc., the Committee remark that the present day soldiers have neither deep-seated discipline nor long-suffering patience. Their responsible aspirations must, therefore, be met and their idiosyncracies sympathetically studied if they are to be contented while serving in India.

Disabilities of Indian Officers.

In regard to Indian officers, the Committee assert that there is a feeling among them that they can never rise higher in rank than a Risaldar-Major or Subedar Major. Their disabilities are due to want of education, which is now one of the essential conditions of leadership. Nevertheless, it is not forgotton that they have displayed devotion to duty which is beyond praise. All Risaldars are placed on the same scale of pay, and specified recommendations are also made regarding additional regimental pay of Indian Adjutants and Indian Quartermasters of the units, as they are usually the best educated and smartest of young Indian officers. Believing that it

would be much to the benefit of the country, some of the brave and loyal gentlemen are given opportunities to fit themselves to compete on something approaching to equal terms with the sons of the more wealthy classes. The Committee welcomed the establishment of the Kitchener College, which seems likely to meet the need. The Indian members of the Committee raised the question of instituting an Indian Sandhurst, but they agreed eventually that the time is not yet ripe for the consideration of such a scheme.

Family Pensions.

In regard to family pensions, the Committee feel very strongly that any Government which sends a married soldier of any race to war in which he loses his life, should be actually responsible for providing pension sufficient to keep his widow and children from want, and should not make its contributions dependent on the intricacies of family system into which it cannot penetrate. Any grants of lands to soldiers should be on "service terms," and grants of land abroad to deserving Indian officers and soldiers should be kept in view by the Government of India, and if possible, land in British Guiana or East Africa might be granted to Indian settlers

Part VI—Indian Territorial Force.

The Committee regret the response to the Indian Defence Force (Indian Section) was not encouraging, except the working of the University Corps which offered the best material for a Territorial Force. They, however recognise the need for a National Defence Force, but apprehend some practical difficulties. They insolently note that some students, who were members of the Indian Defence Force, took part in the Panjab disorders last year, and the highest military authorities, therefore, they say do not want to run more risks than necessary, so that the same force, which they may organise, may not be used against them!

The highest military authorities in India accept the the principle of a national defence force and are of the opinion that it is one to be encouraged. But they add :—"Not only have we to bear in mind the risks that we run in organizing a force that may be used against us in one way or another, but we have to create or revive the necessary military qualities in a collection of different races who are striving under our control to evolve a common nationality, and with it the ideal of national participation in the defence of their country. We do not want to run more risks than is necessary : we do not want to interfere undually with religious or local customs and ideals, and we do not want the country generally to get tried of what is admittedly an experiment before the desired result is attained.."

The recommendations of the committee are :—

(1) The proposed force must not impair the efficiency of the regular army, or compete with it in recruiting among classes from which the army has hitherto been drawn. While it will primarily be limited to the urban population and the universities, other classes on which the army has hitherto not drawn will not be excluded.

(2) The formation of the force should not be made a reason for reducing the strength of, or expenditure on, the regular army.

(3) It should be co-ordinated with the regular army and be under control of the military authorities ; the establishment of a unit should be the same as that of a regular unit ; the organization and training should be carried out with a view not only to aiding the civil power in maintaining internal security, but also to sharing eventually in the duty of defence against external aggression.

(4) The co-operation of Provincial Governments should, as far as possible, be secured, and local advisory associations should be established to assist in recruiting and in providing funds and facilities for subsidiary purposes which cannot be met from the military grants.

(5) Enlistment should be voluntary, between the ages of 18 and 30, with liability for general service in India, and for a period of four years which may be extended if recommended by the commanding officer.

(6) Training of cadets in schools should be limited to physical training and drill without arms.

(7) University companies should be encouraged, but strictly limited to the students and staff ; the men should take their discharge on completion of the university course, but should be eligible for transfer to a non-university unit. Rural units or companies should be discouraged, if likely to compete with regular recruiting.

(8) Liability for general service in India should be insisted on from the start ; without it, there is little prospect of this force ever becoming an asset of any military value.

(9) Training should be arranged for all units by the military authorities, in consultation with the advisory committees, so as to interfere as little as possible with normal avocations or studies.

(10) Pay and allowances should be at Indian Army rates during periods of annual training or embodiment ; in the case of university corps, for the period of the annual camp only.

(11) A limited number of specially selected British officers—*e.g.*, commanding officers, second-in-command and adjutant—with an instructional staff of non-commissioned officers, should be attached

to each unit. The commanding officer and second-in-command be replaced by Indians as the latter become trained ; and in time Indian officers holding King's commissions and possessing military experience might also be employed with these units. The adjutant and instructional staff should always be drawn from the regular army. Special facilities should be given by the military authorities for the training of officers for appointment to, and promotion in, commissined ranks, on lines similar to the Indian Defence Force (British section).

(12) The force should be under the Commander-in-Cheif, general control being exercised through a Director of Auxiliary Forces at Army headquarters and the local military authorities ; it should take the place of the present Indian Defence Force (Indian section) which being only a temporary war organization disappears. Local Governments and associations should be consulted as regards the recommendations for commissions and promotions among officers.

(13) The form of the commission to be granted in this force is a matter that will require careful consideration. Advanced political opinion, which in this respect is strongly supported by our colleague Sir Krishna Gupta, asks for the grant of King's commissions to the territorial officers ; but Indian officers now holding the Viceroy's commission would undoubtedly resent the grant to these officers of a status which for good reasons is withheld from themselves. We feel that it would be premature to make any definite recommendation at this stage, as so much must depend on the manner in which the experiment develops.

As to how the units should be raised, the Committee say that to start with some 12 units, mounted or dismounted, might be raised in the following areas :—

Bombay, Madras, Bengal with Assam, United Provinces ... 2 each.
Punjab, Bihar, Burma and Central Provinces ... ... 1 each.

In each of the four large provinces one of the units might be a university corps and in the remaining provinces the single unit might be composed partly of university and partly of general companies. The force might be styled the "Indian Territorial Force"

Part VII—Indian Marine.

Part VII deals with the Indian Marine. The Committee urge that the operations of the Indian Marine Service Act be extended so as to include of waters west of Suez in order to legalise the disciplinary action taken by the Marine Officers in that part. Further, it would be advantageous to hand over the lighting of the entire

Indian cost, including Persian Gulf, to the service. The Director, Royal Indian Marine, should be a Rear Admiral on active list with the status of a Secretary to the Government of India, with powers to approach the Viceroy. The office of the Director should be in Bombay, while his Deputy should remain at the headquarters of the Government of India. Regular recruitment should be done as in the army, with headquarters at Ratnagiri. Suitable Indians should be given opportunities for education in the higher branches of sea-membership, marine engineering, etc.. The Committee consider it desirable that the Royal Indian Marine should be extended to enable it to undertake policing the Persian Gulf, and they feel confident that the raising of the status of the Marine service would make it fit to meet both peace and war requirements.

Part VIII —Indian Army Reserve of Officers.

Part VIII deals with a number of supplementary questions referred to the Committee by the Government of India for advice. Lord Esher and General Du Cane are not, therefore, responsible for these recommendations. The Commitee, after examining the existing regulations relating to the Indian Army Reserve of Officers, suggest these regulations should be so recast as to require all officers now under this reserve to relinquish their appointments and new reserve of officers for army in India be formed with a fixed establishment to be calculated for each arm and branch of the service on the basis of probable requirement in the event of war, with the result that this new reserve of officers would be organised with reference to the needs of the Army in India, whereas the existing reserve is for the Indian Army alone. This reserve would as well as provide the officer reinforcement for all the units serving in India, British and Indian alike. The Committee further advise that regimental followers should be enlisted and trained to arms sufficiently.

Miscellaneous.

Coming to the military staff clerks, the Committee urged military soldiers should be sparingly used for clerical duties, and that the pay and privileges of clerical assistance in principal branches of headquarters should be the same as those in the Government of India Civil Secretariate.

Provision of an adequate staff of Army Chaplains is required to meet the needs of various denominations.

The Committee further think that the transfer of responsibilities of policing the Northeast Frontier is not justified, and hold that the existing system, under which Burma and Assam military police are controlled by the Local Governments, should not be changed.

Part IX Concludes the Report. It runs as follows:—

1. We have now completed the task assigned to us. We have examined the conditions obtaining in the army in India at the close of a war of unprecedented magnitude. Many changes are needed, and they should not be postponed. The army in India is not immune from the general unrest prevailing throughout the world. Liberal and sympathetic treatment at the present time, and the removal of such grievances as we have shown to exist, should go far to secure contentment for the future.

2. In our proposals relating to the higher command and to the organisation of Army Headquarters, our main endeavour has been to relieve the Commander-in-Chief of all work that can equally well be performed by his subordinates. We have followed in many respects the organisation of the Headquarter Staff of an army in the field, since we consider that the work of Army Headquarters in India approximates more nearly to field conditions than is the case at the War Office. We have limited, so far as is consistent with efficient working, the number of officers with direct access to the Commander-in-Chief.

3. We have laid special stress on the necessity for decentralisation in India, and for diminishing the detailed control exercised by the India Office. We hope, that if our proposals are agreed to, there will not only be a considerable decrease in correspondence, but that more rapid decisions will remove such discontent as is now caused by delay.

4. Our principal aim has been to promote the efficiency and contentment of the army in India, and to secure that the Government of India will have at its disposal a well-trained and loyal army, fit to take its share in the defence of the Empire.

5. In submitting our recommendations, we have borne in mind that many of them will entail increased expenditure. We are aware that the present cost of the army in India (1920-21) is already double the pre-war cost. We have therefore been actuated throughout by due regard for economy, but we have not refrained from recommending relatively costly measures, where we are satisfied that these are essential to the contentment and better administration of the army.

6. Our proposals will further increase the annual cost of the army in India. But although the immediate effect of adopting them will be to set up a higher standard of normal expenditure, we do not contemplate the probability of this standard being increased, at least for some years to come, above what can be met

from the normal growth of Indian revenues. It is admitted that the first concern of any Government should be defence from external aggression, and the maintenance of internal tranquillity. With the prospect of industrial and agricultural development in India, the revival of trade, and the disappearance of freight difficulties, it is hoped that the revenues of India may expand sufficiently to enable the needs of the army to be satisfied without detriment to other claims.

7. Fresh standards have been set up; existing services require reorganisation, and new services have to be developed and equipped. There is much lee-way, too, to be made up in improving accommodation in conformity with modern requirements. All these will involve heavy initial expenditure. We venture to suggest that it might be advantageous, from the point of view both of finance and of military administration, to adopt a system somewhat on the following lines:—

(*a*) The military authorities should first prepare a programme showing the capital expenditure entailed by measures such as those indicated above.

(*b*) The Government of India would thus be in a position to gauge their liabilities, and to decide to what extent they could be met, and over what period the programme should be spread; and could proceed to obtain the Secretary of State's sanction, where necessary, to the expenditure involved.

(*c*) The Government of India might then arrange to give a definite allotment (over and above the sum required for the ordinary yearly upkeep of the army) towards the carrying out of this programme of special expenditure. This allotment should be expressed in terms of a total sum, to be spread over a fixed number of years. Lapses in the yearly allotment should be carried forward into the following year's budget, and remain at the disposal of the military authorities for the carrying out of this programme. Within the amount of the special provision the military authorities should have a free hand in deciding to which of the measures in the programme priority should be given. The accounts relating to the expenditure on these measures should *pro-forma* be maintained separately.

(*d*) Subject to these conditions, the military authorities should be required to work strictly to the annual budget provision for the upkeep of the army, except in so far as this may prove impossible owing to unforeseen causes,

such as military operations, or increases in the cost of foodstuffs, etc., occurring in the course of the financial year.

8. The Indian army is the instrument of the Government of India, by whom it is paid and administered, subject to the general control of the Secretary of State for India. We consider therefore that, subject to such control, the Government of India should be the final authority in matters connected with the pay and allowances of officers and men of the Indian Army, wherever they may be serving. We find it necessary to state this view, as we have been informed that the more liberal terms recommended by the Government of India have been rejected in several cases on the ground that all charges on account of officers and men of the Indian Army, serving overseas, are borne by His Majesty's Treasury. This does not appear to us to be a valid reason why terms of service should be prescribed which are at variance with the express recommendations of the Government of India, and which result in the creation of numerous inequalities in the rates of pay of officers serving overseas with formations containing Indian troops, or performing duties analogous to those of corresponding appointments of India.

The Government of India have no voice in deciding the rates of pay of officers and other ranks of the British Army, though increases in these rates materially enhance the cost of the Army in India, which is entirely borne by Indian revenues. Just as the security of India demands the presence of these British troops, so the fresh military obligations devolving on the Empire as a result of the war necessitate the employment overseas of considerable numbers of Indian troops. We consider that the Government of India have the right to claim, as an essential condition of lending their troops for such duties, that they should be the final authority in all questions of pay and allowances, subject always to the control of the Secretary of State for India. This right needs to be explicitly safeguarded.

ESHER.
M. F. O'DWYER.
H. V. COX, Lt.-Gen.
H. HUDSON, Lt.-Gen.
G. FELL.
WEBB, GILLMAN, Maj.-Gen.
UMAR HAYAT.
K. G. GUPTA.

C. M. WAGSTAFF, Colonel,
Secretary.

22nd June, 1920.

Minute by

Sir Krishna G. Gupta.

I have signed the Report, because I believe that the Civil Government of a country must have in the future, as it has had in the past, a potent and effective instrument in the army, for repelling external aggression and maintaining internal peace, and because I agree with my colleagues that our proposals, if adopted, will greatly increase the efficiency of the Army in India. I wish, however, to make a few observations, not by way of dissent, but rather as supplementing what has been said in the Report.

2. It seems to me that the great importance of the momentous declaration of policy made in the announcement of August 1917 has not been sufficiently realised. The British Government have, in clear and unmistakable terms, affirmed their future policy in the Governance of India, *viz.*, increased association of Indians in all branches of the administration, and the introduction of responsible Government with a view to place India on the road to the attainment of Dominion status ; and this policy has been reffirmed in the preamble to the Reforms Statute which was passed last year.

3. From the battle of Plassey in 1757, when the East India Company acquired for England her first footing in India, till 1858, when the Crown assumed the direct Government of India, the principle underlying all measures was the maintenance of British domination and supremacy. In accordance with that principle all power, authority and control, whether civil or military, was concentrated in the hands of the British bureaucracy, and Indians were relegated to very subordinate positions.

4. As a legacy of the unhappy events of 1857, a feeling of distrust now further supervened and permeated the whole policy of army administration. Indians had always been excluded from the King's commission. A new restriction establishing a ratio of two Indians to one European was introduced into the rank and file.

5. Ever since the assumption of the Government by the Crown there has been a steadily widening difference in policy between the civil administration and the army organisation. During the last half-century measures have been taken to extend the Indian element in the higher branches of the civil administration, and in later years, to introduce the principle of representation in the Legislative Councils which culminated in the Statute of last year. On the military side, however, the tendency has been to make the grip closer and tighter, so as not only to keep the Indians out of all superior positions, but also practically to exclude them from the

artillery and various other services, which form essential branches of the army organisation.

6. But now that a solemn declaration of policy has been made, such a distinction must no longer be observed, if that declaration is not to remain a dead letter or a mere pious wish. Distrust must now give place to confidence. It is not enough that the civil administration should be democratised and placed on a representative basis, but Indians should also be eligible for positions of trust and responsibility in the army. The adoption of measures which shall make the Civil Government responsible to the people does not, in itself, make a country autonomous and self-governing, nor can it ever become so, as long as the administration of the army remains in other hands.

7. In the covering letter of 3rd November, 1919, submitting Part 1 of the Report, it has been observed that "we desire also to mention that we have been requested in considering our recommendations to avoid, if possible, framing them in such a manner as may hereafter prove inconsistent with the gradual approach of India towards a Dominion status." I was not a member of the Committee when that letter was written. If I had been, I should have urged that our recommendations should not only be not inconsistent with Indian autonomy, but that they should be so framed as to help India to attain the goal which had been set down for her. I should be failing in my duty to the British Government, and unfaithful to my country, if I did not take this opportunity to express my conviction that we can peacefully attain national unity and full responsible Government only through the sympathetic help and guidance of Great Britain, and that it is therefore to our advantage to remain, so long as we can do so with due self-respect, a component part of the great British Empire. But if we are to achieve this goal of national unity and full responsible Government, it is necessary that the British Government should completely change their angle of vision in regard to military administration in India, and that they should be prepared to share the control of the army with the people of the country.

8. To that end several measures are urgently called for, and I shall briefly touch on them :—

(*a*) The superior ranks of every branch of the army, including the Artillery, Air Force, Engineers, Transport and Supplies, etc., should be freely open to qualified Indians, and for this purpose the number of King's commissions to be given to Indians should be materially increased every year. A better method of selection than that which obtains at present should also be adopted, so that not merely the scions of wealthy families, but the best qualified candi-

dates, irrespective of birth or creed, will have a chance of competing. As in every other country, so in India, it is the educated middle-classes which must furnish the largest contingent of officers.

(*b*) Enlistment for the regular army should not be restricted to what are called martial races. The result of the present policy has not been completely satisfactory. It has thrown an unusually heavy military burden upon one province—the Punjab, the evil effects of which are already becoming apparent, it has taken the field of recruitment outside the borders of British India—bringing into the Indian Army men who are not British Indian subjects, such as the Pathans from the North-west Frontier and the Gurkhas from Nepal. The trans-frontier Pathans have been discredited, and no longer form any appreciable part of the Indian Army. The area of recruitment should, therefore, be extended to all parts of India and everything should be done to stimulate the martial and patriotic spirit, which decades of neglect and discouragement have depressed but never wholly extinguished.

(*c*) No effort should be spared to make the Territorial Force a success and a real adjunct to the regular army.

(*d*) The practice of officering the Indian Army by regular periodical drafts from Europe is not only very costly but it is harmful to the best interests of India in another way. The British officer leaves the country generally in the prime of life, so that all his ability, knowledge and ripe experience are lost to it.

(*e*) Steps should be taken in due course to establish in India training and educational institutions for all branches of the army. At present almost all the training of the superior officers is done in England. This is an inconvenient arrangement for India and will become impracticable when more Indians get King's commissions. The best Indians may be prevented by cost alone, among a variety of reasons, from coming to England for training. The admitted success of the Quetta Staff College, and also of the Officers' College at Indore, shows that it is not a difficult matter to arrange for training in India. To start local institutions may appear costly at first but will be cheaper in the end. Besides, India must gradually be made self-supporting in every respect. We have advocated the adoption of this policy (Part II, Section I) as regards supply and munitions. The same reason holds good even with greater force for the application of that principle to the personnel of the army.

(*f*) The imported article, whether personnel or material, must necessarily be more costly than that which can be obtained at home. The British soldier roughly costs three times as much as the sepoy. The proportion is not so high in the case of the officer, but the fact

that the British officer has to be remunerated adequately tends to raise the scale of pay of the Indian officers and thus adds to the total cost of the army in India. Our proposals must add largely to the army expenditure, which is already high, and the only way of introducing economy without impairing efficiency is gradually to increase the Indian element in the ranks as well as in superior positions.

K. G. GUPTA.

22nd June, 1920

Minute by
Sir Umar Hayat Khan

We have in Part III of our Report made certain recommendations on the subject of securing liaison between the civil and military authorities in obtaining information of attempts made by agitators to spread disaffection. I would go further and advocate drastic action against all such agitators, who should be rigorously excluded from all cantonments or districts where their activities may be a cause of possible contamination.

During the sessions of the Army in India Committee I was too busy to go to Sandhurst and make enquiries about the Indian cadets there. I have since learned that their progress, generally speaking, is far from satisfactory. It seems very doubtful whether all will qualify for commissions or will be suitable for commissions, and whether those who do qualify will be willing to serve for more than a short period in the Army. The inference is that some at least of the cadets selected for Sandhurst were not of the right class, as I predicted in a note on the subject written in 1915 and placed before the military authorities.

If this mistake is not rectified in the future, the number of commissions alloted every year to Indians will fall far short of what it was intended to be, and public money, as well as the time of the cadets and their instructors, will be wasted. I would suggest that the shortage, which occurs owing to the selection of candidates of the wrong type, should be made good in the following years, so as to secure the full sanctioned number of Indian officers with King's commissions.

I have already pointed out that the army should not be allowed to be tampered with, as it is the only instrument in the hands of the Government to maintain internal peace and to cope with

external aggression. I desire to emphasise this further, in view of what I have since learnt of the recent happenings in India. They force me to suggest that the reforms in the army should be introduced on more cautious lines. In the last disturbances attempts were made to tamper with the army, as was done in the Mutiny of 1857, but the bulk of the army was away, and, as many of the units had just returned from the war and had seen the might of the British Government, they were not, with very few exceptions, carried away by the intrigues of the revolutionaries.

Just as it is necessary, in the interests of efficiency, to have old and seasoned soldiers amongst the ranks of the Indian Army, it is equally essential to stiffen it by the British element, i. e., by British units, however expensive it may be. The necessity for this I have seen myself in various campaigns, especially in the last war. There have been occasions when it was only the presence of British units which kept the Indian troops staunch. It must not be forgotten that, while British troops are fighting for the integrity of the Empire, the Indian soldiers, gallant though they have often shown themselves, cannot have the same inducement to fight for a distant Raj, and therefore require the stiffening which British troops afford. I hope that reformers with Utopian ideas will not persuade the Government to depart from this sound and established policy. If the revolutionaries succeed in bringing about serious trouble coupled with the mutiny and foreign aggression, before India is fit for self-Government, it will cause a set-back to India which will be detrimental to all classes, particularly those who have any stake in the land.

To recruite from the classes which lack the martial spirit or military traditions would be a great mistake, as they would never stand the strain of war. If the line is broken on the weak spot where such troops are holding it, the other portions, even if held by the best troops, may have to be abandoned, and this may bring disaster in its train. This remark would equally apply to both officers and soldiers recruited from such material, and to enlist them would not only be a waste of time and public money, but would be inadvisable, as already illustrated by an experimental regiment of a certain class during the war.

I would strongly urge that any chance in the composition or organisation of the army connected with the Reforms, or any other alteration in the angle of vision, should be only introduced when all these experiments have first been proved successful and have stood the test in every other department of Government.

UMAR, HAYAT.

22nd June 1920.

Recommendations of the Chemical Services Committee

The Chemical Services Committee, was appointed by the Government of India in October 1919, under the presidentship of Professor J. F. Thorppe. Its report was published in 1920.

The terms of reference to the Committee were :

(1) To consider whether an All India Chemical Service is the best and most suitable method of overcoming the difficulties and deficiencies pointed out by the Indian Industrial Commisson. (2) In the event of the Committee approving the principle of an all India Service, to devise terms of recruitment, employment and organisation ; to indicate the extent to which chemists already in Government employ should be included in that service ; and suggest what should be the relations of the proposed organisation with the public and with Departments of the Government of India and local Governments. (3) In particular to frame proposals for the location, scope and organistion of institutions for chemical research.

The following is the summary of recommendations :—

(1) That a Chemical Service should be constituted.

(2) That the Service should be called the Indian Chemical Service.

(3) That the Service should be controlled by a Director General.

(4) That a Central Imperial Chemical Research Institute should be erected at Dehra Dun under the Director General of the Chemical Services as Director, assisted by a number of Deputy Directors.

(5) That each Deputy Director should be in charge of a separate Department and that in the first instance there should be four Departments, *a.* Inorganic and Physical Chemistry, *b.* Organic, *c.* Metallurgical Chemistry; *d.* Analytical chemistry.

(6) That a Provincial Research Institute under the control of the local Government should be erected in each Province near the

chief seats of industry in that Province, and that each Provincial Researeh Institute should be under a Director of Research.

(7) That the functions of the Central Imperial Institute should be as follows :

To create new industries and to carry out the development of new processes up to the "semi large" scale, or further if necessary, to investigate those problems of a fundamental character arising from the work of the Provincial Institutes, which have been transferred to the Central Institute by the Local Director of Research in consultation with the Director-General. Such problems will be those which have no apparent immediate practical importance but which in the opinion of the Director-General and the Director of Researches are likely to lead to the discovery of fundamental industrial importance affecting the industries of the country generally ; assist in the co ordination of the work in progress in the Provinces, both by means of personal discussion between the officers of the central and Provincial Institutes during the course of the tours made by the Director-General and the Deputy Directors, and by means of periodical Conferences of Provincial and Imperial offiecrs ; to carry out such analytical work as may be required and to correlate the methods of analysis in general use throughout the country ; to maintain a Bureau of information and Record Office ; and to issue such publications as are considered necessary.

(8) That the functions of the Provincial Resarch Institutes should be as follows : to maintain close touch with the works of chemists and with the works generally and to work out any problems which may be submitted to them ; to develop and place on an industrial scale new industries which have been previously worked out on the laboratory and "semi large" scale by the Central Imperial Institute ; to carry out such other work as may be necessary to establish and foster new industries peculiar to the Province ; to carry out such analytical work of a chemical character as may be required in the Province, and to erect and control sub-stations in such parts of the Province as the development of industry may require.

(9) That, under 8 above, arrangements should be made by which a firm supplying a problem should have the use of the solution for an agreed period of time prior to its publication.

(10) That members of the Service should be lent to private firms as occasion demanded and should, during the period of their service, be paid an agreed sum by the firms.

(11) That the Resarch Institutes should not undertake manufacture in competition with private enterprise, but that chemical

industries developed in accordance with 8 above should be handed over to private firms as soon as practicable.

(12) That, whenever necessary, experts should be employed to establish chemical industries based on new process.

(13) That the work of the Central Imperial institute should be controlled by a Board of which the Director-General will be Chairman and which will comprise the Deputy Directors and such other persons as the Government of India may determine.

(14) That the Central Imperial Institute should have no administrative control over the Provincial Research Institute, but that no appointment as Director of Research should be made without consulting the Director-General

(15) That the Director General and Deputy Directors should visit Provincial research Institutes periodically and co-ordinate the work done in each.

(16) That Chemists employed at Provincial Research Institutes should be appointed in the first instance by the local Government in consultation with the Director of research and the Director General.

(17) That Chemists so appointed should be members of the Chemical Service and should be seconded for service under the Provincial Governments and be paid by them.

(18) The Agricultural Chemists should not at present be included in the service.

(19) That the relations of the Chemical Service to the Forest Department, the Ordinance Department, the Chief Inspector of Explosives, Assay Masters, the Medical Stores Department, the Geological Survey and other Governments employing chemists, should be as stated in Chapters V and VII.

(20) That a Ministry of Science should be created as soon as practicable, as stated in Chapter XIII.

(21) That recruitment to the Chemical Service should be as described in Chapter XV.

(22) That the Deputy Director in charge of Analytical Chemistry should co-ordinate the methods of analysis in use throughout India and should act in an advisory capacity to the various Provincial Government analysts who should be attached to each Provincial Research Institute.

(23) The Provincial Government Analysts should be under the control of the Directors of Research and should take over the chemical work now carried out by the Chemical examiner and the Government Test House.

(24) That the question of the connection of the Indian

Institute of Science, Bangalore with the Chemical Service should await proposals from the Council of the institute.

(25) That the location and equipment of the Central Imperial Chemical Research Institute should be as described in Chapter X.

(26) That the location, control and equipment of Provincial Research Institutes should be as described in Chapter XI.

(27) That a Bureau of Information and Record office, a Library, and a Museum should be attached to the Central Imperial Institute and to each Provincial Research Institute.

(28) That the Central Imperial Institute should issue applications as described in paragraph 71.

(29) That a Chemical Survey of India should be carried out at the earliest possible moment.

(30) That recruits for the Chemical Service should be trained in the manner described in Chapter VI.

(31) That members of the Service should be seconded to the Education Department and to University Institutions if required (Chapter VI.)

(32) That the Government of India should give maintenance and equipment grants to students to enable them to undergo the training in chemical researches required for recruitment.

(33) That the position of the Director General and of Directors of Research should be as described in chapter XIV.

(34) That the pay, pensions. leave and allowances of the Chemical Service should be as detailed in Chapter XVI.

(35) That liberal grants, free from the customary accounts, restrictions, should be given for the initiation of the scheme and for the development of industries through the medium of Chemical Research.

Sir P. C. Roy's Note of Dissent.

The following note of dissent was submitted by Sir P. C. Roy:—

"On principle I am opposed 'ab initio' to the creation of an all-India Chemical Service. At the earlier stage of the foundation of the British Empire, there was no doubt need for the creation of the Indian Civil Service and the Indian Medical Service, and, in the absence of suitable material in India for their recruitment from abroad. Now after an interval of more than 160 years under the enlightened auspices of the British Government, vast progress has been made in the intellectual development of India. We have graduates of local Universities occupying conspicuous and distin-

guished postitions as Advocate-Generals, Judges, Jurists, Surgeons Physicians and Scientists, etc. who can hold their own against their confreres in any country in Europe.

"India is 'par excellence' a land of caste, and the "services" have become stereotyped into so many rigid castes. Naturally they are jealous of their vested interests, and are apt to fight tooth and nail against any improvement or innovation which clashes therewith. So glaring has the evil become that, in the considered opinion of India, this unhappy country exists for the "services" and not the "services" for the country. In short the "services" have become an anomaly, nay, a glaring anachronism. A man brought up under the inelastic and hide bound traditions of the "service" unconsciously imbibes all its prejudices and is apt to become overbearing, arrogant, narrow in outlook and limited in his angle of vision. The "service" system will have a demoralising effect as far as the spirit of research is concerned. The men will have gorgeous vistas of pay, prospects and promotion before them, and the pushful and clamourous will try to gain the ear of the Heads of the "service." Under such a 'regime' I am afraid the spirit of research will not be properly fostered.

"It has been urged that while big industries will have trained chemists to carry on researches, the results arrived at by the "service" chemists will be of benefit to the small industries. But the days of small industries are, I am afraid, numbered. In these days of fierce and keen world competition, and of powerful combines and trusts, industries started on a small capital will get short shrift.

"The future industrial development of India no doubt requires a trained hand of chemists. But I doubt very much if the proposed institution of an All-India Chemical Service will best meet the requirements of the case. "Service" men are apt to be easy going and secure of drawing their monthly cheque. They cannot be expected to solve an industrial problem with that degree of zest and enthusiasm and personal interest which a research chemist, attached to an industry, is expected to bring to bear upon the question. Let me cite an instance based upon personal experience. During the exigencies of the recent war, the firm with which I have the honour to be intimately connected—I mean the Bengal Chemical and Pharmaceutical Works—was called upon to undertake, almost at a moment's notice, the manufacture on a large scale of many chemicals, the supply of which from abroad, had been cut off. Some of our chemists proved equal to the occasion in an incredibly short space of time. They not only worked out the process but improvised plant for the manufacture, among other chemicals, of magnesium sulphate, alum, etc., by tons every day. One chemist worked out the process for the manufacture of sodium thiosulphate, which extorted my

admiration. Another, who also rose to the occasion, invented a fire extinguisher, which secured very large orders from the Munitions Department. Now, had the manufacture of any of these on a large scale been left to be worked out by departmental "service" chemists, I think that immense delay would have been involved, that the methods would have been found to be costly and unworkable, and that much precious time would have been lost in correspondence and cross-references. Departmentalism is an arsenal of delay and procrastination. Its methods are apt to run in a grave, and as it has no living touch with any going concern, its ways degenerate into a dull dreary routine mechanically carried out. A research chemist, who is in the "Service" of industry, is put on his mettle. He naturally expects a share in the profits, or some sort of royalty, and he throws his whole heart into the work. Whereas a research chemist who is in the "service of Government is part of a system, which not only makes havoc of originality, but has tendency to chill initiative and resourcefulness. In short, work carried on through the agency of the "service," converts its votaries into lifeless machines. The methods of such a "service" will be dilatory and circumlocutory, especially if the laboratory happens to be situated at a great distance from the firm which wishes to avail itself of its services. In the proposed scheme, no doubt Pioneer Factories are suggested in connection with the laboratory. I believe the immense industrial progress, which has been achieved in England and in Germany, has been due mainly to the close association of chemists with the factories and the works. A large manufacturing concern can at once set up machinery and plant required for the purpose, and can change or improvise them according to the requirements of the case. The phenomenal progress of chemical industry in Germany is due to the fact that the large firms employ as many as 150 or 200 chemists, some engaged in research work, others in the actual manufacture. I doubt very much if the proposed All-India Chemical Service will be of benefit to the country, commensurate with the heavy outlay to be incurred.

My own view is that the best result would be achieved by improving the teaching of chemistry in the Indian Universities. The want of a suitable and lucrative career has hitherto stood in the way of capturing the brilliant students for the pursuit of chemistry. Law, Medicine and other careers have naturally attracted them. No doubt the proposed chemical service with the recruitment to its cadre in India will give a fillip to the pursuit of chemistry. But the 'service" cannot afford careers to all but only to a limited few. Unless we can open out in India chemical industries, metallurgical operations etc, there is no chance of absorption of a continuous flow of chemists

India is a country of vast potential possibilities with its abundant supply of raw materials, of animal, vegetable and mineral origin, and there is ample scope for research work on these. When the industrial Commission made its recommendations for the creation of a Chemical Service the Reforms Scheme was in a nebulous condition. Now that the bill has been passed and has taken a definite shape with Provincial autonomy as its corner stone and Industry as a "transferred" subject, the raison detre for an All-India Chemical Service has almost ceased. Each Province grows on its own lines and according to its own traditions; some provinces are highly advanced intellectually and scientifically, others are again miserably backward and lag behind in the race. If you start chemical research institute in a backward Province it will be something like putting the cart before the horse. Are people sufficiently advanced to profit by or to utilise it. Under the Reforms Scheme, it will be possible for each Government, backed by the Local Parliament to work out its own industrial salvation. That the local genius of the people plays a prominent part is best illustrated by the growth of the mill industry at Bombay. The Parsees and the Bhattias did not await to be awakened to activity by extraneous aid offered by Government Departments.

The plan which naturally commends itself to me is that the different Provincial Universities should be encouraged to strengthen the staff of chemical teachers and to attract brilliant youngmen by the offer of research scholarships. Technological Institutes should be attached to each University as an adjunct to the chemical and physical Departments. In these, tanning, dyeing ceramics, enamelling, electrical and mechanical engineering, paper making etc., should be taught. If such Technological Institutes are attached to the Universities much duplication of staff, of work and of costly machinery will be obviated.

If you have to depend upon laboratory experiments for the forming of industries, I am afraid we shall have to postpone these to the Greek calends. I know, for instance of a research laboratory in India where soap manufacture was undertaken on a laboratory scale. The product of this experiment has, however, been found to be of such inferior quality that it could not be put on the market. Besides the Bengal Chemical and Pharmaceutical Works referred to above, I happen to be Chairman and Director of three or four other industrial companies that have recently been started, namely the Bengal Pottery Works, the Bengal soap Works and canning and condiment and other works. All these have been started with the help of experts trained locally or in Japan, England, Germany and America. The successful tannery works of Sir Nilratan Sirkar may also be

mentioned in this connection. The late Jamshedji Tata also founded his colossal iron works with the help of technical experts imported from abroad. With the exception of the last named, the experts are all Indians trained abroad as I have said, and a very large number of B. Sc., and M. Scs., are being trained under them, who will in course of time become experts themselves while even in the Tata Iron and Steel works, Indians trained abroad are slowly getting to occupy high posts in the various Departments requiring scientific and metallurgical knowledge.

With the progress in chemical education in India, qualified chemists will be turned out in numbers who will be readily absorbed by the chemical industries which are sure to spring up in course of time.

In conclusion, I desire to state that, although I consider that the days of Government Services are over and that the development of industries by the agency of a Government Service is not the most suitable way of dealing with the problem yet I agree that if a Government Service is constituted, the proposals of the Committee represent the best method of constituting and carrying on such a service. It is for this reason that I have attached my signature to a report with the major portion of which I am in substantial agreement. The essence of the new scheme is the section on recruitment which has been drawn up by the distinguished President himself and fully endorsed by my colleagues. The principle that recruitment for the Indian Services must be made in India is one which I have long upheld hitherto without success. I shall have satisfied if this principle finds acceptance as a result of the Committee's report for it will afford a splendid opportunity to the youth and talent of India and will give a vigorous impetus to the pursuit of my favourite science amongst my country men.

The Reformed Budget

Rearrangement of Budget Heads

For Imperial and Provincial Finance

Government of India Communique—18th December 1920.

The introduction of the Reforms will bring about a complete change in the financial relations between the Central and Provincial Governments, which will involve some important change in the general form of accounts and in the prescribed major heads. The changes described below have received the sanction of the Secretary of State. They should be given effect to in the estimates and accounts commencing from the year 1921-22.

1. Provincial Governments have hitherto had no separate revenues of their own, their resources being obtained mainly from a share of divided heads of revenue and from lump assignments from the Imperial revenues. The transactions of the Imperial and Provincial sections have accordingly been combined, but shown under distinct divisions against each major head of revenue and expenditure in the general accounts and estimates. In future, however, definite sources of revenue will be allotted to the Provincial Governments, and there will be a complete separation between the revenues and expenditure of the Central and Provincial Governments, though all moneys received from the resources of provincial revenue will be paid to the public account, of which the Governor-General-in-Council will continue to be the custodian. It will no longer be necessary, therefore, to record together the Imperial and Provincial transactions against each head of account. The accounts and estimates of the Government of India will, in future, embrace the transactions of the Central Government only under each head of account, the transactions of the Provincial Governments appearing in them merely as a net addition to, or withdrawal from, their banking account with the Central Government.

2. At the present, all revenues realised and expenditure incurred in England, which are finally adjusted in the Home accounts, are treated as Imperial, irrespective of whether they pertain to an Imperial, Provincial or divided head. In future, the incidence of revenue and expenditure will be determined by the division of subjects between the Central and Provincial Governments. The Secretary of State and the High Commissioner for India will maintain separate accounts of expenditure incurred in England on behalf of Provincial Governments and the revenue realised, if any, in respect of provincial subjects, and they will furnish to each provincial Government copies of the accounts and estimates relating to provincial transactions. The net expenditure incurred in England, on behalf of

each provincial Government, will be charged to its balance in India at the end of each quarter.

3. To avoid an inflation of the accounts and the resultant erroneous impression as to the incidence of revenue in India, the working expenses of railways are at present deducted from the gross receipts and the net receipts are shown on the revenue side of the accounts. It has been decided that the same procedure shall be followed in the case of the other two commercial services, viz, irrigation works and posts and telegraphs. Accordingly, the working expenses of irrigation works and expenditure on revenue account, in respects of posts and telegraphs, will be shown in the accounts as a deduction from revenue interests, charges relative to the former remaining on the expenditure side.

4. Gain or loss by exchange on the net home expenditure of Provincial Governments as also on the net outlay in England on the commercial services will, in future, be credited or charged, as the case may be, to the Provincial Governments or to the Commercial Department concerned. A gain or loss in respect of the net expenditure of the Central Government not relating to the commercial services will be credited or charged in lump under the revenue or expenditure head "Exchange" in the Central accounts. This head will also record in the provincial accounts the exchange on the net home expenditure of Provincial Governments. For the purpose of these adjustments the exchange will be calculated monthly on the basis of the average of the daily Calcutta Telegraphic tranfer rates on London during the month. A list of the major heads of revenue and expenditure, as now revised, is also published. The changes introduced are explained below :—

I. The transfers now made between Imperial and Provincial revenue will be discontinued and they will be substituted therefore by fixed contributions from the Provincial Governments to the Central Government, and also fixed assignments in consideration of the allocation to the provinces, of a share in the revenue realised from taxation on income. There may also occasionally be some miscellaneous adjustments between the Central and Provincial Governments in respect of services required by one to another. The adjusting head "Transfers between Imperial and Provincial revenues," therefore, has been replaced by two new heads "Contributions and assignments to the Central Governments by Provincial Governments" and "Miscellaneous adjustments between the Central and Provincial Governments." The heads will be opened on both the receipt and expenditure sides, the entry under the former head on expenditure side representing the payments by the Provincial Governments and the entry on the receipt side, the credits to the

Central Government. It has also been decided that, with the greater independence of Provincial Finance under the altered conditions, the present rule against inter-Provincial adjustments in Article 1337, Civil Account Code, shall be rescinded.

II. Each Provincial Government will be required in future to set aside from its resources a fixed sum every year for famine Insurance and the appropriation of £ 1 million a year hitherto made from the Imperial revenues for famine relief, and the insurance now disappears, and with it also the head "reduction or avoidance of debt." The sums thus set aside by the Provincial Government will be devoted, in the first instance, to the outlay of the construction of protective works, and, if necessary, on relief measures, the sum not required for these purposes being utilised in building up a famine insurance fund. The balance at the credit of the fund will be regarded as invested with the Central Government, which will pay interest on it, and it will be available for application when necessary to any of the objects mentioned above, and also to the grant of advances to cultivators. In order to give effect to the above scheme for famine insurance by Provincial Governments, the major head "famine relief and insurance," which will come under the miscellaneous section, has been split up into sub-heads (*a*) famine relief and (*b*) transfers to famine insurance fund, (*c*) outlay on relief measures and (*d*) the transfer to a separate head in the debt section of the accounts of the annual appropriation to the famine insurance fund. As it is desirable that the entire outlay on relief in any year, inclusive of the portion met from the balance at credit of the fund, should be shown as famine expenditure in the Provincial accounts, it is also necessary to open a head on the receipt side to show the transfers from the famine insurance fund to meet the famine outlay, and a new head 'transfers from famine insurance fund" has, accordingly, been opened.

III Under the present classification, charges on account of irrigation works are shown under five heads, viz., (1) capital outlay on irrigation works ; not charged to revenue ; (2) outlay on protective works financed from the famine insurance grant ; (3) outlay on protective works financed from outside that grant ; (4) working expenses on productive and protective works (collectively designated major works) including interests on debts ; and (5) minor works and navigation. The receipts are classified under two heads, (1) major works and (2) minor works and navigation. The basis of the existing heads is thus a classification of irrigation works into major and minor works. This distinction is now, however, based as the nomenclature would apply on the size of the works. Major works are works, the funds for the capital expenditure on which are provided wholly or mainly either from borrowings or from the famine

insurance grant, with the additional reservation that they must be susceptible of having reliable capital accounts kept of them, while minor works include all works not classed as major and met wholly from revenue. A distinction based on the source from which capital expenditure is met, cannot, however, be retained under the Reforms Scheme, especially as borrowed funds will not hereafter be required to be applied to productive works only, and it will be permissible to finance from borrowing unproductive as well as productive works. It has, therefore, been decided to replace the distinction between major and minor works by a classification based on the productivity of the works, and the transactions relating to irrigation works will, in future, be exhibited in the accounts as follows : (1) The outlay on the construction of irrigation works not charged to revenue will be shown under a single major head outside the revenue account as at present, but sub-divided into productive and unproductive ; (2) The outlay on the construction of irrigation works charged to revenue will also be shown under a single major head in the rvenue section sub-divided into (*a*) works financed from the famine insurance grants and (*b*) those financed from ordinary revenues ; (3) The receipts and charges relating to water-ways and navigable channels and to embankments and other purely agricultural works will be separated off from those relating to irrigation works proper and shown under a separate head " water-ways and embankment "; (4) For the purpose of showing the maintenance charges, irrigation works will be divided into two classes, viz, those for which capital accounts are kept and those for which such accounts are not kept, and each of these classes will be represented by a distinct major head in the revenue section of the accounts, the latter of which will also include miscellaneous expenditure on surveys of irrrigation prospects, *etc*; (5) The works for which capital accounts are kept will be further sub-divided into (*a*) productive (*b*) protective and (*c*) unproductive works, direct receipts of working expenses and the portion of land revenue due to irrigation being shown on the receipt side, separately in respect of each of these classes of works and the interest charges on the expenditure side. It has also been decided that for the purpose of determining the productivity of an old work developed by the British Government the capital expended by that Government be regarded as capital at charge, on which interest is chargeble, and that when a work which was expected to be productive proves to be unproductive as defined in the Public Works Department Code or *vice versa*, the necessary transfer of booked outlay between the productive and unproductive classes of works be effected so as to bring the accounts into accord with fact.

IV The outlay on the construction of railways charged to revenue is now shown under three distinct heads, (*a*) construction of protective railways, (*b*) construction of railways charged to revenue in addition to that charged under famine insurance and (*c*) construction of railways charged to provincial revenues. It has been decided to provide a single head in place of these three, the incidence being central or provincial, according to the source from which the funds for construction are provided.

V The present capital outlay on telegraph lines is shown under a minor head subordinate to the major head Post and Telegraphs. Petty outlay on buildings up to Rs. 2,500 is treated as contingent expenditure of the department, and the outlay in excess of this amount is adjusted as a charge of the Public Works Department. The Post and Telegraph Department, is a commercial department and it is desirable that all expenditure incurred on its account should be brought together. A new head has, therefore, been opened on the expenditure side to record all expenditure of a capital nature.

VI Substantial sums are now being set apart from revenue for the purchase and cancellation of the long term loans which have been floated in recent years, while provincial Governments may hereafter devote the borrowed funds to unproductive purposes, provided they establish the sinking funds for the discharge of the unproductive liability. It is desirable, therefore, to introduce a separate head to show the application of these funds and a new head "sinking funds" has been opened under the section relating to interest charges.

VII A new major head "currency" has been opened on both sides to bring together the receipts and charges on the accounts of the Currency Department, which are now scattered over several heads of accounts, and owing to the growing importance of the expenditure involved, seperate heads have been provided for expenditure on "audit and civil aviation." The existing head "Scientific and miscellaneous Departments," has been split up into three major heads on the expenditure side *viz.* "Industries" or "Scientific Departments" and "Miscellaneous Department," and two on the receipt side, *viz.*, "Industries" and "Miscellaneous Departments." Annexure 2 shows the distribution of the existing minor heads between the three expenditure heads. On the receipt side, the transaction relating to the Scientific and the Miscellaneous Department will appear under the head "Miscellaneous Department."

VIII To discriminate the Stamp receipts pertaining to commercial and court-fee stamps, respectively, the head "stamps" has been subdivided into non-judical and judicial, both on the receipt and expenditure side. The expenditure head "general administration"

will be split up into four sub-heads of Provinces, Legislative bodies, Secretariat and the headquarters establishment, and the Commissioners and the head "Education" into five sub-heads both on the receipt and expenditure side, *viz*, university, secondary, primary, special and the general.

IX The head "provincial rates" on both the receipt and expenditure side has been abolished. No expenditure is incurred under that head at present, while the receipts are insignificant and may suitably be included under land revenue. The charges for refunds and assignments at present follow the incidence of the head of revenue to which they relate, being central or provincial, according as the corresponding revenue head is central or provincial. There is no particular advantage in bringing together all charges on account of refunds or assignments under separate major heads; while the mixing up of charges of varying incidence results in confusion. The expenditure heads "refunds and drawbacks" and "assignments and compensations" have, therefore, been abolished. The charges will be transferred to the respective subject heads "refunds and drawbacks" appearing as deductions from revenue and assignments and compensations and expenditure. The head "civil furlough and absentee allowances" is rarely used in India and so it has been decided that payments of leave allowances in England and to officers on foreign service in India should be charged to the respective subject heads, and the especial head for these allowances has, therefore, been abolished.

X The designations of the existing major heads "income-tax" "courts of law", "jails" and "sanitation" have been altered, respectively, to "taxes on income", "administration of justice", "jails and convict settlements" and "public health."

XI In the section relating to expenditure not charged to revenue, the head "India's financial contribution to the war" has been omitted, and a new head "outlay on waterways" has been opened to show the outlay on the recently sanctioned grand trunk canal in Bengal. Additional heads will be opened as necessary, when Provincial Governments undertake expenditure on objects other than the construction of railways, irrigation works or waterways from borrowed funds.

XII Some changes have also been made in the grouping of the major heads into sections and the order of the arrangement. The section relating to famine relief and insurance disappears. On the other hand a separate section has been constituted for the operations of the Mints and the Currency Department and for the allied transactions relating to exchange.

6. In lettering several sections of the major heads the capital sections of the Commercial Departments have been indicated by

duplication of the letter, which distinguishes the corresponding revenue section. Under the present arrangement, a student of finance and revenue accounts of the Government of India finds considerable difficulty in getting a view of the entire transactions relating to railways and irrigation works, owing to the revenue and capital heads being placed in different sections, while it is necessary that the transactions which affect the revenue surplus or deficit should be kept separate in the accounts from those which do not. It is desirable, at the same time, if possible, to show in one place the entire transactions relating to the commercial services. To attain both ends, the plan of double lettering has been adopted. It will supply a link between the revenue and capital sections of the commercial services, and though in the general accounts and estimates the capital transactions outside the revenue account will appear after all the transactions relating to the revenue account, the subsidiary statements relating to the former will, in the finance and revenue accounts, be shown immediately after those relating to the corresponding revenue heads.

7. The following changes will be made in the debt section of the accounts :

(1) The Provincial Governments have been given the power to raise loans on the security of the revenues allocated to them, and to show the operations connected with such borrowings, new heads will be opened under permanent and temporary debt.

(2) The Provincial Governments may, in future, obtain advances from the Central Government, and in order to show such loans and their repayments a new central ledger head will be opened designated 'loans between Central and provincial Goverments' immediately after the provincial advance and loan account.

(3) The deposit head "exchange on remittance accounts," which was discontinued in 1915, will be re-introduced in order that all gains and losses from exchange may first be shown under a single head pending distribution at the end of the year between the revenue capital and debt sections. Transfers to the revenue and capital accounts will be made in accordance with the procedure indicated in paragraph 5 above, and it will be considered in regard to each individual year, whether the amount of exchange remaining undistributed under the deposit head should be kept in suspense or otherwise appropriated.

8. The head "appropriation for reduction or avoidance of debt" will be abolished as there will be no such appropriations in future, and its place will be taken by the head "famine insurance funds" to show the transactions relating to the funds to be maintained by provincial Governments in future. This head will exhibit on the receipt

side the sums out of each year's famine insurance provisions, which are not required for outlay on relief measures or protective works, and on the expenditure side, the transfer of sums at credit of the funds for expenditure on these objects or for the grant of advances to cultivators. In the case of transfers for outlay on relief measures, the corresponding credit will appear under the revenue head "transfers from famine insurance fund." In the case of advances to cultivators, however, the advances and recoveries will be booked in the first instance under the head "loan and advances" by provincial Governments, the net receipts or issues in each year in respect of the portion financed from the famine insurance funds being transferred at the end of the year to the head prescribed to show the transactions of the funds. This head will be closed to balance in the Government books, and the balance at the end of the year in each province will show the amount at the credit of provincial Governments. As the balance revenue as well as advances to cultivators will be brought to account in the debt section, it is not possible to show the application of the fund in a single head or group of heads in the regular accounts, but a *pro forma* account will be maintained for this purpose and included in the finance and revenue accounts.

9. The head "to district boards for railway construction" will be abolished, as a separate head is not required for the small transactions recorded under this head, which can conveniently be included in the general heads for loans by the central and Provincial Governments.

10. The disignation of the head "balances of provincial allotments" will be charged to "balances of Provincial Government". It is necessary that the form of the accounts should, in future, permit of the discrimination of expenditure of Provincial Governments between 'reserved" and "transferred" subjects, and for the purposes of financial control, that they should also distinguish between voted and non-voted expenditure in the case of expenditure of both the Central and Provincial Governments. The Comptroller and Auditor-General will issue separate instructions to the accounts officers to secure these subjects. The changes in the financial system referred to in paragraphs 2 and 3 above necessitate some alterations in the form of the opening statements in the finance and revenue accounts. These have been settled in consultation with the Secretary of State, and the Comptroller and Auditor General will give effect to them in the accounts for the year 1921-22. It has also been decided to make a general revision of the detailed statements in these accounts so as to make them more intelligible to the general public and to append notes explaining the figures included in each statement or group of statements. The revision necessary in the statements relating to the

railway account has been settled in consultation with the Secretary of State and will be given effect to in the accounts for the year 1922-21. The more important of these changes are : (A) distinction hitherto shown in the accounts between the railways worked by Companies which have undergone the process of purchase by State and those which by their constitution have been State railways worked by companies from the first will be abolished, and (B) that the finance and revenue accounts will in future bring out clearly the acutal expenditure incurred each year against the sanction accorded by the Secretary of State on the railway programme. The revision of the remainning statements in these accounts is under consideration.

Rules for the
Madras Legislative Council

The following rules relating to the provincial Legislative Councils, framed under section 72-A.-(4) (a) (b) (c) (d) and (f) of the Government of India Act was submitted for the sanction of the Secretary of State in Council in April 1921.

Composition of Legislative Council.

I. The Legislative Council of the Governor of Madras shall consist of—

(1) the members of the Executive Council *ex-officio*;

(2) ninety-eight elected members; and

(3) such number of members nominated by the Governor as, with the addition of the members of the Executive Council, shall amount to twenty-nine; of the members so nominated—

(a) not more than nineteen may be officials, and

(b) six shall be persons nominated as follows, namely:—

(*i*) five to represent the following communities, namely, the Paraiyans, Pallans, Valluvans, Malas, Madigas, Chakkiliyans, Tottiyans, Cherumans and Holeyas, and

(*ii*) one to represent the inhabitants of backward tracts.

Elected Members—Constituencies.

II. The elected members shall be elected by the constituencies specified in Schedule I to these rules, and the number of members to be elected by each constituency, and the number if any of seats reserved for non-Brahman members (hereinafter in these rules referred to as reserved seats), shall be as stated herein against that constituency.

General disqualifications for being elected.

III. (1) A person shall not be eligible for election as a Member of the Council if such person—

(a) is not a British subject ; or

(b) is a female; or

(c) is already a member of the Council or of any other Legislative body constituted under the Act; or

(d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or

(e) has been adjudged by a competent court to be of unsound mind; or

(f) is under 25 years of age; or

(g) is an undischarged insolvent; or

(h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part:

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States, or a subject of any such State or any class of such subjects shall not be ineligible for election by reason only of not being a British subject or British subjects :

Provided further that the disqualification mentioned in clause (*d*) may be removed by an order of the local Government in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

Special qualifications for election in case of certain constituencies

IV. (1) A person shall not be eligible for election as a member of the Council to represent—

(*a*) a non-Brahman constituency if he is a Brahman or if his name is not registered on the electoral roll of the constituency or of another non-Brahman or a non-Muhammadan constituency ; or

(*b*) a non-Muhammadan constituency unless his name is registered on the electoral roll of the constituency or of another non-Muhammadan or a non-Brahman constituency ; or

(*c*) any other general constituency unless his name is registered on the electoral roll of the constituency or of another constituency of the same communal description ; or

(*d*) a special constituency unless his name is registered on the electoral roll of the constituency.

(2) For the purposes of these rules—

(*a*) "general constituency" means a non-Brahman, non-Muhammadan, Indian Christian, European or Anglo-Indian constituency ; and

(*b*) "special constituency" means a Landholders', University, Planters', or Commerce and Industry constituency.

Right to Elect

General conditions of registration and disqualifications

V. Every person shall be entitled to have his name registered on the electoral roll of any constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely :—

(*a*) is not a British subject ; or

(*b*) is a female ; or

(*c*) has been adjudged by a competent court to be of unsound mind ; or

(*d*) is under 21 years of age :

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects, shall not be disqualified for registration by reason only of not being a British subject or British subjects :

Provided further that, if a resolution is passed by the Council recommending that the sex disqualification for registration should be removed either in respect of women generally or in respect of any class of women, the local Government shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex :

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

Qualifications of electors

VI. (1) The qualification of an elector for a general constituency shall be such qualifications based on—

(*i*) community,

(*ii*) residence, and

(*iii*) (*a*) occupation of a house, or

(*b*) assessment to property-tax, tax on companies or profession tax, or

(*c*) assessment to income-tax, or

(*d*) receipt of a military pension, or

(*e*) the holding of land,

as are specified in Schedule II to these rules in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualification specified in Schedule II to these rules in the case of that constituency.

Electoral roll

VII. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) Subject to the provisions of these rules, the local Government shall make regulations providing for—

(1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll;
(2) the time at which the roll shall be prepared:
(3) the publication of the roll in such manner and in such language as to give it wide publicity in the constituency to which it relates;
(4) the mode in which and the time within which claims and objections may be preferred;
(5) the constitution and appointment of Revising Authorities to dispose of claims and objections;
(6) the manner in which notices of claims or objections shall be published; and
(7) the place, date, and time at which and the manner in which claims or objections shall be heard;

and may make such regulations to provide for other matters incidental or ancillary to the preparation and revision of the roll as it may consider desirable. Such regulations may be made as to rolls generally or any class of rolls or any particular roll.

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in such manner as the local Government may prescribe.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the local Government may by regulation prescribe, and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall

for the purposes of that election continue to operate as the electoral roll for the constituency.

Right to vote.

VIII. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member or members for that constituency provided that no person shall vote in more than one general constituency.

Nomination of candidates.

IX. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

(2) On or after the date on which a candidate is nominated the candidate shall make in writing and sign a declaration appointing either himself or some other person to be his agent for the election, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

Election.

X. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature before such time as the local Government may fix in this behalf exceed that of the vacancies, a poll shall be taken :

Provided that, if any seat is reserved and the number among such candidates of non-Brahmans is equal to the number of the reserved seats, the non-Brahman candidate or candidates, as the case may be, shall be declared to be elected, and a poll shall only be taken if any vacancy thereafter remains to be filled.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor shall, by notification in the Fort St. George Gazette, call for fresh nominations for the remaining vacancies and, if any such are received, shall call upon the constituencies concerned to elect members to fill these vacancies.

(4) Votes shall be given by ballot and in general and Landholders' constituencies in person. No votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as

many votes as there are members to be elected : provided that no elector shall give more than one vote to any one candidate.

(6) Votes shall be counted by the Returning Officer, and any candidate, or, in the absence of the candidate, a representative duly authorised by him in writing, shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected :

Provided that, if one or more seats are reserved, the Returning Officer shall first declare to be elected the non-Brahman candidate or candidates, as the case may be, to whom the largest number of votes has been given.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Council, and the name or names of the candidate or candidates elected shall be published in the Fort St. George Gazette.

Government to make regulations regarding the conduct of elections.

XI. (1) Subject to the provisions of these rules, the local Government shall make regulations providing for—

(1) the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations ;

(2) the appointment of a Returning Officer for each constituency and for his powers and duties ;

(3) in the case of general and Landholders' constituencies the division of the constituencies into polling areas in such manner as to give all electors such reasonable facilities for voting as are practicable in the circumstances, and the appointment of polling stations for these areas ;

(4) the appointment of officers to preside at polling stations, and the duties of such officers ;

(5) the checking of voters by reference to the electoral roll ;

(6) the manner in which votes are to be given, and for special provision in this respect in the case of illiterate voters or voters under physical or other disability ;

(7) the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors ;

(8) the scrutiny of votes ,

(9) the safe custody of ballot papers and other election papers, the period for which such papers shall be preserved, and for the inspection and production of such papers ;

and may make such other regulations regarding the conduct of elections as it thinks fit.

(2) In the exercise of the foregoing power regulations may be made as to elections generally or any class of elections, or in regard to constituencies generally or any class of constituency or any particular constituency.

Multiple elections.

XII. (1) If any person is elected by a constituency of the Council and by a constituency of either chamber of the Indian legislature, the election of such person to the Council shall be void and the Governor shall call upon the constituency concerned to elect another person.

(2) If any person is elected either by more than one constituency of the Council or by a constituency of the Council and a constituency of the Legislative Council of another Governor's province, he shall, by notice in writing signed by him and delivered to the Secretary to the Council or the Secretaries to both Councils, as the case may be, within seven days from the date of the publication of the result of such election in the local official Gazette, choose for which of these constituencies he shall serve, and such choice shall be conclusive.

(3) When any such choice has been made, the Governor shall call upon the constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(4) If the candidate does not make the choice referred to in sub-rule (2) of this rule, the election of such person shall be void and the Governor shall call upon the constituency or constituencies concerned to elect another person or persons.

Nominated Members—General disqualifications for nomination.

XIII. (1) No person shall be nominated to the Council who—

[*Same as in Sec. III, above. q. v.*]

Term of office of nominated member.

XIV. (1) A nominated non-official member shall hold office for the duration of the Council to which he is nominated.

(2) Official members shall hold office for the duration of the Council to which they are nominated or for such shorter period as the Governor may, at the time of nomination, determine.

The Taking of Oath.

XV. Every person who is elected or nominated to be a member of the Council shall, before taking his seat, make, at a meeting of the Council, an oath or affirmation of his allegiance to the Crown in the following form, namely:—

I, A. B. having been $\frac{\text{elected}}{\text{nominated}}$ a member of this Council do solemnly swear (*or* affirm) that I will be faithful and bear true allegiance to His majesty the King Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

Effect of subsequent disabilities or failure to take oath.

XVI. (1) If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (*a*), (*d*), (*e*), (*g*) and (*h*) of sub-rule (1) or in sub-rule (2) of rule III or of rule XIII, as the case may be, fails to make the oath or affirmation prescribed by rule XV within such time as the Governor considers reasonable, the Governor shall, by notification in the Fort St. George Gazette, declare his seat to be vacant.

(2) When any such declaration is made, the Governor shall by notification as aforesaid, call upon the constituency concerned to elect another person within such time as may be prescribed by the notification, or shall nominate another person, as the case may be.

Casual vacancies.

XVII. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor shall, by notification in the Fort St. George Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by the notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor shall nominate to the vacancy a person having necessary qualification under these rules.

First Constitution of Council.

XVIII. (1) As soon as conveniently may be after these rules come into force, a Council shall be constituted in accordance with their provisions.

(2) For this purpose the Governor shall, by notification in the Fort St. George Gazette, call upon the constituencies referred to in rule II to elect members in accordance with these rules within such time as may be prescribed by the notification, and shall make such nominations as may be necessary to complete the Council before the date fixed for its first meeting.

(3) If any difficulty arises as to the preparation or publication of the first electoral roll or the holding of the first elections after the commencement of these rules, the local Government may by order do any matter or thing which appears to it necessary for the proper preparation or publication of the roll or for the proper holding of the elections.

Reconstitution of Council—General Elections.

XIX. (1) On the expiration of the duration of a Council or on its dissolution, a general election shall be held in order that a new Council may be constituted.

(2) On such expiration or dissolution, the Governor shall, by notification in the Fort St. George Gazette, call upon the constituencies referred to in rule II, to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification :

Provided that, if the Governor thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Council would expire in the ordinary course of events.

(3) Before the day fixed for the first meeting of the Council the Governor shall make such nominations as may be necessary to complete the Council.

XX. As soon as may be after the expiration of the time fixed for the election of members at any election, the names of the members elected for the various constituencies at such election shall be notified in the Fort St. George Gazette.

SCHEDULE I.

I. List of Constituencies.

Name of Constituency.	Class of Constituency.	No. of members.	Reserved seats.
Madras City „ ...	Non-Muhammadan Urban	4	2
Madura City Municip ...	„	1	...
Trichinopoly cum Srirangam	„	1	...
Cocanada City „ ...	„	1	...
Vizagapatam City „ ...	„	1	...
Tinnevelly cum Palamcottah	Non-Brahman Urban	1	...
Anantpur Dist. ...	Non-Muhammadan Rural	2	1
Arcot (North) „ ...	„	3	1
Arcot (South) „ ...	„	3	1
Bellary „ ...	„	2	1
Chingleput „ ...	„	2	1
Chittoor „ ...	„	2	1
Coimbatore „ ...	„	3	1
Cuddapah „ ...	„	2	1
Ganjam „ ...	„	3	1
Godabari „ ...	„	2	1
Guntur „ ...	„	3	1
Kanara (South) Dist. ...	„	2	1
Kistna (East) „ ...	„	2	1
Kistna (West) „ ...	„	2	1
Kurnool „ ...	„	2	1
Madura District ...	„	3	1
Malabar cum Anjengo ...	„	2	1
Nellore „ ...	„	2	1
Ramnad „ ...	„	2	1
Salem „ ...	„	2	1
Tanjore „ ...	„	3	1
Tinnevelly District ...	„	2	1
Trichinopoly „ ...	„	2	1
Vizagapatam „ ...	„	2	1
The Nilgiris „ ...	Non-Brahman Urban	1	...
Madras City (Muhammadan).	Muhammadan Urban	1	...
Madura and Trichinopoly cum Srirangam.	„	1	...
Northern Sirkars ...	Muhammadan Rural	1	...
East Coast „ ...	„	1	...
Ceded Districts ...	„	1	...
North Arcot cum Chingleput „ ...	„	1	...
Central Districts ...	„	1	...
Tanjore „ ...	„	1	...
Madura cum Trichinopoly	„	1	...
Ramnad cum Tinnevelly	„	1	...
Malabar cum Anjengo	„	2	...

Name of Constituency.	Class of Constituency.	No. of members.	Reserved seats.
South Kanara „ ...	Muhammadan Rural	1	...
Northern Districts ...	Indian Christian	1	...
Central Districts ...	„	1	...
West Coast „ ...	„	1	...
Tanjore and Trichinopoly cum Madura	„	1	...
Ramnad cum Tinnevelly	„	1	...
European ...	European	1	...
Anglo-Indian ...	Anglo-Indian	1	...
Northern Landholders, I	Landholders	1	...
Northern Landholders, II	„	1	...
North Central Landholders	„	1	...
South Central Landholders	„	1	...
Southern Landholders ...	„	1	...
West Coast Landholders	„	1	...
Madras University ...	University	1	...
Madras Planters ...	Planting	1	...
Madras Chamber of Commerce.	Commerce and Industry	2	...
Madras Trades Association	„	1	...
Southern India Chamber of Commerce.	„	1	...
Nattukkottai Nagarathas' Association.	„	1	...

II. Seats shall be deemed to be reserved seats within the meaning of this Schedule for the purposes of an election if the number of non-Brahman members already representing the constituency is less than the number of seats specified as reserved seats, to the extent only of that deficiency :

Provided that, if the number of non-Brahman candidates at the date of the election is less than the number of reserved seats the member of reserved seats shall be reduced to the extent of that deficiency.

SCHEDULE II.

QUALIFICATIONS OF ELECTORS.

Definitions

I. In this Schedule—

(*a*) "an Anglo-Indian" means any person being a British subject and resident in British India,

(*i*) of European descent in the male line who is not a European, or

(*ii*) of mixed Asiatic and non-Asiatic descent, whose father, grandfather or more remote ancestor in the male line was born in the Continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America, and who is not a European ;

(*b*) "a European" means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile ;

(*c*) "member," in relation to a Chamber of Commerce or a planters' or traders' association, includes any person entitled to exercise the rights and privileges of membership on behalf of and in the name of any firm, company or corporation registered as a member ;

(*d*) "previous year" means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules ;

(*e*) "zamindar" means the holder of an estate as defined in section 3 (*2*) of the Madras Estates Land Act, 1908.

Revenue accounts Etc to be conclusive evidence.

II. For the purpose of determining any claim to a qualification under this Schedule, the entries in the land revenue accounts and *muchilakas* regarding the amounts of assessment, water rate and rent payable, and the entries in the municipal records regarding the amounts of taxes assessed or paid and the values of houses shall be conclusive evidence of the facts stated therein.

General Constituencies.

Non-Muhammadan and non-Brahman constituencies (urban and rural)

III. Every person not being a European, an Anglo-Indian, an Indian Christian or a Muhammadan shall be qualified as an elector for a non-Muhammadan or non-Brahman constituency, who resided in the constituency for not less than 120 days in the previous year, and has the further qualifications hereinafter prescribed for an elector of the particular constituency.

Urban—Madras city constituency

IV. A person shall be qualified as an elector for a Madras City constituency who—

(*a*) was assessed in the previous year to property-tax, or tax on companies or profession-tax ; or

(*b*) occupied for not less than six months in the previous year a house in the city, not being a house in any military or police lines, of an annual value of not less than Rs. 60 ; or

(*c*) was assessed in the previous year to income-tax ; or

(*d*) is a retired or pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces.

Explanation.—No person shall be deemed to occupy a house within the meaning of clause (*b*) unless he is paying or is liable to pay to the owner the rent thereof, or is exempt from the payment of rent by virtue of any office, service or employment ; nor shall more than one person be qualified as an elector in respect of the same house.

V. A person shall be qualified as an elector for an urban constituency other than Madras who—

(*a*) was assessed in the previous year to an aggregate amount of not less than Rs. 3 in respect of one or more of the following taxes, namely, property tax, tax on companies, or profession-tax, or

(*b*) holds within the constituency one of the qualifications in respect of the holding of land hereinafter prescribed for an elector of a rural constituency ; or

(*c*) was assessed in the previous year to income tax ; or

(*d*) is a retired or pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces.

VI. A person shall be qualified as an elector for a rural constituency who—

(*a*) is registered as a ryotwari pattadar, or as an inamdar, of land, the annual rent value of which is not less than Rs. 10, or

(*b*) holds on a registered lease under a ryotwari pattadar or an inamdar land, the annual rent value of which is not less than Rs. 10, or

(*c*) is registered jointly with the proprietor under sections 14 of the Malabar Land Registration Act, 1895, as the occupant of land, the annual rent value of which is not less than Rs. 10, or

(*d*) is a landholder as defined in section 3 (5) of the Madras Estates Land Act, 1908, holding an estate, the annual rent value of which is not less than Rs. 10, or

(*e*) holds as 'ryot' as defined in section 3 (15) of the Madras Estates Land Act, 1908, or as tenant under a landholder, land, the annual rent value of which is not less than Rs 10, or

(*f*) was in the previous year assessed in a municipality included in the constituency to an aggregate amount of not less than Rs. 3 in respect of one or more of the following taxes, namely, property-tax, tax on companies or profession-tax, or

(*g*) was assessed in the previous year to income-tax, or

(*h*) is a retired or pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces.

Muhammadan constituencies

VII. Every Muhammadan shall be qualified as an elector for a Muhammadan constituency, urban or rural, who resided in the constituency for not less than 120 days in the previous year and has any of the qualifications prescribed in this Schedule for an elector of a Madras City, other urban, or rural constituency as the case may be.

Indian Christian constituencies

VIII. Every Indian Christian shall be qualified as an elector for an Indian Christian constituency who resided in the constituency for not less than 120 days in the previous year and has any of the qualifications prescribed for an elector of any urban or rural constituency included in the area of such Indian Christian constituency.

European and Anglo-Indian constituencies

IX. Every European shall be qualified as an elector for the European constituency, and every Anglo-Indian shall be qualified as an elector for the Anglo-Indian constituency, if such European or Anglo-Indian resided in the Madras Presidency for not less than 120 days in the previous year and has any of the qualifications prescribed for an elector of any urban or rural constituency.

Rental Value

X. For the purposes of this Schedule, the annual rent value of land shall be determined in accordance with the provisions of section 64 of the Madras Local Boards Act, 1884, with reference to the accounts of the fasli year preceding the calendar year in which the electoral roll for the time being under preparation is first published under these rules, or, if the accounts for that year are not available, then with reference to the latest accounts that are available: provided that, if in any case it is not possible to calculate the rent value in accordance with the provisions of section 64 of the Madras Local Boards Act, 1884, the Registration Officer shall determine the value for the purpose of this Schedule upon the best information available.

Joint families.

XI. If property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Schedule the requisite qualification exists; and, if it does exist, the person qualified shall be the member authorised by a majority of the family, or, in the case of a Hindu joint family, either a member so authorised or the manager thereof.

Person not qualified in both personal and representative capacity.

XII. A person may be qualified either in his personal capacity

or in the capacity of a representative of a joint family, but not in both capacities.

Fiduciary capacity not recognised.

XIII. Save as provided in paragraph III of this Schedule, no person shall be qualified as an elector in respect of any property unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity.

Special constituencies—Landholder constituencies.

XIV. Every zamindar, janmi or malikanadar shall be qualified as an elector for a Landholders' constituency who resided in the constituency for not less than 120 days in the previous year and who—

(*a*) possesses an annual income, calculated as provided in paragraphs 15, 16 and 17 of this Schedule, of not less than Rs. 3,000 derived from an estate as defined in section 3 (*2*) of the Madras Estates Land Act, 1908, within the Presidency of Madras, or

(*b*) is registered as the janmi of land situated within the Presidency of Madras on which the assessment is not less than Rs. 1,500,or

(c) receives from Government a malikana allowance the annual amount of which is not less than Rs. 3,000.

Annual income

XV. For the purposes of paragraph 14 of this Schedule, the annual income of a zamindar shall be taken to be the annual rent value upon which the land-cess is calculated under the Madras Local Boards Act, 1884, excluding the jodi, quit-rent, peshkash or similar charge payable by him to Government.

Method of Calculating annual income and assessment

XVI. In calculating annual income and assessment for the purposes of paragraph of this Schedule—

(*a*) income derived from an estate shall not be reckoned along with income derived from any land other than an estate, but it may be reckoned along with a malikana allowance;

(*b*) in no case shall income derived from a portion of an estate which is not separately registered in the office of a Collector be taken into account;

(*c*) assessments paid on more than one parcel of land may be reckoned together: provided that, in the case of land referred to in paragraphs 19 and 20 of this Schedule, the assessment paid thereon

holder of the latter has been nominated or is entitled under those paragraphs to represent the joint holders or family in respect of the former land.

Basis of determinaton of annual rent value and assessment.

XVII. For the purposes of paragraph 14 of this Schedule, the annual rent value and assessment shall be determined with reference to the accounts of the fasli year preceding the calendar year in which the electoral roll for the time being under preparation is first published under these rules or, if the accounts for that year are not available, with reference to the latest accounts that are available: provided that, if in any case it is not possible to calculate the rent value in accordance with the provisions of paragraph 16 of this Schedule, the Collector shall determine the value upon the best information available.

Entry of name in and register.

XVIII. Save as expressly provided in this Schedule, no person claiming to be qualified as an elector for a Landholders' constituency on account of the possession of income derived from land for which a public register is kept shall be entitled to have such income taken into account in determining his eligibility, unless the land from which the income is derived stands registered in such register in name.

XIX. If several persons are registered as joint holders of land, a majority of the adult male persons so registered may nominate in writing any one of themselves who is not disqualified to be their representative for voting purposes, and the name of such representative alone shall be entered in the electoral roll and, if such nomination is not made, no entry shall be made in the roll in respect of such land.

Explanation.—Land registered under section 14 of the Malabar Land Registration Act, 1895, in the joint names of the registered proprietor and another person is not land registered in the names of joint holders within the meaning of this paragraph.

Where property is entered in name of a woman.

XX. When the property of a tarwad or similar joint family under the Marumakkattayam law is registered in the name of a woman and would, but for the disqualification of sex, qualify the registered holder as an elector, the senior male member of the family who is not disqualified, or any member not disqualified who is nominated in writing by a majority of the adult male members, shall be qualified as the representative of the family.

XXI. Save as hereinbefore provided, no person shall be quali-

fied as an elector unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity.

XXII. A person who is nominated or qualified, under paragraph 19 or paragraph 20 of this Schedule, to represent a group of joint owners or a joint family, and who is himself possessed of a separate property qualification as an elector, may elect whether to be entered in the electoral roll in his representative or separate capacity, but he shall be entered in one such capacity only.

The University constituency.

XXIII. A person shall be qualified as an elector for the Madras University constituency if he has a place of residence in India and is a member of the State, or an Honorary Fellow, or a graduate of over seven years' standing of the University of Madras.

The Planters' constituency.

XXIV. A person shall be qualified as an elector for the Madras Planters' constituency if he is a member of one of the associations affiliated to the United Planters' Association of Southern India.

The Madras Chamber of Commerce and Industry constituency.

XXV. A person shall be qualified as an elector for the Madras Chamber of Commerce constituency if he is a member of the Madras Chamber of Commerce or of a Chamber affiliated to it.

Other Commerce constituencies.

XXVI. Members of the Madras Trades Association, the Southern India Chamber of Commerce and the Nattukkottai Nagarathars' Association shall be qualified respectively as electors for the constituency comprising the Chamber or Association of which they are members.

Rules for the Bombay Legislative Council

Composition of Legislative Council

I. The Legislative Council of the Governor of Bombay shall consist of—

(1) the members of the Executive Council *ex-officio*;

(2) eighty-six elected members; and

(3) such number of members nominated by the Governor as with the addition of the members of the Executive Council, shall amount to twenty-five; of the members so nominated—

(*a*) not more than sixteen may be officials, and

(*b*) five shall be non-official persons nominated to represent respectively the following classes or interests, namely :

(*i*) the Anglo-Indian community ;

(*ii*) the Indian Christian community ;

(*iii*) the labouring classes ;

(*iv*) classes which, in the opinion of the Governor, are depressed classes ; and

(*v*) the cotton trade.

Elected Members—Constituencies

II. The elected members shall be elected by the constituencies specified in Schedule I to these rules, and the number of members to be elected by each constituency, and the number, if any of seats reserved for Maharatta members (hereinafter in these rules referred to as reserved seats), shall be as stated therein against that constituency.

(*Sec. III, General disqualifications—same as on pp. 185/6*)

Special qualification for election in case of Certain Constituencies

IV. (1) A person shall not be eligible for election as a Member of the Council to represent—

(*a*) a Bombay City constituency, unless his name is registered on the electoral roll of the constituency or on the electoral roll of a Bombay City constituency of the same communal description ; or

(*b*) a Mahratta constituency, unless he is a Mahratta and unless his name is registered on the electoral roll of the constituency and he has resided in the constituency for a period of six months prior to the 1st day of January in the year in which the constituency is called upon to elect a number or members : provided that a candidate eligible for election in any such constituency shall be eligible for election in another Mahratta constituency or in a non-Muhammadan constituency if the whole or part of such Mahratta or non-Muhammadan constituency is included in the same district as any part of the constituency in which he has so resided ; or

(*c*) a non-Muhammadan constituency, unless his name is registered on the electoral roll of the constituency and he has resided in the constituency for a period of six months prior to the 1st day of January in the year in which the constituency is called upon to elect a number or members : provided that a candidate eligible for election in any such constituency shall be eligible for election in another non-Muhammadan or, if he is a Mahratta, in a Mahratta constituency if the whole or part of such non-Muhammadan or Mahratta constituency is included in the same district as any part of the constituency in which he has so resided ; or

(*d*) any other general constituency, unless his name is registered on the electoral roll of the constituency and he has resided in the constituency for a period of six months prior to the 1st day of January in the year in which the constituency is called upon to elect a number or members : provided that a candidate eligible for election in any such constituency shall be eligible for election in a constituency of the same communal description if the whole or part of either constituency is included in the same district ; or

(*e*) *See p. 186, IV (d)*

(2) For the purposes of these rules—

(*a*) "general constituency" means a Mahratta, non-Muhammadan, Muhammadan or European constituency ; and

(*b*) "Special constituency" means a Landholders,' University, or Commerce & Industry constituency.

For the rest of the Rules see pp. 187 to 193 and read "Bombay" and "local official Gazette" for Madras and "Fort St. George Gazette," respectively, except in the following Sections :—

In Sec. IV for (1) (iii) a, b, c, d, e, read :—

(*b*) assessment to income-tax, or

(*c*) receipt of a military pension, or

(*d*) the holding of land, or

(*e*) receipt of wages,

In Sec. X, read a proviso to (1):—

Provided that, if a seat is reserved and of such candidates one only is a Mahratta, that candidate shall be declared to be elected, and a poll shall only be taken if any vacancy thereafter remains to be filled.

And for S. X, (5) read the following :—

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected, and shall be entitled to accumulate all of them upon one candidate or to distribute them amongst the candidates as he pleases,

And to S. X (7) read the following proviso :-

Provided that, if a seat is reserved, the Returning Officer shall first declare to be elected the Mahratta candidate to whom the largest number of votes has been given.

SCHEDULE I.

I.—List of Constituencies.

Name of Constituency.	Class of Constituency.	Number of members.	Reserved seats
Bombay City (North) ...	Non-Muhammadan Urban.	3	1
Bombay City (South) ...	,,	3	1
Karachi ,, ...	,,	1	...
Ahmedabad City ...	,,	1	...
Surat ,, ...	,,	1	...
Sholapur ,, ...	,,	1	...
Poona ,, ...	,,	1	...
Ahmedabad District ...	Non-Muhammadan Rural	2	...
Broach District ...	,,	1	...
Kaira District ...	,,	2	...
Panch Mahals District ...	,,	1	...
Surat ,, ...	,,	2	...
Thana ,, ...	,,	2	1
Ahmednagar ,, ...	,,	2	1
East Khandesh ,, ...	,,	3	...
Nasik ,, ...	,,	2	1
Poona ,, ...	,,	2	1
Satara ,, ...	,,	3	...
Belgaum ,, ...	,,	2	...
Bijapur ,, ...	,,	1	...
Dharwar ,, ...	,,	2	...
Kanara ,, ...	,,	1	...
Ratnagiri ,, ...	,,	2	1
Eastern Sind ...	,,	1	...
Western Sind ...	,,	1	...
*Sholrpur ,, ...	,,	1	...
*Kolaba ,, ...	,,	1	...
*West Khandesh ,, ...	,,	1	...
Bombay City (Muhammadan).	Muhammadan Urban	2	...
Karachi City (Muhammadan).	,,	1	...
Ahmedabad and Surat Cities (Muhammadan).	,,	1	...
Poona and Sholapur Cities (Muhammadan).	,,	1	...
The Northern Division (Muhammadan).	Muhammadan Rural	3	...
The Central Division (Muhammadan).	,,	3	...

*Note.—The Sholapur District, the Kolaba District, and the West Khandesh District constituencies elect a Mahratta member to the first, second and third Councils respectively under part IV of this Schedule and to succeeding Councils in the same rotation.

Name of Constituency.	Class of Constituency.	Number of members.	Reserved seats.
The Southern Division (Muhammadan).	Muhammadan rural	3	...
Hyderabad District (Muhammadan).	„	2	...
Karachi District (Muhammadan).	„	2	...
Larkana District (Muhammadan).	„	3	...
Sukkur District (Muhammadan).	„	2	...
Thar and Parkar (Muhammadan).	„	2	...
Nawabshah Dist. (Muhammadan).	„	1	...
Upper Sind Frontier District (Muhammadan).	„	1	...
Bombay City (European)	European	1	...
Presidency (European)	„	1	...
Deccan Sardars	Landholders	1	...
Gujrat Sardars ...	„	1	...
Jagirdars and Zamindars (Sind).	„	1	...
Bombay University ...	University	1	..
Bombay Chamber of Commerce.	Commerce and Industry	2	...
Karachi Chamber of Commerce.	„	1	...
Bombay Trades Association.	„	1	...
Bombay Millowners' Association	„	1	...
Ahmedabad Millowners' Association.	„	1	...
Indian Merchants' Chamber and Bureau.	„	1	...

II. In interpreting this Schedule references to a district, municipal district or cantonment shall be deemed to be references to the district, municipal district or cantonment as constituted for the time being under the Bombay Land Revenue Code, 1879, the Bombay District Municipal Act, 1901, and the Cantonments Act, 1910, respectively.

III. No seat shall be deemed to be a reserved seat within the meaning of this Schedule for the purposes of any election if the constituency is already represented by a Mahratta member or if there is no Mahratta candidate.

IV. The Sholapur District constituency shall, for the purposes of the general election to the first Council and of all bye-elections, occurring during the continuance of that Council, be a Mahratta constituency, and the Kolaba District constituency shall be a Mahratta constituency for the purposes of the second Council and of all bye-elections occurring during the continuance of that Council, and the West Khandesh District constituency shall be a Mahratta constituency for the purposes of the third Council and of all bye-elections occurring during the continuance of the third Council, and thereafter those constituencies shall, in the like rotation, be Mahratta constituencies for the purposes of elections to succeeding Councils.

SCHEDULE II.

Qualifications of Electors.

Definitions.

I. In this Schedule—

(*a*) "a European" means—

(b) "holder" means a person lawfully in possession of land whether such possession is actual or not;

(c) "publication of the electoral roll" means the first publication under this rules of the electoral roll for the time being under preparation;

(*d*) "tenant" means a lessee whether holding under an instrument or under an oral agreement, and includes a mortgagee of a tenant's rights with possession.

General Constituencies.

II. In a Mahratta or non-Muhammadan urban constituency every person shall be qualified as an elector who is neither a Muhammadan nor a European and who, on the Ist day of April next preceding the date of publication of the electoral roll, had a place of residence within the constituency or, in the case of a Bombay City constituency, within the limits of the said city or within the limits of the taluka of Salsettee, or, in the case of any other urban constituency, within two miles of the boundary thereof, and who—

(*a*) on the Ist day of April aforesaid occupied, as owner or tenant, in such constituency, a house or building, or part of a house or building separately occupied, as a dwelling or for the purpose of any trade, business or profession,—

(*i*) of which the annual rental value was not less than Rs. 120 in the case of a Bombay City constituency, and not less than Rs. 60 in the case of the Karachi City constituency, or

(*ii*) in any other urban constituency, where any tax is based on the annual rental value of houses or buildings, of which the annual rental value was not less than Rs. 36; or, if no tax so based is levied, of which the capital value was not less than Rs. 1,500 ; or

(*b*) was assessed to income-tax in the financial year preceding that in which the publication of the electoral roll takes place; or

(*c*) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces; or

(*d*) in the case of a Bombay City constituency, is in receipt of a monthly wage of not less than Rs. 40 on account of employment as a manual worker in a textile factory which is situate within the City

of Bombay and which is a factory as defined in the Indian Factories Act, 1911; or

(*e*) on the Ist day of January next preceding the date of publication of the electoral roll, held a qualification in respect of land within the constituency which, if held within the nearest rural constituency, would qualify him as an elector for such constituency.

III. In a Mahratta or non-Muhammadan rural constituency every person shall be qualified as an elector who is neither a Muhammadan nor a European and who, on the Ist day of January next preceding the date of publication of the electoral roll, had a place of residence within the constituency or within a contiguous constituency of the same communal description, and who—

(*a*) (*i*) in the case of any constituency in Sind, on the Ist day of January aforesaid held in his own right or occupied as a permanent tenant or as a lessee from Government alienated or unalienated land in such constituency on which, in any one of the five revenue years preceding the publication of the electoral roll, an assessment of not less than Rs. 16 land revenue in the Upper Sind Frontier constituency and of not less than Rs. 32 land revenue in any other constituency has been paid or would have been paid if the land had not been alienated, or

(*ii*) in the case of any other constituency, on the Ist day of January aforesaid held in his own right or occupied as a tenant in such constituency alienated or unalienated land assessed at or of the assessable value of not less than Rs. 16 land revenue in the Panch Mahals or Ratnagiri districts and not less than Rs. 32 land revenue elsewhere; or

(*b*) on the Ist day of January aforesaid was the alienee of the right of Government to the payment of rent or land revenue, amounting to Rs. 16 in the Panch Mahals or Ratnagiri Districts and Rs. 32 elsewhere, leviable in respect of land so alienated and situate within the constituency, or was a khot or a sharer in a khoti village in the constituency or a sharer in a bhagdari or narvadary village in the constituency, responsible for the payment of Rs. 16 land revenue in the Panch Mahals or Ratnagiri Districts and Rs. 32 land revenue elsewhere ; or

(*c*) was assessed to income-tax in the financial year preceding that in which the publication of the electoral roll takes place; or

(*d*) is a retired and pensioned officer (whether commissioned or or non-commissioned) of His Majesty's regular forces ; or

(*e*) in any municipal district, cantonment or notified area in the constituency, on the Ist day of April next preceding the date of publication of the electoral roll occupied as owner or tenant a house or

building, or part of a house or building separately occupied, as a dwelling or for the purpose of any trade, business or profession,—

(*i*) of which the annual rental value was not less than Rs. 36 in a constituency in Sind; or

(*ii*) in any other constituency, if in such municipal district, cantonment or notified area tax is based on the annual rental value of houses or buildings, of which the annual value was not less than Rs. 24 in the Panch Mahals or Ratnagiri District and not less than Rs. 36 elsewhere; or, if no tax so based is levied, of which the capital value was not less than Rs. 1,000 in the Panch Mahals and Ratnagiri Districts and not less than Rs. 1,500 elsewhere.

Explanation.—For the purpose of the residential qualification required by this paragraph Mahratta and non-Muhammadan constituencies shall be deemed to be constituencies of the same communal description.

Muhammadan Urban Constituencies

IV. In a Muhammadan urban constituency every person shall be qualified as an elector who is a Muhammadan and save in that respect has the qualification prescribed an elector of a non-Muhammadan urban constituency.

5. In a Muhammadan rural constituency every person shall be qualified as an elector who is a Muhammadan and save in that respect has the qualification prescribed for an elector of a non-Muhammadan urban constituency.

Muhammadan Rural Constituencies.

V. In a Muhammadan rural constituency every person shall be qualified as an elector who is a Muhammadan and save in that respect has the qualification prescribed for an elector of a non-Muhammadan rural constituency.

European constituencies.

VI. (1) In the Bombay City (European) constituency every person shall be qualified as an elector who is a European and save in that respect has the qualification prescribed for an elector of a Bombay City non-Muhammadan constituency.

(2) In the Presidency (European) constituency every person shall be qualified as an elector who is a European and who save in that respect has the qualification prescribed for an elector of a non-Muhammadan urban, other than a Bombay City, constituency or of non-Muhammadan rural constituency according as he has a place of residence within a non-Muhammadan urban or rural constituency.

Special Constituencies

VII. (1) In the constituency of the Deccan Sardars and Inamdars a person shall be qualified as an elector whose name is entered in

the list for the time being in force under the Resolution of the Government of Bombay in the Political Department, No. 2363, dated the 23rd July, 1867, or who, on the 1st day of January next preceding the date of publication of the electoral roll, was the sole alienee of the right of Government to the payment of rent or land revenue in respect of an entire village situate within the constituency.

(2) In the constituency of the Gujarat Sardars and Inamdars a person shall be qualified as an elector whose name is entered in the list for the time being in force under the Resolution of the Government of Bombay in the Political Department, No, 6265, dated the 21st September, 1909, or who, on the 1st day of January next preceding the date of publication of the electoral roll, was the sole alienee of the right of Government to the payment of rent or land revenue in respect of an entire village situate within the constituency.

(3) In the constituency of the Jagirdars and Zamindars (Sind) a person shall be qualified as an elector who is a Jagirdar of the first or second class in Sind, or who in each of three revenue years preceding the publication of the electoral roll has paid not less than Rs. 1,000 land revenue on land situate in any district in Sind.

University Constituency

VIII. In the constituency of the Bombay University a person shall be qualified as an elector who on the 1st day of April next preceding the date of publication of the electoral roll, had a place of residence in the Bombay Presidency (excluding Aden) and was a member of the Senate or an honorary Fellow of the University or a graduate of the University of seven years' standing.

Commerce and industry constituencies

IX. In a Commerce and Industry constituency a person shall be qualified as an elector if his name is entered in the list of members, for the time being in force, of the association forming such constituency.

Miscellaneous—Joint families

X. Where any property is held or occupied or payment is made or received jointly by the members of a joint family, the family shall, if the majority of the members thereof are not subject to any of the disqualifications specified in rule V of these rules, be adopted as a unit for deciding whether under the provisions of this Schedule the requisite qualification exists ; and, if it does exist, the manager of the family only shall be qualified as an elector in respect of such property or payment.

Trustees

XI. No person holding or occupying any property or making or receiving any payment in a fiduciary capacity shall be qualified as an elector for any constituency in respect of such property or payment.

Rental and capital value

XII. The value of any machinery, furniture or equipment contained in, or situate upon, any house or building shall not be included in estimating the rental or capital value of such house or building.

Service Tenure

XIII. A person who occupies any dwelling house, other than a military or police barrack, by virtue of any office, service or employment shall, if the dwelling-house is not inhabited by the person in whose service he is in such office, service or employment, be deemed to occupy the dwelling-house as a tenant.

Unassessed land

XIV. The average rate of assessment on assessed land in a village or, if there is no such land in the village, the average rate of assessment on assessed land in the nearest village containing such land shall be taken as the rate for calculating the assessable value of unassessed land in such village.

Revenue Etc, record conclusive proof.

XV. For the purpose of deciding any claim to be registered in respect of any assessment, payment of rent or land revenue, rental value, capital value, or payment of income-tax, an entry in any revenue record or in the record of any municipal district or cantonment or notified area or in the records of the Municipal Corporation of the City of Bombay, stating the amount of such assessment, payment or value, shall be conclusive proof of the amount of such assessment, payment or value.

Rules for the Bengal Legislative Council

Composition of Legislative Council

I. The Legislative Council of the Governor of Bengal shall consist of—

(1) the members of the Executive Council *ex-officio* ;

(2) one hundred and fifteen elected members ;

(3) such number of members nominated by the Governor as, with the addition of the members of the Executive Council, shall amount to twenty-four ; of the members so nominated—

(*a*) not more than sixteen may be officials, and

(*b*) two shall be persons nominated to represent respectively the following classes or interests, namely :—

(*i*) the Indian Christian community, and

(*ii*) classes which, in the opinion of the Governor, are depressed classes.

Elected Members' constituencies

II. The elected members shall be elected by the constituencies specified in Schedule I to these rules, and the number of members to be elected by each constituency shall be as stated therein against that constituency.

III. (*General disqualifications same as on pp. 185, 6*)

Special qualification for election in case of certain constituencies

IV. A person shall not be eligible for election as a Member of the Council to represent—

(*a*) a non-Muhammadan, Muhammadan, European or Anglo-Indian constituency (which constituencies are hereinafter in these rules referred to as general constituencies) unless his name is registered on the electoral roll of the constituency or of another general constituency of the same communal description ; or

(*b*) a Landholders,' University, Commerce and Industry, or Labour constituency (which constituencies are hereinafter in these rules referred to as special constituencies) unless his name is entered on the electoral roll of the constituency.

V. (*Right to Elect—same as on pp. 187*)

Qualification of Electors

VI. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

(*i*) community,

(*ii*) residence, and

(*iii*) (*a*) occupation of a building, or

(*b*) payment of municipal or cantonment taxes or fees, or

(*c*) payment of cesses under the Cess Act, 1880, or

(*d*) payment of chaukidari tax or union rate under the Village-Chaukidari Act, 1870, or the Bengal Village Self-Government Act, 1919, or

(*e*) payment of income-tax, or

(*f*) receipt of a military pension, or

(*g*) the holding of land,

as are specified in Schedule II to these rules in the case of that constituency.

(*2*) *Same as VI (2), p. 187.*

[*The other rules are the same as given on pp. 188-193*]

SCHEDULE I.

List of Constituencies.

Name of Constituency.	Class of Constituency.	Number of Members.
Calcutta (Non-Muhammadan)	Non-Muhammadan Urban	6
Hoogly Municipal do	do	1
Howrah Municipal do	do	1
Barrackpore ,, do	do	1
24 Parganas ,, do	do	1
Dacca City do	do	1
Burdwan do	Non-Muhammadan Rural	2
BirBhum do	do	1
Bankura do	do	2
Midnapore, A. do	do	1
Midnapore B. do	do	2
Hooghly cum Howrah Rural do	do	1
24-Parganas Rural A. do	do	1
24-Parganas ,, B. do	do	1
24-Parganas ,, C. do	do	1
Nadia do	do	1
Murshidabad do	do	1
Jessore do	do	2
Khulna do	do	1
Dacca ,, do	do	1
Mymensingh A. do	do	1
Mymensingh B, do	do	1
Faridpur do	do	2
Bakarganj A. do	do	1
Bakarganj B. do	do	1
Chittagong do	do	1
Tippera do	do	1
Noakhali do	do	1
Rajshahi do	do	1
Dinajpur do	do	1
Rangpur do	do	1
Bogra cum Pabna do	do	1
Malda do	do	1
Jalpaiguri do	do	1
Calcutta (Muhammadan)	Muhamman Urban	2
Hooghly cum Howrah Municipal do	do	1
Barrackpore Municipal do	do	1
24-Parganas do do	do	1
Dacca City do	do	

Name of Constituency.	Class of Constituency.	Number of Members
Burdwan Division North (Muhammadan)	Muhamman Rural	1
Burdwan Division South do	do	1
24-Parganas Rural do	do	1
Nadia do	do	1
Murshidabad do	do	1
Jessore do	do	2
Khulna do	do	1
Dacca Rural do	do	1
Mymensingh A. do	do	2
Mymensingh B. do	do	2
Faridpur do	do	2
Bakarganj A. do	do	1
Bakarganj B. do	do	1
Bakarganj C. do	do	1
Chittagong do	Muhammadan Rural	2
Tippera do	do	2
Noakhali do	do	2
Rajshahi do	do	2
Dinajpur do	do	1
Rangpur do	do	2
Bogra do	do	1
Pabna do	do	1
Malda cum Jalpaiguri do	do	1
Presidency and Burdwan (European)	European	1
Dacca and Chittagong (European)	do	1
Rajshahi (European)	do	1
Anglo-Indian	Anglo-Indian	3
Burdwan Landholders	Landholders	1
Presidency Landholders	do	1
Dacca Landholders	do	1
Chittagong Landholders	do	1
Rajshahi Landholders	do	1
Calcutta University	University	1
Bengal Chamber of Commerce	Commerce and Industry	6
Indian Jute Mills Association	do	2
Indian Tea Association	do	1
Indian Mining Association	do	1
Calcutta Trades Association	do	2
Bengal National Chamber of Commerce	do	1
Marwari Association	do	1
Mahajan Sabha	do	1
24-Parganas Wage-earners	Labour	1
Calcutta Wage-earners	do	1

SCHEDULE II:

QUALIFICATION OF ELECTORS.

Definitions.

I. In this Schedule—

(*a*) "an Anglo-Indian" means any person being a British subject and resident in British India,

(*i*) of European descent in the male line who is not a European, or

(*ii*) of mixed Asiatic and non-Asiatic descent whose father, grand-father or more remote ancestor in the male line was born in the Continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America, and who is not a European :

(*b*) "a European" means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile :

(*c*) "previous year" means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

General Constituencies

Qualifications based on community.

II. A person shall be qualified as an elector—

(*a*) for a non-Muhammadan constituency who is neither a Muhammadan nor a European nor an Anglo-Indian ; and

(*b*) for a Muhammadan, European or Anglo-Indian constituency according as he is a Muhammadan, European or Anglo-Indian :

Provided that such person possesses the further qualifications hereinafter prescribed for an elector of the particular constituency.

Urban and rural constituencies other than Calcutta constituencies.

III. Subject to the provisions of paragraph 2 of this Schedule, a person shall be qualified as an elector for an urban or rural constituency, other than a Calcutta constituency, who has a place of residence in the constituency and who—

(1) has paid, during and in respect of the previous year or, as the case may be, during and in respect of the Bengali year pre-

ceding that in which the electoral roll for the time being under preparation is first published under these rules,—

(*a*) in the municipalities of Howrah or Cossipore-Chitpur, municipal taxes or fees of not less than Rs. 3, or in any other municipal or cantonment area, municipal or cantonment taxes or fees of not less than Rs. 1-8-0, or,

(*b*) road and public works cesses under the Cess Act, 1880, of not less than Re. 1; or,

(*c*) chaukidari tax under the Village Chaukidari Act, 1870, or union rate under the Bengal Village Self-Government Act, 1919, of not less than Rs. 2, or,

(*d*) income-tax ; or,

(2) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces.

Calcutta constituencies

IV. Subject to the provisions of paragraph 2 of this Schedule, a person shall be qualified as an elector for a Calcutta constituency who has a place of residence in Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899, and who—

(1) during the previous year—

(*i*) was entered in the municipal assessment book as—

(*a*) the owner and occupier of some land or building in Calcutta separately numbered and valued for assessment purposes at not less than Rs. 150 per annum, or

(*b*) the owner or occupier of some land or building in Calcutta separately numbered and valued for assessment purposes at not less than Rs. 300 per annum : provided that no person shall be qualified in virtue of any of the above qualifications unless the owner and occupier's share, or the owner's or occupier's share, as the case may be, of the consolidated rate on such land or building for the aforesaid year has been paid during that year, or,

(*ii*) has paid in respect of that year on his sole account and in his own name not less than Rs. 24 either in respect of the consolidated rate levied under Chapter XII, or in respect of the taxes levied under Chapter XIII, or in respect of the taxes levied under Chapter XIV, of the Calcutta Municipal Act, 1899 : provided that if any payment has been made in respect of the consolidated rate, a person shall be qualified only if his name is entered in the municipal assessment book in respect of the payment ; or,

(*iii*) has paid income-tax in respect of that year ; or

(2) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces.

European constituencies.

V. A person shall be qualified as an elector for a European constituency who is a European and has a place of residence in the constituency and has any of the qualifications prescribed for an elector of any urban or rural constituency included in the area of such European constituency.

The Anglo-Indian constituency.

VI. A person shall be qualified as an elector in the Anglo-Indian constituency who has a place of residency in Bengal and has any of the qualifications prescribed for an elector of any urban or rural constituency.

Joint families.

VII, Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Schedule the requisite qualification exists; and, if it does exist, the person qualified shall be the manager of the family.

Fiduciary capacity.

VIII. A person shall not be qualified as an elector for a general constituency by virtue of any property held or payment made as a trustee, administrator, receiver or guardian or in any other fiduciary capacity.

Special Constituencies

Landholders' constituency.

IX. A person shall be qualified as an elector of a Landholders' constituency who has a place of residence in the constituency and who during the previous year—

(*a*) in the case of the Burdwan Landholders' and Presidency Landholders' constituencies, held in his own right as a proprietor one or more estates or shares of estates and paid in respect thereof land revenue amounting to not less than Rs. 4,500, or road and public works cesses amounting to not less than Rs. 1,125, or,

(*b*) in the case of the Dacca Landholders', the Rajshahi Landholders' and the Chittagong Landholders' constituencies, held in his own right as a proprietor one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from such a proprietor, and paid in respect thereof land revenue amounting to not less than Rs. 3,000 or road and public works cesses amounting to not less than Rs. 750.

Determination of qualification

X. In determining the qualification of a person as an elector for a Landholders' constituency—

(*a*) only such estates and shares of estates and only such permanent tenures and shares of permanent tenures as are not within the district of Darjeeling or the Chittagong Hill Tracts, shall be taken into account;

(*b*) only such estates and shares of estates as are held by him in his own right and not in a fiduciary capacity and are registered in his own name in the registers maintained under the Land Registration Act, 1876, shall be taken into account;

(*c*) only such permanent tenures and shares of permanent tenures as are held by him (as owner) in his own right and not in a fiduciary capacity, shall be taken into account;

(*d*) only land revenue or road and public works cesses payable in respect of his own personal share, shall be taken into account;

(*e*) if a landholder pays land revenue or cesses in two or more constituencies and his payments in no one of these constituencies reach the amount prescribed for that constituency, and if his payments in all the constituencies, when aggregated, are not less than the amount prescribed for one of these constituencies in which he has a place of residence and pays land-revenue or cesses, he shall be qualified as an elector for that constituency or, if there is more than one such constituency, for the constituency in which he makes the largest payment;

(*f*) if the amount of land-revenue or road and public works cesses paid by a landholder in respect of any share of an estate, or permanent tenure is not definitely known, the District Officer of the district in which such estate or tenure is situated shall estimate the amount paid in respect of such share, and his decision shall be final.

Explanation.—A *Mutwalli* or manager of a *wakf* estate shall be deemed to hold such estate in his own right, but a trustee or manager of an estate other than a *wakf* estate shall not be so deemed.

XI. A person shall be qualified as an elector for the Calcutta University constituency who has a place of residence in Bengal and is a member of the Senate or an Honorary Fellow of the University, or a graduate of the University of not less than seven years' standing.

XII. (1) Chamber members of the Bengal Chamber of Commerce and permanent members of the Indian Jute Mills Association and of the Indian Tea Association, and of the Indian Mining Association shall be qualified respectively as electors for the

constituency comprising the Chamber or Association of which they are such members : provided that no person shall be so qualified who has not a place of residence in India.

Explanation.—"Chamber member" and "permanent member" include any person entitled to exercise the rights and privileges of Chamber membership or permanent membership, as the case may be, on behalf of any firm, company or other corporation registered as such member.

(2) Members of the Calcutta Trades Association, life and ordinary members of the Bengal National Chamber of Commerce, life and ordinary members of the Bengal Mahajan Sabha, and life and ordinary and mufassal Members of the Marwari Association, Calcutta, shall be qualified respectively as electors for the constituency comprising the Association, Chamber or Sabha of which they are such members: provided that no person shall be so qualified who has not a place of residence in India.

Explanation.—"Member," "life member," "ordinary member" and "mufassal member" include—

(*a*) in the case of a firm, any one partner in the firm, or, if no such partner is present in Calcutta at the date fixed for the election, any one person empowered to sign for such firm, and

(*b*) in the case of a company or other corporation any one manager, director or secretary of the Company or corporation.

Labour constituency.

XIII. A person shall be qualified as an elector for a labour constituency who has a place of residence in the constituency and is, on account of employment by a company which is a member of one of the affiliated Associations of the Bengal Chamber of Commerce, in receipt of a monthly wage amounting to Rs. 25 and not exceeding Rs. 35.

Rules for the
U. P. Legislative Council

Composition of Legislative Council.

I. The Legislative Council of the Governor of the United Provinces of Agra and Oudh shall consist of—

(1) two members of the Executive Council *ex-officio* ;

(2) one hundred elected members ; and

(3) twenty-one members nominated by the Governor, of whom—

(*a*) not more than sixteen may be officials, and

(*b*) three shall be persons nominated to represent respectively the follwing classes or interests, namely :—

(*i*) the Anglo-Indian community ;

(*ii*) the Indian Christian community ; and

(*iii*) classes which in the opinion of the Governor are depressed classes.

Elected Members—Constituencies.

II. The elected members shall be elected by the constituencies specified in Schedule I to these rules, and the number of members to be elected by each constituency shall be as stated therein against that constituency.

[*Sec. III.—General disqualifications same as on pp. 185-6*]

IV. (1) A person shall not be eligible for election as a Member of the Council to represent —

(*a*) a non-Muhammadan or Muhammadan constituency unless his name is registered on the electoral roll of a non-Muhammadan or Muhammadan constituency ; or

(*b*) the European or a special constituency unless his name is registered on the electoral roll of the constituency.

(2) For the purposes of these rules—

(*a*) "General constituency" means a Non-Muhammadan, Muhammadan or European constituency ;

(*b*) "special constituency" means a Taluqdars', Agra Landholders', University, or Commerce and Industry constituency.

For the rest of the rules See pp. 187-193 subject to the following corrections :—

For VI (1), iii (a) read "ownership or tenancy of a building" and for iii (b) read "assessment to Municipal Tax"

In Section X (1), (7) Omit the provisos

In Section XI for (3) read the following :—

(3) in the case of the general Taluqdars' and Agra Landholders' constituencies, the division of the constituencies into polling areas in such manner as to give all electors such reasonable facilities for voting as are practicable in the circumstances, and the appointment of polling stations for these areas :

And add Section XXI as follows :

XXI. Until a Governor is appointed for the United Provinces of Agra and Oudh, references in these rules to the Governor shall be deemed to be references to the Lieutenant-Governor.

SCHEDULE I.

List of Constituencies.

Name of Constituency			Class of Constituency	Number of Members.
Agra	City		Non-Muhammadan Urban	1
Cawnpore	do		do	1
Allahabad	do		do	1
Lucknow	do		do	1
Benares	do		do	1
Bareilly	do		do	1
Meerut cum Aligarh			do	1
Moradabad cum Shahjahanpur			do	1
Dehra Dun District			Non-Muhammadan Rura	1
Saharanpur	do		do	1
Muzaffarnagar	do		do	1
Meerut	do	(North)	do	1
Meerut	do	(South)	do	1
Meerut	do	(East)	do	1
Bulandshahr	do	(East)	do	1
Bulandshahr	do	(West)	do	1
Aligarh	do	(East)	do	1
Aligarh	do	(West)	do	1
Muttra	do		do	1
Agra	do		do	1
Mainpuri	do		do	1
Etah	do		do	1
Bareilly	do		do	1
Bijnor	do		do	1
Budaun	do		do	1
Moradabad	do		do	1
Shahjahanpur	do		do	1
Pilibhit	do		do	1
Jhansi	do		do	1
Jalaun	do		do	1
Hamirpur	do		do	1
Banda	do		do	1

Name of Constituency.	Class of Constituency.	Number of Members.
Farrukhabad District	Non-Muhamman Rural	1
Etawah do	do	1
Cawnpore do	do	1
Fatehpur do	do	1
Allahabad do	do	1
Benares do	do	1
Mirzapur do	do	1
Jaunpur do	do	1
Ghazipur do	do	1
Ballia do	do	4
Gorakhpur do (West)	do	1
Gorakhpur do (East)	do	1
Basti do	do	1
Azamgarh do	do	1
Naini Tal do	do	1
Almora do	do	1
Garhwal do	do	1
Lucknow do	do	1
Unao do	do	1
Rae Bareli do	do	1
Sitapur do	do	1
Hardoi do	do	1
Kheri do	do	1
Fyzabad do	do	1
Gonda do	do	1
Bahraich do	do	1
Sultanpur do	do	1
Partabgarh do	do	1
Bara Banki do	do	1
Allahabad cum Benares	Muhammadan Urban	1
Lucknow cum Cawnpore	do	1
Agra and Meerut cum Aligarh	do	1
Bareilly and Shahjahanpur cum Moradabad.	do	1
	do	1
Dehra Dun District (Muhammadan)	Muhammadan Rural	1
Saharanpur do do	do	1
Meerut do do	do	1
Muzaffarnagar do do	do	1
Bijnor do do	do	1
Bulandshahr do do	do	1
Aligarh, Muttra and Agra do do	do	1
Mainpuri, Etah and Farrukhabad do do	do	1
Etawah, Cawnpore and Fatehpur do do	do	1
Jhansi Division do	do	1
Allahabad, Jaunpur and Mirzapur do	do	1
Benares, Gazipur, Ballia and Azamgarh do do	do	1
Gorakhpur do do	do	1

Name of Constituency.	Class of Constituency.	Number of Members.
Basti District (Muhammadan)	Muhammadan Rural	1
North Moradabad do	do	1
South Moradabad do	do	1
Budaun do	do	1
Shahjahanpur do	do	1
Bareilly do	do	1
Kumaun Division cum Pilibhit do	do	1
Gonda and Bahraich do	do	1
Kheri and Sitapur Dist. do	do	1
Hardoi, Lucknow and Unao do	Muhammadan Rural	1
Fyzabad ank Bara Banki do	do	1
Sultanpur, Partabgarh and Rae Bareli District	do	1
European	European	1
Agra Landholders (North)	Landholders	1
Agra Landholders (South)	do	1
Taluqdars	do	4
Upper India Chamber of Commerce.	Commerce and Industry	2
United Provinces Chamber of Commerce.	do	1
Allahabad University	University	1

SCHEDULE II.

Qualifications of Electors.

Definitions.

1. (In this Schedule—

(a) "a European"—[*See p. 215, 1 (b).*]

(*b*) "municipal tax" means a tax imposed under the provisions of the United Provinces Municipalities Act, 1916, the United Provinces Town Areas Act, 1914, or the Cantonments Act, 1910;

(*c*) "owner" does not include a mortgagee, a trustee, or a lessee;

[*See p. 215 1 (c).*]

(*e*) "urban area" means a municipality or notified area as defined in the United Provinces Municipalities Act, 1916, or a town area as defined in the United Provinces Town Areas Act, 1914, or a cantonment as defined in the Cantonments Act, 1910.

Joint families.

II. (1) Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as a unit

for deciding whether under this Schedule the requisite qualification exists; and, if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof or the member nominated in that behalf by a majority of the family, and in other cases the member nominated in that behalf by the family concerned.

(2) A person may be qualified either in his personal capacity or in the capacity of a representative of a joint family, but not in both capacities.

Occupation of house.

III. A person who occupies a house, other than a house in any military or policy lines, by virtue of any office, service employment shall, if the house is not inhabited by the person in whose service or employment he is, be deemed to occupy the house as a tenant.

Land revenue municipal records conclusive evidence.

IV. For the purpose of determining any claim to a qualification under this Schedule, the entries contained in land revenue and municipal records shall be conclusive evidence of the facts stated therein.

General Constituenctes—Qualifications based on community

V. A person shall be qualified as an elector—

(a) for a non-Muhammadan constituency who is neither a European nor a Muhammadan,

(*b*) for a Muhammadan constituency who is a Muhammadan,

(*c*) for the European constituency who is a European :

Provided that such person possesses the further qualifications hereinafter prescribed for an elector of the particular constituency.

VI. Subject to the provisions of paragraph 5 of this Schedule, a person shall be qualified as an elector for an urban constituency who—(1) has a place of residence in the constituency or within two miles of the boundary thereof, and

(*a*) is, in any place in the area aforesaid in which a house or building tax is in force, the owner or tenant of a house or building of which the rental value is not less than Rs. 36 per annum, or

(*b*) was, in any area in the constituency in which no house or building tax is in force, assessed in the previous year to municipal tax on an income of not less than Rs. 200 per annum, or

(*c*) is, in any area in the constituency in which neither a house or building tax nor a municipal tax based on income is in force, the owner or tenant of a house or building of which the rental value is not less than Rs. 36 per annum, or

(*d*) has within the constituency any of the qualifications based on the holding of land hereinafter prescribed for an elector of a rural constituency; or

(2) has a place of residency in the constituency and—

(*a*) was in the previous year assessed to income-tax ; or

(*b*) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces.

Rural constituencies.

VII. Subject to the provisions of paragraph 5 of this Schedule, a person shall be qualified as an elector for a rural constituency who has a place of residence in the constituency and—

(*a*) is, in an urban area included in the constituency in which a house or building tax is in force, the owner or tenant of a house or building of which the rental value is not less than Rs 36 per annum; or

(*b*) was, in an urban area included in the constituency in which no house or building tax is in force, assessed in the previous year to municipal tax on an income of not less than Rs. 200 per annum ; or

(*c*) is, in an urban area included in the constituency where neither a house or building tax nor a municipal tax based on income is in force, the owner or tenant of a house or building of which the rental value is not less than Rs. 36 ; or

(*d*) is the owner of land in the constituency in respect of which land revenue amounting to not less than Rs 25 per annum is payable ; or

(*e*) is the owner of land in the constituency free of land revenue, if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either alone or together with any land revenue payable by him as owner in respect of other land in the constituency, amounts to not less than Rs. 25 per annum ; or

(*f*) being a resident in the hill pattis of Kumaun, is the owner of a free simple estate or is assessed to the payment of land revenue or cessess of any amount, or is a Khaikar ; or

(*g*) being in the constituency a permanent tenure-holder or a fixed rate tenant as defined in the Agra Tenancy Act, 1901, or an under proprietor or occupancy tenant as defined in the Oudh Rent Act, 1886, is liable to pay rent as such of not less than Rs. 25 per annum ; or

(*h*) (*i*) being in the constituency a tenant as defined in the Agra Tenancy Act, 1901, or the Oudh Rent Act, 1886, other than a sub-tenant, holds land as such in respect of which rent of not less than Rs. 50 per annum or its equivalent in kind is payable, or

(*ii*) in areas in the United Provinces in which the Agra Tenancy Act, 1901, or the Oudh rent Act, 1886, is not in force, holds land as a tenant in respect of which rent of not less than Rs. 50 per annum or its equivalent in kind is payable; or

(*i*) was in the previous year assessed to income-tax ; or

(*j*) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces.

The European constituency.

VIII. Subject to the provisions of paragraph 5 of this Schedule, a person shall be qualified as an elector for the European constituency who has a place of residence in the United Provinces of Agra and Oudh and has any of the qualifications prescribed for an elector of any urban or rural constituency.

Special Constituencies—The Taluqdars' constituency

IX. A person shall be qualified as an elector for the Taluqdars constituency who is an ordinary member of the British Indian Association of Oudh.

Agra Landholders' constituencies.

X. A person shall be qualified as an elector for an Agra Landholders' constituency who has a place of residence in the constituency and—

(*a*) is the owner of land in the constituency in respect of which land revenue amounting to not less than Rs. 5,000 is payable ; or

(*b*) is the owner of land in the constituency free of land revenue, if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either alone or together with any land revenue payable by him as owner in respect of other land in the constituency, amounts to not less than Rs. 5,000 per annum :

Provided that in determining the eligibility of a landholder as an elector, only land revenue payable or nominally assessed in respect of such land or share in land as he may hold in his own personal right and not in a fiduciary capacity shall be taken into account.

Commerce and industry constituencies

XI. A person shall be qualified as an elector—

(*a*) for the Upper India Chamber of Commerce constituency who—

(*i*) is a member, other than an honorary or affiliated member, of the Upper India Chamber of Commerce and has a place of business within the United Provinces of Agra and Oudh ; or

(*ii*) is entitled to exercise the rights and privileges of membership of the said Chamber on behalf of and in the name of any firm, company or other corporation which has place of business within the United Provinces of Agra and Oudh ; and

(*b*) for the United Provinces Chamber of Commerce constituency who—

(*i*) is a member, other than an honorary member, of the United Provinces Chamber of Commerce and has a place of business or residence in the United Provinces of Agra and Oudh ; or

(*ii*) is entitled to exercise the rights and privileges of member ship of the said Chamber on behalf and in the name of any firm, company or other corporation which has a place of business in the United Provinces of Agra and Oudh.

The University constituency

XII. A person shall be qualified as elector for the Allahabad University constituency, who—

(*a*) resides in India and is a member of the Senate or an Honorary Fellow of the University of Allahabad ; or

(*b*) resides in the United Provinces of Agra and Oudh and is—

(*i*) a Doctor or Master, or

(*ii*) a graduate of not less than seven years' standing,

in any Faculty of the University of Allahabad :

Provided that no elector shall have more than one vote in the constituency though he may have more than one of the aforesaid qualifications.

Punjab Legislative Council

I. The Legislative Council of the Governor of the Punjab shall consist of—

(1) two members of the Executive Council *ex officio* ;

(2) sixty-five elected members ;

(3) twenty members nominated by the Governor, of whom—

(*a*) not more than fourteen may be officials, and

(*b*) four shall be persons nominated to represent the classes hereinafter specified according to the following distribution, namely :—

(*i*) the European and Anglo-Indian communities ... 2

(*ii*) the Indian Christian community 1

(*iii*) the Punjabi officers and soldiers of His Majesty's Indian Forces 1

II. The elected members shall be elected by the constituencies specified in Schedule I to these rules, and the number of members to be elected by each constituency shall be as stated therein against that constituency.

Special qualifications for election in case of certain constituencies.

[*Rule III same as before* (*pp. 185-6*)]

IV. (1) A person shall not be eligible for election as a Member of the Council to represent any general or special constituency unless his name is registered on the electoral roll of the constituency.

(2) For the purposes of these rules—

(*a*) "general constituency" means a non-Muhammadan, Muhammadan, or Sikh constituency; and

(*b*) "special constituency" means a Landholders', University, Commerce, or Industry constituency.

For the Rest of the Rules see pp. 187-193, subject to the following alterations, etc.—

For "*Fort St. George Gazette*" read "*Punjab Gazette*".

For VI (1) iii read the following :—

(*iii*) (*a*) ownership or tenancy of immoveable property, or

(*b*) assessment to municipal or cantonment taxes, or

(*c*) assessment to income-tax, or

(*d*) receipt of a military pension, as are specified in Schedule—

In X (1), (7) omit the provisos.

And add Sec XXI as follows :—

XXI. Until a Governor is appointed for the Punjab, reference in these rules to the Governor shall be deemed to be references to the Lieutenant-Governor.

SCHEDULE I.

List of Constituencies.

Name of Constituency.	Class of Constituency.	Number of Members.
South-East Towns (Non-Muhammadan).	Non-Muhammadan Urban	1
North-East do	do	1
West-Central do	do	1
East Central do	do	1
North-West do	do	1
West Punjab do	do	1
Hissar	Non-Muhammadan Rural	1
South East Rohtak	do	1
North-West Rohtak	do	1
Gurgaon	do	1
Karnal	do	1
Ambala cum Simla	do	1
Kangra	do	1
Hoshiarpur	do	1
Jullundur cum Ludhiana	do	1
Lahore and Ferozepur cum Sheikhupura	do	1
Amritsar cum Gurdaspur	do	1
Rawalpindi Division and Lahore Division (North)	do	1
Multan Division	do	1
West Punjab Towns (Muhammadan)	Muhammadan Urban	1

Name of Constituency.	Class of Constituency.	No of members.
West Central Towns (Muhammadan)	Muhammadan Urban	1
East Central do	do	1
South East do	do	1
Gurgaon cum Hissar	Muhammadan Rural	1
Ambala Division (North East)	do	1
Hoshiarpur cum Ludhiana	do	1
Ferozepore	do	1
Jullundur	do	1
Kangra cum Gurdaspur	do	1
Lahore	do	1
Amritsar	do	1
Sialkot	do	1
Gujranwala	do	1
Sheikhupura	do	1
Gujrat	do	1
Shahpur	do	1
Mianwali cum Khushab	do	1
Attock	do	1
Rawal Pindi	do	1
Jhelum	do	1
Lyallpur North	do	1
Lyallpur South	do	1
Montgomery	do	1
Multan East	do	1
Multan West	do	1
Jhang	do	1
Muzaffargarh	do	1
Dera Ghazi Khan	do	1
Ambala Division with Hoshiarpur and Kangra (Sikh)	Sikh	1
Jullundur do	do	1
Ludhiana do	do	1
Ferozepore do	do	1
Lahore do	do	1
Amritsar do	do	1
Sialkot cum Gurdaspur (Sikh)	do	1
Lyallpur (Sikh)	do	1
Multan Division and Sheikhupura (Sikh)	do	1
Rawal Pindi Division and Gujranwala (Sikh)	do	1
Punjab Landholders (General)	Landholders'	1
Muhammadan Landholders	do	1
Sikh Landholders	do	1
Baloch Tumandars	do	1
Punjab University	University	1
Punjab Chamber of Commerce and Trades Association	Commerce and Industry	1
Punjab Industries	do	1

11. The definition in this Schedule of the extent of a rural constituency by reference to a Division or District or part of a District shall not have the effect of including in that constituency any area which is included in urban constituency of the same communal description.

Schedule II.

Qualifications of Electors.

1. For the purposes of this Schedule—

(*a*) "annual rental value" in relation to immoveable property means the amount for which such property, together with its appurtenances and furniture, if any, is actually let or may reasonably be expected to let from year to year;

(*b*) "date of publication of the electoral roll" means the date on which the electoral roll for the time being under preparation is first published under these rules;

(*c*) "land revenue" means land revenue as defined in section 3 (*6*) of the Punjab Land Revenue Act, 1887, and, in the case of fluctuating land revenue or land revenue assessed on lands subject to river action, the average amount of such land revenue paid during the three years preceding the date of publication of the electoral roll;

(*d*) "member" in relation to the Punjab Chamber of Commerce or the Punjab Trades Association includes any person entitled to exercise the rights and privileges of membership on behalf of and in the name of any firm, company or corporation registered as a member,

(*e*) "owner" does not include a mortgagee;

(*f*) "tenant" includes any person who is in possession of a house other than a military or police barrack, or of part of such a house, by virtue of any office, service or employment;

(*g*) "the land records" means an attested record of rights or an attested annual record of rights maintained under Chapter IV of the Punjab Land Revenue Act, 1887, and includes an order finally sanctioning a mutation duly passed under that Chapter;

(*h*) "zaildar," "inamdar," "sufedposh" and "lambardar" mean respectively a person appointed as a zaildar, inamdar, sufedposh or lambardar in accordance with rules for the time being in force under the Punjab Land Revenue Act, 1887, and do not include a substitute appointed temporarily for any such person.

2. For the purposes of this Schedule, a person may be presumed to reside in a constituency if he has for the four years preceding the date of publication of the electoral roll continuously owned a residential house, or a share in a residential house, in the constituency, and that house has not during the twelve months preceding such date been let on rent either in whole or in part.

3. For the purpose of determining any claim to a qualification under this Schedule any entry in the land records or in any municipal or cantonment records shall be conclusive evidence of the facts stated therein.

4. Where property is held or payments are made by the members of a Hindu joint family, the family shall be adopted as the unit for deciding whether under this Schedule the requisite qualification exists ; and, if it does exist, the person qualified as an elector shall be the manager of the family or a person appointed by the majority of the family in that behalf.

General Constituencies.

5. A person shall be qualified as an elector—

(*a*) in a non-Muhammadan constituency who is neither a Muhammadan nor a Sikh,

(*b*) in a Muhammadan constituency who is a Muhammadan,

(*c*) in a Sikh constituency who is a Sikh :

provided that such person has the further qualifications hereinafter prescribed for an elector of the particular constituency.

6. Subject to the provisions of paragraph 5 of this Schedule, a person shall be qualified as an elector for urban constituency who resides in the constituency and who—

(*a*) has owned in the constituency for the twelve months preceding the date of publication of the electoral roll, immoveable property, not being land assessed to land revenue but including any building erected on such land, of the value of not less than Rs. 4,000 or of an annual rental value of not less than Rs. 96 : Provided that a person shall be deemed to have owned such property for any period during which it was owned by any person through whom he derives title by inheritance : or

(*b*) has for the twelve months aforesaid occupied as a tenant in the constituency, immoveable property, not being land assessed to land revenue but including any building erected on such land, of an annual rental value of not less than Rs. 96 ; or

(*c*) was during the twelve months aforesaid assessed in respect of any direct municipal or cantonment tax to an amount of not less than Rs. 50 ; or

(*d*) was during the financial year preceding the date of publication of the electoral roll assessed to income-tax ; or

(*e*) is a retired and pensioned officer (whether commissioned or non commissioned) of His Majesty's regular forces ; or

(*f*) has in the constituency any of the qualifications hereinafter, prescribed for an elector of a rural constituency.

7. Subject to the provisions of paragraph 5 of this Schedule, a

person shall be qualified as an elector for a rural constituency who resides in the constituency, and who—

(*a*) is a zaildar, inamdar, sufedposh or lambardar in the constituency ; or

(*b*) is the owner of land in the constituency assessed to land revenue of not less than Rs. 25 per annum ; or

(*c*) is an assignee of land revenue amounting to not less than Rs. 50 per annum ; or

(*d*) is a tenant or lessee, under the terms of a lease for a period of not less than three years, of Crown land in the constituency for which rent of not less than Rs. 25 per annum is payable : provided that, when the amount payable is assessed from harvest to harvest, the annual rent payable by such person shall be deemed to be the annual average amount payable by him in the three years preceding the date aforesaid ; or

(*e*) is a tenant with a right of occupancy as defined in Chapter II of the Punjab Tenancy Act, 1887, in respect of land in the constituency assessed to land revenue of not less than Rs. 25 per annum ; or

(*f*) was during the financial year preceding the date of publication of the electoral roll assessed to income-tax ; or

(*g*) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces ; or

(*h*) has in the constituency any of the qualifications prescribed for an elector of an urban constituency.

Special Constituencies.

8. (1) A person shall be qualified as an elector for a Landholders' constituency (other than the Baloch Tumandars' constituency) who resides in the Punjab and who is—

(*a*) the owner of land assessed to land revenue of not less than Rs. 500 per annum ; or

(*b*) an assignee of land revenue amounting to not less than Rs. 500 per annum :

Provided that no person shall be qualified as an elector for the Muhammadan Landholders' constituency who is not a Muhammadan or for the Sikh Landholders' constituency who is not a Sikh, and no Muhammadan or Sikh shall be qualified as an elector for the Punjab Landholders' (General) constituency.

(2) A person shall be qualified as an elector for the Baloch Tumandar's constituency who is a Tumandar recognised by the Government or a person performing the duties of a Tumandar with the sanction of the Government.

9. A person shall be qualified as an elector for the Punjab University constituency who has resided in the Punjab during the twelve months preceding the date of publication of the electoral roll and is a Fellow or Honorary Fellow of the Punjab University or a graduate of the University of not less than seven years' standing.

10. A person shall be qualified as an elector for the Commerce constituency who has a place of business, or works for gain, in the Punjab and is a member of the Punjab Chamber of Commerce or of the Punjab Trades Association.

11. A person shall be qualified as an elector for the Industry constituency who—

(*a*) is the owner of a factory which is situated in the Punjab and is subject to the provisions of the Indian Factories Act, 1921, and in which work has been carried on during the twelve months preceding the date of the publication of the electoral roll, or

(*b*) is a partner in a firm owning such a factory and has been nominated by the firm for the purpose of voting in its behalf, or

(*c*) is a member of a company having a place of business in the Punjab and having a paid up capital of not less than Rs. 25,000, and has been nominated by the company for the purpose of voting in its behalf.

Rules for the
B. & O. Legislative Council

I. The Legislative Council of the Governor of Bihar and Orissa shall consist of—

(1) two Members of the Executive Council *ex-officio* ;

(2) seventy-six elected members ;

(3) twenty-five members nominated by the Governor, of whom—

(*a*) not more than eighteen may be officials, and

(*b*) nine shall be persons nominated to represent the classes or interests hereinafter specified according to the following distribution, namely :—

(*i*) aborigines	2
(*ii*) classes which are, in the opinion of the Governor, depressed classes	2
(*iii*) industrial interests other than planting and mining	1
(*iv*) the Bengali community domiciled in the province	1

(*v*) the Anglo-Indian community 1
(*vi*) the Indian Christian community 1
(*vii*) the labouring classes 1

II. & III—same as before (*p. 227*)

IV- A person shall not be eligible for election as a member of the Council to represent—

(*a*) a non-Muhammadan or Muhammadan or the European constituency (which constituencies are hereinafter in these rules referred to as general constituencies) unless his name is registered on the electoral roll of the constituency or of another general constituency ;

(*b*) a Landlords', University, Planting, or Mining constituency (which constituencies are hereinafter in these rules referred to as special constituencies) unless his name is registered on the electoral roll of the constituency,

For the rest of the Rules see pp. 187-193, subject to the following alterations, etc.—

For "Fort St. George Gazette" read *"B. & O. Gazette."*

For VI (1) iii read the following :—

(*iii*) (*a*) assessment to municipal or cantonment rates or taxes, or
(*b*) assessment to income-tax, or
(*c*) receipt of a military pension or
(*d*) the holding of land, or
(*e*) assessment under section 118C of the Bengal Local Self-Government Act, 1885,

In X (1), (7) omit the provisos.

And add Sec XXI Similar to XXI p. 228

SCHEDULE I.

List of Constituencies.

Name of Constituency.	Class of Constituency.	No. of members.
Patna	Non-Muhammadan Urban	1
Patna Division	do	1
Tirhut Division	do ...	1
Bhagalpur Division	do	1
Orissa Division	do	1
Chota Nagpur Division	do	1
West Patna	Non-Muhammadan Rural	1
East Patna	do	1

Name of Constituency.	Class of Constituency.	No. of Members.
West Gaya	Non-Muhammadan Rural	1
Central Gaya	do	1
East Gaya	do	1
Arrah	do	1
Central Shahabad	do	1
South Sahabad	do	1
North Saran	do	1
South Saran	do	1
North Champaran	do	1
South Champaran	do	1
North Muzaffarpur	do	1
East Muzaffarpur	do	1
West Muzaffarpur	do	1
Hajipur	do	1
North-West Darbhanga	do	1
North-East Darbhanga	do	1
South-East Darbhanga	do	1
Samastipur	do	1
North Bhagalpur	do	1
Central Bhagalpur	do	1
South Bhagalpur	do	1
East Monghyr	do	1
North-West Monghyr	do	1
South-West Monghyr	do	1
Purnea	do	1
Santal Parganas (North)	do	1
Santal Parganas (South)	do	1
North Cuttack	do	1
South Cuttack	do	1
North Balasore	do	1
South Balasore	do	1
North Puri	do	1
South Puri	do	1
Sambalpur	do	1
Ranchi	do	1
Hazaribagh	do	1
Palamau	do	1
North Manbhum	do	1
South Manbhum	do	1
Singhbhum	do	1
Patna Division	Muhammadan Urban	1
Tirhut Division	do	1
Bhagalpur Division	do	1
West patna	Muhammadan Rural	1
East Patna	do	1
Gaya	do	1
Shahabad	do	1
Saran	do	1
Champaran	do	1
Muzaffarpur	do	1
Darbhanga	do	1
Bhagalpur	do	1
Monghyr	do	1

Name of Constituency	Class of Constituency.	No. of Member.
Kishanganj	Muhammadan Rural	1
Purnea	do	1
Santal Parganas	do	1
Orissa Division	do	1
Chota Nagpur Division	do	1
European	European	1
Patna Division Landholders	Landholders	1
Tirhut Division „	do	1
Bhagalpur Division „	do	1
Orissa Division „	do	1
Chota Nagpur „	do	1
Bihar Planters	Planting	1
Indian Mining association	Mining	1
Indian Mining federation	do	1
Patna University	University	1

Schedule II

Qualifications of Electors.

1. For the purposes of this Schedule—

(*a*) "a European" means [*See p. 215 I (b)*]

(*b*) "member" in relation to a Planting or Mining Association includes any person entitled to exercise the rights and privileges of membership on behalf of and in the name of any firm or company or corporation registered as a member;

(*c*) "previous year" means [*See p. 215 I (c)*]

(*d*) a person shall be deemed to have a place of residence within the limits of a constituency if he—

(*a*) ordinarily lives within those limits, or

(*b*) has his family dwelling-house within those limits and occasionally occupies it, or

(*c*) maintains within those limits a dwelling-house ready for occupation in charge of servants and occasionally occupies it.

Explanation.—A person may be resident within the limits of more than one constituency at the same time.

2. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Schedule the requisite qualification exists; and, if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family concerned.

General Constituencies

3. A person shall be qualified as an elector for a non-Muhammadan or Muhammadan urban constituency who has a place of residence in the constituency or within two miles of the boundary thereof, and—

(*a*) was in the previous year assessed in respect of any municipal or cantonment rates or taxes to an aggregate amount of not less than Rs. 3, or

(*b*) was in the previous year assessed to income-tax, or

(*c*) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular force, or

(*d*) holds within the constituency any of the qualifications hereinafter prescribed for an elector of a rural constituency :

Provided that—

(*a*) no person who is not a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and

(*b*) no Muhammadan or European shall be qualified as an elector for a non-Muhammadan constituency.

4. A person shall be qualified as an elector for a non-Muhammadan or Muhammadan rural constituency who has a place of residence in the constituency, and—

(*a*) holds an estate or estates or portion of an estate or portions of estates for which a separate account or accounts (including a residuary account) has or have been opened, for which land, whether revenue-paying or revenue-free or rent-free land, an aggregate amount of not less than Rs. 12 per annum is payable direct to the Treasury as local cess ; or

(*b*) holds a tenure or tenures and is assessed for the purpose of local cess at an aggregate amount of not less than Rs. 100 per annum ; or

(*c*) holds land as a raiyat and is liable to pay an annual aggregate rent or local cess amounting respectively—

(*i*) to Rs. 16 and to 8 annas in constituencies in the Orissa and Chota Nagpur Divisions,

(*ii*) to Rs. 64 and to Rs. 2 in constituencies in the Patna Division and the Munghyr District,

(*iii*) to Rs. 24 and to 12 annas in constituencies in the Santhal Parganas, and

(*iv*) to Rs. 48 and to Rs. 1-8-0 elsewhere ; or

(*d*) was in the previous year assessed to not less than Rs. 1-8-0 under section 118C of the Bengal Local Self-Government Act, 1885) or

(*e*) was in the previous year assessed to income-tax ; or

(*f*) is a retired and pensioned officer (whether commissioned or non-commisioned) of His Majesty's regular forces ; or

(*g*) being a Muhammadan resident in the Orissa or Chota Nagpur Divisions, was in the previous year assessed in respect of any municipal or cantonment rates or taxes to an aggregate amount of not less than Rs. 3 :

Provided that—

(*i*) no person who is not a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and

(*ii*) no Muhammadan or European shall be qualified as an elector for a non-Muhammadan constituency.

5. A person shall be qualified as an elector for the European constituency who is a European and has a place of residence in the province of Bihar and Orissa, and has any of the qualifications prescribed for an elector of any urban or rural constituency.

Special Constituencies. Landholder's constituencies

6. (1) Every landholder shall be qualified as an elector for a Landholders' constituency who has a place of residence in the constituency and is liable to pay not less than Rs. 4,000 land revenue or Rs. 1,000 local cess in the case of the Patna Division Landholders', the Tirhut Division Landholders', and the Bhagalpur Division Landholders', constituencies, or Rs. 6,000 land revenue or Rs. 500 local cess in the case of the Orissa Division Landholders' and Chota Nagpur Division Landholders' constituencies,

(2) In determining the qualification of a landholder as an elector for any constituency—

(*a*) only such estates and shares of estates as are held by him as proprietor in his own right and not in a fiduciary capacity and are registered in his own name in registers maintained under the Land Registration Act, 1876, whether such estates or shares are situated in one or more constituencies, shall be taken into account ;

(*b*) if the amount paid by the landholder in respect of any such share of an estate is not definitely known, the District Officer of the district in which such estate is situated shall estimate the amount so paid in respect of such shares, and his decision shall be final ; and

(*c*) if a landholder pays land-revenue or cesses in respect of estates, or shares in estates, situated in two or more constituencies and if his payments in any one constituency do not qualify him as an elector, his payments within all the constituencies shall be aggregated, and, if such aggregate equals or exceeds the amount prescribed

for the constituency in which he makes the largest payment, he shall be qualified as an elector for that constituency.

7. A person shall be qualified as an elector for the Patna University constituency who is a graduate of more than seven years' standing, registered under Regulation 2, Chapter XII, of the Regulations of the Patna University.

8. A person shall be qualified as an elector for the Bihar Planters constituency who is a member of the Bihar Planters' Association, Limited, and qualified to vote as such and for the time being resident in India.

9. A person shall be qualified as an elector for the Indian Mining Association constituency who is a member of the Indian Mining Association, and a person shall be qualified as an elector for the Indian Mining Federation constituency who is a member of the Indian Mining Federation provided that any person who is a member both of the Association and of the Federation shall be qualified as an elector for such one only of the constituencies as he may elect.

Rules for the C. P. Legislative Council

I. The Legislative Council of the Governor of the Central Provinces shall consist of—

(1) two members of the Executive Council *ex-officio* :

(2) thirty-seven elected members ;

(3) thirty-one members nominated by the Governor, of whom—

(*a*) not more than eight may be officials,

(*b*) seventeen shall be persons nominated as the result of elections held in Berar, and

(*c*) five shall be persons nominated to represent the classes hereinafter specified according to the following distribution, namely :—

(*i*) the inhabitants of the Mandla district excluding Mandla town 1

(*ii*) the inhabitants of zamindari and jagirdari estates declared to be backward tracts 1

(*iii*) the European and Anglo-Indian communities ... 1

(*iv*) classes which, in the opinion of the Governor, are depressed classes ... ... 2 ;

Provided that until the reconstitution of the Council next following the date on which a University is established at Nagpur, the number of elected members shall be thirty-six and number of persons nominated by the Governor shall be thirty-two, of whom one shall be nominated to represent University graduates in the Central Provinces.

II (*See p. 185*) *with following proviso.*

5. Provided that the provisions of this rule shall, in respect of the University constituency referred to in the said Schedule, first have effect for the purpose of the general election next following the date on which a university is constituted at Nagpur,

III (*See p 185-6*)

IV. (1) A person shall not be eligible for election as a Member of the council to represent any general or special constituency unless his name is registered on the electoral roll of the constituency.

(2) For the purposes of these rules—

(*a*) "general constituency" means a non-Muhammadan or Muhammadan constituency ; and

(*b*) "special constituency" means a Landholders,' University, Mining, or commerce and Industry constituency.

[*Rest as before*]

SCHEDULE I.

I.—List of Constituencies.

Name of Constituency	Class of Constituency.	No. of member.
Jubbulpore City	Non-Muhammadan Urban	1
Jubbulpore Division (Urban)	do	1
Chattisgarh do do	do	1
Nerbudda do do	do	1
Nagpur City cum Kamptee	do	2
Nagpur Division	do	1
Jubbulpore District South	do	1
Jubbulpore do North	do	1
Damoh do	do	1
Saugor do	do	1
Seoni do	do	1
Raipur do North	do	1
,, do South	do	1
Bilaspur do	do	1
Drug do	do	1
Hoshangabad do	do	1

Name of Constituency.	Class of Constituency.	No. of Members.
Nimar District	Non-Muhammadan Rural	1
Narsinghpur do	do	1
Chhindwara do	do	1
Betul do	do	1
Nagpur do (East)	do	1
Nagpur do (West)	do	1
Wardha Tahsil	do	1
Wardh do	do	1
Chanda do	do	1
Bhandara do	do	1
Balaghat do	do	1
Jubbulpore Division	Muhammadan Rural	1
Chattisgarh Division	do	1
Narbudda Division	do	1
Nagpur Division	do	1
Jubbulpore and Narbudda	Landholders	1
Nagpur and Chattisgarh	do	1
Nagpur University	University	1
Central Provinces and Berar Mining Association.	Mining	1
Central Provinces	Commerce and Industry	1

II. The definition in this Schedule of a non-Muhammadan rural constituency by reference to a District or part of a District shall not have the effect of including in that constituency any area included in a non-Muhammadan urban constituency.

SCHEDULE II.

QUALIFICATIONS OF ELECTORS.

1. For the purposes of this Schedule—

(*a*) 'member' in relation to the Central Provinces and Berar Mining Association includes any person entitled to exercise the rights and privileges of membership on behalf of and in the name of any firm, company or corporation registered as a member ;

(*b*) 'previous year' means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules ;

(*c*) 'urban area' means a municipality, notified area, cantonment, or railway settlement.

(*d*) a person shall be deemed to have a place of residence in a constituency if he—

(*i*) has actually dwelt in a house, or part of a house, within the constituency for an aggregate period of not less than 180 days during the calendar year preceding that in which the electoral roll

for the time being under preparation is first published under these rules ; or

(*ii*) has maintained within the constituency for an aggregate period of not less than 180 days during that year a house, or part of a house, as a dwelling for himself in charge of his dependants or servants, and has visited such house during that year.

2. For the purpose of determining any claim to a qualification under this Schedule any entry in the land records or in any municipal records shall be conclusive evidence of the facts stated therein.

3. Where an estate or mahal, or a share of an estate or mahal, or land is held or where income-tax or local cesses are paid jointly by the members of a joint family, the family, shall be adopted as the unit for deciding whether under this Schedule the requisite qualification exists ; and if it does exist, the manager of the family shall be qualified as an elector :

Provided that the entry on an electoral roll of a person in his capacity as the manager of a joint family shall not disqualify him as an elector in his individual capacity.

4. For the purposes of this Schedule a person who occupies a house or building, other than a house or building in any military or police lines, or part of such a house or building by virtue of any office, service or employment shall, if the house or building is not inhabited by the person in whose service or employ he is, be deemed to occupy the house or building as a tenant.

General Constituencies. Urban Constituencies

A person shall be qualified as an elector of an urban constituency or within two miles of the boundary thereof, and who—

(*a*) is in the constituency the owner or tenant of a house or building, or part of a house or building, of which the annual rental value is not less than Rs. 36 : provided that where a house or building or part of a house or building is held by two or more persons in shares, no person shall be qualified in respect of a share the annual rental value of which is less than Rs. 36 ; or

(*b*) in constituencies where the rental value of a house or building is not the basis of municipal taxation, was in the previous year assessed to a municipal tax on an income of not less than Rs. 200 ; or

(*c*) was in the previous year assessed to income-tax ; or

(*d*) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces ; or

(*e*) has in respect of land in the constituency any of the qualifications prescribed for an elector of a rural constituency :

Provided that—

(*i*) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency ; and

(*ii*) no Muhammadan shall be qualified as an elector for a non-Muhammadan constituency.

6. A person shall be qualified as an elector for a rural constituency who has a place of residence in the constituency and who—

(*a*) is, in urban area in the constituency, the owner or tenant of a house or building, or part of a house or building, of which the annual rental value is not less than Rs. 36 or

(*b*) was, in an urban area in the constituency where the rental value of a house or buiding is not the basis of municipal taxation, assessed in the previous year to a municipal tax on an income of not less than Rs. 200; or

(*c*) is a lambardar of a mahal, or

(*d*) is a proprietor or thekadar of an estate or mahal, in the constituency, the land revenue or kamiljama of which is not less than Rs. 100 ; or

(*e*) holds in the constituency, as a proprietor or thekadar in proprietory right, sir land or khudkasht, or is a malik-makbuza, rayat or tenant of agricultural land in the constituency, the assessed or assessable revenue or rent of which is not less—

(*i*) in the case of land in the Raipur, Bilaspur, Drug, Chanda and Betul Districts, than Rs. 30, or

(*ii*) in the case of land in the Bhandara, Balaghat, Nimar, Chhindwara and Seoni Districts, than Rs. 40, or

(*iii*) in the case of land in any other District, than Rs. 50 ; or

(*f*) was in the previous year assessed to income-tax ; or

(*g*) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces :

Provided that—

(*i*) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency ; and

(*ii*) no Muhammadan shall be qualified as an elector for a non-Muhammadan constituency.

Explanation :—For the purpose of clause (*e*) "tenant" shall not include a sub-tenant or ordinary tenant of sir land.

Special Constituencies. Landholders constituencies.

7. A person shall be qualified as an elector for a Landholders' constituency who has a place of residence in the constituency and holds in the constituency agricultural land in proprietory right and who—

(*a*) is the holder of a hereditary title recognised by Government ; or

(*b*) is the owner of an estate as defined in section 2 (3) of the Central Provinces and Revenue Act, 1917 ; or

(*c*) is liable to pay on the land which he holds in proprietary right land-revenue or Kamil-jama not less than Rs. 3,000 per annum.

The University constituencies.

(8) A person shall be qualified as an elector for the Nagpur University constituency who is—

(*a*) a graduate of seven years' standing of the Nagpur University, or, if he has graduated before the establishment of the Nagpur University and is resident in the Central Provinces, a graduate of seven years' standing of the Allahabad University, or

(*b*) a Fellow or Honorary Fellow of the Nagpur University, or, if he was appointed a Fellow of the Allahabad University before the constitution of the Nagpur University and is resident in the Central Provinces, a Fellow or Honorary Fellow of the Allahabad University.

9. A person shall be qualified as an elector for the Central Provinces and Berar Mining Association constituency who is a member of the Central Provinces and Berar Mining Association.

The Commerce and Industry constituency.

10. A person shall be qualified as an elector for the Central Provinces Commerce and industry constituency who—

(*a*) is either the owner of a factory situated in the Central Provinces and which is subject to the provisions of the Indian Factories Act, 1911, or a person appointed by the owner of such a factory for the purpose of voting on his behalf ; or

(*b*) has been appointed for the purpose of voting by any company having a place of business in the Central Provinces and having a paid-up capital of not less than Rs. 25,000.

Rules for the
Assam Legislative Council

Composition of Legislative Council.

I. The Legislative Council of the Governor of Assam shall consist of—

(1) two members of the Executive Council ex officio :

(2) thirty-nine elected members ; and

(3) twelve members nominated by the Governor, of whom—

(*a*) not more than seven may be officials, and

(b) two shall be non-official persons nominated to represent respectively the following classes, namely :—

(*i*) the labouring classes : and

(*ii*) the inhabitants of backward tracts.

II and III as before

Special qualifications for election in case of certain constituencies.

IV. A person shall not be eligible for election as a member of the Council to represent—

(a) the Shillong constituency or non-Muhammadan or Muhammadan rural constituency (which constituencies are hereinafter in these rules referred to as general constituencies), unless his name is registered on the electoral roll of the constituency or of another general constituency ; or

(*b*) a Planting, or Commerce and Industry constituency (which constituencies are hereinafter in these rules referred to as special constituencies), unless his name is registered on the eletoral roll of the constituency.

SCHEDULE I.

List of Constituencies.

Name of Constituency.	Class of Constituency.	No. of members.
Shillong	General Urban	1
Silchar	Non-Muhammadan Rural	1
Hailakandi	do	1
Sylhet Sadr	do	1
Sunamganj	do	1
Habiganj (North)	do	1
Habiganj (South)	do	1
South Sylhet	do	1

Name of Constituency.	Class of Constituency.	No. of member.
Karimganj	Non-Muhammadan Rural	1
Dhubri	do	1
Goalpara	do	1
Gauhati	do	1
Barpeta	do	1
Tazpur	do	1
Mangaldai	do	1
Nowgong	do	1
Sibsagar	do	1
Jorhat	do	1
Golaghat	do	1
Dibrugarh	do	1
North Lakhimpur	do	1
Cachar	Muhammapan Rural	1
Sylhet Sadr (North)	do	1
Sylhet Sadr(South)	do	1
Sunamganj	do	1
Habiganj (North)	do	1
Habiganj [South]	do	1
South Sylhet	do	1
Carimganj	da	1
Dhubri	do	1
Goalpara cum South Salmava	do	1
Kamrup and Darrang cum Nowgong.	do	1
Sibsagar cum Lakhimpur	do	1
Assam Valley	Planting	3
Surma Valley	do	2
Commerce and Industry	Commerce and Industry	1

SCHEDULE II

QUALIFICATIONS OE ELECTORS.

Definitions.

1. In this Schedule—

(*a*) "estate" means an estate as defined in section 2 of the Assam Labour and Emigration Act, 1901 ;

(*b*) "manager" in relation to a tea estate includes an assistant manager in separate charge thereof ;

(*c*) "previous year" means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

General Constituencies. Shillong urban constituency.

2. A person shall be qualified as an elector for the Shillong constituency who has during the previous year resided within the constituency and who—

(*a*) was in the previous year assessed in respect of municipal or cantonment rates or taxes to an aggregate amount of not less than Rs 3 ; or

(*b*) was in the previous year assessed to income-tax ; or

(*c*) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces or of the Assam Rifles.

Rural constituencies [Non-Muhammadan and Muhammadan]

3. A person shall be qualified as an elector for a rural constituency who has during the previous year resided within the constituency and who—

(*a*) was in the previous year assessed in respect of municipal or cantonment rates or taxes to an aggregate amount of not less than Rs. 3, or, in the case of an assessment in the Nowgong Municipality, of not less than Rs. 2, or in the case of an assessment in the Sylhet Municipality of not less than Rs. 1-8-0 ; or

(*b*) was in the previous year assessed to a tax of not less than Re. 1 in a union under Chapter III of the Bengal Municipal Act, 1876 ; or

(*c*) in the case of constituencies in the Sylhet, Cachar and Goalpara Districts was in the previous year assessed to a chaukidari tax of not less than Re. 1 under the Village-Chaukidari Act, 1870 ; or

(*d*) in the case of any constituency other than those referred to in clause. (*c*)—

(*i*) owned land the land revenue upon which has been assessed or is assessable at not less than Re. 1 per annum ; or

(*ii*) is liable to pay a local rate of not less than Re. 1 per annum ; or

(*e*) was in the previous year assessed to income-tax ; or

(*f*) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces or of the Assam Rifles :

Provided that—

(*i*) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and

(*ii*) no Muhammadan shall be qualified as an elector for a non-Muhammadan constituency.

Joint families.

4. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Schedule the requisite qualification exists ; and, if it does exist, the person qualified shall be,

in the case of a Hindu joint family, the manager thereof and in other cases the member authorised in that behalf by the family concerned.

Special Constituencies. Planting constituencies.

5. A person shall be qualified as an elector for the Assam Valley Planting constituency who is the superintendent or manager of a tea estate in the Assam Valley, and a person shall be qualified as an elector in the Surma Valley Planting constituency who is the superintendent or manager of a tea estate in the Surma Valley.

Commerce and Industry constituencies.

6. A person shall be qualified as an elector for the Commerce and Industry constituency who—

(*a*) is the owner of a factory, other than a tea factory, situated in Assam and which is subject to the provisions of the Indian Factories Act, 1911, or is a person appointed by the owner of such a factory for the purpose of voting on his behalf ; or

(*b*) has been appointed for the purpose of voting by any company, other than a company principally engaged in the tea industry, having a place of business in Assam and having a paid-up capital of not less than Rs. 25,000.

Imperial Bank of India

Despatch of the Govt. of India to the Sec. of State

Simla, 25th. June, 1919. [*Published in India on February 10th. 1920*]

We have the honour to place before you a proposal for the amalgamation of the three Presidency Banks of Bengal, Bombay, and Madras. We were originally approached informally in this matter by the Secretaries of the three Banks, and you have already cordially approved the idea of amalgamation contemplating as it did such increase of capital as may be necessary, a scheme for increasing the number of banks and improvements in the future management of the rupee debt in India. You have also informed us that, in order to assist the movement, you would agree to the transfer to the amalgamated bank, under such safeguards as we may see fit to recommend, of the balances now held in the reserve treasuries in India. Subsequently, you agreed in principle that the amalgamated bank shall be allowed to open an office in London, but reserved, until you received the detailed scheme, your decision as to the restriction to be imposed on the business to be conducted by the Bank in London. We have since received from the Directors of the three Banks a joint Memorandum (enclosure 1) embodying the scheme which, with your approval, they propose to lay before their share-holders. The details of the scheme have been informally discussed in conversations between our Finance Department and the representatives of the three Banks with the purpose of ascertaining precisely what the Banks propose and in particular what they expect from the Government. We have now examined the draft scheme, and it has our general approval. The Memorandum is, to a large extent, self-explanatory, and we need not, therefore, recapitulate its item, but proceeded to express our views upon some of its more important aspects in so far as these affect the interests of ourselves and of the general public.

Before doing so, however, we consider it important to emphasise that the present movement is purely spontaneous, that it is the natural growth of banking evolution, and that, though it would be unwise to attempt to foresee the process, what is now happening will be a more valuable foundation for any later movement which may eventuate in the direction of a State Bank. You will observe that a large part of the proposals which have been placed before us

represents merely a measure of consolidation, which is primarily the domestic concern of the three Presidency Banks. As pointed out in paragraph 2 of the Directors' Memorandum, the interest of the Banks themselves render it highly desirable, if not imperative, to effect some sort of consolidation and to make a supreme effort to overcome the obstacle of local interests and to avoid the inter-provincial jealousies and mutual suspicions which had a large share in wrecking previous attempts at amalgamation to a scheme of that character, conceived, as is the present, in a spirit of mutual co-operation and forbearance. There could, we imagine, be no possible objection on the part of the State unless it could be shown, which, in this instance, is clearly not the case, that it was in some way detrimental to National interests. If then the Banks' proposals were limited to mere consolidation of interests and a pooling of resources, we should, while welcoming the unification and strengthening of these important public institutions and the consequent simplification of our own relations with them, find it necessary to say little in support of the scheme. It is because the present purposes go considerably further than a mere banking amalgamation and contain the germ of large developments which, as we believe, can not fail to result in much benefit to this country, that we attach to them the highest importance and make no apology for examining at some length their bearing upon certain current problems.

The main direction in which we look for National gain for commending them to you strongly lies in the promise they hold of helping appreciably to further the development of banking in India. As you are, doubtless, aware, public opinion in this country is rapidly growing more articulate as to the necessity for a wide-spread increase in banking facilities, if India's industrial development is not to be hampered and if the people are to be weaned from their present predilection for holding their savings in the form of hoarded cash or bullion. The subject has been ventilated on more than one occasion recently in our Legislative Council. It was brought prominently to the notice of the recent Industries Commision by many witnesses, and our currency difficulties of the last few years have forced it more and more upon our attention while the success of the propaganda associated with the two War Loans has thrown an instructive light upon the amount of money in this country which is at present diverted into fruitful employment, but it would not, we think, be altogether correct to ascribe this state of affairs solely to the ingrained habits of the people, their ignorance, their conservatism and their suspicion, which can only be removed by the process of education. That the spread of education will work a steady and substantial change in the mental attitude of the

people on this matter we have no doubt, but it is useless to educate people into a willingness to follow civilised habits as regards keeping a hand in banking facilities. For them to do so, progress in these two respects must go hand in hand. Even, however, in the present stage of educational development, there is undoubted room for a much larger supply of banking facilities as witnessed by the temporary success of certain banks in the richer agricultural districts of Northern India, unsoundness of which, followed by their failure in 1913, had an unfortunate effect in retarding in those parts of the country the development of the banking habit.

It is true that during the past two decades there has been, on the whole, a large increase in the number of banks operating in India and in the volume of their deposits, and there has similarly been very large and steady growth in the amount of cheques passed through the Clearing Houses at Calcutta, Bombay, Madras, Karachi and Rangoon. It would, however, be incorrect to infer that an increase in banking deposits or in the number of cheques drawn on banks indicates anything like a corresponding increase in banking habits or indeed very much more than that the volume and turnover of money in the principal money markets have enormously increased in bank deposits and in the amount of cheques cleared has accrued at the principal seaports, and taking India as a whole, we think that no competent observer would deny that banking development in India is far behind the country's necessities.

In our opinion an indispensable preliminary to any widespread growth in banking is the establishment of a strong unified bank in intimate relations with Government and with a large number of branches throughout the country. At the present time there are more than 200 districts in India and Burma in which there is no branch of the Presidency Banks and only in a very few of these is there a branch of a joint stock bank of any importance (such as the Alliance Bank of Simla and of the Allahabad Bank) doing banking business on modern lines. We doubt if in the present constitution, in which there are three separate banks working independently, any further substantial increase in the number of branches is to be looked for owing mainly to the considerations of territorial limits and of profit and loss. The Presidency Banks have now undertaken, as part of the present amalgamation scheme to establish 100 new branches within 5 years, and we have every reason to hope that the progressive policy thus initiated will be continued until at least in every district and eventually in every town of importance a branch of the Imperial Bank is established. We do not claim that the wide-spread extension of branches will work a sudden miracle or will immediately prove itself the long sought talisman to charm

the wealth of India from its hoards. We do not look for rapid or dramatic results, but a beginning must be made, and we think that mere appearance in a district of a bank which conducts Government's treasury and public business, as to whose stability there can be no question and from which local traders and dealers in produce can obtain advances on reasonable terms, must, in due course, inevitably have an appreciable effect upon the local mental attitude towards banking in general, and in the course of time we shall expect to see the new branches of the Imperial Bank attract a large amount of deposit from the general public in such localities.

There are, moreover, other results which may reasonably be looked for from the large increase in the number of branches now contemplated. In those places in which they are already established the Presidency Banks usually act as bankers of the other local banks. They keep most of the latter's cash, and it is to the Presidency Bank that a local bank turns when it is in difficulties or when in a period of tight money it desires to pledge Government or other gilt-edged securities. The position of the Presidency Bank, as bankers, has noticeably grown during the recent years, and on many occasions have the Presidency Banks rendered valuable assistance in quelling an incipient panic or in coming to the relief of a local bank which, through no fault of its own, was in temporary difficulties. It cannot, we think, be expected that the number of banks in up-country districts can be largely increased or can be placed on a satisfactory footing unless there is at their door a powerful bank to which a sound institution can turn in time of trouble and to which it can look for guidance in its general financial policy. Many of such banks would, of course, engage in business from which a Presidency Bank or its successor must necessarily be debarred, but it is, we think, of great importance that they should have behind them an institution on which they can rely for assistance and which will form the solid background necessary for the healthy development of the various forms of banking, agricultural, industrial and ordinary joint stock, of which this country is admittedly in need. For such development, moreover, an equal necessity is a sufficient supply of men trained in modern methods of book-keeping. The mere staffing of a large number of new branches of the amalgamated bank will necessarily involve training, the employment of Indian agency to a very much greater extent than at the present time, and a demand for and training of such men by the Imperial Bank should have a variable influence in stimulating their supply for other banking institutes, just as the requirements of our Public Works Department have undoubtedly stimulated the growth of the engineering profession in India. A further and almost equally important result, which

we anticipate will follow from the establishment of the new Bank and from the multiplication of its branches, is a substantial increase in the assistance given by it to the internal trade of the country through its relations with the indigenous banking system. The extent to which the Presidency Banks already help to finance the internal trade of India by their purchases and rediscounting of internal bills of exchange known generally as hundis at their head offices and branches, is not perhaps always realised. The shroffs, mahajans, chettis and others, who, either directly or by their relations with smaller "bankers" of the same kind, largely finance the movement of produce and of important articles of commerce such as piece goods in the up-country markets, rely to a very great extent upon assistance from the Presidency Banks, when in a season of active trade, their own capital is fully employed on some occasions, for example, when the amount of hundis held by the Banks of Bengal and Bombay has exceeded a third of their total advances and during the busy season the proportion is really less than a quarter. The connection of the Presidency Banks with up-country trade is thus very close and intimate. By the rates which they charge on the discount of hundis and by their willingness or refusal to extend their commitments in that direction, they profoundly influence the provision of credit and money rates in the up country bazaars. It is clear that by ratification of its operations through a largely increased number of branches and by its ability to employ more funds in the discount of hundis and similar bills, the amalgamated bank will be able to irrigate the channels of internal trade to a substantially larger extent than is at present possible.

And again, the mere fact of amalgamation will at once facilitate the improvement of the administration of the public debt to which we attach great importance and have recently given much attention and in which the banks have expressed their readiness, after amalgamation, to give us their full co operation. The law regarding Government securities in India and the rules and procedure relating thereto, which are largely the result of the present law and the system under which the public debt accounts are maintained, were framed at a time when the holders of our securities consisted mainly of substantial people in the principal cities and towns, and when the tenders to our annual loans were confined chiefly to a few banks and financial houses. Even before the War it was manifest that our public debt system required a radical overhauling. The experience gained during the unexpectedly successful operations of the two Indian War Loans has now shown that reforms in this direction are imperative if we are to retain touch with the

enormously increased number of holders of our securities scattered throughout India and are not to alienate the small investor by procedure and rules which, though tolerable perhaps to the business people and large investors, are unsuitable and irritating to the semi-educated holders of a hundred rupee bond in an up-country district. We hope in the near future to be in a position to lay before you our proposals for the recasting of the present Indian Securities Act and of the procedure and rules based thereon. Meanwhile, it is clear that such reforms must be accompanied by an improvement in the administration of the Public Debt Offices, and as we shall show, will be greatly facilitated by the amalgamation of the three Presidency Banks under the arrangements as laid down in the main and subsidiary agreements with the maintenance of the Public Debt books and accounts, include those relating to securities, the interest whereof is payable in the Bombay and Madras Presidencies centralised in the Public Debt Office at Calcutta, the work done by the Public Debt Offices at Bombay and Madras being very much more restricted in character and practically confined to the payment at the presidency town itself. The subsidiary agreements contain, in fact, a provision that the Bank of Bombay and Madras shall not supervise or audit any such transactions occurring at the District Treasuries and their Presidencies. Again, as regards the renewal of securities, which in this country, owing to the form of security in which the Public Debt is largely held, constitutes an important part of the current work. The work of those two Public Debt Offices is in practice confined to the renewal of clean paper owing principally to the fact that, under the subsidiary agreements two-thirds of the renewal fees go to the Bank of Bengal, even though the renewing office may incur the responsibility. Without going into further details it is sufficient to say that, as a result of the present system, every piece of script is borne on the registers of the Calcutta Office, and practically every transaction relating thereto has to come to that office for audit account or some other purpose. This excessive centralisation resulted in something approaching a break-down at the Calcutta Office during the issue of the 1917 War Loan, and it was largely for this reason that in the following year we introduced the system of issuing script to the applicants over the counter at certain Government offices and at the Head Offices and Branches of the Presidency Banks. Even with this relief, however, the work at the Calcutta Office has remained very congested, and with the growth of the public debt the position grows steadily worse. From the point of view of the general public also it is undoubtedly inconvenient and tiresome, whenever they have occasion to renew

their securities, or when any question arises regarding them, to have to deal with a district office.

So long as the three Public Debt Offices are managed by separate institutions, any radical decentralisation of the public debt administration is difficult, if not impossible. Once, however, the amalgamation has taken place and pecuniary considerations between the three banks have been elminated and we have to deal with a singly managed institution, a considerable measure of decentralisation will become possible. As soon as the necessary arrangements can be made for the staff and accommodation at Bombay and Madras, we contemplate the gradual splitting up of the accounts and the registers relating to our various loans and distributing them between the three Presidency Public Debt Offices which will then conduct all businesses connected with the securities held in their respective territories. This measure will, we hope, represent only the first step in the direction of decentralisation. The changes in the law which you have now under your consideration will enable a good deal of the work connected with small holdings of securities to be conducted in the districts in which they are held and in course of time, as the new Bank establishes in every district, it should be possible for the majority of up-country holders to put through at their district head-quarters all business connected with their securities.

Abolition of the Reserve Treasuries.

Another very important feature of these proposals, which is beyond a mere amalgamation of the three Banks, but which, in our opinion, is not feasible without it, is the abolition of the reserve treasuries. You have already agreed to this proposal, subject to such safeguards as we may recommend. In view of the fact that the new Bank will be entrusted with the greater part and eventually, when branches are established in every district headquarters, with the whole of our Indian balances, the extent to which Government might justifiably leave their funds with the Presidency Banks, thereby releasing money for the use of trade, is a question which has been vigorously canvassed from time to time, particularly since the establishment of the Reserve Treasuries in 1876. We do not think it necessary to encumber the present reference by an examination of the arguments put forward on one side or the other in previous controversies and discussions. The proposal has been accepted by you in principal, and moreover, events have moved with such rapidity in recent years and the pressure of war conditions of the problem have fundamentally changed the banks and ourselves to realise so clearly the practical benefit of a common policy amounting

almost to a pooling and the issues as previously drawn have become obsolete. A consideration of the safeguards which should be taken from the new Banks is, however, so closely connected with the whole question of our future relations with it, that we think it desirable to refer briefly to certain observations which were made regarding this matter by certain high authorities at about the time that the scheme for a Central Bank was under discussion (1899-1901), as those observations may fairly be taken as indicative of the official attitude towards this question both then until fairly recently.

In the course of a speech in the Legislative Council on the 1st September, 1899, when introducting a Bill to relax slightly the restrictions imposed on the business of the Presidency Banks, the finance member, Sir Chinton Dowkins said: "The Presidency Banks depend to a quite exceptional degree for their cash balances on the Government account. As Sir J. Westland showed in the busy season, nearly 80 to 90 per cent of these balances are supplied from the Government, a fact which added to the fluctuations in the rate of discount may make us ask seriously how far the Presidency Banks have sufficient capital to allow of the absorption of the resources in their command in enterprises the securities of which might not be easily realisable. Again, the circumstances of India are peculiar. In England if the Government were suddenly in need of money and the Bank of England had locked up the Government balances, it would not be of serious consequence. Money could be procured from a dozen other different quarters. In India this would not be possible, and indeed we have a historic example in the embarrassment which the inability or reluctance of the Banks to produce the money deposited with them brought upon Government when confronted with the sudden emergency of the Orissa famine,"—and on the same occasion Lord Curzon said: "The Presidency Banks are not like the ordinary banks. No relaxations of restrictions, even if such were possible in an extreme degree, could make them so. They differ because the bulk of their cash balances or what I suppose I may call their loanable capital is supplied by Government and because if we subtract this at any given moment they are not as a rule in possession of sufficient independent capital to enable them to conduct operations on a large scale. The Government, therefore, is under a peculiar responsibility for these Banks, and we are bound to enforce special regulations for the protection and the security of the balances which we ourselves have provided." The accuracy of the above observations so far as they related to the dependence of the Presidency Banks upon the Government funds, was at once challenged by the Banks, and we have thought it desirable to examine with reference to the present question of safeguards not only the extent

to which the Banks are in the present conditions dependent on Government deposits, but also the extent to which their resources will be augmented and their responsibilities to us increased when they are entrusted with the whole of our Indian balance.

The enclosed statement (enclosure 2) gives the average percentage of Government's deposits in the Presidency Banks to their capital and reserve, to their total working capital (*i. e.*, capital reserve and deposits) and to their cash balances during the last seven quinquennia. It will be seen that until the War the Presidency Banks were dependent to a steadily diminishing extent upon the Government funds left with them, but that during the War, as a result of the policy already referred to and regarding which more will be said hereafter, the precentage of Government deposits to the working capital and to cash was higher than at any time during the previous fifteen years. The diminishing extent to which the Presidency Banks have during the past thirty years depended upon their use of Government funds due to the great increase in their private deposits as shown by the figures in the statement (enclosure 3) giving the Banks' capital, reserve deposits, and cash balances as on the 31st December for a number of years. It will be seen that the private deposits have grown from 8 and half crores in 1880 to 12 and three fourth crores in 1900, 32 and one-third crores in 1910 and 36 and half, 40, 38 and half, 44 and three-fourth, 67 and three-fourth, and 51 and half crores in the six years 1913 to 1918, respectively, and that the Government deposits have not increased in anything like the same degree.

The proportion in which Government funds have been placed with the Banks or retained in the reserve and other Treasuries is also relevant to the present question and can be judged from the figures for the past eight years given in enclosure 4, the figures for each year being an average of the figures for the end of each month. It will be seen that from 1914-15 onwards we have left a much higher proportion of our total cash balances with the Banks, the amount locked up in the reserve treasuries being correspondingly smaller. This policy was deliberately adopted during the war, as much as in our own interests as in those of the banks and of the money market in general, and was rendered possible by the intimate and friendly relations which have in recent years prevailed between the banks and ourselves. It would in any case have been necessary for us to stand behind the Presidency Banks in the event of a serious run on these institutions arising from fancies or war alarms to which the Indian market was peculiarly susceptible, and it was at the same time vital to us to take such steps as were in our power to secure the money market against

the strain to which our war finance must have exposed it. While this policy of entrusting the Presidency Banks with a much larger share of our funds was thus primarily enforced on us by the war conditions, its success have been one of the principal financial lessons of the War, and has convinced us of the desirability and safety of making it a permanent feature of our relations with the banks. It has during the war kept the Indian money market in a state of comparative ease and has removed to a considerable extent the previous large seasoned fluctuation in the Bank rates during the year. It has thereby led to the further result, which was one of the main objects which we had in view, namely that we have been enabled to finance our own war expenditure as well as very large disbursements on account of the same by means of treasury bills, supplemented by ways and means, advances from the Presidency Banks to an extent which previous to the war would have been regarded as inconceivable. On 31st March, 1918, the amount of Treasury Bills outstanding was Forty three and half crores and on the same date in 1919 was Forty nine and one-fourth.

In August, 1918, our advances from the Banks of Bengal and Bombay amounted to 17 crores. There can be no doubt, moreover, that the successes of the War Loans of 1917 and 1918 were facilitated by the ease of the money markets due in a large measure to the fact that the large sums which our borrowing operations took off those markets were not locked up in the reserve treasuries, but were kept with the Presidency Banks.

The question naturally arises to what extent an amalgamated bank bearing the responsibility of making Government funds available whenever required could have made use of the reserve treasury funds for ordinary banking purposes. The following figures show that the average amounts retained in that reserve treasuries during the busy seasons (November to April inclusive) of the past eight years was: 1911-12 lakhs 403, 1912-13 lakhs 1024, 1913-14 lakhs 708, 1914-15 lakhs 338, 1915-16 lakhs 375, 1917-18 lakhs 308, 1918-19 lakhs 196. It will be seen that during the busy seasons of 1912-13 and 1913-14 large sums were retained in the Reserve Treasuries, and it can scarcely be said that they were likely to be needed in the near future for Government requirements. As regards more recent years, however, it is clear that the amount of extra resources made available would have been comparatively small. On several occasions during 1918-19 there were treasury balances in fact under a crore. Now in the present conditions it would be difficult if not impracticable to empty the Reserve Treasuries completely, one reason being that it is always necessary to retain a certain balance to meet the currency trans-

fers granted to the public which involves a payment from the reserve Treasury into Currency at the issuing centre. So long as the Banks at the issuing and paying centres are separate institutions, the Reserve Treasuries are practically a necessity with an amalgamated bank. However, this would not be necessary as, although the notes would have to be paid into currency by the Bank at, say, Bombay, the currency would pay notes into the Bank at Calcutta, so that the Bank's total cash balance would on the whole be unaffected. On the whole it, is probably safe to say that the abolition of the Reserve Treasuries would in normal times result in an appreciable accretion to the Bank's resources.

It by no means follows, however, that an amalgamated bank entrusted with the custody of Government funds would be able to use the whole of these freely for ordinary banking purposes. As regards the funds kept in those district treasuries where there is at present no branch of the bank, it is now the practice to limit these to the minima necessary to provide for near disbursements, and the new Bank would not be able to count on any substantial usable surplus therefrom, and as regards the Reserve Treasuries themselves the demands on these are apt to be sudden and large, and although they will doubtless be necessary to make at short notice payment into currency on account of some corresponding adjustments elsewhere, such as a withdrawal from the currency reserve in London, at the present time the reserve Treasuries act as a valuable buffer between sudden and unforeseen Government demands and the Presidency Banks. Each balances the other and although no doubt the former ultimately react on the latter, it is frequently the reserve Treasuries that receive the first shock. In one of the memoranda presented by Sir Lionel Arbahams to the Chamberlain Commission it was assumed that for Government purposes an emergency reserve of one and half crores would have to be maintained. Experience can alone show how much of their resources the banks must keep in the form of additional cash if the reserve Treasuries be abolished. During the War the Controller of Currency has frequently been obliged to run things very fine in order not to withdraw cash from the Presidency Banks at a time when it would have been undesirable to tighten the money markets. There seems little doubt that with no reserve treasuries the bank will have to keep a somewhat higher proportion of cash to the liabilities than would otherwise be the case. Although his consideration will in practice be to some extent counter-balanced by the pooling and consequent economy of the resources of the four parties.

The foregoing examination of this portion of the amalgamation scheme will have given some idea of the extent to which the new

Bank will bear a large aggregate responsibility in the matter of the custody of public funds than is the case with the Presidency banks as at present constituted. It remains to consider what further safeguards is it necessary to take from the new Bank, over and above those which are contained in the present Act, the general character of which we do not propose to change. It has been shown that during the last few years if the Reserve Treasuries had not been in existence the amount of extra funds lying with the Banks would have been comparatively small owing to the fact that money was deliberately not allowed to accumulate in the Reserve Treasuries. We feel, however, that the circumstances of the last few years have been exceptional. They were years of war when it was of vital importance to keep the money markets as easy as possible in order to facilitate the financing of our war disbursements when it would have been justifiable to take some risk, should a risk have been thought likely to follow therefrom, and when, moreover, there was undoubtedly a general feeling on the part of the Directors and executive authorities of the Banks that in war time patriotism demanded their working hand in hand with Government to the greatest possible extent. We were thus enabled to keep intimate touch with the general policy which was being adopted by the banks and to assure ourselves that the exceptionally large balances which we were keeping with them were being used in the best interests of the country. With inevitable changes in the personnel a continuance of this personal touch cannot be guaranteed. Furthermore with the definite abolition of the Reserve Treasuries, we shall loose the inherent power which we at present possess of withdrawing our deposits from the Banks in excess of the guaranteed minimum at any time, which power has placed us in a very strong position to exercise an informal influence over their general policy. We are of opinion, therefore, that it is desirable for us to have a representative, who would naturally be the Controller of Currency, upon the Governing Body of the Bank whose function and duty it would be to keep us in touch with all important developments in the Bank's general policy, and who would possess the statutory power (which we anticipate would rarely if ever require to be exercised) of holding up action on any matter of high importance as affecting the interest of Government or the safety of its balances pending our orders thereon. We should ordinarily be averse to a Government official being concerned in any way in ordinary banking transactions, and we have no desire to repeat the former experiment when Government Directors were attached to the Boards of the Presidency Banks. The functions of the Central Board as defined in paragraphs 4 to 6

of the Directors' memorandum will, however, be of such a general nature as to obviate that objection. In the case of an ordinary private institution official representation on the managing body might well be regarded as of very doubtful expediency, owing to the fact that in the eyes of the public there would be laid on Government, rightly or wrongly, the moral responsibility for its stability and good working, but in the case of the proposed Imperial Bank that responsibility cannot in practice possibly be evaded. The mere fact that it will be entrusted with the whole of our funds will make its stability a matter for the State of the gravest concern and we do not see what useful purpose will be served by any attempt to obtain security by less direct methods or to avoid a frank recognition of the interests involved. We understand that the banks themselves are of opinion that the presence of an experienced financial officer of Government on the Central Board will conduce to smooth working and will moreover be of considerable assistance to the bank by ensuring that the latter shall be kept fully and rapidly informed of Government requirements in the matter of funds and of the way in which Government's financial policy will react upon its own.

Branch Office in London

We now turn to the question of the establishment of an office of the new bank in London, the proposals regarding which are set forth in paragraphs 8 and 9 of the bank's memorandum and which is a feature of the scheme to which they attach very great importance. We have already pointed out that the proposed amalgamation is a measure of consolidation which is not inconsistent with and would indeed be a necessary preparation for further development; it serves no useful purpose therefore to consider whether any particular feature of the amalgamation is or is not absolutely essential at the present stage; if the feature in question is not open to active objection and if the Banks attach importance to it, there seems no reason for making difficulties about it. This we consider is the situation as regards the London office. It is common knowledge that the Banks have long desired access to London and have consistently been refused it. The grounds set forth in the memorandum for renewing the proposal have been largely strengthened by the prospect of amalgamation, and in our opinion so far at any rate as they relate to the business described in paragraph 8 they are irresistible. We feel confident that you will agree that in the case of a national institution like the Imperial Bank of India the denial of a London office which would be represented as dictated by excessive care for the interests of non-Indian concerns cannot be contemplated.

Bullion Business

We do not think that any comments from us are needed as regards the items of business mentioned in paragraph 8 of the memorandum other than those dealt with in clauses (7) and (9). As regards the bullion business mentioned in clause (7) we are satisfied that the Banks have no desire to engage in such business as an exchange operation or in any way inconsistent with our general exchange and currency policy. What they have in mind is the buying and selling of bullion in normal times for consumption in the Indian bazaars which, until the War, formed an important part of India's foreign trade. The business would be under your control and, subject as it would be to the important qualifications mentioned in the memorandum, we can see no possible reason why the new bank should not be allowed to undertake it.

Competition with Exchange Banks.

As regards clause (9) of paragraph 8 of the memorandum, it will be seen that the banks are willing to confine their exchange operations (other than those for their own constituents which are already permitted) to the rediscounting of Bills of Exchange, that is, in practice to dealings with the Exchange Banks alone and would, therefore, not compete with the latter in their ordinary business with the public. The Presidency Banks have, in the past, strongly resented their exclusion from competition with the ordinary exchange banks, and much might be said in favour of the view that such exclusion is not justified. We think, nevertheless, that on the whole the banks are wise in their decision to abstain from making any request to this effect in view of the vested interests which they would antagonise and of the fact that they are in India the bankers of the Exchange Banks themselves who could not be expected to continue to retain their funds with and to disclose their position to a competition as restricted in the clause in question. The power to do this business would afford one means for the Bank to move its funds between India and London. We think, moreover, that in this respect the Bank would probably perform a useful function and might at times be of material assistance to the Exchange Banks in relieving them either in London or in India of surplus Bills which they might find it convenient to dispose of.

Disposal of Surplus Balance

The further developments touched on in paragraph 9 of the memorandum deal with matters of more importance to yourself and ourselves. As regards the disposal of your surplus balances, we think that the new bank would be content to be given the same

facilities as are already given to approved borrowers and in addition to be employed by you, as far as practicable, in lending these out. Experience alone will show how far you would find it possible to employ the bank in this direction consistently with your obligations to other parties. You may possibly, therefore, not wish to commit yourself in this matter beforehand though we trust you will be able to give a general assurance of your willingness to work the London Office of the bank as far as possible. As regards the conduct of your remittance business the bank's remarks admittedly have regard to possible future developments rather than to the produce which can be brought into force more or less at once. We are inclined to think that the use by the bank of its own resources in the business of rediscounting bills of exchange will in due course show the desirability of employing it in the transfer of public funds from India to London and *vice versa*, but here again you will perhaps prefer not to anticipate developments, the natural direction of which it would be difficult at this stage confidently to forecast.

The Paper Currency

The above remarks applied with still greater force to what is said in paragraph 11 of the memorandum regarding the eventual making over to the bank of the management of the paper currency at a time like the present, when the whole future of our currency policy is wrapped in uncertainty and is about to be the subject of consideration by a body of experts. It would manifestly be impossible for the new Bank to contemplate the undertaking of this responsibility. When, however, a stable policy has been evolved and the currency conditions have settled down and when the management of the paper currency in India will consist of a more or less routine application of authoritatively established principles, then we think that the employment of the Bank as our agent in this matter might well be favourably considered. To more than this we obviously cannot commit ourselves at the present stage. We take this opportunity, however, of remaking that the suggestion made by the banks for the adoption of the system which we understand has proved so successful in the United States of providing for an automatic expansion and contraction of the currency, by basing the issue of new notes to some extent upon commercial bills, is one which, in our opinion, is worth commending to the consideration of the impending Currency Committee. Should it eventually be approved in principle, its adoption in practice will obviously be facilitated if the management of the currency is in the hands of the institution, qualified by the experience gained in its own business to exercise a proper discrimina-

tion in the selection of the mercantile bills against which new notes will be issued and on the maturity of which they will be retired.

Financial Adjustments.

We have very carefully considered what financial adjustment will be necessary between us and the Amalgamated Bank in view of the concession which it is proposed to confer upon it. Under the present agreements the Banks receive a certain lump and all payments (Bengal Rs. 43,600. Bombay Rs. 12,240 and Madras Rs. 12,000) for the conduct of Government business at their Head Offices, but receive no payments for such business done at their branches. They also receive remuneration at the rate of Rs. 2,000 per crore of public debt for the management of the Public Debt Offices. In consultation with the authorities of the three Banks, we have closely examined the question as to the *quid pro quo* which should be given to us in the shape of a share in the profits or otherwise as a return for the use of the whole of our Indian balances. Since 1913 the dividend-*cum*-bonus of the Bank of Bengal has been increased from 14 to 17 per cent. and that of the Bank of Bombay from 13 to 19, no increase having been made in that of the Bank of Madras. Owing to the general prosperity which India has enjoyed during the war and to the large increase in the volume and circulation of money in the principal markets the profits of the Banks of Bengal and Bombay would doubtless have increased quite apart from their use of the Government funds entrusted to them. But we think it highly probable that this growth in profits has also been stimulated by the large amounts which you have deliberately retained with the Banks during the last few years. We have shown above that while as compared with recent years the amount of extra resources obtained by the new bank will be comparatively small, as compared with the earlier years the amount will probably be substantial and if these extra funds were to be lent out to the highest bidder there is no doubt that in the busy season we should be able to earn an appreciable amount of interest thereon. It might be argued, therefore, that there is every justification for the participation by the State in the profits of the Bank as for example by the payment to the former of interest upon the average amount of Government deposits above some specified sum or by a definite share in the profits after a certain dividend has been realised. Thor are, however, certain important considerations which weigh in the opposite direction. In the first place, as pointed out in paragraph 12 of the Banks' memorandum, the undertaking to adopt a progressive policy in the matter of opening new branches will, there is little doubt, for some time result in a loss to the Bank on their

working, Those centres of trade, at which a branch is likely to show a profit in the near future, have to a large extent already been exploited by the three banks and as more branches are established a comparatively longer time must elapse before the opening up of the localties concerned will result in a business profit to the branches of the Bank established therein. If the banks were to remain separate institutions, and as at present constituted, it is highly improbable that in the interests of their shareholders they would be justified in opening more than a very few more branches. Secondly as we have already pointed out the possession of additional funds derived from the Government will entail additional responsibilities and it will necessary for the new Bank so to arrange its policy as to maintain itself in a position to meet sudden and unforeseen demands which at present fall mainly upon the Reserve Treasuries. Thirdly it will be observed that the banks have refrained from stipulating for any fixed minimum for the total amount of Government's balances and it follows that by this pooling of resources the Bank will at certain times be using its own private funds for Government purposes.

For these reasons we feel that it is quite impossible to attempt at this stage to balance the account however roughly, and that the only practical course will be as suggested in the memorandum for no financial adjustment to be made or claimed on either side during the first three years of the Bank's working. At the end of that period it is probably that sufficient experience will have been gained to estimate how far the conduct of Government business has on the whole been profitable to the Bank and, should you approve this conclusion, we propose to review this question again at that time. We would, however, exclude from the above arrangement the public debt work to be performed by the bank for Government. As pointed out in paragraph 13 of the memorandum the cost of this work to the bank is capable of a fairly exact estimation and we propose, therefore, to continue the present remuneration as provided for in the agreement with the Bank of Bengal, subject to revision at the end of the above-mentioned period of three years.

In paragraph 16 above we have given our reasons for desiring to have an official representative on the Central Board of the Bank and we have, therefore, little to add to what is said in paras 4 to 7 of the memorandum regarding the constitution of the Governing Body and its relations with the Local Boards. To a large extent the Banks' proposals on this point are their own domestic concern and have only to add that they have been the result of considerable discussion and in our opinion are calculated to result in efficient

working and in the avoidance of friction between the various local interests concerned.

Proposed Increase of Capital.

As regards the proposed increase of capital we understand that the Banks recognise that there are some advantages from the point of view of prestige of having no uncalled capital. They feel, however, that the circumstances in which the new bank will be inaugurated outweigh this general consideration. There will, certainly for some time to come, be no necessity to the employment for the 750 lakhs of fresh capital power to issue which it is proposed to take, and the banks prefer and we agree with them to call up only so much as can profitably be employed at once leaving the Governing Body power similar to that possessed by the Directors under Section 14 of the present Act to make further calls. As new branches are established it will be necessary from time to time to call up new capital and we think it desirable that the new act should contain a sufficient margin for this to be done without special reference to the shareholders on each occasion.

The Modifications

Finally we have to offer some remarks upon the modifications proposed by the Banks in paragraph 14 of their memorandum on the restrictions at present imposed upon their business. The original restrictions imposed by the Presidency Banks Act 1876, have subsequently been relaxed from time to time in one or two directions though their general character has not been substantially modified. Of the further modifications now proposed, Nos. (6), (8) and (9) are upon the proposals regarding the establishment of a London Office and need not be further discussed here. As regards the remainder it is claimed by the Banks that these do not fundamentally change the character of the present restrictions and subject to certain qualifications we think that this is correct. Our views of the proposed modifications other than the three already mentioned are as follows. Items (1) and (2), we do not see any objection to the Bank being allowed to do business of the kind mentioned, which is, we think, essentially similar in nature to the other kinds of business enumerated in Sec. 26 of the Act. Item (3), we understood that this item was inserted because one of the Presidency Banks felt some doubt as to how far the ways and means of advances given to us from time to time during the past two years were covered by the existing proviso. We shall examine this point further when the new legislation comes to be drafted, but as at present advised we are inclined to think that the expression Secretary of State for

India in Council covers the Indian Governments subordinate thereto. Item (4). If the new clause here proposed were intended to allow the new Bank to embark wholesale upon the business of making advances upon shares, we should be unable to endorse it, as we consider that the present inability of the Presidency Banks to tie up their resources in such business is a most valuable safeguard not only from the point of view of ourselves and of the other Banks and members of the general public who form the Presidency Banks' regular constituents, but also as an indirect means of checking undue speculation in the principal share markets. We understand, however, that the banks themselves have no intention or wish to engage regularly in business of this description but they have pointed out to us that there have been occasions which may possibly secure when it would have been of public advantage if the banks had had this power in reserve and could have been in a position to give assistance to sound concerns which did not happen to possess sufficient securities of a kind upon which the Banks had power to make advances. Such a power, it is urged, would also be useful when for example the Bank had given advances on some authorised security such as cotton or jutes and when owing to fall in prices the margins had run off. In such cases it would be desirable that the Bank should have power to accept fully paid shares and debentures of companies rather than have to force the borrower to repay a sufficient amount of the loan to restore the margin. It is occassions such as these that the Banks have had in mind in suggesting the new clause in question and we admit that a strictly limited power to advance on shares would at times be useful and not open to objection. Nevertheless we consider it of very great importance that there should be no sort of ground for suspicion in the public mind that the bank was being allowed by a sidewind to convert the present important restriction in this matter and no loophole whatever for any officer of the bank to use such a power to advance regularly on shares. We propose therefore when drafting the new legistation to restrict such advances to cases where the shares, debentures, etc, are taken as collateral security. Item (5), the liquid assets here mentioned would be stocks of raw cotton or jute under process of manufacture, of stocks of coal held by a mill, etc. We think that the proposed clause is probably covered by item (2) and by sub-section (5) of the present section 36 and we reserve this point for further consideration in drafting the new Act. Item (7), it would frequently be of advantage in up-country districts where there is no Administrator General or official trustee for the Bank to act as administrator or trustee of estates. This would be purely agency business done on commission and would not, of course, represent a charge on the Banks' resources.

Item (10), here again we should deprecate any wholesale removal of the present restriction which prohibits the banks from advancing money on the security of immovable property and we understand that this is not the intention. For the reasons which have already been given under item (4) we think that though such a power might be useful in certain cases, such security should only be accepted as collateral. Item (11), we think that the present limit of Rs. 10,000 is too low and that it is desirable to make the present provision more elastic by the omission of any definite amount in the Act. If you approve of this we propose to impose a limit of Rs. one lakh in the bye-laws made with our approval.

Consulting the Share-holders

We now request your approval to our authorising the Directors of the three Banks to place the scheme before their shareholders and, as soon as the latter's consent has been obtained, to our undertaking the legislation necessary to give effect thereto. We propose that the new Banks Act should follow the general lines of and cover approximately the same ground as the Presidency Banks Act of 1876, that is to say, it will *inter alia* define the constitution of the Bank, of its Governing Body, the Central Board and of the Local Boards subordinate thereto. It will, as at present, define the nature and limitations of the business which may be undertaken by the Bank and will contain provisions wide enough to authorise the Bank to undertake such business in London as you may eventually give it, together with any additional duties such as the management of the Paper Currency as may in due course be entrused to it in India. We think it only fair to the Bank that the custody of our funds should be guaranteed to it for a reasonably long period such as ten years, and we propose to make statutory provision accordingly as well as for the presence of the official representative on the Central Board during such period, the whole arrangement being subsequently terminable on a year's notice from either side. The exact functions and mutual relations of the Central and Local Boards will be defined in statutory bye laws to which as at present our sanction will be required, while the remaining matters arising out of the relations between the Bank and Government will be regulated by a formal agreement.

We have the honour to be,

Sir,

Your most obedient humble servants,

(Sd.) Chelmsford, G. R. Lowndes, C. Sankaran Nair, R. A. Maut, G. S. Barnes, W. H. Vincent, H. F. Howard, C. C. Monro,

Note

The proposals outlined above eventually culminated in the passing in September 1920 of the Act 47 of 1920"An Act to constitute an Imperial Bank of India and for other purposes". Under this Act (see pp. 234, 300) the three Presidency Banks will be merged in the Imperial Bank of India as from 27th January 1921, the capital of which is to be ₹11,25,00,000 of which half will be paid up at once.

The Bank will be controlled by a Central Board and will have Local Boards in Calcutta, Bombay, and Madras : it will also open an Office in London. The Bank will act as the sole Banker to and be custodian of the Treasury and cash balances of the Government of India and the various local Governments.

The Bank has undertaken to open 100 new Branches within 5 years, Government having the right to determine the location of one in every four.

The Public Services Commission

Organisation and Recruitment

Govt. of India Resolution—December 1920

Organisation :—It has been decided as recommended by the Public Services Commission to maintain the existing organisation of the civil services. The division into an Imperial Service and a Provincial Service based on the work for the performance of which the two services are recruited, and not on any artificial distinction. The evidence recorded by the Commission disclosed no desire for any change. In future the Imperial branch will be known as the Indian Civil Service and the Provincial branch will bear the name of the province in which its members are serving, *e.g.*, Bengal Civil Service.

The recruitment of military officers to fill civil service posts in Burma will cease from the date of the present resolution.

A revised list of superior appointments is annexed to the resolution. It has been approved by the Secretary of State, but it has been compiled primarily for the recruitment and does not purport to be final in any way.

Methods of Recruitment—Recruitment for the Indian Civil Service (including appointments to posts ordinarily held by members of the Indian Civil Service) will in future be effected by the following methods: (1) An open competitive examination in London; (2) a separate competitive examination in India; (3) nomination in India; (4) promotion from the Provincial Civil Service; (5) appointment from the Bar.

Open Competitive Examination in London:—This Examination will be the main channel of entry to the Service, and will be open to all as heretofore, subject to the reservation that in future Indians successful in this examination will not be allotted to Burma nor successful Burmans to India. The exact curriculum of future examination cannot at present be announced, as the details of the syllabus are still under consideration. But the Secretary of State has been in consultation with the civil Service Commissioners and with the Universities in the United Kingdom with regard to the age of entry and the period of probation, and has arrived at the conclusion that it is in the best interests of India that the age-limits for admission to the examinations shall be 21 to 23

(reckoned from 1st August in the year in which the examination is held), and that the period of probation shall be two years. Before arriving at this decision, the Secretary of State in Council carefully considered other possible alternatives, and in particular (*a*) the proposal of the Royal Commission on the Public Services in India that the age-limits should be 17 to 19 on the 1st January, followed by three years' probation, (b) the proposal that the age-limits should be 17 to 20 followed by two year's probation. The reasons for and against the various alternatives are succinctly stated in the extract from the Report of the Civil Service Commissioners' which is appended to this resolution. In deciding on the adoption of age-limits of 21-23, followed by two years' probation, the Secretary of State in Council has been influenced by the facts (1) that it is the resolution which was favoured by the Government of India in referring the question for consideration in January 1919, and by a majority of the local Governments in reply to that reference, (2) that it is recommended by the Civil Service Commissioners who are his statutory advisers in such matters and (3) that the Universities in the United Kingdom are practically unanimous in favour of it. Moreover, public opinion in India is decidedly against the adoption of the school-leaving age-limits, which would in practice exclude many Indians from the open competition in England and in favour of the higher limits, as was evident from the discussion in the Imperial Legislative Council on the 24th September 1917, on a resolution deprecating acceptance of the Royal Commission's proposal. The decisive consideration is the paramount necessity of securing for the Indian Civil Service Officers of the highest possible quality. For this, it is necessary to obtain men who have completed their University education and have had, in addition, a thorough special training, such as a well-organised course of probation lasting for two years affords. The details of the course of probation are now under consideration by the Civil Service Commissioners, but it has been decided that Law and Jurisprudence shall form an important part of the training. The study of Indian Languages (vernacular and classical), of Indian History and of Economics, with special reference to Indian conditions, will also be included in the course. Details both of the probationary course and of the syllabus of the open competition will be announced later when they have been finally settled.

Separate Competitive Examination in India: This has been accepted as the main source of Indian recruitment. The institution of such an examination is provided for by Section 97 of the Government of India Act. The conditions under which the examination will be held have not yet been determined by the Secretary of State,

who is in consultation on this subject with the Civil Service Commissioners. They will be announced later. But it has been decided that the age-limits will ordinarily be 21 to 23 on the 1st August of the year in which competition is held as in the case of the London examination, The candidates thus selected (as well as any who may be nominated in India under paragraph 8 of this resolution) will be sent to the United Kingdom to join the candidates selected at the open competition in London in their two years' course of probation. It has been decided, of the recruits selected in India for the Service (exclusive of those promoted from the Provincial Service, or directly appointed from the Bar) at least 67 per cent will be obtained through this examination. Nomination is provided for in Section 97 (b) of (8) of the Government of India Act in order to secure to some extent representation of the various provinces and communities in India. It will not of necessity take place every year, but only when the results of the competitive examination in India fail to give the representation required. The following procedure will be adopted: When the number of vacancies to be filled in India in any year by direct recruitment (*i. e.* exclusive of promotions from the Provincial Service and appointments from the Bar) have been settled 67 per cent of these will be announced as open for competition. If the distribution of accesses in the examination turns out to be such as will meet the requirements of the various provinces and communities, resort to nomination will be unnecessary. The vacancies held in reserve will be filled as far as possible by selection from among the candidates who sat for the competitive examination and attained certain qualifying standard. Failing this, they will be filled by nomination. Rules relating to nomination are being framed under Section 97 (6) of the Government of India Act and will be announced as early as possible.

Promotion from the Provincial Service: The Commission recommended some reduction in the number of listed posts, but the Government of India have decided not to reduce the chances of promotion open to officers of the Provincial Service, until they are in a position to appreciate more accurately than is possible at present the effect of the rules now framed regarding direct recruitment to the Indian Civil Service in India. It is probable, indeed, that in some provinces the number of such appointments will actually be increased. Officers promoted from the Provincial Civil Service to hold posts ordinarily held by members of the Indian Civil Service will in future have the same opportunities of promotion as those who have been directly recruited in regard to their status *vis a vis* the regular members of the Indian Civil Service. The Government of India have decided to institute, or where they exist to retain,

Provincial Commissions on the lines recommended by the Public Services Commissiom in paragraph 3 of annexure of their Report, and to include in such Commissions not only all members of the Indian Civil Service however selected, but also promoted members of the Provincial Civil Service and members of the Bar appointed to hold superior appointments ordinarily held by members of the Indian Civil Service. The two latter classes of officers cannot be admitted to the Civil Service itself, but will, from the date of their appointment, take rank with Civil Service Officers and will be eligible with them on their merits for all posts on the Civil Service grade.

Appointments from the Bar: Local Governments already have power under the rules laid down in the Home Department Notification No 596, dated the 21st June, 1918, to appoint persons who are not members of the Provincial Service up to one-fourth of the total number of listed appointments. This power will be utilised by them as an experimental measure to appoint District Judges direct from the Bar. It is hoped ultimately to fill no less than 40 posts in this way, should qualified men be available. Members of the Bar will, however, be appointed to posts in excess of 25 per cent of the total number of such appointment only as new posts are created and with due regard to the claims of existing members of the Civil Services. Thus the rights of these officers will be duly safeguarded as was expressly provided for by Section 36 (2) of the Government of India Act, 1919. At the same time, there will be no reduction in the number of posts open to men promoted from the Provincial Civil Service. Should the experiment prove a success, (and on this point the opinion of High Courts will be ascertained from time to time) the full number i.e, 40 will eventually be made available for persons from the Bar. For the purposes of these appointments Vakils and Advocates of High Courts and Pleaders of Chief Courts will be eligible as well as Barristers

Percentage of Indians in the Service: After full consideration with the approval of the Secretary of State, the Government of India have decided to adopt the proportion suggested in paragraph 317 of the Joint Report of the Indian Constitutional Reforms. This proportion of 33 per cent, rising by one and half per cent annually for 10 years to a maximum of 48 per cent. will be taken as an all-round figure to cover the total Indian recruitment from all sources, including promotion f.om the Provincial Service and appointments from the Bar. The number of Indians to be recruited in India by examination and nomination will be fixed each year after taking into account the number of Indians recruited in other ways, including the open competition in London. The direct recruitment of Indians for 1920 has

been already made under the rules issued under the Indian Civil Service (temporary provisions Act) and the candidates selected are already undergoing their probation in England, although the candidates under these rules were selected at the end of 1919. The calculation of the number to be appointed was based on the consideration of vacancies that had accumulated from 1915 to 1920 inclusive. These candidates were selected by nomination. It was intended that any further appointments to be made in India should, so far as possible, be effected by means of a competitive examination as explained in the paragraph above, but the Civil Service Commissioners who are engaged in working out the scheme for this examination have reported that it will not be possible to hold the examination in 1921 in time for candidates selected to commence their probation in England in October, 1921. It has been decided, therefore, that the number of Indians required to be recruited for 1921, accordingly to the percentages approved above, should be obtained by nomination as in 1919. The rules required to effect this are under consideration and will be published as soon as possible. It is hoped that the scheme of examination in India will have been settled and the rules under Section 97 (6) referred to in paragraph 8 above approved in time to enable the first competition in India to be held in the cold weather of 1921-22, and the candidates selected to commence their probation in England in October, 1922.

Training in India:—Subject to the general considerations mentioned below full discretion is left to Local Governments and Administrations in the matter of framing rules for departmental examinations and training. On arrival in India, officers should be trained under the supervision of a suitable district officer, who should not only have the special qualities required for training junior officers, but also the time to devote to this object. Much valuable assistance can often be given him in this matter by a senior assistant. For the first year too much court work should not be prescribed, and departmental examinations should be more practical. The test of proficiency in law should be more and more limited to an examination of a man's ability, with the Act and Rules at his disposal, readily to find the law governing a particular case and to apply it intelligently. The test in the vernaculars should be stiffened and should be directed chiefly to ensuring that officers are able to converse in them with fluency and to read and write them with accuracy.

Special Training of Officers for the Judicial Branch:—At any stage between five and eight years service as soon as they are so selected, they should undergo a period of training for 18 months in the posts of Munsiff and subordinate Judge or Additional

District Judge and thereafter, if the High Court so recommends, they may be granted study leave to the United Kingdom for the purpose of reading in Barristers Chambers and passing the Bar examinations under such rules as may from time to time be prescribed by the Government. Ordinarily, this leave will not be granted to any officer after the 12th year of service.

Govt. of India Despatch on the Burma Reforms Scheme

The following despatch to the Secretary of State relating to a new constitution for Burma was published :—

No. 1-General, dated Delhi, the 15th March 1920.

From—His Excellency the Viceroy and Governor-General of India in Council,

To—The Right Honourable Edwin Montagu, His Majesty's Secretary of State for India.

We have the honour to lay before you our proposals for a new constitution for Burma.

2. In paragraph 198 of the Joint Report the problem of Burma's political evolution was set aside for separate and future consideration. The authors of the report took the view that Burma was not India, that its problems were altogether different, and that it was imposible to say how far their proposals would be applicable to Burma till the Government and the people of that province had had an opportunity of considering them. On the publication of the Report the Lieutenant-Governor of Burma took steps, by means of informal conferences, to ascertain the views held in Burma regarding the proposals of His Excellency and the Secretary of State, and subsequently in a resolution, which forms an enclosure to this despatch, he published for discussion and criticism a tentative scheme of reforms. This resolution was issued in December 1918 and in June of the following year, after consideration of the opinions which the scheme had elicited, the Lieutenant-Governor submitted to us his formal proposals for a new constitution.

3. These proposals are fully set out in the local Government's letter of the 2nd June 1919, of which we attach a copy. They included a wide extension of local self-Government, and the establishment of a Legislative Assembly in which the elected element would have a substantial majority. Elections to the Legislative Assembly were to be direct, except in the case of the rural representatives who were to be elected by the District Councils. The power of the Governor to ensure the passing of legislation considered to be of essential importance was to be secured by providing that

measures certificated by the Governor should become law unless opposed by a majority of two-thirds of the Assembly. The resolutions of the Assembly on the budget were to have the effect only of recommendations to the local Government, but it was contemplated that in practice the local Government would not disregard the clearly expressed wishes of the Legislature except on matters regarded as essential for the maintenance of peace and security. The most distinctive feature of the scheme, however, was the proposal for the creation of a system of Boards which were to exercise some of the powers now vested in the local Government. There were to be four such Boards, one for home affairs, one for local self-government, one for development and one for revenue and finance Each Board was to be presided over by a non-official President chosen, except perhaps in the case of Europeans, from the non-official members of the Legislative Assembly. The other members of the Boards were to consist of Heads of Departments and Secretaries to the local Government. The official members were to exercise without reference to the Presidents the independent powers which they possess under the existing system, but in all matters, which lay beyond the powers appertaining to the head of the Department, no action was to be taken without the cognizance and participation of the non-official President The decisions of the Board were to be in accordance with the opinion of the majority, but the non-official President was to be empowered to carry any case to the Lieutenant-Governor and to ask for his permission to over-rule the Board. It was recognized that the Boards contained no element of responsibility to the legislature. It was urged, however, that the Assembly would be able to express their disapproval of the administration of a President by an adverse vote, and that in this way a gradual advance towards responsible government would be secured. As regards its relations with India, separation was declared to be the ultimate goal to which Burma should look forward and, partly as a fitting recognition of this fact and, partly with the object of retaining for the provincial legislature and administration the ablest of her people, it was proposed that Burma should not be represented on the Indian Legislative Assembly. On the Council of State the Lieutenant-Governor asked for three seats, one of which was to be held by an officer of the Burman Commission attached to the Government of India to advice on all matters affecting the interests of Burma. It was claimed for this scheme that it was a preliminary advance towards responsible self-government; that it paved the way for further progress with the growth of experience and capacity amongst the people; and that it set the course of development of Burma and its people towards the realization of a separate national entity within the British Empire.

4. We recognized the great care and thought which had been expended on these proposals and, for reasons which we shall explain later, we took no objection to them on the ground that they differed profoundly from the scheme which has been adopted for the Indian provinces. Nevertheless there were features in them which we felt unable to accept. We thought that the system of Boards would prove to be an unwieldy method of Government and further that it was open to the criticism that it made no real advance in the direction of giving Burmans any power over the administration. The powers to be exercised by the Boards would be those which were delegated to them by the Head of the Government and the Head of the Government was to retain authority to withdraw any such powers from the Boards at his discretion. We doubted whether Burman opinion would be satisfied without a Governor in Council since any substitute would be regarded as of inferior dignity : and we were inclined to favour the establishment of an Executive Council, both on this ground, and on the ground that it would give the Burmans some measure of administrative control at the outset and that it would pave the way towards a further advance by the conversion, when the time came, of the non-official Councillors into Ministers. As regards the Legislature, we accepted the process of indirect election proposed in the case of the rural members as inevitable in the circumstances ; but we thought that the procedure for ensuring the passing of legislation considered to be essential by the Government should be the same as in the case of the provincial legislative councils in India. We communicated these criticisms to the Lieutenant-Governor and asked for a further expression of his views.

5. The further views of the Lieutenant-Governor were submitted in a letter, dated January 22, 1920, of which a copy is attached to this despatch. In the interval the Report of the joint Committee had appeared and the Lieutenant-Governor reviewed his scheme in the light both of our criticisms and of the recommendations of the Committee. He considered that the dualistic system adopted for the Indian provinces was quite inapplicable to political conditions in Burma, and he was also opposed to the establishment of an Executive Council. He urged that there were no persons who could be selected to fill the independent position of Ministers, and that even greater difficulty must attach to the selection of Executive Councillors to deal with both reserved and transferred subjects. He recognised, however, that the constitution of the Boards proposed by him gave an appearance of the President being always confronted with a majority of officials, and proposed accordingly, while retaining four Boards as an essential and convenient means of

administration, to reduce the membership of each Board to two, a non-official who would be the first Member of the Board and would also be termed Minister, and an official who would be second Member of the Board. He recommended that the Head of the province should be empowered to appoint at the outset any persons, whether elected members of the Legislature or not, but proposed that at least three of the subsequent appointments should be made from the elected members of the Assembly. He claimed for this modified system that it would employ and train in responsible posts a maximum number of non-officials ; that it enabled a gradual transfer of power to be carried out by means of further delegations; and that when conditions were ripe for this advance, it admitted of easy transformation into a constitution of Ministers or a constitution of Executive Councillors or a constitution which should include both Executive Councillors and Ministers. He adhered to his original proposal that since Burma was unable to provide a suitable number of representatives in the Legislative Assembly, it should be excluded from this body and suggested an arrangement under which Indian legislation would be extended to Burma after consultation with the Government of Burma and the Burma Legislative Assembly. On the Council of State he again asked that Burma should be given three representatives of whom one should represent Burman Commerce. Finally, he proposed that the title of the Viceroy should be altered to that of "Governor-General of India and Burma."

6. We recognised that these proposals were an improvement on those originally put forward by the Lieutenant-Governor. We could not, however, admit that our objections had been fully met more particularly in regard to the form of executive government suggested. The system of Boards still appeared to us to be open to the criticism that at bottom all real power was restrained in the hands of the Head of the Government. We were not convinced that the establishment of an Executive Council was impracticable and we were unable to accept the proposal that Burma should not be represented on the Indian Legislative Assembly. We felt, however, that it would be an advantage if the whole position could be discussed with the Lieutenant-Governor and we therefore invited Sir Reginald Craddock to Delhi so that we might have an opportunity of personal consultation with him before formulating our final proposals. We have now had a full discussion with the Lieutenant-Governor and we are glad to be able to inform you that we have arrived at substantial agreement with him as regards the lines on which the new constitution of Burma should be framed, and that we are now able to lay before you a scheme which

in all its important features commends itself equally to the head of the province and to ourselves.

7. We accept in the first place the proposals of the Lieutenant-Governor that the title of the Viceroy should be altered to that of "Governor General of India and Burma." Historically and geographically Burma is only by accident a part of the Indian Empire and we think that this alteration of the title of the Viceroy will be an appropriate means of recognizing its distinctive position. We are opposed, however, to taking any step which would prejudge the question of separation, and cannot therefore approve of the exclusion of Burma from the Indian Legislative Assembly, which measure would in our judgment be tantamount to recognizing that separation was inevitable at no distant date. Burma shares with India common system of taxation for central purposes and its exclusion from the Assembly which controls the allocation of the proceeds of taxation, could be justified only if it were treated as a temporary measure and as the prelude to early and complete separation. Burma is linked at present with India by many ties, foreign, military and commercial, which cannot be severed in the immediate future or till the conditions which make for union or separation are clearer than they are now. There is nothing in the present circumstances of Burma which necessitates an early decision and much which suggests the desirability of keeping an open mind in regard to a problem whose solution may depend so largely on future and unforeseeable developments. We may add that whilst the Lieutenant-Governor would still prefer that Burma should not be represented on the Legislative Assembly he does not now press strongly for its exclusion.

8. As regards the provincial constitution, we are in full agreement with the Lieutenant-Governor as to the impossibility of imposing on Burma a constitution on the Indian model. In our judgment the facts set out in the resolution and the letters of the local Government place this conclusion beyond reasonable doubt. In political development Burma is at least a generation behind India. Broadly speaking, the people of Burma have had no electoral experience whatever. Local Self-Government hitherto been confined to a few municipalities and little advantage has been taken of even the limited facilities thus afforded; while the Burma Legislative Council has never up to the present time included a single elected Burman. In other spheres of national life the backwardness of the Burmans is no less marked. In commerce and in administration all the prominent positions are filled by Europeans and Indians. The total number of Burman graduates has not yet reached 400; not a single Burman has passed the examination for the Indian Civil Service; whilst even at the Bar Burmans have

been easily out-distanced by their Indian competitors. To impose on such a people a system of government in which persons without requisite training or capacity would be called on to assume unaided the highest responsibilities would be an experiment too rash for statesmanship to contemplate. We must take the facts as they are; we must build on such foundation as actually exists and there are at present no foundations on which the elaborate structure of the Indian system could be superimposed. The new constitution should be framed on as generous lines as possible and should admit of progressive liberalisation with the growth of experience and capacity amongst the people. But it is equally essential that in framing it, due account be taken of the political immaturity of the people. We are anxious that the advance towards responsible government should be as rapid as we can make it, but nothing will be gained attempting to force the peace to an extent which ignores the governing conditions of the problem. India has had to pass through a long course of political training before it was found possible to confer on her the reforms which have now been embodied in the Government of India Act; and though we hope and believe that in Burma this stage can be curtailed considerably, we do not think that it can be dispensed with entirely. We aim at giving the Burmans a control over the administration far larger than they have hitherto enjoyed, but before we can concede to them the same measure of responsible Government as we are about to confer on the Indian provinces, there must be an intermediate period of preparation and training. This conclusion appears to us to be entirely consistent with the recommendation of the *Joint* Committee. The term "analogous" employed by the Committee is doubtless in itself susceptible of more than one interpretation; but the Committee have explicitly recognised the differences between India and Burma and we read it, therefore, no as connoting identity or even close similarity, but, rather, as indicating that in their opinion the Burmans should receive a constitution as liberal having regard to the relative political development of the province as that which has been granted to their Indian fellow subjects. We are confident that the proposals which we shall now proceed to describe will satisfy this condition.

9. We contemplate first a wide extension of local self-government on the lines proposed by the Lieutenant-Governor. We attach importance to this part of our programme of reforms, not only as a means of conferring control over local affairs, but also because it is on the local bodies that we must primarily rely for the development of administrative capacity and electoral experience amongst the people. The Municipal Act will now be extended to all urban

areas of any size and importance ; all municipal committees will be mainly elective and all almost entirely non-official ; and all municipal officials will be appointed by the Committees themselves. Such control as it will still be necessary to retain will thus be exercised in future from without and not from within. In rural areas much of the powers in local affairs hitherto exercised by the Deputy Commissioner will be entrusted to Circle Boards and District Councils. Circle Boards will be constituted from members elected by groups of village tracts and the electorate will comprise all residents in each group who are assessed to capitation tax or *thathameda* or income-tax or who have been exempted from such taxation on grounds other than poverty. The District Council will consist of representatives elected by the Circle Boards and members returned by each Municipal area in the district. It will supervise and be responsible for the working of the Circle Boards, whose functions in the main will be those delegated to them by the Council ; and it will administer such local matters as vernacular education, sanitation, roads, etc. These measures will give Burma a system of local self government as extensive and as liberal as that of any province in India.

10. The Burma Legislative Council was created in 1897. As first constituted, it consisted of 9 nominated members, 4 of whom were officials. In 1909 the membership of the Council was increased to 17 and in 1915 to 19. As late, however, as 1916 the only elected members of the Council were two Europeans, and the sole representative of the indigenous races were two Burmans, one Karen and a Shan Chief. Burma has thus never had a Council of the kind which was established in India by the Morley-Minto Reforms. In substance its Legislative Council has conformed to the pre-1909 type. It might therefore appear that the most natural line of advance would convert the existing Council into a Legislature in which the elected element would be about as large as in the present Legislative Councils of Bombay and Bengal. We have considered, but have rejected, a suggestion to this effect. We think that Burma has deserved and should receive a Legislature in which the elected members will have a substantial majority. Nothing less will satisfy the legitimate sentiment of the Burma people or provide that measure of popular control to which, despite their political immaturity, they can fairly lay claim. The proposals of the local Government fulfil this condition. They have been worked out with great care and we think they may be accepted as suitable and satisfactory. In their latest form they provide for a Council of 92 composed as follows :—

A. Elected Members.

1.	One district representative from every district that has a District Council	31
2.	Urban representatives	19
3	Two elected members of the Burma Chamber of Commerce ...	2
4.	One elected member of the Rangoon Trades Association ..	1
5.	One representative of the Burma Educational Syndicate, and later of the University when established	1
6. (a)	One elected member of the European community, a European being defined as a person of European parentage on both sides ..	1
6. (b)	One elected member of the Anglo-Indian community ...	1
	Total elected members ...	56

B. Nominated Members.

7. (a)	Twelve non-officials Nominated by the local Government for races or interests inadequately represented by the elected members ...	12
7. (b)	One European member to represent one branch of commerce not represented by the elected commercial members	1
7. (c)	Three members (one Burmese, one Indian and one Chinese) to represent branches of commerce in which the Burmese, Indian and Chinese communities are specially interested	3
8	Two experts, official or non-official	2
9.	Twelve Officials	12
	Total nominated members ...	30

C. Ex-officio members.

Six members of executive council	6
GRAND TOTAL ...	92
or including the Governor ..	93

The elected members will thus form 60 per cent. of the Council, a proportion not far short of that prescribed by the Government of India Act for the Provincial Legislative Councils. We recognize the objections to the election of the rural representatives by the District Councils. As you are aware, we have never favoured the method of indirect election and have opposed its application to the Indian Legislative Assembly and to the Council of State. But in the case of Burma we see no alternative to its adoption. It is not possible, for the reasons explained in paragraph 24 of the local Government's letter of January 22, to base the electoral rolls on the assessments of land revenue and on the other hand the *thathameda* or capitation-tax rolls, which are the only materials available for the purpose, would yield a rural electorate of about 2,000,000.

The largest rural electorate proposed for any Indian province does not include more than 1,300,000 voters in a population of 45,000,000. We could not recommend for a province which has as yet had no experience of elections even to a District Council, an electorate based on household suffrage; nor has the province the administrative machinery which would be required for the conduct of election in which the average number of voters in each constituency would be 64,000.

11. We propose that the control of the Legislature over legislation should be the same as that exercisable by the Indian provincial Legislative Councils. The power of the Government to ensure the passing of legislation regarded by it as essential should be secured by a provision on the lines of section 13 of the Government of India Act. Provision should also be made for optional and compulsory reservation of Bills as in section 12 of that Act. We consider, however, that the resolutions of the Council regarding the budget should have the effect only of recommendations to the local Government. We should not expect the Government to disregard, save for strong reasons, the clearly expressed wishes of the Council; but the function of giving or withholding the supplies necessary for the carrying on of Government is not one that can at the outset be entrusted to inexperienced hands and we think that for the present at any rate statutory control over the proceeds of taxation should not be conceded to the new Council.

12. We pass now to the structure of the Executive Government. The system of Boards, even in the modified form proposed in the local Government's letter of January 22, seemed to us open to two criticisms. In the 1st place, the position of the Presidents would still be merely that of Secretaries to a local Government, entitled to refer matters to the head of the province, but not authorised to over-rule the heads of departments with whom they were to be associated. Secondly, it fails to satisfy the demand for a Governor in Council for which Burman opinion would certainly, and, we think, rightly press. On the other hand we are anxious to retain what we regard as the valuable feature in the system, *viz.*, the association with each non-official member of an official colleague. If there were men available amongst the Burmans capable of assuming unaided the duties of Executive Councillors, we should have had no hesitation in recommending the appointment of an Executive Council of the ordinary type and indeed in all probability of Ministers too. But there are in fact no such Burmans at present, nor are they likely to be forthcoming for a number of years yet; and it is not possible therefore to set up an Executive Council in which the

non-official members would be in sole charge of their departments. The solution is to be found in the division of the Executive Council into departmental committees. Our proposal is that the Government of Burma should in future consist of a Governor and an Executive Council and that the Executive Council should be divided into committees each of which would contain one official and one non-official member. The Lieutenant-Governor agrees that a Council of six members (which would absorb certain departmental offices such as those of the Development and Financial commissioners) would be adequate, and we propose therefore that the strength of the Council should be fixed at this number, and that there should be three committees, one for home affairs and local self-Government, one for revenue and finance and one for development. As in the normal form of Council Government the Governor himself would administer certain subjects such as the Shan States, frontier and hill tracts and the army and marine. The members of each committee would have equal powers; but the non-official member would be the senior member. In the event of any difference of opinion between the members of the committee either member would be entitled to refer the question in issue to the Governor but—and here our scheme differs radically from that originally proposed by the Lieutenant-Governor—he would also, if not willing to defer to the views of the Governor, have the right to demand that the matter should be taken in full Council. Decisions in Council would be those of the majority but the Governor would have the emergency power conferred by section 50 (2) of the Government of India Act. For the present at any rate we recommend that one non-official be a European and that two should be Burmans. All members of the Council should be appointed by the Crown on the advice of the Governor and should receive the same pay which might suitably be fixed at Rs. 4,000 per mensem.

13. In the selection of non-official members we would not restrict the field of choice to the elected members of the Legistature. It should be open to the Governor to recommend for appointment any suitable person, whether an elected member of the Legislature or not. But we would further lay down that an elected member of the Legislative Council should, if appointed to be member of the Executive Council, resign his elective seat on the Legislative Council. Parliament has already accepted our view that it is impossible to reconcile amenability to the Legislature with the position of a member of an Executive Council. The attempt to combine responsibilities so incompatible could only lead to that particular type of dead-lock which was the cardinal weakness of the scheme of the five Governors. A dualism would at once be established, but of a parti-

cularly unsatisfactory type, since the two elements in the Government would have no separate spheres of work and would be liable to come into conflict over the whole range of their duties. When a stage has been reached in the political development of Burma at which the non-official members of the Council can be relieved of their official colleagues, the way will lie open for the appointment of full-blown ministers. Our scheme is designed only to meet the requirements of the period of transition and training which still lies before us, and is consistent with whatever line of advance may be found to be the most promising. But it is none the less important that the Government to be set up in Burma should not prove unequal to the tasks which will confront it, and we can conceive of nothing more likely to imperil its chances of success than a form of dualism which would reduce the Executive to impotence.

14. This concludes our proposals for the new constitution. They differ in many respects, the importance of which we do not seek to minimise, from the scheme of reforms which has been approved for India. But we hold that the differences are no greater than the disparity in political conditions warrants. Relatively to these conditions the advance will be at least as great in the case of Burma as in that of the Indian provinces. Burma will secure at one stroke a wide extension of local self-Government, a Legislature in which the elected element will have a substantial majority and the control of legislation, and an Executive Government in which the official element will have only a bare preponderance. We believe that these reforms will be recognized as adequate and indeed generous by all moderate Burman opinion and we trust that they will commend themselves to your judgment.

PART III

Indian National Congress Muslim League and Conferences 1920

OM

Presidential Address

Delivered By

Lala Lajpat Rai

At the

Extraordinary Session

Of the

INDIAN NATIONAL CONGRESS.

CALCUTTA 4th Sept. 1920

Chairman of the Reception Committee, Sister and Brother Delegates, Ladies and Gentlemen,—

My first duty is to tender to you most cordial thanks for the high honour you have done me in calling me to this office, the highest in your gift and at a session which is perhaps the most momentous in the history of our movement. The honour is the greater because the Session is being held at Calcutta, a place which has always been associated in my mind with the best and the truest ideals of Indian Nationalism. It was at Calcutta that the first important political movement of the last century was ushered into existence, and it was a Calcutta orator the greatest that the country has so far produced under British rule, who was the first standard-bearer of political agitation all over Northern India. It was at Calcutta that the ideals of the new Nationalism that has since then grown into a mighty tree, were first expounded and explained by one of the purest minded and the most intellectual of Bengal's gifted sons. I mean Sri Arabindo Ghosh. It was at Calcutta again that the grand old man of India, the revered and universally respected Dadabhai Naroji, set the ideal of Swaraj before us in clear and unambiguous language, an ideal which has since guided us in all our political endeavours.

A Great Struggle.

It was with great reluctance that I made up my mind to accept the call of duty to which the All-India Congress Committee by its decision invited me. Our politics are no more of the old hum-drum kind, about which practically there was no, or if at all very little difference of opinion. We are no longer contented with resolutions, prayers and memorials. We have advanced beyond the 1st stage of very humble submission, have crossed the boundaries of respectful demand, and have entered into the arena of backing our demands by vigorous and compelling action of a peaceful kind. The country is at the present moment in the throes of a momentous struggle. The Anglo-Indian Press has designated it as revolutionary. There are many pupils to whom the word revolution is like a red rag to a bull. I am not one of them. Words do not scar me. It is no use blinking the fact that we are passing through a revolutionary period, nay, we are already in the grip of a mighty revolution, a comprehensive and all-covering one, religious, intellectual, educational, social, economic and political. We are by instinct and tradition averse to revolutions. Traditionally, we are a slow going people ; but when we decide to move, we do move quickly and by rapid strides. No living organism can altogether escape revolutions in the course of its existence. Our national history records many such. But the revolutionary struggle through which we are now passing has been brought to our shores by ours rulers. It is they who completely changed without our consent and sometimes against our wishes, the whole structure of our social life by introducing revolutionary economic changes in the country. We never asked for them, we never desired them ; but primarily in their own interests and for their own benefit they introduced them. Along with these economic changes, they have partially, if not completely, changed our outlook on life by their system of education, by their newspapers, by their laws and by their courts. Some of these changes we would very much like to undo, but whether we or even they can do so now is at best problematic. Any way, the present political situation is a natural outcome of their own policy and is their handi-work. If then any one is to be blamed for it (I for one do not blame any one), it is they themselves. Many of them would probably like to set the hands of the clock back but it is no longer in their power nor is it in ours to do so. We are following a course which we shall have to keep to, and whether we wish it or not, we are, I repeat, in the thick of a great struggle, the end of which no one can foresee. The better mind of the country is opposed to the use of any kind of violence, whether of language or of deed, in bringing the struggle to a satisfactory close ; we are doing our level best sincerely and honestly to achieve our end by peaceful

means and with the sincerest desire to keep our connection with the ruling race on a basis of mutual friendship and reciprocal interest. But there are persons among the latter who are bent upon thwarting us, who professedly and openly claim their right to rule us by the sword, and who maintain that they have a right to exploit us by all the means available to them by virtue of their military and intellectual power. We are thus face to face with a great struggle between the forces of democratic change, English and Indian, and reactionary militarism. In order to go through the struggle successfully, we will require all the manliness and strength, all the wisdom and tact and all the determination and strength we are capable of putting forth. Above all what we need most is calmness and coolness of judgment, moderation in language and firmness in action.

Lok. Bal Gangadhar Tilak.

At such a time and under such circumstances, the loss of a leader like the late lamented Lokmanya Bal Gangadar Tilak is a misfortune and a calamity, the magnitude of which it is difficult to encompass by words. Just when we had the greatest need of his unswerving loyalty and steadfast devotion to the cause of his country, his cool and calm judgment, his unfaltering and firm patriotism, an inscrutable providence has snatched him from us. The universal grief which this sad event has evoked, and the unique demonstrations which have followed his death throughout the length and breadth of this vast sub-continent, have been a revelation both to his friends and foes. This extraordinary manifestation of popular feeling is almost unparalleld in the history of India. All section of the people, regardless of caste, creed and colour, regardless of social, religious and political divisions, regardless of economic distinctions have taken part in it, and have given conclusive proof, if any was needed that in estimating the worth of its leaders and its servants, the country know its mind and has no inclination of allowing its judgment to be affected by the wishes and opinions of the highest amongst the dignitaries of the State. Here and there a few mean attempts were made to insinuate that the deceased leader was anti Muslim, but our Muslim fellow countrymen have been the most forward and the most fervent in their expressions of their regard and love for him. Some members of the ruling class, too, have behaved with admirable judgment. Great as has been the loss of the country generally, the loss of the Indian National Congress is even greater. The Congress has by his death lost one of its few surviving founders, one who by his indomitable will and energy and his unique sacrifices and sufferings had contributed the most to the building-up of that life of the country which finds its expression in the present activities

of this National movement. It will be one of the first items of business of this Session to put on record in befitting language our sense of the great and irreparable loss we have suffered by the death of Lokmanya Tilak.

National Problems.

This Session of the Congress has been convened in accordance with an understanding arrived at between the leaders at the Amritsar Congress, for the purpose of considering the Hunter Committee Report and the decision of the Government thereupon relating to the Punjab disturbances of the last year. Since the Amritsar Congress finished its labours, another important question has been added to our National problems, which requires a speedy and immediate consideration both in the interests of peace and good government. The disappointment which has been caused to our Muslim countrymen by the Turkish peace treaty and its effects on the Khilafat is keen and bitter. Lastly, there is the important question of Reform Rules on which the success of the Reforms, such as they are, so largely depends. The All-India Congress Committee, therefore, have added the Khilafat question and also the rules and regulations under the Reforms Act, to the subject for which originally according to the understanding at the Amritsar Congress this Session was to be convened. These, then, are the subjects which will be before you during this Session for consideration and decision.

Punjab Disorders.

Taking the Punjab disorders first, since we met last at Amritsar, the Congress Commissioners appointed by the Punjab enquiry Sub-Committee of the All-India Congress Committee have issued their report. The Hunter Committee appointed by the Government of India have also finished their labours and published their report, and the Government of India and the British Cabinet have passed their orders on that report. The report of the Hunter Committee is not unanimous. All the Indian members have differed from the majority on matters which in my judgment are "basic." Similarly, the Government of India also are not unanimous. The only Indian member of the Government of India (at the time) has accepted the conclusions of the minority and differed from the majority. The country has with one voice condemned the majority report as well as the decision of the Government thereupon. We, in this Congress are expected to focus the opinion of the country in the matter and recommend such action as we think ought to be taken for the redress of the wrong that has been done.

Sir M. O'Dwyer Principally Responsible.

To arrive at a proper understanding of the position, one has to look into a whole lot of circumstances which preceded the agitation against the Rowlatt Act and to bear in mind that the person who is principally responsible for the Punjab Tragedy, the man whose general policy created the atmosphere which made it possible for a Dyer, a Bosworth Smith, an O' Brien, a Doveton, a Frank Johnson and other smaller fry, to commit the unmentionable outrages of which they were guilty, in the five days immediately preceding the introduction of Martial Law, and all through its continuance in the spring of 1919 in the Punjab, is Sir M. O'Dwyer. From the very moment he took charge of the Province he set before him an ideal of Government which was Prussian in conception, Prussian in aim and Prussian in execution. For six long years he occupied himself in working out his ideals and in carrying out his plans. Every item was carefully thought out, and with equal care entrusted to agents who were most fitted and willing to achieve the end desired by the Head of the Government. If ever there intervened an obstacle or a hindrance it was removed without the least pang of conscience, and without the slightest consideration of its morality or even legality, so much so that even the European members of the I. C. S. who refused to endorse his opinions or to carry out his mandate had to retire into the back ground.

Punjab administered on Military Lines.

To the misfortune of the Panjabees, the Punjab happens to be practically a military Province on account of its nearness to the Frontier, and because of there being so many military stations in the vicinity of the most important civil stations. The Punjab Commission has, besides, always had on its personnel, a good many representatives of the military service. The Punjab bureaucracy has thus been more or less always dominated by military ideals, and the civil administration of that Province has never been absolutely free from military influence. The Civilians, living in or in the vicinity of military stations and passing about six months in the year in hill stations where the military predominate, are consciously or unconsciously affected by the opinions and views of their military fellow-officers. No wonder then that in spite of the lavish praises bestowed on the Punjabees by the Anglo-Indian administrators, and, in spite of the most extravagat solicitude shown by them in words for the prosperity of the Punjab, the bulk of the Panjabees are the most ignorant and the most abjectly situated of all the people of India. It is extremely painful, specially for a Punjabee to say that under and in consequence of British rule, the manly races of the Punjab should

have lost that independence of character and bearing for which they had a name in Indian history prior to British rule. It will be no exaggeration to say that for military reasons the bureaucracy has kept the Martial races of the Punjab ignorant and in a condition of submissiveness bordering on abject servility. The Punjabee are reputed to have a splendid physique. The rural Punjab is the flower of British Indian army. Even urban Punjab has a population which is physically superior to the similarly placed people of other parts of India; yet it is remarkable that whenever Plague and Influenza have attacked the province, the Punjabees have been the most willing to die in entirely disproportionate numbers. One may naturally ask, why? The answer is because of the dense ignorance of the Punjab masses, because of the lack of adequate medical staff, because of inadequate measures of sanitation, and last but not least, because of the lack of that political consciousness which makes men self-reliant and self-respecting. The exigencies of militarism have inspired the policy of keeping the Punjab peasantry illiterate as well as politically dumb. But for the strength of character shown by some of Sir Michel O'Dwyer's predecessors in the office of the Lieutenant-Governor particularly Sir C. Aitchison and Sir Dennis Fitz Patrick the Punjab would have been in a still worse position.

Advent of Sir M. O'Dwyer.

The policy of militarism however reached its climax with the advent in the Province of Sir M. O' Dwyer who had been absent from the Province for about 15 years, having originally served there in minor capacities, returned as the head of the Government with a determination to crush the spirit which had made 1907 and 1910 possible. In 1913 when he took charge of the Province the people had considerably changed from what they had been when he was last there. They were not so very submissive and there was a little political awakening also. To crush this political awakening was one of his principal aims. So when he returned he set before him as his ideal a Prussian system of administration. All through the period of his office he was guided by that ideal.

Charges against Sir M O'Dwyer.

(i) I charge him with having deliberately intensified the policy of 'divide and rule' by keeping apart the Mahomedans from the Hindus and both from the Sikhs.

(ii) I Charge him with having created fresh political divisions between the people of the Province by drawing purely artificial and mischievous distinctions between martial and educated classes and between the rural and urban interests and creating unhealthy rivalry between them.

(iii) I charge him with having made illegal use of the process of law and of his authority for recruitment purposes, and for getting contributions for the War Loan and other war funds.

(iv) I charge him with having condoned and in a way encouraged the most brutal and diabolic deeds of those who were his tools in Recruiting and War Loan campaigns and with having failed to check bribery and corruption among the subordinate Police and Magistracy.

(v) I charge him with having debased and misused the forms and processes of law for the purpose of crushing those who would not bend his knee to him and who showed the slightest independence of spirit and a desire for political advancement.

(vi) I charge him with having deliberately deceived the Government of India as to the necessity of Martial Law, and as to the necessity of trying cases of ordinary sedition under the process of that law. He was guilty of a clear falsehood at this stage when he suggested to the Government of India that the General Officer Commanding in the Punjab agreed with his views.

(vii) I charge him with having deliberately manipulated the continuance of Martial Law for vindictive and punitive purposes when there was no rebellion and there was no likelihood of a recrudescence of disturbances in that Province.

(viii) I charge him with having been instrumental, by express or tacit consent and by encouragement, by word and deed, in the promulgation of barbarous orders and the infliction of barbarous punishments and humiliations on the people of the Punjab.

(ix) I charge him at least with being an accessory after the event of the Jallianwala Bagh massacre. By his unqualified approval of the Jallianwala massacre he made himself responsible for all the outrages committed by the Martial Law administrators in pursuance of his policy.

(x) I charge him with having connived at perfectly illegal exactions from the people of the Punjab in the shape of punitive fines and penalties.

(xi) I charge him with culpable neglect of duty in not going to Amritsar, first on the 11th after the deplorable events of the 10th, and then on the 14th after the massacre at the Jallianwala Bagh.

(xii) I charge him, lastly, with having extorted addresses from the people of the Punjab, on the eve of his departure by illegal and mean threats, one of them having been altered in a material particular when in the custody of his minions, and having made a dishonest use of them in his defence in England.

These are serious charges, and I bring them with all the weight of the office to which you have raised me with common consent of the country. I challenge an enquiry and I declare before God and

man that my Province and my people will not be satisfied until such an enquiry has been made.

Evidence in support of Charges.

I will now proceed to refer briefly to the evidence in support of these charges, and for that purpose we have to go so far back as the beginning of his regime. As soon as he took charge of his office he was evidently told that the prestige of the Government in the Province had gone low, and had suffered by the policy of weakness and softness followed by his predecessors. So he made up his mind to destroy what he considered to be the root cause of the evil, *viz* the influence of the new ideas of independence, and advancement that had taken partial hold on the minds of the people by the spread of education and by other causes and initiated a new policy of 'no damned nonsense,' of teaching the Indians to keep their proper places and of letting the educated community realise that he was the Government, that his order was law, and that his wish was supreme. The first thing he did was to place his personality on a much higher and sacred plane than had been attempted by any of his predecessors. He started holding Darbars, and expecting Nazars even on occasions on which no Nazars had been presented before his time. For example, it was customary for the premier Municipality of the Province to present an address of welcome to every new Lieutenant-Governor on his taking charge of the Province. It was customary for the members of the Municipality to be presented to the Lieutenant-Governor on these occassions, who shook hands with them, and, if possible, spoke a kind word to each. Even the Prince of Wales, the present King, shook hands with them on his visit. No Nazars were ever presented to the Lieutenant-Governor on these occassions, but when the Municipal Committee of Lahore, of which I was a member of that time, communicated to Sir Sir M. O'Dwyer their desire of presenting an address of welcome, the procedure ordered was different. He ordered a public Darbar for the purpose and managed to send word to the members of the Municipal Committee that they would be expected to present Nazars. I with two or three of my colleagues decided to convey to the authorities that we would rather absent ourselves than submit to this innovation. The Nazars thus had to be dispensed with, and we attended the function. There for the first and the last time in my life I was face to face with Sir M. O'Dwyer, who sat on the dais like a dehumanised stone statue devoid of any human sentiments or feellings. The address was read to him by the Deputy Commissioner-President of the Municipal Committee. It was a colourless address. So the reply was colourless too. Finally, the members were presen-

ted to him one by one from the floor and I am not sure whether any of them received the courtesy of even a nod.

First Utterance : Self-Government an abstract speculation.

The Province was at that time perfectly tranquil except that there was as usual some violent crime in the Frontier Districts. No political activities of any kind were in evidence. Yet Sir M. O'Dwyer thought it necessary as early as August 1913 (he took charge on the 26th of May) to make the following observation in one of his earliest public utterances in the province :—

"During the short time I have held charge of this Province, I have received many excellent and well-meant suggestions as to how I should carry on the administration, what I should do to meet the aspirations of the people, to further the movement towards Self-Government, towards the separation of executive and judicial functions, and in regard to other matters of State policy. Abstract speculations of this nature have their interest and value, though they would gain in value, if in addition to enforcing the duties of administration, some stress were laid on the elementary duties of the people as citizens and subjects. I should have welcomed and I shall welcome any practical suggestion as to how Government can discharge more efficiently its primary obligation to secure life and property, and how the people can be aroused to a sense of their duty towards the community. All other question of policy are, in my opinion, subsidiary to these two and should stand over till these obligations are adequately discharged."

All questions of Self-Government, as well as those relating to the separation of judicial from executive functions were "abstract speculations" in his eyes and subsidiary to the greater duty of securing life and property. Reading his speech one would think that after 64 years of continuous British rule, life and property were not secure in the Punjab in 1913, at the time of His late Honour's taking charge of the office of the Lieutenant-Governor.

Restrictions on the Liberty of the Press.

In the same speech he also gave a warning to the Vernacular press which was followed by immediate action under the Press Act. Securities were demanded from newspapers. Those already deposited were forfeited in certain cases. Again in the very first speech he made as President of the Punjab Legislative Council a month later, he emphasized this policy by the following observation :—

"If the action already taken did not have the desired effect, Government will deal with the offenders as with any other individuals that break the law by promoting disorder or disaffection, and

will employ all the means the law places at its disposal, and of these the taking and forfeiting of the security are the least."

He was true to his word. During the six years of his administration he did all he could to strangle the Press and to deprive it of the least vestige of independence although he added that "mutual confidence and intimate association of the administration and the people had always been a marked feature in this Province"—words which, in the light of events which have happened since, were only meant to conceal the real state of affairs.

Banking Crisis.

In September of the same year came the Banking crisis, which benumbed and paralysed the industrial and commercial life of the Province, and affected a very large number of people, amongst them many widows and orphans. The Banking crisis was brought about by an unholy alliance of the officials of the Punjab Government and some personal enemies of Lala Harkishan Lal, the chief figure in the then industrial life of the Punjab. I was at that time on the Directorate of the Punjab National Bank, the only Indian Bank that survived that crisis, and had by personal knowledge, opportunities of observing how frequently those Indians who had engineered the crisis, waited upon a certain official representative of the Punjab Government. The Punjab Government did practically nothing to relieve the sufferings that were caused by the crisis and, when the Punjab National Bank applied to the Government for an assurance of help in case of need, they sent a reply that large sums of money had been placed at the disposal of the Bank of Bengal to give relief when and where needed. The Punjab National Bank then applied to the Bank of Bengal for similar assurance, of Government Promissory notes as security which they flatly declined to give. The impression that was left on our minds was that the bureaucracy was very happy at the misfortune that had befallen the Province and that as far as it lay in their power they would do nothing to relieve this distress. While relief was promptly and freely given to European establishments every Indian establishment was allowed to go under for want of timely aid and presumably for "moral effect." There was thus no help but to conclude that it was intended to crush all the industrial and financial enterprise in the Province, with a view to remove any vestige of economic independence that had found expression. The Banking crisis made us realize, as perhaps we had never before realised, the absolute helplessness to which we had been reduced by the present system of Government. We felt the situation keenly which had made it possible for the foreign capitalists to impose upon us not only their system but also

their terms and their business, by the use of the very moneys that were realized from us by the Government in the shape of revenues. When the Industrial Commission visited the Punjab, these and other facts were related to them by Lala Harkishan Lal in his evidence and on some Commissioner reminding him if he realized what he was saying, he replied by an emphatic 'yes.'

"Excellence" of the Punjab System.

It was about this time that Sir M. O'Dwyer read us another sermon on the excellence and efficiency of the Punjab system of administration. In a speech delivered on the 13th of April 1911 with reference to a proposal that an Executive Council be established in the Province, the Lieutenant-Governor took upon himself to rebuke those who were in favour of that proposal in the following language :—

"The proposal had come upon him rather as a surprise. The people of the Province had from the start been habituated to regard the Lieut: Governor as the sole head of and in the last degree responsible for the administration of the Province. The Province had progressed and prospered under that system in a manner which can stand comparison with any other province or presidency, and that the matter could come within the range of practical politics only if it could be shown that the present administration of the Province suffers from certain defects, and that the addition of an executive council would remove those defects".

On this theory no progress and fundamental change would ever be possible except in cases of proved misgovernment. Evidently Sir M. O'Dwyer had never heard the saying that no amount of good government can be a substitute for Self-Government. But was there much of good Government in this case, either! Are not the statements about the progress and prosperity of the Province absolutely unjustified in the light of the general illiteracy prevailing, and the high rate of mortality by Plague and other diseases!

Delhi Conspiracy Trial.

At the same time he gave us an exhibition of his mentality by another incident which did not receive much publicity at the time. In the early part of 1914, began the trial which subsequently became known as the Delhi Conspiracy Case. One of the accused in that case was the eldest son of Lala Hans Raj, who is universally respected and honoured in the Province for his self-sacrifice and for an unbroken record of 30 years of distinguished public service in the cause of education and religious and social reform. Lala Hans Raj never dabled in politics, but when it was discovered that his son was one of the accused in a case which

would involve a considerable expense for the purpose of defence, the people came readily to his help. Large sums of money were offered to him for the defence of his son and also personal offers of professional service were made. He would not and did not accept the former, but accepted the latter from a few friends.

Rebuke to the Hon'ble Lala Kanshi Ram.

One of these friends was the Hon'ble Lala Kanshi Ram, a distinguished Vakil, who undertook to lead the defence for his son. While engaged in his work at Delhi, L. Kanshi Ram had to absent himself from one of the meetings of the Punjab Legislative Council. Sir M. O'Dwyer knew the reason of his absence, yet he called for an explanation, and later on through the Secretary of the Legislative Council made him understand that he was displeased with L. Kanshi Ram. Nor was this the only case of its kind. I know from personal knowledge that, as a rule, the senior members of the Bar were from time to time made to understand, that they would be incurring the displeasure of the Government by undertaking the defence of the persons accused of political offences. One such case has been cited by the Congress Commissioners in their report on the Punjab disorders in which a leading member of the Punjab Bar is said to have returned a brief already taken during the Martial law trials on that very ground. In other cases leading members refused to accept briefs offered to them.

His recommendations to the Rowlatt Committee

Five months later broke out the war which practically proved a God-send to Sir M. O'Dwyer, the very thing after his heart to put an end to all "damned nonsense" about peoples' rights to self-Government and freedom of the press etc, etc. This was an opportunity to put into practice to the fullest extent his Prussian theories of Government and Prussian methods of administration. Speaking of recommendation, the Rowlatt Committee say at page 151 of their report :—

"The Lieutenant-Governor considered that it is most undesirable at the present time to allow trials of any of these revolutionaries or other sedition mongers who have been or may be arrested in the commission of crime or while endeavouring to stir up trouble, to be protracted by the ingenuity of Council, and drawn out to inordinate length by the committal and appeal procedure, which the criminal law provides. His Honour therefore submitted for approval a draft ordinance which provided subject to the sanction of the Local Government to its application in these cases (a) for the elimination of committal procedure in the case of offences of a political or quasi-

political nature ; (b) for the elimination of appeal in such cases (c) for the taking of security from persons of the class affected by a more rapid procedure than that prescribed by the ordinary law ; (d) for the prompt punishment of village officers and the fining of villagers colluding with and harbouring revolutionary criminals."

Here then is the genesis of the Rowlatt Act about the nature of which he, later on, made an untrue statement by saying that it conferred on the Police no powers of arbitrary arrest, search or interference.

Abuse of Power under Defence of India Act

Again, it was he who was chiefly instrumental in having the Defence of India Act passed, in the form in which it exists till now. He wanted those powers more than any other Government or administrator, and it cannot be said that he failed to make use of them to the fullest extent. How he abused his powers under the Defence of India Act has been stated in the Congress Commissioners' report from which I take the following :—

"He abused the powers given to him by the Defence of India Act by prohibiting the entry into the Province of Messrs. Tilak and Pal. He interned hundreds of local men with little or no cause. He gagged the vernacular press, prevented the nationalist papers edited outside the Punjab from circulating in the Province, as for instance, "New India" the "Amrita Bazar Patrika," and the "Independent." He prohibited the circulation even of precensored vernacular papers, and brought about a state of things, whereby it became practically impossible for the people of the Province to have a free interchange of independent views or a free ventilation of their grievances in the public press, and then, having prevented free speech and free writing, allowed himself to think, and gave outsiders to understand that the people of the Punjab were the happiest under his rule.

"Not only did he abuse emergency legislation for the purpose of throttling political aspirations, but he abused his position as a ruler by summoning public men, using threats and giving them warnings. L. Duni Chand, who has an unbroken record of public service, had personal experience of this part of Sir Michael O'Dwyers administration. This is what he says in his statement given to us by him :—

"As Secretary of the India Association I had to call public meetings, and after the issue of the notice I was called either by the Chief Secretary to Government or the Commissioner of Lahore to see him, and they always put such obstacles in my way of holding public meetings that many persons in my place would have done any

thing but held public meetings at Lahore. The Chief Secretary and the Commissioner told me more than once, presumably on behalf of Sir Michael O'Dwyer's administration whom to invite and whom not to invite as speakers from outside the Province."

"Not only this but when some of the members of the Provincial Legislative Council attended the last Provincial Conference at Lahore, these gentlemen were called by the Chief Secretary, and were taken to task in such a way, that they could not have the courage to attend other public meetings in the Bradlaugh Hall."

"In 1917 nineteen members of the Imperial Legislative Council signed their famous memorandum, setting forth their proposals for reforms. A meeting was held to approve of the scheme. Four of the signatories to the notice of the meeting were Punjab men. He sent for them and administered to them a severe rebuke for having dared to think for themselves and to sign the notice. Then followed the Congress-League scheme, and he tried his best to wean the Punjab from it, and lost no opportunity of belittling the effort to bring about a hearty union between Hindus and Mohamedans. He dared to confound the issue by comparing the Home Rule movement, led by Mrs. Besant and Mr. Tilak, whose goal was attainment of Self-Government within the Empire by constitutional and peaceful means, with the *Ghadr* revolutionists, whose goal was frankly to severe the British connection by violent means, and with the mad people of the South-West Punjab, who desolated many a home by harbouring chimerical views of establishing an Islamic Kingdom through German aid. He put down the *Ghadr* movement in a merciless manner, and, we fear, not without inflicting injustice on hundreds of innocent men. He affected to consider the pillage of defenceless homes in the South-West Punjab in 1915 by treating the pillage, in the early stage as mere grain riots, and took energetic measures only when his hands were absolutely forced and when he saw that these depredations were becoming so serious that they might even jeopardise the work of recruiting."

Exclusion of Nationalist Papers

There are two incidents referred to in these paragraphs which require a little amplification. One relates to the absolutely unwarranted arbitrariness with which he dealt with the press in ordering it not to publish proceedings of a meeting that had been held in the Bradlaugh Hall to protest against the internment of Mrs. Besant. The absurdity of this order dawned on his mind only when the papers from the other Provinces arrived containing an account of the proceedings. The order was then withdrawn and

it became necessary for his purpose to exclude from the Province some of the foremost organs of nationalist opinion.

Order against Messrs. pal and Tilak.

As to the embargo on Messrs. Pal and Tilak he had to defend his position by comparing their propaganda with that of the S.-W. Punjab riots and the *Ghadr* party. In the course of a speech in the Local Council he remarked :—

"Such changes" (as are involved in compliance with the demands of the Home Rulers) "would be as revolutionary in their character and I believe as subversive of the existing constitution as those which the *Ghadr* emissaries endeavoured to bring about. Indeed it is not without significance to find *that the catch word of the thousands who participated in the dacoities of the South-West Punjab two years ago and of many of the men who fomented the Ghadr conspiracy on the Pacific Coast was Swaraj or Home Rule,* and the hundreds of the emigrants who returned to the Punjab to spread rebellion in the province by fire and sword claimed that their object was to establish Home-Rule"

Two big lies (a) South-West riots.

I have italicised certain words in this extract as they contain two statements which the Lieutenant Governor must have known to be false and which he deliberately injected into his speech, to discredit the movement for Home Rule, and to overawe the people of the Punjab by an absolutely unjustifiable comparison between the movement for Home Rule and the other two movements referred to in the lines italicised. The movement in the South-West Punjab which resulted in numerous outrages on defenceless Hindu homes was the direct outcome of the ignorance and inefficiency of the administration, of the impression created by them that Mohamedans were the favoured of the Government against Hindus, and also of the dense ignorance in which the people of the Province were kept by the denial to them of the benefits of education as well as opportunities for constitutional political propaganda.

People who took part in the riots in the South-West of the Punjab probably had never heard of the Home Rule movement, and it has never been alleged that any of them used that phrase. It is a strong evidence of the inefficiency of Sir Michael O'Dwyer's administration that he and his subordinates at first refused to treat them seriously and insisted on ascribing them to economic reasons by calling them as mere grain riots, and this in face of the opinion of an experienced Police officer to the contrary. No less than 128 crimes of violence were committed in the course of those disturbances, in the districts of Jhang, Multan and Muzaffargarh, between

the 22nd of February and the 20th of March, but none of these disturbances were ascribed to the Home Rule movement by Mr. John Coatman, the Police officer referred to above. In his opinion :

"The Mahomedans were able to be persuaded that the British had left India and that they might fairly take advantage of the state of interregnum until the arrival of the Germans." "It is in these cases that we find the dacoits describing themselves as subjects of the German Emperor and declaring that the British Rule had ceased to exist in India. About two hundred men took part in this affair proclaiming themselves subjects of the German Emperor, who they said, had given them permission to loot as they pleased." "German men went about the neighbouring hamlets and villages informing the Mahomedans that the Germans were within few days' march from Jatoi and that they had received *carte blanche* from the German Emperor to loot and behave as they pleased. Many gangs assembled, the large ones designating themselves 'Black Germans, 'Yellow Germans, 'Red' Germans,' 'Green Germans,' gang and the like."

It is said in the Administration Report of the Punjab for 1915-16 :—

"The dacoities and disorder that occurred in the Jhang, Muzaffargarh and Multan districts in February and March were unprecedented in the annals of the criminal administration of the Province." The acts of violence included murder, loot, rape, etc."

The facts that emerge out of this incident may be thus summarised,—(*a*) that in spite of all his boasting about the efficiency of the Punjab administration, Sir Michael O'Dwyer and his associates in the work of administration were entirely out of touch with public feeling in the South-West districts, (*b*) that by their inefficiency and exaggerated self-sufficiency they allowed themselves to be taken by surprise, (*c*) that in spite of all resources of modern civilisation at their disposal, *viz.*, a complete system of postal and telegraphic communications and a complete net work of railways, they let the most fearful outrages be committed on the persons and the property of the Hindus of the *Ilaka* for a period of about a month, and then tried to conceal their inefficiency under a false pretence. (*d*) that even when the true significance of the disorders was made clear to them they never applied for the introduction of Martial Law, and never charged any of the accused with waging war against the King, or conspiring to overthrow his Government. (*e*) According to the administration Report the maximum sentences ranged from 5 to 7 years only, (in one place it is said from 5 to 10 years) and out of 4,000 arrested only 700 could be convicted.

I do not suggest that there was any occasion for more drastic measures. Speaking for myself and in your name, I should have as

strongly condemned the introduction of Martial Law and the trial of these cases under martial law as I emphatically do in the case of the disturbances of last year. I only draw attention to this matter because it is useful to compare the attitude of the Lieutenant-Governor in relation to this affair, with what he subsequently did in 1919. The reasons are obvious. This was a rising of the uneducated people who belonged to the rural classes and Sir Michael O'Dwyer had no bias against them. Besides he had yet the larger part of his term to run before him and was afraid of revenge. Yet he had the cheek to use this incident for the purpose of preventing leaders of the Home Rule movement from visiting Lahore, Amritsar and other such urban areas on the ostensible ground that similar outrages may be encouraged by their propaganda.

(b) Ghadr Conspiracy Case.

Equally unscrupulous is the other comparison with the *Ghadr* movement. In the course of the *Ghadr* conspiracy trial, numerous extracts from the *Ghadr* newspaper of San Francisco were put on the record, which proved beyond a shadow of doubt that the *Ghadr* Leaders aspired and worked for complete independence involving separation of India from the British Empire and the establishment of a Republic ; that they preached open rebellion and open war against the British ; that they ridiculed and held up to contempt the Home Rule movement and the leaders thereof. Yet in spite of all this, Sir Michael O'Dwyer did not hesitate to say that the *Ghadr* people had used the Home Rule shibboleth for the purpose of a revolution.

Coming to the conspiracy trial, it is not my intention to find fault with the attempt to prosecute and punish the principal offenders, as it is clear that the chief conspirators did come out to India with the express purpose of creating a bloody revolution. But even in the course of this trial we see a fairly good exhibition of Sir Michael O'Dwyer's mind. It expressed itself in the method of investigation as well as in the course of the trial. In investigation the evidence was collected by a discredited Russian method of using *agent provocateurs.* In the trial persons were involved against whom there was practically no evidence. One of such persons was Bhai Permanand, a Master of Arts of the Punjab University, who had been for some time a Professor of the Dayananda College. His chief offence was that he had written a History of India which was not to the liking of the officials. This good man was sentenced to death on the flimsiest possible evidence by the two European members of the Special Tribunal, the 3rd member, who was an Indian, disagreeing about the sentence. The sentence was confirmed by Sir Michael O'Dwyer and commuted later to life imprisonment by Lord

Hardinge. In the first trial (there were three trials relating to the same conspiracy) the special Tribunal sentenced 24 persons to death, 16 of whom in the opinion of the Viceroy did not deserve it. Lord Hardinge took particular care to say in the course of his order that he commuted these sentences not in the exercise of his prerogative but because the evidence on the record did not justified the sentences. This was a clear censure both on the Tribunal and the Lieutenant Governor. But Sir Michael O'Dwyer swallowed it quietly.

Speech in Imperial Council for which he had to apologize.

In December 1916 was promulgated the historic Congress-Muslim League Scheme, demanding Self-Government on certain lines. What steps Sir Michael O'Dwyer took to prevent the people of the Punjab from associating themselves with this Scheme have already been stated above in the words of the Congress Commissioners. But when Sir Michael O'Dwyer was practically certain of having suppressed the political movement in the Punjab by his Prussian methods there came the epoch-making pronouncement of Mr. Montagu, about the future Government of India. This upset all his calculations. He lost his balance of mind. In the course of a speech he was making on the motion of the Hon. Mr. Mahomed Shafi asking for the assimilation of the Legislative and administrative systems in the Punjab with those of the Province of Bihar and Orissa, he created a most undesirable scene. First, he said that in the Punjab the conditions set forth by Mill as indispensable for Self-Government were not likely to be filled for many a long day, then he belauded the Punjab for its services in the war to the disparagement of other Provinces and finally hurled the following insult at the educated classes :—

"In these days when we are in danger of being deafened by political harangues and of being blinded by the shower of political manifestoes, it is well occasionally to return to mother earth to clear up our minds of shams and illusions, and to ask ourselves what will all this noise and talk do for the man on the soil, the man behind the plough, the man whose life is a long drawn question between a crop and a crop.

It was for this speech that he was made to apologize. But a few days later, on the 30th of October, he forgot all about his apology and in another speech made in the Punjab repeated the same sentiments making a further mischievous statement about the claims of the martial classes to the special consideration of the Government as against the educated classes. Notwithstanding the hypocritical solicitude which he professed "for the man on the soil, the man behind the plough and the man whose life is a long drawn question

between a crop and a crop," we know how empty were his words. What is the evidence of his beneficence for these classes,— their right to die in extravagant numbers in plague and influenza which practically swept away whole villages, the utter inadequacy of medical relief, the deplorable want of sanitation in villages, their extreme backwardness in education, their helpless submission to the tortures and outrages which his myrmidons committed on them during the recruiting campaign and the progress of the War Loan, including many illegal prosecution that were launched against them. The only tangible form which his solicitude for the martial classes took was the picking out of a number of men from among his creatures, for the grant of titles, *Jagirs*, rewards, grants of lands, etc. How these have helped the man on the soil and the man whose life is a long drawn battle between a crop and a crop is known only to Sir Michael O'Dwyer. In fact these rewards and grants furnish the gravemen of a serious charge against him, *viz.*, (a) of misusing public funds and public lands, (b) of exalting those whom he had picked up for use against the educated classes of their countrymen so as to create a permanent breach between the different classes of His Majesty's subjects. Evidence of this we find in the statements which some of these proteges of Sir Michael O'Dwyer gave regarding the reform Scheme wherein they decried the educated classes as "noisy agitators," a favourite expression of Sir Michael O'Dwyer himself so often repeated in his gubernatorial utterances. The newly coined distinction between the rural and the urban classes is another gift of his to the Province.

On page 14 of their Report, the Congress Commissioners have described his memorandum on the Reform Scheme and have shown how insulting, provocative, unjust and untruthful are his vituperations against the educated classes and their leaders. In a previous speech he had called them "fools." In this memorandum he likens them to "Grasshoppers" particularly pouring his venom on the devoted heads of the leaders of the Home Rule movement, Mrs. Besant, Mr. Tilak, Mr. Jinnah, the Hon. Pandit Madan Mohan Malaviya and the Raja of Mahmudabad by name.

The most important parts of this memorandum, however, are :—

(a) in which he deplores the revival of political agitation in the Punjab caused by the Secretary of State's pronouncement of the 17th August 1917.

Says he :—"Here I may endeavour to explain the curious fact that the Punjab deputations as a whole have shown less hostility to the Congress-League programme or the Home Rule movement than similar bodies in other Provinces (another untruth.)

"The events of 1907, the Delhi Conspiracy case in 1912-14, the *Ghadr* movement in 1914-15, had shown the dangers of violent political agitation among the many disorderly elements in the Province, and the Punjab Government had even before the outbreak of the war taken strong measures to prevent its spread. The war and the necessity of excluding any influences that would interfere with recruiting made a continuance of that policy essential. Hence the orders passed a year ago to exclude Messrs. Tilak and Pal, who were about to undertake a Home Rule propaganda in the Province, and other similar measures. *That action had the approval and support of the great mass of the people and till a few months ago political agitation was at discount in the Province. Even the Secretary of State's Pronouncement in August 1917 caused little stir.*" (The italics are mine).

"The proceedings of September last in the Simla Council, the release of Mrs. Besant, the attitude of the Government of India in the simultaneous examination and in other debates, were however interpreted to mean that the Government of India would not allow Local Government to interfere with their policy of conciliating the extremists. The small section of advanced politicians in the Punjab, hitherto quiescent, were encouraged to assert themselves, and to come into line with other provinces. Local branches of the Congress sprang into life and renewed their activity, and the invitation to frame political programme for the Secretary of State's visit furnished them with a *raison detre*. This was all natural and resonable."

The statement that his action againt Messrs. Tilak and Pal *had the approval and support of the great mass of the people* is of course wholly and demonstrably untrue.

(*b*) His machiavellian wish to use one religion or one political party against the other.

Says he :—"If, however, the system advocated in the report is adopted, there are advantages as well as risks in having more than one Minister. The risk that they might overawe the Indian member of council is greater if there are two or three than if there is only one. On the other hand, if there are more Ministers than one, it is unlikely that they will all belong to the same religion, or the same political party, and each would act as a *counterpoise to his colleagues*. The Lieutenant-Governor thinks on the whole that if political rather than financial considerations are to prevail the advantage is on the side of plurality." (The italics are again mine.)

Political activities in the Punjab.

But however much he disliked the pronouncement of 1917, it was the scheme eventually propounded by Mr. Montagu and Lord Chelmsford which excited his utmost indignation. What exaspera-

ted him most was the fact that in spite of all that he had done to crush political life in the Punjab the educated classes still dared to raise their heads and carry on their agitation. They held public meetings at Lahore. They convened a Provincial Conference and passed resolutions. They attended in fairly large numbers the meetings of the congress at Bombay and Delhi, and lastly they invited the Congress to Amritsar. They decided to hold a Provincial Conference at Jullunder, elected Mr. Harkishan Lal to the office of President and also nominated him a member of the Congress Deputation that was going to England to press for changes in the Reform Scheme. The whole of Sir Michael's policy in April and May 1919 was directed to prevent this from taking place and to make it impossible for the Punjab even in future to do such things. It was necessary for him to do so in order to prove that the statements he had made about the political unfitness of the people of the Punjab were true. The agitation against the Rowlatt Act gave the opportunity, and as he was about to leave the Province for good, he wanted to make the best use of the short time before him. The first thing he did was to silence the leaders who had invited the Congress to Amritsar. They were Dr. Kitchlew and Pandit Kotu Mal. Dr. Satyapal was closely associated with them. The following questions and answers extracted from the evidence of Mr. Miles Irving (the then Deputy Commissioner of Amritsar), support my contention :—

Q. Was there an all-India Congress down to be held in Amritsar ?

A. Yes, Sir.

Q. When was that to come off ?

A. It was to come off about now, in October or November.

Q. And did that circumstance bring into prominence the Local Congress Committee ?

A. Yes, Sir, it did. They were naturally busily engaged in the organisation and it also was a circumstance uniting Muhamadans and Hindus in politics.

Q. As regards the Local Congress Committee, had it an Executive Committee ?

A. An Executive Committee of six.

Q. Any of those six have been tried ?

A. Two were put on trial.

Q. Who were these two ?

A. I am afraid I cannot remember now.

Order against Dr. Satyapal.

The first step was to silence Dr. Satyapal. On the 29th of March orders under the Defence of India Act were served on him

from speaking in public. There was no disturbance of any kind on the 30th March. There was a meeting on the 2nd of April, in which, according to Mr. Miles Irving's testimony, the principal speaker advised the people to abstain from acts of violence :—

Q. What effect did that have on the community at Amritsar ?

A. The effect, as it appeared to me, was manifested in a meeting on April the 2nd in which one Swami Satya Dev came down and advised against violence for the present. He seemed, as the report reached me, to hold out a prospect in future when, as he said, people would go to jail in thousands, foreshadowing, as I understand, some form of concerted action under orders to paralyse Government. But his immediate advice to the people was to abstain from all acts of violence till that time.

Dr. Kitchlew.

On the 4th of April similar orders were served on Dr. Kitchlew and Pandit Kotu Mal. These orders emanated from the Punjab Government, and they were implicitly obeyed. We have the statement of Mr. Miles Irving that between the 4th and the 9th April nothing happened which could be formed the basis of any action against them :—

Q. I just want to know, so far as your knowledge goes, if you can inform this Committee as to whether anything specially objectionable was said or done between the 29th March and 10th April by Mr. Kitchlew to justify the order of deportation ?

A. He practically ordered the *hartal* of the 6th. That is one thing.

Q. And anything else ?

A. I cannnot think of anything else.

Q. And you are quite certain that so far as the orders go he did not intend to contravene them ?

A. I had no case for taking action against him in any way.

Sir M. O'Dwyer responsible for deporting Drs. Kitchlew and Satyapal.

Yet on the 10th of April Drs. Kitchlew and Satyapal were arrested for deportation under an order for which the sole responsibility rests on Sir Michael O'Dwyer as Mr. Miles Irving is positive that he had no hand in that order. He neither suggested nor recommended the deportation order.

Q. You have already informed this Committee that you did not suggest or recommend the deportation of Drs. Satyapal and Kitchlew ?

A. It was not my suggestion.

In fact on a previous occasion he had intervened in favour of Dr. Kitchlew. The Minority of the Hunter Committee have remarked (page 113) that Mr. Kitchen, the Commissioner of Lahore and Amritsar, said that there was no anti-British feeling before the 10th of April, and Mr. Miles Irving has expresed the same view. The Majority after discussion of the event that led to the passing of the deportation order (page 20 and 21) also supports that conclusion. It will thus be seen that the order of deportation against Drs. Kitchlew and Satyapal, for which Sir Michael O'Dwyer alone was the real beginning and the root cause of all the trouble that ensued at Amritsar on the 10th, and in the rest of the Punjab after that. Sir Michael O'Dwyer is then the person who is responsible for all the bloodshed that occurred in the Punjab in the month of April. His action was both malicious and rash. It was malicious, because it emanated from the desire to punish Dr. Kitchlew for having invited the Congress to the Punjab and thereby prevent the session being held there. It was rash, because he had apparently failed to keep himself in touch with the popular feeling in the Punjab and based his order on the expectation that the people would not resent it, as is evidenced by the general trend of Mr. Miles Irvings' statements about this.

Both the hartals, that of the 30th March and of the 6th April, had passed off peaceably. If Sir Michael O'Dwyer had not deported Drs. Kitchlew and Satyapal and had not passed the order he did against Mr. Gandhi, the country would have been saved all the misery and bloodshed that followed the passing of these orders. These orders were entirely unjustified and unnecessary. The Local officers had not asked for them. No facts have been alleged to show that the situation in Punjab was in any way serious or more serious than anywhere else. The Chief Commissioner of Delhi, the Governors of Bombay and Bengal kept their heads cool and saved the situation. But Sir Michael O'Dwyer had promised the Hon'ble Raizada Bhagat Ram on the 7th to show that his fist force was superior to Gandhi's soul force and it was necessary for him to do something dramatic to redeem his word. He asked for the introduction of Martial Law under an entirely false plea, "open rebellion in pursuance of a pre-concerted organised conspiracy." The theory of this organised conspiracy has completely broken down. The Hunter Committee have unanimously found against it (page 75 and 76 of the report). They say :—

"We find no evidence in the material before us of any antecedent conspiracy, as the mainspring of disorders."

The Minority have gone further and said that there was no rebellion at all. Yet it was on this basis that original sanction for

the introduction of Martial Law was asked for and granted. It was on the same theory that the Lahore leaders were charged with being members of a conspiracy to wage war against the Government, and when it was discovered that Ordinance No. 1 of 1919 with its limitations did not give sufficient power 'to effectively attack and break up the organisation behind the disturbance and to deal properly with the local leaders', a further application was made for extensive application of the Ordinance to any person charged with any offence committed on or after the 30th March, and for authorising the Martial Law Commissioners to pass any sentence authorized by law. Most of the political leaders in the Punjab, including Lala Harkishan Lal who had never made any speech nor written any article, nor taken any active part in the agitation against the Rowlatt Act, were charged with being members of this preconceived conspiracy that was alleged to have existed before the 30th March and it was on that assumption that they were convicted and punished. The Martial Law Commissioners and the Tribunals took judicial notice of the existence of a state of rebellion and presumed the existence of a conspiracy. They refused to go into evidence as to whether there was a state of war in the Punjab. There was no evidence produced at the trials or even before the Hunter Committee six months after the trials, of the existence of this conspiracy, while numerous persons had in the meantime been sentenced to death and to transportation for life for the offence of being members of this conspiracy and waging war against His Majesty the King. On page 71, the Majority have held that "on the evidence before us there is nothing to show that the outbreak in the Punjab was part of a pre arranged conspiracy to overthrow the British Government in India by force." What does this signify except that Sir Michael O'Dwyer invented this theory, without any justification for a bona fide belief in its existence for the purpose of vindictive and malicious revenge on those who had defined his authority and his wishes? To gain this end most effectively he further proceeded to bar and prohibit all means of publicity by closing the Province both to lawyers and to publicists of the highest reputations and of the most indisputable integrity. He deceived the Government of India by suggesting that he was asking for the declaration of Martial Law with the concurrence of the General Officer Commanding and the Chief Justice of the High Court. The General Officer Commanding has testified before the Hunter Committee that he did nothing of the kind and the Chief Justice of the High Court is dead. Says the Minority Report of the Hunter Committee :—

It may be pointed out here that in the wireless of the 13th of April the Punjab Government in suggesting the declaration of

Martial Law said that they were doing so with concurrence of General Officer Commanding and Chief Justice, High Court." The General Officer Commanding, General Beynon, was asked about this and the following is his evidence on this point :—

Q. That proclamation was signed by you on the 19th of April. You had been the highest military officer in this part of the world for some substantial time before that, and may I take it that you gave advice upon the question whether Martial Law was necessary before the question was referred to the Government of India at all ?

A. It was mentioned to me, but I do not think that you can really say my advice was given. *At all events I had nothing to do with the bringing in of Martial Law.* (Italics are mine).

Six months after the event Sir Michael O'Dwyer and his Chief Secretary and other Punjab officers were asked to explain why the introduction of Martial Law was necessary and with what object was its introduction asked for. Mr. Kitchin, the Commissioner in charge of Lahore, stated as follows :—

Q. If there were no other considerations the civil authorities could soon after the 11th, that is, on the 12th, 13th or 14th, as the case may be, have taken back control and carried on with such aid as might have been necessary from the military ?

A. Yes, in individual places.

Q. According to your statement in almost all places ?

A. Yes.

Q. But your view is, that Martial Law was wanted not for the purpose of getting control but for the purpose of what you describe as preventing the spread of infection ?

A. Yes.

Q. And that is your only justification for Martial Law being declared ?

A. That was the immediate reason.

Q. And also I take it the second important reason from your point of view to provide for the speedy disposal of the cases of persons who had already been arrested between the 10th and 13th ?

A. That is a reason which weiged with me, I have no reason to suppose that it weighed with any one else.

Q. In your view those were the two main reasons for the declaration of Martial Law, preventing the spread of infection and finding some speedy method of disposing of the cases of persons already arrested ?

A. Yes.

In his written statement before the Hunter Committee, Sir Michael O'Dwyer has tried to invent all sorts of reasons which his imagination helped him to and classified them under 9 heads. The

Minority Report has analysed them in a masterly way and has come to the conclusion that none of them was tenable, pointing out the untruthful nature of several statements of fact made by the late Lieutenant-Governor.

Neither the Majority of the Hunter Committee nor the Government of India have given any valid reason to controvert the findings of the minority. They have used the judgment of the Martial Law tribunals in supporting their findings knowing full well that these tribunals had based their decisions on the statements in the *Ordinance*. The outstanding facts are .—

(a) That in the Punjab nothing violent happened except after the deportation of Drs Kitchlew and Satyapal.

(b) That on the 10th also, the first shot was fired by the authorities resulting in several casualties, the sight of which exasperated the mobs who in a frenzied state of mind committed several diabolical deeds which have unreservedly been condemned and deplored by all sections of the community.

(c) That as soon as the people got time to think they were sorry for their deeds. On the 11th and 12th the Civil authorities had no trouble in the city of Amritsar and proceeded to make arrests without any opposition or disturbance.

(d) That on the afternoon of the 13th when Sir Michael O'Dwyer applied for Martial Law, the situation was well in hand, and there was no ground for the supercession of ordinary civil authority.

(e) That the subsequent blaze in the Gujranwala District, the happenings at Lyallpur and Gujrat, were the result of the Jallianwala Bagh incident, as found by the Hon' ble Mian Mohamed Shafi.

(f) That at no time was the situation so desperate as to call for the introduction of Martial Law.

(g) That the statement about attempts to tamper with the loyalty of the police and the soldiers hsve been disproved.

(h) That the menace of the Afghan invasion had not yet developed, and

(i) That Martial law was only brought in for preventive or punitive purposes or for 'teaching a lesson.'

At this stage one might ask another question. If the situation was so serious why did not the Lieutenant-Governor make any attempt to find it out for himself? The distance from Lahore to Amritsar being only 35 miles by road can be traversed in less than an hour.

Continuance of Martial Law.

As regards the continuance of Martial Law, even the Majority have said that " the wisdom of continuing Martial Law for the whole

length of time it remained effective in the Panjab is more open to objection than the original declaration." The minority after dealing with the subject ably and exhaustively has condemned it outright. I will not therefore discuss the matter at length. But I think for facility of reference it will be necessary for me to make one or two large extracts from this part of the Minority Report.

It has been freely admitted by responsible officers of the Punjab Government, like Mr. Kitchin and Mr. Thompson, that Martial Law was introduced more for punitive and preventive purposes and for the punishment of offenders by summary procedure, than for the actual suppression of any rebellion. It was natural, therefore, that it should have been continued for a longer period than would otherwise have been the case.

Here again the personal responsibility of Sir M. O'Dwyer is unmistakable. Sir Michael O'Dwyer was under orders to go. His period of office had expired. The new Lieutenant-Governor had come, and was in the ordinary course of events to have taken over charge on the 26th April. But charge was not given to him because it was Sir Michael's wish to complete the work of ruining the Indian Leaders and taking his revenge on the educated classes and of devastating the province before he divested himself of power. He therefore, did everything possible to extend the period of Martial Law. Unfortunately the Government of India proved too weak and succumbed to his wishes.

The glaring injustice of the tragedy cannot be easily comprehended unless one keeps in mind, all the time, the flagrant abuses of the Martial Law for vindictive and punitive purposes as was made clear by the barbarous orders promulgated during the administration of Martial Law and the inhuman treatment meted out to, and the savage sentence inflicted on, all "offenders," big or small, high or low, but mostly educated and respectable.

We have the statement of the Punjab Government that on the 16th April (Martial Law was declared at Amritsar and Lahore on the 15th, at Gujranwala on the 16th, at Gujrat practically against the wishes of the district Officer on the 19th, and at Lyallypur on the 24th) order began slowly to assert itself. No large town was hereafter seriously affected and the disorder was confined to isolated attacks on the communications and to outrages by the villagers. By the 19th matters may be said to have returned to the normal in the greater part of the province. There is no further record of open disorder.

The members of the Hunter Committee have carefully examined the various communications that passed between the Punjab Government and the Government of India on the subject and they say :—

"The reason for continuing Martial Law after the disorders had ceased, are stated by the Punjab Government thus :—

"The course of Martial Law administration subsequent to that (termination of disorder) was really in nature a civil administration of a summary type, of which the primary objects were to establish a morale which would afford a guarantee against the recrudescencé of disorder, to safeguard railway and telegraph communications against further interruptions and to restore the position of Government as the Guarantor of peace and good order which had been sacrificed between the 10th and 17th April."

"In so so far as the object to be achieved was the establishment of a proper morale and to restore the position of the Government by which we suppose is meant to restore the prestige of Government, we do not think it affords a sufficient justification for subjecting the whole population of large districts to Martial Law administration

"Sir Michael O'Dwyer's reasons for continuing Martial Law, after disorders had ceased, are the same nine reasons which he gave for the initial introduction of Martial Law and we have sufficiently dealt with them in a previous section. We may observe that some of these reasons, particularly 3 to 6, had lost much of their force by the experience of the period between the 10th and the 20th as none of the apprehensions underlying these reasons had materialised.

Government of India's Objections

"The Government of India were, it appears, urging upon the Punjab Government that the continuance of Martial Law in any area must depend on the continuance of a state of rebellion in that area. When in their telegram of the 26th April, in urging the establishment of Summary Courts for the minor offences, the Punjab Government said that unless that was done Martial Law might unnecessarily be protracted, because the powers of the Commissions depended on the existence of Martial Law and those Commissions should not be able to dispose of all the cases speedily, the Government of India in their reply of the 20th April said as follows :—

"Government of India think termination of Martial Law in any area must depend entirely on continuance of a state of rebellion in that area ; and the fact that cases are pending before Courts established under Regulation is not an adequate reason for suspension of ordinary law."

"It appears from Sir Michael O'Dwyer's evidence that the Government of India enquired on the 3rd May if Martial Law could not then be withdrawn. The Punjab Government held on the 14th May, 1919, a Conference with the Military and Railway authorities and prepared a memorandum in reply.

"A careful perusal of that memorandum is instructive. In our opinion the question was discussed from an altogether wrong point of view. The real question to discuss was as put by the Government of India whether there was such a state of rebellion in the districts in question as to justify the continuance of Martial Law. Instead of that, the matter was considered from the point of view as to what the advantages were that were to be derived from the continuance of Martial Law. The memorandum after discussing the question from the military and railway points of view (we have already dealt with these points) says :—

'From the civil point of view it was considered that the following advantages are being derived from the continuance of Martial Law :—(1) It has undoubtedly a steadying effect on the population not only within the Martial Law areas but also outside. (2) In Lahore the fixing of prices is popular with the masses. If Martial Law were discontinued this would have to be done by means of a Special Ordinance.(3) It is proposed to recover from the disturbed areas by means of a levy made under Martial Law a sufficient amount to cover certain incidental expenses which cannot be recovered by claims under section 15A of the Police Act. Among the items which have been suggested are :—

(i) The cost of military operations.

(ii) The cost of extra defences which the disturbances have shown to be necessary *e.g.*, at the Lahore Telegraph Office and the power station. * * * *

(iii) The cost of sending women and children out of the disturbed area and maintaining them in the Hills (orders sanctioning a levy for this purpose have already been issued in certain cases though as far as is known the levy has not yet been made). The objection based on the desirability of recovering these sums of money from the disturbed area is, however, not insuperable as it would be possible to authorise their recovery under a Special Ordinance.

(iv) It is considered desirable that in order to avoid demonstrations the trials of the principal offenders before the Martial Law Commissions should be completed before Martial Law is discontinued. It is expected that all the most important cases will be decided by the end of the month * * * *

"In the above memorandum the Punjab Government put forward an additional reason for continuing Martial Law which further emphasises their notion about this matter to which we have already referred. In paragraph 5 they support the continuance of Martial Law on the ground that it will enable them to exclude from the Province persons from outside Province who are likely to publish

inflammatory or misleading accounts of the events in the Punjab without having resort to the Defence of India Act."

Government of India's Second Attempt.

Here is presented in concentrated form the whole mentality of Sir Michael O'Dwyer and the Punjab officials working under him. They wanted to complete their work of destruction and in order to be able to do so without let or hindrance they wanted the prevention of publicity as well as the lawlessness of the Martial Law powers. But the Government of India was not yet convinced. They made two more efforts to assert their authority : but in the end capitulated. Says the Minority Report .—

"The Government of India by their telegrams of the 18th and 20th May intimated that Martial Law in Gujrat and Lyallpur ought to cease immediately. In the latter telegram they said they are also "strongly of opinion that the cessation of martial law should be expedited. Your particular attention is invited to the terms of the Regulation for the condition precedent to the continuance of Martial Law." The Punjab Government in their memorandum of the 22nd May in referring to the above, say as follows :—

"In the last sentence of your telegrams you draw attention the terms of the Regulation as to the conditions precedent to the continuance of Martial Law. The suggestion is that it would be an exaggeration to describe the existing state of affairs as open revolution. The Lieutenant-Governor recognises the weight of this criticism : but in so far as it is a technical objection to the continuance of Martial Law it can be cured by publishing a notification containing a reference to the existence of a state of war with Afghanistan which has supervened since the 15th April, when Martial Law was first declared." That a state of open rebellion no longer existed in the districts concerned was in the view of the Lieutenant-Governor only a technical objection. It was not realised that that was the fundamental condition on which the whole justification for Martial law rested. The objecion technical as it appeared to the Lieutenant-Governor, does not appear to have been cured in the manner suggested by him. It is difficult to hold that existence of the state of war with Afghanistan could support the continuance of Martial Law in the districts concerned if the stage of the alleged open rebellion had ceased long ago The Punjab Government were apparently unwilling to discontinue Martial Law early even in Gujrat and Lyallpur. But the Government of India by their telegram of 30th May intimated that it should be abrogated from Gujrat at once and from Lyallpur "as soon as reports from that district indicate that this step can be taken." In fact the discontinuance of

Martial Law at Lyallpur was delayed as late as the 9th June, presumably because the district officers were not in favour of such discontinuance. Certain correspondence between the Commissioner, Multan Division, and the Deputy Commissioner, Lyallpur, which was produced before us, shows that one of the objects for continuing Martial Law was to avoid trouble in getting in land revenue. The Commissioner in his letter dated the 23th May, 1919, says as follows :—"His Honour spoke to me about Martial Law in your district. It is now the only rural area in which Martial Law exists. It has been kept on only because of the scare that there might be trouble in getting in revenue. I told His Honour that I understand that your fears on this subject had been somewhat diminished during the last few days ; and that if an adequate military force is maintained in Lyallpur Martial law is not required in any place at Lyallpur except the town, its vicinity and the Railways. If you have anything to say against this view, will you please write direct to the Chief Secretary and send a copy to me."

You will thus see what an opportunity this Martial Law was for the Punjab bureaucracy to impose their will on the people of the Punjab.

Martial Law Order.

But the worst has yet to come. When you sit down and examine the orders promulgated by the Martial Law administrators with the full cognisance and consent of the Civil authorities and apparently under the inspiration of Sir Michael O'Dwyer you lose your breath.

Chapter V of the Minority Report opens with the following observations :—

"A careful consideration of the various Martial Law orders in the different districts leaves the impression that over and above securing the maintenance of law and order they were designed and were used for punitive purposes ; they interfered considerably with the ordinary life of the people and caused much hardship and inconvenience. Such interference, so far as really necessary, cannot be objected to but in our view as stated hereafter some of them were not necessary. Although these orders were issued by the Martial Law administrators in whom the power was legally vested, so far as the headquarters were concerned the civil authorities were in touch with the Martial Law administrators and in Lahore there were daily consultations between the Lieutenant Governor, the Chief Secretary and the Military authorities. Some of the Martial Law orders had the approval of the Civil authorities, and some were issued at their suggestions. Mr. Thompson says that, as a rule, on matters connected with the ordi-

nary life of the people, they were consulted before orders were promulgated. Regarding these regulations, the Punjab Government in their case say: "They involved no considerable interference with the ordinary life of the people" and that the total effect was punitive and to some extent restrictive." They further admit: "the Curfew orders, the restrictions on travelling, the impressment of vehicles, the orders regarding roll-calls unquestionably involved much inconvenience to the people of Lahore."

About the administration of Martial Law in Lahore the Minority say that it was administered "intensively." The proper word in my judgment is "barbarously." All this was done under the very nose of the Lieutenant-Governor and with his knowledge and apparently with his consent.

Majority's Condemnation of Martial Law Orders

Even the Majority have felt constrained to condemn some of these orders in language which is rather strong when compared with the tenor of the rest of their Report :-

"As regards the Martial Law orders and cases arising out of the breach thereof we think it unfortunate that, in several important respects, Martial Law assumed as intensive a form as it did. It was not being administered in an enemy county, but in a country, where, on the restoration of normal conditions it was advisable that Martial Law administration should leave behind as little feeling of bitterness and unfairness as possible. Some of the orders issued were injudicious. They served no good purpose and were not, in our opinion, drawn with sufficient tact to prevent undue annoyance to the civil population."

The Majority have selected certain orders such as the Crawling Order of General Dyer, the Salaaming Order passed by General Campbell, orders passed against students by Colonel Johnson, flogging orders passed by him, and some of the fancy punishments invented by Captain Doveton for specific mention and mild condemnation. The Minority have, as usual, gone more fully into the matter and pointed out a number of other orders which would seem to any one disposed to take even a moderate vein of the duties and functions of Government, to be entirely barbarous and uncalled for. They first examine the orders passed by Col. Johnson and take exception to the order requiring every Ward in the city to keep at least four representatives from 8 A. M. till 5 P. M, at the Water Works station to learn what orders, if any, were issued and convey such orders to the inhabitants of their Ward. Col. Johnson ruled that the onus of ascertaining the orders passed by him lay on the people through their representatives. This as they rightly point out,

necessitated the attendance of a considerable number of persons of some position from morning till evening every day during the period of the Martial Law administration involving considerable inconvenience, humiliation and neglect of their ordinary business. Then they point out the orders by which the Martial Law administration discriminated between Europeans and Indians with the express object of teaching the Indian population a lesson.

"On the 15th April, he (Col. Johnson) issued what is known as the Curfew Order, prohibiting all persons other than Europeans or in possession of special military permits from leaving their houses or being in the streets between the hours 20, and 05. This was subsequently modified so as to make it applicable after 9 P.M., then 10 P.M., and ultimately on and after the 24th May, it was restricted to the hours of 12 P.M. and 2 A.M. He ordered the shops to be opened and business to be carried on, proceeded to fix in detail the prices of almost all commodities and issued orders for the prevention of adulteration of milk. He commandeered from Indians their motor cars and other vehicles, electric lights and fans and notified that misuse or waste of pipe water would be deemed a contravention of Martial Law. With regard to this impressment of motor cars etc., of Indians it appears that it was dictated by the desire to teach the population of Lahore a lesson. Though order No. III was in general terms asking for the delivery of all motors and vehicles of all description Lieutenant-Colonel Johnson had issued exemption certificates to Europeans, no such exemption being made in the case of Indian residents.

"He made it unlawful for two persons to walk abreast and prohibited all meetings and gathering of more than 10 persons. His treatment of students and the orders he passed about them and the manner in which the orders relating to the exhibition of Martial Law notices on buildings and other places we will deal in detail later on. By order VIII, issued on the 16th April, Lieutenant-Colonel Johnson notified, "All orders to be issued under Martial Law will be handed to such owners of property as I may select and it will be the duty of such owners of property to exhibit and to keep exhibiting all such orders. The duty of protecting such orders will, therefore, devolve on the owners of the property and failure to ensure the proper protection and continued exhibition of my orders will result in severe punishment."

He was proud of this order and called it one of the few brain-waves he had. As an illustration of how he enforced obedience of his orders the Minority mention the case of the Sanatan Dharam College.

"It appears that a notice was stuck on the compound of the wall of the Sanatan Dharam College. It was subsequently torn by some body. Thereupon Col. Johnson ordered that every male person found in the precincts of the compound should be arrested. Sixty five students and all the Professors of that College were accordingly taken to the Fort which is three miles away and interned there for about 80 hours. They were then released after guarantees from the Principal that the defacing of notices would not happen again. Lieutenant-Colonel Johnson told us that he was waiting for an opportunity of doing so."

They then mention the order for the roll-call of a thousand students four times a day, who were made to walk 16 miles in the heat of the day for many days. When examined about this, Lieutenant Colonel Johnson called the method adopted 'a physical exercise for able-bodied young men.' It appears that in ordering the punishment of students he did not care whether the guilty were punished. What he wanted was that a certain percentage of them should be punished. This he did in order to teach them that there was penalty even for suspected sedition.

Coming to orders passed by the Military Authorities in Amritsar the Minority observe that most of the Lahore orders were repeated, with some diabolical additions like the Crawling Order and the order of flogging in the street in which Miss Sherwood had been attacked. Coming to other Districts they select one order from the Gujranwala District issued on the 22nd April requiring the inhabitants of Gujranwala, whenever they met any gazetted European Civil or Military Officer to show respect to him by alighting from any wheeled conveyance or animal that such inhabitants might be riding and close any umbrellas that they might be carrying and to salute the said officers. A similar order was extended to Lyallpur District on the 30th April and to Gujrat District on the 2nd May. Restrictions on travelling by railway were imposed as a punishment for "decreased respect towards Europeans." The order about roll-call of students was made applicable to the Districts of Gujrat, Gujranwala and Lyallpur with the following notable addition in the Gujrat Area :—

"If any boy is absent without any proper cause, his father would attend in his place."

These orders were enforced even in the case of infants of 4 to 5 years. In one of these roll-calls at Wazirabad four small boys fainted from the heat and it was only then that the roll-call was abandoned. According to the evidence taken by the Congress Commissioners cases of this kind occurred in other districts also.

On the 19th May, that is, fully one month after order had been generally established throughout the Province, the following order was issued :—

"Whereas two students of over 14 years of age failed to salaam to me on the 16th instant, thereby contravening "Notice under Martial Law No. 7" and whereas it now transpires that they gave me their wrong names and addresses, I hereby direct that all students of over 14 years of age of the (1) Municipal Board School, Lyallpur (2) Arya School, Lyallpur, (3) Sanatan Dharam School, Lyallpur, (4) Government High School, Lyallpur, shall parade in front of my office in the Public Library at 03-00 (eight) hours daily until the two offenders are given up, or failing this until such time as I consider necessary. They will be accompanied by a Schoolmaster from each School, and will march past a Union Jack which will be erected in front of my office, and salaam to it as they pass under the supervision of an officer appointed by me."

This order remained in force for one week. Six boys were flogged at Kasur, because they happened to be the biggest; and this was for no offence proved against them, but simply because a school-master represented that his boys had gone out of his hands and it was considered necessary to punish some. The officer who was responsible for this order maintained stubbornly before the Committee that his order was reasonable.

Orders were issued for reprisals against the property of people who were represented to have left Gujranwala, Wazirabad and Hafizabad in order to avoid arrest. The property threatened included their own, their father's or their nearest relations'. The Minority have given a few instances as to how these orders were carried out.

"One Jamiat Singh Bugga who was a man of considerable position in Wazirabad and who was paying Rs. 2,000 as income-tax and had done considerable War work for which he had received official recognition, attended a meeting held on the 14th in connection with the Hartal which took place the next day, but does not appear to have taken any part in the demonstration. It is not known whether he left Wazirabad for some legitimate business or because of the fear of being arrested. It is not known whether orders for his arrest had already been issued at the time he left. Subsequently when the authorities went to his house and were informed by his son that he was not there, an order was passed by Lieutenant-Colonel O'Brien that the whole of his property be confiscated and after pronouncing this order two men were deputed to turn out the inmates of the house and take possession of the property, and several females and children were so turned out and the property was taken possession of. After a few days, Jamiat Singh surrendered himself on the 26th, and the

property was released about the 4th of May on the application of his son."

"In another case, three brothers had absconded. Not only was their property confiscated but their father was arrested and his property also confiscated. This was at the town of Sheikhupura in the district of Gujranwala.

"Another instance is that of Rala Ram who, it appears from Mr. Bosworth Smith's evidence, was arrested because his son Monga had absconded. It appears that with regard to people who had left their places of residence and were wanted, orders were issued prohibiting any people connected with them from cutting the crops in their fields untill they returned.

"In Kasur, a general order was issued on the 20th April to the following effect :—

'And further also all such residents who have left Kasur on or after the 10th April 1919, will return to Kasur within four-days from this date, failing, measures will be taken against their property.' Captain Doveton told us that in connection with this order, six houses were visited and opened and in some cases clothes and vessels found inside were burnt and destroyed."

Mobile columns took hostages for good behaviour of villages and Lambardars were flogged and fined, for disinclination—to help and to give information. It appears that in one case mentioned in the Minority Report the officer who gave this order of flogging and fine found out after the order had been carried out that the Lambardar concerned was innocent.

At Wazirabad Rs. 3,500 were collected from the inhabitants after the declaration of Martial Law for supplying the want of soldiers stationed there. Such were some of the orders issued by the Martial Law administrators with the knowledge and apparent consent of Sir Michael O'Dwyer and it was for the enforcement of these orders that Martial Law was continued inspite of the protests of the Government of India to the contrary. The Government of India have disposed of all this with the following observation .

"We are not prepared to say that all those orders were without justification but we consider that the administration of Martial Law in Lahore was in some respect unduly severe and exceeded its legitimate limits, that is to say, the requirement of the military situation and the maintenance of law and order. The Minority condemn the order imposing on property owners responsibility for the safety of Martial Law notices pasted on their houses. The Government of India are not prepared to say that in the circumstances this order was improper. The Minority express their strong disapproval of the confinement of the Professors and students of the Sanatan

Dharam College because certain Martial Law notices had been destroyed. The Government of India agree that this order exceeded the necessity of the case. The Minority further critieise and condemn the conduct of certain officers, notably Colonel O'Brien, Mr. Bosworth-smith, Mr. Jacob, for various orders passed by them in the Administration of Martial Law. The Government of India agree that in the instances cited the officers mentioned acted injudiciously and in some cases improperly, While the findings of the Minority report in regard to all these points are very cogent and in some cases fully justified, it must be remembered that officers charged with the Administration of Martial Law cannot be expected to act in abnormal conditions with that care and circumspection which are possible in normal times, nor can such a standard be rigorously applied for the subsequent examination of their actions in the calm atmosphere of safety after order has been restored."

This last remark of the Government of India loses its force when we remember that all the three officers mentioned were permanent members of the Punjab Commission and had been employed in civil administration for years.

Sir Michael O'Dwyer's conduct during the disorders and afterwards, was fully in consonance with the spirit which had characterised his administration of the Punjab from 1913 to 1919. Considering the daily consultations and frequent conferences that were being held at the Government House, during the 5 days immediately preceding the declaration of Martial Law, and considering the frequent communications by telephone, telegraph and special messengers, that were passing between the Lieutenant-Governor and the Chief Secretary on the one hand and the other Civil and Military Officers of the Government in Lahore and outside on the other, and considering Sir Michael O'Dwyer's approval of the action of General Dyer at the Jallianwala Bagh, the Lieutenant-Governor and his Chief Secretary, are really speaking, primarily responsible for all the outrages that were committed on the people of the Punjab by the servants of the Punjab Government and the Martial Law administrators. I contend that either directly or by indirect action, they inspired all the orders that were passed by Martial Law administrators and Martial Law Tribunals in April and May 1919. There is only one order to which the Lieutenant-Governor appears to have taken exception *viz.*, the Crawling Order of General Dyer. Sir Michael O'Dwyer had the power and the opportunity to control the Martial Law Administrators and keep them within bounds, if he had desired to doso. Instead of controlling them he encouraged them to do lawless acts. I maintain that his conduct was criminal and that he was principally responsible for all that was subsequently

done in the Punjab in the name of law and order. I maintain that all through these outrages his was the inspiring mind and his the guiding hand. General Dyer's action was the crowning act of a drama for which the stage had been set and actors trained, inspired and prompted by Sir Michael O'Dwyer. There were daily consultations between the Lieutenant-Governor, the Chief Secretary and the Military authorities.

Martial Law Administration.

So far I have spoken of the orders promulgated by the Martial Law administrators. Bad and shocking as they are they fall into shade when you come to consider the outrages that were actually committed, in the name of law and order, on the persons and property of the Punjabees in the carrying out of those orders, in the course of arrests, investigations and trials. I can give only a few samples by way of illustration.

Amritsar,—You have already heard of the Jallianwala Bagh massacre, of the Crawling Order and the flogging in public and other place of boys and others. But there are some other things connected with the administration of Martial Law in Amritsar and other places which have not unfortunately attracted as much notice as they deserve. Lala Girdhari Lal, Secretary of the General Flour Mills Company, Amritsar, who acted as the General Secretary of the Amritsar Congress, has given a list of a few of these outrages in his statement made before the Congress Commissioners.

Says he :—

"All the lawyers of the town were made special constables, insulted and abused, and made to witness public flogging and to carry furniture like ordinary coolies. All persons in the city were made to Salaam every Englishman. Disobedience to this resulted in arrest and detention in the Lock-up. Some were ordered to stand in the Sun for hours in the hot season, and others made to learn salaaming by practising it for some time. etc. Handcuffing of respectable persons was the order of the day. The inhuman and barbarous order of crawling was kept up for days. Even a blind man had to do so, and was kicked for failure. The ways of police torture were numerous and brutal. Lashing after tying up the hands high, was common. Men's hands were frequently put under legs of cots, over which many persons sat. Permission was not easily granted to persons in custody to attend to calls of nature. Abusing, slapping, pulling off people's moustaches and beards were considered light punishments. Even burning coal was put on the palms of a person, making him confess to what the police wanted him to say. Nails were driven in the hands of another,

and one man was forced to drink urine, and sticks were thrust into the anus of others."

(Page 14 of the evidence collected by the Congress Commissioners.)

Every one of these charges has been substantiated by the direct evidence of persons who suffered and of those who witnessed their sufferings.

Raliyaram and Abdulla have said that they were forced not only to crawl on their bellies but while crawling were kicked by the soldiers with their boots and struck with the butt ends of their rifles. L. Kahan Chand, a blind man, told how even he was made to crawl and was kicked. Six boys were flogged in public, one of them, Sunder Singh, "became senseless after the fourth stripe, but after some water was poured into his mouth by soldiers, he regained consciousness. Flogging was then resumed. He lost his consciousness for the second time, but the flogging never ceased till he was given 20 stripes. He was taken off the flogging post bleeding and quite unconscious. The other boys were similarly treated, and the majority of them became unconscious, while they were being flogged. They were all handcuffed and as they could not walk even a few paces, they were dragged by the Police. They were then taken to the Fort."

A very revolting statement has been made by a woman, Balochan by name. The statement is No. 147 in the volume of evidence collected by the Congress Commissioners. The Secretary of State has now (after 5 months) ordered an enquiry into the same. I will therefore refrain from quoting it here.

It appears that 789 persons were arrested and brought to trial. The period of detention ranged from 1 day to 79 days. Their treatment during detention was inhuman. Old and sick persons were handcuffed, chained and made to walk long distances in the burning sun of April and May. In one case so many as 52 were chained in one line with handcuffs on. Sometimes handcuffs were not taken off even in the lock-up.

In statements made by Amritsar witnesses very serious charges have been made against 4 Police Officers of high rank, 2 European and 2 Indian, Messrs. Marshall and Plomer, Sukha Singh and Jawahar Lal. They have been before the Punjab Government for the last five or six months. They are either true or untrue. Yet, nothing has been done. If the former, the men should have been prosecuted and punished. If untrue, those who made the statements could be dealt with under the law. One of them is at present holding a position higher than the one he held during the Martial Law days and the others are still in Government service,

though I am not in a position to say whether in the same rank or in a higher rank.

Coming to Lahore, we have several notable instances of inhumanity practised during the administration of Martial Law. I will only mention one case that has already attracted some attention, namely that of Mr. Manohar Lal, Bar-at-Law, who was for some time Minto Professor at the University of Calcutta. His invalid wife and children were dragged from their rooms, forced to take shelter in the servants' quarters and the kitchen. He was kept under arrest for 28 days and then let off without a charge and without trial. He has not till now been informed of what his offence was. He was apparently arrested and harassed and insulted and humiliated because he was one of the Trustees of the *Tribune*. As to what was done to Lala Harkishan Lal and other leaders it is already known to you.

At Kasur, Baba Dhanpat Rai, a Pleader, aged 65, was under arrest for 46 days and was eventually released without having been told what he had been arrested for.

On the first of May, the whole town of Kasur, excepting women and small children, was required to attend at the Railway Station for the purpose of identification and made to sit in the sun till 2 P.M., without water or food.

A boy of 11 years was charged with waging was against the King.

Fancy punishments were invented and administered.

At Gujranwala, leaders were handcuffed in pairs and about 22 of them chained together, made to walk through the City under conditions of mockery and carried to Lahore in an open truck without food. They were not even allowed to dress.

Lala Beli Ram Kapur of Hafizabad was arrested and locked up with 23 others in a room measuring 12 by 25, the same room having to be used by all of them for natural purposes also. They were kept as under-trial prisoners up to the 6th June.

At Sangla Hill school boys including little children were compelled to attend roll call from day to day and made to stand in the hot sun and say " Sir, we have done nothing wrong and we will do nothing wrong in future." This was so strict that Mr. Balmukand could not get an exemption for his nephew 7 years old...On the 5th day on his return he was perspiring. " He fell down and began vomitting. Doctor Gian Chand of Sangala was called but in vain. Then an Army I. M. S. who was there, was called, but he too could not help. The boy died on the 7th May." The roll call was compulsory for 4 times every day.

The authorities wanted the nephew of Nihal Chand and as he was not at the time in Sangla, the uncle was arrested. He was kept standing in the sun like many other people. "Owing to my old age", he proceeds, "and also owing to the strong sunshine I fell down senseless 3 times. I was released after 4 or 5 days without any explanation."

Dr. Karam Singh Nanda relates how he in common with others had to be in daily attendance for identification and stand in the sun without water or food. He says that many fainted and that he suffered so much from the heat of the sun from day to day that he fell ill and was invalided for two months. He says that he was identified as being in Sangla on the 12th whereas he was in Gujranwala and had to give evidence in the Court on that day. He also refers to the fact that 140 men who were arrested were detained for 9 days and were asked to pay Rs. 50,000 if they wished to be released.

About Manianwala, Teja Singh says :—

"I had not yet left for the bungalow where most of the villagers had gone by the order of the police. It was in my presence that Mr. Bosworth Smith gave a severe beating to Munshi Nawab Din and Lehna Singh. He asked him to give evidence against Bhai Mool Singh forcing him to say that the latter had delivered a speech against the Government. After placing him in the custody of a constable who was ordered to take him to the bungalow, Mr. Bosworth-Smith went towards the women. He removed their veils and used abusive language. He called them "flies, bitches, she-asses" and worse things. He said to them "Your skirts will be examined by the police constables. When you were sleeping with your husbands why did you allow them to get up and go." He also spat on them.

Gurdevi, the aged widow of Mangal Jat stated before Mr. Labh Singh ; "One day, during the Martial Law period Mr. Bosworth-Smith gathered together all the male persons of our village, over eight years, at the bungalow which is some miles from our village, in connection with the investigations that were going on. While the men were at the bungalow he rode to our village, taking back with him all the women who met him on the way, carrying food for their men at the bungalow. Reaching the village he went round the lanes and ordered all the women to come out of their houses, himself forcing them out with sticks. He made us all stand near the village *Daria*. The women folded their arms before him, he beat some with sticks, spat at them and used the foulest and most unmentionable language. He hit me twice and spat in my face. He forcibly bared the faces of all the women, and brushed aside their veils with his own stick. He called them she-asses, bitches, flies" and "swine"

and said "you were in the same bed with your husbands why did you not prevent them from going out to do mischief? Now your skirts will be looked into by the police constables". He gave me a kick also and ordered us to undergo the torture of holding our ears by passing our arms under and round the legs, while being bent double." This statement is supported by several women of Manianwala.

One Lehna Singh says :—"As we left for the bungalow the Sahib addressed the women whose cries fell upon our ears, as we went along."

The statements relating to Manianwala were tested by Mr. C. F. Andrews who personally visited the village and brought independent evidence of these events.

Nawa Pind :—The vagaries of Mr. Bosworth Smith here can be judged by one sample. On the 9th of May two brothers were arrested and were convicted and sentenced to two years' rigorous imprisonment. One of these pleaded *alibi* but to no effect. After his conviction his *alibi* was proved by the written statement of Mr. Wathen, the Principal of the Khalsa College, and the men had to be eventually released under what authority we do not know. Some witnesses who had given evidence of *alibi* were also sentenced to various terms of imprisonment and had to be likewise released. One Bhugwan Singh was flogged because he had the audacity to plead that he was innocent. In the course of flogging he became unconscious but Mr. Bosworth Smith did not care. The village was fined Rs. 10,000. One-third of this fine was realised during the last Rabi.

Maya Singh says that his son Ujagar Singh had gone out to fetch medicine and was arrested together with others. He protested and "thereupon Langra Sahib (Mr. Bosworth Smith) ordered him to be fastened to a tree and to be given 25 stripes."

A 60 years old respected Lambardar of 38 years' standing and a retired Inspector of Police was arrested simply because his sons were not at Sheikhupura when they were wanted. His property was confiscated and his tenants prohibited from cutting the crops.

Sardar Boota Singh, B.A., LL. B., was a member of the District War League who had assisted in recruiting and had received a certificate for his services. Together with the other Pleaders he was suddenly arrested on the morning of the 19th. "All of us were put in charge of some 25 soldiers who carried loaded guns with fixed bayonets. From the Railway Station we were taken to Central Jail Lahore, where we were handcuffed and taken to solitary cells. For 40 days we were thus detained thereby suffering the greatest possible discomfort and hardship."

At Lyallpore, Lala Chint Ram Thapar says :—"At about 11 A.M. in the scorching heat we had to walk from the Jail to the station with handcuffs and fetters on. Our ankles were wounded owing to the fetters."

The Deputy Commissioner of Gujrat was surprised when he received the order extending Martial Law to his district. He would not believe and wired to Lahore that there must be some mistake. Yet Martial Law was declared there and many respectable Pleaders including Barristers were arrested and kept in custody for a long time to be eventually acquitted. The Court found that the witnesses who had given evidence for the prosecution had perjured. Yet permission to prosecute the latter was not granted. A boy of 10 years of age was among those who were arrested and sent to Lahore on a charge of waging war against the King. An indemnity of Rs. 42,000 has been fixed for Gujrat and is to be collected in six instalment having been already realised.

Jallalpur Jattan. This village suffered similar indignities and had besides an indemnity of Rs. 12,000 imposed upon it. One-sixth of this had been realised.

Sri Ram Sud.

About the firings under orders of Lala Sir Ram Sud, the Minority have come to the conclusion possible on his own testimony, that they were unjustified and that his action was intended to be punitive and for the purpose of creating an impression. I maintain that Sri Ram's action was not *bona fide* as it was done without due care and caution and that he is liable to be prosecuted and punished under the Indian Penal Code, for having caused loss of human life and having endangered the safety of so many people. The same can be said with more or less force of the firings indulged in by sergeant Davis and Captain Flowerdew.

Bombs.

The orders to use aeroplanes and to bomb the people from the air also emanated from Sir Michael O'Dwyer.

Major Carbery dropped bombs on the Khalsa High School and on the people of two villages. The minority have condemned it and also the dropping of bombs on the 15th April.

There cannot be any doubt that the dropping of bombs from the aeroplanes for the purpose of suppressing internal disorder was an act of unwarranted barbarity unworthy of a civilised Government.

Six lawyers of Gurdaspur were arrested and detained for a long time and then released without trial. This incident has been condemned even by the Government of India.

Trial.

When we come to the administration of Justice during Martial Law days, we see the same Prussian mind working throughout, first in the selection of Judges, secondly in the framing of charges under the orders of the Local Government and, finally, in the sentences inflicted.

It was absolutely wrong, if not illegal, to extend Martial Law Ordinance to offences committed before the introduction of Martial Law, and to any *offence* committed after the 30th March. This was clearly beyond the intention of the framers of the Regulation. Even the Hunter Committee have condemned the trial of Drs. Kitchlew and Satyapal under the Martial Law Ordinance.

As regards Summary Court powers, and in giving them practically a *carte blanche* as to procedure and punishments, we again find the Government of India first protesting against the principle laid down by Sir Michael O'Dwyer and eventually succumbing to his importunities. (P. R. 88 and 89).

In all 2537 persons were tried before different Courts under the Martial Law regulation, of whom 1804 were convicted, *i. e.*, about 72 per cent. If we compare the result with the percentage of conviction in ordinary Courts and the percentage of convictions in cases arising out of the South-Western riots of 1915 (*viz.*, 700 out of 4000), we will see the difference between ordinary trials and trials before the Martial Law Tribunals of 1919. The main purpose of Martial Law as stated by official witnesses before the Hunter Committee was the speedy trials of these offenders.

Under section 2 (2) Martial Law Ordinance of 1919, 4 Commissions were appointed consisting of 3 members in each, and altogether 12 Judges. It is significant that not a single Hindu or a Sikh was appointed on these Commissions. A mere glance at the judgment of these Commissions, collected together by Mr. Peary Mohan in his book. "An Imaginary Rebellion and how it was suppressed," should show what kind of justice was administered by these judges. There are only a few of these documents, perhaps not more than half a dozen out of a total of 61, printed in this book which can lay claim to be called judgments at all. The most elaborate of them are those delivered in the cases of the Lahore, Amritsar and Gujranwala leaders. They are the best samples of the mentality of the Judges who wrote them. In the Lahore case, for example, the charge included the following allegations.

'The measure commonly known as the Rowlatt Bill was passed by the Imperial council on 18th March 1919. Thereupon a general conspiracy was formed by persons outside the Punjab with whom

the accused associated to hold tumultous meetings and to ordain a general strike with the intention and subject of inflaming popular feeling against Government and to so overawe it as to try and induce the vetoing of the measure.

'Accordingly, throughout India and the Punjab in particular, the said conspirators, including the accused, declared a general strike, commonly know as *hartal*, to take place on the 30th march intending thereby to induce disorder, paralyze the economic life of the country and excite disaffection and hatred towards Government.

'Such a conspiracy existed before the 30th March, but in as much as the Commissions are not empowered to try offences committed prior to 30th March, acts committed by them in the course of such a conspiracy are not charged against them. They are charged only with the acts they each committed during the period between 30th March and 13th April, and acts prior to or subsequent to that period are being proved merely to establish a continuity of their conduct.

'The primary object of this conspiracy was to secure the repeal of the Rowlatt Act by illegal means. which is an offence under section 120-A (2); the accused before the commission are however, alleged to have proceeded further than this, and to have conspired either among themselves or with others within the conspiracy to :—

(*a*) procure the repeal of the Rowlatt Act by criminal means.

(*b*) Commit a series of criminal acts such as sedition, etc.

(*c*) to wage war against the King.

'These said conspiracies are punishable under sections 120B and 121A, Indian Penal Code.

'In addition thereto the accused are alleged to have committed or abetted certain criminal acts, and to have taken certain action in pursuit of the objects of such conspiracies.

'Being members of a conspiracy, each accused is responsible for the acts of every other conspirator, whether before the Commission or not, committed in pursuit of the common object of the conspiracy, whether they are committed prior to or subsequent to the date on which such accused joined the conspiracy or did any act in pursuance of the common objects of the conspiracy.

'It must be distinctly understood, however, that the charge against each accused is not limited to the particular acts committed by himself, but extends to all acts committed by other conspirators in the pursuit of the common object; and that even if it be found that the particular acts of an accused are not themselves criminal, he is responsible for the criminal acts of others in the conspiracy and committed in pursuit of the object of each conspiracy.

There is not a scrap of evidence of any such conspiracy and the Hunter Committee has distinctly found against it; yet in all these cases its existence was presumed and many convictions were based thereupon. The same can be said of the Amritsar case :

"Briefly stated the case for the prosecution is that a criminal conspiracy was formed in Amritsar, in conjunction with conspirators elsewhere, to overawe Government and secure the abandonment of the Rowlatt Acts; that this criminal conspiracy was in existence on the 30th of March 1919 and that these fifteen persons were then members of, or subsequently (up to the 13th April 1919) joined it."

In the Gujranwala leaders' case, too, there was the same allegation and the same presumption.

"The case for the prosecution is that the present accused were members of a conspiracy entered into the object of overawing Government in connection with the Rowlatt Act and had agreed to carry out their object by the commission of the acts described above."

It was by this presumption of a conspiracy that a large number of highly respectable people, the flower of the Punjab educated community, were arrested and sentenced to death, transportation for life or long terms of imprisonment.

The idea was to get rid of every political leader, actual or potential, and have the Punjab entirely at the mercy of the bureaucracy.

Here are a few more samples :—

In a Kasur case, against 15 persons charged with the murder of 2 Europeans, and for offences against others, Colonel Irvine's Commission says :—"We have taken judicial notice and have not required evidence on the existence of a state of insurrection at Kasur on April 12th." In this case 11 persons were sentenced to death and 3 transportation for life. Two of the persons sentenced to death were recommended for mercy.

In one of the Lahore cases, a person who had shouted to a Police Officer, "Tum Hamara Bhai Hamarai Sath Shahid ho" (*i.e.*, you are our brother, come and be martyr with us) was sentenced to transportation for life simply upon the proof of this shouting.

In a Gujranwala case, tried by Colonel Irvine's Commission, the case arising out of the burning of a *Patwarkhana* without any loss of life, three persons were sentenced to death and others to transportation for life with forfeiture of property.

In the Hafizabad case, in which the charge related to an assault on Lieutenant Tatam, (who was not killed nor even injured) four persons including a student of 18 years age were sentenced to death

and 15 others to transportation for life with a recommendation for mercy in favour of two of the latter.

In the Nizamabad case, in which there was no allegation of murder, four persons were sentenced to death with forfeiture of property, 8 to transportation for life with forfeiture of property and 4 others to various terms of imprisonment ranging from 5 to 10 years, and 4 to 20 stripes.

In the case dealing with the assault on Mrs. Sherwood, seven persons were sentenced to death with forfeiture of property and eight to transportation for life.

In the National Bank Murder case, all 20 of the accused were sentenced to death and forfeiture of property. In the Kasur supplementary case, 14 were sentenced to death and about 9 to transportation for life with recommendation for mercy in favour of some, in each case forfeiture of p operty also forming part of the penalty.

In the case dealing with an attempt to assault Mrs. Easden, six men were sentenced to death and forfeiture of property, and 7 to transportation for life accompanied by the same additional penalty.

In the Gujranwala leaders' case, in which the conviction was based principally upon the presumption of a conspiracy, 2 persons including one of the leading lawyers, were sentenced to death and the others to transportation for life and various terms of imprisonment.

In the Supplementary Case relating to the National Bank murder, another person was sentenced to death raising the total to 21.

In the Kasur supplementary case, 2 more persons were sentenced to death and one to transportation for life with forfeiture of property in each case.

This is by no means a complete list, but this will do to give you an idea of the justice that was administered by the Martial Law Commissioners. About these sentences the Minority have made the following remarks in their Report. (Severity is rather a very mild term for these sentences.)

"It may be noticed that the sentences passed by the Martial Law Commissions were considerably reduced by Government. Out of 108 death sentences, only 23 were maintained and the remaining were commuted to transportation in some cases and in the rest to sentences in imprisonment going down to one year. Out of 265 sentences of transportation, only two were maintained, 5 were commuted to imprisonment varying from 10 years to one year. There is a great disproportion between the original sentences and those to which they were commuted and this gives ground for the suggestion of initial severity that has been made."

Since this was written some more death sentences have been commuted (3 of Amritsar are known to me) and possibly some remissions have been made in other cases also. For all this our best thanks are due to Sir Edward Maclagan. But these commutations and remissions are by no means satisfactory. Most of these to whom the benefit of the Royal Amnesty has been extended were absolutely innocent. They were convicted in panic, upon insufficient evidence and upon presumptions of a conspiracy which never existed. Just look at the following which is taken from a Lahore judgment :—

It is beyond doubt that the Lahore mob which marched on the Civil Station of Lahore was actuated by the same motives as that of Amritsar. It was essentially part of the same insurrection and it was fully aware of what had happened in the neighbouring town, the same day. It was rapidly becoming more threatening, and had already displayed its contempt of the authority and person of the District Magistrate. A collision was inevitable and had the mob proceeded a little further up the Mall it would have found supply of deadly weapons ready to hand. Had it not been checked where it was, there was the gravest danger that it would have hurried on, in the confusion and darkness, to the commission of awful crimes.

In ordinary circumstances the offences actually would not have amounted to more than rioting, but this occurrence cannot be viewed as a detached and independent incident. It was plainly a part and parcel of the rebellion which had already broken ont.

The Jallianwala Massacre : New lies.

The Jallianwala Massacre has attracted so much attention and has been so extensively dealt with both in the press and on the platform that it was not originally my intention to refer to it all to-day in my speech : but since then, I have read General Dyer's written statement which he presented to the Army Council in England, and have also read the speeches made in the course of the debate in the Houses of Parliament. Some of the statements made by General Dyer himself and by his defenders are entirely inconsistent with the evidence which General Dyer gave before the Hunter Committee while others are obviously after-thoughts. I select the following samples from his written defence in the Army Council :—

(*a*) A great crowd from the city, of 30,000, had menaced the Civil Settlement on the 10th. Its audacity in the meantime had grown with its crimes and their immunity. The villages had been brought in and I had to reckon upon the possibility of the eruption that night of some 30,000 Majha Sikh looters if that whole movement were not decisevely checked.

(*b*) I found a large meeting, afterwards ascertained to be from 15,000 to 20,000 in number, addressed by a speaker engaged in violent exhortation.

(*c*) There were no women and children in the meeting.

(*d*) I was liable to be assailed from behind and the extrication of my small force from the city would have been practically impossible if after the firing the rebels had maintained an aggressive spirit.

(*e*) After some firing, two groups appeared to be collecting as though to rush upon us and on my Brigade Major calling my attention to this, I directed fire specially to the two points in question and dispersed the groups.

Now a perusal of General Dyer's statement before the Hunter Committee would show that none of these allegations were made before that body. The last statement is absolutely new and being inconsistent with what General Dyer had stated before the Hunter Committee, can fairly be said to be false.

The following questions and answers support this view :—

Q. No question of having your forces attacked entered into your consideration at all ?

A. No. The situation was very, very serious. I had made up my mind that I would do all men to death if they were going to continue the meeting.

* * * * *

Q You commenced firing the moment you had got your men in position ? A. Yes.

Q. The crowd had begun to go away when you continued firing ? A. Yes.

Q. The crowd were making an effort to go away by some of the entrances at the further end of the Bagh ?

A. Yes.

Q. You put your pickets one to the right and one to the left of the entrance ? Towards some places the crowd was getting thicker than other places ? A. They did.

Q. From time to time you changed your firing and directed it to places where the crowds were thickest ? A. That is so.

Q. Is that so ? A. Yes.

Nor is there any *hint* or suggestion of this fact anywhere in any other document issued by Government relating to the Jallianwala Bagh massacre. It is not mentioned in the Punjab Government's report nor in the testimony of the Superintendent of Police who was with General Dyer at the time of the firing. It is absolutely a new invention.

As to the Statement in clause (*c*) it is opposed to facts. It is stated in the Punjab Government's report of these disturbances that at least five children, one under 10, and four under fifteen were among the killed. (See page 8). The photograph of one of these boys aged 13 has been published in the Congress Committee Report, facing page 56. There is reliable evidence that other children were also in the crowd. If General Dyer had said that he was unaware of the presence of the children in the crowd his position would have been defensible, but he makes a positive statement, which is, on the face of it, untrue. The statements made in clause (*a*) are absolutely unwarranted by the facts as found by the Hunter Committee and as testified to by the Deputy Commissioner of Amritsar and other officers examined by the Hunter Committee.

As to General Dyer's statement that there was a gathering of 15,000 to 20,000 in number being addressed by a speaker engaged in violent exhortation, that is clearly a later invention. At that time his estimate of the number of people who were present at the meeting was 5,000 and as to the exhortation he could not have heard it, and could have had no reason to suppose that the speaker was engaged in violent exhortation.

All that he stated before the Hunter Committee was that he saw a man in the centre. "His arms were moving about; he was evidently addressing a meeting." Asked if "there was any crying beyond that he was addressing the meeting," he replied "No; I can not say that there was anything beyond that he was addressing the meeting."

An exhibit was placed before the Martial Law Commissioners who tried the Amritsar leaders which contained a copy of the resolution that had been passed at that meeting before General Dyer reached there and began to fire. A perusal of that document shows that the meeting had actually passed a resolution of loyalty, condemning the action of mobs on the 10th and expressing horror at the death of so many Europeans. Surely such a meeting could not, except by a gross misuse of words, be said to be a rebellious meeting and General Dyer has no justification for describing it as an army of rebels. New facts are being invented every day in connection with this affair. It is now said that the gathering was armed with 'bludgeons', which is again a lie. No such statement was made before the Hunter Committee. The Committee found that the people assembled were 'unarmed'; General Dyer himself said that some of them might have sticks.

Sir Michael O'Dwyer's approval.

The most important fact, however, in regard to the Jallianwala Bagh massacre is its approval by Sir Michael O'Dyer which practi-

cally laid the law for the other officers for the rest of the period of the Martial Law. Sir Michael O'Dwyer had the details of this massacre before him when he approved of the action of General Dyer on the 14th of April. The following extract from the report of the *viva voce* examination of Sir Michael O'Dwyer culled from the Hunter Committee's report shows the attitude of his mind.

Q. I want to ask you a few questions about the Jallianwala Bagh incident. You say on page 10, "the casualties were large and regrettable, but loss of life was inevitable when a truculent mob which had already committed murder and rebellion assembled to defy authority ?"

A. You have got my addendum to that statement.

Q. Yes. I will deal with that. The view there seems to be as if the crowd that had assembled there had committed murder and rebellion. Is there any evidence that particular crowd had committed any murder or rebellion ?

A. I do not suppose it could be said with reference to any particular crowd, but Amritsar city, as a whole, had committed murder and rebellion.

Now looked at in this light, Sir Michael O'Dwyer becomes directly responsible for all the atrocities and outrages that were committed in the Punjab by various Officers, Military and Civil, after the 14th of April. His approval of General Dyer's action sealed the situation for them, and being sure of the approval and sanction of the Head of the Government, they did not think it necessary to make a proper exercise of their powers and to take into consideration the feelings of the people. One of them, Colonel O'Brien, made sure of the support of the Government by telephoning to the Chief Secretary and got a *carte blanche* from him in explicit terms. It is some satisfaction to find that General Dyer's action has been condemned by the Government of India, by the Secretary of State, by the Army Council and by the leading statesmen of the British Nation. But much of that satisfaction is discounted by the fact that the Government of India and the Secretary of State have both failed to appreciate the magnitude of the offence of Sir Michael O'Dwyer. In the view which I take of the affair, I consider the latter to be the greater criminal of the two. General Dyer was a Military man, brought up in military tradition and perhaps took an exaggerated view of his duties as a Military Commander ; but Sir Michael O'Dwyer was a Civilian. There was no justification for his attitude in the matter except on the plea that he was even more militarist than Dyer. To let him off with the simple remark that he "would have acted more wisely if, before expressing approval, he had taken steps to ascertain the facts and

circumstances of the firing more fully", is an actual denial of justice to the afflicted people against the very man who was chiefly responsible for all their woes.

Sir Michael O'Dwyer's statements in England.

But Sir Michael O'Dwyer is not only absolutely unrepentent, but is pursuing us with the same relentless energy and malice as he displayed during his tenure of office in India, and during the Martial Law days. In a letter which he addressed to the "London Times" from Delhi, and which was published in that paper on February 9th, he took exception to certain statements made by that paper about his having approved General Dyer's action in shooting without warning and in issuing the Crawling order. In that letter, he makes a great fuss over the fact that he did not himself send any telegram to General Dyer approving of his action, entering into an elaborate defence, as if to show that he had no option but to approve of that action, because General Dyer's superior officer had done so. He says "it was not for me to say that he had gone too far, when I was told by his superior officer that he fully approved General Dyer's action." The fact remains that he did authorize General Beynon to communicate to General Dyer his approval of the latter's action and he has all through defended it whole-heartedly and unreservedly. Then, note another baseless statement of his. He says "If I am now asked to reconstruct the situation at Amritsar on April 13 and 14, I would put it in this way, "many urban places in the Central Punjab were then in a state of open rebellion, mobs were in possession of the great cities of Lahore and Amritsar." Now it is absolutely untrue that "many urban areas in the Central Punjab" were then in a state of open rebellion. In the chronological list of events, at the end of the Hunter Committee Report, you do not find a mention of a single urban place in the Central Punjab where anything rebellious happened on the 13th. At Amritsar nothing happened after the 10th which could in any way justify that statement. It is equally untrue that "on the 13th and 14th rebellious mobs were in possession of the great cities of Lahore and Amritsar."

Again, he and his champions in England have recently been trying to support his action in introducing Martial Law by quoting certain statements made in the farewell addresses, which he practically extorted from the people of the Punjab on the eve of his departure from Lahore. In a letter to the "London Times" he says "had the inquiry started directly after the disorders were suppressed the true facts could have been fully and easily ascertained. Lord Sydenham's letter in the "Times" of June 9th 1920, tells us how in the middle of May 1919 when the memory of events was

still fresh, the feeling of all classes in the Punjab, as expressed in their leaders' addresses was one of intense relief at the prompt suppression by the effective methods of Martial Law of outbreaks which threatened to involve the whole province in bloodshed and rain and which many of them regarded as the result of an "organised conspiracy". It may be noted here that both Mr. Gandhi and Mrs. Besant used similar language at the time. But as the memory of the horrors from which they had been saved grew faint, as the forces of agitation and intimidation came into operation, and the Policy of Government towards the promoters of rebellion showed a violent alteration the views of the weak and wavering changed. A leading Mahomedan gentleman in the Punjab in May 1919, took a prominent part in presenting an address from the Mahomedans of the Province to the Lieutenant Governor stating that the riots and disturbances were the result of an "organised conspiracy," but that the situation was soon got well in hand by using the speed and effective methods of Martial Law ; and peaceful life is once more possible for the law-abiding citizens of our chief towns " In May, 1920, the same gentleman, now a member of the Government of India, considers (see paragraphs 21 and 36 of the Government of India Despatch) that "there being no organised or pre-conceived conspiracy to subvert the British behind these disturbances, there was no open rebellion as alleged and no justification in consequence for the proclamation of Martial Law." He has also the hardihood to add that "the disturbances on and after April 14th in the districts of Gujranwala, Gujrat and Lyallpur were the result of the commotion caused by the Jallianwala Bagh affairs". His views as those of the only Indian member of the Government of India and the only who dissents from his colleagues have perhaps influenced the decision of the Home Government and make it necessary even at this late stage to show what they are worth. Fortunately, they are not typical of those of the great mass of people in the Punjab, who, in war and peace, have proved themselves true to their salt and true to their word.

Now in this extract there are the following untruths : First of all, we are told that Mr. Gandhi and Mrs. Besant used similar language at the time, indicating that the disorders in the Punjab were the result of " an organised conspiracy." Neither Mr. Gandhi nor Mrs. Besant used any language which, even by a stretch of imagination, could be interpreted in that sense. About certain deeds that had taken place in Ahmedabad Mr. Gandhi did say " there were clever men behind the lawless deeds and they showed concerted action." But he never said a word about anything in the Punjab. Similarly, Sir Michael O'Dwyer has failed to quote any

language of Mrs. Besant in support of his contention. Mrs. Besant's statement is quoted by the Majority in their report on page 76. There is nothing in it which supports the theory of organised conspiracy.

Then to use the addresses in the way he has done is another illustration of his unscrupulousness. Firstly, he writes as if *all the addresses* made the statement about the organised conspiracy and approved of his methods in suppressing it. The address given by the Hindus said nothing of these matters and although it was practically extorted from them, it studiously kept silent on these questions. This then is an untruth.

Secondly, he must have known that the Mahomedan address as originally prepared and handed over to his Secretary contained no such statements at all, and the alleged statements were interpolated while the address was in the custody of one of his minions. The fact could not have been unknown to him as he was a man who kept himself in close touch with every possible detail of everything relating to himself. The fact of the statement being in the address dawned on the unfortunate members, who had signed it believing that the address was as they had drafted and passed it, only when they heard the address being read. Then it was too late to make any protest. This fact has been disclosed by and published under the authority of several members themselves. His reference to the inconsistency of conduct displayed in this matter by the Hon'ble Mian Mohomed Shafi, the only member of the Government of India at the time of the Hunter Committee's Report, is not only ungenerous but misleading. He tried to get a similar statement inserted in the Hindu address but failed.

His third statement about the great mass of the people of the Punjab is also untrue. The great mass of the people in the Punjab have shown what they think of Sir Michael O'Dwyer's conduct during the Martial Law regime in the numerous meetings that have been held in the Province during the last six months to protest against the horrors of those days. In every case they asked for his prosecution and impeachment.

Then look at his impertinence in talking of their being 'true to salt.' May we ask whose salt?

He makes a point of the delay in the enquiry knowing fully that the people of the Punjab were crying for an enquiry from the very first and that it was delayed by his supporters.

The statements about Dr. Bashir are also false, the falsity of which has been exposed by the Doctor himself in a communication to the press. About the findings of their tribunals on which Sir Michael relies so much he knows that no evidence was given before

them to prove the existence of an organised conspiracy and that all those findings are based on mere presumptions. His attacks on the Indian Members of the Committee have been adequately answered by the Members themselves. They are at best a typical manifestation of his meanness. As to the untruthfulness of Sir Michael O'Dwyer's Government, Mr. C. F. Andrews has in a letter published in the Calcutta *Statesman* maintained that it has been already proved by the Commission of Enquiry itself that these officials circulated news which was false and suppressed news which was true.

Recruiting and War Funds.

The Congress Commissioners in their Report have dwelt at some length on the methods adopted by Sir Michael O'Dwyer in his recruiting and war loan campaigns. They are relevant to our enquiry as showing the administrative methods of the late Lieutenant-Governor. I give a few extracts below :—

"The evidence that we have collected and the judicial records that we have read conclusively prove that the methods adopted for securing recruits and donations or loans travelled far beyond the line of moral and social pressure ; nor were these methods unknown to Sir Michael O'Dwyer. Indeed conscription was openly talked of, suggested and advocated and we cannot help saying that open conscription would have been infinitely better than the so-called voluntarism, which was in effect worse than conscription, because the voluntarism pressed only the weakest and permitted the strong to go 'off scot free.

"Let us glance at the actuality. Sir Michael said at a meeting on the 4th May, 1918, just after the Delhi programme had been settled : "200,000 men for the regular army, voluntarism if possible, conscription if necessary ". Colonel Popham Young speaking at the same meeting said, "when deciding how to apportion the effort it is inevitable that many must be guided, must even be compelled."

At the same meeting Sir Michael O'Dwyer himself said as follows :—

'The contingency of failure of the voluntary system in certain areas is there and it would be cowardice not to face it. We have given our pledge and we must take measures in time to secure its fulfilment. I believe that in the Punjab at any rate there is now a strong feeling in favour of some form of conscription to raise the necessary quotas, both within the Province and as between the various Provinces, the taking, for instance, of one fit man in ten or fifteen or twenty by lot, with the option of some pecuniary forfeit to be paid to the State.

'The men are wanted immediately. What therefore, appears necessary is that Government should take power to enforce the quotas allotted to provinces, and that all the necessary preparations should be made in advance on the distinct understanding that the measure will not be applied if the quotas are forthcoming on voluntary basis.'

"A circular was issued by the Punjab Government making suggestions for obtaining contributions which could only be given effect to, by using more than normal pressure. We give below one paragraph from the circular :

"I am to suggest that Deputy Commissioners might assist much in the campaign by estimating the contributions that might reasonably be expected from the various towns. In doing so they will derive such assistance from the local income-tax returns, especially where the assessments have recently been revised by the special establishment. Income tax returns furnish, too, a fairly reliable index to the relative financial condition of individuals who are expected to help the loan and a rough standard, which it is believed is already being applied in some districts. To judge of the adequacy of their investments in it, it would not be unreasonable to expect that on an average an assessee would be in a position to invest in the War Loan from half to one-fourth of the income on which he is actually assessed. Applying this rough test or others, which may be found suitable to local conditions, Deputy Commissioners should be in a position to see whether towns and villages or individuals in their jurisdiction are doing what is expected of them. The Deputy Commissioners should then, by special meetings, formation of local committees of Sahukars (money-lenders) and such expedients, endeavour to obtain the estimated sum as a minimum contribution'.

Acting on this principle the subordinate officials carried on recklessly a campaign of tyranny, compulsion, extortion and what not. There is plenty of evidence in the judicial records of the Province to prove that all kinds of compulsion was used to get recruits and subscriptions and contributions to the war loan and other war funds. The Congress Commissioners have embodied some of this evidence in their Report. A perusal of the records of judicial cases relating to the compulsion and extortion resorted to for recruiting purposes, and also for collecting subscriptions and contributions to the war loan fund, makes one's blood boil in indignation. Not only men but even women were insulted and treated in the most cruel fashion. I cannot quote the evidence as many of the statements will not bear being read in public. I am afraid I have no space left to show how war loans and war funds were col-

lected from the Punjab. Those who want to know must read the Congress Commissioners' Report.

So far I have discussed the Punjab disorders mainly from the peoples point of view. Now I think it is my duty to state the Government case also before you and examine its validity.

Briefly put the Government case is :—

(*a*) The agitation against the Rowlatt Act to have it repealed by show of criminal force amounted to a criminal conspiracy.

(*b*) That even if it was not criminal originally it become so with the initiation of the *Satyagraha* movement.

(*c*) That the whole movement was anti-British and anti-Government. In proof they cite the shouts and other marks of Hindu Mohamadan unity on the *Ram Naumi* day.

(*d*) That although no overt acts were committed until after the firing at the Amritsar overbridge on the 10th of April, the attitude of the mobs at Lahore and Amritsar having justified firing, the movement became one of 'open rebellion,' on the commission of murders, looting and burning at Amritsar and of acts of violence and defiance of authority at other places between the 11th and the 13th.

(*e*) That the handful of Europeans, official and non-official, in a vast hostile population, stood the chance of being annihilated, unless something drastic was done to show that they had the power to crush the 'rebellion'

(*f*) That the shooting at Jallianwala Bagh produced the required effect and to get the full benefit of that drastic measure, it was necessary to supplement it by Martial Law, and to administer it intensively.

(*g*) That in emergency like this, you cannot judge the conduct of the officials and the judges by ordinary standards of propriety, legality and fairness. And so on.

I am afraid I cannot admit the soundness of these arguments. The whole structure topples down if you once concede that British rule in India rests not on brute force, but on the tacit consent of the people. With that admission, the defiance of the united Indian public opinion by the Government of India in relation to the Rowlatt Act was wholly indefensible. The contention that the agitation for its repeal, supplemented by the *Satyagraha* movement, was a criminal conspiracy, it is tantamount to saying that the people have no remedy and no rights against the lawlessness of their Government except by violent revolution—a very dangerous doctrine to lay down.

It has been admitted by Mr. Miles Irving in his evidence that before the 10th the mobs were neither anti-Government nor anti-British.

Q. Would it be consistent with the facts as you know them, to regard the outbreak of the 10th April as a case of protest against the deportation of Drs. Kitchlew and Satyapal which spontaneously developed into mob violence, marked by murder and incendiarism?

A. I think that is a very good account. It spontaneously developed. It flared up in a moment. I don't think people went out with that design.

The brutalities of the mob on the 10th May had necessitated some kind of drastic action but the action taken on the 11th, the 12th and the forenoon of the 13th had proved quite effective and no further action was needed at Amritsar. Similarly, the situation at other places was well in hand before the 15th. The mere fact that during the worst days of the so-called 'rebellion,' the attacks on Europeans were so few and far between (judged by their number in the Punjab) renders the argument (e) absolutely untenable. (f) has been answered by the finding of the Hunter Committe itself that it cannot be said that General Dyer's action saved the situation in the Punjab (P. 34). (g) is an extraordinary proposition. Government servants are human beings no doubt, and you have to make certain allowance for racial anger and the desire for revenge, but if you lay down that, even in an emergency, Government officers can do as they did in the Punjab, you place them in the same category with mobs, in fact, even worse. Mobs did what they did under a momentary impulse, their reason blinded by passion, but the Government officers acted throughout with deliberation, design and determination in a period extending over nearly two months. Lawlessness and violence by responsible Government officers is more heinous both legally and morally than that of the mobs. It ought to be judged by a more strict standard and punished even more severely than that committed by the mobs. Shall we place Sir Michæl O'Dwyer, General Dyer, Col. Frank Johnson and others in the same category with the leaders of mobs at Amritsar, Kasur, Lahore and Gujranwala ? The explanation then is that rulers of India do not *really* believe that British rule in India is founded on the tacit consent of the people. Rather it is based on the force of their bayonets and on the prestige of their arms. Secondly, their Intelligence Department is thoroughly inefficient and unreliable. Thirdly, the class of Indians whom they take into their confidence are mostly selfish, unscrupulous and deceitful. Fourthly, they have a distrust and suspicion of the educated classes amounting almost to hatred. Consequently they want to show in season and out of season, that the educated classes do not represent the people of India and indulge in threats which are mere bluff.

It is upon that assumption that they continue to sit on the

brink of a volcano, disregarding all warnings, all entreaties, all representations, until disaster overtakes them. Even then, they prefer to explain the eruption by extraneous considerations. They curse the 'agitators' forgetting that agitators only reap the crop sown by them. They also forget that it does not pay to be an agitator. On the other hand, it pays very well to be a sycophant. If still men with the brains of a Tilak, a Gokhale, a Gandhi, a Malaviya and an Arabindo Ghose prefer to be 'agitators' rather than 'loyalists', they do so under a sense of duty which is compelling and irresistible.

Let the authorities once for all, understand that the educated classes are the mouthpiece of their countrymen, that the masses are whole-heartedly with them and that the so-called 'loyal' Indians, upon whom the authorities rely are no more than a set of selfish sycophants, who have their own axes to grind. That these gentlemen proved no more than a broken reed during the disturbances has been admitted by Martial Law Commissions and other Martial Law authorities. Let them disabuse their minds of the false notion that they can more effectively and peacefully rule India merely by the show of prestige or of military force. But if they really believe in military force, let them frankly avow it, so that they may be practising no deception either on themselves or on the people of India.

Militarism knows no law and no principle. It does not care for justice. It represents force, brute force and knows only one law that of necessity. War is barbarism, militarism is applied barbarism. Judged from that standard every thing done by the Punjab Government and the Martial Law administrators was justified and needs no defence.

Conclusion.

I have now done with the story of the Punjab. I have given the story at some length, because I began by formulating certain charges against Sir Michael O'Dwyer at the commencement of my address, and it was my duty to make out a *prima facie* case in support of these charges. I hope and trust that I have made out my case to your satisfaction, that of all the persons who had anything to do with the introduction of Martial Law in the Punjab and with the events that preceded and followed it, Sir Michael was the chief culprit. Indeed I may venture to assert that no man in the whole history of British Rule in India has done *such a great disservice to the British Empire and has brought such disgrace on the good name of the British nation as Sir Michael O'Dwyer.*

The root cause of all this evil, as I have pointed out before, is the Prussian conception of Government which dominates the minds

of so many of our Anglo-Indian rulers of whom Sir Michael O'Dwyer was the type and which places the State as something above and beyond the people. It was that conception of Government which made it possible for Lord Chelmsford's Government to pass the Rowlatt Bill into law : it was the conception which made it possible for Sir Michael O'Dwyer to deport Drs. Kitchlew and Satyapal and subsequently to have Martial Law declared in the Punjab. Every official who has had anything to do with this lamentable affair was filled with the same idea, namely, of making an example, 'teaching a lesson', 'creating moral effect' and 'restoring the prestige of Government' by terrorism and frightfulness. General Dyer boasted that he had acted with that motive. Colonel O'Brien, Captain Doveton, Lieutenant Colonel Macrae, Lieut. Col. Johnson, Mr. Bosworth Smith, and even some of the Judges who presided at the trial of Martial Law offenders were all inspired by the same ideal, which made many of them inhuman in their dealings with the Punjabees during the terrible days of the Martial Law. We had the sad spectacle of a Government and its high officials neglecting to take the most essential precautions for preventing unnecessary sacrifice of life and property in the carrying out of their plans. They admit that in no cases, where they resorted to firing and shooting, did they make any provision for first-aid to the wounded. In some cases they even refused to make over the bodies of the dead to their relatives. In other they took no notice of the dead. We have also evidence of the fact that troops destroyed property wholesale in the districts through which they passed, that even high officials of the standing of Deputy Commissioners exacted all kinds of contributions from the people within their respective jurisdiction ; that they obtained articles of food and other necessities of life without paying for them, and in addition realised levies and fines and penalties from whole populations. We have also evidence of the fact that in giving effect to the orders of martial Law Tribunals about the forfeiture of property inhuman cruelties were practised on the women and children of the 'offenders'. In some cases they were thrown on the streets and were not even allowed to take sufficient clothing for the night and this was done not by subordinate officials but by high officers.

I have narrated the events of Sir Michael O'Dwyer's administration at some length in order to show that it was all through, a regime of terrorism and frightfulness in the literal sense of these words and that it was only carried to its logical conclusion in the months of April and May, 1919. In the words used by Mr. Montagu with reference to the action of General Dyer, the ideals which Sir Michael O'Dwyer had set before himself were 'terrorism, humiliation

and subordination' and they reached their climax in the promulgation and administration of Martial Law. Witness after witness has appeared before the Hunter Committee and has practically boasted of his acts of cruelty and oppression. General Dyer himself has justified all that he did. Col. Frank Johnson is proud of everything that was done by him. He said in one case that that was one of the few brain waves he had in his life. Captain Doveton, Col. O'Brien, Major Bosworth Smith all testify in the same spirit. There was only one incident for which Col. Frank Johnson expressed his regret, and that was the flogging of the marriage party. Others were not sorry for anything, and said that they would do the same thing if ever there was a chance of doing so. Here then we have the tragely of the situation.

We believe that the principles and conduct of these men are entirely opposed to the traditions and the policy of the British Government, particularly the policy that underlies the reform Scheme. We are afraid, however, that in the Punjab the majority of the bureaucracy are of the same mentality. The vast majority of the non-official European community is also of the same mind and so are a good many of the European and American Missionaries. If such is the mentality of so many members of the Indian Civil Service, who, after all, are the real rulers of the country and in whom is vested the task of administration, what is the remedy. In the face of the statements made before the Hunter Committee by European witnesses, the wholesale defence of General Dyer and others by the Anglo-Indian Press and the Anglo-Indian community, the raising of memorial funds for him and in his honour, and last but not the least, the resolution passed by the House of Lords, how can we Indians, possibly, assume that the British in England and the European community in India generally have accepted, in sincerity, the Reform Scheme and the principles that underlie it? These principles imply that if not at once at least in a short time we must be free in our own country, with power to make and unmake our Governments, subject only to the maintenance of the Imperial tie, it being our interest and right to shorten the period of transition as much as possible. The Indian Civil Service and the European community of India and the House of Lords evidently think otherwise. They conceive it to be in their interest to prolong the period of transition by all methods open to them and many of them are frankly anxious to defeat the Reform Scheme and revert to the old system of Government. If then the struggle between these two interests is to be conducted on the lines that were in evidence in the Martial Law regime, it seems to be absolutely futile to think of friendly co-operation between the two interests. It is all very well

for those who are still in power to ask us to drop the matter and let by-gones be by-gones. I wish I could ask you to do the same. I am not actuated by any vindictive and revengeful motive, and I fully believe that my people are not ; but how can we sit silent and let the matter drop in the face of all that has happened in India and in England, in connection with the events of last year until full and complete justice has been done and until steps have been taken to prevent a recurrence of the tragic state of things. The Government of India and the British Cabinet have gone out of their way to praise and belaud a man whom we consider to be the chief culprit in this whole drama of oppression and tyranny. If that praise is justified and if we acquiesce in by our silence, then surely we deserve at what was done to us. If not, then, it is our duty to press for the punishment and prosecution of Sir Michael O'Dwyer.

The Punjab tragedy was not a provincial affair, but a national one. Our manhood, our self-respect, our national dignity, nay, our very existence as a nation, depends on our having the principles and practices of Sir Michael O'Dwyer condemned, and once for all abrogated. We have it to ourselves, to our women, to our children and also to those unborn, to fight it out and not let the matter drop without obtaining full and unqualified redress, and without obtaining effective guarantees that it will not be possible for any one, however high his position in the Government of the country, to enact such like tragedies again. It is our duty also to repudiate as emphatically as we can the fundamentally erroneous, I was going to say, vicious and Prussian conception which found frequent expression in Sir Michael O'Dwyer's speeches, that the security of life and property is the primary duty of Government. The security of life and property is only a means to an end. What is the end ? The uplifting of the human race and its progress towards the fullness of freedom, which means towards divinity. PEACE IS A GOOD THING, BUT LIFE IS STILL BETTER, says Rabindranath Tagore in one of his essays on Nationalism.

If the British rulers of India propose to give us mere security of life and property by denying us honour and liberty we must refuse to have them. THERE IS NO LIFE WITHOUT FREEDOM AND THERE IS NO FREEDOM WITHOUT "SWARAJYA" OR SELF-GOVERNMENT.

Ladies and Gentlemen, I believe I give expression to your sentiments when I say to our rulers, that although the British Government is mighty enough to crush all our efforts by their military power, any success they achieved by military efforts would be a very expensive one. The British *Raj* is no longer synonymous with

justice and fair-play in the mind of the average citizen and the more it is dragged into the mire by men like Sir Michael O'Dwyer, the more it will lose in what has hitherto constituted its boast.

We, on our part, are determined not to let our *morale* go under, to fight only a clean fight. We shall continue to condemn unhesitatingly and unequivocally all those who commit violence, or insult or humilitate women, irrespective of their nationality, or who commit such acts of inhumanity as characterised the Dyers, Dovetons, Johnsons, O'Briens and others of the Punjab tragedy. If all this fails to bring us the necessary relief, I for one hope and believe that it will not, well, then the future is in the lap of the gods. I want in your name and in the name of the country which we have the honour to represent to tell Mr. Montagu and through him the British Cabinet, that we accept in full the principles that he has laid down in the speech which he made in the course of the Dyer Debate in the House of Commons. For our part we are fully prepared to act on those principles, and to cherish the connection with the British Common-wealth as a desirable privilege, but shall be deceiving ourselves as well as Mr. Montagu if we do not tell him also that in the light of the events that happened in the Punjab last year, the people of this country require something more than speeches and resolutions and despatches to prove that the British Cabinet and the British people are equally sincere and equally earnest for the principles laid down by Mr. Montagu. Here let me make one thing clear. If partnership of the Common-wealth means full freedom to us in India, with responsiblity for the burden of the Common-wealth to the extent of our interest in it, we accept that ideal of partnership but if partnership in the Empire means and includes the permanence of racial or alien domination in any shape, form or degree in the Government of India, then we do not accept that ideal. We are determined at no distant date to be entirely free in our country, in the same sense as South Africans are free in South Africa, Canadians in Canada, Australians in Australia and the British at home. Any qualification of that ideal we will not admit. All those Europeans who are domiciled in this country are our countrymen, and it shall be our duty to respect their rights in the same way as we shall respect the rights of any other community in India. But beyond this we are not prepared to go. Further we are also determined not to let ourselves be used as willing tools to crush the liberties of the rest of the world. We of the Indian National Congress have declared that we are quite fit for complete autonomy even now, yet we did accept, however inadequate and unsatisfactory, the instalment given to us, as evidence of the *bona fides* of the British statesmen. We were

prepared to work out the Reform Scheme to the best of our ability as a stepping stone to full responsible Government, but we must frankly tell Mr. Montagu that the events of the Punjab have shaken our faith in the motives of those who seek our co-operation in the ostensible working out of the Reform Scheme.

I will conclude this part of my address by stating in brief what we want, (*a*) We want complete and unequivocal repudiation and condemnation of Sir Michael O'Dwyer and if possible his prosecution and punishment. We also want that an open enquiry be held into the methods adopted by Sir Michael O'Dwyer in the recruiting campaign and in raising war loans and war funds. (*b*) We want equal condemnation and punishment of the Dovetons, Johnsons, O'Briens and Smiths as well as of all those Indians who helped them in enacting the outrages of the last year. The compulsory retirement of men like Bosworth Smith does not satisfy us (*c*) We want the release of the remaining Martial Law prisoners and all the men that are still rotting in jails under convictions of the Special Tribunals and the Martial Law Courts. We shall be quite ready to have such of them retried by ordinary courts as were accused of murders or other charges of that nature; but we refuse to accept the judgments of the Special and the Martial Law Courts as good judicial pronouncements. (*d*) We insist that all the loss incurred by the people of the Punjab by the vagaries of the troops and the officials in the course of the Martial Law administration be made good and that all punitive fines and penalties imposed and recovered be remitted and returned (*e*) We demand that all the disqualifications that are involved in the conviction of men by the Martial Law Tribunals be set aside, either by law or by a general order of the Government. (*f*) We further require that an open enquiry be held into the charges of bribery, corruption, extortion and torture that have been made by the witnesses before the Congress Commissioners against Police Officers of whatever rank, and other officials. (*g*) We also insist that if the authors of the Reform Scheme want a fair trial for it, they must remove from the Punjab all such officers as were connected with the outrages, as a proof of their *bona fides*. (*h*) If there be any others in the Punjab or elsewhere who do not accept the principles of the Reform Scheme they also must go, even if they have to be retired on suitable pensions. They should not be there to desert the Reform Scheme by the exercise of powers that are still left to them to a very great extent by the Reform Scheme itself. The Department of Law and the control of the Police is entirely in their hands and unless the people of India get control of these Departments they cannot effectively prevent the higher officials from exercising these powers high-handedly, and

arbitrarily as they did in the Punjab and as, to our knowledge and regret, they are doing even now in some places. (*i*) The Government of India too must shoulder their share of the responsibility for the Punjab tragedy. Their decision on the Hunter Committee's Report was a foregone conclusion. All the credit which they were entitled to, for their efforts to shorten the period of Martial Law has been discounted by their present justification of its continuance. If the view which the British Cabinet has taken of General Dyer's action and of the excesses of the Martial Law administration is correct (and it is much below the reality), then I submit the least that Lord Chelmsford can do with honour to retire from his high office. If Mr. Austin Chamberlain thought it his duty to resign his office on account of the verdict of the Mesopotamia Commission, I submit there is enough in the Hunter Committee's Report (of both the Majority and the Minority) which should induce Lord Chelmsford to take the same honourable course. The Viceroy and his Cabinet have been guilty of gross dereliction of duty in failing to check the vagaries of Sir Michael O'Dwyer, and in failing to exercise that power of control which law and tradition vested in them. They let the people of the Punjab sulk and suffer under the impression that there was no one to hear their cries.

Under the circumstances the country's demand for the recall of the Viceroy seems to be just and proper.

Sir Sankaran Nair.

Speaking of the Government of India, I must not omit to make mention of the noble stand made by our distinguished countryman, Sir Sankaran Nair, against the policy of the Government relating to the Punjab. His forcible protests, ending in his resignation from his high office, are worthy of the best traditions of Indian patriotism and will be remembered as long as India is articulate. His bold, blunt and burning love of justice and fairplay, his high sense of duty, and absolute disregard of personal losses are such as to make every Indian proud of him.

Narrative Still Incomplete.

Ladies and Gentlemen, before I close this account of the wrongs inflicted on the Punjab, I must tell you that the narrative is by no means exhaustive. For want of time and space I have omitted many facts and incidents, as telling as those related, and I believe there are many more which have not yet been brought to light. The Punjab Provincial Congress Committee have resolved to undertake the work of investigation from the point where it was left by the Congress Commissioners, so as to complete the record, as far as practicable. Nor must I pass to the next subject without

recording the bright side of this gruesome tale. It is true that Sir Michael O'Dwyer did succeed in terrorising and overawing the Punjabees for a while, but as soon as the first shock was over, the people recovered almost instantaneously. Those who were arrested and prosecuted, behaved most heroically, those whom they had left behind including little children and women, bore their misfortunes nobly.

Ratan Devi.

To the *eternal glory of Indian womanhood*, Ratan Devi defied the Curfew order of General Dyer, and watched all night by the corpse of her dead husband in the Jallianwala Bagh. The boys who were accused of waging war against His Majesty the King, never showed the slightest anxiety about their lives.

Harkishen Lal.

Of the victims of official aggression there is one man whose name I must mention, who by his cool and calm behaviour, his bold and defiant attitude, his manly notions of self-respect and honour, his stoic indifference to consequences, set an example for others and earned the ever lasting respect of his countrymen. I refer, of course, to Lala Harkishen Lal.

Having passed through the fire of Martial Law, the Punjab is to-day purer, stronger, more advanced, more determined, more patriotic and very much more united. The so-called backward Muslim masses are vying with their Hindu countrymen in showing a united political front, and the Sikhs (young and old) are outdoing themselves. No words can describe their enthusiasm for political regeneration and their readiness to suffer and sacrifice.

Indian Unity.

If Martial Law has produced such good results in the Punjab itself, it has done still greater wonders in the cause of Indian unity. The political consciousness of the people of India has advanced by at least ten years. I believe I am giving expression to your sentiments, Ladies and Gentlemen, when I say that the country owes a deep debt of gratitude to the Hon'ble Pandit Madan Mohan Malaviya, the Hon. Pandit Moti Lal Nehru, the most revered Mahatma M. K. Gandhi, and Messrs. C. R. Dass, Jayakar and Tyebji. Our immortal Rabindra Nath Tagore's letter to the Viceroy will ever remain the charter of national self-respect and dignity, for the future generations of India. As a Punjabee I must offer my gratitude to all who have espoused the cause of my Province in her hour of affliction. As an Indian I am proud of the stand made by the country. Surely, it is a new day and a most

cheering day to find that in this matter the Hon'ble Mian Mahomed Shafi should be on the same side, as the most uncompromising Indian radical politician, be he of Bengal or of Maharashtra. The one Englishman, whose name I must mention with gratitude is Mr. C. F. Andrews, who is now one of us. Nor can we withhold our praise from the Indian members of the Hunter Committee, for their independence of character and for the statesmanlike view they have taken of the affairs in the Punjab. The country's best thanks are due to them for their lucid and masterly report.

Khilafat Question.

They say that every cloud has its silver lining. To me it looks as if the Punjab tragedy has a golden hue, with the memory of the Amritsar martyrs, with the pictures of Ratan Devi, Madan Mohan and Khushi Ram engraved on our hearts, with the recollection of the dying Muslim urchin, who invoked the "*Hindu Musalman ki Jai*" with his last breath, with the example of the sufferers of the Martial Law, we will march on to our goal of national unity and national freedom, with hope and confidence.

The second question that has been referred to the Special Session of the Congress, for consideration and decision is the question of the "Khilafat." Seventy millions of our Muslim countrymen are stirred over it. The question has two aspects: the religious and the political. We of the Indian National Congress have no jurisdiction to go into the merits of the Khilafat question from the religious point of view. In the words of Mr. Leland Buxton "it does not in the least matter what Professor this or Doctor that thinks the Muslims ought to believe. What does matter is, that the vast majority of *Sunni* Muslims do believe that the Sultan of Turkey is their Khalifa and the interests of Islam require him to be the head of a large, powerful and independent State." The Mohamedan Law-books define the boundaries of such a State.

There is perfect unanimity among the Mohamedans of India on the religious merits of the question. I do not believe there could be more than one person in a million among the *Sunni* Mohamedans of India who entertains any doubts in the matter. We may then take it for granted that the interpretation put upon this matter by the Central Khilafat Committee is correct. It was a matter for our Mohamedan countrymen to decide and they have decided it. They contend that the Turkish Peace Treaty violates the fundamentals of Islam, prevents them from fulfilling their religious obligations, makes it impossible for them to maintain friendly relations with a nation which is the cause of it.

They also maintain that the Turkish Settlement has violated the solemn pledges given to the people of India by British statesmen during the War.

In the first place, after the declaration of the War between England and Turkey in 1914, the Government of India on behalf of His Majesty's Government as also the Government of France and Russia promptly issued a proclamation assuring "His Majesty's most loyal Muslim subjects" that "no question of a religious character was involved" in the war "and disclaiming any British designs against the Holy Places of Islam." Again in January 1918 speaking in the name of the whole Empire the British Prime Minister made the following unambiguous and remarkable pronouncement :—

"Nor are we fighting to deprive Turkey of its capital or of the rich and renowned lands of Asia Minor which are predominantly Turkish in race." Finally, came the armistice with Turkey, and it is important to recall that it was signed on the basis of President Wilson's Twelfth point, (one of his famous 14 points set forth in his message to the Congress dated the 8th January, 1918), which is as follows :

"That the turkish portions of the present Ottoman Empire should be assured of secure sovereignty, but the other nationalities now under turkish rule should be assured security of life and autonomous development."

Now, ask the Muslims, have this promises and pledges been redeemed? It is the bare truth to say that in the treaty presented to the Turkish Plenipotentiaries on May 11th last and since signed by the Turkish Government, every single principle contained in the declarations I have cited above, has been palpably violated. Non-interference with the Muslim religious practices and obligations, non-molestation of Islamic Holy Places and respect for Turkish territorial and National integrity have all been *thrown overboard*". This is the Muslim contention and the whole of India has accepted it as true.

So much then from the Mahomedan point of view.

But there are in my judgment other issues also involved in the Turkish Peace Treaty which deserve consideration. I maintain that any further extension of the British Empire in Asia is detrimental to the interests of India and fatal to the liberties of the human race. The British have frequently used Indian troops to conquer various parts of Asia and Africa. For a long time there was an unwritten law which every European Chancellory considered binding on itself, that non-European troops were not to be used in any European War. This was abolished in the last war. African troops and Indian troops were used during and after the war by the Allies

in Europe. Black troops were in occupation of Germany and possibly they may be still there. Gurkhas were, for some time, stationed in Ireland. I do not, of course, resent the abolition of the invidious social bar. From that point of view, I may even welcome it, but surely it widens the scope of militarism. British suzerainty in Arabia and British occupation of Mesopotamia involves the practical absorption of Persia and Central Asia, and perhaps later on of Afghanistan as well, into the British Empire. What has happened in India will happen in these countries too, *i e.*, the general population will be disarmed and a number of them enrolled and drilled in the army. With the memory of the Dyer Debates fresh in our minds, let my countrymen imagine the effect of that procedure on their own liberties as well as those of the rest of the world. The prospect of having Arabian, Persian and Afghan regiments in India cannot be pleasant to those of us who are working for the freedom of this country. It may be said that the contingency is very remote and fanciful. I am afraid I cannot agree in that view. What remote to day becomes near to-morrow. If the British Imperialist has no scruples in using Indian troops in Egypt, Persia, Arabia, Mesopotamia, Syria and Central Asia, why will he have any in using the troops he raises in these countries against us? The Hindu-Muslim problem will become ten times more troublesome and dangerous, if this turns out to be true.

Then there is another aspect of the question. If the Muslim population of these countries continue to resist British attempts at occupation which they are likely to do for years, the Indian army will be in constant requisition to fight their battles in those regions, which means a constant and never-ending drain on our resources, both human and economic. The best interests of India therefore, require that the Muslim countries in Western Asia should remain free and independent. Their amalgamation in the British Empire even under the pretence of mandatory jurisdiction, is likely to be extremely harmful to us. We know what these mandates really mean. The British have to maintain 80,000 troops in Mesopotamia and the French the same number in Syria. They have spent money like water on these territories even after the war. This is not being done for the benefit of these backward countries. Several wars are going on at this minute in what were Turkish territories before.

It may be contended that this view ignores the League of Nations and the United States. Well, gentlemen, there is no such thing as the League of Nations. Great Britain and France are the League. As for the United States, they are averse to any entanglements in foreign politics. They will not raise their little finger to save the liberties of the world unless theirs are in danger.

But it may also be said that this view ignores the possibility of Labour coming into power in Great Britain. Well, so long as Labour does not actually come into power it will be foolish for us to count upon the contingency in deciding what attitude we shall take on current problems, which brook no delay. For the present it seems that Junkerism and Militarism have obtained a fresh lease of life in Great Britain. For evidence one has to read carefully the speeches made in the course of the Dyer Debate in both the Houses of Parliament. These speeches would not have been delivered in 1917 and 1918.

The question then resolves itself into the following :—

(*a*) Are we voluntarily and of our free will going to acquiesce in British Junkerism crushing Muslim liberties in Western Asia, and trample upon Indian religious susceptibilities without joining our protest with that of our Muslim countrymen against this immoral and unjust attempt ?

(*b*) Are we to sit silent and let the British Junkers ride rough shod over the pledges under which they obtained our country's help in the war against Turkey.

(*c*) Are we going to lose this opportunity of cementing the Hindu-Muslim *Entente* for the common purpose of Indian liberties in India, and Muslim liberties in Muslim countries ?

(*d*) We, of the Indian National Congress, have always believed that the fabric of Indian liberties cannot be built safe and secure except upon the foundation of a close understanding between the two communities. The British bureaucrats have from time to time been deliberately playing the one against the other, and for a time they succeeded. Now is the time for us to convince our Muslim brothers that we were and are sincere in our desire for Muslim friendship. The bureaucrat now want to play the Hindus against the Muslims. In fact they were already at the game. It was the spectacle of Hindu-Muslim unity at Amritsar that finally exasperated Sir Michael O'Dwyer and drove him mad. The Hindu Muslim unity was declared to be anti-British for no reason whatsoever except that to Anglo-Indian bureaucrats, it was an unpleasant spectacle. It was not anti-Indian when they freely used the Muslims to denounce the Hindus, but it became anti-British, the moment Muslims began to fraternise with the Hindus. Such is the mentality of so many of the Anglo-Indian bureaucrats.

I do not believe there are any Indian Muslims who want Muslim sovereignty in India, but if there be any such we should not be afraid of them. If it came to it, we know how to defend our liberties with or without British aid. How long are we going to be afraid of shadows and be deceived by imaginery fears set before

us as a justification of despotic rule? But all this is on the assumption that there is going to be a fight. I for one do not believe that there is any likelihood of one. The Muslims of India do not want to turn out the British; even if they wanted it they could not do so. What they need and ask for is our moral and constitutional support in the present crisis regarding the Khilafat, and we should have no hesitation in giving it to them unreservedly.

I think it is a perfectly legitimate and constitutional demand that the Indian troops should no more be used anywhere outside India. They were taken out to defend the Empire when the Empire was in danger. The War which threatened the whole Empire is over and the troops sent by the Dominions have returned to their homes. So should ours. The Indian army exists to defend the Indian Empire and not for an aggressive Imperial policy of extension and expansion.

As to how far the Hindus should go with their Muslim countrymen in the latter's campaign of non-cooperation is a question which it is for you to discuss and decide. All that I can say at this stage is that we should go as far as we can, consistently with our duty to the country, even if we have to suffer. The Hindu-Muslim unity betokens the dawn of a new day in the history of India and it will be extremely foolish and short-sighted to throw this chance which only comes once perhaps in a century on the bidding of those who worship at the shrine of Dyerism.

The prospect of Hindu-Muslim unity has already brightened the horizon and outlook of many an Indian who had taken to despair. It has cheered many a dying patriot at Amritsar and other places.

Mr. Maqbul Mohamed of Amritsar has in his evidence before the Congress Commissioners related two touching incidents which are worth mentioning here. Speaking of the pathetic scenes he witnessed after the firing on the carriage bridge at Amritsar, on the 10th of April, he says :—

"I witnessed many pathetic scenes and some gruesome sights. I saw a corpse actually with an eye-ball and the whole brain blown out. I heard a dying man gasping "Hindu Mussalman ki Jai." A boy of 16 or 17 years of age lay wounded with his entrails protuding, having been hit on the belly. When Dr. Dhanpat Rai Salaria and I approached him, he whispered: "I am dying, attend to my brethren. "Hindu Mussalman ki Jai." The next moment he died. Many similar instances of notable sacrifice I noticed when I was pouring water into the mouths of the dying."

One word more and I will have finished this part of my address. It has been pointed out to me by well meaning friends that in supporting the Muslim claim for the maintenance of the Turkish

Empire, I am advocating Imperialism to which I am otherwise so bitterly opposed. Well, Ladies and Gentlemen, I do desire the destruction of Imperialism but I do not desire the destruction of some Empires for the benefit of others. In my judgment, Imperialism should be eliminated from the affairs of men and federation of sisterly states should take its place, but so long as there are Empires, it is not in the interests of humanity that some of them should be dissolved for the enlargement and glorification of others. In the present state of world politics, the liberty of such states as are now being created by the dissolution of the Turkish Empire is not worth even a day's purchase. Syria, Palestine and Mesopotamia are being absorbed in the British and French Empires. Arabia and Kurdistan and Armenia cannot but be vassal States. Turkey itself, under the Treaty, is hardly in a better position than the Nizam of Hyderabad. In an unguarded moment Lloyd George has said: "We have got Constantinople. We have got Mesopotamia. We have got Palestine." The Allies would have been perfectly justified in insisting on establishing autonomous Governments in all the component parts of the Turkish Empire, with a tie of federation joining them all for purposes of defence. But as the matter at present stands, Muslim independence is entirely gone. What Arabia, Palestine, Mesopotamia, Syria, Kurdistan and Anatolia are getting is only a shadow and not the substance.

It is impossible to believe that the British and the French quarrels over the oil of Mosul are all disinterested and in the interest of the Muslim world. France, Italy and Great Britain have just made a treaty defining their economic interests in these territories, without consulting Turkey.

In my judgment the position of the Turks in Anatolia and Constantinople is worse than that of Germans in Germany and of the Austrians in Austria. It cannot be said that the Treaty secures them the sovereignty of Thrace or of the Turkish parts of Empire or of the rich and renowned lands of Asia Minor. In an article in the *Servant of India*, dated 19th August 1920, our friend Mr. C. F. Andrews has explained the meaning of that sentence. He quotes chapter and verse for the following opinion :—

"Furthermore, we have now the fact brought to light, that every other Allied power appears to regard the British as paramount in Aleppo and Damascus and the Greeks as paramount in Smyrna and Adrianople. All the military defences of Constantinople are in the hands of the British. The Sultan himself, his Vizier, and his Cabinet sign dutifully and unanimously British orders. Recalcitrant officials have been effectively dealt with. Financial control has been taken from the Turkish Government; and the Sultan

has been made, not only a prisoner in his own palace,—to all intents and purposes,—but also practically a pauper and a mendicant, dependent on the hated foreigner for every penny of his income. It is this situation, which has made Europe regard the British military occupation as complete and lasting.

Reform Rules and Regulations.

It is not my intention to detain you long over the Reform Rules and Regulations. The Parliament has finally passed them and they have already been put into operation. My attitude towards the Reform Scheme may be summed up in one sentence. It was one of partial elation in 1918, it sank into one of depression in 1919, it changed almost into one of despair in 1920. From the frankness that characterised the statements made in the Joint Report of the Secretary of State and Viceroy, I concluded that they meant exactly what they had said. But soon after, the resolution relating to the Arms Act and the Local Self-Government and the action of the Government in the matter of admitting Indians into the commissioned ranks of the Indian Army, disillusioned me. Then came the Reform Act, with its reservations and limitations. The way in which the Secretary of State has been encumbering Indian finances and sanctioning increase after increase in the salaries and allowances of the Civil and Military service, the rules that have been made for the selection of such Indian Civil servants as are to be nominated in India, the latest development of policy in regard to Currency, and Exchange, and Reserve Bills, and last but not the least the tenderness which has been shown in dealing with the culprits in the Punjab tragedy have shattered all my hopes. The Reform Scheme as originally formulated, carried in its bosom the germs of disease. These germs have so fearfully developed since then that Colonel Wedgewood was perfectly justified in arguing that "the people of India think and rightly think, that the rules and regulations and the decisions of the Joint Committee, have whittled down the recommendation of the Montagu-Chelmsford Report and have made the Act, as it is put into operation now, far worse than the recommendations of the original Report led them to expect". Now I must say that in one or two respects the Reform Act has made an improvement on the original scheme, but on the whole it has disappointed the hopes that were raised by the latter. Nor is this any matter for wonder. The Rules and Regulations have been framed by the bureaucracy and represent their mind. The people of India have had very little to say in the drafting of them, and what little they said has gone unheeded. The restrictions imposed on the selection of candidates, the refusal to enfranchise the wage-earning classes and women, the constitution of

the territorial constituencies and the almost autocratic powers given to the Governors, have considerably reduced the value of the Reforms, even such as they were. The distinction between dismissed Government Servant and dismissed or suspended lawyers and between rural and urban constituencies is on the face of it absurd. The tenderness shown towards European commercial interests is significant and even more significant is the anxiety to keep out of the Councils the leading victims of Martial Law. In the Punjab, Indian Trade and Commerce remains unrepresented and also the Depressed Classes and the wage-earners. The Rules of Procedure are as reactionary as the ingenuity of the bureaucracy could make them. In fact, all round, so far as the Rules and regulations are concerned, the bureaucracy have won and the Indian people have lost. My friend, Mr. V. J. Patel, has returned to India perhaps sadder and wiser for his troubles. He will, I am sure, throw much more light on the subject than I can. It has been found that blood is thicker than water. It has happened in this case as it did in the case of the Morley-Minto reforms, and it will continue to be like that, until the people of India make up their minds that what they want is the whole loaf and not merely half of it. I would have no objection to take even the half, provided I was sure that the half offered was not selected by the bureaucracy. The bureaucracy is so adept in the art of mixing and cooking that the half which they propose to retain, contains all the nourishment of the whole leaving the other half worse than chaff. They manage it so skilfully that in the process of doughing they mix many a germ of disease in the half which they propose to let you have. It will be a marvel of good fortune, if with all the distinctions of Hindus, Mussulmans, Sikhs and Christians, of urban and rural, of Brahmans and Non-Brahmans, of residents and non-residents, of British subjects and those of Natives States, of military and civil, made in the Rules and Regulations, we are still able to evolve a national spirit which will rise above these differences and consolidate us into one people, with a will to live and prosper as a free nation.

Non-Co-operation.

At the meeting of the All-India Congress Committee, which sanctioned the convening of this special session, it was proposed by Mr. Gandhi that, as a protest against the Turkish Peace Treaty and the decision of the Government in regard to the Punjab affairs, that Committee should recommend a programme of Non-co-operation to the country. Mr. Gandhi's programme of Non-co-operation includes the boycott of the reformed Councils. The All-India Congress Committee considered that it was not within its competence

to accept this proposition as it was opposed to the Resolution of the Amritsar Congress relating to the Reform Scheme. It did not, at the same time, think it right to dispose of the matter without giving the country, as a whole, an opportunity of pronouncing on it. So it has referred the whole matter to this Special Session.

The question has since then been widely discussed in the country, on the platform and in the press. The Central Khilafat Committee under the leadership of Mr. Gandhi have already started their campaign of Non-co-operation. Some Provincial Congress Committees have, by a majority of votes, accepted the principle of Non-co-operation but have recommended no action, pending the decision of this assembly. The question is very much agitating the public mind and has divided the country into two opposing camps. On both sides are ranged revered and respected leaders. Much feeling has been imported into the discussion. Under the circumstances, I have decided that, as President of this assembly, the proper course for me at this stage is to refrain from expressing any opinion on this subject.

Past Practice.

I am aware that in the past Presidents have generally discussed all important political questions of the day in their presidential addresses, but then until very recently the country was practically unanimous on all questions which the Congress was expected to deal with.

On the other hand, I believe there is an unwritten tradition that the Congress President, as the spokesman of the country, is expected to deal only with questions on which the country is unanimous or almost unanimous. There is a great deal of wisdom in that tradition. If the Congress is to maintain its character as a National Assembly, those who are selected for the office of the President must not be partisans in the ordinary sense of the term. Whatever his personal opinions, the President cannot be speaking for, and in the name of the country, if he makes a pronouncement on which the country is not unanimous. If his views do not happen to coincide with those of the Majority, both he and the Congress would find the situation rather awkward. The President should not try to anticipate the decision of the Congress on a question on which the country is so sharply divided as it is on the question before us. I, therefore, think that the best interests of the country and the traditions of the high office to which you have elected me, require that for the present, and in this address, I should say nothing on this much-debated question. In deciding to do so, I am adopting a course which, in my judgment, will enable you hereafter to maintain the National character of this assembly, and which will also have the

additional merit of not narrowing the field from which to select your future Presidents. In these days of active political life, when every new day the country may be expected to be confronted with problems on which there is room for differences of opinion among the best and the most respected of the country's leaders, you can not afford to select your Presidents from amongst men who have kept aloof from active political life. No person who is actively interested in the political life of his country can possibly remain neutral on any important questions on the merest chance of being called upon to preside over a session of the Congress. Nor would such an office-seeker be worthy of this high office. The Congress Presidents must continue to be selected, as far as possible, from among men who have been in the forefront of the political life of the country. It should not be difficult for many among them, to be absolutely impartial when presiding over discussions of controversial subjects, in spite of their having their own personal opinions one way or the other.

President Mouth-piece of the Country.

In my humble judgment, the President of the Indian National Congress is the mouth-piece of the country only on questions on which the country is unanimous or practically unanimous. Acting on this principle,. the moment I decided to accept the honour to which I was called by the vote of the All-India Congress Committee, I made up my mind to follow this course. Since then I have devoted much thought to it but I have not seen any reason to change my opinion. I hope and trust that my decision will meet with your approval. I have my personal opinion on the questions involved in the programme of non-co-operation but during the session of the Congress I will conduct the proceedings without taking sides.

Co-operation Examined.

This, however, does not prevent me from making some general observations on the subject. Before we consider Non-co-operation let us start with co-operation. Co-operation of the people with the Government is based on one of the two assumptions, either that the Government represents them, or that the Government is there to protect their interests. Now in India the first of these two assumptions can not hold good. The second is unhappily in the course of being shattered to pieces, if not already gone. Co-operation with Government, again, is of two kinds; one enforceable by law and therefore compulsory, for example the payment of taxes, or serving the army under conscription; the other is voluntary, for example accepting Government service or joining the Councils and so. In the case of the former, every

refusal is punishable. As for the latter, there again you have to distinguish between co-operation which is obviously for the country's benefit and that which is not so. Co-operation determined solely or mainly by economic considerations can only be refused, if we can find economic alternatives. Co-operation inspired by considerations of honour and dignity can be easily refused if the mentality of the people regarding honour and dignity can be changed. Last, but not the least, in the same class you may consider co-operation which gives you opportunities of serving your country by attacking the citadels of power and privilege from the inside.

Co-operation or refusal of it, then, must be judged by (*a*) its obligatory or voluntary nature (*b*) by its economic consequences (*c*) by its inherent morality and (*d*) by its utility as a weapon of attack or defence.

Co-operation which is immoral or which makes you a tool of a foreign bureaucracy or which leaves you no option but to give effect to their orders, stands on an entirely different footing from one which is obviously for the benefit of the country Similarly Co-operation, which is inspired by economic necessity stands on a different footing from the one which is solely or mainly based on considerations of honour and dignity. Then again you must consider if your refusal of co-operation proceeds from the desire to make an immediate effective impression on the Government or from the motive of habituating the people to take their destiny in their own hands.

These, then, are the issues involved in the great question of Non-co-operation.

Interests of the People.

With your permission, I may also sound a general note of warning. We are passing through critical times. The minds of men are in ferment not only in this country of ours, but all over the world. Ideals, ideas, principles, convictions, sentiments, opinions, beliefs, creeds and all things, for which men have so far lived and fought are in the melting pot. Democracy is in the air but not that democracy which has brought the old world near its end in one great war. We are promised a new kind of democracy which would make no distinctions of colour, creed, caste, civilisation or culture. It would recognise no barrier between men and men which are the outcome of artificial social distinctions. It aims to raise the dignity of *MAN* as such. Under the circumstances, it is our duty to take into consideration more than we ever did before, the interests of those who are for the present mere men and women, with no adjectives or prefixes before their names to enable them either to vote for the legislative assemblies of the country or to exercise any

other political right, giving them a voice in the determination of their destinies. These men and women have begun to think, not that they did not think before. Thank God, the masses of this country have never been unthinking animals. But what they used to think of before is different from what they are thinking now. In one word, they have begun to think politically. Bitter experience, economic want, Rowlatt Bills and the Martial Law orders, have indeed not only taught them to think politically but also to think vigorously. They feel and realise more keenly and more actively than they perhaps ever did before, the difference between politically free men and those that are not so. In certain respects they are already ahead of those who are supposed to have a stake in the country. They feel that the men without property have a greater and more real stake in the country than men with property. The latter can go and settle and live wherever they like. The whole world is open to them. They are perfectly welcome in every civilised country. But the former can go nowhere except as indentured coolies or as mercenary soldiers, privileges of which they ary already quite sick. They want their country for themselves and they are keen on getting it as soon as circumstances permit. Under the circumstances, let me beg of you to think well before you decide the momentous question before you. Whatever you decide, be prepared to act up to your decision regardless of the consequences to your personal interest. Let not your decisions be vitiated by considerations of personal or class interests.

The Masses.

The general public, including the masses, are in no mood to be trifled with either by the Government or by yourselves. They have waited sufficiently long, and they want immediate relief from economic want and from political bondage. They may not understand complicated questions of Finance, Currency, Military organisation, or the like. They may not be able to express opinions on abstract theories of State, but they do know that the country at present is not being governed in their interests. They are quite aware of the supercilious claims that are being put forward by British statesmen of all kinds from the O' Dwyers, Sydenhams and Sumners of the Tory school to the Mestons, Mac Donnels and Montagus of the democratic wing, that the British can and do look after the interests of the masses of this country even better than their educated countrymen. They know that when the question arises whether vote should be given to "the man on the soil, the man behind the plough, and the man whose life is a question between a crop and a crop" it is the British statesman who stands between them and their

right. They know also that when the question arises of how best to spend the revenue raised from them, the people whose interests get precedence over theirs, are the British Civilian, the British Army man, the British manufacturer, the British banker, and the British trader. They have seen through the newspapers how lavishly and generously the British Secretary of State has been solicitous of conciliating the British and the allied highly paid Indian servants of the Crown by giving them large increments in the princely salaries which they are already enjoying. While the British Government readily recognises that the man drawing from Rs. 500 to Rs. 3000 or 4000 a month is hard hit by the increase in the cost of living, they shut their eyes to the fact that the said increase has cut the very ground from under the feet of the ordinary wage-earner, the small agriculturist and the low-paid clerk. Last, but not the least, they have seen that, however tyrannical and oppressive the conduct of a British or Indian officer may be, the greatest punishment that can be meted out to him is to be compulsarily retired on a pension, a punishment which really falls on the tax-payer.

Pensions to Dyers and Smiths.

Just imagine, Ladies and Gentlemen, the iniquity of the fact that the Indian tax-payer, whose women were insulted, whose crops were ruined, whose sons were flogged, who in his own person, or in that of his relatives or countrymen was humiliated, imprisoned and trodden under foot, is being made to pay for the comfortable living in Great Britain of a Michael O'Dwyer and Bosworth Smith. The other day, when I mentioned Bosworth Smith to a senior Punjab Civilian, he said, "that fellow was mad." Yet this same mad man not only ruled districts as big in size perhaps as Wales for a number of years, but still is to be a burden on the Indian revenue.

Believe me, Ladies and Gentlemen, the masses of this country are feeling the hardships of the present system of administration even more keenly than the educated Indian. I do not wish to be an alarmist but let me tell you quite frankly that if the Government and the more comfortably placed among ourselves do not desire a revolution, they have to do something tangible, material and substantial, to remove these impressions and do it quick. The persecution of a few educated leaders will only make the situation worse. Educated leaders, on the whole, exercise a restraining influence. Remove that influence as was done by deporting Drs. Kitchlew and Satyapal and the consequences will be disastrous.

Appointment of Lord Sinha and Messrs. Sarma and Sapru.

The recent appointments of Lord Sinha and of Mr. Sharma and Dr. Sapru, are excellent in themselves. I may even congratulate

these gentlemen on their good luck and the Government on their wisdom but as remedies for the existing discontent they are hopelessly inadequate. A few years before, they might have thrilled our imagination but coming after the Punjab tragedy, they have naturally fallen flat. What people want are not appointments but the power to make them. As nominees of Mr. Montagu upon the people Lord Sinha and Messrs. Shafi, Sharma and Sapru, are the servants of the British Ministry and not of the Indian people. We have every reason to be happy that some of our countrymen will share the loaves and fishes that were so far reserved only for the Britishers We are also happy that they will have opportunities of serving their country in positions of responsibility and we are confident that they will discharge their duties very well and possibly to the credit of their country. All that may be true, yet we can not help feelling that they are not the servants of the people of India, but their masters. Ladies and Gentlemen, what we want are not masters, imposed from without, but servants selected and honoured from within. The fact that Lord Sinha might get a salary of a lakh of rupees or more, or that our other friends might get salaries of Rs. 80,000 or so does not make us forget that about 40 per cent. of the Indian revenues are spent on the maintenance of an army which is being used for aggressive Imperial purposes, that millions of our countrymen and countrywomen are denied the ordinary amenities of human life and that they are being ruled by many who share the sentiments of Dyer and Bosworth Smith.

Whatever you decide, remember these facts. The greatest need of the situation is the uplift of the masses, educational, social, as well as economical. Co-operation or non-co-operation, that must be our aim and purpose and that must be our motive and inspiration. The masses must feel that we are working for them, and in their interests.

The lead of the Masses.

This leads me to another point. How far we must lead or be led by the masses? During the last 6 months since I landed on the 20th of February last, I have been in close touch with the masses of my countrymen. I have seen them in their thousands, in processions at meetings and have met their representatives in private. I have seen their political awakening. It has exceeded my wildest expectations. Under the circumstances, we have to remember that in any programme we make, we must carry the masses along with us. While it will be wrong on our part to allow our deliberate judgment to be overruled by the masses, it will be equally unwise and perhaps fatal to ignore them. There are some worthy men who are disposed

to confound the people with mobs ; they believe that true leadership requires the disregard of the opinions and wishes of the people. With due respect to them I have no hesitation in saying that I do not share their belief. The masses change their character into mobs when they are inflamed by passion and anger, and are filled with a desire for revenge and as a rule this happens only under grave provocation. In that situation it becomes the duty of the leaders to be firm and save the situation by tact and skill (The Punjab leaders at Lahore, Amritsar, Gujranwala and Kasur tried to do this and would, I verily believe, have saved the situation but for the meddling and blundering of the bureaucracy who were out for producing a moral effect. The situation at Delhi was actually saved by the tactful leadership of Swami Sharadhanand and the equally wise behaviour of the Chief Commissioner. Such, however, are exceptional occasions). Under ordinary circumstances wise leadership involves understanding of the mass mind in a spirit of sympathy and respect. There may be occasions when majority or no majority, one has to go by the voice of one's own conscience but in practical politics such occasions are not frequent nor many. I will therefore beg of my fellow Congressmen to bear these considerations in mind when deciding the question before them. We must arrive at a conclusion satisfactory to the general body of our countrymen in whose interests and for whose welfare we are striving. We must not lose the lead of the people either by marching too far ahead of them, or by lagging behind. Both will be fatal to the best interests of the country.

In their present mood, the masses demand that we shall do something over and above the mere passing of resolutions. But I believe they want also that we shall not lose such opportunities of alleviating their condition and helping them in their little things, as we possess or which the law allows us.

Despotism of a Democracy worse than that of a Monarch.

Ladies and Gentlemen before I conclude, let me submit for your consideration one more thought. There is no such thing as benevolence in international politics. Although there is such a thing as enlightened self interest. The despotism of a democracy is in my judgment more fatal for subject people than that of an absolute monarch. The situation which you have to face is from this point of view more difficult and complex than the one your ancestors had to face even under the despotism of an Aurangzeb.

I would therefore very much like to warn my countrymen against being under any delusion as to the justice-loving nature or high-mindedness of any democracy in the world, British or other. I was in this mater disillusioned by my first visit to England in

1905. Since then I have had many opportunities of studying the nature and the character of several democracies (British, American and Japanese) and you may take it from me, that although there are men and women in these democracies who are absolutely just and high-minded, guided by the purest of motives in dealing with subject peoples and backward races, the bulk of them, be they of England or of America, not to speak of Japan, know only one thing, namely, their own interest or the interest of their race. There are sections of these democracies whose own class interests require the destruction of militarism and imperialism and who will therefore sympathise with those of the subject people who are struggling for emancipation. It is wise on your part to ally yourselves with them But place no faith in the professions of those who, however liberal, worship at the shrine of Imperialism. The recent Parliamentary debate on the Punjab affairs ought to dispel all illusions if there were any still left, on that score. The Imperialist Liberals in the House of Commons with a few noble exceptions, showed no sympathy for the sufferings of the Punjabees, in spite of the eloquent pleadings of men like Mr. T. J. Bennet, Colonel Wedgewood and Mr. Ben Spoor. Liberals in the House of Lords were among the most violent supporters of the military rule. It was a sight for the gods to see. Lords Curzon, Milner and Birkinhead pleading for conciliation and Lords Ampthill and Macdonnel supporting brute force.

Have as many friends as you can have, among Englishmen and others, but have faith in yourselves alone.

It is much better to go rather slowly than deluded by promises held out to us by people who are not in a position to fulfil those promises, or who do not mean what they say or who promise in diplomatic language. Our progress depends more than any thing else upon the volume and vigour of our own public opinion in this country. It will be wise to have this supplemented by the moral support of the great nations of the world, since by virtue of being a member of the League of Nations, we can now legitimately appeal to them for such moral support.

Our success will be determined by the extent of our earnestness, the spirit of self-sacrifice in the leaders, the spirit of self-denial in the rank and file, the power to lead righteously and to be led by righteous men. The time has come when we must decide between the freedom of body and soul and the life of convenience and comparative ease which is allowed to a few of us under the present system. If we decide for the former we must be prepared for the consequences. But if we choose the latter we must not cry if we do not get the moon. That is the real issue before you and I know I can leave this issue with confidence in your hands.

Speech of
Mr. B. Chakravarti
Chairman, Reception Committee
At the
Extraordinary Session
of the
INDIAN NATIONAL CONGRESS

Calcutta—4th September, 1920.

After offering the most cordial welcome on behalf of the Reception Committee and the people of Bengal and expressing profound sorrow at the passing away of Lokmanya Bal Gangadhar Tilak, Mr. Chakravarty delivered his address as follows :—

The root cause of the present position.

The Britisher came to this country as a commercial adventurer and has stayed here as a commercial exploiter. This cause is the root cause and affects the very life of our people. We have been decaying since a very long time past as a race, but to-day we are threatened with not race-decadance only, but almost with positive race-extinction. While in the other parts of the civilised world, birth-rate is steadily increasing in relation to death rate, in various parts of India our death-rate is increasing and birth-rate simultaneously dwindling down year after year. In the course of a few centuries, unless we are able to find means to reverse these figures as we see in the other countries of the world, we shall be overtaken by the fate of the American Indians or the Australian bushmen. The people of India have always been able to adapt itself from epoch to epoch to its changing physical, economic, social or political environment. But the struggle to which we are called to-day is not really of this character. It is practically a physical conflict between the race which holds political domination over us and ourselves. This conflict is not a mere political conflict, but it is a conflict that covers every department of our life, economic, social as well as

political. Economically ever since the British came to this country there has been an almost open war carried on by the representatives of British commercial interests against the economic interests of the people of this country. When the British came to India, we were both an agricultural and a manufacturing nation. But they deliberately killed our manufactures, because they found it impossible to compete on fair terms with these. The story of this murderous economic war has been stated in a nutshell by Horace Hayman Wilson in his Note to Mill's History of India: and though many of you are familiar with it, it may be profitably quoted once more to refresh our memory.

"It is also a melancholy instance of the wrong done to India by the country on which she has become dependent. It was stated in evidence in 1813, that the cotton and silk goods of India, up to the period, could be sold for a profit in the British market at a price from 50 to 60 per cent. lower than those fabricated in England. It consequently became necessary to protect the latter by duties of 70 to 80 per cent. on their value or by positive prohibition. Had this not been the case, had not such prohibitory duties and decrees existed, the mills of Paisley and Manchester would have been stopped in their outset, and they could scarcely have again been set in motion even by the power of steam. They were created by the sacrifice of the Indian manufacture. Had India been independent, she would have retaliated, would have imposed prohibitory duties upon British goods and would thus have preserved her productive industry from annihilation. This act of self-defence was not permitted her; she was at the mercy of the stranger. British goods were forced upon her without paying any duty, and the foreign manufacturer employed the arm of political injustice to keep down and ultimately strangle a competitor with whom he could not have contended on equal terms."

For the last hundred and fifty years our economic resources have been uninterruptedly and increasingly exploited by foreign, and particularly British traders, protected by the British Government in India. I am aware that this exploitation is called by another name, by our English friends. They call it development. Nor can it be denied that British capital and commercial enterprise have developed our resources very considerably. And superficial observers, generalising from similar economic developments in the free countries of Europe and America, have rushed to the conclusion that these economic developments have necessarily added to the wealth of India also. But they have overlooked the fact that the profits of these new developments have not come to the people, but have gone out of the country to the pockets of foreign exploiters. All

that we have earned, or practically all, from these so-called developments of our economic resources are the wages of our labour. And these wages also have gone back to a very large extent to these foreign exploiters themselves in the shape of the price of imported luxuries that have been thrust upon us practically leaving little or no margine of these increased wages to the wage-earner to contribute to the national wealth and the economic staying power of his people. Increased wages in Great Britain or Germany or America means greater comfort and higher standards of living for the masses contributing to their health, happiness and longevity. The wages which a labourer earns in the free countries of Europe or America are distributed among his own people and remain in the country increasing the sum total of national capital. But it is different in India. Those who cite the increased use of various articles of luxury such as shirts and coats, shoes and umbrellas by the present generation of the Indian peasantry, luxuries that were unknown to their forefathers, as evidence of our economic advancement, do not probe these things deeply and enquire how much of the things that they use now are manufactured in the country and how much come from abroad. And the moment we examine these matters carefully, we discover the simple and obvious solution of the enigma of the increasing poverty of a country, the natural resources of which have been enormously developed during the last hundred and fifty years of British rule. This has only helped to increase our economic dependence and has made the way clear for the perpetuation of our economic serfdom. If we look back into history it would become apparent how this economic thraldom has been intentionally secured. In the days when the Britisher came to this country as a commercial adventurer it may be said that he had no such idea : but as time went on he seized every opportunity that offered itself for this purpose. The first opportunity that offered itself was the state of the administration of the country, specially the state of administration of Bengal under the Mahomedan power tottering as it then was on account of the onslaughts of the Maharatta which led to the armed interference of the Britisher with the then Government of Bengal. He fought and did so with the assistance partly of the Bengalee soldiers in the Battle of Plassey and won it. How did he utilise his victory? I quote from Dr. William Ralph Inge, Dean of St. Paul. In his *Outspoken Essays* published in 1919, on page 91, he says this :—

"It was not till the accession of George III that the increase in our numbers became rapid. No one until then would have thought of singling out the Englishman as the embodiment of the good apprentice. Metern, in the sixteenth century, found our

countrymen 'as lazy as Spaniards'; most foreigners were struck by our fondness for solid food and strong drink. The industrial revolution came upon us suddenly; it changed the whole face of the country and the apparent character of the people. In the far future our descendants may look back upon the period in which we are living as a strange episode which disturbed the natural habits of our race."

"The first impetus was given by the plunder of Bengal, which, after the victories of Clive flowed into the country in a broad stream for about thirty years. This ill-gotten wealth played the same part in stimulating English industries as the 'five millions extorted from France, did for Germany after 1870."

This money the Britisher invested in trade and commerce in the country and made profits and grew richer. This process went on unchecked and the Directors of the East India Company declared themselves that it was necessary for the maintenance of the commerce established in the East Indies that people of the country should be kept in subjection, and the new political power already secured was directed towards that object. In course of time an Empire was established in India but the main purpose for which the political supremacy maintained by military domination has been directed, is commercial supremacy. It is often repeated that the Britisher has developed India and has made her what she is now. But for whose benefit? My answer is for his own benefit and not mine. And as regards his mentality let me quote again from the same author, page 94 :—

"A nation may be so much weakened in physique by underfeeding as to be impotent from a military point of view in spite of great numbers; this is the case in India and China. Deficient nourishment also diminishes the day's work."

"If European and American capital goes to China and provides proper food for the workmen, we may have an early opportunity of discovering whether the supporters of the League of Nations have any real conscientious objection to violence and bloodshed. We may surmise that the European man, the fiercest of all beasts of prey, is not likely to abandon the weapons which have made him the lord and the bully of the planet. He has no other superiority to the races which he arrogantly despises. Under a regime of peace the Asiatic would probably be his master."

I think I have shown that it is not for any altruistic purpose certainly not for compassion and love and affection for me, that the Britisher has come here and has stayed here. He is here for exploitation at my cost and at the cost of the resources of my country He holds me by the sword and he has declared himself as clearly

as he can that he wants to hold me by the sword. He has no intention of treating me as a human being, far less his equal, specially when his commercial interests are concerned. There may be professions made to the contrary, I do not believe them. I leave out isolated individuals—a microscopic minority—out of account. I remember that in the year 1885 when the Ilbert Bill controversy was going on, the *Times of London* said :

"An Empire which has been conquered by the sword and by breaking every commandment cannot be retained by the Sermon on the Mount."

Now let us analyse the recent Punjab affairs in detail and let us see whether this analysis of the mentality and attitude of the Britisher is not fully borne out by what he did in the Punjab.

The Punjab.

Turning to the business before the Special Congress we are confronted first with the affairs of the Punjab. Fellow delegates, when we met last at Amritsar, the Hunter Committee and our own Congress Sub-Committee were still sitting and had not concluded their labours ; and in the absence of their recorded findings of fact, the Congress refrained from urging specific measures of punishment except as regards persons whose guilt was patent, manifest and independent of further proof. Since then, both these bodies have submitted their reports ; the Government of India have published their review of the Hunter Committee's two reports, and the Secretary of State has published his despatch in connection with the same. And it will now be your duty to take these important documents into serious consideration and to record your deliberate opinion both as regards the state of things which they display and the recommendations which they make.

The report of the Congress Sub-committee.

Over the Report of the Congress Sub-Committee I shall not detain you long. Being in a manner our own handiwork, convention would require that I should be chary of praising it : and yet I shall not allow any sense of false mock-modesty to curb my outspoken admiration of this masterly piece of work. To put it roundly and in brief, I endorse every word and suggestion of the report ; and I am struck with wonder and admiration as often as I consider the fulness and clearness of evidence upon which it has been based, the care and scrupulous firmness with which the evidence has been sifted, the force and cogency with which facts have been marshalled, and the broad, massive impartiality which characterizes its findings. My only quarrel with the report is that its recommendations are too mild and lenient : that in its anxiety to avoid overstatement it has been

guilty of some considerable understatement; and that having marshalled its facts with inimitable force and vigour, it stops short of the conclusions which it might legitimately have drawn. And this I say not simply as a public man interested in the full threshing out of matters of grave and public importance, but also as a lawyer having some little experience of the handling of proof and the drawing of conclusions.

Of the authors of the Congress Sub-Committee's report I shall say that they have done their duty manfully and well, they have served their country faithfully in her hour of need and travail, and they have richly deserved—and are sure to receive—the grateful thanks and appreciation of the Congress.

The points which stand clearly and vividly out from the report of the Congress Sub-Committee are the following, *viz.* :—

(1) That there were no revolt or rebellion in the Punjab—nothing beyond casual rioting provoked almost in every instance by the unnecessary aggressiveness of the authorities and which might easily have been suppressed by the civil power with prompt and tactful handling.

(2) That the cause of the disturbances was not *Satyagraha* (which acted as a moderating factor wherever the people were familiar with it) but the harsh and unsympathetic administration of Sir Michael O'Dwyer acting upon local causes—such as rigorous methods of recruiting, the pressure of the income tax and widespread economic distress.

(3) That the disturbances were magnified into a rebellion by the deliberate disingenuity of Sir Michael O'Dwyer who wanted some justification for the introduction of martial law, and who intended by such application of martial law to crush all political life in the Punjab.

(4) That in any case, the disturbances—such as they were—having subsided either before the formal introduction of martial law or immediately after its introduction, its continuance till the middle of June was absolutely unjustifiable.

(5) That the administration of martial law (specially in Amritsar and Lahore and in parts of Gujranwalla) was attended by barbarities and shameful outrages such as constitute a stain upon civilization and humanity.

(6) That the massacre of Jallianwalla Bagh was one unmitigated horror—without provocation, continued with wanton inhumanity and followed by a callous and brutal neglect of the dead and dying.

These points are all supported by incontestable evidence; and as I shall have occasion to point out shortly afterwards, they are

borne out in their essential features by the minority report of the Hunter Committee.

The Hunter Committee Reports.

Fellow delegates, it is unfortunate that the cleavage between the two sections of the Hunter Committee should have proceeded upon a racial basis ; but there was hardly any help for it. The evidence adduced before the members was one and the same ; that evidence (except for the *purdah* examination of that valiant trio—Sir Michael O'Dwyer, Mr. Chief Secretary Thompson, and the Sirdar of Tiwana) is now available to the public ; and upon the strength of that evidence, I challenge any man of ordinary fairness, ordinary decency, and ordinary regard for truth, to come to any other finding than that of the minority members of the Hunter Committee. But evidently the European members were resolved from the first to whitewash the Punjab Government and to draw a veil of gentle oblivion upon the mis-deeds of their European compatriots. Hence the curious perversion of facts, the wrong deductions from right data, and the lame and impotent conclusions which we find in such plentiful abundance in the report submitted by them. But before I deal with some specific features of the report, let me say one word in passing of the personnel and procedure of the Hunter Committee.

Fellow delegates, since the submission of the Hunter Committee's report, a great outcry has been raised both in England and among the Europeans of this country against the personnel and constitution of this Committee. Even the majority, in spite of their strenuous attempts at whitewashing, could not whitewash Dyer. They could not slur over every single act of barbarity perpetrated by the Dovetons, Frank Johnsons and Bosworth-Smiths. Hence the criticism we have spoken of has been directed against both sections of the Hunter Committee. Against the minority it has been urged that they were biased ; against the majority that they were ignorant. But the false, hollow and spurious character of this agitation will at once appear from the fact that not a word, not a whisper of this criticism was heard when the appointment of the Committee was first announced. This announcement was made in October ; the Committee began its sitting in the early part of November ; their report was submitted in May. And during this long period of more than half a year, the great European community kept mum and silent ; the defective constitution of the Committee never struck them then ; nay, they rebuked the Indians for objecting to the personnel of the committee ; and it is only now when the report of the committee touches members of their own breed that we hear all sorts of possible and impossible objections on the score

of bias, ignorance and what not. Even the ex-lieutenant governor of the Punjab—the valiant Sir Michael who dared not give evidence except from behind a *purdah*—even he has stooped to join this dirty game and has circulated against Pundit Jagat Narayan a silly and malicious slander—met by our worthy friend with a gravity, dignity and force which exhort my highest admiration.

Thus far about the false and spurious objections of the European supporters of the O'Dwyer regime. Mark against this the Indian objection to the Hunter Committee—entered at the first moment of the Committee's appointment and which is valid to-day as it ever was then. Ladies and Gentlemen, you will remember that as soon as the appointment of the Committee was announced, we Indians objected to it, chiefly on the ground that a committee appointed by the Indian Government and consisting of members some of whom were dependent upon that government, could never judge impartially in a case in which the Indian Government was itself in the position of the accused. Our criticism has been justified by events; and we now find that the majority of the Hunter Committee have been more anxious to condone the inequities of the Punjab and the Indian Government than to arrive at a just and impartial decision upon fact.

Apart from the question of personnel, some legitimate criticism we can urge also against the procedure adopted by the Hunter Committee. Their decision in the matter of the temporary release of the Punjab leaders made it impossible for the Congress Sub-Committee to lead evidence before them; and the result is that the Committee's report is based upon evidence which is incomplete, one-sided, tainted by self-interest, and hence unsafe to be acted upon. Also, we may pertinently ask—why were sundry individuals permitted to give evidence in camera? and why were not men like Bosworth-Smith and Frank Johnson promptly checked and brought to book by the President in the midst of their gross and flippant impertinences? Or are we to suppose that the English members of the Committee—themselves treated with all consideration—enjoyed the insults that were put upon their Indian colleagues? Above all, why did Lord Hunter refuse to receive the Congress evidence, when on the 30th of December, after the release of the Punjab leaders, they themselves offered to lead evidence at their disposal?

But inspite of defective personnel, faulty procedure and one-sided evidence—enough material was placed before the Committee upon which a fair, just and impartial decision could easily have been arrived at. And it will be profitable to compare the different use made of the material by the majority and minority members respectively.

The Majority and Minority Reports—A Contrast.

The despatch of the Government of India seeks, with much *native* simplicity of manner to minimize the difference between the majority and minority reports ; but it can be proved to demonstration that these differences are broad, vital and fundamental.

(1) Thus, on the all-important question of the necessity for introducing martial law, the majority repeat the cuckoo cry that the Punjab was in a state of open rebellion—or, to repeat their favourite jingle "a movement which started in rioting, became a rebellion and might easily have become a revolution." This, in spite of admissions made by Government officials themselves—and cited in the minority report—to the effect, *viz.*, that at Amritsar, there was no loot or disturbance after the 10th of April ; that at Lahore, there was never any murder or loot and no disturbance whatever after the 12th of April, that at Gujranwalla everything was quiet after the 14th of April ; that at Gujrat the Deputy Commissioner himself was surprised at the extension of martial law to his district ; that according to Mr. Orde, Superintendent of Police, Delhi, and Mr. Guider who was specially deputed to enquire into the disturbance at Ahmedabad, there was no evidence of organization at either of these places ; that the same testimony was given about Kasur, Gujranwalla and Sheikupura by the local officials concerned ; that Sir Michael O'Dwyer himself, inspite of his written opinion that there was a wide-spread organisation behind the movement, was compelled to admit in his cross-examination that there was no proof in support of his view ; and that similarly there was absolutely no proof that any attempt had been made to tamper with the loyalty of the troops or the police. Take this in connection with the fact that, though a considerable quantity of arms was easily procurable at Amritsar and Lahore, the mob never made any attempt to procure such arms ; and the bogey of the great Punjab rebellion is blown away into thin air like the veriest bubble of overwrought fancy—result of exaggerated panic on the part of some, and of deep-rooted, premeditated malice on the part of others.

(2) Again, as regards the continuance of martial law, the majority make the complacent remark that those responsible for the introduction of martial law "did not prolong it beyond the time which, in their judgment, was necessary for the maintenace and restoration of order in the province." And this in face of conclusive evidence that order had been fully restored even before the introduc- of martial law, and that according to the Punjab Government itself (*vide* their recommendation dated the 14th of May) the continuance of martial law was necessary, not because of the existence of a state of rebellion in the Punjab but because it facilitated the recovery

of fines and "the fixing of prices was popular with the masses." !!! One illuminating extract I shall here give from a proclamation issued by the Lieutenant Governor; and this, I trust, will be a settler as regards all these solemn plausibilities about maintenance of order and so forth. In this proclamation dated the 26th of April—barely a week after the promulgation of martial law—the Lt. Governor says:

"Order has been restored almost everywhere by the prompt action of the troops.....and by the loyal co-operation of the quiet masses of the rural population."

So, not only had order been restored, but the masses of the rural population were "quiet" and "loyal"; yet, inspite of this damaging admission, martial law was kept in operation till the middle of June and in Railway areas till far into August; and our *complaisant* majority find nothing strange or exceptional in this fact!

Over the minor horrors of the administration of martial law and their faint and half-hearted condemnation by the majority I shall pass by in silence. But their treatment of the massacre of Jallianwalla bagh will call for one word of notice. It is admitted that the Seditious Meetings Act was applied to Amritsar only on the morning of the 13th, *i.e.*, the day of the meeting; it is admitted that the proclamation forbidding the meeting was insufficiently promulgated and could not have been heard by more than 8 or 10,000 in a city of 1,50, 000; and yet in the face of these clear admissions, the majority complacently assume that the meeting had assembled in deliberate defiance of the order of prohibition. Nay, they go even further; they disregard General Dyer himself; and though the General admitted in his cross-examination that he could have dispersed the mob without firing, the majority—eager to save their *protege* from the effect of his own admission—wisely shake their head and say that he could not have done so. They concede reluctantly and half-heartedly that the General did wrong in (1) firing without warning and (2) in continuing to fire when the crowd had begun to disperse. But after all, this conduct, according to them, amounted only to a 'grave error' of judgment and they hasten to add that the General acted upon a 'mistaken conception of duty.'

Review of the Government of India.

But if the majority report is tainted by bias, race-prejudice, and insufficient consideration of evidence, if its findings of fact are perverse and its inferences lame, halting and inconclusive—how shall we characterize the review of this report by the Government

of India? To say that it is weak and mealy-mouthed, is to say nothing. It is misleading, disingenuous and deceptive; its presentation of facts is meagre and inaccurate and it is specially unfair both in its inadequate summaries of the minority report and in the scant consideration which it pays to the recommendations contained in that report. In fact, wherever there is any vital difference between the reports of the majority and the minority, the India Government naturally and inevitably ranges itself on the side of the majority—never caring to adduce any reason in support of its preference. But it will be tedious to pursue this review through all its suppressions and distortions of fact; and I shall content myself with referring only to two points:—(1) the view which it takes of the conduct of General Dyer, and (2) the action which it takes upon the whole affair of the Punjab.

As regards the first, the Government of India agrees (1) that the order prohibiting meetings ought to have been more widely promulgated, (2) and that notices should have been given at Jallianwalla bagh and the Baisakhi fair. They agree (3) that the General should have given warning before opening fire, and (4) that his action in continuing to fire was indefensible. But when it comes to condemnation, they only repeat, with some circumlocution, the parrot phrases of the majority report. The majority had said that the General had been guilty of grave error of judgment; the Government of India paraphrase the remark and say that he "exceeded the reasonable requirements of the case." The majority had said that the General had acted from misconception of duty; the Government of India repeat the remark and put it out by saying that he acted from "an honest belief" that he was doing what was right.

And here, Ladies and Gentlemen, you will permit me to turn aside for a moment and enter my emphatic protest against this nauseating cant about 'honest belief' and 'mistaken sense of duty.' I protest against these expressions, not simply because they are false but because they are a prostitution of holy and sacred phrases. Dyer knew that before him there was an unarmed crowd—many, most of whom were utterly ignorant of his order of prohibition and so innocent of all thought of defiance. He knew that he could disperse them without firing, and yet he opened fire lest otherwise he might get laughed at for his pains. He found that the crowd began to run away as soon as the troops opened fire, and yet for ten long minutes he continued to fire until his ammunition was exhausted—controlling it now against the victims already heaped on the ground and now against the 'better targets' (I quote his own phrase) seeking to creep away through the gaps in the walls,

What honesty, what duty was there in this naked act of unmitigated butchery? And why should Mr. Montagu and the Government of Lord Chelmsford seek to cloak the hideous barbarity of the deed by expressions of sanctimonious hypocrisy? Whether you punish Dyer or not is your own concern; it lies between you and your conscience; but we must protest against this impudent attempt at bluffing the world with pious phrases.

As for the action recommended by the Government of India it is by way of a ridiculous anti-climax. They refer the conduct of General Dyer to the notice of the Commander-in-Chief, and they propose to censure the other officers who have been criticised in the majority report! Such is the penalty which the Government think sufficient for slaughter when practised upon an Indian crowd! Such is the penalty which your Government think adequate for insulting the manhood and womanhood of a whole Indian province! I ask my brethren to take note of these phenomena and bide their time.

Mr. Montagu's despatch.

The Montagu despatch is the very duplicate of the Government of India's review, but it is a duplicate with a difference. Its sentiments are finer, its phrases loftier, and there is an easier display of virtuous indignation and high political principle. But in point of action, what is the difference between the two? Why?—nothing, just nothing at all. There are the same empty banalities about 'error', 'honesty' and mistaken sense of duty', and the whole thing ends with compliments all round—including a compliment on Sir Michael O'Dwyer whose energy, decision and courage' receive a tribute of respect from His Majesty's Government.

Fellow delegates, it is curious that one significant fact brought out in the minority report of the Hunter Committee is passed over in discreet silence by both the Government of India and the Secretary of State. In the wireless message of 13th April in which the Punjab Government prayed for the promulgation of Martial law, it was stated that the Government were making this suggestion with the concurrence of the Chief Justice, High Court, and the General Officer Commanding. General Beynon in his examination distinctly stated that he "had nothing to do with the bringing in of Martial law"; and the Chief Justice declared that his opinion was given over the telephone upon very insufficient information. Now, the question arises—who was responsible for sending this false and misleading message to the Government of India? Was it Mr. Secretary Thompson—the strong man of the Delhi Legislative Council? Or was it his redoubtable Chief? In any case, why is the

fact discreetly slurred over both by Mr. Montagu and the Government of India?

The debates in Parliament.

Fellow delegates, I cannot close this chapter without some reference to the debates that recently took place in the Houses of Parliament. I shall not weary your patience by going over the details of these debates; but there are two significant features to which I feel that I must draw your attention.

(1) The Labour motion condemning Government's leniency towards General Dyer was almost snuffed out of the House of Commons, while the Tory motion condemning Government's severity towards the General was within an ace of being successful. This shows that the British public, at least the British Governing classes, care nothing for the wrongs of India; but they care much for the wrong or fancied wrong of one of their own race. The little finger of General Dyer is worth more to them than many hundreds of Indian lives.

(2) Again, note the curious, unreal, lopsided character of the whole debate. It was Dyer who ought to have been on his trial; and yet in point of fact it was the Secretary of State who was put upon his trial, not for punishing Dyer too leniently but for dealing with him too harshly. The woes of the Punjab went for nothing; it was the compulsory retirement of General Dyer which was felt to be an intolerable wrong. The Lords did even better; they actually carried what amounted to a vote of censure upon the Government. Of course it may be said that the Lords are foolish and reactionary always, and nobody minds what they do. But still the action of the Lords is significant as indicating the mentality of the English race.

Fellow delegates, it will be useless to pursue this investigation any further. The facts are patent and known to all, and the inferences to be drawn from them are equally plain and patent. You know—the Punjab has burnt this lesson vividly and indelibly on your minds—that in India there is no security for the liberty of the individual citizen, and that the seeming liberty which you enjoy depends upon the veriest changeful breath of executive favour. You know that men like Dyer, Frank Johnson, Bosworth-smith, Doveton or Sri Ram Sud have committed wanton barbarities in the Punjab. Yea, their offence is rank, it smells to Heaven: their sin cries aloud for justice and punishment. And you know that this Justice has been denied to you—denied by the Government of India—denied by the British Cabinet and by both the Houses of Parliament. Baffled in your quest of Justice, driven from post to pillar and confronted everywhere with the same everlasting 'no', the question

comes back to your mind with crushing and overwhelming force—what will you do? Ordinary means of constitutional agitation failing, w ·hat other remedy is left unto you? Fellow delegates, the remedy is not . wanting, if only your heart and strength is equal to it. But of that i. nore afterwards.

Fe. llow delegates, last year at Amritsar and again at the meeting of the All India Congress Committee held in Benares, you passed vai ·ious resolutions with reference to the Punjab atrocities and the action or inaction of the Government of India and the British Cabinet w. ith reference to the same. In the light of the subsequent d lebates in the House of Commons and the House of Lords I feel th: at many of these decisions will have to be revised and recast. Thus, at Amritsar you demanded Lord Chelmsford's recall—a mild and modest demand considering the gravity of his Lordship's offen ce · but since the English people are evidently bent on interpreting your wishes by their contraries, I now feel that the demand for th e Viceroy's recall may only have the effect of extending his t enure of power and misused authority. Again, at Amritsar you de manded the impeachment of Sir Michael O'Dwyer—a stately and dignified mode of trial for an arrant and confessed malefactor; bu it I now remember that the judges at the impeachment w ·ill be the noble Lords who voted in support of Lord Finlay's motic ·n. Lastly at Benares you voted for a petition to be presented to Parliament demanding certain necessary measures of redress and punishment; but I now recollect that this petition will be considere d by members with a majority of whom the blood-bath of the Punj ·ab is as nothing compared with the slightest measures of merited d isgrace inflicted upon one of their own race, blood and complexic ·n. Fellow delegates, I cannot speak for others: but speaking for myself, these repeated lessons have been enough for me—er ·ough and too much: they have disillusioned me finally and for ever: they have cured in me—I hope they have cured in all of us—the last, lingering vestige of belief in that extremely hypothetical and illusory quantity—the justice and good faith of the British Governing classes: they have reinforced in me the great outstanding lesson of history, *viz*, that a nation in leading strings is a nation in helotage and that for all justice, strength and help in evil, you must look within and not without.

The Khilafat.

Fellow delegates, from the Punjab I pass on to the other great question which will engage your attention in this Congress, *viz.*, the Khilafat and the terms of the peace treaty with Turkey. The Mahomedan position on this question cannot be better summed up

than in the brief and pregnant words of Mr. Mohammed Ali : and I make no apology for giving you a quotation from his eloquent address as leader of the Khilafat Deputation that waited upon Mr. Lloyd George.

"Islam has always had two centres, the first a personal one, and the other a local one. The personal centre is the Caliph or Khalifa as we call him, the successor of the Prophet. Because the Prophet was the personal centre of Islam, his successors or Khalifas continue the tradition to this day. The local centre is the region known as the Jazirat-ul Arab of the "island of Arabia" the "land of the prophets"...The Khalifa is the Commander of the Faithful in all matters for which Islam provides Divine guidance, and his orders are to be obeyed by all Mussalmans as long as they do not conflict with the commandment of God and the traditions of the prophet."

"For the defence of the Faith, the Commander of the Faithful must always retain adequate territories, naval and military forces, and financial resources all of which can be summed up in the expression "temporal power"... Since the world still relies on force the Khalifa cannot dispense with temporal power."

"To come to our claims, the first claim that we put forward is that Khilafat must be preserved by the entire body of Moslems at all time with adequate temporal power... After the various wars in which Turkey has been engaged, and after the Balkan war particularly, the Empire of the Khalifa was reduced to such low limits that Moslems considered the irreducible minimum of temporal power adequate for the defence of the Faith to be the restoration of of the territorial *status quoante bellum*."

Apart from the main claim of the preservation of the Khilafat, the Moslems claim that the local centre of their faith—the "Island of Arabia"—should remain inviolate and entirely in Moslem control. Our third claim is based on a series of injunctions which require the Khalifa to be the Warden of the three sacred Harems of Mecca, Medina and Jerusalem and the warden of the holy shrines of Najaf, Karbala, Kaziman, Samarra and Baghdad."

But if the Mahommedan position is simple—a clear question of religion and imperative duty, the position of us—Hindus—is also equally plain and simple. In the first place—whatever the rights and wrongs of the question may be—we stand or fall by our Mahommedan brethern. Whatever course they may choose to adopt in this matter, we stand by them shoulder to shoulder : and the Government that chooses to reckon with them will also have to reckon with us. We have been taunted by our enemies about this new-found amity of ours : but new-found or not, let the world take

note that this amity is going to endure—for it is founded upon a rock—the sure basis of a common national feeling, (2) In the second place, with us the Khilafat may not be a question of religion but it is a question of high international morality. To the allies —English, French and Italians we say—your talk about mandates and mandatories will deceive none but children. With all your high falutin about self-determination, how dare you partition the Turkish Empire among yourselves—giving Syria to France, Palestine to England and Armenia to the Americans! Will not the Islamic world rise in indignant protest against this international brigandage of yours! And will Islamic India look in vain for sympathy and support from among their Hindu brethren and comrades!

Non-co-operation.

Fellow delegates, the Punjab and Khilafat combined have led on to the question of non-co-operation—whether we shall adopt it in principle and if so, how far we may put it in practice. These questions—both of them—bristle with difficulties and I should not be willing—even if I were able—to anticipate your probable decision upon them. Perhaps it will be freely acknowledged that on the principle of non-co-operation we are all united, and it will be acknowledged equally freely that upon details we differ. Yet, if non-co-operation is to be used as a political weapon (—and for me the movement has no meaning or significance unless it is used as a political weapon)—if it is to be used as a weapon for checking and paralysing the activities of the Bureaucracy, it is these details of policy which will really count. Speaking for myself I must humbly confess that I am not clear in my mind about these details—as to how far and how gradually they may be put in practice. So far as Bengal is concerned this doctrine of non-co-operation is no new thing. We had preached it and tried it in Bengal during the anti-partition agitation, though under a different name. We had also suggested the adoption of some of the same methods as have since been laid down by Mahatma Gandhi and the Central Khilafat Committee. The surrender of honorary offices, the settlement of disputes by private arbitration, the boycott of Government schools, the boycott of the Legislative Councils, non-participation in Government functions and a vigorous prosecution of the Swadeshi were some of the methods we pursued. It is true that it was at that time a merely provincial matter. It is also true that our Mahomedan brethren were not only not with us at the time but against us. That was, however, before the Jalianwalla Bag. The Khilafat question is also with us now for the first time. Our experiences in Bengal in the past, I regret to say, do not justify us in taking a

very hopeful view of the success of the non-co-operation programme now adumbrated. But it may be we have been unfortunate in our experience in Bengal. The progress of events both in and out of India and the onward march of time may have brought about a change. Whether it is so or not will be a matter for your consideration. Meanwhile, and pending your final decision—here is one aspect of the question as it presents itself to me. The British people have no moral right to expect or demand any co-operation from us. I have never had much faith in the moral platitude about the British advent being in the nature of a Divine dispensation; and now, with the example of the Punjab bureaucracy vivid before my eyes, I have less faith than ever in this sort of sentimental cant. The British came here, as I have said, originally for exploitation by trade; trade led to acquisition of territory; and acquisition of territory ended in the establishment of a wide and far-flung empire. And all the time this empire has been growing and spreading—the English have been exploiting us for all that we are worth—exploiting our man-power, exploiting our money-power, and exploiting our enormous material resources. Thus the history of British occupation can be easily written. The English came for purposes of spoliation; they have stayed here for purposes of exploitation; and the relation between us has been always that of free, unchecked and unfettered exploitation on one side and tame submission on the other. Grave as the situation was even before the war, it has become infinitely graver to-day owing to the general disturbance caused by the war in the economic condition of the whole world. The independent nations are devising various measures to re-establish normal conditions. But we are at the mercy of the stranger within our gate. We are not free to adopt measures for our protection that our knowledge of our own condition and our trained intelligence may be able to devise. These sentiments may sound harsh and unpalatable to people who deal in rose-water sentimentalities and talk about changes in the angle of vision. But they are a plain statement of brutal fact, and rose-water sentimentalities are an insufficient substitute for fact. In these circumstances, and when we find that the humane and civilized British Government is ready to trample upon all considerations of justice, humanity and liberty whenever it may suit its purpose to do so, what are we to do? How can we protect and preserve our self respect?

To protect ourselves and to protect our self-respect we must bring about a change in the mentality, the attitude, the aims and the methods of the Government. This is obvious, but how is it to be done? We are powerless even if we had the inclination to effect it by a resort to physical force, that is, by an armed revolution,

What is then the alternative? We cannot associate ourselves with the bureaucracy and mark our condemnation of it by an emphatic action against its mentality, attitude, aims and methods. Many suggestions have been made by various thinkers but it appears to me that the application of the remedy suggested is fraught with difficulties and is a matter which will require deeper and graver deliberation. One thing however is obvious to me that whatever remedy may be accepted must be a remedy of a permanent character and not merely of a tentative nature dictated by our indignation caused by the Punjab atrocities and the Khilafat policy. One such remedy surely is an effective endeavour to destroy our economic serfdom and the bondage of foreign exploitation. India is looking round to discover what other means there may be short of a bloody revolution to enable a subject nation to attain its goal. I pray to God that He in His eternal wisdom may enlighten this Assembly and so inspire the collective and combined wisdom of the nation as to find the necessary solution.

In passing I may allude to a recent event which may also solve the problem and save the situation. This I say in the interest of the Empire itself. Why not grant India the same kind of independence to deal with her own affairs as you have done in Egypt? Have a commercial treaty with India in the same way as you are having with Egypt to safeguard all your vested commercial interests and leave us to ourselves to find out our own salvation. One matter is certain: things cannot go on any longer in the same way as they have done.

Miscellaneous.

Fellow delegates, though the problem of non-co-operation will call for the largest shares of your attention, yet there are a few other questions to which also I shall invite your serious consideration. Chief among these will be the problems connected with Mesopotamia and East Africa—Kenia Colony as it has been now proposed to be called. The white men justify their exclusive policy in South Africa, Canada, Australia and Fiji on the ground that they conquered or colonised these lands, as the case might be and hence were entitled to open or shut the door as they pleased. Fellow delegates, let us apply the same logic to East Africa and see how it works out there. Here is a country conquered by Indian troops mainly, and yet how is it that Indian settlers are shut out now from the salubrious uplands, segregated like sheep in pinfolds and confined only to the unhealthy beach? Yet, after a good deal of shilly-shallying, this policy of unjust differentiation has now been definitely proclaimed, and the Indian Government has contented itself with uttering a

bleat of feeble and futile protest. As for Mesopotamia I shall ask you, Gentlemen, to profit betimes from the lessons of your bitter experience in East Africa. Here also is a country where Indian troops were freely employed and Indian blood shed with lavish profusion in subduing a brave and stubborn enemy. Yet no sooner was the semblance of order and civil Government established in this land, than the policy of excluding and humiliating the Indians had already begun: and if the present Arab rising is crushed and Mesopotamia finally subdued, we doubt not that entrance to this new territory will be as definitely barred against us as it has been from Canada, South Africa and the other British settlements. Therefore, I say, take warning betimes: demand the wholesale withdrawal of Indian troops from Mesopotamia. Raise your voice in emphatic protest against the utter ignominy of Indian troops conquering a country from which their own people will be kicked out as soon as the country has been made safe for the white races. Above all raise your voice against your troops fighting in an unjust and unrighteous cause; for, gentlemen, apart from selfish, material interests, there is a larger, deeper question touching this business of Indian troops fighting in Mesopotamia. Into the rights and wrongs of the obscure quarrel between Turks and Arabs we do not wish and have not the means of entering. But this seems to be plain that the country belongs of right to the Turks or to the Arabs, never to the English. If then the Turks are fighting to regain their territory, why should Indian soldiers interfere in this business and get butchered for their pains? Or if the Arabs are fighting to recover their freedom, then again why should Indians thwart their legitimate and holy endeavour? In either case, their presence in Mesopotamia is an error and an anomaly: and in the light of what has happened in East Africa it is shame and a folly.

Conclusion.

Fellow delegates, I have trespassed upon your patience long, and it is time that I should bring this cursory survey to a close. Let me repeat that we are acutely conscious of the inadequacy of our preparations and of the discomfort and inconvenience with which you will have to put up during your brief stay in our midst. Inclemency of weather, shortness of notice, inopportune character of the season—all might be pleaded as apologies: and yet such topics are stale and profitless where hearts and wills are agreed. The cordiality of our feelings, the sincerity of our intention—above all the great common purpose for which we are assembled—these must make up for our deficiencies: and in sure confidence begotten of these reflections, I welcome you once more in our city and I commend

your deliberations to Him who is the giver of all strength, the healer of all disunion, the source and fountain of all wisdom and in whom we live and move and have our being.

"United in progress and in speech, let your minds apprehend alike. Alike in council and in prayer, alike in feelings and in thought, be ye one in your aspirations and your desires ; and may your minds be d awn together to bear with one another."

[Rigveda 8-8-191.]

"Vande Mataram"

Resolution

The following Resolutions were passed at the Special Session of the Indian National Congress in Calcutta on 6th Sept. 1920.

Resolution I.

Lala Lajpat Rai amidst profound and pindrop silence read out the Tilak resolution and the huge audience stood up. The Ohdedar resolution was also put along with the Tilak resolution. The resolution runs as follows :—

The Congress places on record its sense of deep and profound sorrow at the death of Bal Gangadhar Tilak. The stainless purity of his life, his services and sufferings in the cause of his country, his deep devotion to the welfare of the people, his arduous endeavours in the fight for national autonomy—these will enshrine his memory in the grateful recollection of our people, and will be a source of strength and inspiration to countless generations of our countrymen. At this crisis in the history of the nation, the Congress will sorely miss his wise, helpful and courageous leadership, the lofty inspiration of his radiant patriotism, and the healing benediction of his counsel in difficulty.

This Congress records its deep sense of grief at the loss sustained by the country in the death of Dr. Mahendra Nath Ohdedar, a true patriot, a distinguished servant of the country, and a courageous champion of the cause of the people.

After the resolution had been declared passed there were shouts of "Tilak Maharaj Ki Jai".

Resolution II.

Sir Ashutosh Chaudhury then moved the resolution which ran as follows :

That the thanks of this Congress be conveyed to the members of the Punjab Enquiry Sub-Committee and the Commissioners appointed by them for the great industry and judicial care with which they have collected the evidence and written their report, which is supported not only by the evidence recorded by them but also by the evidence given before the Hunter Committee ; and expresses its concurrence with the findings of fact arrived at by the said Commissioners.

(a) This Congress expresses its deep and bitter disappointment at the drift, tone and tendency and final conclusions of the majority report of the Hunter Committee and begs to express its complete and total dissent from the findings and recommendations of the said majority.

(b) This Congress further places on record its deliberate opinion :—

(i) That the report submitted by the majority of the Hunter Committee is tainted by bias and race-prejudice, based on insufficient consideration of evidence and characterized by a too obvious desire to slur over the proved and manifest iniquities of the Government officials concerned, and to whitewash the conduct of the Punjab Government and the Government of India.

(ii) That the said report is unacceptable and unreliable in as much as it is based upon evidence which is incomplete, one-sided and biassed by self-interest.

(iii) That the findings arrived at the Majority report are not justified even upon the evidence actually on record, and in any case, their recommendations fall far short of the minimum legitimate requirements of the case.

(a) That with reference to the Government of India's review of the two reports of the Hunter Committee, this Congress records its deliberate opinion :—

(i) that the said review accepts the findings of the majority without sifting or discrimination ;

(ii) that it pays scant and inadequate consideration to the arguments and findings of the minority report—even when such arguments and findings are amply borne out by the evidence on record ;

(iii) that the whole drift and tendency of the said review is not to arrive at a just and impartial finding on facts but to hush up the whole affair and to throw a veil of oblivion upon the misdeeds of the officials concerned ;

(iv) that the action proposed to be taken in the review with reference to the conduct of guilty officials is grossly and utterly inadequate to the gravity of the state of things disclosed and has shaken all confidence in the fairness of British justice.

He said : The resolution which I have the honour to place before you is a long one. I do not propose to read the whole of it. I shall deal with clause (a) only of that resolution. I may tell you that I do not propose to make a long speech with regard to the resolution. The question of the Punjab has been dealt with in the great speech of our President at length. Everything that can be conceived, everything that can be said about the Punjab matters has been said. Moving this resolution I should like you to amend the first part of it. It says that the "thanks of the Congress be conveyed," I say that it might be "the grateful thanks of this Congress." Then as regards the "Industry," gentlemen, just imagine what they had to do. They examined 1700 witnesses, they considered their evidence, they cross-examined most of the people and based their report on the consideration of evidence they recorded. So far industry is concerned it is difficult to find its equal. Then we say about 'judicial care.' In the report which they have made they have said that they have endeavoured to hold the scales of justice even. Gentlemen, it is the verdict of you all that they have held the scales of justice even. It is not the mere endeavour that we speak about, but it is our decision that they have held the scale evenly. We all know that justice and decision based upon justice without power is inefficient. We are in that unfortunate position. Here are the findings which are accepted as just. But the decision arrived at by them is ineffective because they have not the power to make them effective. Gentlemen, I may say another thing in connection with it, that power without justice is anarchy. Gentlemen, we have not the power nor means to give effect to it. But we have a right to say that power without justice is tyranny. The next thing I have got to say is this that the Committee says this in dealing with the question that they cannot too strongly condemn the action of the mob. We do not sympathise with the mob. A great English lawyer said once that the last thing which can happen to anyman never comes too soon if he fails to support justice and liberty. May I however, paraphrase it a little and change one or two lines. The last thing that can happen to any constitution never comes too soon if it fails to support law and justice of the country for which it is intended. That is my interpretation of the sentence for your acceptance. There is the decision before you and what do you think to do with regard to it. How does it help us with regard to our life. It

teaches us that we must be true to our thought and to have self-command. These are the two things that make a nation. Gentlemen, I do not think there will be any hesitation in saying that they have helped us to grow, to assume self-command, to true thought. They have helped us towards our salvation. God has given us the gift of manhood. There is one clue to success, and that is to demand justice and to exact justice. The resolution was carried.

Resolution III.

Mr. Jitendra Lal Banerji, moved the following resolution :—

"This Congress expresses its sense of bitter disappointment at the British Cabinet's failure to take adequate action with reference to the atrocities of the Punjab, at their acquiescence in the recommendations of the Government of India and their practical condonation of the misdeeds of the Punjab officials.

"This Congress is further of opinion that spite of the fine and lofty sentiments expressed in their despatch, the British Cabinet by their failure to take adequate action have forfeited the confidence of the people of India." The resolution was passed.

The Subjects Committee.

The Non-co-operation Resolution, the main item in this Congress, had a keen debate upon it lasting for 3 days in the Subjects Committee.

The last meeting of the Subjects Committee was held at 12 noon on September 7th. in the rooms of the Indian Association and the discussion lasted nearly six hours after which it was decided to adopt Mr. Gandhi's resolution on Non-co-operation. All the delegates elected on the Subjects Committee numbering about three hundred attended and a large number of them took part in the discussion. The speeches were strong and enlivened here and there by sharp passage at arms among the opponents. Mr. Gandhi took a very strong attitude from the very beginning and he stood by his motion firm like a rock unmoved by friendly appeals or suppliant entreaties or hostile threats.

The substantive motion before the house was the resolution drafted by the Reception Committee and thirty amendments, the principal being that made by Mr. Gandhi, Mr. C. R. Das and Mr. Bepin Chunder Pal and on those amendments only votes were taken. Mr. Gandhi's amendment was his substantive motion on non-co-operation, Mr. C. R. Das's amendment was on the lines of the resolution drafted by the Reception Committee while Mr. Bepin Chunder Pal's amendment was practically a supersession of Mr. Gandhi's proposal. All these were however declared lost and Mahatma Gandhi's resolution was carried by a vast majority, mostly by delegates from outside Bengal.

The Congress met again on the 8th September 1920 and passed the following Resolutions.

A Motion for Adjournment.

Sir Ashutosh Chowdhury first moved for adjournment of Congress till the winter session. He said :—There is considerable opposition to the resolution on non-co-operation brought forward by the Congress. The question should be more fully considered by the country. I know the feeling and the volume of opposition against it. I am not minimising facts. Their is a vast majority of opinion among delegates that the resolution should be put through. Those who have taken the risk to put the resolution before the country are not afraid that the Congress may be split but we know there is a considerate body of opinion against it as could be seen from the division that took place in the Subjects Committee. It is my duty to place for your consideration, whether, having regard to the present position, you will not permit the country to think for a little more time than forcing people to divide. Having regard to that feeling it is just to yourselves and to me and every one not prepared to accept the resolution as put forward, that further time should be given to consider the resolution (Loud cries of "No, No")

Mr. V. P. Madhava Rao seconded the motion which was lost by an overwhelming majority, amid wild scene of enthusiasm.

The N. C. O. Resolution.

Mr. Gandh's Motion.

Mr. Gandhi rose amid repeated cheers and cries of 'Gandhi-ki-jai' and moved the resolution on Non-co-operation.

The resolution runs thus :—

In view of the fact that on the Khilafat question both the Indian and Imperial Governments have signally failed in their duty towards the Mussalmans of India, and the Prime Minister has deliberately broken his pledged word given to them and that it is the duty of every non-moslem Indian in every legitimate manner to assist his Mussulman brother in his attempt to remove the religious calamity that has overtaken him.

And in view of the fact that in the matter of the events of the April of 1919 both the said Governments have grossly neglected or failed to protect the innocent people of the Punjab and punish officers guilty of unsoldierly and barbarous behaviour towards them and have exonerated Sir Michael O'Dwyer who proved himself directly responsible for most of the official crimes and callous to the sufferings of the people placed under his administration and that the Debate in the House of Lords betrayed a woeful lack of sympathy

with the people of India and showed virtual support of the systematic terrorism and frightfulness adopted in the Punjab and that the latest Viceregal pronouncement is proof of entire absence of repentence in the matters of the Khilafat and the Punjab,

This Congress is of opinion that there can be no contentment in India without redress of the two afore-mentioned wrongs and that the only effectual means to vindicate national honour and to prevent a repetition of similar wrongs in future is the establishment of Swarajya. This Congress is further of opinion that there is no course left open for the people of India but to approve of and adopt the policy of progressive non-violent non-co-operation inaugurated by Mr. Gandhi until the said wrongs are righted and Swarajya is established.

And in as much as a beginning should be made by the classes who have hitherto moulded and represented public opinion and in as much as Government consolidates its power through titles and honours bestowed on the people, through schools controlled by it, its law-courts and its Legislative Councils, and in as much as it is desirable in the prosecution of the movement to take the minimum risk and to call for the least sacrifice compatible with the attainment of the desired object, this Congress earnestly advises—

(a) surrender of titles and honorary offices and resignation from nominated seats in local bodies ,

(b) refusal to attend Government Levees, Durbars, and other official and semi-official functions held by Government officials or in their honour ;

(c) gradual withdrawal of children from schools and colleges owned, aided or controlled by Government and in place of such schools and colleges establishment of National Schools and Colleges in the various Provinces ;

(d) gradual boycott of British courts by lawyers and litigants and establishment of private arbitration courts by their aid for the settlement of private disputes ;

(e) refusal on the part of the military, clerical and labouring classes to offer themselves as recruits for service in Mesopotamia ;

(f) withdrawal by candidates of their candidature for election to the Reformed Councils and refusal on the part of the voters to vote for any candidate who may, despite the Congress advice, offer himself for election ;

(g) boycott of foreign goods ;

And in as much as Non-co-operation has been conceived as a measure of discipline and self-sacrifice without which no nation can make real progress, and in as much as an opportunity should be given in the very first stage of Non-co-operation to every man,

woman and child, for such discipline and self-sacrifice, this Congress advises adoption of Swadeshi in piece-goods on a vast scale, and in as much as the existing mills of India with indigenous Capital and control do not manufacture sufficient yarn and sufficient cloth for the requirements of the nation, and are not likely to do so for a long time to come, this Congress advises immediate stimulation of further manufacture on a large scale by means of reviving hand-spining in every home and hand-weaving on the part of the millions of weavers who have abandoned their ancient and honourable calling for want of encouragement.

He said :—I am aware, more than aware, of the grave responsibility that rests on my shoulders in being privileged to move this resolution before this great assembly. I am aware that my difficulty, as also yours, increases if you are to adopt this resolution. I am aware that the adoption of this resolution will mark a definite change in the policy that this country has hitherto adopted for the vindication of the rights that belong to it, and its honour. I am aware that a large number of our respected leaders, who have given their time and attention in a manner which it has not been my privilege to give to our own Motherland, residing in the Motherland, are ranged against me. I am fully aware that they feel out of a sense of duty that they must resist this attempt to revolutionise the policy of the country practically at any cost. Knowing these difficulties, and realising my responsibility, and giving all respect that I am capable of giving to the leaders of the country, I stand before you, in the fear of God and with a sense of duty towards my country, to commend this resolution to you for your hearty acceptance. But I ask my countymen to dismiss me from their consideration. I know that I have been charged with saintliness, I have been charged with a desire for dictatorship I ask you to believe me literally when I tell you that I stand before you neither as a saint nor as a candidate for dictatorship. I stand before you in order to appeal to your reason and to your hearts. I stand before you to place, as humbly as I can, the results of my experience in practical Non-co-operation. Two previous speakers have suggested that Non-co-operation is a new thing for this country. I respectfully deny that. I venture to submit that it is undoubtedly a new policy that is being placed before the country. But Non-co-operation has been talked about, has been written about, for a long time now. Non-co-operation has been accepted at hundreds of meetings attended by thousands of men. Non-co-operation has been placed in working order, since 1st August, by our Mussalman countrymen. Many of the items that you read in this resolution are new being enforced in a more or less intense degree. So I venture to submit that I

am not premature in coming to the country. But, at the same time, I ask you all to dismiss personalities from your minds, and to give your undivided, dispassionate, calm judgment to this great question, because the mere passing or the mere rejection of this resolution does not end Non-co-operation, nor does it make it a success. If you pass the resolution, it means that everyone of you individually has, to the extent that the items apply to you to enforce those things. I, therefore, humbly beseech you to give as patient a hearing as you can, with the generosity which you extend to all, to my humble self. I ask you neither to clap nor to hiss. I frankly acknowledge that clapping hinders the flow of argument and thought. I want to appeal only to your heads and hearts, and clappings and hisses are both alike hindrances in the progress of any correspondence which should be established between a speaker and the audience. If you favour Non-co-operation, you will not hiss out of the stage a single speaker, no matter what your predilections may be. Non-co-operation, as you will see from the resolution itself, has been conceived as a measure of discipline and self-sacrifice. Discipline demands humility, obedience, respect and patient hearing to a speaker. Unless we are able to evolve this measure of discipline, unless we are able to evolve a spirit of mutual toleration for our views, however diametrically opposed they may be, Non-co-operation is an impossibility. Non-co-operation in an angry atmosphere is an impossibility. I yield to no one in my feelings with reference to the wrongs that have been done to this country, but I have learnt by bitter experience, through a period of close upon 30 years, the one supreme lesson, namely, to conserve my anger, to control it, and just as heat conserved is transmitted into energy, so also our anger, conserved and controlled, can result in a power that becomes irresistible throughout the world, and I want my country to control its anger at this critical period in its history. What can be a better lesson than that we, within our own household, those of us who have been attending the Congress as brothers in arms year in and year out—I ask you, what can be a more favourable opportunity for exercising our power of toleration than that we should do so between ourselves?

In spite of our differences, I hope that it is possible for us to remain in perfect friendliness in this country, and in this very Pandal. I have been told that I am doing nothing but wrecking the Congress, and that by my mad resolution, I shall be breaking the Congress and the political life of the country. I have said already that this Congress is not a party organisation, but that this Congress provides, and ought to provide, a platform for all shades of opinion,

for all groups, for all parties. A minority need not leave this platform and this organisation but that minority may look forward to translating itself into a majority, if its opinion commends itself to the country. All that is necessary is that no man may, under the Congress banner, place anything before the country as the Congress policy, if that particular policy has been condemned or rejected by the Congress, I venture to submit to you that if I find myself in a minority, and still if you will provide for me a platform on the Congress stage, you will not find me going away from the Congress, but leave me to convert the minority into the majority. I do not want to go into the details of the programme, for the reason for every step recommended to you is given to you in the programme itself. There are no two opinions as to the wrong that is done to the Khilafat. The Mussalmans of India cannot remain as honourable men, and followers of the faith of their Prophet, if they do not vindicate its honour at any cost. The Punjab has been cruelly and barbarously treated, and in as much as a single Panjabi was made to crawl on his belly, the whole of India crawled that day on her belly, and it is that humiliation which you and I, if we claim to be worthy sons and daughters of India, must be pledged to remove. And it is in order to remove these two wrongs that the country has been agitating itself and others for a number of months. But we have not been able to bend the British Government by our will. Can the country with all the fashion, with all the feeling that it has shown in these two things rest satisfied with mere empty exhibition of angry feeling? You could not have listened to a more passionate discourse upon the wrongs of the Punjab than in the pages of the address delivered by our respected President. How is the Congress to vindicate, to justify its existence and its honour, if it cannot enforce justice from unwilling hands, if it cannot enforce candid repentance before receiving a single gift, howsoever rich it may be, from those blood-stained hands? Therefore it is that I have ventured to place before this country a scheme of Non-co operation, and I would ask you to reject any other Non-co-operation except as detailed by me, not because that programme has been framed by me, but I ask you to reject any other scheme unless you deliberately come to the conclusion that that is a better scheme of Non-co-operation than the one I have presented to you. I venture to claim for this scheme of Non-co-operation that if this has sufficient response in the country, I make bold to reiterate the statement that you can gain your Swaraj in one year under my conditions (Hear, hear.) not by passing this resolution by this vast audience but, by an enforcement of this resolution by this very audience from day to day in a

progressive manner, and the progressive stages therein fixed, due regard being had to the condition of the country. There was another way before the country, save Non-co-operation, and that was drawing the sword. But India does not possess the sword, and if it had possessed the sword, I know that India would not have listened to this gospel of Non-co-operation, and I want to suggest to you that even if you want to wrest justice from unwilling hands by methods of violence, two things, indispensable in this programme, discipline and self-sacrifice, will still be necessary. I have not yet known a war gained by rebels, but I have known wars gained, as you have known, by a disciplined army capable of dying every one of them, at their posts. If you want to give a pitched battle in arms to the British Government, to the English Nation or to combined powers of Europe, we shall have to train ourselves in discipline and self-sacrifice. It is to that stage that I am desirous and eager to bring my country. I confess to you that I have become impatient. I see that in intelligence we are not wanting, but we have not got the spirit of national self-sacrifice and national discipline. We have evolved discipline and self sacrifice, as perhaps no nation has done in our domestic affairs I have come to plead before you to extend the doctrine to national life, in other words I have come here, and I am travelling from one end of India to the other end in order to test whether the country has really evolved a national spirit, whether at the alter of the Nation, the country is ready to dedicate its riches, its children, its all. And if the country is ready to dedicate its all, without reservation, I promise Swaraj in no time. (Applause). Is the country ready, willing, able to make the necessary sacrifice? Is the country ready and are its title-holders ready to surrender titles and honorary offices? Are parents ready to sacrifice their children's literary education for the sake of fighting the country's cause. So long as we believe that our children's education will be neglected if we do not send them to Schools and Colleges, which are a factory for turning out clerks for the Government, I submit that Swaraj is nearly an impossibility. No nation, being under another nation, can possibly accept its gift and kick against the burdens and responsibilities that the conquering nation places upon it. Immediately that nation realises intuitively that any gifts that may come from the conqueror, come not for the benefit of the conquered, but principally for the benefit of the conqueror, that nation, from that very moment, will reject all voluntary assistance and refuse to give every form of voluntary assistance to the conqueror. These are voluntary forms of assistance to the conqueror. These are fundamental and elementary conditions of success in our struggle for national independence, whether within the Empire or whether

without. I want my countrymen to understand my position. And if you do not accept that position, probably you will find that it will be your duty to reject the proposition I have the honour of placing before you. I hold a real substantial unity between Hindus and Mussalmans as infinitely superior, and if you make a choice between that unity and the British connection, I will choose the unity, and sacrifice the connection. If I have the choice between the honour of the Punjab and therefore of India, and I have to choose between temporary chaos, anarchy, neglect of the literary training of my children, the closing up of courts, and therefore temporary distress, for court-goers, the shutting up of legislative activity, and the loss of the British connection, I will choose the honour of the Punjab and of India, anarchy, shutting of schools and courts, and all that is meant, without the slightest hesitation. If you have the same burning feeling in you, and the impatience in order to vindicate the honour of Islam, and if you have the same burning feeling that you are to vindicate the honour of the Punjab, then you will unreservedly accept my proposition but it is not all.

I have not come to the fundamental thing namely, boycott of Councils, complete boycott by candidates and voters. That is really a burning topic of the day, and if this house has to divide, it will divide, no matter what other things you may find surrendered the resolution. If you divide this house, you will understand that you will divide it upon this one clear-cut issue. Does or does not the country want to gain its Swaraj, through the Councils or without the Councils? Does the country believe that through the Councils it is possible to gain Swaraj? I do not wish to address any argument in connection with the Councils at present. If I have a right of reply, I shall be glad to combat any argument that may be advanced in favour of not boycotting the Councils. Let it be sufficient for the time being, that if we utterly distrust the British Government the present holders of offices, and we are aware that the British Government is totally unrepentant then how can you possibly believe that these reforms will lead to Swaraj because it is not a matter of conscience. I want the country to boycott foreign goods, but I am aware that today it is a physical impossibility. So long as we have got to rely upon foreign countries for our pins and needles, both real and figurative, so long the boycott of foreign goods is an impossibility. But if any body is impatient to attain the goal and can rise to any height of sacrifice, I confess to you that if this nation can bring about the boycott of foreign goods, India will regain her independence of all the Powers in the twinkling of an eye. Therefore I had no hesitation in accepting that amendment or addendum : only it mars the musical beauty, if I may say, without

pride or without any arrogant assumption, claim that for the programme that I have placed before you. In my humble opinion, those few words do mar the symmetry of the programme, but I am not here merely to plead for a symmetrical programme. I want to place before the country a workable programme and I freely admit that the boycott of foreign goods is certainly a live thing if we can attain it. If we want the boycott of foreign goods and at the same time we want to promote Swaraj, you have got it in the final paragraph. I ask you finally to give all these matters your serious consideration and not to be swayed this side or that side by the influence of any personality, however great. I ask you not to respect any of the services that I might have rendered to the country. They are of no account. I do not claim any infallibility for any programme that I place before the country. Two things I do claim, laborious industry and great thought behind my programme and unflinching determination to reduce that programme to practice. I do want you to take those two qualifications of mine undoubtedly into your consideration. You have got a living organisation already; in forming the policy, already you have thousands of adherents, most of them no doubt mental adherents, but many men in practice accepting my programme.

Mr. Gandhi then explained his speech briefly in Hindi.

Dr. Kitchlew of Amritsar seconded the resolution in a Hindi Speech. And then followed a keen debate.

Pundit Gokarnath Misra in opposing said that it was against the Congress Creed which so long had not meant to paralyse the Government. Mr. Shyamlal Nehru in a humourous speech wanted the deletion of the word '*gradual*' wherever it occurred in the resolution which he said was imperfect. Mr. Gandhi, he said, promised them Swaraj in 9 months, but if his amendment was accepted he promised to give Swaraj in 6 months, nay, in 3 months. After an interruption caused by this and a few other speeches Mr. B. C. Pal moved his Amendment.

Babu Bepin Chandra Pal's Amendment.

Babu Bepin Chandra Pal then moved his amendment. He read out the amendment which ran thus :—

Whereas in the matter of the events of April 1919 both the Indian and the Imperial Governments have grossly neglected or failed to protect the innocent people of the Punjab and punish officers guilty of unsoldierly and barbarous behaviour towards them and have exonerated Sir Michæl O'Dwyer, who proved himself directly or indirectly responsible for most of the official crimes and callous to the sufferings of the people placed under his administra-

tion, and the debate in House of Lords betrayed a House of Commons and specially in th
of India and showed virtwoeful lack of sympathy with the peopl
fulness adopted in the Punjal support of the terrorism and fright

And Whereas the bulk
officials and non-officials, havof the European community in India
said policy of terrorism and i expressed their sympathy with th
funds and taking other steps to ghtfulness and are actively raisin
to be guilty of acts of frightfulnessnour those who have been prove

And Whereas on the Khilafa and terrorism,
the Imperial Governments have signa question both the Indian an
the Mussalmans of India, and the Ply failed in their duty toward
broken his pledged word given to them, ime Minister has deliberate

And Whereas the disintegration
its division into vassal states as propose f the Turkish Empire an
source of prospective danger to India, d in the Peace Treaty is

And Whereas the only effective reme dy against these wron
and the only guarantee against their recurr ence is the immedia
recognition of India's rights to full autonomy,

Be it resolved —

(a) That the Prime Minister be asked t o receive a missi
composed of representative Indians to be selecte d by the All-Ind
Congress Committee to lay before him the st atement of India
grievances coupled with a demand for immediate a utonomy.

(b) That in the case of his refusal to receiv e this mission
in the event of his refusal to replace the Reforms Act of 1919
a measure granting full autonomy to India, a polic y of such acti
Non-co-operation be adopted as would leave no dou bt in the min
of the British people that India can no longer be governed as
dependency.

(c) That in the meantime this Congress recommends to the count
for favourable consideration and eventual adoptior of Mahatr
Gandhi's programme of Non-co-operation with such modificatio
alterations and additions, either for the whole of India or
particular Provinces to suit special conditions as may b e recommer
ed by a Joint Committee consisting of :—

(1) Twenty representatives of the Indian Nationa l Congress
(2) Five representatives of the All-India Moslem l eague
(3) Five representatives of the Central Khilafat Cc mmittee
(4) Five representatives of each of such Home-i Rule Leagu

as accept the principle of Non-co-operation.

With Mahatma Gandhi as the President of the Joint Committe

(d) That in the meantime this Congress recommends the immediate adoption of the following measures as preparatory to the to the actual putting into practice of Mahatma Gandhi's Programme :—

(1) The education of the electorates in the principles of Non-co-operation.

(2) The establishment of National schools.

(3) The establishment of Courts of arbitration.

(4) Renunciation of titles and such honourary offices as are not conferred by the suffrage of the people.

(5) Refusal to attend Government levees, Durbars and such other functions.

(6) The organisation of labour into trade unions.

(7) The gradual withdrawal of Indian capital from European Banks and such other industrial and commercial concerns in India as are controlled by Europeans and also of Indian Labour from such concerns.

(8) Refusal on the part of the military, clerical and labouring classes to offer themselves as recruits for service outside India except in the event of foreign invasion.

(9) Adoption of Swadeshi, especially in piece-goods, on a vast scale and revival of hand-spinning and hand-weaving.

B. C Pal's Amendment.

The main ground taken by Mr. Pal was that for all their wrongs, they could not possibly paralyse Government by No-co-operation as proposed by Mr. Gandhi. He related the history of the Swadeshi movement in Bengal a decade back and how it failed. With the memory of that failure, he wanted to be cautious, to take only one step forward, *viz.* to tell those who were responsible for the Government of India to come to terms with them, first to send a deputation to the Prime Minister of England, and then when their demand was rejected, as it is sure to be, to take up M. Gandhi's programme.

Mr. Pal had a strong following. Bengal was strongly in his support while Mr. Baptista from Bombay, Mr. Satyamurti from Madras, the venerable Pundit Malaviya, Messrs Jinnah and C. R. Das strongly supported him. Mr. Besant opposed both motions and said that the British Government was so interwoven with their society that non-co-operation if successful would throw the country into anarchy. She held up the charm of the new *Reforms* and denounced non-co-operation in strong terms.

Mr. Das in supporting Mr. Pal made a strong appealing speech. In the subjects Committee he had wrung the concession of inserting

the word "*gradual*" in M. Gandhi's original motion, and now in the open Congress, an eminent lawyer that he was, he took advantage of this weak point of M. Gandhi's resolution and urged that this made it uncertain, elusive, and not meant to be practical. What is the meaning of "gradual withdrawal" of "gradual boycott" he cried, let them put their hand on their breast and say if they are ready, if they are really strong enough to practise non-co-operation.

Mr. Jinnah, finally, in supporting Mr. Pal's amendment said that though the only remedy that there was for all the piles of wrongs heaped upon the country was non-co-operation, he was not convinced of the practicability of Mr. Gandhi's scheme. Before putting Non-co-operation into practice he should like to take stock of the materials and forces of the country, and with Mr. Das would pause and consider the question.

Mr. Gandhi's Reply.

Mr. Gandhi, in his final reply to the debate on his resolution on Non-co-operation, said : I know that I have got to perform a duty by you and answer some of the many objections that have been raised against the proposition. You have now listened to all speeches but one with respectful attention. I am exceedingly sorry that you refused to hear Mr. Jamnadas Dwarkadas You have heard Pandit Malaviya, Mr. Jinnah, and others, a host in themselves. You have heard the argument advanced by Mrs. Besant and several other speakers. They have all a splendid record of service behind them. They have hitherto led the Congress for a number of years and have given you their best services and I know that you will give all the arguments that have been advanced against the resolution the respect that they are entitled to. But, at the same time, I am here to tell you that with all my anxiety to be convinced of any error of judgment or otherwise that I might have committed, I stand unconvinced. It has been suggested by Mr. Jinnah and Mr. Das that this programme is impracticable and it is not capable of being practised. I venture to suggest to you that it is capable of being practised to-day by everyone who is affected by the several items. There is the introduction of the word gradual and Mr. Das has very properly laid emphasis upon that word in order to show that it is in recognition of the impracticable nature of at least two items relating to the schools and the Law Courts. I respectfully differ from him ; the introduction of that adjective is a concession to our weakness and a recognition of our unreadiness. I admit that with the introduction of the adjective these two items may be absolutely whittled down. It would depend largely upon the sense of indignation that has really fired the nation and it will still more

largely depend upon the work that may be put into the programme by the real workers. You may depend upon it that so long as the Non-co-operation Committee started by the Central Khilafat Committee is in existence, so long will you find these items and many more continuously placed before you for acceptance and every argument and every inducement will be held out to you, not pecuniary, but every inducement in the interest of the nation, and every appeal will be made to your patriotic spirit, in order that you may be stimulated to action, and I have not the slightest doubt even with the experience of one and a half months behind me that we shall have a fairly good response from the country, and I contend that the programme is not unpractical in the sense that anybody who wishes to enforce those items can do so to-day. It is not a physical impossibility with him ; it is as practical if he wanted really to enforce a complete boycott of foreign goods. In my humble opinion this item is a practical impossibility as other items are undoubtedly not. I have given you my reasons for accepting this item in my programme. Though in theory this is sound, I was most anxious to place before the nation only those things which the nation, if it was willing and ready, could put into practice to day. Let me not conceal one great fact from you, I do suggest to you that if you want to carry out the programme of Non-co-operation as sketched by me, it is expected of you, and you will find in the course of our perigrinations that we shall be continually dinning the thing into your ears, it is expected of you that if it is at all possible for you, you will withdraw your children from the schools to-morrow and the lawyers will suspend their practice from to-morrow. But, as I have said, if you had not the ability, if you have not the immediate readiness, the introduction of the adjective gives you thinking time. I decline to accept the interpretation that some in the audience placed upon these two items when questioned that they are to withdraw their children only when National Schools are really opened and that the lawyers should suspend practice when Arbitration Courts are established. That, in my opinion, is building before the foundation. I cannot put a handsome pile of building or even erect a straw cottage without having children to educate. When a nation is at war, whether non-violent or violent, it is an indispensable condition that it stops its schools and Law Courts. I have gone through two wars myself and in them the school remained in suspended animation and so were the Law Courts closed, rather because the litigants had no time to think of their private quarrels and the parents came to the conclusion that the best education that their children could receive at a critical time in the nation's history was that they

should understand that it was better for them to have their children's education suspended for a time than that they should remain in a state of evil. These two items are undoubtedly the tests of our feelings in the matter and if the nation feels it will act up to these two things. Much has been made of want of notice and if the facts were as they are supposed to be, I think it would be a sound argument, but perhaps it has escaped even Mr. Pal's notice, even Mr. Jinnah's notice, that really this question of notice arises only because of the introduction of new elements in the programme, namely, the demand for Swaraj. If we were making a new demand for Swaraj the argument will be final that we as an honourable nation ought to give a clear emphatic notice to the British people. But in my programme it is not put in that fashion. I have said that without Swaraj it would be impossible to prevent a repetition of the wrongs such as have been inflicted in the Punjab and therefore in this programme Swaraj is no independent demand, but was a demand made because, in the opinion of the Congress, it is necessary in order to guard against future contingency. In my humble opinion there is absolutely nothing wrong in it, but I go forward. Both Mr. Jinnah and Pandit Malaviya have accepted Mr. Pal's programme. You will find therein that some of the items are to be enforced from to morrow and what the amendment states is that the other items will be reduced to practice later on, that while the mission is conducting its affairs some operation of the Non-co-operation programme is to be enforced from to-morrow by the population of India. I think that the Congress may well hold that notice sufficient for its purpose without in any way damaging its prestige or of the whole nation.

I have come to the final pivot namely boycott of the Councils. I must confess that I have not yet heard a single argument in favour of going to the Councils. All the arguments that have up to now been advanced is: seeing that we have done something through these Councils during 35 years, seeing that the Reformed Council is really in response to our agitations which I admit, and seeing that there is a greater scope for obstruction as we can command a majority by influencing the votes, which too I admit, we may be able, by going to the councils, to paralyse the Government or the administrations as the case may be. In my humble opinion, as a a student of English History, I have found, and it is a practical maxim adopted in English public life, that every institution thrives on obstruction, and when we seek election to the Councils I assure you that the Government will not be pleased to see the nationalists outside the Councils. Government are eager to-day to have the Nationalists in the Councils. You will take my

evidence for what it is worth. It may be bad evidence, but it is there. It is my firm opinion that the services the public men want to render can be rendered better outside the Councils rather than inside and such services will be infinitely greater than the services they render in the Councils. What is the secret of the great power of the late Lokamanya in the country? Do you suppose that if he had gone to the Council he would have exercised that over all the millions of India? You have had evidence given before you in connection with his opinion. I am exceedingly sorry that you have no evidence brought before you as to what he considered in connection with the programme. But as the matters have been brought before you, it has become my painful duty to give you the evidence that is in my possession. I happened at his wish to wait upon him in company with Mr. Shaukat Ali a fortnight before his demise and he said "I personally believe that it will be better to go to the Councils and obstruct where it was necessary and co-operate where also it was necessary." When Mr. Shaukat Ali told him "What about your promise to the Musalmans in Delhi at which also I was present," he immediately added "Oh, yes.. If the Musalmans *do* the thing (he laid emphasis on it) and not merely speak, if they boycott the Councils, I give you my word that my party will stand with you. "I do not want you to exaggerate the value of this evidence as I know his name is a name to conjure with and his opinion must carry great weight with those of us who believe that he was unrivalled in his continued prosecutions for the attainment of swaraj and naturally any opinion that might be cited as having come from him must carry weight.

What do these Councils mean? The simple test I venture to present to you and the leaders is the two wrongs that we are come to consider the Khilafat and the Punjab. Do you believe that by going to the Council and engaging in the debates there, you can produce a direct impression upon the British Ministers and secure a revision of the Turkish terms and repentence on account of the Panjab affairs? Our revered brother and leader Pandit Malaviya has said that very soon all that the Congress Sub-Committee (Re Punjab Enquiry Report) asked for will be granted because some or most of the officers are already gone or will be presently going and in April even the Viceroy will have gone. I respectfully suggest that it is not what I at least intended when I put my pen to that report. (Gandhi was a member of that Sub-Committee) I said emphatically even at our discussion that the dismissal of the officers should conditionally be based upon their incapacity and atrocity that they were guilty of, not by efflux of time, and that the Viceroy should be compulsorily retired if he does not tender his

resignation before his time. It does not serve my purpose when the Viceroy goes by efflux of time and so the officers. If the officers are retired compulsorily but not retired on these specific grounds it does not serve my purpose at all. I want a repentant, clean heart, a change of heart, and I miss any repentance or change of heart, and the hand of fellowship which I had thought was extended at the time of the Amritsar Congress, and that is my reason for having then suggested co-operation with the Government, but having found out afterwards that there was no redress of Khilafat and the Panjab wrongs, the painful revelation has dawned on me that the British Ministers or the Government of India had never meant well by the people of India. Instead of repentance, an insolent challenge is given to India that if you want to be ruled by Britain, the price is terrorism. I, therefore, want to make this party of terrorists a present of these law courts, a present of the education of my children. If I cannot start new national schools, I certainly decline to wait for the establishment of their schools. Necessity is the mother of invention. When there are children without schools, I promise that our revered leader Pandit Malaviya will himself go up from place to place and collect subscriptions for opening National schools I do not want to starve Indian mind. I want every Indian to be educated along proper lines, educated to understand the dignity of his Nation and not receive an education that will make him a slave. There are many other points but I would reiterate two things. The public will not understand our fine distinctions. It will mean that Non-co-operation must commence at the top, *viz.*, in a body, miscalled a representative body, namely, the Reformed Council, and if the best mind of the country refuses to associate with that Government, even as the obstructionist, I promise, that the Government's eye will be opened. The condition is that those who refrain will not go to sleep but move from one end of the country to the other end, bring every grievance to the notice not of the Government but of the public. And if my programme is carried out the Congress will be going from year to year and give public expression to those grievances, so that the volume of wrong, ever increasing as it rolls, will inflame the great nation and enable the nation to harbour, to conserve all its anger and its heat, and transmute it into an irresistible energy. Please recognise the one fundamental settled fact that the Muslim League has passed a resolution that they are going to boycott the Councils entirely. Do you believe that onefourth of our body may pull one way and three-fourths in another way? If these were running along parallel lines I can understand it. But here they will be pulling in opposite ways and is it right that it should be so? Can the Hindu

gain anything even by a policy of obstruction if every believer in Islam boycotts the Council as he should boycott sin? That is a religious position. In Islam they consider it is sinful for them to go to the Councils and take the oath of allegiance. Let not practical India and practical politicians, who gather here from year to year, forget this settled fact. If they believe that they will be able to change the Musalman mind and that these resolutions of the Musalmans are pious wishes, then certainly the argument that I have now advanced falls to pieces. But if you believe that the Musalmans are in earnest, that they see, feel, the wrong and as time goes on the wrong instead of dying out and being forgotten will gather force day after day, then you will understand that as time goes forward the energy of the Musalmans will increase, whether the Hindus help them or do not help them. That is the choice that lies before the whole of this national assembly. I, therefore, respectfully submit to you that I have not embarked upon this thing without careful thought and it is not a matter of pleasure or joy to me to put myself, a humble, single individual, always liable to err, against the best leaders of the country; but where it is a matter of duty, where, as I see clearly before me, if we want to cement the relations between the Hindus and the Musalmans and we want them to endure for ever, there is no escape for us but a complete association with them so long as they remain on the right path and adopt honourable means and do not overreach themselves in framing their demands, and so long as they do not resort to violence. There are many other things which have been said and to which I might have given reply but I have tried your patience unduly. My business is finished when I have placed every argument in a dispassionate manner not as an advocate but, if it is at all possible for me, as a judge and I assure you I have endeavoured to place the whole argument pure and simple as a judge. I owe a great deal to Pandit Malaviya. The relations perhaps that subsist between him and me the country does not know and I would give my life to placate him, to please him and follow him at a respectful distance, but when it becomes a matter of sacred duty and conviction I hold that I am absolved from any obligation to follow him. I know that he absolves me from any such obligation of following him and if I, who venerate him, adopt a course different from his, you will understand that I am absolutely serious and sincere when I ask every one in this pandal to use his own individual judgment and not to be carried away in the slightest degree by my personality. Finally if you pass this resolution, you will do so with your eyes open, if you think everyone of you individually has the capacity, and the willingness to offer this small measure of sacrifice in the name of

the nation, for the sake of the nation and for the sake of securing lasting friendship with the Musalmans, you will not hesitate to adopt the resolution, but if you cannot satisfy these conditions you will not hesitate to reject this. (Cheers.)

The Motion was adopted by a great majority. On a ballot being asked, the President announced that the votes will be taken province by province and that the result will be declared next day.

Next day, Sept. 9th, the polling result was announced. Mahatma Ghadhi's resolution was carried by 1826 votes against 884 for Mr Pal. Punjab, Bombay, Bengal, the U. P. and Behar voted for M. Gandhi by a huge majority, while C P. and Berar voted against him.

After the announcement the President made a long extempore speech.

President's Concluding Speech.

Country's Soul

After having eulogised the services rendered by Bengal in the political history of the country and referred to some of the slightly objectionable features of the proceedings which he deplored, the president said he had rejoiced all these days in finding that this country had after all found its soul. It had rejoiced his heart to see this country and this national assembly had after all a clear political vision now. They had acquired a clear political vision and they had a clear conception of the means by which they could accomplish the end which they desired. That had filled his heart with hope, with confidence and with pleasure. He rejoiced to find that this assembly had after all found that the country's salvation must come from the country itself (applause). He rejoiced to find that this country through its national assembly and through that assembly the people they represented, had after all found that paltry reforms, tinkering with the administration here and there, would not satisfy their souls, would not meet their needs. He had already informed them that out of a total strength of 2773 voters there were only 63 who were either opposed to non-co-operation or who did not like to vote or were indifferent. If in such a big House they found only 63 who in some form or other did not approve of non-co-operation, they were absolutely on safe ground in saying that the bulk of the country was in favour of the adoption of non-co-operation. Throughout the Congress proceedings he had observed an attitude which he struck out for himself in his presidential address, namely that he was not going to take any side, that he was going to preside over this great gathering like the Speaker of the House of Commons, let everybody speak out his own mind and vote as he wished. However, he left that to their judgement. He thought it would be cowardly on his part

to leave this pandal without telling them very briefly his own views on the great question on which they had passed their resolution. He might tell them at once that he was absolutely whole-heartedly in support of non-co-operation but at the same time he must frankly tell them he was not convinced that the programme which they had accepted was the soundest and most effective programme (pause). He had doubts with regard to several of the items on the programme and he thought he would be failing in his duty to his country if he did not give expression to his convictions.

Boycott of School.

He was whole heartedly opposed to the withdrawal of boys from schools and colleges. He did not accept that proposition at all. He yielded to none in his desire for national education. He was a boy of 18 when he started life and ever since then up to 1910 he gave up the best part of his time and his energy and his income to build up that institution. He was therefore in a position to know what he was talking about. After a great deal of study, thought and experience he had come to the conclusion that they could not construct a national system of education without a national Government. They must direct all the energy to have national Government, and unless they could have national Government to talk of national education was useless. Having given that subject his best consideration he had eventually come to the conclusion that their conception of national education was very defective. What was national education, how would it be national, would it be the Hindu system of education or the Mahmedan syestem of education, what would be the character, what would be the language, who would be the teachers and so on? The question bristled with difficulties. It was not insoluble but there were difficulties. He did not know of any history in the world in which any nation had been able by private means to solve the problem of education. The problem of education must be solved by the Government of the country which took the revenues of the country. It would be absolutely suicidal at the present moment to withdraw their boys and girls from the schools and in colleges in which they were. By all means go on establishing private schools not national school. Who strangled the national education movement? The founders themselves because they made it impossible for them. There should be private schools, private institutions, private colleges, Gurukuls and Pathsalas for the respective aims of the respective communities. They could not solve the problem of national education unless they had national Government. Therefore it was to that question he wanted the whole attention of the country

directed to and concentrated upon that they must have national Government before they had national education. There was a great deal in the contention of Mr. Gandhi that the European Education they had received had to a certain extent given them slave psychology. However he did not admit that in its entirety. If it h given them slave psychology they should not be ungrateful to progress that the world had made. They wanted to be Indians not a copy of the ancient Indians; they wanted to be modern. date progressive Indians including all that was best in their culture and in Western culture. They should not go backward, they should go forward. If they hope to carry the world with them that was only possible by combining the best in the two cultures. Western culture had with all its crookedness done wonders for the world and they must acknowledge that.

Boycotting Courts

He was afraid that the gradual withdrawal of lawyers from courts seemed to him to be impracticable (applause). He was not in love with lawyers. Much less with courts. His own opinion of lawyers was very poor. He did not consider lawyers to be absolutely necessary for the progress of India; they were more or less parasites (applause). The might say "No" but that was what he thought. Lawyers gave their best time and energy and money to the political movement. At the same time with great respect to the lawyers he must say that when crisis came it was the lawyers who went back (laughter and applause).

While he admired great and noble qualities which Lala Ha kishen Lal, Lala Dulichand, Pandit Rambhuj Dutt Chaudhuri and other lawyers of the Punjab showed in the last crisis, he knew of lawyers of his province who refused to defend those who were in trouble or cheated (shame). Hence he expressed this view to show them that they have not got his sympathy. While he lost no opportunity of denouncing lawyers yet he held that the gradual withdrawal of lawyers from courts was an impracticable proposition to which the National Congress should not have put its seal. Why? He was in favour of the ideas of establishing Courts of arbitration. Let them establish them and then they might go to those courts for arbitration. Let them avoid British courts as long as they could but so long as the British Government was in this country it was impossible for them to avoid British Courts altogether. Suppose his boy was prose uted to morrow f murder! Did they expect him to leave his boy undefended? Even in political cases those of them who were foremost in denouncing British Courts and lawyers were the first to ask their assistance. He was saying this because he did

not want this great national gathering to commit itself to any proposition which might be impracticable and which might bring ridicule on it.

Flies on the Wheel.

His own idea was that the other two or three items on the programme were not impossible but they were mere flies on the great wheel. He had expressed his opinion and he wanted to again remind them that they would not be able to paralyse the Government, would not be able to make the work of administration impossible unless they struck at the root of the economic exploitation going on in this country. The world had come to know and if they studied their Shastras they would find that what was at the bottom of all political slavery was economic bondage and economic exploitation. If they really wanted to make non-co-operation effective they must strike at the root of the economic exploitation of the country. The good recommendation was for the improvement of Swadeshi by the manufacture of piece-goods here. Then a clause had been added which seemed impracticable, namely, the boycott of foreign goods. However they had passed that resolution and he wished them complete success from the bottom of his heart.

The Council.

There is one more matter to which he wished to refer. There had been a great deal of heat introduceed into the deliberations of this congress over the question of boycott of Council. Now he must confess that his sympathies were entirely with Mr. Gandhi. (applause.) But his head sometimes reeled and went and began to go to the other side. There was a great deal of force in what M. Gandhi said that in all these Councils there was an insidious poison which might demoralise their men who went to these Councils. There was a great deal of absolute truth in that. He knew from actual experience that many of his noble friends whose patriotism he did not dispute, whose high motives he had no reason to question, had had their patriotism and their nationalism poisoned by going to these Councils. He had all his life believed and he repeated it here again that they should not accept any favour from the hands of those who were not well wishers of their country. He did not consider that they could associate themselves logically and morally with people whom in the bottom of their hearts they considered not their friends but their enemies. But what had they been doing on this platform for the last 35 years? The leaders of the nation have been preaching all over with great enthusiasm and gusto about co operation. In the course of a year they could not

change three hundred and fifteen millions of the population of this country from an attitude of co-operation to an attitude of non-co-operation. If they did that they were liable to fall into a pit-fall. They had written on the slate; they must efface that and then write anew. But they must have time to efface that. He was afraid that the time they had given for washing off what they had written for so many years was very inadequate. For that reason he was entirely in favour of this programme being considered by a joint committee of the best men of this country to work out its details.

Whole Programme.

There was another reason why he was not in favour for the whole programme. There was very little difference between his conception of ideals and between Mr. Gandhi's conception of ideals. He laid greater emphasis on the two burning questions of the day, the Khilafat and the Punjab while Mr. Gandhi had told them that he would use Swaraj for preventing their repetition. No body felt more bitterly than he did about the Punjab. No body felt so strongly on the International wrong done to the Moslem world than he did. But at the same time he wanted to urge upon them that inspite of these two great wrongs the one thing he was fighting for was Swaraj.

Blessings in Disguise.

The Punjab and the Khilafat question—his Mahomedan friends would pardon him—had been blessings in their own way. They had united Hindus and Mahomedans, opened the eyes of the people of this country to the real problem and question before them. Future generations would some day bless the name of Dyer and O'Dwyer for having brought about this condition of things.

Swaraj.

He wanted them in everything they did to give the first place for Swaraj or complete self-government and whatever might happen to the Khilafat question, whatever might happen to the Punjab wrongs, what they wanted was complete responsible government.

The Central Khilafat Committee represented seven crores of Mahomedans in India but the Indian National Congress represented three hundred and fifteen millions. They recognised them both for their co-operation and for supporting them but the main body —the national body—which ought to keep its national character and which represented every Indian in this country was the Indian National Congress. Now it had been said by Mr. Gandhi that the Central Khilafat Committee gave notice to the Viceroy and he was informed that Mr. Gandhi's covering letter mentioned both the

Central Khilafat Committees and did not speak in the name of the Indian nation, did not speak in the name of the Indian National Congress. He yielded to none in his desire to help his Mahomedan countrymen. He yielded to none in the right on the part of the Central Khilafat Committe to have given that notice and have told the Government what they were going to do. He yielded to none in recognising that they had a perfect right to go ahead without consulting the Indian National Congress. Having so overwhelmingly been in favour of Mr. Gandhi's proposition and having shown the Government what the mandate of the nation was, he begged them not to give it up. He assured them that the evolution of national life was a very complex question. It was determined by various things which they did not see and observe.

Deputation Useless.

Turning to the suggestion that a deputation should be sent to England, the speaker said that he agreed with those who were opposed to the sending of such a deputation. He went to England in 1905 as a member of the Congress deputation and immediately on his return he gave a message to his countrymen that they could not expect anything from the English people. He was not in favour of sending a deputation or a mendicancy mission but he was very strongly in favour of publication throughout the whole world. Public opinion could not be ignored and those who did so did it at their peril if they ignored the opinion of the world. He had been outside India for 5 or 6 years and he knew what the value of public opinion was.

Publicity Campaign.

He therefore wished, to lay emphasis upon the absolute necessity of their carrying on an independent campaign of publicity in Great Britain, America, Japan and France. He urged them for God's sake not to give up that weapon. There was another point and that was with regard to the consideration of the question of non-co-operation. In his judgment the programme of non-co-operation should be proceeded with and he hoped that within the next three months, before the next Congress at Nagpur, they would show the world that they meant what they said (applause). If they could not show any tangible results in furtherance of non-co-operation he would call them traitors to the cause of the country. They had pledged themselves, they had pledged the credit of their hearts, they had pledge the credit of their souls to that programme. Let them carry it out with all the means at their disposal, with all the self-sacrifice and all the discipline of which they were capable.

The Programme.

They had passed that resolution and from the bottom of his heart he wished that Mr. Gandhi's programme might be successful. He wished them complete, unqualified, unrestricted success and if in attaining that success he could contribute anything without losing his soul and his conscience he would do it. But at the same time he thought it his duty—it would be cowardly on his part not to do so—to express his views before them. He begged them that in case their programme required any revision, any reconsideration, any modification, they should not refuse it either in the light of experience or of advice. He asked them to go on like brave men and noble women. They had still men and women left in this country, thank god. Let them proceed with enthusiasm, with confidence, but let every one of them early in the morning when they rose and late in the evening when they went to bed, examine their souls and see what they had done for the non-co-operation movement (applause). Let them not be branded as a nation of bluffers, as a nation of liers, as a nation of boasters.

ISLAM.

To his Mahomedan countrymen he wished to say a word. The honour of the Islamic world was in their keeping and if they could not preserve that honour they should be held responsible before God and man. He considered that Mahomedan to be a false Mahomedan who having accepted this programme did not go forward with it, did not put his whole heart, body and soul, his life at the disposal of this programme. The Mahomedans of India owed a duty not only to themselves, not only to Islam, but to the Hindus while the Hindus owed a duty to the Mahomedans and they asked the Hindus to co-operate with them. It laid with the Hindus to go with them, not by threats as they were not so foolish as to use threats. At present the lead in the non-co-operation programme must come from the Mahomedans who must be prepared to give the lead to the country not only in principle but in enforcing it and he believed and trusted that they would do so.

Presidential Address

Delivered By

C. Vijiaraghavachariar

At the

Thirty fifth Session

Of the

INDIAN NATIONAL CONGRESS.

NAGPUR, 26th December, 1920.

Fellow Delegates, Ladies and Gentlemen,

I rise to discharge my duty in obedience to my country's call. And the first part of my duty to-day is to return my warm and sincere thanks to you for the honour you have done me in reposing this great trust in me. It would be mere affectation on my part if I appear to be indifferent to the very genuine pleasure you have enabled me to derive from your confidence. I am one of the oldest congressmen and it would be unnatural if I do not feel in the highest degree grateful for the best of all rewards, the affection and confidence of my countrymen. But believe me, when, in the simplicity of my heart, I say that my pleasure would have been far greater and less mingled with any uneasy feelings if such an honour had been bestowed on me some years ago or reserved for me to be earned in the future. For, anxious, most religiously anxious as I am to perform my allotted task earnestly and with courage, I feel considerably embarrassed owing to the fact that the political situation in which we find ourselves placed now is grave and complicated beyond our expectation and conception. My inspiring consolation lies in the hope that you will extend to me throughout this sessions a liberal measure of your kindness and indulgence to sustain me in my consciousness of my shortcomings and infirmities disabling me from rising equal to the responsibilities of this great and unique occasion. And on this occasion and in this presence it is impossible

for me to resist the very natural temptation to say how deeply I lament the fact that if that great son of India whose manhood was a life of selfless suffering in our country's cause in a spirit of dedication rarely surpassed in the annals of national struggles for freedom, Lokamanya Tilak, had been spared, the confidence you have reposed in me to-day had been of very superior right, his, and would have been, happily, not mine.

2. The business before us is as trying as it is great in every interest. We have to conceive and adopt a message to be sent to our gracious Sovereign and to the great peoples of the world. And that message is that the people of India are now placed by their rulers in an intolerable position and that they are determined forthwith to make their beautiful country "fit and safe" for her sons and daughters to live in, and that any further delay in their achievement of this vital object means ruin to them and peril to the Empire if not to the future peace of the world.

Original Compact.

3. The problem for us now is how best to accomplish this great task. At the outset let us know what we are exactly in order that we might clearly know what we are about. We are, of our own free-will and consent, a constituent people of the great British Commonwealth by virtue of an original compact and this national institution of ours was for years in the womb of time and was started into life thirty five years ago in order to persuade and compel the other party to the compact to loyally perform their duties and obligations under it in view to the political regeneration of our country and to reach our destined status of an equal partner in the possession and enjoyment of the blessings of the English constitution with the rest of the nations composing the British Commonwealth. We are satisfied mournfully satisfied, that the time has arrived, if it had not risen years ago, for the immediate establishment of responsible Government for British India with an instrument in writing containing a declaration of the fundamental rights of the people and a constitution of the United Kingdom and the Self-Governing Dominions. We are here to ask the other party to the original compact that they may not further postpone the performance of their part of the agreement in integrity, in letter and spirit and to let us arm ourselves with law and machinery to prevent them and their agents henceforth from committing breaches thereof, at least not with impunity, as hitherto.

Draft Statute.

4. I have prepared and annexed to this address a draft statute of the nature of the instrument just described. I do not think I

need detain you by reading it through. I think I might better employ the time at my disposal by inviting your attention to the leading principles and provisions of the scheme which I have ventured to submit for your consideration and approval with such modifications, as you might deem fit to adopt in the light of our discussion and deliberation in this session. I might say here that there is hardly any principle or provision in it which is original. They have all been taken from great political works and from the constitutional instruments of some of the most advanced countries, pre-eminently France. I might also add that this scheme was, in the main, placed before the Right Hon'ble the Secretary of State and His Excellency the Viceroy in my interview with them three years ago, when they were touring in the country in connection with the then coming Reforms.

Written and Unwritten Constitution.

5. The most important part in the proposed scheme relates to a declaration of our fundamental rights as men and as British citizens. It is impossible to exaggerate the importance of a written constitution. Almost all modern countries possessed of a constitutional Government have written constitutions. England seems to be the only exception but only a partial exception, for her constitution is made up as well of charters and statutes as of traditions and usages preserved as common law by the line of great judges who contributed to the national freedom of England no less than her great statesmen and soldiers. I venture to submit that it is too late to think of an unwritten constitution. An unwritten constitution can only grow and cannot be made in a day. The English constitution may be said to begin with the Magna Charta seven centuries ago, and it may be said to have been most perfected after the Reform Act of 1832. Obviously it is unreasonable to expect India to begin the growth of its constitution now and wait for centuries for its full development. Apart from this consideration all authorities are quite the other way as to the superior advantages of a written constitution. Professor Temperley emphasises the danger of an unwritten constitution. Says he as follows ;—"In two respects an unwritten constitution in a country constitutes a most serious danger ; in the first place custom may be susceptible of two meanings while law is only susceptible of one, and the interpretation of constitutional custom offers great opportunities to reckless or unscrupulous statesmen. This danger is real enough, but there is another that is greater still ; the procedure of the English Parliament is the same in the case of ordinary laws and of laws which are amendments to the constitution. In all countries where a written

constitution exists the procedure for amending is special, elaborate and cumbrous ; in England there is no difference between the procedure which sanctions a law for taxing dogs and that which sanctions a law for abolishing Peers." The greatest political thinker of England, Edmund Burke, is in raptures on the great merits of a written constitution. Says he :—"The rights of men, that is to say, the natural rights of mankind, are indeed sacred things : and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure, even if no charter at all could be set up against it. If these natural rights are further affirmed and declared by express covenants, if they are clearly defined and secured against chicane, against power, and authority, by written instruments and positive engagements, they are in a still better condition : they partake not only the sanctity of the object so secured, but of that solemn public faith itself, which secures an object of such importance. Indeed this formal recognition, by sovereign power, of an original right in the subject, can never be subverted, but by rooting up the holding, radical principles of Government, and even of society itself. The charters, which we call by distinction great, are public instruments of this nature ; I mean the charters of King John and King Henry the third. The things secured by these instruments may, without any deceitful ambiguity, be very fitly called the chartered rights of men."

6. Besides, a written declaration of rights is a great instrument of national education. We all know that the laws of the Twelve Tables in ancient Rome were taught to the children and they had to know them by heart as if they were the Vedas or the Koran. This practice in no small degree contributed to the vitality of the great Republic. An early and accurate knowledge of one's fundamental rights is also a measure of one's conception of similar rights of one's fellow-citizens, and consequently of the mutual duties of the citizens of a state.

7. Such a study is a great contributory factor in the creation of those habits of mind which enable individuals to enjoy their full freedom in peace and harmony with their fellow citizens.

Political Philosophy of France.

8. I desire distinctly to assert and maintain that it is no exaggeration to say that the declaration of the fundamental rights of humanity should be studied and regarded by the youth of a nation as if it were a gospel. The political gospel reached by the efforts of man and not revealed is the hand-maid of the revealed religious gospel, and the bedrock of its principles is human experience of its utility and human wisdom and not faith unaided by

reason. Although all civilized countries, ancient and modern, developed great political concepts and built up systems of political philosophy, the glory of discovering and rescuing the primary rights of man from the obscure depths of history and philosophy belongs to France. It was her philosophers who not only so discovered and rescued them but also enunciated them with exactitude and draped them in the freshest and most attractive garb of phraseology. It was the most precious French blood that was shed to enthrone and consecrate them at the alter not only of patriotism but also of humanity. While English patriots claimed and established their political rights in terms of ancient English pedigree and heritage, France thought, spoke, fought and bled for humanity in terms of humanity. The one cardinal divine principle underlying all these rights is that man is not the proprietor but trustee of his life He is therefore not the proprietor but the trustee, accountable to society and to God. of the essential constituents that make up human life. We can easily understand, therefore, the principle and doctrine that our rights of personal freedom, liberty of thought and speech, and the other vital rights without which the fullest, freest and healthiest life is impossible are inalienable and imprescriptible. We cannot part with them or surrender them, except by way of noble self-sacrifice in the service of humanity ; nor may they be invaded upon and appropriated on the ground of prescription, that is to say on the ground that we once and long ago lost them. Hence this is the source of all human laws and all machinery to enact and execute those laws must be in its nature and functions framed in consonance with the spirit and letter of these fundamental rights. M. Poincare, the late distinguished President of the French Republic, most aptly calls the Declaration of Rights the "Law of all Laws". And he further adds that every society in which the guarantee of fundamental rights is not assured may be said to have no constitution at all.

9. Nextly, the scheme contains provisions as to the nature and functions of the machinery of Government, of what Professor Dicey happily calls the legal agency of the political sovereignty of the people. This is a scheme of responsible Government in the outline. I venture to think that few would dispute the fact that responsible government is the best form of government as yet developed for a free country. The expression responsible government involves the idea of a double responsibility, i. e., the responsibility of the executive government to the legislature being representatives of the sovereign people, and the responsibility of the entire personnel of the executive government for the acts of every one of them as if they constituted but a single person. The one

other form of government that may be claimed to be equal to the form of responsible government in efficiency and guarantee of peoples' freedom is the government with a referendum like that of Switzerland, that is to say all measures of government are submitted compulsorily or on demand to the judgment of the people of the country assembled for the purpose. This form is obviously impossible for all large countries. The next best form of government is a federal democracy like that of the United States of America. There the responsibility of the executive is directly to the people and not to the representative legislature of the people and there is no such thing as collective cabinet responsibility of the officials that compose the executive. They do not stand or fall together like the English Cabinet and each one of them can only be got rid of by the people by the clumsy and ancient method of impeachment for high crimes and misdemeanours or only at the next election. Whereas in a country of parliamentary and cabinet government, the executive government can be dismissed and replaced when they lose the confidence of the majority of the members of the representative legislature, owing to conduct on their part or on the part of any of them which that majority does not approve, and it is not necessary that such conduct should amount to a crime or misdemeanour, capable of being made into a charge for trial by impeachment, such an executive government can be and is carried on without commanding the confidence of the legislature, unicameral or bicameral.

"Swarajya."

10. I venture to think that it is in our lasting interests that we designate the from of government we seek simply responsible government like that of the United Kingdom and of the Self-governing Dominions. I would not describe it by the Sanskrit word "Swarajya." Although this word means simply self-government or home rule, it is on the one hand capable of being misunderstood abroad, especially by England in its present mentality coloured by the vicissitudes due to the struggle of Ireland and on the other hand it is devoid of historic conventions and usages which make for the healthy growth and development of responsible government. Besides, responsible government as such has been accepted as the policy of His Majesty in Parliament.

11. The only other part of the proposed draft Constitution to which I would call your attention relates to the power of altering the constitution from time to time, to be held and exercised by the Indian Legislature. That is to say, this legislature is not only to be a law-making body and to have control of the executive but also

to be what is known as a constituent body. This provision embodies the principle of national sovereignty and the power to alter the constitution is delegated to the legislature by the sovereign people. Without this power it would be a mere delusion to say that the people of this country have the rights of self determination and political sovereignty. This constituent power is, according to the same great French authority, "the beginning and the end and the very essense of sovereignty."

12. You will observe that this power on the part of the legislature is to be exercised not in the ordinary way in which ordinary laws are made but by a special procedure. This is in accordance with the principles adopted by all the free countries with a written constitution. The special procedure is that any proposed amendment to the constitution should be passed by a majority of not less than two thirds of the members of either chamber of the legislature and that the measure should be submitted to the judgment of the country by the dissolution of the legislature for the purpose and that the new legislature should adopt and pass it by similar majorities in both the chambers. You will thus see that this proceedure ensures not only caution and deliberate discussion but gives to the country the advantages of a referendum before its constitution can be interfered with.

13. There is one section devoted to the subject of the creation of a Court of Impeachment for the trial of ministers on charges brought against them as such.

Responsible Govt. by Statute of Parliament.

14. I desire next to invite your attention to the question how this responsible government is to become an accomplished fact technically, if our rulers are prepared as we expect them to be to consent to the immediate establishment of it. There are three ways by which this problem can be solved (1) by a statute of Parliament, (2) by Letters Patent of His Majesty the King Emperor and by instructions by the Secretary of State for India, (3) and by an Act of the Indian Legislature. The first and the last would be most difficult to achieve and when achieved, by no means most satisfactory for all practical purposes. We have seen the mentality of the Parliament especially of the House of Lords as displayed in connection with the two recent matters vitally affecting the freedom and well-being of this country namely the Reform Act and Rules and the Punjab Tragedy. The key-note of the mind and spirit of Parliament inferable from conduct on these two occasions as on many others is to be found in their contempt of the vital rights of the people of the country and the upholding by all possible

means the power and prestige of the existing Government and bureaucracy of India. We cannot easily forgive, much less forget the resolution of the Lords on Lord Finlay's motion to defend and even consecrate the wilful murders of the "splendid beast," General Dyer. I am sure that you would be most anxious to avoid the House of Lords if we can get our responsible government without being obliged to have recourse to it. I believe we can.

15. I would respectfully ask you to dismiss from all consideration the third of the methods mentioned above. Even if it be possible for us to get the elected and non-official members of the one Indian Legislature to act in concert and to originate a measure for the conversion of the existing system into responsible government which in my humble opinion they have the power to do, the bureaucracy would not allow the successful passage and termination of such a measure in anything like the form which we should like to have or in any form at all. By law and rules they have immense powers of obstruction to enactment of popular measures.

16. Victoria, Cape Colony and Natal converted their governments with merely representative legislatures into governments with ministerial responsibility to the legislature by acts of their own legislatures which were approved by the Sovereign by Order in Council and without any reference to Parliament.

By Letters Patent

17. I have now come to the second of the two methods and I should crave your permission to detain you at some length on a consideration of it. In the first place it must be remembered that the prerogative right of the English King includes legislative powers and quasi-legislative powers except when restrained by parliamentary statute. On the other hand no parliamentary statute is constitutionally needed to change and elevate a merely respresentative government into a responsible government. Responsible Government is merely a more efficient and a more perfect representative Government. The responsible government of England is a development of the previous representative system. It does not owe its origin to any parliamentary state. We all know that it was in view to get more and more money for carrying on the war in the continent against Louis XIV, that William III hit under the advice of Sunderland at the idea of constructing his ministry from that party in Parliament which commanded the confidence of the majority in the Commons, that party being then Whigs. Thenceforward conventions and usages due to several circumstances perfected the system of Cabinet Government and Parliamentary sovereignty. There are precedents in support of the view I ask you to

accept to be found in the history of the introduction of responsible government in the British Colonies. For instance Transvaal and Orange Free State were constituted into responsible government by Letters Patent in 1906 and 1907 respectively. In several other instances in the colonies the change from representative to responsible government was effected by private instructions to the Colonial Governor from the Colonial Office without recourse to Imperial Legislation or even to Royal prerogative. Indeed it would be difficult to imagine a parliamentary statute that can fully embody the conventions and usages governing parliamentary sovereignty and cabinet responsibility.

People of India are Slaves.

18. I should not attempt to conceal from ourselves that there are certain provisions in the Government of India Act 1919 which apparently tie the hands of our Gracious Sovereign in the exercise of his prerogative on our behalf in this connection. We have to look for them in the preamble and in section 41 of the enacting part. The preamble says that it is the declared policy of Parliament to allow British India responsible government by stages conditioned by the extent of confidence that can be reposed in the sense of responsibility of persons co-operating with the Government and that Parliament is the sole jugde as to the time and manner of each advance. This is a more extraordinary claim by the British Parliament of absolute authority over the country and people of British India. May we ask what is the source of this authority so pompously claimed? Remember we had no voice in the election of the Commons and the House of Lords never pretended to be a hereditary reflection of the opinion of this country but can Parliament advance such a claim as against the people of the United Kingdom itself whose creation they are? If it did make the attempt that would be the last Parliament of the kind. Wherefrom then does it advance such a preposterous claim over and as against India? You would in vain search for any hint as to the source of this authority. It is nothing short of pretentions to a divine right to absolute rule over us. Having destroyed, some three centuries ago the claim of Divine Right of the English Kings and having declared that relation between the people of England and their kings rests upon an original compact it is a mockery of all political principles and equity for British Parliament to advance such a claim as against poor India. We have protested and must continue to protest against the manifest injustice to the people of this country involved in this claim. Any such claim by the British Parliament can only be made on behalf of the British people. Is it pretended that the people of

the United Kingdom, ever claimed such a right over the people of this country? They can only do so if the people of India are the slaves and property of the people of England. The claim is a negation of all principle of sovereignty in a people and of the first principles of self determination in the maintenance and protection of which the greatest war on this planet was fought by England and her Allies. This claim is an insult to the nation of India and a fraud and a huge fraud upon their God-given rights and upon their right admittedly as British citizens.

19. The Parliament of England does not appear to have a historic memory. We all know that the United States of America protested and fought less against the enacting portion of the Stamp Act and more against the preamble of it. The evil caused by the imposition of the law was considered as constituting a much lesser actual grievance than the magnitude of expected tyranny involved in the claim set out in the preamble that the British Parliament could tax the colonies without their own consent. Burke declared that that preamble could not be declaratory of a right and could only recite a previously existing one and he described it as a "phantom," as a "quiddity," "a thing without a substance and without even a name." We might justly say therefore that the declaration made in this preamble of the Divine Right to govern the people of India is a "phantom" "quiddity," a thing without a substance and even without a name."

20. Assuming for a moment that the preamble of our Act involves sound principles and declarations of parliamentary rights as against us, it is not binding on us or on our Gracious Sovereign, because it is a settled juridical principle that a preamble is no part of the enactment, and is no law.

King's Dormant Power.

21. There is also another principle of interpretation of British Parliamentary Statutes to which I would call your attention. It is a canon of interpretation and it is without an exception that the Sovereign of England cannot be affected in his prerogative or property by any parliamentary statute without his own consent thereto and unless he is expressly named in it or included by irresistible implication. And the fact that His Majesty did not exercise his long dormant power of veto cannot be deemed to be consent to this extraordinary provision.

22. This last canon of interpretation applies also to the provisions contained in Section 41 of the Act. That section says that, at the end of ten years from the passing of this Act, the Secretary of State for India shall appoint a Commission with the

concurrence of each House of Parliament and with the approval of His Majesty for the purpose of inquiring into the working of this Act and then make recommendations in one of three ways (1) to increase the powers of the legislature presumably the local legislatures (2) or leave them alone (3) or to curtail them. Nothing is said anywhere in the Act as to what is the consequence if any of the four events on the happening of which this Commission should come into existence does not take place, that is to say if the Secretary of State fails to act as directed or if either House of Parliament declines to give its assent to his proposal or if His Majesty disapproves of it. It is very clear that these provisions are of the nature of administrative instructions and are merely directory and not mandatory law. The Right Hon'ble Mr. Fisher admitted that this section would not prevent a revision of the whole new system in less than ten years, and it is only a right conferred upon the people of India that such an inquiry should take place at the end of at least ten years. We can well afford to waive this commission.

What Mr. Montagu can do.

23. If then the system of reponsible government can be immediately established for the government of this country by simple executive process, the very natural question is whether the Right Hon'ble the Secretary of State for India would consent to co-operate with us and induce the Cabinet to concur with him and advise His Majesty to be graciously pleased to issue the necessary instructions by Letters Patent under the Great Seal. We have seen him occasionally rising to lofty eloquence in defence of our rights. It is true, but too painfully true, that his acts in no way breathe the liberality and wisdom of such occasional eloquent statements. Perhaps, it is open to him and his admirers to think of the same excuse as was the plea of Charles II who when twitted that he never said a foolish thing and never did a wise one, made a splendid repartee that his wise words were his own but that the foolish acts were his ministers and to say that his (Mr. Montagu's) words in eloquent defence of our national rights were exclusively his own but that his hands are greatly tied as to his acts. If such a plea is put forward on behalf of our Secretary of State we cannot say that there is not some real basis for it. But this demand of ours to establish responsible goverment by his advice to the King Emperor without the legal assistance of Parliament would give him splendid opportunity when he could act as wisely as ever he spoke for us. No doubt it would be perhaps safer to get the concurrence of the Commons for the proposal as the Cabinet depends for its existence upon the good-will of the Commons. But we all know that the

present House of Commons has, in view to win the late war and under the stress of it, been well disciplined into amiability of disposition towards the coalition Cabinet, especially towards the present Prime Minister. May we not hope that they would not grudge poor India a share of this generosity? If this course is impracticable in the opinion of the Secretary of State and the Cabinet, then it is for the Right Hon'ble Mr. Montagu to see whether the grave political situation affecting the vital interests of both India and the British Empire does not call for courage on his part and whether following the precedents of several distinguished Colonial Secretaries, he should not issue instructions to the Viceroy on his own responsibility in view to change the arbitrary and merely representative Government of India into full responsible Government. He would thereby earn the undying gratitude of the teeming millions of India and achieve a glory such as has scarcely fallen to the lot of any English statesman.

24. The very disquieting programme outlined in the preamble to the Government of India Act 1920 which is meant to raise in us a dim and distant vision of reaching a free government for our political and economic existence involves no honest and recognized principles of civilized society and is altogether disloyal to our title deed in support of our claim for the immediate establishment of responsible government. You will remember that the Declaration of Rights secured by the People of England as the fruit of their glorious revolution of 1688 rests upon the doctrine of an original compact between the people of England and their king. And the one great charge against King James II was that he broke and violated this solemn compact between him and his subjects. This doctrine was based on no historic evidence but on the theory of a philosopher named Hooker, the author of "Ecclesiastical Polity."

Hindu idea of Polity

25. Turn we now to the Hindu idea of polity. All ancient authority is agreed as to the origin and development of kingship in India. In the beginning all people were good and peace and harmony and industry among them were maintained by mutual good feelings of the people themselves without a political government. Gradually degeneracy and disorder arose and there was menace of anarchy in the society. Then the people assembled together and framed a code of laws for themselves which corresponds to the English Declaration of Rights of 1688—and then proceeded to establish a government and elect a king and the first king so elected by the people was "Manu". He was to rule and protect the people according to law and he was to receive as consideration annually a portion

of the grains produced and of the other income of the people. During the palmy days of ancient India the government of the country was fully equal and more than equal, in guaranteeing and securing the people's freedom and prosperity, to any modern state and a high degree of civilization was the fruit of this polity : art and science were cultivated and flourished to a degree to which the Europeans have not done full justice. Hindus not only produced philosophy, religious and secular, which has been the admiration and even the consolation of the world, but also it was the Hindus who invented the system of decimal fractions, Algebra and the game of chess. The Hindu astronomer, Aryabhatta, discovered the solar system and the procession of equinoxes several centuries before Copernicus. The system of civil administration was perfected to a degree rarely reached in modern times. The theory of the original compact between king and people was ever kept alive so much so that when the state failed to discover and restore property lost by robbery, the state had to make adequate compensation to the loser. Helpless subjects, viz., minors, idiots, aged, and women in pregnancy were all maintained and protected by the state. The duties and obligations of the king were maintained and enforced by several sanctions, the sanction of public opinion, of religion, and the right of revolution. It was part of ancient Hindu polity that a king who mis-governed could be deposed by the people and replaced by any of his children and even by other relations and strangers. The reign of law in ancient India was supreme and the king was as much bound by it as any of his subjects. It must be remembered that the ancient Hindu king was not the maker of laws. The Hindu Law was evolved from the Sashtras and supplemented by customs and usages and the whole was interpreted by judges. That the law was obeyed by the king was an accepted canon and test for appreciating a particular king's reign. Says the Tamil saint, Tiruvalluvar "Behold the prince who wieldeth the sceptre in accordance with the law : seasonal rains and rich harvest have their home in his land." The position of ancient India may be summed up in the words of Professor Max Muller :—"Take any of the burning questions of the day—popular education, higher education, parliamentary representation, codification of laws, finance, emigration, poor law and whether you have anything to teach and to try, or anything to observe and to learn, India will supply you with a laboratory such as exists nowhere else." It is clear from all these facts that the ancient Hindu king owed his authority entirely to the people and he forfeited his right as king for misconduct. The idea of the sovereignty of the people and the fact that the highest power emanated from them cannot be more conclusively proved.

Arab Idea.

26. Then we come to the period of contact of this ancient Hindu civilization with Arab civilization brought into India by Mussalman invaders. The political theory of the ancient Arabs was that sovereignty belongs to God and that he delegated it to the people and that the Khalif was his executive representative and he should administer the affairs of the people according to the law which was no more of his making than the ancient Hindu law was and he was as much bound by the laws as any of his subjects. Says Mr. Justice Abdur Rahim, the distinguished Judge of the Madras High Court, in his valuable work of Principles of Mahommedan Jurisprudence. "In the Mahommedan system sovereignty primarily belongs to God, but as He has delegated to the people powers of legislation and of absolute control over the administration, it must be held that next to God the sovereign power resides in the people. It would also appear that the Mahommedan law does not admit of sovereign power being dissociated from the people however they might choose to exercise it." He elsewhere in the same treatise says, "The right to administer the laws as well as the affairs generally of the community, belongs to the community itself which may exercise its rights through chosen representatives." Prof. Dicey's elegant formula that the political sovereignity belongs to the people and that the Government is its legal sovereign aptly applies to the Mahommedan concept thus stated by Sir Abdur Rahim.

27. Thus the ancient Hindu idea of polity and the Arab idea of polity were substantially identical as regards the conceptions of political sovereignty as essentially residing in the people and the derivation of legal sovereignty from it, at all events. It is worth while to mention that the ancient Hindus paid the highest regard to the theory and practice of government. The science of polity was described in figurative language as the "nectar churned from ocean" of all sciences put together. It is unnecessary for me to add that the modern Indians, whatever their present religious creed may be are descendants of ancient Hindus in the main with a very small proportion among Mussalmans who are not such, if we omit the extremely small and negligible communities of the Jews and Parsees, and this small proportion are the inheritors and professors of the Arab idea of polity. So, one is warranted in the statement that the modern Indian idea of polity is that the sovereignty belongs entirely to the people, and that all power to rule over them emanates from them by consent and compact.

England's Right.

28. This idea of an original compact between the people and

their king and their right to dismiss and replace him for misconduct or degeneracy is ever present to the mind of the modern Indian. England owes the origin of her political relations with India to this unique Indian character. It is authoritatively admitted that England has succeeded to the status and rights of the Hindu and Mahomedan sovereigns. If it has any meaning, the succession must mean to the rights as well as obligations of the best Hindu and the best Mahomedan kings and not those of the effete and wicked ones whom the people of this country Hindu and Mussulman replaced by inviting the English and co-opertating with them in every way. The political entry of the English into India is parallel to the entry of King William III as sovereign of England. The foundations of English sovereignty in India may be truly said to have been laid in the middle of the eighteenth century with the success of Clive at Arcot. In the seige of Arcot he was beseiged by a numerous army including French soldiers while his own garrison consisted of 120 English soldiers and 200 Indian sepoys. He was hard pressed and provisions fell short and starvation stared them all in the face. The sepoys displayed a remarkable trait of Indian selflessness and offered all the substantial food available to their English comrades, themselves subsisting on the water in which the food was cooked and strained. Complete success was the fruit of this devotion on the part of the Indians. One important result of this was that the brave Maharatta Chieftain, Morary Rao of Gooty, with 6000 brave soldiers of his at once threw in his lot with the English as he saw them helping themselves. He had been wooed by the French and the English. It is thus clear that the people and chieftains of India desired to save their country, distracted by feuds between princes and by anarchy, by making England legal sovereign of India. Malleson in his History of the French in India says that the siege of Arcot "presents one of the most glorious pictures of Anglo-Indian history : it is the turning point in the eastern career of the English and the foundation stone of their present Empire." And subsequent history proves that throughout their career the English almost entirely relied upon Indian co-operations both as to money and men. Sir Alfred Lyall of the Indian bureaucracy and by no means one of the best advocates of Indian national freedom, admits that from the first the people of India welcomed and assisted the English in their acquisition of India. It is thus conclusively clear that the political relation of England to India is one of voluntary compact between her and the people of India.

English Right Versus Indian Right.

29. If behind the extraordinary claim involved in the preamble there really lurks as several assert and many of us suspect a feeling

that is based on the right of conquest we must distinctly and most emphatically repudiate the sinister doctrine of this English might versus Indian right and we are well warranted in so repudiating it by the conclusive historic proof to the contray as stated above. Assuming for arguments sake that British India is a conquered dependency of the United Kingdom of Great Britain and Ireland—and let us not forget that India has never been formally annexed to England as a conquered country,—yet we are entitled to deny the claim of mere might as against our right. The glorious French Revolution has established the divine principle that every people are one person and are entitled ever to provide for its own salvation. France then established for the benefit of mankind that there is no such thing as war and conquest except as a means for self-defence owing to lack of international sanction for enforcing international justice and that there is no such thing as a mere war of conquest and in the recent Great war it was the proclaimed maxim of England and her Allies that war was only justifiable in self-defence for punishing international misconduct and for the protection of the rights of self-determination of the people, in short, for making whole world "fit and safe" for its people to live in. But if our claim of an original compact between us and the people of England is repudiated and ignored by the Parliament of England on the ground of right of conquest, may we in our turn ask the question on what ground the English claim of original compact on which the glorious Revolution of 1688 and the immortal Declaration of Rights are founded, rests? Is not England a more conquered country than India? With which king did the people of Britain enter into their original compact? With Julius Caesar, the Roman? With Egbert the German? With Kanute, the Dane? With William, the Norman? or with Cromwell? or with which other? There is no historic proof of an original compact between the people of England and any of their kings. Hooker started the theory and the great statesmen of the English revolution of 1688 welcomed the idea and made it their basis of the Declaration of their Rights and the condition of English kingship. The English idea of an original compact between the king and his subjects is theory first and fact next presuned from theory. The Indian idea of such a compact is fact first and theory afterwards, inferred from fact. Ours therefore is a more valid and sounder title-deed for responsible government than that of the people of England. And the claim of the Parliament that they are the sole judges of our salvation here below is as empty as it is pompous and it is death to us as free people with God-given rights or self-determination if we allow this unnatural claim to exist.

30. Her part of the compact India has been throughout maintaining and performing in integrity and absolute loyalty. We not only replaced the effete princes of India by the English but we also fought our countrymen for the maintenance of the English sovereignty in India at the time of the great mutiny. Subsequently when the world war broke out we enthusiastically joined with England and co-operated with them and with the Allies for saving the world's freedom. While England was not yet quite ready and before the Dominion troops could arrive at the scene of strife and before America and Italy thought of joining England and France, our troops ill-fed and ill-drilled and ill-equipped as they are went to France and mingling with her brave soldiers made the historic shambles of Flanders and died in erecting and maintaining there the trenches of the worlds liberty to arrest the progress of the mightiest foe which human liberty has yet had. We were further buoyed up in our enthusiasm and spirit of self-sacrifice by the new and expanded angle of bright English vision towards Indian rights and Indian aspirations and when in consequence of Turkey's temerity and folly in throwing in her lot with Germany our Mussalman brethren were subjected to a phenomenal strain from the necessity caused by this unforeseen event to divide their allegiance and to weigh their political allegiance against their religious, England gave them solemn pledges to preserve the Khalifat and adjured them to stand by their secular sovereign. India was determined to stand by England and she did her very best to enable England and her Allies to win this greatest war on earth. Armistice was reached and peace was within sight. But alas! the misfortune and the misery of British India began almost simultaneously and tragedy after tragedy overtook her. And here we are in a position without a parrallel in the history of civilized mankind.

Our present plight.

31. It would require the genius, the poetic imagination and the feelings of noble indignation of a Burke to draw a true picture of our plight now. But we must make an honest endeavour to analyse and interpret the state of universal distress of the country, of masses and classes, in terms of the real causes, as far as we can. Speaking negatively, I venture to think that this unique situation is a little due to high prices and is by no means connected with the vague awakening of the new consciousness of people's rights in consequence of the great world war. Positively we might think of some five or six well-defined and well marked events that may be rightly deemed to be the constituent factors of our present situation ;—

(a) While, by reason of the proclaimed principles and aims of England and the Allies for carrying on this great war and by virtue of the authoritative pledges to us, we were fondly looking forward to the dawn of a new and bright era for us, the nation was taken aback when the Rowlatt Commission was suddenly appointed under the auspices of the Indian bureaucracy and came out with astounding recommendations to subject the people, to more and more repressive administrative process, the fruit of which was the immediate and the hasty passing of the draconion Rowlatt Law, the Government flouting the best opinion of our best men and the unanimous feeling of the country against those recommendations and against the legislative measure based on them.

(b) Out of this situation, and entirely and wantonly created by the bureaucracy a new situation was adroitly manufactured with the result that the great Punjab Tragedy was enacted and a dark page, the darkest in the worlds annals as yet known, was added to the history of India. I need not summarise the events that make up these faithful transactions. I shall here content myself by referring you to three classic documents on the subject, the minority report of the Hunter Commission, the report of the sub-committee appointed by the Congress and the address of the President of the Special Congress at Calcutta.

(c) The agony of the Punjab and the sympathetic grief of the whole country were both increased by the manner in which this dark episode in the British administration of India was, from start to finish, handled and dealt with by the Government of India and by His Majesty's Coalition Government and the Parliament, especially the House of Lords. The one astounding fact that stands out in bold relief as underlying all these transactions here and in England is an unnatural feeling of contempt of the people of this country amounting to little short of feeling on the part of the authorities that we, the people of India, hardly belong to humanity, the existence of which feeling was pompously exhibited as in regard to the claim of sacredness of the person of the Englishman.

(d) Then came the huge Khilafat fraud. The pledges solemnly made to our Mussulman fellow subjects of His Gracious Majesty were edited and quibbled away in the light of success and ancient prejudices of colour and creed and the Sultan of Turkey has beed made a mere shadow of what he was, in power, prerogative, and territory and even as to the means of self-defence. Apart from the pledges, so wantonly broken, it is but easy to see that the terms of peace, which the Sultan was compelled to accept, were more severe and crushing and humiliating than those offered to any other people in Europe defeated in the Great War. I desire to

call your attention to the adroit attempt, made in view to prejudicially affect the state of growing union and the feelings of cordiality between the Mussalmans and the non-Mussalmans of India, that the latter have no interest in this question. I must ask you not to allow yourselves to be deluded into a belief that there is any substance in such a statement. We, Indians, are so situated that we all must in every way work in harmony and stand together or fall together. Hence it is but natural that Hindus sympathise with their Mussalman brethern and sisters in their genuine and intense grief in this connection ; and, besides, the cause of the national union is sacred. But there is an additional aspect to which I must call your attention. The reasons, expressed and implied, for the terms of Peace offered to Turkey, the character of the agitation that led to the adoption of those severe terms as well as the nature of the terms themselves, all conspire to disclose the ancient and the ineradicably disquieting doctrine of Europe versus Asia and we, Non-Muslim Indians, have an equally vital interest with our Muslim fellow-subjects in repudiating and fighting this doctrine : Turkey is only good for Asia and Asia is good enough for Turkey. The treaty provides by foreign interference for the protection of European minorities in Turkish territories against Turkish tyranny but leaves the Turks themselves severely alone in this connection. If this doctrine is sound, may we ask the pertinent question why Europe and England in particular do not leave Asia and Africa severely alone?

(c) Then there is the treatment accorded to Indians abroad in the British Colonies. Their position is growing more and more intolerable every day as events in Fiji and East Africa conclusively show and more and more degrading as the evidence collected by the Revd. Mr. Andrews with the combined spirit of humanity of Howard and Cowper amply proves. For my part it is difficult to imagine that it is at all possible for us Indians to protect and safeguard the interests of our countrymen abroad while we ourselves are semi-slaves of the British Empire. Every interest of ours requires that our countrymen in the British Colonies should be brought back to India as early as possible, in as large numbers as possible, for their own sake and in view to co-operate with their countrymen in the making of the Indian nation. While England is unwilling or unable to accord and guarantee protection of the Indians within British Colonies, at least to the extent to which it protects the French and the Dutch in them, our substantial grievance and discontent are bound to remain unabated. And any plan which we, as Congressmen, should think of devising in view to our political and economic amelioration should include the problem of our coutrymen abroad, especially in the British Colonies.

(f) Lastly, the situation is extremely complicated and our national helplessness is rendered the more disquieting and depressing is consequence of the new Reform Act and the rules and regulations thereunder. I have already alluded to the startling claim made by Parliament that not only now but at every stage of our national life, it (the Parliament) is to be the sole judge of our fitness for reaching responsible Government. You will in vain search throughout the Colonial history of Britain for a precedent. The claim made to tax the United States of America was far less serious and fraught with far less danger to those colonies than this claim advanced as against us. It is but natural that the country is deeply concerned by this novel announcement. Coming to the provisions of the enactment, we are in possessions of the considered view of the entire country on the subject. From the first the Congress repudiated the soundness of the principles underlying the whole scheme, affirmed the total inadequacy and even dangerous nature of the provisions, and maintained that the country is quite fit for immediate responsible government. The whole scheme is without the guarantee of historic experience and precedent and the reason persistenly assigned for adopting so unparalleled a course is preposterous. It was said and it is still being said that no other scheme could be thought of. But why make a distinction between India and any other British "dominion beyond the seas"? It must be remembered that not only the five great Dominions (Canada, Australia, New Zealand, South Africa and Newfoundland) were allowed responsible Government, but also several other much smaller Colonies, such as Jamaica, were all easily granted this blessing. We are naivly told this is a temporary structure on which to build the future grand edifice of responsible Government, but what honest reasons can be assigned for adopting so strange and unprecedented a plan? The central Government of India is to continue autocratic and despotic and the subordinate Governments alone are to have this experiment. Not only the provinces are to be converted into quasi-states to begin with, but each state is to be dual in sovereignty and the better and the stronger part in financial power and prestige is to belong to the bureaucracy. It is admitted that the whole scheme is in reality federalism though without the name. This is a new and perilous Utopia. History has not furnished any example by way of a successful model for so strange a course. Federalism has ever been an attempt on the part of separate sovereign nations and states whether Colonial or Independent, to unite together by compact and construct a central government for the benefit of all of them by surrendering a portion of their respective sovereign powers. And the progress has always been, in healthy federations,

towards the augmentation of the powers and functions of the central Government in view to increasing efficiency and prosperity of the whole group. A most remarkable example is that of the Federal Colonies of South Africa who gave up their sovereign powers of their own accord in view that the Central Federal Government might become a unitary Government in the general interests of all and the previous sovereign states became subordinate provinces giving up their legislative organs and retaining power only to draft special ordinances for each particular province to be enacted into law by the one legislature of the country. But for India the process proposed and adopted is a contrary course, God alone knows why. India has ever been a unitary country and when it consisted of several states there was no federation or attempt at federation at all. The India of Asoka and of Akbar were great unitary countries and their reigns were the brightest and the people were the freest in the history of India.

Let us next examine the hope held out to us that out of this strange scheme our future responsible Government is to be evolved. Here, reason and history are altogether against this course. In Federal countries, the legislature is necessarily bicameral, one chamber representing the people of the whole federal Government and the other chamber representing the separate and individual interests of the constituent sovereign states. If the executive Government is to be responsible to the legislature in view to both the sets of interests, it must command the confidence of the majority in each chamber at one and the same time. But this is hardly possible in practice and if the two chambers do not concur, it would be impossible to make the executive Government responsible at all. On the other hand it will be obviously unjust to make the executive Government depend for its existence and power on the confidence of the majority in one chamber only. For it would be then abandoning the interests represented by the other chamber. Hence, it is that no true federal Government is a responsible Government like that of England or France. It is responsible, not to the legislature, but to the people as I have already remarked, the responsibility to be enforced by forfeiture of confidence at every new election and by separate impeachment of responsible members constituting the government when guilty of grave crimes. Except in this extremely feeble way there is no day of reckoning for the Federal Executive. The difficulty and inadequacy of the remedy by impeachment was long ago pointed out in the Grand Remonstrance of 1641. President Wilson says that the surrender of people's rights to Government is greater and their control of it is less in a Federal than in a Responsible Government. In Switzerland, being a very small

country, this great federal infirmity is obviated by a provision of a referendum to the people, which course is impossible in so large a country as British India. The one country that is trying the double experiment of both federalism and responsible government is Australia. But the system is yet on its trial and two great authorities Mr. Bernard Wise and Prof. Marriott say that either its federalism would kill its responsibility or its responsibility would kill its federalism. Considering the tendency of the United States which is making a rapid march towards the unitary form, it is most likely that Australian responsibility would kill Australian federalism. If this be the peril in a truly federal system, we must tremble when we are told we can reach a responsible government out of the false and pseudo system of federalism proposed for us.

This system has been thought of and constructed on purpose to conciliate the ancient bureaucracy, most unwilling to abate a jot of their power and prestige, actual and imaginary. The whole involves a double peril, perpetual friction between the bureaucracy and the peoples' representatives and inter-provincial jealousy and strife to be designedly ripened into international jealousy and strife. Already a bitter inter-provincial strife has begun on account of the highly artificial and inequitable financial arrangements affecting the several constituent provinces. Under the name of "Reforms," perilous principles and provisions have been thus introduced effectually to divide the country into separate peoples to be ever animated by bitter jealousy.

32. This being the grave political situation, the country and the Congress are agreed that the one remedy for its prompt liquidation is the immediate establishment of responsible government for British India leaving it to its people and their representatives to revise and readjust the provincial system of government on sound lines tending to domestic harmony and progress. The divine principle that should characterise the entire fiscal system of the coming responsible government is obviously the principle of equal sacrifice by all the inhabitants of the whole country in proportion to the income of each and subject to uniform exemption for minimum subsistence on the principle of the assessment of the income tax.

Principle of Non-Co-operation Supported.

33. The one question everywhere asked is, what is the sanction behind and backing up our demand? What is the weapon, short of rebellion, that can compel England to let us have this form government which has been only promised to us as a dim and delusive goal to be reached by wading through unparalleled and perilous labyrinths of systems of provincial autonomy and enforced unnatural

federalism? This is a most embarassing question and I confess that I have ever felt most nervous and most diffident as often as I thought of a satisfactory reply to what appears to be the most knotty political conundrum. Yet, we must find an honest solution of the problem and on that solution hangs the fate of our salvation for ever. We must proceed to the work therefore most religiously, and most cautiously and yet with courage. I venture to submit that it would be safest to rely upon history and upon the practical experience and political wisdom which happily the history of free countries supplies to us, if we would only seek that assistance of history earnestly and in humility. To the past and to patterns and systems tested by experience to be sound or otherwise we must look for light and guidance and to nothing else if we would walk on firm and safe ground. In answer to this one vital question the Special Congress at Calcutta recommended by a majority a programme of non-co-operation. It will be observed that apart from the programme the scope and the nature of the principle itself and the necessity for adopting it was not separately discussed and debated. As to the great necessity for the adoption by us of some such weapon as that of organized non-co-operation with the rulers in view to reach our full freedom immediately, there can be no two honest opinions. We have been petitioning and agitating these thirty five years and over for a real and substantial voice in the government of our own country, but in vain. On the other hand the authorities here and at home have driven us to the climax of facing the consequences of our national helplessness to protect ourselves and our countrymen in the British Colonies in the possession and enjoyment of elementary rights of person and property. Nay more. While we are in grief, in universal grief as if the whole country is one house of death, injuries and insult continue to be added and heaped upon us. Look at the compensations awarded in connection with the Punjab disturbances. Whether you consider the principle or the measure of the money compensation awarded to European sufferers as distinguished from that awarded to Indians there is but one conclusion possible that our rights are flouted and we are treated as sub-human beings. Look at the Esher Commission and look at the appointment of Sir O'Dwyer on it in mockery of our grief and of our opinion of him. Look at the memorial for General Dyer and the necessity for a Government order to restrain the bureaucracy from subscribing to it. Look at the proceedings of the European Association at Calcutta justifying the massacres by General Dyer even at this late hour after eminent counsel in England had declared the massacres to be wilful murders. No, the age of pious annual budgets of resolutions by us is gone for ever. We are bound if we won't perish as a people, we are bound

to think of and adopt a method to force England to let us get into freedom at once. The question for us to consider is whether in our own interests the principle and programme of non-co-operation actually adopted is justifiable and adequate for the purpose we have in view. The exact nature and scope of the principle has not been defined and it is diffcult to define it. It is to be hoped that the principle is elastic enough to include passive resistance on concrete occasions and to specific measures whether legislative or administrative and also to include strikes sectional, vocational and otherwise. You will remember that His Excellency the Viceroy in Council has pronounced the principle of non-co-operation as unconstitutional because it intended to paralyse the existing administration. It is a most astounding pronouncement. His Excellency the Viceroy in Council, who is in the main responsible for the darkest page in the British history of India would have done us a great service if, in the same remarkable communique, he had vouchsafed for our benefit what exactly our constitution is and where it is to be found. If, for a moment it is pretended that the constitution of England is applicable to India would he be pleased to tell us what part of it, what principle in it, the principle and plan of non-co-operation offends. On the other hand, the whole British system of administration rests on the basis of non-co-operation, of conqueror againt conquered, of Europe against Asia, of white people against coloured people. And several discriminatory laws in India and administrative measures bristle with sinister principles of this kind of non-co-operation and are wholly unconstitutional from the standpoint of the British Constitution. The new diarchial system of provincial autonomy is one entire homage to the chronic doctrine of non-co-operation of the British bureaucracy in India with the children of the soil. It is mockery therefore on the part of the Government to characterize Mahatmaji Gandhi's principle of non-co-operation as unconstitutional. On the other hand the essential principle of this movement being renunciation and self-sacrifice and non-violence, whereas the other doctrine of non-co-operation is aggressive, selfish, and sordid. We are entitled justly to claim that this principle of non-co-operation is sacred and directed to secure and preserve our legitimate rights and our honest enjoyment thereof. It is not in support of might versus right.

33(a). We are entitled and bound to adopt such a principle without favour and without fear of consequences and guided solely by a consideration of it as a means to the end of self-preservation as a people. To that subject we shall now turn.

Boycott of Councils Approved.

34. With that single aim, namely national self-preservation and national liberty and attainment of immediate responsible government

as the only means to achieve that end, we shall proceed to examine how far the programme of non-co-operation adopted by the Special Congress at Calcutta is suitable. As we all know it consists of several items and a few more items are also intended to be added to them. I do not think it is necessary or that it would serve a very material purpose to traverse all of them at length. The item relating to the abandonment of titles may be left alone, response or no response to this demand meaning very little in promoting or affecting the cause we all have at heart. It strikes me that to the demand that the honorary offices should be abandoned, an exception might be made in favour of judicial offices, as on the whole greater independence and justice is and can be had from non-official Magistrates and Judges than from official stipendiary ones and that too in a system where there is no separation of the Judicial from the Executive. We may also dispose in a few words of the item relating to the Reformed Councils. The issue as to this is no longer a live issue and may be treated as tried and disposed of. And it is of very little interest for the next few years. If it must be admitted that considerable successes has attended this part of the programme of non-co-operation even those who are altogether against the movement of non-co-operation can well afford not to regret this success. The evils of the whole Reform scheme I have already pointed out. We may challenge the authorities here and in England to import the best practical statesman from England in order to work this system for us as the peoples' ministers with the unenviable and disquieting portion of powers and privileges vouchsafed for them under the new regime. We shall ask them thus to teach us an object lesson and demonstration for training ourselves later on for running such a system and thence wade our way to the goal of responsible government. In fine I venture to say that we cannot admit the experiment to be a thoroughly honest and disinterested one. If several nationalists once thought it best to seek election into the Reformed Councils, it was for the double reason that the Amritsar Congress and our friends in the Parliament the Labour Members, recommended that we should enter it if only to constitute a well-organized opposition and to expose its infirmities from within rather than from without. But on the whole the country has come to the conclusion that the whole system is bound to be an utter failure both financially and as a temporary platform by getting on which we are to reach responsible government by no means clearly looming in the horizon. On the whole, the nationalists were well advised therefore, in finally declining to seek and occupy a position where it might be said at the end that we were responsible for the failure and not the fatal inherent infirmities of the novel system.

Boycott of Schools Disapproved.

35. The most important item in the programme relates to the withdrawal of students from Government and Aided schools. You have had the experience of the movement in this particular for the past few months. It is for you now to determine and to declare whether this part of the programme should be affirmed and carried out. Let us not, for a moment, forget the one object of the whole movement with which it has been initiated. It is to force the hands of Government to grant our very legitimate request, namely, to establish responsible Government and to redress our Khilafat grievance. Is it possible that emptying Government and aided institutions would anywise paralyze the Government here and in England in its administration and compel it to grant our object? If Government are relieved from maintaining schools and colleges, would not the money be available for other purposes—over eight crores of rupees annually? And is this a national advantage? In order to replace them by our own national institutions should we not have funds which will give us similar annual income for which a capital of about 200 crores would be necessary? And there is the very large amount needed for buying lands, constructing buildings, and laboratories and educational museums and furnishing them. Is it possible for the country to supply that money in the near future? All this is needed to reach the superior benefit expected from purely national institutions. Equipment and teaching staff being equal in extent and quality, there can be no doubt that purely national institutions without any control from the bureaucratic government would be a distinct advantage both individually and nationally. It is for you to say whether this object, to be reached by an amount of money which we cannot dream of realising in the near future, is anywise related to the initial and only immediate object of the movement, namely, redress of our grievances in less than a year. Lot of collateral and consequential matters have also to be considered by us in the working of the programme. It has hitherto been an accepted maxim of our political life that the students should be left in calm atmosphere to pursue their career and that it is injurious to them and to the rising generation to draw them in to the highly excitable vortex of practical politics which is fast changing in our country as well, into party politics. Can the propaganda be carried on without violating this cardinal and very healthy maxim? We seek Swaraj. The bedrock of a healthy nation is the sound family. Will not this propaganda separate students from parents and grandparents and from elder brothers and sisters oftener that not? How long is this process to continue if England persists, however perversely, in declining to allow us to erect our own responsible

government at once? Will not, at the end of this period—none of us can say how long it will be—the country be so much the poorer and sufferer in every way for our student population being suddenly debarred from pursuing their further career? It would be a totally different thing if students are asked to give up Government and Aided institutions whenever and wherever national educational institutions have been fully established and are ready to receive them and educate them.

Spread Primary Education.

36. But there is another and most serious aspect of the problem of national reconstruction, awaiting your consideration. Is it or is it not necessary as the very first step in the process that free and universal primary education for the masses should be at once provided for and started by the people of this country? Of course we are all agreed that the country stands in need of every kind and degree of education —elementary, secondary and collegiate and professional, scientific and technical, all simultaneously. But having regard to the resources of poverty-stricken Indians, is it prudent and just to the masses of the people that we should, at this grave crisis, think of replacing University, Collegiate and Secondary Institutions merely because they are in the hands of Government and more or less controlled by Government, by independent national institutions and continue to starve the masses? We must not forget that in our country about 94 per cent. of the population are absolutely illiterate while only less than 4 per cent. receive any kind of instruction in schools and colleges. We have to provide at least primary instruction for this large percentage of from 94 to 96 per cent of the entire nation. The education of our masses is behind most civilised countries. Taking the test of the percentage of the pupils receiving primary education to the whole population, the proportion in our country is about one tenth of the same in the United States, one-eighth of it in England and Germany and one-seventh of it in France and Japan while in secondary education India ranks higher than France and Japan. And what would be the cost of providing for the education of our masses? The Government cost of primary education is about Rs. 11 annually for each pupil but here let us note, Government receives some school fees. Our institutions are to be entirely free. In addition we require hostels and scholarships if not provision for lodging and boarding in each institution for the instruction of the extremely poor. Besides, the teaching staff in the primary schools are now very ill-paid and the lower ones earn less than our unskilled labourers. In our national institutions this highly demoralising feature should be removed. We must take

the cost to be much higher, therefore, than the present Government cost at Rs. 11, say Rs. 15 per pupil annually. Having regard to the short average life of Indians, let us take the approximate number of both boys and girls fit to receive primary instruction to be about 70 millions, less than a fourth of the whole population as the rule that people from 15 to 50 year's of age constitute half the population of a country applies to India as well. The annual cost of providing free education for this population would be approximately 105 crores. Let us add to this the cost of providing school buildings, playgrounds, hostels, and equipping them all and the cost will be enormous. And we must take to finding all this money as rapidly as we can. But let us have some idea of our national resources. The mean annual income of the people of India is between Rs. 20 and Rs. 30 say roughly Rs. 25 per head whereas mean annual income of the inhabitants of England is at least twenty times that. The exact figure would depend upon the exchange of course. We must gather our money from our own people. Let us not forget that an enormous proportion of our population are ill-fed, ill-clad, and ill-sheltered. It is not human to call upon these people to subject themselves to any the least self-sacrifice in money. We must find our money from the strata above these. But our middle classes are not equal to the wage earners of England and America on an average. Only our richest people may be said to be equal to the middle classes of those countries. From these two classes, namely, from the upper and the middle classes, is it possible for us, whatever may be their high ideals of self-sacrifice, to get the required amount now? Clearly it would be impossible. We cannot hope to get much, having regard to the low degree of our national savings apart from the income for many a long year to come. The degree of our resources in this respect depends upon the aggregate annual savings of British India. Exact figures cannot be obtained. But we can have some idea if we have regard to the fact that the estimated average wealth for India per head is about one of twenty-fourth of the same for the United Kingdom and one-fourth of Japan. Besides there are vast numbers of rich foreigners in India whose savings should be deducted. The figure for the Indians would be found extremely low when compared with figures for the free countries of the world. But we must make a beginning and we must begin at once: and here the choice of two problems, namely, whether we ought to begin starting National High Schools and Colleges and Universities, to replace the existing ones and to continue to neglect the education of the masses and the poor, or, whether we ought to use every available rupee for starting free primary education for the masses, presents itself. Justice to the masses and every national

interest determines the choice easily. We must begin national primary education immediately. From this one standpoint alone it is for you to say whether this item of the programme should not be given up, at least, should not be suspended, till a more favourable economic opportunity presents itself.

37. I might add here that one essential condition of the success of democratic responsible Government as distinguished from aristocratic is an intelligent and vigilant universal public opinion and this is only possible in the highest perfection in a country of universal education. Besides, a true democracy implies universal suffrage and a universal suffrage where only less than 6 per cent of the population receive any kind of instruction is futile and may be even at times dangerous.

38. Our next step is to secure the country's economic prosperity in the light of advancing modern science as fast as we can, and this is only possible if we not only start scientific and technical instruction in our country on a wide basis but also send out capable students to the world abroad to receive specialised scientific and technical training, in the earlier stages of our progress at least, and also to import experts for assisting us in starting model industrial institutions and demonstrations. It is for you, therefore to take up this problem in all seriousness and judiciously arrive at a conclusion whether or not all the available money should be devoted by us to these objects —primary and technical education and provision of scholarships for technical and scientific education abroad and for technical demonstrations and opening model industries in our own country.

Boycott of Courts.

39. Then there is the item relating to the withdrawal of pleaders from the established courts of law. Here also to start with, we must put the test question to ourselves how such a withdrawal of our countrymen would in the least paralyse the Government and accelerate the attainment of our object. The legal profession has not been a great favourite with the bureaucracy. Now and then vague ideas were entertained by several of them diminishing and regulating the numbers of the bar. Is it at all reasonable and practicable that thousands and thousands of young men, educated and equipped to become members of the bar at an enormous sacrifice in all poor and middle class families, should be suddenly asked to cut short their career and only career for which they are fit? The sudden withdrawal of the pleaders wholesale, especially the younger ones, if practicable and actually effected would plunge their parents and families into immense misery. Are we satisfied, that this course is necessary for securing freedom, our national freedom?

Does history furnish us with any similar example? On the other hand does it not furnish lessons to the contrary? The great English Constitution owes its origin and development as well to the line of great English judges as to her statesmen and warriors. There is a close relation between the science and practice of politics and the science and practice of law. In fact, both may be described as one science, the science of distinguishing right from wrong. Says Burke :—"He was bred to the law, which is, in my opinion, one of the first and noblest of human sciences : a science which does more to quicken and invigorate the understanding, than all the other kinds of learning put together." And therefore it is we find that throughout the world the two classes, politicians and lawyers, are often identical. The great French Revolution, the dawn of modern political liberty, owed its success no less to the lawyers than to her statesmen and soldiers. The former two were mostly identical. The majority of the great Constituent Assembly of the glorious French Revolution were lawyers. This fact had a ludicrous effect on Burke, the great Liberal Statesman as he was, but who suddenly became a reactionary at the time and in consequence of the French Revolution. As he was well-known to be an admirer of the legal profession, when in reply to his most uncharitable attack on the doings of the Constituent Assembly he was told it was all the doings of the lawyers, he was stunned but he at once recovered his presence of mind and found consolation in his imagination that they all must be very inferior lawyers! Do you consider that this item in the programme is in grateful memory of the Constituent Assembly of immortal glory?

40. This demand for the withdrawal of lawyers is further based on the ground that the movement would thereby facilitate the establishment of arbitration courts. Here again it is for you to discuss and determine whether it is possible and desirable at the same time that the regular courts established by law should be abolished and replaced entirely by arbitration courts. Private arbitration is of immense value in a society. The more petty offences and plain cases of civil dispute between individuals and individuals are disposed of by private arbitration and reconciliation, the better it would be for the individuals concerned and for the society as well. But private citizens, however enlightened and experienced, would not be able to handle and investigate complex cases of law involving consideration of highly delicate questions of right and wrong, arising from contract, express and implied, and from injuries voluntary, accidental and rash. Often, too grave questions both as to the interpretation and validity of law, domestic and foreign and international, arise for decision. The handling of such questions requires skilled and technical experience arising from a special and painful study of the

law and jurisprudence and from experience at the bar presided over by skilled and learned judges. What is needed for obtaining true justice is a combination of both the sets of tribunals, that is judge and jury. If we abolish courts and if we abolish the profession of law, and nothing less the item means to be effectual, there would be a great social want which there would be no means of supplying. The result will be immediate increase of offences and criminal cases and gradual decay of national instinct for freedom. Those who have experience of courts and of the lower strata of society know that the masses are on the one hand unable to analyse their grievances into bases for civil actions and civil remedies and on the other, little accustomed to restrain their passions and feelings of revenge and are in consequence most apt to take the law into their own hands and commit offences, in supposed redress of their grievances but more really in revenge. Let us remember that, as civilization advances, injuries would be multiplied by design, accident, and oversight and great skill and ingenuity are needed to investigate their true nature and to find suitable remedies for the injured in respect of the novel injuries. Let us not forget that freedom means the rule of law. But it is inconceivable that the "reign" and "majesty" of law can be secured and maintained without courts of law and without the profession of the law.

41. Taking these two items together I venture to think that I shall be justified in asking you to consider whether any appreciable success of the movement which I humbly deny can ever be reached does not mean an unintentional and even unconscious proposal to rebarbarise the people of India, by no means a very auspicious preparation to establish and maintain the democratical form of responsible government which we all have so dear at heart.

Constructive Programme. Nation Building.

42. You would all naturally ask me what then should be our programme if this programme is not adopted by us any longer. I will make an honest endeavour to give you an answer. In one word it is nation-building. We must take to nation-building at once, on a scale and in a manner to make up for lost time and fully equal to meet the situation as well caused by our own torpidity and hibernation of energies for centuries as by the bad faith and misconduct by our rulers. We are bent and rightly so on having immediate responsible government for our state. But let us not forget that the state is not quite the nation and the nation is not quite the state. The state is an instrument for the purpose of the development and welfare of the nation. At the same time the healthy growth of both depends upon their

interaction. If, therefore, we would have the best form of government and adapt it and develop it so as to suit the genius of the people of this country, we should renovate the people in as great a perfection as it is possible for us to do without the true state to begin with. Great progress has been made since the Congress was started in the way of the unification on the people and the mobilisation and augmentation of the national camaraderie of spirit. Thank God, the cumulative effect of all the misfortunes that have recently overtaken the entire country has done more to unite us than centuries of universal national education and mission work for the purpose could have effected and this involuntary process of national unificaion is greatly expanded and intensified under the auspices of Mahatmaji Gandhi and the stalwart patriots who are co-operating with him : our everlasting gratitude and that of our children unborn is due to him and to them for this great and glorious service to our mother-land. But yet we are not fully as great and vital a nation as we may well be and processes of further renovation must be immediately thought of by us and adopted and put into effect. The first and foremost is the education of the masses in as large and fast expanding a scale as we can endeavour to achieve. The Congress must at once appoint one special committee with power to appoint sub-committees charged with this important business and nothing else. They must collect funds and appoint active missionaries for starting vernacular schools by day and by night for the benefit of labourers, for holding lectures, demonstrations and so forth. Then we must deal with problems of our men abroad, especially in the British Colonies. We must attend to the question of their immediate repatriation. This country needs the activities, both mental and bodily, of all her children for the development of our resources to the highest degree in the light of modern science. Then there is the question of labour organization and missions for the elevation of the depressed classes. The country has been hitherto altogether neglecting the vital problem of the amelioration of sections of our countrymen and countrywomen designated as "Criminal tribes" and "Criminal classes." These are all subject to harassing and humiliating special laws. Congress must appoint committees for the purpose of starting and co-operating in movements in connection with all these problems. I think the Social Reformers will take care of themselves but the Congress must extend their right hand of sympathy and good fellowship towards them All these activities should be on a thoroughly organized basis and on a progressive efficient scale.

Swadeshi and Boycott

43. I also desire that the scheme for the entire renovation of

India includes a negative aspect to which I would call your attention specially. With the people of India thus renovated, if not reborn, into a nation, well knit and vital, we have the means of converting not simply the personnel of the bureaucratic government but what is still more important the non-official English exploiters of our country as well into a new angle of vision. With this scheme, we can starve the English planters, the English merchants, traders and manufacturers in our country with increasing scarcity of labour into gradual exhaustion and into satisfactory mentality towards us. And this will also give us power in reserve to produce national strikes of inferior and unskilled workmen in Railways, Posts and telegraph departments and so forth. Let us remember that the great Bible of the Englishmen is the financial code. Financial statistics which show loss of income and which threaten progressive loss of income have far greater effect on the mental outlook and on the moral calibre of the average Englishman that any other weapon we can conceive of. I desire that we intentionally and with set purpose make provision for gradually and rapidly affecting the income of the English exploiters in India and even of England in so far as India is her market and supplier of raw produce, in all legitimate ways, immediately by organizing labour, specially unskilled labour, for the economic advancement of India at an accelerated speed and calculated at the same time to starve the foreign exploiter as stated above. The Congress must appoint select committee of experts with power to form branch committees throughout the country for making suitable arrangements for the gradual boycott of foreign goods and for stoppage of exportation of raw produce. I consider this is the most effective method of converting Englishmen into our friends at least into a sense of justice for us. Let us not forget that the English exploiters, non-official much more than official, form a sort of moral Ulster in India without a geographical unit. Our first duty therefore is to recognise this fact. We have been too long negligent of this phenomenon in spite of warnings from the days of Lord Ripon. The weakness of the English exploiter not to speak of the the whole nation, is money finance if you like. We must attack him there if we desire to attack him with any success at all. A witty Frenchman once said that the Englishman would rather forgive parricide than the theft of a penny. Let us remember that once upon a time England punished murder with fine while it hanged people for robbery and forgery. Parnell hit the right nail when he with grim humour, said that in a composite British army of Englishmen, Scotchmen and Irishmen, the Irish broke the line of the enemy then came the Scots and took the prisoners, last came the English and picked up the booty. A far greater and more serious authority

is also available on the point. Burke says that the English idea of liberty is not abstract but inherent in some sensible object and that almost every nation has some favourite point which is the criterion of their liberty and that the English sensible object with which their idea of freedom is indissolubly connected is money.

44. I venture to submit to your consideration that the scheme which is at once capable of constructing and advancing the economic state of the country and paralysing the production, the manufacture and the sale of goods of Englishmen here and in England and the Colonies is the best weapon we can think of and absolutely free from any disquieting principle calculated to do us the least harm and no Viceroy would have the courage to describe it as unconstitutional. You will observe that the scheme I place before you relates to the gradual boycott of all foreign goods and not merely British goods and this for two reasons. In our plan we should make an honest endeavour to exclude the play of any feelings of vendetta. On the other hand the mere exclusion of British goods would only swell the import of other foreign goods and therefore would check the promotion of our economic prosperity as effectually as now.

Alliance with Labour Party.

45. I have also another proposal to submit to you. It has long been the accepted unwritten creed of the Indian National Congress that, in our endeavours to extract from England the full and loyal performance of their duties to India, we should not ally ourselves with any political party in England but should be neutral and apply to all like. Whatever the wisdom of this course was at the early life of the Congress, I venture to think that the time has now arrived for us to definitely declare ourselves the ally of one party pure or composite and that we should co-operate with that party in their endeavours to increase their power and influence both in the parliament and outside it. Obviously we cannot think of the Conservatives or of the Unionists as our ally. The choice lies between the Labour Party and the pure Liberal Party but it is lamentable that on the one hand the pure Liberal Party, apart from individual exceptions, was not a warm advocate of our rights and on the other hand does not appear a well-organized and progressive party now. There remains only the Labour Party together with Independent Liberals like Commander Kenworthy. This country is already beholden to them for unalloyed service in our aspirations, thanks to Col. Wedgwood, Mr. Ben Spoor and others heartily co-operating with them. I have the courage to submit to you for your consideration that our offer will be most welcome to this party. And it is high time that this

country offers a hearty alliance to them as well in love and gratitude as in our vital national interests.

46. you will thus see that the "sanction" behind our demand or the weapon with which we have to carry on our struggle successfully to reach the establishment of responsible Government is threefold :—the reconstruction of the Indian nation on principles sanctioned by the law of God and of utility tested and approved by the wisdom of man in all free countries, ancient and modern, the reorganization of the economic industry of our country with the negative provision of starving foreign and English exploitation of our country and also affecting the commercial interests of England in so far as it may be possible for India to do, and lastly by entering into a cordial alliance with the Labour party in England. I venture to claim that the programme I have sketched out for your consideration and adoption is at once both end and means and rests on the one hand on durable and progressive principles and is, on the other, charged with no disquieting elements calculated to divide the people of this country into hostile sections and camps with mutual hatred and jealousy and free too from all tendencies to dangerous reaction and to peril to those engaged in the propaganda work of the movement.

47. Let us next endeavour to take a bird's-eye view of the whole situation. Let us consider it in its two general aspects and I can conceive of no third aspect that is as fashioned by our bureaucracy and as is now being made by ourselves. Despite pledges and professions to the contrary the British administration of India has been from the beginning on principles of aggressive non-co-operation of the dominant white people with the coloured people of India ever on discriminatory laws and discriminatory administrative measures supplemented from time to time by the application of very repressive laws unknown to the free and civilized countries. The position has become simply intolerable. The last straw has been added to the burden by the Esher Commission report and we can stand it no longer. At this hour of our supreme crisis it is the sacred and sworn duty of every one of us to raise the level of this vision so that the ways and means which we are bound to devise and adopt for the purpose of rescuing ourselves from this galling and perilous plight are not only suitable and adequate but are also such as we can be ever proud of and as would appeal to the general conscience and general conviction of the tribunal of the civilized world. England can no longer remain an isolated power. If we desire to accuse her at the bar of the world's tribunal as we do desire in view to our redress and salvation we ought to enter our protest of complaint and demand of justice with "clean hands and clean minds" in the

words of Mahatmaji Ghandi. I would ask you seriously to approach the problem from this stand point.

48. Taking the question of the adequacy of our ways and means first I would impress upon you to consider the prime necessity that we are united not only in making our demand but also in formulating the specific terms of the demand in our adoption and pursuit of our methods in view to see that the demand is granted. I am satisfied and I believe you are all satisfied that the country is now unanimous in demand for the immediate establishment of responsible Government. But unless we are also united and unanimous in our programme to attain it, it is my duty to my God and to my country to say that our chance would fly away, and the vision of our salvation would only move like ignis-fatuus light approaching and receding and ever deceiving. And we shall be deeply chargeable with rash judgment and criminal neglect of the God-given moment for our salvation alike at the forum of the great world and of our posterity. United we stand and are saved, divided we fall and perish.

We Must Unite.

49. I have called your attention to the features and aspects of the several items of the programme of non-co-operation adopted by the Special Congress at Calcutta. I desire permission to allude to one or two of its important features of a general kind. Whatever the form of a democratic Government its success as capable of producing the highest freedom and greatest happiness of the people depends upon the facts whether it is a Government by discussion or by dictation. Great political writers, Bagehot for example lay stress on this feature and maintained that no government whatever its constitution and however precise and noble its declaration of the fundamental rights of the people, can contribute to the freedom of the people unless it is a government by discussion. There are two principles necessarily implied in carrying out the programme and propaganda work we are now considering without regimentation and without a very severe discipline of all those who are actively party to it, the propaganda work cannot be carried on and this regimentation out and out necessarily implies an absolute and universal surrender of private judgment and a gradual emasculation of the capacity for it. And national regimentation and national lack and atrophy of power, of private judgement, history ancient and modern proves to be inconsistent with national freedom and national happiness and progress; if, indeed, they are not inconsistent with continued national existence. Sparta and even Athens and Germany and several Latin and latinised states of the old and new world are examples and warnings to us in this vital

respect. We all know that ancient Athens was not only free from national regimentation, unlike Spanta but also its citizens possessed and enjoyed the right of private judgment in the highest degree so much so that even an egg-seller on his way home from the market could take part in the discussion of the affairs of the republic. And we all know the dizzy height of freedom and glory which she attained and which has not been since reached by any modern state. But Athens fell too. It is a remarkable fact that her decline and fall dates from the most glorious point in her history namely, the period of Pericles. His brilliant genius and great character was the commencement of the ruin of the state. People adored him and trusted him and declined to judge for themselves and the decay of the faculty of private judgment of individuals began and with it began the national decline and fall. A great historian observes that if Pericles had been less great and less trusted by the people of the republic, Athens had not fallen. And in a short period the general demoralisation of the people of Athens was so great that the great orator Demonsthenes who endeavoured with his divine eloquence to rally the Athenians to resist Phillip of Macedon and to save the republic from conquest and subjection was compelled to warn the Athenians that they should take care that after driving away Philip they did not manufacture a new Philip to take his place. We would do well to take this lesson to heart. We must take care not to manufacture, by our ways and means a new bureaucracy and and tyranny in the place of our chronic bureaucracy and old tyranny. The melancholy fall of Germany is also full of lessons and warnings for us. Next to Athens she was the freest people of Europe and England is but transplanted and insular Germany. Germany was justly called the fatherland of modern thought but from the time of Bismarck national regimentation in view to reach the greatest predominance in the world, accompanied by the necessary compelling process of securing a surrender and emasculation of private judgment began. With the development and success of this twin process the ancient German instinct for personal freedom decayed and became at the time of the great war almost extinct. These examples are better than authoritative precepts but I might quote Professor Huxley whom I am sure you will all accept as great and conclusive authority in support of my humble contention how pernicious in every interest national regimentation or regimentation of any considerable section like that of the Salvation Army, is. It is not enough that we establish responsible government but we must also maintain it in the highest and most progressive state of efficiency. Instances there are where such forms of government were voluntarily abandoned. Jamaica threw away the gift of a responsible govern-

ment after a short trial and Jamaica was once a Colony of Spain the country of Loyalla. Let us not forget that the making of modern Italy was due less, much less to, Mazzini, the prophetic patriot than to the genius of more worldly patriots, Garibaldi and Cavour. The horrors of Russian Bolshevism are due to the fact that while she has her Mazzini and a more inspiring prophet in Count Tolstoy, she has no Garibaldi or Cavour.

50. It is worth our while to inquire what our own ancient Indian state was considered from this stand point. I have already called your attention to the importance universally attached in ancient India to the science of polity as being the highest of sciences. Ancient Hindu state was Government by discussion and the villages and the towns which constituted the country were all quasi-republics and self-contained whose affairs were carried on by open discussion and deliberation by all the people. The king is enjoined to seek counsel for all administrative measures from a group of ministers and never to act alone or take counsel from a single minister. It was left to him to consult them individually or collectively but consult all of them he must and the number of ministers recommended varied from 12 to 20. The judgment of a single person even in judicial matters was repugnant to ancient Hindu genius. In the ancient Hindu judicial system a court never meant a single judge. In this connection Indra was praised because he has one thousand counsellers for consultation and assistance. Hence he was called thousand eyed and the high degree of importance the ancient Hindu writers attached to government by discussion may be gathered from their precept that the King shall despise the opinion of none, for "even a childs sensible utterance might be found wise." Therefore, the genius for government by discussion is in our inherited blood and it behoves us to see that in seeking responsible government we seek the best form of it viz government by discussion as being most suitable to our national genius.

Divisions on Non-Co-operation Programme.

51. Besides the very great evils of regimentation and of surrender of private judgment with the necessary gradual decay of the faculty of private judgment may I have your permission to allude to another very serious evil without producing which the propaganda work of the programme of the Calcutta Congress cannot be carried on. We have had the experience of its working these four months. I ask you to think and to say like sworn jurymen whether the propaganda work has not caused and roused dismay, grief and fierce passions and animosities all round. I do not ask you to say whether the production and existence of this evil has been fully proved but

I ask you to apply your mind both to the fact as known by each of you and also as easily ascertained by you and to the further aspect of how the system is viewed subjectively by all those who are conscientiously unwilling to be party to it. We know that bureaucracy in defence of its own pernicious system has been attacking our country as being divided by castes, creeds, and races, and as being in consequence unfit for and even incapable of the exercise of the rights of self-government. It is for you to say whether it is not our religious duty that while we are grateful to God and proud of the new and growing union between the Muslims and the Non-Muslims of this country we do not create two new classes sharply divided on the doctrine of non-co-operation and divided too, in consequence with fierce passions and animosities. The great national advantage we are gaining by the sacred union of the Muslims and the Hindus would be more than neutralised by this huge new danger arising from new frontiers not erected and fomented by the bureaucracy but by ourselves, however conscientiously. Apart from our experience of the actual working of this movement, historic evidence tells us that a movement of this kind is fraught with domestic danger though the nature and extent of it may be contrary to the intention of the saintly leader of it. Domestic boycott and that of a very fierce kind is a necessary concomitant of the propaganda work. I would allude to one parallel circumstance of it in Ireland, namely, the treatment accorded to tenants who were bidders for farms from which other tenants had been evicted. At a public meeting several voices cried, as regards one such bidder "Shoot him." Parnell, who was present at it proposed a "more Christian and charitable way", and this "Christian and charitable way" was that this poor wretch must be shunned by everybody on the roadside, in the streets of the town, in the shop, in the market place, and even in the place of worship in short that he should be isolated from the rest of his country "as if he were the leper of old." It is for you to consider in fear of God and love of justice and of our country whether such things are not also calculated to arise in the carrying out of the particular propaganda before us. Many thinkers even among those who are abandoning the old method of petitioning Government here and in England for redress of our national grievance and who are for adopting an effectual national weapon to force the hands of our rulers to comply with the national demands at once are afraid, are genuinely afraid that the success of the working of the particular propaganda would be erecting the whole of India outside the area of non-co-operation into a strange moral Coventry.

Why Change the Creed ?

52. Ladies and Gentlemen :—I must not indent on your kind

indulgence any further and I must bring my observations to a close. There are several other points of considerable importance to which I might like to call your attention, but I do not think it is so very necessary as to compel me to tax your patience any longer. The programme before us includes the question of the revision of the constitution of the Congress. The most important part of it is what is known as the creed. In dealing with this point I would appeal to you earnestly to consider that the question is not what the form and spirit of the creed should be if we are called upon to adopt one for the first time, but why and how we should change the existing one. I venture to submit that the two questions are not indentical. If we desire a change, the reason and the superior advantage of the change should be clear to us before we consent to the change. I would only say one word about it. Throughout my earnest appeal to you to day I proceeded on the basis that British India is part of the British Empire and that the renovated and free British India is to be part of and partner with England. I desire our freedom and our prosperity and our right place in the family of great nations not less fervently than any in this great presence. But dispassionate reason are refused to her at the right moment as practically inspiring precedent have ever sustained me in my irresistible life-long conviction that the independence of India in partnership with England would in every way and in every interest be far greater than her independence in absolute separation from her and in isolation. I desire to call your attention that Japan saved her threatened freedom and achieved her greatness and glory with England as her treaty ally at her supreme moment. And I believe that the advantages would be far greater if our alliance is full life-partnership than qualified term partnership. I will next call your attention to the principles and attitude of the great Irish partriots till recently. Both Henry Grattan and Issac Butt the apostles of Irish Home Rule, desired the Home Rule without separation from England. Said Issac Butt :—"Ireland has given up the idea of separation because she has before her the prospect of obtaining another and a far better thing." Some seven decades before him Henry Grattan had said "She hears the ocean protesting against separation but she hears the sea likewise protesting against Union ; she follows, therefore, her physical destination, and obeys the dispensations of Providence, when she protest like that sea against the two situations, both equally unnatural, Separation and Union." These words of supreme wisdom are most suitable for our adoption under the dispensations of Providence. If Ireland has now changed her intention and plan it is because the legitimate measure of Home Rule she so long cried and prayed for was most unwisely refused to her at the right moment

as practically confessed by the present Prime Minister. But the circumstances and conditions of the two countries are by no means exactly the same. Her extreme nearness to great Britain so much so that she is deemed essentially and vitally a part of the Island State seems to be in the way of her getting the full dominion Home Rule. But while our grievances are far more substantial and much larger in measure than the grievances of Ireland, our great distance from England not to mention the fact that the peoples of the two countries are not the same in blood, religion and colour makes an enormous difference. It may be that the Unionists desire Ireland to be as much part of the British Isles as Abraham Lincoln thought that the Southern States of the United States should remain an integral part of the whole country. On the whole, I confess that I am unable to understand the full scope and the exact nature of the issue between England and Ireland. I would, therefore, deprecate all attempts on our part to model our aims and plans on those of Ireland. At least in our case the question is "chose jugie." Responsible government has been pledged and promised to us ; though we know from past experience what authoritative English pledges and promises to us have been hitherto, yet we need not despair ; any further evation and interpretation by England of this pledge and of her part of the original compact with us generally, will be safeguarded by ourselves soundly organised and ever acting in the right spirit.

Gandhi and Montagu Arbiters of India's Fate.

53. I would now conclude and in doing so I would make an earnest appeal to you and beg of you to realise that, for the past two years, we have been in an increasingly critical state of our life, political and economical. I believe that the crisis has now reached its worst and the Nagpur session of the Congress may be rightly deemed to be the Thermopylae in the history of India, certainly in the history of the Indian National Congress. I believe that it has been alloted to this great presence so to think, so to aim, and so to act as to reap the glory of the nation-making and history-making of our beloved Motherland. In one aspect the work before us consists of two essential parts, one positive and the other negative. I venture to think that our fate just now lies chiefly in the hands of two men, the Right Hon'ble Mr. Montagu and Mahatmaji Gandhi. Two messages have to be presently framed, one to each. You will frame the message to Mr. Montagu and by virtue of the confidence you have reposed in me I shall frame the message to the Mahatmaji. You will tell Mr. Montagu "Pray do" and I will tell the Mahatmaji "Pray do not" and in the welcome response to each Message lies the

salvation of our country in the main just now. The Congress has to tell the Coalition Ministry that at the end of the War it was a great pity that they did not act towards us like Abraham Lincoln at the end of the great Civil War. At the end of that War he was pressed and cajoled and tempted in every way to return the black warriors with whose help he gained the war of secession and firmly established the union of the country, to their pre war masters. But his heart rebelled, yes, the heart of him who was one of the greatest if not the greatest of the world's emancipators and saviours of man from man and he courageously declined to countenance the ignoble and malignant suggestion. But the Coalition Government fell an easy victim to their own pre-war mentality revised by success and to the conspiracies and temptations to the strain of which they were subjected in respect to these three great questions affecting the vital existence of the people of this country, namely, the immediate establishment of responsible government, the pledges to our Mussulman brethren in the matter of the Khilafat jurisdiction of the Sultan of Turkey and in the matter of the treatment of the Indians of the British Colonies by themselves saved in this great war at least to a far greater extent than by the white subjects of His Gracious Majesty. We have to tell them that the opportunity is not wholly lost and that it is not too late Some of our warm European friends advocate the demand of a short time-limit for the establishment of responsible government. But I venture to think that the proposal cannot recommend itself to us. Without immediate financial independence we cannot live one year longer, without precipitating ourselves deeper into irretrievable economic exhaustion. On the other hand absolutely no pretext even can be thought of as justification or excuse for any further delay in rendering this elementary justice to us. Possibly, the suggestion was made under a mistaken view of the obstacles thrown in our way by the preamble and the provision for time limit in the government of India Act. But I have already placed before you the view which I believe is beyond controversy and is justified by precedents in the Colonial History of England that the establishment of responsible government can be achieved and can be immediately begun by Mr. Montagu, under the auspices of His Gracious Majesty, if not even by private instructions from himself alone. We have to tell the Mahatmaji that in the processes of the state-making and nation-building for India, the great political maxim enunciated by Burke should ever be remembered by them, namely, "Bodies tied together by so unnatural a bond of union as mutual hatred, are only connected to their ruin." On our part I would earnestly appeal to you that it is of no use any further to think and call for punishments

on those who have heaped unparalleled disaster and humiliation upon us in connection with what is now historically known as the Punjab Tragedy. Let us forgive all, anywise concerned with it. But pray let us not forget the frightful business in all its horrors. No man and no nation can wisely walk forward in the path of progress if they are not proud of their past glory and if they do not live in vivid memory of their past errors and misfortunes caused by man. We must make our future and hasten it too, to begin with, in the light of our past within these few years and even within these few months. But no feelings of hatred or vendetta, should be permitted to taint our principles or plans. Not only our intense love of our motherland is not inconsistent with our forgiveness of England inspite of the continued provocation but on the other hand it is most productive of culture in combination with international love. What President Poincare says of France is true of us. "Patriotism does not come into conflict with our duties toward humanity; it is on the contrary a necessary condition of those duties" namely duties to ourselves. There is also the great question of justice to the people of England as a whole. We must remember the historic saying of Burke that it is impossible to frame an indictment against a whole nation. And there is the assurance, if assurance is needed, of our warm and distinguished friend, Col. Wedgwood, that nine-tenths of the people of England are innocent of any kind of connection and countenance of the deeds of men responsible for the frightful horors of the Punjab. If then we ordain the new nation of India without feelings of hatred and without feelings of vendetta externally and with fraternity and love internally I believe we can compel the Coalition Government and the nine tenth of the people of England at once to confess their sins and to admit the imperious justice of our claim for immediate responsible government and for full power to collect and approp iate our own taxes and revenue. If unwisely they postpone our lawful and earnest prayers for elementary justice then the millions of this country will soon know the reason why. But to do that effectively on our part we must be united alike in aim and method. Here also examples of historic wisdom should alone guide us rather than any "a priori" view or alluring prophetic vision. Abraham Lincoln during all the vicissitudes of the Civil War for which he was responsible in view to emancipation of the negro slaves, declared that he attached far greater importance to the unity of the country and that if he was put to a choice only between his two aims, American Unity and Negroe Emancipation, he would certainly abandon the problem of emancipation partially or even wholly in view to national integrity and union. If we are united, we can then tell England and only then

and not till then that the 300 millions of India organized and united despise Irish methods and Hungarian plans for freedom but that we shall achieve our own salvation in imitation of far greater and far happier nations such as France and Italy and that if ever in our struggle for freedom methods of Sinn Feinnism should enter and poison the processes it would be by England against India and not by India against England. She already began Sinn Feinnism in the Punjab last year and the frightful horrors she committed there were more frightful than the horrors, actual and reported, of the Sinn Feins in Ireland. We would remind them too that revolutionary France "bare-footed, bare-backed, with only bread and steel," was able to crush Europe in defence of the newly discovered rights of man and Frenchman. Because in the words of Carlyle "The nation has that within her which the whole world will not conquer." India reborn and united and speaking as one man with her banner with the new motto not of liberty and equality only but also of fraternity inscribed on it fluttering in every wind of heaven, can tell England, "We also belong to the species homo. We were the first and the foremost of it and we mean to be one of the foremost if not the foremost of it again; no more pin your faith in the political gospel of "the man on the spot" kind. Don't be stupid any more, either now or, it would be too late; remember that there are some everywhere in India with admiration and love to England, the greater Athens of the modern world, not inferior to the romantic devotion of Lord Byron to ancient Athens and that the fact of the rapid success of the movement of non-co-operation and the universal desire for a sanction other than rebellion to secure our rights, shews conclusively the firm loyalty of the people and that it would be unparalleled folly and atrocious and suicidal folly to attempt to keep us by coercion under plausible and captivating camouflage such as goal of responsible Government, representation and a voice in the League of Nations and Empire's Conference. In one word "be a good boy and be partner with us or get thee gone." And this too without a Cromwell and without shedding a drop of blood.

Vande Mataram

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APPENDIX.

DRAFT CONSTITUTION OF THE DOMINION OF BRITISH INDIA.

Whereas the people of British India are anxious and have expressed a desire for the establishment forthwith of responsible government for their country with a constitution similar in principle to the constitutions of the United Kingdom and of the Self-Governing Dominions and containing a declaration of their fundamental rights of man and as British citizens ;—

And whereas the immediate establishment of such responsible government would conduce to the loyal contentment and welfare of the people of British India and also promote the interests of British Empire :—

Be it therefore enacted and declared by the King-Emperor's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :

1. This Act may be cited as the Dominion of British India Act, 1921.

5. The Dominion of British India to which this Act relates shall consist of British India proper and Burma as well as such other or others of His Majesty's Dominions in Asia as may from time to time be added to it.

3. Executive government and authority of and over the Dominion of British India so constituted is hereby declared to vest in the King-Emperor.

4. The said power and authority of the King-Emperor shall be exercisable by a Viceroy appointed by him as his representative and he shall ordinarily be a Prince of the blood royal of England.

5. The Viceroy shall exercise the executive power by and with the assistance and advice of a Cabinet of Ministers who shall be chosen and summoned by him and the majority of whom shall be members of the Legislature as herein constituted.

6. The Cabinet shall be responsible for the policy and measures and acts of the government and the tenure of their office shall be political and rest on the confidence of the majority of the members of the Legislative Assembly. Subject to this provision they shall hold office during the pleasure of the King-Emperor.

7. The legislature of British India shall consist of two chambers to be styled the Council of State and the Legislative Assembly.

8. The Legislative Assembly shall consist of not less than five hundred members elected under the provisions of this Act and the rules and regulations made thereunder.

9. The members of the Council of State shall not be less than one hundred and not less than four-fifths of whom shall, under rules and regulations under this Act, be elected for units representing as far as possible linguistic areas. The remaining one-fifth may be nominated by the Viceroy.

10. The privileges, immunities and powers to be held, enjoyed and exercised by the two chambers of the Legislature and by the members thereof shall be declared and defined by rules and regulations made by the two chambers respectively on principles similar to those obtaining in the Parliament of the United Kingdom of Great Britain and Ireland and in respect to the Cabinet thereof, at the time of the passing of this Act.

11. No member of either chamber shall belong to the Civil or Military service of the country and any such member shall vacate his seat on accepting any appointment in the said services and shall not be eligible for re-election while holding any such appointment. This provision does not apply to the members of the Cabinet, whose offices are held on political grounds and subject to the confidence of the majority in the Legislative Assembly.

12. All Indian subjects of His Majesty the King-Emperor of 25 years of age and over, are eligible to membership of the Legislative Assembly and of 35 years of age and over to membership of the Council of State.

13. Rules and Regulations under this Act shall be framed by a joint session of both the chambers of the Legislature for the purpose of declaring qualifications and disqualifications both for membership and for the franchise of voting. Provided that no person shall be deemed disqualified to vote or for membership on the ground of a criminal conviction remaining in force unless the offence of which he has been convicted is a degrading and infamous one.

14. Every subject of His Imperial Majesty born and resident in the dominion or naturalised under law, who is not a minor and who is not an idiot or lunatic or a person convicted of a serious and degrading penal offence shall be entitled to vote for election to the Legislative Chambers of British India, provided he or she pays a tax, rate or cess to the Government or a Municipality, or other public body established by law, or pays rent to any such person, amounting annually to not less than ten rupees, or provided he or

she can ordinarily read and write English or any of the vernacular languages of the country.

15. The members of each chamber shall elect its own President and Deputy President who shall hold office for the full term of the Legislature with power to resign.

16. The term of each Legislative Chamber shall be five years unless sooner dissolved when the Cabinet has ceased to command the confidence of the majority in the Legislative Assembly.

17. Subject to this Act and to the Declaration of Rights therein contained, the Legislature shall be competent to enact laws for the peace, order, and good government of British India in relation to all and any matters.

18. Proposals for Legislative measures may originate in either chamber, but all bills for imposing any tax or for appropriating any part of the Public Revenue shall originate in the Legislative Assembly.

19. The Council of State shall not have power to modify or add to any such money bill but it may recommend amendments for adoption by the Legislative Assembly.

20. The two chambers of the Legislature shall meet in regular session at the same time, at least twice every year, at the seat of Government. The Viceroy may also summon the two chambers to meet in extraordinary session.

21. Each chamber shall decide for itself on the validity of the election of its own members.

22. While the chambers are in session and for 30 days before the commencement and after the termination thereof no member shall be imprisoned for debt or arrested or prosecuted for any penal offence unless he be taken by the authorities in the actual commission of the offence.

23. Each chamber shall make its own rules and regulations concerning its order of business and the maintenance of order therein.

24. The Viceroy shall ordinarily assent to every legislative measure passed by the two Chambers and he shall not exercise the power of vetoing any such except under conditions and conventions which apply to the exercise of the power of veto by His Majesty the King-Emperor in relation to statutes passed by the Parliament of the United Kingdom of Great Britain and Ireland.

Provided that where any enactment presented to him for his consent involves vital questions of imperial importance such as the defence of the whole Empire or international relations, the Viceroy shall have power to reserve the same for the consideration of His Imperial Majesty and pending His Majesty's pleasure the measure shall not have any validity whatever.

25. It shall not be lawful for the Legislative Assembly to adopt or pass any vote, resolution, address or bill for the appropriation of any part of the Public Revenue or any tax or impost to any purpose that has not been first recommended to that house by the message of the Viceroy in the session in which such vote, resolution, address or bill is proposed.

26. Any Bill passed by the Legislative Assembly but not accepted by the Council of State without material modifications which the Legislative Assembly is not willing to adopt shall be of the same force, as if it were concurred in by the Council of State, if it were thrice passed by the Legislative Assembly substantially in the same form during one and the same term.

27. With the concurrence of both the Chambers for the purpose, any vote, resolution or bill may be considered by a joint session of both the Chambers and the decision shall be according to the majority of the members of both the Chambers present and voting.

28. Any member of the Cabinet is entitled to appear in either Chamber of the Legislature and address it but he shall not be entitled to vote therein unless he is a member thereof.

29. The Secretary of State for India shall hold, enjoy and exercise powers similar to those of the Secretary for the Self-Governing Dominions, and he shall have no council and his salary as well as the salaries of his Under-secretaries and Assistant Secretaries and the establishment, if any, shall not be paid out of the revenues of India, but shall be provided by the Parliament of Great Britain and Ireland.

30. Declaration of Rights.

(1) British India is one and indivisible and all political power is inherent in the people thereof to the same extent as in any other people or nation of the British Empire.

(2) That all Indian subjects of his Majesty and all the subjects naturalised or resident in British India are equal before the law, and there shall be no penal or administrative law in force in this country, whether substantive or procedural, of a discriminative nature.

(3) That no Indian subject of His Majesty shall be liable to suffer in personal liberty, life, property, or in respect of his freedom of speech or right of public meetings except under laws made under the provisions of this Act and under a sentence by a Court of Justice as the result of a lawful and open trial.

(4) Every Indian subject of His Majesty shall be entitled to bear arms without any previous permission or licence from any authority and the rights shall not cease temporarily or permanently except under a sentence by a Court of Justice convicting him of a criminal offence involving his abuse of such right.

(5) The Press shall be free and no licence or security shall be demanded on the registration of a press or newspaper.

(6) No torture or corporal punishment of any kind and no degrading or unnatural punishment shall be legal in the Dominion of British India, whether as punishment on conviction for a penal offence or by way of discipiline in Army, Navy, or among convicts or for any purpose whatsoever.

(7) Every Indian subject of His Majesty accused of a criminal offence shall be furnished as soon as he is arrested with information disclosing the nature of the accusation and all evidence in support of the accusation shall be taken before him in open court subject to cross-examination by him or his counsel, and he shall be entitled to processes to have his evidence produced to rebut the evidence against him.

(8) No such person shall be arrested for an offence except when taken in the act, otherwise than under the authority of a warrant issued by a Magistrate or Justice of the Peace stating on the face of it the nature and particulars of the offence. Every such person accused of an offence not punishable with death shall be entitled to bail and a Superior Court of Justice may allow him bail in cases punishable with death.

(9) Every Indian subject accused of an offence punishable otherwise than with simple imprisonment for three months or with fine only is entitled to demand his trial by Jury.

(10) An appeal both in law and on the facts shall be allowed from every conviction and no appeal shall be allowed from a sentence of acquittal, provided a retrial may be ordered by a decision of the Full Bench of a High Court in cases of grave miscarriage of Justice.

(11) In criminal trials no confession shall be evidence against any accused person unless made in the course of the trial freely and voluntarily in the immediate presence of the trying Judge and no conviction shall be based on any such confession withdrawn before the close of the trial.

(12) Confession of co-accused are not evidence against any person and the evidence of accomplices whatever the number, is insufficient for a conviction unless such evidence is substantially corroborated by the evidence of persons of unimpeachable character relating both to material particulars and the identity of the accused.

(13) No person shall be searched without his previous consent except under a lawful warrant by a Magistrate in executing the provisions of the penal law.

(14) The private domicile of every Indian subject of his Majesty is sacred and inviolable and no search of the same or its premises shall take place without the previous written consent of the

occupier thereof except under a lawful warrant describing the particular part to be searched and the purpose of the search, issued by a Magistrate or Court of Justice.

(15) The free communication of thoughts and opinions is one of the most precious of men's rights. Every Indian subject of His Majesty may speak, write and print freely subject for answering for the abuse of this liberty in the cases prescribed by law.

(16) No person shall be prosecuted on account of his opinions, provided their manifestation does not disturb the public order by law established.

(17) The people are entitled freely and peacefully to assemble for purposes of deliberation on any subject, political, social, literary, scientific or other in a closed hall or open air and the authorities have no right to prohilbit or dissolve any such assembly.

(18) Next to the defence of the country and to the maintenance of the supremacy of the law, the most prominent function of the Government is the devotion of all the classes of people, general, scientific and technical freely and cheaply.

(19) Every Indian subject of His Majesty and all others resident in India and subject to the law in force in British India are entitled to a WRIT of Habeas Corpus from a Court of Justice not inferior to a District or Session's Court.

(20) The right to the WRIT of Habeas Corpus shall not be suspended except by an Act of the Indian Legislature in case of foreign war or internal rebellion.

(21) No bill of attainder or ex-post facto law shall be passed.

(22) No Civilian subject of His Majesty shall be tried otherwise than in accordance with due process of law by the ordinary tribunals.

(23) No conviction for sedition or State-offences shall be lawful except upon the testimony of two witnesses other than accomplices to the same overt act or on confession in open court trying the prisoner.

(24) Treason against British India or the United Kingdom shall consist only in levying war against them or in adhering to their enemies or giving them aid and comfort during a war.

(25) There shall be no penalty of death or forfeiture of property for political or other offences except for murder or treason during a foreign invasion.

(26) In cases of riots, no armed force shall interfere, unless it has been previously attacked, until the crowd causing the riot has been three times summoned in the name of the King-Emperor and of the Law to disperse and has declined to do so.

(27) The male inhabitants of the Dominion shall be

compulsorily trained and drilled for the purpose of the defence of the country under suitable laws but shall not be subject to compulsory service except in a grave national crisis.

(28) That all laws, ordinances and regulations, now or hereafter in existence, that are anywise inconsistent with the provisions of this statute shall be void and of no vaildity whatever-

31. The Legislature shall have power to divide British India into divisions for purposes of administration and these divisions shall, as nearly as may be practicable, be made on a linguistic basis.

32. Any member of the Cabinet may be tried for a charge brought against him as such by the Legislative Assembly, before a Court of Impeachment composed of the permanent Judges of a High Court, and of an equal number of members of the Council of Sate elected by that body. The Viceroy, may, with the concurrence of the Legislative Assembly, cause any other person to be tried before the Court of Impeachment for crimes which he considers especially dangerous to the State.

The Court of Impeachment may be constituted generally or specially for any case and it may sit after the dissolution of the legislature, if it takes place in the midst of the trial of a case and until it is disposed of. The Court of Impeachment shall elect its President from among its members. Where the Court is equally divided on opinion, the accused shall be acquitted.

33. Proposals by way of amendment for the alteration of or additions to this constitution may be made in either chamber of the Legislature in the form of an ordinary Bill. But it must be finally passed in both chambers by a majority of not less than two-thirds of its members. But the constitution shall not be deemed altered in accordance with the act thus passed until it is submitted for the judgment of the country by the dissolution of the Legislature and as an issue before the electors for the next election. And the act shall come into force as an amendment of the constitution only if it be rectified by similar majorities in each chamber of the newly elected Legislature.

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The New Constitution of the Indian National Congress.

The Creed.

Article I.—The object of the Indian National Congress is the attainment of Swarajya by the people of India by all legitimate and peaceful means.

Article II.—Every delegate elected to the Indian National Congess shall be deemed to have expressed his or her acceptance of the object of the Congress and the methods of its attainment, as laid down in the foregoing Article, aud shall be bound by the constitution and the Rules of the Congress.

The Sessions of the Congress.

Article III.—(a) The Indian National Congress shall ordinarily meet once every year during Christmas holidays at such place as may have been decided upon at its previous session, or such other place as may be determined by the All-India Congress committee hereinafter referred to.

(b) An extraordinary session of the Congress may be summoned by the All-India Congress committee either of its own motion or on the requisition of a Majority of the Provincial Congress comittees, wherever it may deem it advisable to hold such sessions and the Articles of this Constitution shall apply with such modifications as the All-India Congress committee may consider necessary in respect of each such session.

Component Parts of the Congress.

Article IV.—The Indian National Congress shall consist of the following organisations :—

(a) The Indian National Congress ; (b) Provincial Congress committees, (c) District Congress committees ; (d) Sub-divisional or Taluk Congress committees ; (e) The All-India Congress Committee ; (f) The British committee of the Congress and such other committee outside India as may from time to time be recognised by the Congress in this behalf ; and (g) Bodies formed

or organised periodically by the Provincial District Congress Committees such as the Reception Committee of the Congress and Provincial or District Conferences.

Article V.—No person shall be eligible to be a member of any of the organisations referred to in the foregoing Article, unless he or she has attained the age of 21 and expresses in writing his or her acceptance of the object and methods as laid down in Article 1 of this constitution and of the Rules of the Congress.

Provincial Congress Committees.

Article VI—For the purpose of forming Provincial Congress Committees, India including Indian States, shall be divided into the following provinces on a linguistic basis :—

(1) Madras (Tamil) with headquarters at Madras.

(2) Andhra (Telugu) with headquarters at Madras.

(3) Karnatak (Canarese) with headquarters at Belgaum or Dharwar.

(4) Maharastra (Marathi) with headquarters at Bombay or Poona.

(5) Gujrat (Gujarati) with headquarters at Bombay or Ahmedabad.

(6) Sindh (Sindhi) with headquarters at Hyderabad.

(7) The Punjab including the North-West Frontier Province (Punjabi) with headquarters at Lahore.

(8) Delhi, Ajmer-Merwara and British Rajputana (Hindustani) with headquarters at Delhi.

(9) The United Provinces (Hindustani) with headquarters at Allahabad.

(10) The Central Provinces (Hindustani) with headquarters at Nagpur or Jubbulpore.

(11) Berar and the Central Provinces (Marathi) with headquarters at Amraoti or Nagpore

(12) Behar (Hindustani) with headquarters at Patna.

(13) Orissa (Oriya) including all Oriya speaking parts of Bengal, Andhra and the C. P. with headquarters at Cuttack.

(14) Bengal including Assam (Bengali) with headquarters at Calcutta.

(15) Burma (Burmese) with headquarters at Rangoon.

Provided that the Congress may from time to time assign particular Indian States to particular Provinces and a Provincial Congress Committee may in its turn allot particular Indian States assigned to it by the Congress to particular Districts within its jurisdiction.

Article VII —There shall be a Provincial Congress Committee in each of the Province named in the foregoing Article with powers

to form District, Sub-Divisional or Taluk committees and to act for the Province in Congress matters.

Each Provincial Congress committee shall consist of members who fulfil the conditions set forth in Article V. hereof and pay in advance the annual subscription fixed by that Committee.

The members of each Provincial Congress Committee shall elect its Office-bearers in the usual mannor.

Article VIII.—District, Sub-Divisional or Taluk committees shall be formed in the manner laid down by the respective Provincial Congress committees.

The Annual Session.

Article IX.—The annual session of the Congress shall consist of :—

(*a*) Delegates elected in the manner hereinafter provided.

(*b*) Guests invited by the Reception committee.

(*c*) Visitors.

(*d*) The Reception committee.

Electorates and Delegates.

Article X.—(*a*) Each Provincial Congress committee shall be responsible for the election of delegates to the Congress. No one shall be qualified for election who is not of the age of 21 years and who does not subscribe to the Congress Creed. The number of delegates shall be not more than one for every 50 thousand inhabitants of the province in its jurisdiction, including Native States therein, in accordance with the last census, provided however, that the inclusion of Native states in the electorate shall not be taken to include any interference by the Congress with the internal affairs of such States

(*b*) Each Provincial Congress committee shall frame rules for election of delegates, due regard being had to the return of women delegates and representatives of minorities, special interests or classes needing special protection.

(*c*) The rules shall provide for the organisation of electorates and shall prescribe the procedure to be adopted for securing the proportional representation (by a single transferred vote) of every variety of political opinion. The rules framed by each Provincial Congress committee shall be sent to the General Secretaries of the Congress not later than the 30th April 1921 which Rules shall be published for General information by the Secretaries as soon as possible after the receipt thereof.

(*d*) Each Provincial Congress committee shall send to the Reception committee of the ensuing session of the Congress an alphabatical list of the delegates so elected, containing full name, occupation, age, sex, religion and address of each of them to reach the committee

not later than the 15th day of December every year and in case of an extraordinary session not later than ten days before the date advertised for the holding of such session.

Article XI.—(*a*) Every committee in India entitled to elect delegates under the foregoing Article shall pay annually such subscription to the All-India Congress committee as may be fixed by it from time to time. No committee which has not paid its subscription for the current year shall be entitled to elect delegates to the Congress for that year.

(b) No member of a committee who has not paid his subscription for the current year shall be entitled to vote or be elected.

Article XII.—Each committee referred to in Article X shall issue a certificate to the delegates duly elected in accordance with the form hereto attached, marked Appendix A, and signed by the Secretary of the committee.

Article XIII.—Every delegate on presenting such a certificate and on paying a fee of Rs. 20 at the Congress office shall receive a ticket entitling him to admission to the Congress Pandal and a seat in the enclosure set apart for the delegates.

Article XIV.—Delegates shall alone have the power of voting at the Congress sitting or otherwise and taking part in its deliberations.

The Reception Committee.

Article XV.—The Reception committee shall be formed by the Provincial Congress committee at least six months before the meeting of the annual session and may include persons who are not members of the Provincial Congress committee. The members of the Reception committee shall pay not less than Rs 25 each.

Article XVI—The Reception committee shall elect its own Chairman who need not be a member of the Provincial Congress committee.

Article XVII.—The further powers of the Reception committee shall be to collect funds for the Congress Session, to elect the President of the Congress in the manner setforth in the following Article, and to make all the necessary arrangements for the reception of delegates, guests and visitors.

Election of the President.

Article XVIII.—The several Provincial Congress Committees shall, as far as possible, by the end of June, suggest to the Reception committee the names of persons who are, in their opinion, eligible for the presidentship of the Congress, and the Reception committee shall, as far as possible in the first week of July, submit to all the Provincial committees the names as suggested for their final recommendations provided that such final recommendation will be of any one

but not more of such names, and the Reception Committee shall, as far as possible, meet in the month of August to consider such recommendations. If the persons recommended by a majority of the Provincial Congress Committees is accepted by a majority of the members of the Reception Committee present at a special meeting called for the purpose, that person shall be the President of the next Congress. If, however, the Reception Committee is unable to accept the President recommended by the Provincial Congress Committees, or in the case of emergency by resignation, death or otherwise of the President elected in this manner, the matter shall forthwith be referred by it to the All-India Congress Committee, whose decision shall be arrived at, as far as possible, before the end of September. In either case, the election shall be final, provided that in no case shall the person so elected as President belong to the Province in which the Congress is to be held.

Article XIX—The Reception Committee shall hand over to the All-India Congress Committee half the delegation fees immediately after the termination of the Congress session, ordinary or extraordinary, and this amount shall be remitted by the All-India Congress Committee to the British Congress Committee within one month of the Congress session. The balance remaining with the Reception Committee after meeting all the expenses shall be handed over to the All-India Congress Committee within three months of the termination of the session. If the amount of half the delegation fees is not sufficient to defray the expences of the British Congress Committee the All-India Congress Committee shall make adequate provision for the same from its own funds.

Article XX—The receipts and expenditure of the Reception Committee shall be audited by an Auditor or Auditors appointed by the All-India Congress Committee.

The All-India Congress Committee.

Article XXI—The All-India Congress Committee shall consist of 100 members exclusive of ex-officio members. The ex-officio members shall be all past Presidents of the Congress residing or present in India, and the General Secretaries hereinafter referred to in Article XXV, who shall also be ex-officio General Secretaries of the All-India Congress Committee.

Each Province shall elect, from among its delegates elected to the Congress for the year, members of the All-India Committee to represent that province, before the 15th of December in the manner prescribed by the Rules made by the Provincial Congress Committee concerned in this behalf. The representation of the different

provinces on the All-India Congress committee shall as far as possible be as follows :—

(1) Hindustani—United Provinces 15 : (2) Bengali—Bengal 14 ; (3) Punjabi—Punjab 10 ; (4) Tamil—Madras 9 ; (5) Hindustani —Behar 8 ; (6) Telugu—Andhra 7 ; (7) Marathi—Maharastra 6 ; (8) Gujerati—Gujerat 6 ; (9) Canarese—Karnatak 5 ; (10) Sindhi—Sindh 4 ; (11) Hindustani—Delhi 3 ; (12) Marathi—Berar and the Central Provinces 4 ; (13) Oriya—Orissa 3 ; (14) Burmese—Burma 3 ; (15)Hindustani—Central Provinces 3. Total 100.

Article XXII—The Secretaries of the respective Provincial Congress Committees shall issue certificates of membership of the All-India Congress Committee to the delegates who are so elected.

Article XXIII—The All-India Congress Committee shall be the Committee of the Congress to carry out the programme of work laid down by the Congress from year to year and deal with all new matters that may arise during the year, but may not be provided for by the Congress itself. For this purpose the All-Indfa Congress Committee shall have the power to frame its own rules not inconsistent with this Constitution.

Article XXIV—The President of the Congress shall be the Chairman of the All-India Congress Committee for the year following.

Article XXV—The Indian National Congress shall have three General Secretaries who shall be annually elected by the Congress. They shall prepare the report of the work of the All-India Congress Committee during the year and submit it with a full account of the funds which may come into their hands to the All-India Congress Committee at a meeting to be held at the place and about the time of the session of the Congress for the year ; and copies of such account and report shall then be presented to the Congress and sent to all the All-India Congress Committee.

(*b*) The All-India Congress Committee shall make adequate provision for the expenses of the work devolving on the General Secretaries either out of the funds at its disposal or by calling upon the various Congress Committees to take such contributions as it may deem fit to apportion among them.

A Working Committee.

Article XXVI.—The All-India Congress Committee shall at its first meeting appoint a Working Committee, consisting of the President the General Secretaries and seven other members, which shall perform such functions as may be delegated to it from time to time by the All-India Congress Committee.

Article XXVII—The All-India Congress Committee shall meet

as often as may be necessary for the discharge of its obligations and every time upon requisition by 15 members thereof who shall state in their requisition the definite purpose for which they desire a meeting of the All-India Congress Committee.

Article XXVIII—The All-India Congress Committee shall hold office till the election of the new All-India Congress Committee.

Subjects Committee.

Article XXIX.—The members of the All-India Congress Committee shall constitute the Subjects Committee for the session to which the members have been appointed delegates.

Article XXX.—The Subjects Committee shall meet at least two days before the meeting of the Congress in open session.

At this meeting the President-elect shall preside, and the outgoing Secretaries shall submit the draft programme of the work for the ensuing sessions of the Congress including resolutions recommended by the different Provincial Congress Committees for adoption.

The Subjects Committee shall proceed to discuss the said programme and shall frame resolutions to be submitted to the open session.

Article XXXII.—The Subjects Committee shall also meet from time to time as the occassion may require during the pendency of the Congress Session.

Article XXXIII.—At the opening of the Session the Chairman of the Reception Committee shall deliver in a speech not occupying more than 15 minutes his address of welcome which shall have been previously distributed at the door to the delegates and the visitors free of charge. Immediately on finishing his speech, he shall invite the President-elect to take the chair. The President shall thereupon deliver his address in a speech not occupying more than 45 minutes his address having been previously distributed to the door free of charge to the delegates and the visitors.

Article XXXIV.—The addresses of the Chairman of the Reception Committe and the President shall be printed in English, in Hindustani, both in Devnagri and Urdu scripts and in the vernacular of the province in which the Congress is held.

Article XXXV.—All the proceedings of the Congress shall be conducted as far as possible in Hindustani ; or in the local vernacular or in English at the discretion of the President.

Article XXXVI.—The Provincial Congress Committees and the District Committees may organise Provincial Conferences and the District Conferences respectively at which the procedure shall be as nearly as possible the same as at the Congress provided that the proceedings at these Conferences shall be predominantly in the Provincial vernacular.

Resolutions

Resolution 1—The Congress Creed

The Congress met again on 28th. December, 1920 for passing Resolutions.

Mahatma Gandhi, in moving the Resolution on article 1 of the Indian National Congress, said :—

The Resolution, which I have the honour to move, is as follows :—

"The object of the Indian National Congress is the attainment of Swarajya by the people of India by all legitimate and peaceful means."

Mr. Gandhi's Speech.

I do not propose to detain you for any length of time over proposing this Resolution to you in a few religious words. I am already absolved from that infliction because Lala Lajpat Rai has already arrived, and he has undertaken the task of explaining that resolution to you in English. I just want to say a few words,—personal words—to those who may not have followed my Hindustani. In my humble opinion the Congress will have done the rightest thing if it unanimously adopts this resolution.

There are only two kinds of objection, so far as I understand, that will be advanced from this platform. One is that we may not to-day think of dissolving British connection. What I say is that it is derogatory to national dignity to think of permanence of British connection at any cost (hear, hear). We are labouring under a grievous wrong which it is the personal duty of every Indian to get redressed. This British Government not only refuses to redress the wrong ! but it refuses to acknowledge its mistake ; and as long as it retains that attitude, it can not be possible for us to say that all that we want to be or all that we want to get is retaining British connection, no matter what difficulties lie in your path. We must make the clearest possible declaration to the world and to the whole of India that we may not possibly have British connection if the British people will not do this elementary justice. I do not for one moment suggest that we want to end British connection at all cost unconditionally. If the British connection is for the advancement of India, we do not want to destory it ; but if it is

inconsistent with our national self-respect, then it is our bounden duty to destory it (hear, hear). There is room in this Resolution for both those who believe that by retaining British connection we can purify ourselves and purify the British people, and those who have no such belief, as for instance, take the extreme case of Mr. Andrews. He says all hope for India is gone for keeping British connection. He says there must be complete severance, complete independence (hear hear). There is room enough in this Creed for a man like Mr. Andrews. Also take another illustration—a man like myself or my brother Shaukat Ali. There is certainly no room for us. If we have eternally to subscribe to the doctrine whether these wrongs are redressed or not, we shall have to absolve ourselves within the British Empire, there is no room for me in the Creed. Therefore, this Creed is elastic enough to take in both shades of opinion, and the British people will have to beware that if they do not want to do justice it will be the bounden duty of every Indian to destroy that Empire. Then we have some argument as to the means. I will have the right of reply, so I do not want to address myself on that question now.

Scufile in Bengal Camp.

I want just now to wind up my remarks with a personal appeal and withdrawing attention to an object lesson that was presented in the Bengali camp yesterday. If you want Swaraj, you have got a demonstration of how to get Swaraj. There was a little bit of skirmish, a little bit of squabble and a little bit of difference in the Bengal camp, as there will always be differences so long as the world lasts. I have known differences between husband and wife, because I am still a husband. I have noticed differences between parent and children because I am still a father of four boys and they are all strong enough to destroy their father so far as bodily strength is concerned. So I possess that varied experience of husband and parent. I know that we shall always have squabbles. We shall always have differences but the lesson that I want to draw your attention to, is that I had the honour and the privilege of addressing both parties. They gave me their undivided attention and, what is more, they showed their attachment, their affection and their fellowship for me by accepting the humble advice that I had the honour of tending to them and I advised them I am not here to distribute justice. The Justice that can be awarded is through our worthy President. But I ask you not to go to the president, you need not worry him. If you are strong, if you are brave, if you are intent upon getting Swaraj and if you really want to revise the Creed then you will bottle upon your rage. You will bottle up all

the feelings of injustice that may rankle in your hearts and forget these things here under this very roof and I tell them to forget their differences, to forget the wrongs. I do not want to tell you, or go into, the history of that incident. Probably most of you know. I simply want to invite your attention to the fact. I do not say they have settled their differences. I hope they have. But I do know that they undertook to forget the differences.

They undertook not to worry the President. They undertook not to make any demonstration here or in the Subjects Committee and all honour to those who listened to that advice. I only want my Bengali friends and all the other friends who have come to this great assembly with a fixed determination to seek nothing but the betterment of their country, to seek nothing but the advance of their respective rights, to seek nothing but the conservation of the national honour. I appeal to every one of you to copy the example set by those who felt aggrieved and who felt that their heads were broken. I know before we have done with this great battle on which we have embarked at the Special Sessions of the Congress, we have to go probably, possibly, through a sea of blood but let it not be said of us or any one of us that we are guilty of shedding blood, but let it be said by generations yet to be born that we suffered, that we shed not somebody's blood but our own and so I have no hesitation in saying that I do not want to show much sympathy for those who had their heads broken or who were said to be even in danger of losing their life. What does it matter? It is much better to die at the hands at least of our own countrymen. What is there to revenge ourselves about or upon? So I ask everyone of you that if at any time there is blood boiling within you against some fellow countrymen of yours, even though he may be in the employ of Government, even though he may be in the Secret service or he may belong to the detective Department, you will take care not to be offended and not to return blow for blow Understand that the very moment you return the blow from the detective your cause is lost. That is your non-violent campaign and so I ask everyone of you not to retaliate but to bottle up all your rage, to dismiss your rage from you and you will rise brave men. I am here to congratulate those who have restrained themselves from going to the President and bringing the dispute before him. Therefore I appeal to those who feel aggrieved to feel that they will have done the right thing in forgetting it and if they have not forgotten I ask them to try to forget the thing, and that is the object lesson to which I wanted to draw your attention. If you want to carry this Resolution do not carry this resolution only by acclamation though I shall want your acclamation for this resolution.

But I want you to accompany the carrying out of this resolution with a faith and resolution which nothing on earth can move, that you are intent upon getting Swaraj at the earliest possible moment and that you are intent upon getting Swaraj by means that is legitimate, that is honourable, and by means that is non-violent, that is peaceful. You have resolved upon this thing that so far as you can see to-day we cannot give battle to this Governmet by means of steel but we can give battle by exercising what I have so often called soul force and soul force is not the prerogative of one man or a Sanyasi or even of a so-called saint. Soul force is the prerogative of every human being, female or male, and therefore I say to my countrymen, if they want to accept this resolution, to accept it with that fixed determination and to understand that it is inaugurated under such good and favourable auspices as I have described to you. I have done. If there is any thing which I have got to explain I shall do so it myself. I thank you very much for giving me this patient hearing. May God grant that you will pass this Resolution unanimously. May God grant that you will also have the courage and the ability to carry out the Resolution and that within one year (loud and prolonged cheers).

Lala Lajpat Rai.

Lala Lajpat Rai in seconding the resolution moved by Mahatma Gandhi on the change of the Congress creed said :—

Mr. President, brother and sister delegates, ladies and gentlemen: I have been commissioned to second this proposition in English and I will carry out that commission. I consider this resolution to be of the greatest importance not only at the present juncture but also for the future of my country. The creed of the Congress has a history of its own which with your permission I intend to relate in a few words. Most of you who have studied the history of the Indian National Congress know how the split at Surat took place in 1907. I took part in the proceedings of that Congress and I was one of the unfortunate causes that were at that time relied upon, at least superficially, to be at the bottom of that split and therefore I know somewhat how that split came about. One of the fundamental differences at that time between the two parties since then called the Moderates and Extremists was that a few of the so called Extremists, not all of them but a few of the so called Extremists, believed that it would only work for the complete independence of India and was not for its retention within the British Empire. That was one of the fears that underlay the proceedings that led to that split. After the Convention was created at Surat, we met at Allahabad some time early in 1908 to consider the draft

of this creed and to pass the constitution. I was present at that time and I am prepared to tell you that even at that time I was opposed to the creed and to the requirement of its being signed before any body could attend a meeting of the Indian National Congress. My reason for that opposition was this: Not that I believed at that time that we had either the means or the will to work for complete independence or for taking out India from the British Empire, but I thought that none of us had the right to exclude from the deliberations of this Congress any body who pitched his ideal so high as the complete independence of his mother country (hear, hear) and I tell you that one chief point for consideration before me was that no assembly in India could be called 'national' which precluded by virtue of this creed a man of the purity and of the ability and of the absolute disinterestedness and high patriotism of the nation as Aurabindo Ghose (hear, hear). That was my reason, because I knew there were some friends at that time who were not prepared to sign that creed. However, at that time the public opinion of the country was not in favour of going so far and therefore the creed was passed and adopted. Now about 12 or 13 years have rolled by, and since many events have happened which practically make it compulsory, almost obligatory, to change the creed and I am prepared here to say that it could not be changed in a better way than it has been done I say it is only a development of the policy which was adopted at the last special session in passing the resolution of non-co-operation. After the passing of that resolution on non-co-operation, you could not certainly exclude from the deliberations of this Congress those people who were not prepared to sign the old creed. Even at the present moment I am not prepared to say that the majority of this assembly or the vast majority of thinking people in the country are prepared to say that we will at once go in for complete independence or that we are going to fight for it at once or that we shall not remain within the British Commonwealth, if that were possible for us to do. Gentlemen, I want here to take this opportunity of pointing out that we shall be lacking in frankness, we shall be lacking in patriotism, we shall be lacking in honesty and truth, if we are not to announce in the clearest possible terms the change of mentality that has come over the country. We are here assembled in this Congress not to express our individual views but, according to the old traditions of the country, to focuss public opinion of this country and to place in the form of a resolution (hear, hear). What does the change in the creed aim at? A notice to the British public and the British Government that although we do not at the present moment aim, directly aim, to go out of this British Empire or what we may call the British Commonwealth but if we remain in

the British Commonwealth or the British Empire we shall not remain at the dictation of anybody. We shall remain there by our free choice and free will, and that free choice and free will we can only exercise and express, when we are allowed to do so by the legitimate and peaceful means.

Britain's Broken Pledges.

There are friends here from the British Isles for whom I have got the greatest respect and I want them to convey this message from this assembly to the British people that as a people dealing with another people we are in no way hostile to them. We are not actuated by any motives of enmity or hostility but at the same time we want them to tell their Government that this country has absolutely no faith in the justice-loving instincts of Great Britain not only that but I want it to be said from this platform that we have lost all faith even in the sanity of British statesmanship. I consider British statesmanship, when it sent that despatch on the affairs of the Punjab in which they praised or took upon themselves to pay a tribute of praise to Sir Michael O'Dyer (shame), by those sentences practically declared its brankruptcy. We want it to be taken from this platform not only then but even previously we had lost faith in British statesmanship but that was the chief sealing point which has sealed our opinion of British statesmanship and British justice.

The other day I read a telegram in which it was stated that in the House of Lords Lord Selbourne expressed his resentment at the conduct of those Indians who were disseminating in this country that the British pledges and British words were not to be relied upon. Of course he wanted the Government of India to carry on a counteracting propaganda to meet those charges and to contradict those people who were making those charges. I, in this open Congress, in this assembly of twenty thousand of my country men, containing some of the cream of this country, want to tell Lord Selborne that we have absolutely no faith in British pledges or British words (hear, hear), (right you are). I want him to open up the pages of Indian history, he will find that the British Rule in India is a continuous record of broken pledges and unfulfilled promises (shame). Does he want us at the present moment to continue to delude curselves into the good faith of British pledges and British promises ? We do not want to go into the past history or to open up the past record of British connection with India.

But I challenge any one that not a single decade of .British Rule in India has gone about without a breach of faith and breach of promises and breach of pledges (hear). Pledges made most

solemnly in the name of His Majesty, or Her Mejesty, promises made clearly, unambiguously by the responsible Government of Great Britain, have not only remained, most of them, unfufilled but they have been actually broken (shame). I will not go over past history of how Lord Dalhousie simply swept away those pledges and promises but the recent history is enough to furnish me with instances of those broken pledges. It will be fresh to the memory of my country-men how Lord Curzon tried to sweep away practically the Queen's proclamation by saying that it was a piece of of rhetoric (shame). Lord Curzon was not an irresponsible politician. He was the Viceroy of India and at the present moment Foreign Secretary of the British Empire. Then we come later on to His Most Excellent, to His Greatest Excellency the present Prime Minister of England, Mr. Lloyd George (shame). If Lord Selborne had been present here, I would have asked him to point out to me a single member of the present British Cabinet whose words carry greater weight than those of a grocer (A voice, "or a milkman" and another voice "not grocer but gambler"). Mr. Llyod George embodies in himself the chivalry, the nobility and the patriotism and power of the British Empire and we know how he deceived the Indian Musalmans and how he broke those pledges to the ear, still maintaining that he had never broken his pledges (shame). I can understand an honest man saying that those pledges were made under stress of necessity and that politics knows no law and therefore they can be broken with impunity but what about the honesty of a man who says that he has stuck to those pledges while the whole world says that he has broken them to the ear.

Coming down from his Excellency the Prime minister we shall examine a little the ethical frame of mind of His Excellency the War Minister. Are we going to place any faith in Mr. Winston Churchill who is spoken of as the future Viceroy of India (no. no)? Are we going to place faith in the words of Lord Curzon, Foreign Minister. (no, no?). Are we going to place faith in the word of Mr. Balfour (no, no) ? May I ask somebody to point out to me who among the British Cabinet is entitled to our confidence? (none) (a voice.: Lord Milner). My friend suggests here Lord Milner. (laughter.) Mr. Satyamurti suggests Mr. Montagu, (no, no, never) (a voice O' Dwyer). Under the circumstances it is absolutely futile for any British statesman to expect that India can place any more faith or any confidence in the words and pledges of British statesmen (hear, hear. no, no).

Change of creed : a notice to Britain

Very well, you are right in saying "no" but by this change of creed we want to give notice to the British public and

British Government that it is our deliberate considered opinion (hear, hear). We are not even now averse to remain within British Commonwealth, if we are allowed to remain, on our terms by our free choice and by our free will we will decide that question, when the time comes, on its merits in the light of our own interests and not by coercion or fear. Ladies and Gentlemen, that is a kind of notice however innocent, however harmless, which we give to the British nation in the British Government and I tell you we should be false to our country, we should be absolutely failing in our duty, if at the present day we fail to give that clear notice.

To the British people, and British Government, I want to say one word about the play on the words Empire or Commonwealth." May I ask if there is any British Commonwealth ? (no). (Mr. Holford Knight—"not yet)". Mr. Holford Knight says not yet. Very well. Then where is that British Commonwealth in which we can remain on terms of equality (a voice : nowhere.) As to the British Empire I would rather be slave than willingly consent to be a part of an empire which enslaves so many millions of human beings. I do not want to share the rights and responsibilities of such an empire. There are many friends of mine for whom I have the greatest respect and who are very much revered in this country for their past services. They are not in the Congress now, who are very fond of claiming to be the future partners of this Empire. If they want to be partners in an Empire which is based and founded upon the blood and loss of liberty and rights of many millions of human beings they may like it but I for one would not like to be in that. It is very flattering, it is very gratifying to some people, it is a high honour to be citizens of such an empire. First of all that empire denies to me the rights and the privilege of citizenship. But even if I have that citizenship I would be ashamed of it and never be proud of it. Therefore, I need not dilate very much upon this point. I want to tell you that it is absolutely necessary for us, in the present state of affairs in this country to be absolutely frank.

Making of Swaraj.

Some of my friends say that is a dubious phrase, 'swaraj" If they mean by this that the phrase has two meanings within or without the British empire, without making it clear, I will say they are right because the word has been deliberately used for the purpose of enabling us to remain within this commonwealth if we choose when that Commonwealth has been established or go out of it when we like. In that sense that word may be construed to have a double meaning. It has no double meaning but it is a word which leaves the choice of the two conditions to us. That is the

first part of the resolution, "Attainment of Swaraj by the people of India"

Need of non-violence,

The other part of the Resolution deals with the means. There are some friends here for whom I have great respect, who think that we might have very well ommitted any mention of the means. I am afraid I cannot agree with them. The reason is this, I am one of those who believe that every Nation has, when the occasion arises, the inherent right of armed rebellion against a repressive, autocratic Government but I do not believe that we have either the means or even the will for such an armed rebellion at the present time. I will not discuss the future possibilities (hear, hear) but I want that my countrymen should not have any misconception or misgivings about the fact that the leaders of the National Congress do not want them to resort to violence for the attainment of any of the objects which have been laid before them. It is absolutely necessary in the present state of feeling in the country to lay emphasis on that point because passions have been roused, feelings have been excited, and there is a very bitter resentment in the minds of the people against the doings of the British Government, and therefore the more we emphasise this point the greater the need of it and the greater the use of it. It cannot be too frequently and too sufficiently emphasised that we entirely abhor and dislike any kind of violence used against individuals or used rather in a fit of passion or anger or resentment.

Recent Elections.

I want to congratulate my countrymen in carrying on the very onerous duty in performing a very difficult task in connection with the recent elections. There have been so few untoward events. Events have happened here and there which we deplore, which we condemn and repudiate but my wonder is that they have been so few and not more. The feeling and the excitement, the anger and the passion of the country have been so much roused of late that it would be very difficult to control it by any human being. Consider that the country has displayed, on the whole, (mark my words "on the whole") a sobriety and appreciation of the situation for which we may well congratulate ourselves. I want to express that at least in my province with the exception of a few of these untoward events we have, within the last six months, within the last one year, inspite of the gravest possible provocation, maintained peace which does great credit to the Punjabis. If ever therefore in the future there is any exhibition of violence, there is any recrudescence of disorder, it

will not be we who shall be responsible for it, but the British Government. (A Voice : European Association.). I don't care anything for the European Association. I would not even mention their name. But I want to tell the Bureaucracy that if they continue in their policy of repression—cruel, uncalled for repression—absolutely unjustified in the face of the circumstances, they shall be responsible for the consequences and not any of us (here, here).

Repression in the Punjab.

You will pardon me for this brief reference to the Punjab, particularly because I find that although the same kind of speeches are being delivered all over the country, the same kind of things happening all over the country, the same kind of feeling being exhibited and the same kind of language being used all over the country, well, it is the Punjab Government that decides to introduce the Seditious meetings Act (shame). I believe and I want to say this from this platform that without making any reflection upon the personal character of the immediate rulers of the Punjab, I think that in the whole of British India there is no administration which is more stupid, which is absolutely more unstatesmanlike and lacks in the quality of statesmanship than the administration of the Punjab (a voice ; Delhi). Delhi is only a corollary of the Punjab. We, with the help of our friends, of our leaders and countrymen from the other provinces, are determined to do our level best to maintain peace in the provinces, to work on peaceful lines, to go on working as much as we can without giving any reason, any occasion, for disturbance or disorders (a voice ; you will not be allowed). But if the British Bureaucracy goes on making blunders after blunders, stupid and absolutely unreasonable, we do not know what might happen in that province. They say they want repression in that province because it is full of gun-powder. Who has made it into gun-powder ? It is they who are responsible for it. We repudiate the charge unequivocally and unreservedly. I won't detain you, gentlemen, any more but I just want to point out to you that for those very reasons and those very circumstances it is absolutely necessary that we should stick to the language of the resolution that has been proposed before you by Mahatmaji, that is 'by peaceful and legitimate means", and having accepted that Resolution as he told you in his concluding address, our duty does not end there. Just I want to tell you one word. The path may be long and tedious. The goal may be distant though I hope it is not. The task may be difficult. But there is nothing impossible before a nation of three hundred and fifteen millions (hear hear). If we decide to do our duty, to do our duty manfully, fearlessly, in a spirit of selfless

devotion to the interest of the country, what we are aiming at, we shall achieve at no distant time and if any English men or if any English Party or if any English public helps us in attaining that object the glory shall be theirs (hear). We are at perfect liberty and from our heats we desire to work in co-operation with such people (hear, hear). But I may tell you that we may place every faith in the words of an English gentleman but we can no longer place any faith in the words of British Statesmen [loud and prolonged cheers and cries of Bandemataram].

Resolution II.—N. C. O. Resolution.

The Congress met again on 30th December 1920 for passing the Non-co-operation Resolution.

Mr. C. R. Das moved the non-co-operation resolution :—

"Whereas in the opinion of the Congress the existing Government of India has forfeited the confidence of the country and whereas the people of India are now determined to establish Swaraj and whereas all methods adopted by the people of India prior to the last special sessions of the Indian National Congress have failed to secure due recognition of their rights and liberties and the redress of their many and grievous wrongs, more specially in reference to the Khilafat and the Punjab, now this Congress, while reaffirming the resolution on non-violent non-co-operation passed at the special session of the Congress at Calcutta, declares that the entire or any part or parts of the scheme of non-violent non-co-operation with the renunciation of voluntary association with the present Government at one end and the refusal to pay taxes at the other should be put in force at a time to be determined by either the Indian National Congress or the All-India Congress Committee and that in the meanwhile to prepare the country for it effective steps should continue to be taken in that behalf (A) by calling upon the parents and guardians of school children (and not the children themselves) under the age of 1 years to make greater efforts for the purpose of withdrawing them from such schools as are owned, aided or in any way controlled by Government and concurrently to provide for their training in National Schools or by such other means as may be within their power in the absence of such schools, (B) by calling upon students of the age of 16 and over to withdraw without delay irrespective of consequences from institutions owned, aided or in any way controlled by Government, if they feel that it is against their conscience to continue in institutions which are dominated by a system of Government which the nation has solemnly resolved to

bring to an end, and advising such students either to devote themselves to some special service in connection with the non-co-operation movement or to continue their education in National institution ; (C) by calling upon the Trustees, managers and teachers of Government affiliated or aided schools and municipalities and Local Boards to help to nationalise them, (D) by calling upon lawyers to make greater effort to suspend their practice and to devote their attention to national service including boycott of law courts by litigants and fellow lawyers and the settlement of disputes by private arbitration, (E) in order to make India economically independent and self-contained by calling upon merchants and traders to carry out a gradual boycott of foreign trade relations to encourage hand spinning and hand weaving and in that behalf by having a scheme of economic boycott planned and formulated by a committee of experts to be nominated by the All India Congress Committee, (F) and generally in as much as self-sacrifice is essential to the success of non-co-operation by calling upon every section and every man and woman in the country to make the utmost possible contribution of self-sacrifice to the national movement, (G) by organising committees in each village or group of villages with a provincial central organisation in the principal cities of each province for the purpose of accelerating the progress of non-co-operation, (H) by organising a band of national workers for a service to be called the Indian National Service by taking effective steps to raise National fund to be called the All-India Tilak Memorial Swarajya Fund for the purpose of financing the foregoing national service and the non-co-operation movement in general. This Congress congratulates the nation upon the progress made so far in working the programme of non-co-operation specially with regard to the boycott of councils by the voters, and claims in the circumstances in which they have been brought into existence that the new councils do not represent the country and trusts that those who have allowed themselves to be elected in spite of the deliberate abstention from the polls of an overwhelming majority of their constituents will see their way to resign their seats in the councils, and that if they retain their seats in spite of the declared wish of their respective constituencies in direct negation of the principle of democracy the electors will studiously refrain from asking for any political service from such councillors. This Congress recognises the growing friendliness between the police and the soldiers and the people, and hopes that the former will refuse to subordinate their creed and country to the fulfilment of orders of their officers and by courteous and considerate behaviour towards the people will remove the reproach hitherto levelled against them that they are devoid of any regard for the

feelings and sentiments of their own people, and this Congress appeals to all people in Government employment pending the call of the nation for the resignation of their service to help the national cause by importing greater kindness and stricter honesty in their dealings with their people and fearlessly and openly to attend all popular gatherings whilst refraining from taking any active part therein and more specially by openly rendering financial assistance to the national movements. This Congress desires to lay special emphasis on non-violence being the integral part of the non-co-operation resolution and invites the attention of the people to the fact that non-violence in word and deed is as essential between people themselves as in respect of the Government, and this Congress is of opinion that the spirit of violence is not only contrary to the growth of a true spirit of democracy but actually retards the enforcement (if necessary) of the other stages of non-co-operation. Finally, in order that the Khilafat and the Punjab wrongs may be redressed and Swarajya established within one year, this Congress urges upon all bodies whether affiliated to the congress or otherwise to devote their exclusive attention to the promotion of non-violence and non-co-operation with the Government and in as much as the movement of non-co-operation can only succeed by a complete co-operation amongst the people themselves, this Congress calls upon the public associations to advance Hindu-Muslim unity and the Hindu delegates of this Congress call upon the leading Hindus to settle all disputes between Brahmins and non-Brahmins wherever they may be existing, and to make special efforts to rid Hinduism of the reproach of untouchability and respectfully urges the religious heads to help the growing desire to reform Hinduism in the matter of its treatment of the suppressed classes."

Mr. C. R Das said :—

This resolution most emphatically denies the charge that non-co-operation passed in the Subjects Committee was weaker and not stronger than the resolution passed at the Special Session in Calcutta. Each of the wrongs including Khilafat and Punjab is a cause of the attitude I have taken up so far as I am concerned. We declare, our wrongs can only be righted by our obtaining Swaraj and our wrongs are of such a nature that we must attain Swarajya immediately. I claim this resolution is stronger, fuller and bolder than the Calcutta resolution. In the Calcutta resolution there was no clear declaration that this nation has resolved to put into force the entire scheme of non-co-operation down to the non-payment of taxes. I think I believe with Mahatma Gandhi that that may not be necessary but still if that is necessary I want it to be clearly stated

that the people of India will not shrink from putting that into force until that time call is sounded every lawyer, every student, every trader, every agriculturist every merchant, and everybody in country would do his bit and when call comes to respond to the call. Do you understand what that means? It means that the tyrannical machinery of Government is driven not by bureaucracy but by Indians and the moment call is sounded every Indian is to take his hands off that machinery and tell the Government—Do what you like but ours are not hands which will move that machinery. As regards lawyers we say in this resolution that we reaffirm Calcutta resolution but we are not satisfied with the way in which that has been responded to by lawyers and therefore we say greater effort must be made to secure our object. I am making no personal appeal in my favour but I do ask you to remember that when I say anything I mean it and in my public life I have never said anything in which I do not believe. Some might suspect me but brothers, ask any question and I am prepared to answer; beyond this I do not want to speak personally in this matter. I call upon you in the name of all that is holy to carry this resolution with no single dissentent voice. Declare to the nation that you realise your God-given rights, rights exist but they have got to be realised.

Mr. Gandhi's Speech.

Mr. Gandhi in supporting non-co-operation resolution of Mr. C. R. Das spoke, in Hindi for a few minutes and then in English, in course of which he referred to Moulana Hazrat Mohani's amendment for deletion of conscience clause and said there has been absolutely no violation of obligation. It is a misconception and misconstruction of purport of the resolution. Congress resolution does not bind a man's conscience and is never intended to supercede a man's conscience. I have never made fetish of mandate of the Congress and even now. Now although I feel that majority are of the opinion that I hold I make bold to say that I shall never be a party to making Congress itself a fetish or its mandate a fetish. I shall always reserve the right of conscience wherever that conscience pricks me and tells me that it is against mandate of the Congress. If a single Mahomedan says that it cannot be a matter of conscience with a boy under sixteen that he has no right to think for himself, he has no right because these are the implications. He has no right to consult his parents, all well for him, the Congress will not prevent him but he will not say this in the name of the Congress. Similarly with reference to boys of twelve or under sixteen. You must leave alone boys under sixteen because they are for a tender

age, that is the practice we have hitherto adopted and that must remain the practice if we want to stand justified before the bar of public conscience and before the bar of civilized opinion. If there is a boy of twelve years who finds that it is against his conscience to stay in these schools there is no power on earth that can prevent him from doing according to his conscience. I am not the man to quicken his conscience, it is his father's special prerogative. Lala Lajpath Rai has told you about the service of police. I accept every word of what he has said. I think it is right that we should know that we are not tampering with obligations of services imposed on employees of Government whether civil, military or police, but we are asking them not to kill their conscience. I want to make the point clearer. I would have held it a sin if I had been one of those soldiers to receive command of General Dyer to shoot those innocent men in Jallianwalla Bagh. I would have considered it a duty to disregard that command. I know discipline of soldiery and I say if a soldier receives commands of his officer which he considers to be in conflict with his religion or his duty to his country he may certainly disregard them at the peril of his life. Now I ask you to carry this resolution with acclamation from the deepest recesses of your heart that you are prepared to obtain Swaraj by means that have been declared by the congress. In this resolution you also forget all differences and acrimony that have guided our public life during the last three months, you will eschew violence in thought, deed and word, whether in connection with God or with ourselves, and I would repeat the promise that I made that we do not require one year, we do not even require nine months to get Swarajya.

Mr. Gandhi next announced in the Congress that he had received a message from Pandit Madan Mohan Malaviya that on account of illness he could not attend the Congress this morning. The Pandit had seen a copy of non-co-operation resolution but he was not all in favour of it and that if he had been in Congress he would have noted his respectful protest. He was not in sympathy with the creed either and thought it his duty to transmit his message to his countrymen and leave them to judge.

Resolution Carried.

The resolution was supported by Messrs. Pal, Lajpat Rai, Syam Sundar Chakravarty, Kitchlew, Hakim Ajmal Khan, K. Iyengar, J. L. Banerjee and others.

Voting on non-co-operation was then taken and it was declared carrried amid loud acclamation, all amendments having been withdrawn.

Resolution on Creed.

Then the Congress Creed resolution was voted upon, province by province and was declared carried only two persons dissenting, their names being Pundit Radhakant Malviya and Sant Das a theosophist from Sind.

After this the Pandit allowed two minutes for anyone to come up and declare his opposition. No one come forward and the resolution was carried amidst enthusiastic scenes and shouts of Gandhi ki Jai and flowers were showered upon Mr. Gandhi.

The Congress again met on the 31st December and the following resolutions were passed.

Resolution III—Exchange and Currency.

Mr. S. R. Bomanji moved :—Whereas His Majesty's Government and the Government of India by bringing about an unprecedented rise in Indian sterling exchange and issuing reverse councils in wanton disregard of Indian opinion as expressed in the minority report of the currency Committee has brought into operation an enormous policy conceived in the interests of British manufactures with the result that Indian trade and commerce have been entirely unsettled and dislocated while British treasury has been relieved of substantial part of its indebtedness to India and British capitalists and manufacturers have been given enormous opportunities for dumping into this country goods which could not find their old market in Germany and other countries this Congress calls upon the British treasury to make good this loss and further declares that importers, merchants and dealers of British goods will be entirely justified in refusing to complete their contracts at the present rates of exchange. Further this Congress appoints a committee to take steps to deal effectively with the situation.

The resolution was put and carried.

Resolution IV—Boycotting the Duke's Visit.

Mr. S. R. Bomanji then moved that this Congress is of opinion that in pursuance of the policy of non-co-operation the people of India should refrain from taking any part in the functions or festivities in honour of H. R. H. Duke of Connaught during his forthcoming visit to India. Mr. Bomanji assured that this resolution meant no disrespect to the Royal Family. It unmistakeably expressed that India could not take part in the inauguration of the reform for which the Duke was coming.

Resolution V—Rights of Labourers.

Mr. C. R. Dass then moved : That this Congress is of opinion that Indian Labour should be organised with a view to improve

and promote their well-being and secure to them their just rights and also to prevent the exploitation (1) of Indian labour (2) of Indian resources by foreign agencies, and that the All-India Congress Committee should appoint a committee to take effective steps in that behalf.

Res. VI—Acquisition of Land.

Mr. N. C. Kelkar moved :—That this Congress invites the attention of the public to the policy pursued by the Government in the different provinces of India of forcibly acquiring lands on a large scale in the interests of capitalists, and especially foreign capitalists, by the reckless and unjustifiable use of the Land Acquisition Act and thus destroying the hearths and homes and the settled occupations of the poor classes and land-holders, and is of opinion that it affords further grounds for non-co-operation against the Government. This Congress further appeals to the Indian capitalists concerned and calls upon them to avert the impending ruin of the poor peasants.

Res VII—Release of Political Prisoners.

Mr. B. C. Pal moved :—That this Congress places on record its sincere syempathy with those political persons who have been arrested and imprisoned with or without regular specification of charge and open trial and who are still detained in prison as State prisoners or whose freedom of movement and association are still restricted by Executive order, and this Congress express the hope that their devotion to their country and hope of early attainment of Swarajya which will render these acts of injustice impossible will sustain them in their present trial.

Res VIII—Esher Report.

Pundit Rambhuj Dutt Choudhury moved :—"That this Congress having considered the composition and procedure of the Esher Committee and its report, which. if carried out, is calculated to increase the subservience and impotence of India, is of opinion that the report furnished strong additional ground for non-co-operation and for showing how dangerous it is to postpone the immediate establishment of Swaraj."

Res. IX—Repression in Punjab.

The President then moved the following resolutions which were unanimously adopted. "This Congress notes the resumption, in spite of the declarations of the Government of India to the contrary, of repression in the Punjab, Delhi and elsewhere and invites those concerned to bear their sufferings with fortitude whilst respecting all

lawful orders to prosecute non-violent non-co-operation with redoubled vigour.

As free Elementary Education is the primary and urgent need of the masses of India this Congress urges on all Congress organisations to introduce and enforce the same in their respective areas on national lines.

Res. X—Indigenous Medicine.

This Congress is of opinion that, having regard to the wide prevalence and generally accepted utility of the Ayurvedic and Unani systems of medicine in India, earnest and definite efforts should be made by the people of this country to further popularize these systems by establishing schools, colleges and hospitals for instruction and treatment in accordance with the indigenous systems.

Res XI—Responsible Government in Native States.

This Congress earnestly requests all the Sovereign Princess of India to take immediate steps to establish full responsible Government in their States.

Res. XII—Mr. Horniman.

This Congress puts on record its feelings of gratefulness to Mr. B. G. Horniman, whose arduous labours and courageous championship of the cause of India have made the Indian cause widely known to the people outside India, and condemns the policy of the Government which still keeps him removed from the Indian people "

Res. XIII—Congress Constitution

A long string of resolutions covering thirty-six articles of the New Congress Constitution, which alone took more than a hour to read, were all moved by Mr. Gandhi and were put to the vote one by one and Province by Province. They were all carried one or two delegates having voted against it. (see *Poste*)

The Congress Constitution as drafted by the Congress Sub-Committee and as amended by the Subjects Committee was adopted amidst acclamation.

Other Resolutions.

The following other resolutions were adopted. "This Congress extends its hearty support to the Indians in East Africa and South Africa in their heroic and noble struggle against the treatment meted out to them, a treatment that threatens their social, economic

and political ruin by the Governments of East Africa and South Africa.

"This Congress approve of the policy of peaceful non-co-operation initiated by the Indians of East Africa with a view to secure complete equality of treatment, alike in law and in practice.

"This Congress is painfully aware of the fact that in the present enslaved condition of the people of this country, it cannot give protection to their countrymen in Fiji, who have been so inhumanly treated by their Government and planters as to result in the enforced return of the poor men and women who had made Fiji their home.

"This Congress considers that the helplessness of the Nation in the matter of the treatment of Indians in the British Dominions Overseas is a clear demonstration of the necessity of non-co-operation for the establishment of Swarajya.

"This Congress places on record its grateful appreciation of the valuable and selfless services rendered by Mr. C. F. Andrews to the cause of indentured Indians in Fiji and elsewhere and the Indian settlers in East and South Africa.

"This Congress condemns the Government for its callous disregard of the immediate needs of the Indian people in reference to its policy as regards the exportation of foodstuffs in spite of the famine conditions prevailing, and in order to mitigate the disastrous consequences thereof, this Congress advises the traders not to export foodstuffs (particularly wheat and rice) and further advises producers and the public not to sell such foodstuffs to exporting-traders and agencies or help in any way the export of these stuffs,"

Thanks to President.

After these resolutions were passed a resolution was moved thanking the President, the General Secretaries for the year, the Reception Committee and volunteers.

Speaking on the resolution thanking the President Mr. Ben Spoor, Labour M P., paid a tribute to the President's skilful handling of the epochmaking Congress in the history of Indian Nationalism. He would, he said, carry to his comrades in England that the Nationalists in India were absolutely united in purpose and inspired with a lofty idealism of which Mahatma Gandhi was the leader. He appealed to all to scrupulously observe non-violence and keep the movement pure. He was glad to know that in this country an effort was being made to lead this nation along the difficult path of renunciation.

Mr. Mohammad Ali while supporting the resolution paid an eloquent tribute to the President's bold advocacy of Indian's rights in the Council and instanced his splendid opposition to the law of

conspiracy. Generations would remember that it was given to the President to conduct the deliberation of an assembly wherein Indians once for all declared to be no longer slaves. The sweep of Nationalism was tremendous as a natural sequel to the tremendous tyranny that had been prevalent in the country for the last 170 years. It was because they could ill afford to lose a single worker in cause of uplift of the nation at a time when the masses were unanimous. The next Congress he hoped, would be a Parliament of a nation that had freed itself from the soul-killing tyranny, not with violence, not with bloodshed, but with absolute readiness to undergo the tyranny that tyrants could impose.

Mr. Shoukat Ali while emphasising the indissoluble union between Hindus and Mahomedans, warned the Government that if they did not right the Punjab and Khilafat wrongs, nor grant Swarajya, they must go away bag and baggage

Mr. Gandhi here appealed to the audience to contribute their mite to the Tilak Swarajya Memorial to achieve that Home rule which was the late Mr. Tilak's 'Mantra' of every day life

As the result of the appeal, Seth Jamnalal, Chairman, Reception Committee donated one lakh of rupees to be utilised in helping those lawyers who might, after suspending their practice, take up national cause and find themselves in the need of pecuniary assistance. Professor Ram Murti followed with one thousand and other subscriptions poured in including some gold rings and some five thousand rupees were also promised on the spot. One lady assured Mr. Gandhi that women of India would do their part creditably.

On invitation of a gentleman from Gujrat the Congress agreed to assemble next year at Ahmedabad amidst shouts of Mahatma Gandhi Ki Jai.

President's Concluding Speech.

The President in dissolving the session made a long extempore speech in course of which he said :—My duty to-day is somewhat different from which you called upon me to open the proceedings. Then I was bound to lay before you the situation of our country and to lay also before you for acceptance in toto or for rejection, if you please, what I believed to be the views of the country not only personally arrived at but in consultation with my Hindu and Moslem friends and even European friends who are not merely amidst us but also of us, such as Rev. Mr. Andrews. My first duty now is not to repeat what I said before but to interpret the resolutions arrived at and to point out what lies behind them for the benefit of the rulers, officials, Europeans and the world. It is no

list of resolutions which you have passed that will give them any idea of the national soul that is being roused and that is making rapid march towards the destiny which you are determined to elevate under the law of God. The national passion has been aroused and Mahatma Gandhi has couched it with holy fire and our enthusiasm for getting into freedom from which you have been long kept out for over 170 years has now been roused and has reached a degree which I am sorry the bureaucrat have not been here to see. Now, it is this enthusiasm which is behind all the resolutions which you have passed. Interpreting the resolutions themselves the first and foremost is the unanimity with which you have passed the two important resolutions of non-co-operation and the first article of the Congress creed. I may honestly tell you that when my countrymen resolved to invite me to preside over this Congress I was trembling when I thought of the situation. I hesitated for three days and at the same time while I was afraid I was buoyed up by hope and inspired by my duty to stand and face the situation whatever might be the consequences. My hope was that I know that at the bottom our countrymen are just, kind, generous and humane. I should have been sorry if in my embarrasments I had declined the honour which you bestowed upon me and I should have lived a miserable life if I had not responded to the call of my country. As for the non-co-operation resolution it has been arrived after considerable hesitation and consultation among the leaders at workable basis to the dismay of your enemies and I hope to the very pleasant disappointment for some of those who were away from us because on one hand they had thought they would not be treated properly. I am sorry for that and on the other hand feared that there might be some split. They must all be now glad that their fears proved futile and unfounded. I am very sorry that your Reception Committee made a mistake. They ought to have invited some of the prominent bureaucracts of the country to have come and stayed here throughout the proceedings. If they had done so they would have gone home and revised their old Bible that they are the Heaven appointed wardens of illiterate and teeming millions of India and that the people who support the Congress were few, a microscopic few. They would have seen that they had been living hitherto in a fool's paradise. What is it that has brought about this change of things. We have got now simply as delegates, apart from visitors, fifteen thousand. A vast majority of whom are what we call the ordinary people of the country, by no means, the educated minority, much less the lawyers' minority. As far as I could ascertain the lawyer element has been extremely small in this Congress. This is the greatest congress yet held in India and I believe the proportion of lawyers is yet the

smallest (voice, "question"). Well, that may be your view but that is what I think is the proportion of the lawyer element. Be that as it may the delegates to this congress are fifteen thousand drawn from the whole country. Taking the proportion of seven hundred members of the House of Commons to the people of England and the proportion here of the delegates to the people of India you will find that the latter is three times the proportion that the House of Commons bears to the people of England. On the other hand the bureaucracy here or the trustees appointed, I do not know by whom (a voice by themselves) of the dumbs and teeming millions of India—if they had come here they would have found that it is not the few microscopic minority that lead the people but it is the people that are practically leading the leaders (hear, hear). I am sure you will see that this is the commencement of the true democracy. I have already said that democracy means universal education and universal suffrage and it is very necessary that the thinkers are brought down from flights to imagination to think and act with the people. In no democracy can a few people hope to be the leaders of the whole country.

Referring to spirit of democracy now prevailing in the country which he said it was impossible to crush by repression, the president instanced a story which said that there was once a heavy storm and the ocean began to put forth huge waves and the people who were hitherto living in safety began to go inward with all the things available. There was an old woman who did not like to go inward and carry her things. She took back the rushing ocean, she was helpless and was swept away by the waves. The same will be the fate of Bureaucracy. If they tried by repression to put back that spirit and like that old woman would not only be beaten by the waves but in her attempt she will even lose all that she had in her cottage. It is time that bureaucracy revised their old ideas about us: it is time that they no longer confess our sins but confess their own sins: if they do then and not till then could there be spiritual contentment of the noble cause which President Wilson, and M. Clemenceau said was looming in the horizon of freedom when the war began. When war was concluded we found that so many statements which led us to sacrifice men and money were all unredeemed. I do not know why their very kind words were substituted for old words and sovereignity of people gave place to self-determination When the war came to end these principles were set aside and were applied only to European minorities in the Turkish territories. But so far as the Turks were concerned these maxims were not thought of. In the face of all this our duty is now very plain; it is to carry on the culture and the spirit

to accelerate the evolution of the national ideal as you have been doing hitherto. The mass as a whole as distinguished from individuals have begun to move and I want you to see that it moves forward and forward and never goes backwards ; whatever methods you adopt eventually for achieving your freedom, whatever be the exact form which may be reached by this culture of national ideal the movement of the masses is to be kept up. Unless this is kept up reaction may take place and if it does our doom is sealed. We have to educate the masses and to see that the masses as a whole receive more and more fire, more and more impetus, purges itself of impurities that may have lurked hitherto and then we can see the dawn of freedom. Nagpur has been the Thermopylæ alike in the history of Congress and the history of our country. Over the graves of Thermopylæ it was written "here we die for our country's sake." Any of you who might be subjected to repression, if you mean to adopt and carry out the principle of renunciation and sacrifice you shall have to act, whether you say so or not, and tell your brothers, sisters, father and mother · "Here we suffer and here we shall die for our country's sake." My interpretation therefore of this Congress is that under whatever name the world may call it, non-co-operation is behind the people. People educated or uneducated, men, women and children, are all up for freedom—which has been denied to them these one hundred and seventy years and the evils of the absence of freedom have been accentuated these two or three years. Ever since the Punjab tragedy began, our duty is independent of the particular methods that may be adopted from time to time to educate ourselves and march onward and onward.

Continuing the President thanked all for having made his duties smooth and the Reception Committee for their very warm reception. Referring to Mr. Ben Spoor's appreciation of his handling the deliberations both in the Subjects Committee and the open Congress the President said, he feared his rulings might not have been always correct but they were all "bona-fides." He regretted Mr. Patel's resignation of the General Secretaryship but was satisfied that the veteran patriot Motlial Nehru had extended to him the right hand of fellowship. Mr. Patel would however continue to assist him with his valuable experience.

Coming to the greetings from the Labour Party in the name of the Congress he asked Mr. Spoor to convey to the Labour Party the message of the Indian's fraternal greetings and hoped that the friendship and alliance thus begun would admit of no obstacles but will admit of every thing that will promote the sprit of this alliance.

Concluding the President said, the very warm reception accorded to him all round would be the sustaining factor in his old age—an age which depends more on memories and very little on actualities. (loud applause).

Presidential Address

of

Mr. C. Y. Chintamoni

At the

Third Session

of the

NATIONAL LIBERAL FEDERATION

MADRAS—29th December, 1920.

The following is the full text of Mr. C. Y. Chintamoni's speech at the third session of the National Liberal Federation held at Madras on the 20th instant.

Fellow-Liberals,—I had hoped to come to this session of our all-India organization not in the capacity of president but as an humble member of the rank and file. Last year and the year before we had for president two honoured leaders, admired for their ability and respected for their character, who have laid the country under deep obligation by their life long services. It was my hope, and your hope, that our distinguished countryman Sir Chimanlal Setalvad, who relinquished the office of a High Court judge in order to resume his active participation in political life but who has since been appointed a member of the Bombay Executive Council, would fill the chair that had been adorned by Mr. Surendranath Banerjea and Sir Sivaswami Aiyer. But this was not to be. My sense of the fitness of things would have led me unhesitatingly to decline the kind invitation that took me by surprise a fortnight ago if I had not deemed it unwise to embarrass the reception committee by putting them to the necessity of a fresh election so late in the day. The difficult and honourable office of president of the National Liberal Federation of India is only deservd by one of our veteran leaders and I am not guilty of affectation when I say that my gratitude is the deeper that even under the stress of necessity you should have thought of me in that connection. Apart from my sense of your

generous kindness, you will not blame me if I feel a particuler gratification in the thought that I have been summoned to this position in the presidency to which I belong although my adopted home is in another province.

Liberals and the Congress.

Fellow-Liberals, the events of the year and the complexity of the political situation, combined with the shortness of time at my disposal, have increased the difficulty of my task and I have need of your indulgence in full measure. It is not necessary to re-state the circumstances that led to the organisation of our party. Whatever disposition there might have been in 1918, among ourselves or those from whom it was our painful duty to separate, to doubt whether it was a wise step we took, I venture to think that there can be nore at this stage. During this interval, the Indian National Congress has marched rapidly from policy to policy, under leaders some of whom are entitled to respect but not all of whom were familiar faces even in the recent past. It may have acted rightly, or it may not have. Of one thing I am certain. We who left it with sorrow because of the conviction that its old policy was still the wise policy and that the enduring interests of the country demanded an organization that would pursue it vigorously without divided counsels upon fundamental points cannot in reason be accused of disloyalty to the principles of the Congress. I go farther and say that we are the true Congressmen and not those who, while nominally in the Congress, have lost faith in its very creed and committed themselves to, or are in search of, policies and methods incompatible with the vital Article of the Constitution to which they have pledged themselves to adhere. Indeed, it would be in the fitness of things if they gave themselves another label and left to us the cherished name of the Indian National Congress.

Events of the year.

Gentlemen, I have referred to the changed policy of the Congress. You and I disapprove of it because in our judgment it is not only not calculated to achieve its avowed object but is injurious to the best interest of our country. It is true we decline to endorse hysterical descriptions of the British Government. We are certain that it is not beyond redemption as the ardent missionaries of the new cult must attempt to make out in order to make converts of unthinking men and callow youths. But we are as sensible as they are of the wrongs that have been perpetrated and the grievous failure to do justice, and I am sure I interpret your mind correctly when I say that our opposition to non-co-operation is not due to misplaced tenderness for the authors of the wrongs. The Govern-

ment cannot escape the responsibility for the present political muddle. If it had acted with wisdom and righteousness, the reforms would have had a fairer reception and England's credit in India would have stood much higher. I need not detain you over the Rowlatt Act, except to ask the Government of India to admit with candour that the last twenty months have proved that they were wrong in passing it, and to act with courage and remove it from the statute book. Such legislation was bound to provoke a strong reply, and it did. But I am bound to say that the agitation over-stepped the limits imposed by consideration of the public safety, and there followed those disastrous occurrences which furnished an excuse for the Punjab horrors. For these the Government of the province was not alone to blame. The Government of India were answerable in equal measure. They upheld the former and were impervious to counsels of moderation and restraint. They forgot that 'he who allows oppression shares the crime.' At about the same time was published their despatch on the reforms (of March 5, 1919) which betrayed a regrettable tendency to whittle them down. The Government of India Bill as introduced in the House of Commons did not give satisfaction either. Fortunately it was passed later in a more acceptable form. Also the appointment of the Hunter Committee with three capable Indian representatives created some hope of relief in the matter of the Punjab. But the confessions of the wrong-doers before the Committee, in which a note of challenge was struck, naturally made a most painful impression on the public mind. Fortunately, the release of a large number of persons unjustly incarcerated after the mockery of a judicial trial brightened the outlook a little.

This was the situation when we met in Calcutta a year ago. What has happened since? I am sorry to have to say it, but it is the fact that we have met a series of disappointments. A financial policy was followed, particularly in the matter of the sale of Reverse Councils, which was the reverse of beneficial to India. It was not only Indians possessing a knowledge of the subject, but the "Times of India" that described the action of Government as 'organized plunder'. Indian criticism made no impression upon the Government of India. Military expenditure has been run up with a reckless disregard of Indian interests. The increase of emoluments of the so-called imperial services, whose personnel is European in the main and who were always in receipt of handsome salaries, allowances and pensions, have further added to the enormous cost of administration and also given occasion for a repetition of the old question, whether the services are for the country or the country is for the services.

The Punjab.

The majority of the Hunter Committee, i. e., the European members made a disappointing report and while the despatch of the Secretary of State enunciated sound principles for future guidance, action was not taken to vindicate justice and the honour of the Indian nation. The Government of Lord Chelmsford, who failed in their duty in the months of our agony, continues to enjoy the unabated confidence of his Majesty's Government; Sir Michæl O'Dwyer, who to our amazement was sent back to India as Chairman of the Army in India Committee, instead of being at least censured was bespattered with unbecoming praise; nearly all the other wrong-doers still occupy positions of authority in the hapless province; even Dyer is allowed the enjoyment of a comfortable pension at the expense of the very people whose salt he has eaten only to show how cheap he held their lives. Germany in Belgium has been faithfully copied by Britain in the Punjab and heavy indemnities have been levied from whole cities and districts because some of their inhabitants committed crimes. The relative amounts of the compensation awarded to the English victims of frenzied mobs and to the far more numerous victims of official lawlessness are a melancholy study in contrasts and a fit subject for the satirist. Because the Secretary of State screwed up his courage to the sticking point and disapproved of Prussianism in India he became the object of envenomed attack in Parliament: the House of Lords upheld Dyer and a hundred or more honourable M. P.'s memorialized the Premier to remove Mr. Montagu from office. This series of transactions was fittingly concluded by the avoidance of discussion in Council by the exercise of an arbitrary right, which I regret to say will continue to reside in heads of Governments in the reformed constitution.

Some of the clauses of the treaty of 'peace' with Turkey gave just offence to our Moslem fellow-countrymen who rightly complain that the pledge given by the Prime Minister in 1918 was not kept.

The recommendations of the Esher Committee on the army in India followed by those of the Lovett Committee on the Medical Services, had not precisely the effect of a healing balm, for both were unquestionably anti-Indian in their nature, whatever the intentions of their authors might have been, and their effect was to exacerbate a situation none too easy without those irritants. The question has been put, rightly in my opinion, What is the practical value of the Declaration of the 20th August, 1917, if the constitution of the Army in India is to be what the Esher Committee have recommended? It is asked, again I say rightly, how are Indians to dismiss from their minds suspicion of the motive of some at any rate of Englishmen in high places if such recommendations could

seriously be put forward by a body of responsible officers of the Government as those of the Committee presided over by Sir Verney Lovett ?

Reforms Rules.

If you consider for a moment some of the Rules made under the Government of India Act, is it easier to think favourably of those who wield authority in and over this country ? I am mindful of the certificate given to Simla by the Joint Select Committee of Parliament, but this circumstance does not make me distrustful of my own opinion to the contrary when I remember who some of its members are and what are their political complexion and antecedent :—Did not the noble Chairman of the Committee vote for Lord Finlay's motion in the House of Lords for Dyer against Mr. Montagu ?—I will only say this on these rules, that apparently, no important suggestion made by any non-official body was deemed worthy of acceptance by Government here or the Joint Committee in England. The rule that the finance member of Government must be a member of the Executive Council makes finance practically a reserved subject and is not very complimentary to ministers. The principle of the corporate responsibility of ministers, the importance of which was emphasized in the Joint Committee's report of last year, is departed from in some of the rules and yet they have been sanctioned by that very Committee. Heavy, unequal, and in at least two cases, excessive toll is levied upon the provinces by the central Government, which, instead of husbanding its resources is dominated by a spirit of 'expenditure' and is spending far too much on unproductive objects. In Bihar the existing constitution of the Executive Council is retained, i.e. there are two European official members and only one Indian non-official member, which is a flagrant departure from the recommendation of the Joint Committee. In this presidency and in Bengal, the strength of the Executive Council has been raised from three to four although ministers have taken or are about to take over about half the subjects for no more serious reason than that the I. C. S. members who are in possession may not have to be disturbed. The strength of the Government of India has not been reduced although a number of subjects has been transferred to ministers responsible to provincial legislatures. Nor, finally can one pretend to be satisfied with all the selections that have been made of members of councils and ministers.

No one hears of the Indian section of the Indian Defence Force, whose discouraging story was told by Sir Sivaswami Aiyer some little time ago. I am not aware that any action has been taken as yet to constitute a territorial force. King's Commissions granted

to Indians are still few and far between. One hears not a word about the provision of facilities in India for the training of Indian officers. A recent notification of the Government of India has the effect of exempting practically every European in India from the operation of the Arms Rules while they are eminently unsatisfactory from the stand-point of the Indian. The tale that comes from our countrymen in South Africa, in Kenia and Tanganyika, and in Fiji is distressing and humiliating and his Majesty's Government have failed to safeguard the legitimate interest and protect the honour of the King's 'equal subjects' of Indian nationality. The continued employment of Indian troops in Mesopotamia and other countries of Mid-Asia for imperial purposes, and the permission accorded for the export of 490,000 tons of wheat when the season was unfavourable and prices were prohibitive have also to be noted. I have reason to think that the Government of India are proceeding to constitute 'imperial' chemical and industrial services to be manned principally—by Europeans. Not all the provincial Governments have supported this measure, and it is the more difficult to defend as the development of industries is a transferred subject in every province.

Non-Co-operation.

This summary of the principal political events of the year is illustrative. There are other and similar acts and omissions, which could be pointed to an evidence of a spirit in the Government which is far from being conducive to the creation of opinion in its favour to the strengthening of the belief which all advocates of ordered progress and constitutional action are naturally desirous of fostering, that there is a genuine and earnest desire on the part of the Government to act in the spirit of the reforms and the Royal Proclamation that heralded them, to accelerate our political progress and economic development. Certainly I do not imply that nothing has been done by the Government worthy of our commendation. Even one such outstanding event as the appointment of Lord Sinha to the exalted office of Governor stands to the credit of British statesmanship and is calculated to keep bright our hope for the future of India as a free nation in the British Commonwealth. Yet it stands to reason that in the face of a succession of disappointments anger is apt to overcome reason in the not highly instructed popular mind and any political method that looks heroic and promises quick results naturally finds ready acceptance particularly when preached by a political Sanyasi widely revered for the rare moral grandeur of his character and among a people to whom anything even seemingly spiritual makes an irresistible appeal.

In promulgating their resolution on non-co-operation the Government of India evidently looked at its cause and cure from a

different view-point. There was no perception that their own mistakes and those of their masters chiefly accounted for the amount of public support that the movement had succeeded in obtaining, or that the remedy lay in their own hands. No exception can be taken to their appeal to the sober elements of society to make a bold stand against the disruptive propaganda, and I am grateful for the wisdom that resisted the temptation to embark on a fresh campaign of repression. Coercive action by the state would only have added to the number of heroes and martyrs and the movement stood to gain everything from any excess of zeal on the part of the guardians of law and order. If it has been a failure, as fortunately it has been, the result is due to its own inherent unsoundness and to the commonsense of the people of India. But the good sense of the Government has also contributed to the result and it is to be hoped that the lesson of the different policies of last year and this will not be lost upon Simla and Delhi. There are two points which should be emphasized in this connection. One that the Government of India should not imagine that all trouble is over with the failure of the non-co operation movement. They ought to realize that there is acute discontent in the land and that immediate remedial measures are imperatively needed. They owe it to themselves to regain the lost confidence of the people. Without the support of opinion their position will become increasingly untenable, but they can not hope to have it on their side notwithstanding the introduction of the reforms, until their acts speak for them and convince the people that though partly alien in personnel the interests and the honour of India are safe in the keeping of the Government of India as in that of a national government. The narrative of events that I have placed before you is proof positive that at present it is impossible for Indians to cherish such a feeling for the British Government. On behalf of the party whose watchword, in the language of Sir Pherozshah Mehta is loyal patriotism, none of whom see a destiny for the motherland out side the British Empire, I would send forth from this platform of the National Liberal Federation an earnest appeal to the Government of India to change their policy, not to do anything that may justify the suspicion that they are less regardful of Indian interests, Indian life and Indian honour than of British, to be vigilant in the removal of wrongs, to substitute Justice for Prestige as their rule of conduct, to initiate and carry forward measures to secure economic development, social efficiency and political equality. Without positive action along these lines, no appeals to the people and no costly publicity bureaus will avail them. Once they regain their credit, they can defy fomentors of trouble to do their worst.

Fellow-Liberals, the Government resolution on non-co-operation was, as you are aware, utilized in certain quarters to teach us our duty at this juncture. It was said that we were lethargic, it is assumed that it was in our power to stop the movement if we but exerted ourselves, we wanted courage to face unpopularity, we timidly followed the extremist at a distance, our weakness would be responsible for repression by Government to end a pernicious campaign if it could be suppressed by no other means. I have pleaded not guilty to these and other accusations as often as they were uttered, and I do so again in your name and on your behalf. Our critics forget that extremism is the direct product of the policy of the Government and our unpopularity is in reality the expression of the public distrust of its motives and measures. When English friends refer to our party's lack of influence I invariably tell them that it is a tribute to the character of their administration and the reputation they enjoy, rightly or wrongly, after a hundred and fifty years of rule. Is it not remarkable that every Indian who is suspected of a kindly feeling for Englishmen and their Government should lost caste with his own people. I would ask them to reflect upon the meaning of this phenomenen. We have a straight policy. We are neither apologists nor enemies of the British Government. Our supreme concern is the well-being and advancement of our motherland and we approach every problem from this single point of view. And we speak our mind freely in disregard of consequences to ourselves—it is immaterial whether we offend extremists on the one side or the other—but with a deep solicitude for the public interest. And all who judge our acts and utterances by any other standard must necessarily be disappointed time and again.

I have stated that our opposition to non-co-operation spring from our conviction of its inutility, the harm it would do to our cause and our countrymen. Your time need not be taken up by an attempt at a detailed consideration of the several items of the programme. So much has been laid upon them that there is little need to adduce arguments again to demonstate their unwisdom. At first it was put forward as a protest against the Punjab and Khilafat wrongs ; it has since developed into a political method to obtain Swaraj in twelve months—nearly four of which have expired. If electors did not vote and politicians declined to go into the councils ; if lawyers gave up the practice of their profession and students left colleges and schools, and if imported goods were boycotted, we should be within sight of "nirvana." Mr. Gandhi's explanations on the platform and in the press leave me for one in some doubt as to his idea of the Swaraj we are to enjoy : the government of the country or of our individual selves. Franti

efforts were made, at various places and in as many ways, although there was a family resemblance between the tactics employed at all places,—some of them not so 'non-violent' after all and at some places, e,g., Agra and Cawnpore, positively disgraceful to restrain voters and defeat obnoxious candidates. But the electors recorded votes and the councils have been filled. No client is inconvenienced to-day by a dearth of practising lawyers. Nor has any school or college had to be closed for want of teachers or students, in spite of the reprehensible advice given to them to disregard parental authority and give up their studies, forsooth, because we are in a state of war : I may be blamed for employing strong language, but I confess I cannot condemn too strongly this sinister ingredient in the non-co-operator's specific for obtaining immediate Swaraj. I am not aware that an impression has been made upon Lancashire's business with India. Unfortunately too, 'the race for honours, not honour' is in full swing as ever, while I verily believe that the number of candidates for honorary as well as stipendiary offices is still largely in excess of the numbers required. It has all along been my conviction that the negative creed of non-co-operation is opposed to the nature of things, and no raging, tearing propaganda, no whirlwind campaign, no shock tactics, no, not even such social tyranny as was practised the other day in Delhi, can bring its success.

Neither can Swaraj, immediate or remote, within or outside the the Empire, be attained by such means. We can and shall reach our political goal of complete self-government such as the dominions enjoy, by constitutional action inside the councils and outside by demonstrating our fitness in office and in council, and by building up the strength of the nation. Unceasing work in the various spheres of national life so as to make of Indians a more efficient as well as a more united nation, and organized and sustained efforts in the political field to secure much needed reforms in administration, military not less than civil, are the only means by which we can hope to achieve success. They may be the commonplace and unheroic, there may be nothing about them to catch the fancy, they are certainly oldfashioned and not novel or sensational. But originality in politics is not always a merit and not everything that is new is good. To those however who are impatient for immediate Swaraj, I must frankly admit that our well-tried method offers no hope. Let there be no make-belief or self-deception : let us call things by their proper names. Immediate Swaraj is an euphemism for revolution. And revolution cannot be accomplished by appeals to constituted authorities. But non-co-operation cannot achieve it either. I have a constitutional aversion for prophesying, which Mr. Balfour has described as the most superflous form of error,

while according to Sir Charles Dilike political prophecy is the most futile of all prophecies. But not even Macaulay's school-boy runs any risk in venturing the prediction that non-coperation will not bring about the wished for revolution. To those into whose soul the iron has entered and who have worked themselves into the conviction that any state of existence would be better than life under this Government, the only path that is open is armed revolt. If they think they can, if they feel they must, let them go foward and risk it. I will deplore their folly but will respect their courage and straight-forwardness. But to desist from such a course of action and at the same time to denounce constitutional agitation as another name for mendicancy, while you go on strirring up feelings and undermining respect for law and authority among the masses who have not developed an intelligent understanding, is I confess, beyond my poor comprehension on any assumption that does not savour of uncharitableness. Whether such persons adopt Mr. Gandhi's programme or mere modestly content themselves with the acceptance of 'principle of the non-co-operation,' while releasing their surcharged feeling by the denunciation of us Liberals, so dear to the heart of a species of extremist publicists, they equally mislead themselves and their hearers and followers and only act as clogs in the wheel of progress. In this view of the matter, I deplore the attempt that is being made to alter the creed of the Congress. We shall lament the blunder if it should be perpetrated, and as an old if humble Congressman I cannot but wish that in that event they may also decide to call that institution the Swarajya Sabha or anything else—anything in fact, but the Indian National Congress.

One word more on this subject. It is desirable that people should understand whether it is that Mr. Gandhi would lead them. For this purpose they cannot do better than to acquaint themselves with the contents of his book, "Indian Home Rule." It will be an eye-opener. In fact, fellow-Liberals, it strikes me that it will not be a bad investment for our Liberal leagues to arrange for the wide distribution of copies of that publication, in English and in the languages of the country. I rather think that the glimpse it will afford into Mr. Gandhi's Swarajya will disillusion the people and we shall have won back at least a respectable number of our tempoarily misguided countrymen to the path of political sanity.

The Esher Committee Report.

Now Gentlemen, I will, with your permission, proceed to consider briefly a State paper on a subject of capital importance, which has provoked acute controversy both in this country and in England. The attention that has been bestowed upon the report of what is known as the Esher Committees is less than was demanded

by the astounding recommendations it embodies. Your Council recorded a weighty resolution upon the subject at their meeting held at Bombay in October under the chairmanship of Sir Sivaswami Aiyer. It was the first and only connected and comprehensive statement of the Indian position in relation to that Committee and their report, and I am justified in asking his Majesty's Government not to take action without giving their serious consideration to our representation. The Committee was sprung upon an unsuspecting public who were taken aback by its composition. Sir Michael O'Dwyer was not left to rest upon his laurels as the saviour of the Punjab but sent back in the face of protests, as a member and acting chairman, to the country which he had wronged and humiliated. The President, Lord Esher never came. Not a solitary Indian was included in it in the first instance : was it in order to confirm the Indian view of Britain's military policy, that the army in India exists primarily to safeguard her Empire in the East at India's expense ? It was not until this was strongly criticised by your deputation then in England, that the nomination of an Indian was announced. And who was he ? Sir Umar Hyat Khan whose ways and views remind one of Mr. Joseph Chamberlain's phrase 'friends of every country but their own.' This was Simla's little joke at our expense. Again it was in response to the urgent representation of members of your deputation, that towards the end of November i. e., more than three months after the appointment of the Committee and after the first and most important part of the report had already been submitted and given a sort of benediction, a second Indian was asked to join it. The Committee made up their mind of fundamental points before setting foot on India's soil and without caring to know the views of the people or of the Government of the country. Here they examined no witnesses ; they were content with informal consultation with such persons as they themselves chose to honour with an invitation. The whole of their proceedings was conducted within closed doors. If this was how the Committee was constituted and how its business was transacted, what is one to say of the authority that accorded even a semblance of approval to any part of the recommendations at that very early stage of its deliberations ?

The recommendations themselves are in the main reactionary and objectionable in the extreme. What is their essence. That the Army in India is for all practical purposes a branch of the British Army, to be controlled from the War Office much more than by the Governor-General in Council or even the Secretary of State for India. Its strength, its constitution and organization, the purpose for which it is to be employed, are to be determined more with

reference to Britain's imperial needs, real or supposed, actual or potential, than by the requirements of the people of India. The Indian Legislature is to be "non est" so far as the defensive organization of India is concerned, even the executive Government in which there are two English members for one Indian and which acts in subordination to the Secretary of State who is a member of His Majesty's Government, is to have little voice. The Secretary of State himself is to be virtually powerless. The centre of authority is to be the Chief of the Imperial General Staff. The Commander-in-Chief in India is to be his nominee, to be in direct communication with him over the heads of the Governor-General and the Secretary of State and their Councils, and carry out his behests. The former is not to have a military adviser save their Commander-in-Chief; even the adviser of the latter is to be a deputy of the Chief of the Imperial General Staff. There is one Indian, however, whose existence is recognized. He is never ignored, never let alone: it is the Indian taxpayer. His business is not to reason why; it is to pay, pay, pay. It is stated that India's budget is to be considerably increased. It is already more than double of what it was before the war that was to end war, the war that was fought to establish the reign of peace on earth and goodwill among men. Gentlemen, the war has certainly ended peace. Who among us that knows how poor and incapacitated the people are, with insufficient food and clothing, with wretched house to live in and no medical relief, sunk in destitution and victims of disease, who among us that realizes what enormous strides we have to make in the arts of peace before we can raise our head among the nations of the world, who has the slightest notion what vast increases of outlay on beneficial services are urgently required and how difficult it is to raise revenue—what Indian is there who can contemplate with equanimity the dire prospect of a further addition to the military burdens of this poor country? But this is what is in store for us unless we are able to persude the British Government and Parliament to reject the recommendations of the Esher Committee.

We are not even to have the consolation that with added expenditure will come a new orientation of policy. Our share in the defence of our country is to continue to be a subordinate and inconspicuous one. Nothing is said about the admission of our countrymen into the naval and air forces of the Crown, or into the artillery and cavalry, nor about the admission of an adequate number of Indians to the Commissioned ranks of the Army, nor about the opening of military colleges in India to train Indians as officers; not even about their admission into the existing institutions maintained out of the taxes payed by us. The Committee's treatment of the

subject of a territorial force was meagre, reluctant, condescending, and altogether unsatisfactory. As our veteran leader Sir Dinsha Wacha used to prove at Congress, session after session, India has paid dearly on account of the one-sided Army Amalgamation Scheme of 1859. The price exacted from her under the Esher dispensation will be far heavier. The position is humiliating in the extreme and I would warn the authorities here and in England, very respectfully, but not even a more liberal declaration of policy than that of August, 1917, accompanied by more substantial reforms than are being inaugurated in the civil Government of the country, will or can reconcile the most modest of Indians to a continuation of the anti-Indian military policy that has been followed throughout the period of British rule in this country. Does England ask for India's trust? She on her part must rule India. And England's military policy will be the touchstone of her sincerity.

We do not profess to be able to pronounce on purely technical matters of which the professional soldier must remain the judge. If England's convenience is served by the stationing in India of a larger Army than is requied for India's defence, we should not object to it provided the cost of the excess troops is defrayed by England herself. But we have every right, and it is our duty, to insist upon being heard upon constitutional points and upon issues that effect our safety, strength and honour as a nation. On these I venture to think that the Federation cannot do better than to endorse and emphasize the proposals made by its council in October. The Army in India should be independent of the British Army and under the control of the Government of India and not of the War Office. The Commander-in-Chief should only be the executive head of the Army and should not be a member of the Governor-General's Council. There should be a civilian Member for defence corresponding to the Secretary of State for War and the First Lord of the Admiralty in the British Cabinet. Indian troops should not as a rule be employed in service outside the frontiers of India, except in grave emergencies and with the free consent of the Governor-General in Council. Indians should be freely admitted to all arms of defence. Not less than 25 per cent of the King's Commissions should immediately be given to his Majesty's Indian subjects, and the proportion should be raised to 50 per cent. in ten years, by an annual increment of two and half per cent Adequate facilities should be provided in India for the training of Indians as officers in all branches of the Army. All invidious distinctions based upon considerations of race should be abolished in the Army. The Indian Territorial Force should be constituted on exactly the same lines and its members entitled to the same rights and privileges as the Indian Auxiliary Force. There

should be a distinct Indian Military Medical Service to meet the requirements of the Army in India, and it should be recruited in India as well as in England. And as a transitory arrangement so long as the Army in India is maintained partly to meet imperial needs and is controlled by the British War Office, fair and adequate share of India's military expenditure, determined by the relative interests and capacity of the two countries, should be paid by the British Treasury.

A few words more before I leave this subject. In taking decisions I would ask the Government here and in England to pay due heed to a few accepted proposition. As Mr. Balfour has said, the aim should be to secure 'an expansible army, a power of increasing our effective fighting force to a far larger extent than the regular troops.' 'A mistake brings down an avalance of expense in its wake' said Mr. (now Lord) Haldane in introducing his great scheme of Army Reorganization in 1906, 'and the result is you find yourself with money thrown away, which might have been used, had you had a common policy, for a good purpose.' 'We must consider reductions of personnel because without such reductions you cannot get economy in Army expenditure.' Further on, he said in the same great speech: 'The biggest thing of all is policy. That is not a thing about which soldiers can calculate. The size of the Army depends on whether your policy is one thing or another.' He laid stress upon the fact that 'it is not absolutely essential in considering what you have got to do to provide for every possible contingency, because if you were to attempt to do that you would make yourself bankrupt as a nation and so stop all chance of social reform. 'Social reform' he said with conviction, 'must be provided for. It makes an urgent call upon us. Accordingly, your policy, be it for the Army or for the Navy, must be a policy of probabilities.' Policy must determine your strategy and the provision you make for your necessities.' 'You ought to aim at getting quantity rather than quality in the reservoir from which you are to expand.' Lord Haldane as Secretary of State for War was of the fame opinion as Mr. Balfour, that the power of expansion is the important factor. It was an interesting coincidence that speaking in the same year and month in the Indian Legislative Council our great patriot-statesman, Mr. Gokhale expressed almost identical views on a wise military policy for India. He urged short service for the Indian Army, the creation of Indian reserves, and the extension to our countrymen of the privilege of citizen-soldiership. Mr. Gokhale said: Our military defence will then be 'gradually placed on a national basis, the Army will have the support of the nation behind it, the present military burden will be largely reduced, and fund set free to be devoted to other objects of national

well-being ; the people of the country, instead of being condemned as at present merely to pay the taxes and then helplessly look on will be enabled to feel a real and living interest in their Army, and our position in the matter will cease to wound our self-respect.' These words of far seeing wisdom fell upon deaf ears when they were uttered. Fourteen years have since elapsed ; the great war has left lessons behind. Will they now be taken note of and acted upon, or shall we be compelled to repeat, not for the first time, the famous words of Burke, 'Invention is exhausted, reason is fatigued, experience has given judgment, but obstinacy is not conquered ?'

One last word. I desire to express our sense of appreciation of the service rendered to India in connection with the Esher Committee Report by the "Times" and Professor A. B. Keith.

The Lovett Committee Report.

On the heels of the Esher Committee Report came another document which could not be received by the Indian public with any more favour than the former. A passing reference has already been made to it, and it also formed the subject of a resolution by your Council. It was more comprehensively condemned by a body of professional men, the Allahabad Medical Association. The appointment of the Committee on the Reorganization of the Medical Services in India early in 1919 was shrouded in mystery. The terms of reference and the personnel were both treated as state secrets, and it was not until after both were published without authority by an Indian journal of Allahabad that the Government of India gave any information to the Indian Legislative Council. The most remarkable thing about the Committee was that it did not include a single Indian member—official or doctor or public man. The president and one member were I. C. S. officers and the others belonged to the I. M. S. The radically unsound organization of the medical services and the utterly unsatisfactory position accorded therein to Indian doctors had been the subject of criticism and agitation for a quarter of a century. But it did not lead the Government of India to think of the necessity of according suitable representaion to Indians. The questions on which the Committee wanted information were not published, nor was the evidence of witnesses taken before the public gaze. This could be understood as they were mostly the nominees of local Governments and not one political association in the country was asked to send witnesses. As a result of criticisms in the press and in Council a couple of Indian I. M. S.'s still in service were added to the Committee after work in two or three provinces had been done but they were not permitted to take part

in the final deliberations. The report was published less than three months ago although it had been submitted seventeen months earlier.

This is the story of the Committee. It is not to be wondered at that the recommendations are injurious to Indian interests. While we have always advocated the creation of two distinct and separate medical services, civil and military, recruited both in India and England, the former chiefly in India, the Lovett Committee have recommended the constitution of a hybrid Medical Corps with the label 'Indians, conmpounded of the Indian Medical Service and the Royal Army Medical Corps so far as it worked in India, but also including what has been called the higher civil medical service of the country.' Civil medical posts are to be filled by officers of this preponderatingly military service. What have been designated as 'exclusively civil medical officers' are only to be brought in by the governments of provinces to 'supplement their contingents of officers from the Indian Medical Corps.' It has been recommended that 'special arrangements should be made by Government to secure European medical attendance' not only for Europeans officers' but 'for European non officials.' Admission to the so-called Indian Medical Corps 'should be through the portal of a single examination held in England,' Indians being content with a few scholarship to selected students to go and compete in it. Certain posts in the sanitary and other departments should be reserved to officers of the new corps.' Here are a few recommendations typical of proposals invariably made by committees composed as the Lovett Committee was ; 'Salaries should be increased. More liberal provision should be made for leave. Full pension should be admissible at an earlier date. The position of civil administrative medical officers should be improved. Better buildings should be provided for Indian station hospitals.' The story is the same everywhere. Make things more pleasant for Europeans at the expense of Indians, and leave the latter in undisturbed enjoyment of their privileged position of inferiority in their own land.

No one need be surprised at the dissatisfaction that Indian doctors and publicists feel with this state of affairs. Since first the late Dr. Bahadurji brought up the subjects at the Lahore Congress of 1893 it has been constantly kept to the fore, but with almost no result. Evidence was given before the Royal Commission on Indian Expenditure in 1896 and 1897 by Dr. Bahadurji himself, Sir Dinshaw Wacha and other Indian witnesses, and by several able and trusted representatives of the service and the profession before the Royal Commission on the Public Services in India in 1914. The former did not deal at all with the subject in their report, while the recommendations of the latter, made in 1915 and published

in 1917, were never seriously considered. If carried into effect they would have improved the position somewhat, although they were so inadequate that not only Sir Abdur Rahim but Sir Mahadeo Chaubal dissented from them in important particulars. But they were more liberal than the recommendations of the Esher and Lovett Committees. The true spirit informed Lord Morley's letter addressed to the Government of India in 1909, but the latter took care that that reformer's intentions were frustrated. And now, in the year of grace 1920, such astonishing proposals as those of the Esher and Lovett Committees are seriously presented to the world instead of being summarily rejected as unworthy of consideration

Indian doctors in the service and the profession have never received justice. Compare the salaries of the Indian and provincial medical service : the increments obtained by the former and the more or less stagnant condition of the latter. The new places of civil surgeon offered to the provincial officers are those of districts where there can be no lucrative practice and which therefore do not tempt the I. M. S. officer. I know of more than one able and experienced civil assistant surgeon who declined promotion on this ground. Professorships in medical colleges and important posts in the sanitation deparment are filled, not primarily with the object of securing greater efficiency although the bureaucracy is fond of spelling the word with a capital E when that suits its purposes—but to gratify the wishes of the I. M. S. officers concerned. All permanent services are conservative by nature, and this trait is found in an exaggerated form in a country politically so circumstanced as India is, but I believe I do it no injustice when I say that none is so possessed by the narrow trade union spirit as is the I.M.S. The feeling of dissatisfaction among Indian doctors has been so accentuated by the Government's persistent failure to do justice that about a couple of months ago the Medical Associations of Lucknow and Allahabad resolved to boycott the I. M. S. officers in private practice.

Any reorganization of the medical services to be satisfactory from the Indian point of view must proceed on the lines of the Allahabad Medical Association. There should be a military and a civil medical service independent of each other, both recruited in India as well as England, and both equally open to Indians and Englishmen. Members of the military service should not as a rule be appointed to civil posts. Either the distinction between the Indian and provincial services should be done away with, or a definite proportion of the posts in the Indian service should be open to officers of the provincial service. To meet military exigencies in

time of war every member of the civil medical service should be liable to undergo military training at stated intervals and for fixed periods and to undertake field service when required. This effectually removes the objection that is frequently raised to the constitution of an independent civil medical service. Medical posts in the sanitation department should only be given to men specially qualified while professorships of medical colleges should be filled by the very best men obtainable anywhere on the recommendation of selection committees constituted as the Islington Commission recommended.

If the British Government could make up its mind to act with justice and liberality in the matter of the public services, as we were repeatedly promised on the highest authority that it would do, much unpleasantness would be avoided and it would stand higher in the estimation of the people of India. Even on the ground of expediency, if from no higher consideration, I suggest that it is eminently worth its while at least to try this as an experiment.

Education.

It may be temerity on my part to plead for extended facilities for the education of the people in days when adored popular leaders are enlarging upon the patriotic necessity of destroying schools and colleges. But fortunately the country has given an unmistakable reply to the unholy war upon educational institutions, while we of the Liberal party never have had and never can have a doubt about the paramount necessity of more and better education for the people if the country is to have a future. Establish by every means in your power as many institutions as you possibly can, independent of state aid or recognition, and impart the kind of education in which you believe. Every sensible well-wisher of the country will pray for your success. But do not speak or act as if existing schools and colleges were a curse, as if the products of the present system were the worse for the education they have received. Mahadeo Govind Ranade and Gooroo Dass Banerjee, Krishnaswami Iyer and Bishan Narayan Dar, among those, alas ! now no more ; Sir Ramkrishna Bhandarkar and Sir Jagadish Bose, Sir Sivaswami Aiyer and Pandit Madan Mohan Malaviya among our living worthies, were and are the ornaments of their race and the pride of their country, not in spite but on account of English education. Mr. Gandhi himself has borrowed his ideas of non-co-operation from western sources. We do want, gentlemen, and want before and more than anything else, 'education in widest 'commonalty spread.' And we trust that one of the certain fruits of the reformed governments constituted in provinces will be the expansion and reform of education, of all grades and in all its

branches. They ought not to shrink even from the unpleasant necessity of new taxation if it be a 'sine qua non' of progress in this direction. The education of women and of the backward classes, and agricultural and industrial education, should receive special attention.

The subject of University Reform is now very much to the fore, thanks to the monumental report of Sir Michael Sadler's Commission. Their recommendations, it is true, are not all of equal importance, nor need all of them be regarded as if they were proved propositions. It is possible that exaggerated praise has been given to the report owing to the unique position of its distinguished president in the educational world. In any event, it has to be admitted that the opinions of such a competent body of educational experts cannot be set aside by any responsible government without grave reason for such a course. They have to be considered carefully, and action should be taken cautiously and with a due regard for the varying conditions of different provinces. Educational opinion as well as general public opinion should be consulted and respected. No provincial government or legislature and no university senate would be justified in ignoring the report, but it is incumbent upon them to bear seriously in mind the present state of educational advancement and the material condition of the people, the capacity of provincial finances and the various demands upon them of greater or less urgency, the logic of accomplished facts and the views and wishes of the intelligent public. Holding as I do the view that the standard has to be raised, I still would not, in my zeal for reform, do two things. I would not trench upon the fund available for the extension of elementary education, and I would not place university education beyond the reach of the lower middle-class, from which, speaking in general terms, the brightest intellects of the community generally come.

An Appeal to Government.

I would make an appeal to the Government and put forward a few suggestions for your consideration regarding work in the immediate future.

To the Government I would say :

Make an honest and earnest attempt, by the aid of sympathetic imagination, to understand correctly the present temper of the country.

Be candid to yourselves and own that yours is the responsibility for the political distemper of India. The authors of revolution in the ultimate resort are the reactionaries and obscurantists who oppose

reasonable reform. The tragedy of Russia is certainly a warning to our extremists against 'catastrophpic changes.' But still more is it a warning to the Government. For Bolshevik Russia is the child of Tzarist Russia. It is not yet too late. Act on the principle that trust is wisdom, that generosity is wisdom. Lord Rosebery has defined statesmanship as the foresight of commonsense, and patriotism as the self-respect of a people. Let your statesmanship assert itself and prevent the latter from being irretrievably hurt. For then will be bad days both for you and us. A brilliant pro-consul, who however was a failure and went away discredited, boasted that there was no problem that could not be solved by statesmanship. It was Lord Morley's view that British statesmanship had never broken down anywhere. But it has in Ireland. Profit by the examples of Canada and South Africa, as well as by the warning of Ireland. Win the confidence of the people of India. Avail yourselves of the developments in Greece and revise the treaty with Turkey Then will the Musalmans of India be your friends again. Soothe the heart of the Punjab. Treat our countrymen in other parts of the Empire as human beings and British citizens. Do let the people derive the fullest advantage from the reforms, give no cause for suspicion that you are the unwilling instrument of a power you are compelled to obey. Do justice to my countrymen in all the public services. Let me say again that your military policy will be the test of your sincerity. Accept the advice of the "Pioneer," which has been officially recognized as being on the whole a correct exponent of British opinion in India, and repeal whatever laws act as a restraint on the freedom of expression, for parliamentary government, of which we are about to witness the first small beginnings, is government by discussion. In all financial transactions never forget that your country is incomparably richer than ours, that you have laid upon you the honourable obligation of trustees until we shall have become masters in our own household, that you ought not to perpetrate what Fawcett would have stigmatized as acts of 'melancholy meanness.' Some one in your own land has summed up the English character in the phrase, 'Always the purse, often the brain, seldom the heart.' As one who feels a genuine admiration for many qualities of your race and for much of your great work in and for my country, I beseech you, for your sake as much as ours, so to act in the future as to enable us to forget whatever of the past and the present is not to your credit.

Our Task.

I would next place before you, fellow-Liberals, a few suggestions for such consideration as you may deem them to deserve. If we are

to do any effective work, we must make up our minds to follow the method recommended by Mr. Asquith to the Liberal party of Great Britain, the method of 'selection and concentration.' We labour under many disabilities, we have many grievances, there are many reforms that we have to urge. But if the field is wide and long, the workers are few. And if they seek to cover too much surface, they will fail to make an impression. Intensive work will prove more effectual. Remember that even the Liberal party in England came to grief over the Newcastle Programme, which was too various and too ambitious to appeal to the Englishman who is conservative and practical by nature. I know three eminent men in our country who have pronounced a ban on the word 'practical.' They are 'idealogues' who have no use for it. I cannot agree with them. It is very necessary that we should be practical. It is glorious to see visions and dream dreams. But we cannot achieve results unless we can distinguish between the attainable and the unrealizable or only remotely realizable. Politics is not an abstract science but the art of methods and results. It was said of Thales, who fell into the water while looking up at the stars that if he had looked into the water he might have seen the stars too but by looking at the stars he could not see the water. Gladstone was not a soulless politician who lived from day to day, but it was he who taught that not all questions were for all times. We want complete self-government as much as Mr. Gandhi, but we should, and we do recognize that it is futile to ask for an immediate amendment of the Government of India Act passed only twelve months ago. We would rather work the Act for all it is worth and achieve the double purpose of promoting the public good as well as proving to the Government, Parliament and people of Great-Britain our capacity for the exercise of full responsible government. Outside the provincial councils we should, in my humble judgment, focus the activity of the country, to the extent that we can influence it, first and foremost upon the military question. There is no subject with regard to which we feel a more burning sense of injustice than our humiliating position in the defensive organization of the country. The recommendations of the Esher Committee are of the nature of an impending calamity. If we cannot defeat them, if they are put into force, our last state will be worse than the first. But if we succeed there, we shall be in no better position than now. It is our duty to do everything that we can do according to the law and constitution of the land, to bring about the reforms in the Army to which your attention has been drawn. Next in importance come the question of the position of our countrymen settled in the dominions and colonies, and the separation of judicial from executive functions.

I would further ask you to give your attention to the removal of all racial distinctions in the criminal law. Concentrate on these questions, educate public opinion not only here but in England, bend the whole strength of our organisation to the achievement of substantial results in these directions, and see if we shall attain at least partial success or wholly fail. The difficulties are great, but we must resolutely decline to be discouraged, we must persist until the task is completed. A pregnant definition of success that I have come across is that it is the name given to the last of a series of failures. As it is for the right that we have to do battle, and whenever the occasion may call for it, let us follow the life-giving example of the great Frenchman who having saved his country by heroic exertions at his great age, is now in our midst on a richly earned holiday. M. Clemenceau thus spoke of himself the other day at Allahabad :—My policy ?—it is victory. Home politics ? I wage war. Foreign politics ? I wage war. Russia betrays us ? I continue to wage war. We will fight before Paris ; we will fight behind Paris ; we will fight if necessary to the Pyrenees. I will continue till the very last quarter of an hour, because the last quarter of an hour will be ours.

The Liberal Party.

I will not detain you longer, gentlemen, except to take stock of the position and prospect of our party and its place in Indian politics. Its position is identical with that which the Congress occupied until recently. It is the real Centre Party in the country —the party of reform as distinguished from reactionaries and extremists alike. It is not satisfied with things as they are, but does not believe in breaking with the past. It is all for reform but is content with steady though not slow progress. It does not spell its evolution with an initial R. Complete self-government in India's internal affairs and absolute equality with the Dominions in inter-imperial and international relations, is the ideal for which the Liberal party stands. The means it employs to attain this ideal are threefold. It will utilize in full the opportunities given to us from time to time ; it will agitate constitutionally for reform wherever needed ; exert itself to build up the strength of the nation and promote unity among its component parts by means of education, social reform and economic development. The necessity of such a party is obvious when on the one side privilege has still to be successfully attacked and on the other, movements calculated to land society in chaos have to be resisted. Congressmen as we are as that term has been understood hitherto, regret

as we keenly do that we are unable conscientiously to be members of the old Organization in view of its change of policy, we need not apologize for our Federation, we may and ought to go forward with a serene confidence in the wisdom and righteousness of our cause.

The extremist party has over-reached itself. The recent activities of its more extreme members have produced a visible reaction against them while Mr. Gandhi's non-co-operation programme has proved a veritable apple of discord in their ranks. With no clear perception of whither they are marching, without counting the cost, in disregard of consquences to society, without respect for the traditions or the policy of the Congress and the teachings of its elder statesmen, untaught by lesson and unheeding the warning of daily experience, they have already lost something of the undoubted hold they acquired over the popular mind and are fast losing more. While our party, founded amid opposition from without and hesitancy within, has distinctly gained ground in the country and increasing numbers are, to my own knowledge, either joining us or are in a fair way to do so. Absorbed in the pursuit of a Will O the Wisp, the Congress has almost abdicated its function of criticism, and rendered it the more necessary that we should strengthen and expand our Organization which has to take the place of the Congress that we knew. The new constitution in the provinces points to the same necessity. Who knows but a day may come when the people will have to exclaim, 'Thank God, there is a Liberal Federation to which we can betake ourselves, where to serve the country wisely and well. My earnest exhortation to all Liberals in the country is: Remember Mill's saying that one man with a conviction is equal to ninety-nine without one. Do not apologize, do not doubt, do not hesitate. Go forward with the strength of conviction and with the determination that conquers obstacles. Preach the doctrines of the Liberal party, explain to the people that we are the inheritors of the old Congress whose objects we are faithfully carrying out, establish Liberal leagues wherever they are not, and bring more of the faithful into the fold. Be sure, in building up our party we but serve the country; we have no other motive in this national work. The revered founders of the Congress, who are not with us in mortal form, will be with us in spirit. And the faith in me tells me that, howsoever we may be misunderstood to-day by a section of our countrymen whose commendable patriotic zeal for immediate political salvation prevents them from correctly appreciating our stand point, the day will come when the passions and prejudices of the moment will have

subsided and persuasive reason will again hold up the guiding lamp, and when our motives as well as our wisdom will be vindicated. Whether it may come sooner or later, and even if it may not come, makes no difference. We will not be deflected from what we are convinced is our duty to our Motherland.

Resolution

The Conference met again on the 30th December 1920 for passing Resolutions.

The following resolutions were moved from the chair and carried unanimously with acclamation :—

Welcome to the Duke of Connaught.

The National Liberal Federation of India desires to accord a loyal and most hearty welcome to His Royal Highness the Duke of Connaught on the occasion of his visit to India on behalf of His Majesty the King-Emperor to inaugurate the constitutional reforms.

Lord Sinha's Appointment as Governor.

This Federation records its satisfaction at the appointment of His Excellency the Right Honourable Lord Sinha of Raipur as Governor of the Province of Bihar and Orissa and tenders its hearty congratulations to him on this mark of high appreciation of his distinguished services to this country and offers its best wishes for the success of his administration.

Indian Military Policy.

Sir P. S. Sivaswami Iyer moved :

(*a*) This Federation protests against the recommendations of the Army in India Committee, the composition of which was alike inadequate and unsatisfactory in that it included pronounced reactionaries, like Sir Michael O'Dwyer and Malik Sir Umar Hayat Khan Tiwana and left Indian interests to be represented practically by only one member.

(*b*) The Federation expresses strong condemnation of the procedure followed by the Committee (1) in deciding upon the principles governing the future military policy of India before they left England and before the Indian members were appointed or could join them and before they could consult the Government or the people of India ; (2) in deciding to examine no witnesses ; and (3) in conducting the proceedings *in camera.*

(*c*) The Federation desires to record its protest against His Majesty's Government giving effect to, or otherwise disposing of, the recommendations made by Commissions or Committees on matters of vital importance to the people of India, without affording any opportunity for the expression of their views to the Indian

legislature and the Indian public, and the Federation urges that none of the recommendations of the Esher Committee should in any way be acted upon until the Indian public and Indian Legislature have expressed their views and before the actual cost of the scheme is worked out and made known to the public. The conference notes with alarm that the Government is even now carrying into effect some portions of the recommendations without consulting Indian public opinion and considers that such action will only deepen the distrust of British Military policy already widely prevalent in this country.

(*d*) The Federation is further of opinion that the problems considered by the Esher Committee have been approached exclusively from the standpoint of Imperial policy and requirements, and hardly, if at all, from the point of view of the requirements of India, whether with reference to her internal needs or her position as a partner entitled to equality of status with the Self-Governing Dominions, or to the natural rights and aspirations of the people of India to take an honourable part in the defence of their country, or her capacity to bear the financial burdens entailed by the scheme.

(*e*) The Federation regrets the fundamental assumption in the report that conditions of grave unrest in the Near and Middle East, which have been created by complications of European diplomacy and politics, and for which India is in no way responsible are matters which must be provided against by saddling India with burdens necessitated by Imperial military policy.

(*f*) The Federation records its emphatic protest against the recommendations of the Committee (1) to allow the Imperial General Staff in England to exercise what the Committee call a considered influence on the military policy of the Government of India, which, if carried out, must have the effect of reducing the military administration of India to a position of dependence upon the War Office in England, and depriving the Government of India of their control over Indian Military affairs, and (2) to virtually release the Commander-in-Chief in India from the constitutional supremacy of the civil power.

(*g*) In the opinion of the Federation the reforms urgently needed in the organisation and administration of the Army in India should *inter alia*, include the following: (1) The position that the Army in India should be independent of the British Army and under the control of the Government of India and not of the War Office should be recognised. (2) The Commander-in-Chief should only be the executive head of the army, and not a member of the Governor-General's Council and the portfolio of defence should be entrusted to a civilian member of the Governor-General's Council. (3) Indian

troops should not, as a rule, be employed for service outside the external frontiers of India except for defensive purposes or in very grave emergencies and with the free consent of the Governor-General in Council. (4) The King's Indian subjects should be freely admitted to all arms of His Majesty's Forces in India, including the Territorial Army. Not less than 25 per cent of the King's Commissions should be given to His Majesty's Indian subjects to start with and the proportion raised in ten years to 50 per cent by annual increment of 2 and half of per cent. (5) Adequate facilities should be provided in India for training Indians as officers in all branches of the army by their admission into the existing institutions, as well as by the establishment of new institutions and in all other possible ways. (6) The system of having two sets of Commissions in the army, one proceeding from the King and the other from the Viceroy, should be abolished. All differences of designation between the British and Indian officers of various ranks should likewise be abolished. (7) All invidious distinctions, based upon racial considerations, should be abolished in the army.

(*h*) So long as the Army in India is maintained partly to meet Imperial needs and controlled by the British War Office, a fair and adequate share of India's military expenditure, determined by the relative interests and capacity of the two countries should be paid by the British.

The Non-co-operation Movement.

Mrs. Besant moved :—

The Federation expresses its emphatic disapproval of the policy of Non-Co-operation as calculated to destroy individual liberty of speech and action, to incite social discord and retard the progress of the country towards responsible government ; but the Federation feels that the best way of successfully combating the Non-co-operation movement is for the Government to redress the wrongs that have led to its adoption.

The Congress met again on the 31st December 1920 and passed the following Resolutions.

The following resolution was put from the Chair :—

The National Liberal Federation desires to place on record its sense of the great loss that the country has sustained in the death of Mr. Bal Gangadhar Tilak, the eminent patriot who devoted his life to the political advancement of the Indian Nation.

The Federation also desires to place on record its sense of the loss sustained by the country in the death of Rai Bahadur Devendra Chandra Ghose, who rendered distinguished services to the country.

Indians Abroad.

Pandit Hirdyanath Kunzru moved :—

1. (a) Having regard to the historic and honorable connection of Indians with the East African territories which owe not merely their development but practically their very existence to Indian capital and labour and to Indian enterprise and initiative, and to the part played by Indian soldiers in the conquest and pacification of the East African Protectorate (Kenya colony), the National Liberal Federation of India strongly protests against the anti-Indian agitation of the European residents of the Protectorate and against the political and economic disabilities imposed upon Indians by the Government of the Protectorate.

(b) The Federation urges that there is absolutely no justification for the policy of racial discrimination against the Indian subjects of His Majesty in a part of the British Empire the internal administration of which is under the control of His Majesty's Government, and that Indians should enjoy absolute equality with Europeans in the Protectorate (Kenya colony). The Federation urges in particular that restrictions on the allotment of land for commercial and other purposes to Indians should be abolished and that a liberal political and municipal franchise and adequate representation on the legislative and municipal councils should be granted to them.

2. (a) The Federation invites the urgent attention of the Government of India to the news received from Fiji that 30,000 Indians, despairing of obtaining justice, have been driven by gross oppression to decide to sell all their property and leave the colony in which they have settled and which owes its prosperity mainly to them.

(b) The Federation would urge strongly that the Government of India should press for an independent inquiry into the causes of the recent riots in Fiji, the methods employed in suppressing them with special reference to the treatment of women and the wages of labourers and the conditions under which Indians live, representatives of the Goverment and the people of India being associated with the enquiry.

Racial Distinctions.

The Hon. Mr. V. S. Srinivasa Sastri moved :—

That, in the opinion of the Federation, the inauguration of the new regime conferring a measure of Self-Government on the people of India must be signalised by a comprehensive measure abolishing all distinctions in law based merely on the race of the individual, and urges, in particular, that the provisions in the criminal law of

India conferring upon Europeans and Americans certain special privileges and rights must be repealed at an early date.

Exchange and Currency.

Hon. Professor V. G. Kale moved :—

In view of the admitted failure of the efforts of the Government of India to maintain the country's gold exchange at or near the basis recommended by the last Committee on Exchange and Currency and even at the sterling level fixed by themselves, and in view of the enormous losses caused to the Indian Exchequer mainly by the sale of reverse councils, against which the public strongly protested, and the utter disorganisation and demoralisation of the export and the import trade of the country which have been accentuated by the said policy of the Government, the National Liberal Federation strongly urges a fresh and immediate inquiry into the whole exchange and currency problem, such a reconsideration of Government's policy having been recommended by the Babington Smith Committee itself. The Federation further urges that the suggested reconsideration should aim at placing the Indian system of exchange and currency on a self-adjusting basis so as to promote the best interests of the trade, manufactures, industries and finances of the country and to bring India in a line in this connection with the advanced nations of the world.

Fiscal Policy of India

Mr. C. P. Ramaswami Aiyar moved :—

In pursuance of the recommendation of the Committee appointed by the Governor-General in Council in February 1920 to advise as to the best method of considering the future fiscal policy of India, the National Liberal Federation of India urges the immediate appointment of a strong and representative Commission, with power to take evidence in various parts of the country from representatives of all interests concerned, such as those of importers, exporters, producers, manufacturers and consumers, to examine the whole question of the future fiscal policy of India.

The Federation further urges that the country should not be committed, in the meanwhile, to any policy of Imperial Preference until a Commission such as the one recommended above has collected evidence and made its report.

Medical Services.

Rao Bahadur C. B. Rama Rao moved :—

The Federation considers the recommendations of the Lovett and Esher Committees as being retrograde and calls upon the Government to set them aside. The Federation is of opinion that

the Medical Service in India should be separated into two divisions, one military and the other civil. The former should be recruited both in England and India, while the latter should be recruited mainly in India. While exchange of officers may be allowed for purposes of training, the two services should be kept strictly separate and to meet military emergencies, officers in the Civil Medical Service should be obliged to undergo military training for fixed periods at stated intervals and go on field service when required.

Resolution from the Chair.

The President put the following resolutions from the chair :—

The Khilafat.

The National Liberal Federation of India regrets that the Prime Minister's pledge to the Musalmans of India made in January 1918 has not been redeemed ; and strongly urges His Majesty's Government to avail themselves of the developments in Greece and suitably revise the Treaty with Turkey.

Repressive Legislation.

The Federation urges upon the Government of India to take immediate steps to repeal the Rowlatt Act, the Press Act and the Deportation Regulations.

Women Franchise.

The Federation requests the Council of State, the Legislative Assembly and the Provincial Councils respectively, to remove the sex disqualification in their respective franchise from women otherwise duly qualified.

Trade Unions.

The Federation urges the Government of India to take steps to legalise Trade Unions on the lines of the English legislation on the matter.

The Punjab Affair.

The Hon. Mr. Srinivasa Sastri moved :—

1. The Federation records its conviction that the failure of British statesmanship to rise to the demands of the situation in regard to the Punjab affair has largely prevented the people from realising the value of the constitutional Reforms.

2. The Federation protests against the failure of the Government to render justice by imposing adequate punishment upon officers who were guilty of acts of cruelty, oppression and humiliation during the period of Martial Law administration in the Punjab.

3. The Federation has noticed with regret and surprise that the compensation awarded to the victims of martial law excesses was extremely inadequate and disproportionately small as compared with the compensation awarded to the victims of mob violence as well as with the losses sustained by them. This Federation further regrets that the heavy fines levied upon certain cities have not been revised and reduced.

4. The Federation again strongly urges that effective safeguards should be provided against a recurrence of such things as happened in 1919 in the Punjab on the lines recommended at the Calcutta session of the Federation.

Factory Legislation.

Mr. N. M. Joshi moved :—

The Federation is of opinion that to improve the conditions of labour in this country, the Factory Act should be amended in the following respects :

(1) Work in all industrial undertakings should for the present be limited to ten hours a day in the cases of men, eight in the case of women and five in the case of children between the ages of 12 and 14. (2) Children between fourteen and sixteen years should be classed as young persons and their hours of works should not exceed six hours. (3) In the case of mines the maximum should be fixed at 54 hours a week. (4) Exceptions under Section 21 and 29 of the Indian Factories Act of 1912 should be removed altogether. (5) A rule should be made prohibiting the employment of women for six weeks before and six weeks after child-birth and provision should be made for maternity benefit. (6) Women and children should under no circumstances be employed during night time. (7) Provision should be made for the appointment of special health officers, including women health officers, to supervise health conditions in factories. (8) The minimum age for admission to industrial employment should be fixed at twelve. (9) The definition of "Factory" should be so revised that all industrial undertakings employing 20 persons and above even without the use of mechanical power are brought under the Act.

The Government of India.

Mr. A. Rangaswami Iyer moved :—

The Federation regrets that, instead of consideration being given to the need for reduction of the strength of the Executive Council of the Viceroy there should have been an addition to the Council even after the devolution of powers to Ministers in the provinces. The Federation protests against the recommendations of the Government of India Secretariat Procedure Committee in so

far as they relate to the creation of new offices and consequent increase in the staff and to the creation of posts of Private Secretaries to the members of the Executive Council.

The Executive Councils.

The following resolutions were put from the chair and carried :—

(1) The Federation protests strongly against the fixing of the strength of the Executive Councils in Madras, Bombay and Bengal at 4 instead of at 2 as involving waste of public money, as throughly unjustifiable in view of the transfer of about one half of public business to Ministers, and as tending to retard the transfer of more subjects to Ministers in the near future.

(2) The Federation notes with regret that the strength of the Executive Council in Bihar and Orrissa should have been fixed at 3 instead of at 2 and that, with the strength of the Executive Council at 3, only one Indian should have been appointed against the express recommendation of the Joint Select Committee, both when they first reported on the Government of India Bill and subsequently, when they discussed the matter at the instance of the Government of India in connection with the Rules.

Depressed and Backward Classes.

Mr. V. R. Kothari of Poona moved a resolution urging the reformed legislatures in the provinces to lose no time to formulate a programme for the elevation of the depressed and backward classes.

Indian Reform Committee of London

The President moved :—

The National Liberal Federation of India recognises the Indian Reform Committee of London as its British Committee and resolves to contribute a sum of six hundred pounds per annum for its maintenance in addition to one-half of the delegation fees realised by the Reception Committee of the annual session of the Federation. Of the said six hundred pounds, the Presidencies of Bengal, Bombay and Madras shall each contribute 150 each, the U. P. 100 and the Central Provinces and Behar, 50. The amounts shall be remitted to the Indian Reform Committee in December in advance to each succeeding year.

Organisation of the Federation.

The following resolution was moved from the chair :—

Resolved that resolution 14 of the second session of the Federation be amended as noted below : In clause 4, substitute "25" for "15" and insert at the end of the paragraph "5 members nominated by the President of the Annual Session". At clause 6 substitute Rs. 10 for Rs. 5.

Presidential Address

Delivered by

Mr. M. A. Jinnah

At the

Extraordinary Session

Of the

ALL INDIA MUSLIM LEAGUE

Calcutta 7th September 1920

The All-India Moslem League commenced its special sitting in Calcutta on the ground floor of the Town Hall at 9 o'clock on Tuesday morning. The hall was decorated with flags and foliage. Mr. Mohammad Ali Jinnah, President of the League, occupied the chair. The attendance was very large, the hall being quite full. Three mottos spanned the breadth of the hall bearing in bold white letters on a red background the following inscriptions: "Remember Jallianwala Bagh," "Be true to your religion" and "Liberty is man's birthright." Among those on the platform were Mrs. Annie Besant, Mrs. Jinnah, Mrs. Yakub Hussain, Lala Lajpat Rai, Mr. Gandhi, Mr. Mati Lal Nehru, Hakim Ajmal Khan, Moulvi Zafar Ali Khan, Mr. Shaukat Ali, Moulana Karam Khan, Mr. Fazlal Huq, Mr. Erfan Ali, Swami Sradhananda, Mr. Ramamurti, Moulana Abul Kalam Azad, Mr. Rambhuj Dutt Chaudhuri, Mr. Duni Chand, Mr. C. Vijaya Raghava Chariyar, Lala Gridhari Lal, Dr S. Kichlew, Syed Ali Nabi, Mr. Jamunadas Dwarkadas and Pandit Gokaran Nath Misser.

On either side of the presidential table stood a Khaki clad volunteer with drawn swords but to the evident relief of those nearest to them the swords were sheathed before the meeting began. The audience took exception to the flags of the Allies which, amongst others, flaunted in the hall. Mr. Shaukat Ali pointed out that the decorating of the hall was entrusted to a contractor who had hung these flags and the Secretary of the League being very busy had not noticed them, but after the morning session was over the flags in question would be removed.

The proceedings opened with a recitation from the Koran after which Hakim Moulana Abdul Rauf, Chairman of the Reception Committee, welcomed the audience. He spoke in Urdu and after he had spoken for an hour and ten minutes he was asked to finish as it was getting late.

Presidential Speech.

The President, who was garlanded amidst cheers, then addresed the assembly. He said :—Delegates of the Moslem League, ladies and gentlemen, I have been called upon to preside over the special session of the Moslem League by virtue of its constitution which does not permit the election of a President except in the case of an annual sessions. The responsibility therefore of placing before you the grave aspects of the present situation has fallen to me as the President of the League. I am not going to tire you with weary details. We have met here principally to consider the situation that has arisen owing to the studied and persistent policy of the Government since the signing of the Armistice. First came the Rowlatt Bill—accompanied by the Punjab atrocities—and then came the spoiliation of the Ottoman Empire (cries of shame) and the Khilafat. The one attacks our liberty, the other our faith. Now, every country has two principal and vital functions to perform —one to assert its voice in the international policy, and the other to maintain internally the highest ideals of justice and humanity. But one must have one's own administration in one's own hands (hear, hear) to carry it on to one's own satisfaction. As we stand in matters international, India's voice is represented through His Majesty the King of England's Government, although nominally we happened to have two Indians who were supposed to represent us but they were neither the chosen nor the accredited representatives of India. The result was that notwithstanding the unanimous opinion of the Musalmans, and in breach of the Prime Minister's solemn pledges, unchivalrous and outrageous terms have been imposed upon Turkey (shame) and the Ottoman Empire has served for plunder and broken up by the Allies under the guise of Mandates. This, thank God has at last convinced us, one and all, that we can no longer abide our trust either in the Government of India or in the Government of His Majesty the King of England (applause) to represent India in matter international.

The Indian press is flooded by accounts of occurrences in the Colonies, which show but too well how India is sacrificed to the individual interests of these Englishmen who have settled in these Colonies which India's man power and India's work power have built.

And now let us turn to the Punjab. That Star Chamber Legislation named after the notorious Chairman of the Rowlatt Committee was launched by the Government of Lord Chelmsford, and it resulted in those "celebrated crimes" which neither the words of men nor the tears of women can wash away. "An error of judgment" they call it. If that is the last word, I agree with them,—an error of judgment it is—and they shall have to pay for it, if not to-day then to-morrow (hear, hear). One thing there is which is indisputable, and that is that this Government must go and give place to a complete responsible Government (hear, hear and applause). Meetings of the Congress and the Moslem League will not effect this. We shall have to think out some course more effective than passing resolutions of disapproval to be forwarded to the Secretary of State for India. And we shall surely find a way even as France and Italy did—and the new-born Egypt has. We are not going to rest content until we have attained the fullest political freedom in our own country (hear, hear).

Mr. Gandhi has placed his programme of non-co-operation, supported by the authority of the Khilafat Conference before the country. It is now for you to consider whether or not you approve of its principle, and approving of its principle whether or not you approve of its details. The operations of this scheme will strike at the individual in each of you, and therefore it rest with you alone to measure your strength and to weigh the pros and the cons of question before you arrive at a decision. But once you have decided to march let there be no retreat under any circumstances (no, no, never).

In the meanwhile there sits in Olympian Simla a self-satisfied Viceroy who alternately offers his sympathies to us unfortunate Mussalmans, and regrets Mahatma Gandhi's "foolish of all foolish schemes" (shame) being fortified with a "character" from His Majesty's Government sent in a recent Despatch from "Home"—the word Home is in inverted commas. This is the "changed angle of vision" on which we heard such high sounding phrases during those critical stages of the war when India's blood India's gold was sought and unfortunately given—given, to break Turkey and buy the fetters of the Rowlatt Legislation.

One degrading measure upon another, disappointment upon disappointment, and injury upon injury, can lead a people to only one end. It led Russia to Bolshevism. It has led Ireland to Sinn Feinism. May it lead India to freedom (applause).

The unsatisfactory character of the "Reforms" evolved by the timidity of Mr. Montagu and the prejudice of Lord Chelmsford marred by its own Rules and Regulations, and worked under the influence of Lord Chelmsford's Government, offers us "license

for liberty, and license does not compensate for liberty," and if I may quote here the words of a well-known author this what he says "license for liberty and license does not compensate for liberty." We may have Indians as Lieutenant Governors and Governors and for the matter of that Viceroys. That is license but that is not liberty (hear, hear). What we want is true political freedom of the people and no posts and positions in Government (applause). And, secondly, the unusual haste displayed in the passing of the Rowlatt Act before the new Council and contrary to the universal opinion, only go to illustrate the policy of the Government. And when in the Punjab this universal opposition against the Rowlatt Act manifested itself through constitutional methods, it fell to the lot of the Lieutenant Governor to dishonestly characterise it as "open rebellion." Only his administrative genius could have conjured up a vision of "open rebellion" in a country whose people have been brutally unarmed and only his cowardly spirit could have requisitioned the application of Martial Law secure in his knowledge that weaponless there could be no retaliation (shame). Martial Law was introduced; the manner and circumstances of its proclamation and its administration was calculated to destroy political freedom, political life, not only in the Punjab but throughout India by striking terror into the hearts of its people. The majority report of the Hunter Committee is one more flagrant and disgraceful instance that there can be no justice when there is a conflict between an Englishman and an Indian. The Government of India with its keen sense of humour and characteristic modesty proceeds to forward a resolution in its Despatch to the Secretary of State commending its conduct, blind to the fact that they were in the position of an accused passing judgment.

Now, let us turn to the great "error of judgement"—the judicious finding of the Cabinet—which itself is no less an error of judgement and that was duly wired to us by Reuter. To follow up events in sequence I must mention the Parliamentary debate which forgot the Punjab and discussed general Dyer. Of course Mr. Montagu hadn't the time to put India's case before the House, being far too busy offering personal explanations. And then the blue and brainless blood of England, to their crowning glory, carried the infamous resolution of Lord Finlay.

And what of the sacred land of the Crescent and Star and the blue and golden Bosphorus, its capital seized and the Khalif virtually a prisoner, its territories overrurn by Allied troops groaning under an imposition of impossible terms. It is a death warrant and not a treaty.

These are the enormities crying aloud and we have met to-day

face to face with a dangerous and most unprecedented situation. The solution is not easy and the difficulties are great. But I cannot ask the people to submit to wrong after wrong. Yet I would still ask the Government not to drive the people of India to desperation or else there is no other course left open to the people except to inaugurate the policy of non-co-operation (hear, hear and applause) though not necessarily the progamme of Mr. Gandhi (no, no).

I do not wish to detain you any more but before I sit down I will only say this, remember that united we stand, divided we fall (hear, hear and applause), and throughout your discussion I beg of you not to lose sight of that. I am certain that every member of the Moslem League will rise to that high sence of duty which he owes to his community and his country and in the course of your deliberations and discussion—whatever the differences of opinion may be—we must give credit to each other that each in his own way is doing his best for his motherland and for his home and for his country. In that spirit I would urge upon you to proceed with your deliberations and I have no doubt that the collective wisdom, the united wisdom, of the best intellect of the Musalmans will not fail to find a solution of a question which we consider from a purely Musalman point of view as a matter of life and death, namely, the Khilafat question. I have no doubt that with over seventy millions of Musalmans led by the best intellect and brains of the community, success is assured (hear, hear and applause).

Presidential Address

Delivered by

Dr. M. A. Ansari

At the

Thirteenth Session

Of the

ALL INDIA MUSLIM LEAGUE

Nagpur 30th December 1920

Dr. M. A. Ansari, the President of the thirteenth session of the All-India Moslem League held at Nagpur on the 30th instant delivered a lengthy speech in the course of which he expressed sympathy with the sufferings of Ireland and Egypt and discussed the question of the Khilafat threadbare. The devices of the Allied Governments, the treaty of Severes, the Turkish treaty, the effect of the treaty on the Muslim world—all these questions were dwelt upon at considerable length. He also discussed the Khilafat Delegation's work in various allied countries in Europe. He dwelt upon the Punjab question, severely criticised the Despatch of the Government of India. He then discussed the non-co-operation movement.

Progressive Non-violent Non-co-operation.

The Khilafat and the Punjab questions naturally bring one to the consideration of the methods by which these wrongs should be redressed and their repetition made impossible. It is not only the question of Khilafat of the Punjab, the repressive legislation or the shameful treatment of Indians in different parts of the British Empire, but it is the spirit behind these individual actions which has to be fought and conquered. To any one who tries to look deeper it becomes obvious that these specific actions are the natural outcome of the notion of superiority of the West over the East, the greed and lust of power, the desire of exploitation of the weaker nations for the benefit of stronger, and the determination on the part of the Western Nations to perpetuate the bondage and slavery of Asiatic people. It is, therefore, not only a question of India's

honour and freedom but a great struggle for the emancipation of all the enslaved Asiatic people from the thraldom of the West. In the foregoing observations I have endeavoured to show that all the talk about liberation of the weaker nations from oppressive yoke, the right to freedom of subject nationalities and the principle of self-determination indulged in by the Allied Statesmen, have been a delusion and a snare. The question then arises whether we in India are going to do anything to discipline and organise ourselves in order to gain our wrongs, or are we going to continue the old policy of mendicancy, petitioning others to grant us our inherent rights.

So far as the Musulmans are concerned the principle of non-co-operation is not a new idea ; rather it is a clear and definite injunction of the Divine Shariat which the Musulmans of India had in their forgetfulness consigned to oblivion. At the commencement, some members of the Khilafat Committee and some of the leading Muslim divines brought this matter before the public and when the question was carefully discussed as regards the application of this principle, it was decided that the present times furnish all the circumstances and the conditions laid down in the Muslim Shariat. It has therefore become binding that we should practise non-co-operation against the opponents of Islam.

Mahatma Gandhi's far-sighted mind saw in this Muslim religious principle an effective method of wide application, well suited for the present political requirements of the country and entirely in conformity with the principle of Satya-graha. His whole-hearted and single-minded advocacy of this principle resulted in its adoption by all the great political organisations representing the views of the over-whelming majority of the inhabitants of this country. Non-co-operation is based on the obvious truth that no Government can carry on the administration of a country without the active co-operation or passive acquiescence of the people inhabiting that country. And if the Government of the country be unjust and heedless of the rights and liberties of the people the only peaceful way of reforming the recalcitrant government is to cease co-operation with it.

The consideration of this principle from the ethical point of view need not detain us very long. In order to have any wrong done to a people redressed it is not enough that a few individuals should be cognisant of the wrong but the entire people or at least a large majority of them must feel the wrong. Then again the mere fact of feeling a wrong does not absolve you from your moral duty but you must deny to help the wrong-doer in perpetuating the wrong, and by creating a very strong public opinion you must make the repetition of that wrong impossible.

As regards the religious aspect of this principle I shall only discuss it briefly from the Muslim point of view. The Muslim Shariat enjoins Tark-i-mawalat or the abandonment of friendship (which means no connection of love, service or help) with those non-Muslims, who are enemies at war with Islam and Muslim countries. Again the Holy Quran imperatively demands that Musalmans should behave righteously, affectionately and in a friendly manner towards all those non-Muslims who are neither at war with muslims nor are they assailants intending to invade or occupy their territories. "Allah does not forbid you respecting those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you show them kindness and deal with them justly, surely; Allah loves the doers of justice. Allah only forbids you respecting those who made war upon you on account of (your) religion, and drove you forth from your homes and backed up (others) in your expulsion, that you make friends with them and whoever makes friends with them: these are the unjust." (60 : 8. 9) and Allah says: Oh you who believe! Do not take my enemy and your enemy for friends. Would you offer them love while they deny what has come to you of the truth? (Quran-i-Majid, Sur-i-Mumtaheua 60. 1)

It is not necessary to lay stress on the fact that Non-co-operation is not only a political or a moral necessity but to a Musalman it is a religious obligation and hence a graver responsibility attaches to him in carrying it out.

Survey of progress

A brief survey of the progress of Non-co-operation during the last 3 months would be helpful in forming an estimate of its wide-spread acccptence and steady manner in which it is spreading.

The boycott of Councils by the Nationalists has been complete. The electors have also given a very clear verdict against the so-called Reformed Councils. The exact figures are not yet available, only rough estimate can be made. In a vast majority of the constituencies the percentage of electors who recorded their votes was about 10, in a small number between 10 and 25, and only a few above 25. No amount of explanation would convince the world that so far as the people of India are concerned they would care to have anything to do with the Montagu-Chelmsford Reforms.

The response which the young people of India have given has been very substantial and most encouraging and this inspite of the difficulties and obstacles which have been placed in their way by the educational staff and authorities.

I cannot help feeling proud of the fact that the students of the Mohammadan Anglo-Oriental College Aligarh, gave a lead in this matter. You have all heard how that august assembly of the Trustees of the M. A. O. College, gathered in an informal meeting at Aligarh, gave scant hearing to the call of their religion in which was also involved the cause of their country's honour and freedom. You know how the feeble voice of those who invited them as a matter of conscience to give up government grant-in-aid, to disaffiliate their College from the Government University and to nationalize it fell on deaf-ears. You are aware in what insolent and overbearing manner the Government-bidden packed majority rejected our demand and condemned our action. Then followed the insufferable high-handedness of the College authorities who stopped the food, water-supply, sanitary arrangements and medical aid of the non-co operating students. And lastly the culminating act of the infuriated panic-stricken authorities was to turn out the student from the College with the help of the Police-force.

All the while intimidation, persuasion, social and moral pressure were being brought to bear on these students. But they stood firm and behaved with marvellous patience and fortitude and left the College peace-fully and quietly to take their abode in the new quarters of the National Muslim University. Ever since then a campaign of calumnies and vilification has been deliberately carried on against the Principal, his supporters, and the students of the new institution. The Aligarh College authorities have descended in their rage to the lowest depth and have thrown away all decency and decorum to the winds. The columns of the Aligarh Institute Gazette have been open to the vilest abuse and all the available English and vernacular dailies are requisitioned for this propaganda of invection, calumny and scandal. But with the help of the band of those staunch, sturdy and strong-minded young students, the newly inaugurated National Muslim University has gone on daily adding to its number until six bungalows have now been rented to accommodate the students who have joined the University. We have no fear for the future. We have full faith that our University will go forward on its march of progress and one day, God willing, the old institution being purged of all its evils will merge into the new.

The sister National University at Ahmedabad with Mahatma Gandhi, its Chancellor and that noble and brave man Mr. A. T. Gidwani, as the Principal, will keep the touch of learning alight in Guzrat, illuminating the darkness of the institutions where knowledge is only a concomitant of moral and mental slavery.

The Khalsa College, the Islamia College of Lahore and the Hindu University students are putting up a brave fight. Our best wishes are with them in their efforts to break the fetters which still enslave them.

Our sincere congratulations and good wishes are offered to the Board of Management and students of the Nadwat-ul Ulema at Lucknow for the way in which they have refused the Governmet grant.

As for the National Schools so many are daily coming into existence all over the country that it is difficult at present to furnish a complete list. There is a great future for the education on National lines and if Non-co-operation does nothing more than removing the evils of the present system of education it shall have fully justified its inception.

Swadeshi have received a great impetus from the movement of Non-co-operation. Everywhere larger and larger number of people are taking to wearing clothes mannufactured in India. We have not reliable data to give exact figures but the opening of Swadeshi Stores and Emporia all over the country is a sure index to the increased use of Indian goods. Though hand spun yarn and hand looms are still in their infancy, it is not too much to hope that there is a sure future for this branch of Indian Industry.

The response of the lawyers, one feels constrained to admit has been very poor. The number of those who have given up their practice is probably the largest in the Madras Presidency and the least in Bengal. Arbitration Courts are in the process of formation in a number of big centres. Speaking for Delhi, although we have not yet fully organised our courts the number of cases already disposed of has been nearly one hundred.

There has been a fair number of renunciation of titles and honorary posts. Considering the class of people who generally hold them, this number is not discouraging.

Criticisms.

So far the criticisms against Non-co-operation have been made from three groups of people i.e: the Moderates, the European and Anglo-Indian papers and Government officials. These criticisms may be summarised under the following heads:—

Those who call the programme of Non-co-operation destructive do not seem to have carefully read the programme. If they had, they would have seen that there is construction going on simultaneously with destruction, for instance, with the boycott of the councils there is simultaneously the education of the electors regarding their demand for full Swaraj with the withdrawal of students

from schools, and colleges, there is the establishment of National Colleges and School and so far as the teaching institutions are concerned the aim is to nationalize the existing institutions, (vide the Nadwat-Ul ulema College, Lucknow) and it is only when the authorities refuse to give up the Government grant-in-aid that the need of withdrawing students from them and opening new institutions is felt, hence the responsibility of destroying the existing institutions is not entirely on the shoulders of Non-co-operators but on those as well who refuse to give up the Government grant-in-aid although in many cases they admit the evils arising from the grants. Similarly in the case of lawyers the suspension of their practising in the Government courts will be followed by the formation of Arbitration courts where a number of them may find work. Moreover, the critics forget that Non-co-operation is not an end in it-self but simply a means to attain Swaraj which surely is the most constructive of all constructive things.

It is forgotten by the critics that Non-co-operation is non-violent and the very fact of eschewing violence of every kind shows that it is not based on hatred or enmity against any individual. Not only does it include the preaching and practising of non-violence but the non-co-operator is strictly enjoined to make it his personal concern to consider the life, honour, and property of every man, English or Indian, sacred and inviolable. It is fully realised by non-co-operators that any violence would end in the utter failure of this method of achieving Swaraj. Whatever bitterness exists, is the result of Government's action regarding the Punjab and the Khilafat. It can fairly be claimed that non-co-operation has had the effect of lessening the bitterness and directing the thoughts and energies of the people towards self-discipline, self-sacrifice and organisation. Sacrifice and not hatred is the basis of Non-co-operation.

It has been demonstrated both during the Punjab disturbances and at other times if the masses have been controlled and diverted from violence and fury, it is by means of Satyagraha and the Non-co-operation movement. It is the fashion of the opponents of Non-co-operation to ascribe every act of lawlessness as the result of Non-co-operation. Facts prove just the contrary. Non-co-operation appeals to the finest instinct of the people, whether they are educated or ignorant. It preaches law and order, it preaches self-discipline and self-sacrifice, it preaches non-violence.

The very fact that this money is called "Government grant-in-aid" and is given and accepted as a bounty from the Government shows that although the money comes from the tax-payer's pockets, it is given as a gift from the Government to the people. It becomes

all the more degrading that the money collected from the people used by the Government for imposing irksome conditions and restrictions on the people. Can it be truthfully said that this money is used as freely and without any let or hindrance as the money received as contribution from the people at large ? Can these institutions stop the meddlesome inspectors of schools from visiting these institutions and generally misdirecting their work while receiving the Government grants-in-aid ? Can these institutions use text books of their own choosing, or invite any one to lecture to the boys on the economic slavery of India or any such subject ? It is clear that the Government by giving this pittance controls the institutions fully and completely though the money may be our own, and if anything is fatal to the free growth of our educational institutions it is the Government's control whose admitted aim is to denationalise Indian's and to make slaves and clerks of them.

This criticism pre-supposes that the councils confer some real benefit on the people. Past experience and the constitution governing the new councils prove otherwise. The councils have no control over the Army, the Navy, or Foreign relations, the Civil Service, the Imperial Educational Service, the Indian Medical Service, Finance, the Fiscal policy, and indeed on anything that really matters regarding the government of the country. The Governors and the Viceroy have still got unlimited powers of veto. What would be the use then of going to these councils, and wasting time in useless debates ?

The Government's Attitude.

At first the attitude of the Government was that of ridicule. Every epithet that could show the movement in bad light was used. Nothing could be more futile or ill-advised. It was said that the movement was bound to fail by reason of its intrinsic inanity. The nature of this visionary scheme was unpractical. It was the most foolish of all foolish schemes. But the ridicule did not kill this movement and the Government had to assume a less contemptuous way of dealing with the situation. A solemn effort was made to rally the supporters of the Government. The Moderates were asked to organise themselves to destroy this movement, otherwise it was threatened that repression would be started. Inspite of the efforts of the faithfull Moderates this inane movement did not die and as the efforts "to laugh out" the movement missed the mark, ridicule by Government and inane efforts of the Moderates soon changed to words and deeds full of gravity and the mighty Government felt constrained to resort to cœrcion, the last weapon in its armoury. Repression which was started by the prosecution of a number of

people has now given place to gagging large and important sections of the Indian people by the application of the Prevention of Seditious Meetings Act of 1911, Part II of the Criminal Law Amendment Act of 1908 to politically advanced areas. Nor is this all; for worse things still appear to be in store for this "laughable" movement. After all if it was only a contemptible fly, which it was supposed to be, where is the necessity of killing it with a sledge hammer used with the force of a giant?

Conclusion.

So far I have dealt with facts familiar to all and covered what is well known ground. But I may, without intending to weary you, add a few more words. There appears to be a kind of deadlock between the bureaucracy and the people of this land, from the point of the view of the Government, and all because India has awakened, after age-long slumber to a keen sense of self-respect, self-reliance and self-organization; because India is now determined not to submit to any "Secondary position" in matters which are primarily her and her children's concern. She has awakened to a strong sense of of present thraldom and helotry; and also of her legitimate heritage of freedom. The bureaucrat is still thinking in the obsolete terms of governing with the mailed first covered under the velvet glove because he cannot reconcile himself to the perfectly valid claims of self-respecting India, and continues to dream sweet dreams of gaining yet another lease of autocratic life for exploiting the rich resources of our country and the noble and self-effacing nature of our poor intimidated countrymen. The deadlock is inevitable because while we have ceased to think in terms of slavery, the heartless bureaucratic machinery, incapable of "imagination" continues to work as before we refused to be exploited, and the Government devices cunning plans to ensnare us, to coax, cajole or coerce us into submission. But they forget that we are no longer inspired by any but the highest ideal of complete Swarajya, which leaves no room for any bargains for seats on legislative bodies or transferred subjects. So long as we have not plenary powers to control, guide and change the entire government of our country according as it (Government) well could suit the interests of the largest number of our contrymen, why must our friends continue to din into our ears the virtues of the "advance" the new conditions mark?. So long as they do not divest themselves of the mentality which cannot cease to talk of "advances and concessions" there is no hope of the deadlock coming to an end. To us, however, who are determined to redeem our birth right, at any cost, 'excepting violence', the state of affairs described as a deadlock marks the

beginning of our self-oraganizing efiorts. The Government have forfeited our confidence by violating their pledges, eulogising tyrants, and supporting perpetrators of inhuman atrocities and other exhibition of a sad want of morality. The feeling of distrust has permeated the masses not only of India but of the whole East, as borne out by what the Egyptians, the Arabs, the Kamalist Turks, the Persian nationalists, the Chinese and last but not the least, the Japanese have at different times and independently of one another said in non-official or semi-official organs of opinion. This also appears to be the opinion of even such a partisan as Sir Valentine Chirol.

To win the co-operation of India there is nothing for our alien friends but first to disabuse their minds of "domination, race supremacy" and kindred evils, secondly to do ample penance for past wrong such as the dismemberment and the subjugation of the Khalifa, temporal and spiritual empire, and the massacre of Jallianwala, and lastly to recognise in unmistakable terms and in actual practice the sovereignty of the people of India.

As regards the suggestion about a Conference of Leaders of public opinion it may be said that in the present state of high tension in the country no good purpose can be served by attempting any 'approachment' before there has been a complete vindication of the people's honours and sovereignty. No one can say that the wanton blows that are being dealt at the self-organizing efforts of honest patriots can ever result at any pacification. There is no trace of any willingness on the part of Government or certain important sections of anti-Indian Europeans—the consideration of whose views seems to weigh so much with the bureaucrats—to descend from the clouds, infact, their appears to be a good deal too much of the "pride of power".

After the reading of the speeches of the Chairman Receiption Committee and President, the Moslem League meeting was adjourned till 31st Dec. 1920.

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Resolutions

The All-India Muslim League resumed its sitting on 31st Dec. 1920 in the Congress pandal and passed the following resolutions.

The All-India Muslim League deeply deplores the sad demise of the late Sheikhul-Hind Muhammad-ul-Hasan Sahab of Deoband. The Legue offers its heart-felt condolence to the bereaved family of the Maulana. The All-India Muslim League welcomes the establishment of the National Muslim University at Aligarh and congratulates the Principal, Mr. Muhammad Ali, upon his intrepid leadership and his students upon their invincible courage displayed in the performances of their duty in the face of great provocations and hardships. The League calls upon the public to give the University their best moral and material support. The League expresses its deep sorrow on the sudden demise of Mr. Mumtaz Hussain, Bar-at-Law, of Lucknow, and expresses its sympathy with the bereaved family.

The Creed.

The objects of the All-India Muslim League shall be :

The attainment of Swarajya by the people of India by all peaceful and legitimate means.

To protect and advance the political, religious and other rights and interests of the Indian Musalmans.

To promote the friendship and union between the Musalmans and other communities of India.

To maintain and strengthen the brotherly relations between the Muhammadans of India and those of other countries.

Mr. Muhammad Ali, while moving the resolution changing the creed of the Muslim League by substituting the attainment of Swarajya by all legitimate and peaceful means, said that the existing creed was not up to date in view of the existing circumstances when loyalty to the British Government and self-Government within the British Empire were out of question as long as British Government persisted in their anti-Islam, and anti-Indian policy. The same view was held by the Congress and the Sikh League and other public bodies. Mahatma Gandhi and those who shared his religous beliefs maintained that peaceful means were the only legitimate means to fight the Government now and for ever, but the Muslim faith went a step further, and said that, if the existence

of the evil could not be removed without violence. it must be removed with violence. Force could be used to defeat force. To-day, however, Indian Muslims recognised that they were not in a position to use force against the force of Government, but if the Government's anti-Indian policy still continued and peaceful means were useless, then this resolution could not interfere with the use of force, if required. The rules and regulation of a public body, like the Muslim League, must be interim resolutions to meet the existing state of affairs. This resolution would assure the Government that the Muslims would not resort to violence, but if even, in the face of this resolution, the Government would use force against them, then the people would stand by their creed and observe non-violence.

The resolution was supported by Hakim Ajmal Khan and three others.

Maulana Hasrat Mohani moved the original resolution. He said that time might come when violence be required to fight the Government. He was supported by two others.

Mr. Muhammad Ali, replying to the debate, said the wordings of the resolution were in conformity with the situation to-day and if the same circumstances arose later on the creed could again be changed to suit the time.

Maulana Hasrat Mohani demanded a division, and the president ruled that voting would be taken later on.

Cow Sacrifice.

While reaffirming the resoution passed by the League at the Amritsar session regarding the cow sacrifice, the League exhorts the Musalmans of India to continue unabated their earnest efforts in that direction. The League at the same time appeals to its Hindu brethren to refrain from securing legislative measures which, it fears, would only add to the difficulties of the situation.

Non-co-operation.

Hakim Ajmal Khan then moved the following resolution.

The All-India Muslim League reaffirms the resolutions passed at its special session in Calcutta regarding non-violent Non-co-operation.

The League places on record its satisfaction at the progress the Non-co-operation movement has made generally and in particular at the boycott of Councils by the Nationalists and at the refusal to exercise their right of voting by the vast Majority of the electors of the various constituencies established under the Reform Scheme. In view of the unmistakable attitude of the electors, the League

calls upon those who have secured seats on the various Councils in direct opposition to the will of the electors to resign their seats, and in the case of those who fail to do so, the League advises the electors to have no political connection whatsoever with the so-called representatives. The League also expresses its sense of appreciation of the response made to the call of duty by the youths of India, and while emphasising the absolute necessity of the immediate severance of all connection with the Government-aided Colleges and Schools, calls upon the owners and trustess of all the educational institutions to forthwith give up Government aid and disaffiliate themselves from the Government recognised universities. The League at the same time requests the parents and guardians to withdraw their sons and wards from the Government aided or controlled institutions without any further delay, and it also calls upon the adult students to withdraw from such institutions.

The League further urges lawyers and litigants to immediately boycott Government Courts and to establish, encourage, and popularise Arbitration Courts.

Lastly, the League exhorts the people of India to encourage Indian industries by the exclusive use of Swadeshi goods and by establishing home industries.

The League expresses its deep sense of appreciation of the work done by the Khilafat Delegation under the intrepid and able leadership of Moulana Muhammad Ali, than whom a more courageous, outspoken and an almost moderate and correct interpreter of the Muslim obligations and Indian sentiments could not be found.

The Esher Report.

Having regard to the fact that the Esher Committee Report has unmistakably expressed the capitalistic and imperialistic designs of British Statesmen by suggesting the utilisation of Indian manhood for the aggressive policy of British conquest, the All-India Muslim League exhorts the people to save their soldiery from moral degradation by increasing their efforts for the attainment of Swaraj at the earliest possible date.

Repressive Measures.

In view of the numerous prosecutions of the National workers by the Government, the application of the Seditious Meetings Act to various places in the Punjab and Delhi, and the suppression of volunteer organisations, the All-India Muslim League feels confident that the determination of the people of India would continue undaunted to persue the path which they have marked out for the emancipation of their country.

Government-aided Schools.

The League, while disapproving the action of the trustees of educational institutions which have not given up Government aid and have not disaffiliated themselves from the Government universities, places on record its appreciation of the whole-hearted response to the call of duty made by the Nadvat-ul-Ulama College at considerable financial sacrifice and has set a noble example for other institutions to follow.

Home Industries.

The League advises the owners, trustees and managing boards of all Muslim educational institutions, religious or otherwise, to immediately start technical classes, with a view to encourage home industries, particularly weaving and spinning.

Britain and Afghanistan.

In view of the fact that the Indian National Congress, the All-India Muslim League, the Sikh League, the Khilafat Conference and other public bodies have declared the resolution of attaining Swarajya, and in view of the fact that the alliance of the neighbouring State with Great Britain is conceived not as a plan for the protection of India but for strengthening the British hold on India, and in view of the fact that India had no quarrel with Afghanistan inasmuch as Great Britain has been able, mainly through her Empire in India, to disrupt the dominions of the Khilafat, the All-India Muslim League begs respectfully to advise His Majesty Ghazi Amir Amanullah Khan, the independent Ruler of Afghanistan, to reject any advance on the part of the Government of India for a treaty alliance with Great Britain. In view of the further fact that this League is confident that neither the peoples of Afghanistan nor their Government has any designs on the independent existence of the people of India, this League hopes that both the nations will cultivate friendly relations between themselves and learn to rely upon each other's good-will.

President's Closing Remarks.

Dr. Ansari, in closing the session, made an impressive speech in which he appealed for strengthening the Hindu-Muslim unity, which point he had purposely refrained from mentioning in his opening address, because he wanted to lay particular stress on it now. The term 'Hindu-Muslim Unity' expressed not only unity between Hindus and Musalmans but also among the various peoples inhabiting this Indian continent, such as the Sikhs, Indian Christians, and Parsis. The union of all races of India was essential as the

basis for a truly National edifice. The way in which the Hindus had come forward to help the Musalmans in their struggle for the Khilafat could not be sufficiently expressed, and it was the duty of the Musalmans to always remember this help. On the other hand, the way in which the religious question of their Hindu brethren, namely, the protection of cows was being helped and solved by the voluntary assistance of Musalmans deserved the consideration of the Hindus. Looked at from every point of view, religious, political, economic and national, it was necessary that they must consolidate the Hindu-Muslim unity.

The All-India
Khilafat Conference
Third Session.

Nagpur, 2nd Jan. 1921

PROCEEDINGS

The meeting of the All-India Khilafat Conference was held at the Congress Pandal,. There was a large gathering of delegates and visitors.

The proceedings commenced with a prayer recited from the holy Quoran which was listened to by the assembled delegates with folded hands occasionally punctuated with "Amin." At the end of the prayer, the assembled audience cried out 'Alla-ho-Akbar.'

Syed Md. Isha next went up to the rostrum and recited a song dealing with the present condition of Islam and in melancholy and pathetic strain described the sad plight which had overtaken Islam all over the Moslem world. The huge audience burst into tears and people cried aloud. At the end of every stanza there was an outburst of tears. The song ended with the prophecy that the Holy prophet was again incarnating himself very soon in order to save Islam from this calamity. At the instance of Moulavy Akram Khan, Mr. Chotani of Bombay proposed Moulana Abdul Mazid Bodauni to take the Chair.

Nawab Golam Md. Kalami of Bangalore seconded the resolution. At this stage Mahatma Gandhi entered the pandal and the whole assembly stood up and gave him a rousing reception with shouts of 'Bande-mataram' and 'Mahatma Gandhiji-ki-Jai.'

The resolution was accepted with acclamation.

Moulana Shoukat Ali next addressed the meeting and presented before the audience two Moulanas who lived with Moulana Mohua-

dulhasai Shalkhulhind. One of them described all the hardship they had undergone with two Moulanas who went on Hizrat to Arabia. But the Sheriff of Mecca oppressed them in various ways till they were interned at Malta with Mohuadulhusai Shalkhulhind.

The President then addressed the gathering in urdu and began his speech with a short prayer. The President dealt with the Khilafat problem in detail and said that he was not a Mussalman who could afford to maintain a *non-challant* attitude in such a crisis in their religious life. Next he referred to the Hindu-Mussalman unity and eulogised Mahatma Gandhi for all that he has done for the country. He said that the Mahatma was quite content with a *dhoti* of 5 yards length only. He lived a very simple and plain life, and he was a man who had claimed the highest respect of both Hindus and Mussalmans.

As regards the Mahatma's programme, the President said that everybody was free to express his own opinion, but at the same time everybody should follow the collective wisdom of the whole community. They were prepared to respect every law, but that so far as religion was concerned they were not prepared to go against it. They should strengthen their mind in such a way that nothing would be able to shatter their belief. They should, further, distinguish between what may be termed as true law and what may be oppressive law which stiffles their conviction. There was a sharp line of distinction between spiritual law and temporal law. The President then quoted a *Hadis* of Mussalman Law which says that in matters spiritual every true Mussalman should follow the tenets of Islam only.

Mr. Yakub Hossein next addressed the conference. He announced that the next sitting would be held at 8 P.M., in the evening. The conference then came to a close and various provinces went to committee meetings to select the members of the subject committee which was held after a short time. The Conference again met in the evening in the Congress Pandal. More delegates and visitors were now present than in the morning and among them were many Hindus.

As the President could not be present owing to indisposition, Maulana Azard Sobhani of Cawnpur took the chair amid cheers. He explained in detail what was meant by the word Khilafat from both religious and temporal points of view and concluded with an appeal to rise to the height of the occasion and save Islam from its imminent danger

Resolutions.

Pundit Rambhuj Dutta Chowdhery moved the first resolution :—

1. "This meeting of the All India Khilafat Conference re-affirms its former decision that in view of the hostile attitude of the British Government and the Allies towards the Khilafat, and the cruel and unjust Turkish Peace terms, which can never be accepted by the Muslim world, there is no course left to the Indian Muslims but to carry constant agitation against the Peace terms up to the last until the spiritual and temporal status of the Khilafat is restored *status quo ante bellum.*"

In moving this resolution the speaker assured the Mussalmans of co operation of the Hindus. Dr. Raj Kumar Chakrabarty of Dacca supported the resolution in a nice Bengali speech. The resolution was carried unanimously.

Moulvi Abdul Goffur of Peshawar, Secretary of the Local Khilafat Committee, moved the second rosolution :—

2. "This meeting of the All-India Khilafat Conference offer their heart-felt sympathy to those Indian Muslims who have already performed and are willing to perform Hijrat as a religious duty for the preservation and glorification of their Faith and consider it their duty to support such people for the fulfilment of the sacred object.

The Conference further resolves that the Central Khilafat committee of India should include the Hijrat movement in its practical programme and should take upon itself all arrangements for the Mahajirin."

Moulana Ataulla Shaheb of Amritsar seconded the resolution which was supported by Moulana Soukat Ali and Malik Isa Muhammad. The resolution was carried with acclamation.

[At this stage Lala Lajpat Rai made his appearance and at the request of Moulana Soukat Ali, addressed the gathering.]

Mr. Abdul Rahim Khan, of Balaghat, (C. P.) proposed the next resolution, which was duly seconded, supported and carried.

3. "This meeting of the All-India Khilafat conference declares with perfect certainty and precision that Non-co-operation is a religious obligation absolutely binding on the Indian Muslims. It is therefore essential that the Indian Muslims should first of all carry out this religious duty completely and successfully in the Khilafat movement."

The following resolutions were also passed :—

4. "This Conference strongly protests against the policy adopted by the British Government with regard to certain Islamic countries in general and the seat of the Khilafat, and Mesopotamia in particular; and expresses with regret that inspite of the laws of 'Shariat' so clearly stated by the Indian Muslims, Muslim armies are still kept up and are being despatched to those countries.

5. "This conference further warns the Government that this policy of their is adding to the popular excitement, for the consequences of which the Government will be responsible.

6. "This Conference expresses its sorrow at the helpless condition which the Khilafat-ul-muslims is reduced and forced to accept the unjust decision of the Allies; and also records its protest against those who are responsible for this decision. It also assures His Majesty that until that status which can be rightfully held by him as successor to the Holy prophet of Islam, the Indian Muslim will not sit at rest, and will regard it as an eternal happiness to shed their last drop of blood for the maintenance of the integrity of the Khilafat.

7. "This Conference expresses its gratitude to his Majesty Amir Amanullah Khan, the Rular of Afghanistan for the Islamic brotherhood with which he has received and treated the Indian Muhajarin, and trusts that all possible facilities will be given the Indian Muhajarin by the Afghan Government in future also.

8. "This Conference considers the Hindu-Muslim Unity absolutely essential for the future betterment of India; and expresses its satisfaction that through the grace of the Almighty God, this unity is getting further strength day by day.

9. "This Conference appeals to all the Mussalmans of India to collect, as soon as possible a sum of at least thirty lacs of rupees for the successful working of the Khilafat movement.

10. "This Conference requests all the Provincial Khilafat Committees of India to organise volunteer corps under each and every Khilafat Committee of their respective provinces, to make arangements to maintain peace and order, to collect funds and to help in the non-co-operation movement.

11. "This Conference resolves that a deputation should vist all the prominent Sijjadha Nashins and spiritual heads of shrines to invite their attention to those religious obligations which are binding on them regarding the Khilafat.

12. This conference expresses its deep sympathy with those Muslims of the North Wetern Frontier Province and Sind who have

fallen victim to unjust official agression in the Khilafat movement and trusts that they will set an instructive example to their brethren by steadfastly enduring all hardships and troubles which have befallen them in rendering services to the cause of Islam.

13. "This conference further declares that the N. W. F. Province and Sind Governments took unjust and oppressive ways for repressing the Khilafat movement thereby inviting disturbance and disorder for which they will be solely responsible.

All India
College Students Conference.

President—Lala Lajpat Rai.

(Nagpur—25th December 1920)

Lala Lajpat Rai in the course of his Presidential address after referring to some of his services in connection with the national educational movement, said : from the very early days of my boyhood, I have been under the impression that no education under the ægis of a foreign Government would be solely for the benefit of the country or the governed. As a general doctrine, we know that all governments first look to their own interests and they establish educational institutions in order to strengthen themselves. That is why educational thinkers of the world have questioned the wisdom of letting the State control the education of the children of the community. The object of a foreign government in starting educational institutions is not so much as the welfare of the country governed, but the welfare of their own Government and the strengthening of its hold upon the country governed. Leaving aside the ethics of the question, it is only natural that an Imperial Government should be dominated by imperial principles. We find the same principles dominating the educational policies of the different Governments, e.g., the monarchical form of Government in Japan. Even under national governments, governments for the time being dominate the educational policy of the country for strengthening their own hold upon the people and a foreign government is bound to do it to a greater extent and hence the duty of the people to guard against the insidious poison.

It was under that impression that we found 40 years ago that the education we were receiving was not likely to further the interests of nationalism, but was bound to hamper it, that it was emasculating, denationalising and creating a gulf between the educated and the non-educated classes which went to the root of the welfare of the nation and we thought that it was an attempt to uproot the foundation by which the nation has stood from time immemorial and without which the nation could not exist as an individual nation. Being unable and practically to start another system of our own, we decided to counteract the influences of that system by combining the two system and establishing institutions which although

prepared students for the University examination might, to a certain extent, remove defects which we complained of. It was under that impression that we started the D. A. V. College. Later on, as a result of discussion among our councillors some of the original founders came to the conclusion that they must cut away from University courses. I must say that those and similar institutions founded by other great patriots have failed in other objects ; for somehow or other, Government and the University imposed conditions and restrictions upon them by which the object of the original founder was negatived and could not be fulfilled.

A Denationalising System.

I hold the opinion that the educational system at present followed in Government schools and colleges, aided and unaided, or controlled by official Universities, is a denationalising system. It is meant more to enslave us than to free us (Hear, hear). You cannot expect the jailor to prepare his own death warrant. We have been trying for the last 30 years to conteract the evil influences of that system and maintain the independence of those institutions and we have to a certain extent succeeded in counteracting the evil influences, though not fully. There was a time in the history of our country, when, under the influence of education imparted in our schools, we were being taught and encouraged to look down with upon everything that it was indigenous. Everything Indian was held up to ridicule and we indulged in many an antic in order to show that we were just being civilised. We were taught that everything Indian was barbaric and deserved contempt. Fortunately for us we have passed through that stage.

Warning Against Narrowness.

Here I must sound a note of warning against going to the other extreme. We are standing the danger of going to the other extreme and considering everything Indian as absolutely perfect. Discussions on the value of civilisations are being carried on in a very narrow spirit and authorities are quoted for propositions which on the whole do not justify the conclusions. I wish to warn against the danger of being carried off our feet by too much or excessive enthusiasm for everything we may consider national. I must warn you, and so far as I am concerned, truth is truth, knowledge is knowledge and science is science. It is neither Eastern nor Western, neither Indian nor European. We have to maintain our national continuity. That is absolutely necessary and we have therefore in all educational schemes that we evolve to copy all that is Indian. We do not want to be either European or an American nation and we want to remain an Indian nation but quite up-to-date, absolutely up-to-date. (Here,

here). We do not want to be a mere copy of our past, but we want to build our future upon the historical structure of the past by making it stronger. That should be the policy underlying all schemes of education we may evolve. I want the younger generation to guard against the danger of a narrow cramping nationalism which will not unite India itself. You must remember that in India we have various communities following various religions and, to a certain extent, each has contributed its own quota of civilisation and culture to our country. In order to make stronger the Indian nationality composed of these various communities and cultures we shall have to look at these cultures with the eyes of freedom, absolutely free to absorb all that is good in each culture, and contribute it to the joint culture of whole nation. True nationalism must be above the religious and sectarian influences.

Modern Civilisation.

We are living in a world which is throwing away every day new ideas. Nobody knows and understands the evil influences, the slave tendencies and the immoral nature of a great many institutions of modern civilisation. I have said in my book that modern civilisation is dying, and die it must, and it is clear that it is suffering from a disease from which it cannot be cured. You might dislike the moderners, abhor their social systems and institutions. You might not follow them. In fact they should not be followed particularly in the social and economic system, but at the same time you cannot shut your eyes to the fact that science and knowlege have made wonderful progress during the past 200 years. We shall be cutting our noses to spite our faces if we deprive ourselves of that stock of knowledge which the moderners have accumulated to the benefit of humanity at large. We should be sufficiently strong in our moral culture, strong in our own indigenous culture, strong in our national sense, to assimilate all that and to use it for our own system rather than shun it. We ought to pursue science and knowledge from whatever culture it comes and use it with an open mind fully determined to assimilate it to our own system and make the fullest use of it for the purpose of freeing our country, getting it free for ever and maintain our freedom and individuality at any cost.

Students and Politics.

Referring next to the creation and constitution of a students' organisation for India he said :—The object of this organisation as I understood it, was to creat as a permanent organisation of college student those who have passed beyond the matric standard, to look after their interests and to advise the general body of students in the country. I am not one of those who believe that students,

particularly University students, ought not to meddle in politics. I think it is a most stupid theory and an impossible theory too (Hear, hear). It is the creation not of confused brains but of dishonest brains (Hear, hear). You cannot prevent a man from forming political opinions on the burning questions of the day. If I were an administrator, I would rather let the students express themselves and be done with it, as some times we do, than create a situation as was created in Bengal 10 years ago by the Risley and other circulars. I do not care what the policy of Government is on this subject. I find that there are good many among us who believe that students ought not to have to do anything with politics. I do not subscribe to that proposition at all. My conception of the need of an All-India Students' organisation is that while students ought to be free to study politics, have opinions on political questions and express them at times whenever there is need through their organisation, they ought to steer clear of politics (Hear, hear.) Otherwise this organisation might be turned into a political organisation and the division among political parties will be carried into the students camp. That does not bind on you the duty to keep silence. You may express your opinions as a body whenever necessary on political questions. You may agree with some political organisation and disagree with others. I do not want you not to do it. But at the same time, if you really want to create and improve an organisation which should carry weight with the whole student community of India, you should aim at representative institutions. If you arrive at decisions which require certain action and conduct on your part you will follow that conduct which is expected of you by the resolutions. Even if some of you do not agree to follow, I hope that you would not give your decisions that mandatory character which will exclude others. Your constitution at the present stage should be possessed of sufficient elasticity to enable you to expand it on national lines, to make it really a representative organisation.

Students and Non-co-operation.

Turning to the question of student and Non-co-operation, he said :—I shall state my position as it has evolved. So far I do not know how it is going to evolve in future (laughter). In my concluding address at the Special Congress at Calcutta I said I was opposed to that item in the Non-co-operation programme which relates to boys in schools. Speaking on a later occasion, I have been expressing views which to some might seem inconsistent with that position, but which I never considered to be so(laughter). At Lahore I addressed a public meeting when I told students and others that I would welcome practically the abolition of the Arts Colleges

(hear hear). After that, whenever students approached me for advice, it was given under the following heads—Law Colleges, leave it at once. Medical, engineering, and technical schools, I said, do not leave. Arts Colleges, I said "consider the situation well and if you really feel the call of duty, leave the Arts Colleges, but under no delusion that some one is going to make provision in national schools established by the leaders of the National Congress.

Differences of the opinion there has been to a very great extent, not as to the spirit of the resolution, but as to working and the way in which it is to be carried out. We are agreed that we should do nothing on earth or heaven which will strengthen the hands of the bureaucracy. It is a positive sin to do anything to strengthen or continue this rule under the present or in any from. We are agreed that the present system of education does strengthen that object and we are also agreed that we should do what little we can, considering our present political responsibilities in the way of establishing institutions which might be free from official control both on the side of finance and education. I do not know whether we are agreed that national schools and colleges now established will be included to carry on the more important work of political propaganda in the country (hear hear). We cannot afford to do that as we are out for proclaiming Swaraj in the shortest possible time and we cannot give our time and energy to a solution of the problem which requires both time and money. I have therefore been saying to my friends that we shall not incur any resposibilities and we shall not undertake any duties which will in any way militate against the great work which we have in hand. If we do that, we shall be frittering away our energies in enterprises the result of which might not be further achieved very soon.

Concentrate on Swaraj.

We cannot devise a national system of education in this country without a national Government (cheers) and unless we achieve a national Government we shall not be able to solve the problem of nationality. That does not prevent us from making attempts at the solution of the problem in our own humble way making experiments. Therefore I am of opinion that all energy, time and resources we have at our disposal ought to be concentrated in achieving Swaraj, self Government and freedom and emancipating ourselves from this Government. I am perfectly willing to ask and encourage every student in any arts or law college to leave off the College, if he feels the call of duty, provided he is under no delusion (mind that, because I have seen that in my own place a provision is going to be provincially made for his education either locally or imperially).

There is a great field for propaganda work for organising the nation for reviving industries and there is work to make an honorable living without being traitors to our country ((hear hear). Put your hand to any work you find handy. I know that sometime back the sentence of Gandhi was ridiculed, viz, that people ought to go and construct roadside work, in factories. My student friends, you ought to remember that one of the greatest defects of the present educational system is that it enables you neither to think independently or act independently. Real education should aim to make you men, fit to think and act independently, in finding an independent work. Don't find yourselves in an embarrasing position by your white cloths. Go into the country, find out any work you can lay your hand upon, make yourselves useful to the society and learn honesty. In my eyes, honest patriotic work in road-repairing is infinitely superior to a Deputy Collector's post (cheers). I want the youth of the nation to go forth into the villages and the factories, work with their hands in the spirit of comradeship along with the villages who are waiting for inspiration from you. So long as the educated community keeps itself aloof from the actual tillers of the soil and workers in factories, it shall never attain Swaraj. Swaraj will not be attained by the efforts of a few educated people, but by the whole nation which lives in workshops and on the soil. Therefore, it should be your duty, if you really feel the call of duty, not to question what shall be our career in the future.

Bogey of Careers.

This bogey of career, coupled with the bogey of academic careers, has spoiled the whole point of view of educational discussions. It is not the principal object of life to seek a career or to be an academic animal. The object of life is to be efficient as a citizen and member of society. It is a vicious ideal which places excellence and fashions on a high pedestal. Anybody who can speak English well considers himself to be an enlightened and great man. I have found many a fool among those who can read and speak excellent English. It is an entirely false standard of education to desire to go down as a stylist. It is a good piece of art, but it is not the main purpose of life. We ought to see the main purpose of life in education rather than see it in the fashion which places us on a false pedestal. I earnestly appeal to those of you who take to Non-co-operation to go forth into the country, to leave the cities and central places of which you are so fond, to go into the villages., workshops and factories, live there and then give them the inspiration which you have derived from your education. Unless you do that, you are

merely passing resolutions which would be mere sham. Infinitely slavish as we are, we will be adopting another vice, that is, of passing resolutions without putting them into operation. If you pass resolutions it is your duty to act up to it (hear hear). Do not pass resolutions in the hurry of enthusiasm or to please someone. If you do that you will bring discredit on the whole movement and on the men whom you revere and you will also demoralise your nation if you pass resolutions only to advice others. For God's sake, we have had enough of them and we do not want the student's aid to add to that burden.

You must also consider before passing your resolutions whether you are prepared to withstand the beatings of your parents and all the nice arguments that they may put forward of career, of honours, emoluments and other things. Are you prepared to suffer and give up your fashionable habits? In that case go forth in the name of God and elevate your country (cheers). The country needs as many workers in the field as it can find. Workers are very few. All of you can be absorbed in the great work that lies before us. As regards medical and engineering colleges, I am thinking over that problem. I do want that education for my country. At present the Medical and the Engineering colleges are the two great strengths of the Indian Army and I have come to the conclusion whether it will not be advisable to follow the same course for these two department too. I have not formed my own definite opinions and so I cannot advise you now. But that is the trend of my thought lately.

Conclusion.

In conclusion, he said :—"It will be my duty to help you. I do not say guide you, in coming to a conclusion. Be absolutely tolerant of any differences of opinion that may exist. To me it matters little which way you decide. As said already the decision of this Non co operation Resolution lies with others, i.e. the Congress and you will be simply following the Congress."

He thanked them all once more for the honour done to him.

Proceedings and Resolutions.

The Conference met again on the 26th Dec. 1920, with Mr. Pickthal, Editor of the *Bombay of Chronicle* in the chair. There was a heated discussion on the boycott of Government aided schools and colleges. Several speakers spoke in favour of and against the Resolution. Miss Sham Kumari Nehru supported the resolution for

boycotting colleges and schools. After a long and heated discussion the president declared the resolution carried, to which a poll was demanded and a poll was taken by Provinces. The result of the poll was as follows:—Madras' 40 for and one against; Bombay 87 for 22 against; Bengal 33 for 27 against: Central India, unanimous for; U. P., unanimous for; Bihar, unanimous for; Punjab almost unanimous for; Assam 5 for 7 against; Andhra, unanimous for; Central Provinces, 132 for 32 against. The following resolution was carried by an over-whelming majority. "That in view of the nation's call and in consonance with the policy of Non-co-operation with Government, as expressed in the resolution of the Calcutta Congress, this All-India College Students' Conference after deliberate consideration whole heartedly supports the immediate and unconditional boycott of Government and Government aided Colleges and advises the college students of India to respond to it."

Several other resolutions appealing to the National leaders to bring into existence National Schools, urging the students to observe Swadeshi even at the sacrifice of giving up fashionable habits, sympathising with the Punjab students who suffered during the Martial Law regime, recommending Ayurvedic and Unani Medical Sciences and urging the use of Vernacular languages, were proposed and carried unanimously.

The president, in concluding the proceedings, paid a glowing tribute to Lala Lajpat Rai's work and removed certain misunderstandings which prevailed among the students and brought the meeting to a close, thanking the organisers.

The following resolutions were adopted by the All India College Students' Conference.

(1) This conference records its profound sense of grief at the demise of our great leader and revered patriot Lok. Bal Gangadar Tilak, the pioneer of Indian Nationalism, and a staunch advocate of National education and further resolves that the qualities of patriotism, courage, self-sacrifice and devotion to the motherland of which he was the unique embodiment, will ever be the guiding principle to the students of this country.

(2) This conference puts on record its profound sense of grief at the demise of Shaikhulhind Moulana Mahudal Hussain whose great and meritorious services to the cause of Islam and in the direction of the Hindu Moslem unity will in its opinion be a source of inspiration to the youths of the motherland.

(3) "That in view of the nation's call and in consonance with the policy of Non.co-operation with Government, as expressed in the

resolution of the Calcutta Congress, this All-India College Student's Conference, after deliberate consideration, whole-heartedly supports the immediate and unconditional boycott of Government and Government-aided colleges and advises the college students of India to respond to it.

(4) This conference looks to the National leaders to bring into existence in every province and at an early date the National colleges conducted on national lines affiliated to the National Universities for the convenience and benefit of those student Non-cooperators who might wish to continue their education. The Conference further hopes that provision for technical education as far as possible be made in such institutions to enable the needy student to undertake an independent calling in order to maintain a plain and decent living for himself and those dependent on him.

(5) This conference suggests to student Non-cooperators to take up the following programme of national work according to their strength and ability :—(a) to take up propaganda work of the Indian National Congress, if possible after training under the guidance of local leaders and to popularise it, (b) plain and decent living for himself and those dependent specially in village, (c) to form themselves into Sewa-Samities or volunteer corps for social service, (d) to prepare themselves for the role of National Police to maintain peace and order in cities, towns and villages, as the case may be, (e) to take up primary education in villages, (f) to form temperence unions in order to check the habit of the people, (g) by all honourable means, to learn the art of weaving and handspinning and to promote the same in villages and towns.

(6) This conference is of opinion that student Non-co-operation Boards be established in every province with a view to keep record of doings of, and seek to render all possible assistance to, student Non-co-operators of that province and also to settle a line of action according to local circumstances.

(7) This conference is of opinion that local leaders of different provinces should institute boy-scout movement on a national and independent basis with a view to turn the young generation into a militia.

(8) This conference urges upon the students of India to scrupulously observe Swadeshi even at a sacrifice.

(9) This conference urges upon the students of India to avoid all luxurious and fashionable habits and to adopt a plain, cheap and virtuous life.

(10) This conference fully sympathises with the students of the Punjab who suffered hardships during the Martial law regime.

(11) This conference recommends that the indigeneous system of Ayurvedic and Unani medical sciences be encourged by all true lovers of India and urges upon students going for medicine that they should take keen interest in their study more than in foreign systems of medicine owing to their inherent beneficial qualities and cheapness and further appeals to the parents to help the students in such pursuits of knowledge.

(12) This conference further request the All-India Ayurvedic Conference and promoters of the Unani medical science to carry on a vigorous and patient research to recover the lost treasures of both sciences.

(13) As thinking and speaking in English not only denationalises the student population and cramps his originality but also mars his progress intellectually and mentally, this Conference urges upon the students of India to use only their vernacular in their correspondence, daily talk and provincial deliberations.

(14) This conference accepts the constitution drafted by the Reception Committee of the All-India College Students Conference and as amended by the Subjects Committee.

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First Sessions of the

All-India Trade Union Congress

Bombay, November 7th, 1920.

The following is the full text of the presidential address of Lala Lajpat Rai to the first All-India Trade Union Congress, held at the Empire theatre, Bombay on sunday the 7th November 1920 :—

MR. BAPTISTA, LADIES AND GENTLEMEN.—Permit me to thank you from the bottom of my heart for the honour you have done me by asking me to preside over this first session of the All-India Trade Union Congress. It is a unique occasion, the first of its kind even in the history of this ancient country of ours. In her long history extending over thousands of years, India has surely seen many a great gathering in which parts of this vast sub-continent and all classes of its population were represented, gatherings at which were discussed and settled important and nice questions of religion, philosophy, grammar, law and politics, gatherings at which crowns were bestowed, gatherings in which foreign scholars and foreign ambassadors and foreign diplomats took part. But history records no instance of an assemblage that was convened solely to consider the interests and welfare of workers not of this city or that, not of this province or that, but of Bharat Varsha as a whole. Even under British Rule we have had All-India gatherings of various kinds, political, religious, social, literary, scientific, etc but never an All-India meeting of the workers of country or one where people assembled to consider the interests and the present and future welfare of the workers as such. This by itself should show, if there was nothing else to remind us of the fact that India of to-day is very different from India of ancient and medieval times, nay even from India of yesterday. We are living in an age quite different from any thing that the world has seen or known before. That being so, the problems that face and the questions that confront us are, from the very nature of things, of a different kind from those that confronted our immediate and remote ancestors. The fact whether we like it or not, has to be recognised.

National Isolation Impossible.

2. Then there is another fact also which receives scant attention from those who profess to guide the destinies of this great

nation viz. that we are living in times, in which no nation can live an isolated life of its own. Whatever happens in the world outside of our shores affects us in our daily life very closely and intimately. It makes our food dearer, our clothing more costly, our possession more or less valuable and similarly affects other relations of life very deeply. In the same way whatever happens in our country affects the outside world also, equally deeply and intimately. This is not limited to any single sphere of life but is virtually true of almost all spheres but particularly so of the political and economic. So, whether we like it or not, we are a part and parcel of the modern world. This modern world is characteristically a world of machinery, of steam, gas and electricity. This is a world of mass production, of organised capital, organised industry and organised labour. Organised mass production involves the organisation of capital, and the organisation of labour on a scale never heard of before. So far organised capital has had its way. It has ruled the World for the last 150 years, and the world to-day is groaning under its burden. It has destroyed many an old civilisation, enslaved religion, chained science and placed in bondage all the forces of Nature and human intellect. Humanity is its bond slave. Old China with its four to five hundred millions of industrious, hardworking and art-loving people, with its ancient culture, science and art has been broken on the wheel and thrown to the wolves. India with its hoary civilisation, its mighty spiritualism, its great philosophy, and its beautiful art, with a family consisting of one fifth of the whole human race, has also been bled white by the forces of organised capital and is to-day lying prostrate at its feet. Militarism and Imperialism are the twin-children of capitalism; they are one in three and three in one. Their shadow, their fruit and their bark—all are poisonous. It is only lately that an antidote has been discovered and that antidote is organised labour.

India's Economic Bondage.

We in India have been rather slow to find and apply this antidote. The reasons are obvious. We were politically impotent and economically helpless. Our political impotence has made us a nation of Pariahs in relation to the rest of the world. Our masters use us to conquer and police the world for their benefit, and glorification. They also used us to develop their colonies, cultivate their fields, operate their mines, man their industries and increase their wealth. By way of adding insult to injury they maligned our religion, carricatured our culture, and painted us so black as to be considered unfit for being accepted as equals

or even as men by the so-called civilised races of the world. In the eyes of the latter, we are a nation of coolies, inferior in every thing that distinguishes a mere animal from man. This was a trick by which organised British capital managed to create a prejudice against us in the minds of the white workers of Europe, America and Africa. It was necessary for their purpose. Any bond of brotherhood, or of mutual interest between the workers of Europe and America, on the one hand, and those of Asia on the other would have destroyed the spell by the force of which they exploited and sweated both. To the workers of Manchester, was always presented the bug bear of the cheap labour of India. We in India were kept in fear of the competition of Manchester. The war however has broken the spell. The workers of Europe and America have now discovered that the cause of the workers is one and the same all the world over, and that there can be no salvation for them unless and until the workers of Asia were organised, and internationally affiliated. Labour in Europe threatens to turn the tables over their masters, the employers, and they recognise that the success of their movement demands a close association of European workers with the workers of Asia. So long as there is cheap labour in China and India, and so long as India is helpless to keep out foreign capital, and to prevent the latter using Indian and Chinese Labour to the detriment of the European workers, the cause of the European proletariat is neither safe nor secure. The movement we are inaugurating to-day is thus of more than national importance. It is a matter of international significance. The workers of India are joining hands and brains not only to solidify the interests of Indian labour, but also to forge a link in the chain of international brotherhood. The future is on the laps of Gods and prophecy is unsafe but it may be safely predicted that the success of the movement to which we are giving birth to-day may eventually turn out to be an event of world importance.

Genesis of Indian Trade Union Movement.

The Trade Union Movement in this country is yet in its infancy and it may be said that an All-India Trade Union Congress is rather premature. In my humble judgment, it has not come a day too soon. Labour in India suffers from very many drawbacks and the prejudices against it are too many and varied in nature. Depressed by religio-social ideals of by-gone ages, looked down upon by prevailing standards of literary education, deprived even of elementary knowledge by the extravagant wastefulness and jealousy of a foreign bureaucracy, placed in a condition of abject dependence

by the military exigencies of a capitalistic autocracy, kept apart by the artfulness of resourceful despotism, labour in this country is in greater need of joint action, and of freedom from provincial and district rivalries than anywhere else. District organisations cannot be effective unless they are protected from the rivalry of men from the other districts. For this purpose are needed provincial organisations but even provincial organisations will not do unless we have an All-India organisation to protect labour from provincial rivalries.

The two employers of labour in our country are, the Government and the private capitalist. The Government also is in its own way a big capitalist. The Department of Railways, Post-Office, Telegraph and Chunels and others are capitalistic and more or less commercial concerns. Both these classes of employers have All-India resources at their disposal. Handicapped as labour is in many other respects, labour also must have an All-India organisation and an All India propaganda to meet its opponent on equal ground.

Extravagance of the Government.

The Government of this country is wasteful and extravagant in the salaries and allowances it allows to its higher service. It would be bankrupt if it met the demands of the subordinate services and lowest rank of its employees also in the same spirit. Consequently to avoid bankruptcy, it sweats its lowest service in a way as perhaps no other Government on the face of the earth does. There is no country in the world which pays its higher civil and military service anything like the salaries the Government of India does. In the whole of the United States there is only one man who gets more than 35,000 Rupees per annum, and that is the President of the United States. In Japan, even the Prime Minister does not get that amount. In India, there are dozens, mostly Englishmen, who get more than that amount. Compare the salaries post by post, and you will find the standard extravagantly higher in India while the living even now is comparatively cheaper. Yet within the last two or three years the Government has sanctioned enormous increases in these salaries. The worst feature of this situation however is the extreme disparity that exists between the salaries of the lowest services and those of the highest. The difference between maximum and minimum salaries in the United States and Great Britain on the one hand, and India on the other is simply startling. In the United States, the lowest salary allowed to a clerk or a porter in Government Office is from about 1,000 to 1,200 dollars a year, and the highest allowed to a cabinet minister is 12,000. In India, a Cabinet Minister gets

Rs. 80,000 a year besides allowances while his orderly gets only 120 a year or at the most 180. In calculating the needs of a Civil Servant, the Government of India shows a great deal of generosity, provides for the education of his children, for the luxury of travelling to and from Europe, and secures him a high standard of comfort in India. But when it enters into calculation ascertaining the proper salary of a postman or a telegraph peon or an orderly or a Railway porter or singnaller, it not only disregards all these considerations, but is mean enough to bring into account the earnings of his wife and his minor children. Such is the difference between man and man in the eyes of this Christian Government. That there is difference between work and work, between more manual work and skilled work, may be assumed but is the difference so great as to justify this disparity between the economic needs of one from the other. To fight against such a system of inhuman inequalities the workers of India, whether in Government or in private employ, require an All-India organisation to help each other by mutual sympathy, counsel and aid.

Sweating of Indian Labour.

Again, there is another danger ahead against which workers in India must provide. We are often told that in order successfully to compete with Manchester and Japan, Capital in India should be allowed a high rate of profit and cheap labour is a necessity for the purpose. The interests of Indian industries they say, require that labour in this country should be plentiful and cheap. There may be something in that argument, but the way in which it is represented in season and out of season carries it too far. We are not prepared to admit the validity of this plea. Under the shelter of nationalism European capitalists have created sufficient havoc in the world, and we are not prepared to listen with equanimity to that cry being ever due in India. An appeal to patriotism must affect the rich and the poor alike, in fact, the rich more than the poor. If the development of the Indian industries requires the organisation of Indian capital, it still more requires the organisation of Indian labour, and capital must meet on equal ground and join hands to develop Indian industries. As at present neither the Government nor the capitalist is disposed to treat the worker, fairly and equally. The former sacrifices him at the alter of princely salaries for a higher rank of the European and Indian services and also for the exigencies of militarism. The capitalist wants to sweat him for his hundred or two hundred per cent profit. Surely, that is not the way to develop Indian industries if it is to be done at the expense of labour alone. I maintain, therefore, that it has become absolutely neces-

sary for Indian labour to organise itself on national lines in order to be able to negotiate with their employers on equal terms and with due regard to national interests. I refuse to admit that the interests of Indian industries must in every case, over-ride the human needs of the workers. In all discussion about the demands and rights of labour in India labour is still treated as a commodity to be sold and purchased in open market. In every discussion it is the interests of Industry that are held supreme. The question asked is "will the industry bear it," The proper question in my judgement should be "how can the Industry be made to bear it consistently with the minimum human requirements of the worker and his family, on the standard of a moderately comfortable healthy life for him and his children, a provision for the education of the latter and for the rainy day". The Indian capitalists must meet labour half way and must come to an understanding with it on the basis of sharing the profits in a reasonable and just proportion. It must be made worth the while of labour to co-operate with the capitalist to advance and develop Indian industries. If however, Indian capital wants to ignore the needs of labour and can think only of its huge profits, it should expect no response from labour and no sympathy from the general public. If labour must remain half starved, ill-clothed, badly housed and destitute of education, it can possibly have no interest in the Development of Indian industries, and all appeals in the name of patriotism must fail. On these grounds and several others it is desirable that Indian labour should lose no time to organise itself on a national scale. "Capital is organised on a word-wide basis; it is backed up by a financial and political strength beyond conception; its weapons are less perishable than those employed by labour, it presents dangers which apply universally." In order to meet these dangers, Indian labour will have to join hands with labour outside India also, but its first duty is to organise itself at home. The most important business then before this Congress is, to bring into existence a central organisation which would protect the interests of Labour all over India. The organisation cannot be perfected without bringing all the Unions in India into its orbit of influence. But a beginning can certainly be made with as many organisations as are willing to join hands at once. Those who are pioneers must exercise patience, tolerate criticism, and show readiness to subordinate their individual opinions and predilections to the interests of the general body of workers, in such a way as to convince those that are hesitating and faltering, of their sincerity and earnestness. It is easy to criticise; it is sometimes convenient to stay out, till the pioneers have cleared the field and borne the brunt of opposition. It is even prudent to take no risks involved in going ahead with a

movement of this kind. But it is neither manly nor patriotic to do so. Anyway the pioneers must proceed in a spirit of brotherhood, working for all, in the interests of all, and always willing to share the gains with all.

International Labour Conference.

The other important business before the Congress will be to consider the resolutions of the International Labour Conference, created by the League of Nations, which held its first sittings at Washington D. C. in November 1919, and to express its considered opinion relating thereto. The Congress will also have to select its accredited representatives to represent them in the coming conference, and to place its views before that body. Our past experience is that the Government of India, however well-intentioned some of its individual officers and statesman may be, is, because of its constitution capitalistic in its sympathies and out-look. It protests further the interests of British capital in the first instance, and then proceeds to help Indian capital, so far as the latter does not encroach on the preserves of the former. Its professed concern for labour and for the poor is rarely translated into deeds. It is well illustrated to-day by its attitude towards the lowest among its servants, its continued and unashamed tolerance of forced labour, half-hearted sympathy for Indian, labour in colonies and by its indifference towards the education of the labourer and his children. The Government of India will do nothing substantial for the Indian people, the vast bulk of whom are labourers in the field and factory, unless and until it is compelled to do so by the force of circumstances. In bringing about these circumstances, Indian labour must play its part and secure the sympathy of international labour. It is therefore of vital importance that Indian labour should cultivate the most friendly relations with European labour without necessarily adopting all the items in the plank of the latter.

Latent Powers of Labour.

While it is true that the interests of labour are the same all the world over, it is equally true that the power of labour in each country is limited by local national circumstances. Labour in Europe, is in a position to dictate. European workmen have found out, that to depend for the enforcement of his right and the amelioration of his condition on the political action of persons who owe their legislative power and position, to the vote of the men of property, is absurd and unnatural. In order to protest the interests of himself and his class, the workman must have a vote and he must give it to a man of his class or to a man pledged to his interests. So every workmen in Europe is

a political unit. Over and above this European labour has found another weapon in direct action. On the top comes the Russian worker, who aims to establish the dictatorship of the proletariat. We in India, have not yet reached even the first stage. The Government have not yet given us votes and as at present situated they will oppose us at every step. They will not even hesitate to use all the forces of militarism at their command, to crush our efforts towards united action, and to keep us disunited, organised and out of touch with world affairs. They have illustrated this by their action in the matter of the Lahore Railway strike, the Government Press strike at Calcutta and Simla and the Postal and Telegraph strike at Bombay. Their recent action in prohibiting the importation of "Soviet Russia" and the "Daily herald" of London is also an illustration to the point. While the Anglo-Indian Press is engaged day and night in dis-seminating palpable lies about Soviet Russia, the Government of India steps in, to prevent the the people of India from knowing the other side of the story. Truth in Europe is of two kinds :—

(a) Capitalistic and Governmental truth represented by men like Mr. Winston Churchill. and papers like the "London Times" and the "Morning Post."

Role of Anglo-Indian Press.

(b) Socialistic and Labour truth represented by labour organs of the type of "Justice", "Daily Herald" and "Soviet Russia." The Government of India wants us to swallow the first kind of truth without knowing the other side. Unfortunately for us truth is no longer truth. It is qualified by capitalism and imperialism on the one hand and socialism on the other. It is either capitalistic or bourgeois socialistic. In order to know the whole truth one has to know all the three brands and then use his judgement. My own experience of Europe and America leads me to think that socialistic, even Bolshevic truth is any day better, more reliable and more humane, than the capitalistic and imperialistic truth. The Anglo-Indian Press takes its cue from the latter, now-a-days it divides its attention between Bolshevism and Gandhism. It stoops to nothing, when it sits to misrepresent, malign and discredit. It is helped in that nefarious work by the action of the Government. Whatever may be the case of the Government against "Soviet Russia", its action against "Justice" and "Daily Herald," both British publications, is absolutely arbitrary, unjust, and provoking. The people of India are not babies who require protection against the kind of mental and moral food supplied by the labour publications of Great Britain. The experience of

the few strikes, we have had in Bombay, Madras, Lahore and Calcutta, proves beyond the shadow of a doubt that our workers are much more disciplined, and self-controlled, than the corresponding ranks of labour in Great Britain, United States, France or Germany. In Lahore 50,000 Railway men kept up a strike for about 7 weeks without having one case of violence, or injury to the property, against them. Even the capitalists admired their manner and method. The people of India are probably the most law abiding people on earth, and if any Government uses repression against them it only betrays its own weakness. What makes the people of India law abiding is not the existence or fear of coercive laws, but their own innate and inborn gentleness and goodness. There must be something rotten in the constitution and nature of a Government which needs Martial Law and military terrorism to keep such people in hand and to preserve order among them. The action of the Government of India in preventing access to the people of India to the socialistic and labour thought of the world is the least justifiable of all its repressive actions and should be unreservedly condemned.

New Standards of Labour.

There is no one in India who believes that the European and Russian standards of labour can be applied to India of to-day. If there were any, I would remind him or them of the message of Lenin to Bela Kun wherein the former warned the latter against the danger of applying Russian standard to Hungary prematurely. For the present our greatest need in this country, is to organise, agitate, and educate. We must organise our workers, make them conscious, and educate them in the ways and interests of commonweal. I do not believe in freedom by steps or by stages but at the same time I do not believe in denying the facts of life and shutting our eyes to the circumstances under which we live. If one is both chained and hand-cuffed, one can break his hand-cuffs and yet not be free. Labour in this country has many fetters to break through. They will require time and energy, application and organisation, self-discipline and self-control. But they will not be free unless all the fetters are broken and thrown asunder. For the purpose all concerned in the welfare of labour will have to work hard and in a spirit of sacrifice and co-operation. This spirit of sacrifice should particularly characterise the efforts of such brain workers in the ranks of the labour, who are educated enough to lead the movement. Those who are not strictly wage-earners but who feel for labour will have to give their time, talent, and money for the improvement of the wage-earners' lot. The Government and the Capitalist will both try to discredit them, but they must stand by the faith in

them, and ungrudgingly give the best in them to the cause of labour which is the cause of humanity. Pretending to protect the interests of labour the Government does not like interference of those who are not actually wage-earners themselves in the organisation of the labour, because they know that unorganised, illiterate, and unskilled labour is incompetent to fight its own battles and can easily be made to yield in negotiations between them and their educated, resourceful and wide-awake opponents. The workmen should not fall into this trap. For some time to come they need all the help and guidance and co-operation they can get from such among the intellectuals as are prepared to espouse their cause. Eventually labour shall find its leaders from among its own ranks.

I do not think I should detain you, Ladies and Gentlemen, more than a minute. In this minute I want to explain our attitude towards Government. It is neither one of support nor that of opposition. We will welcome every effort by Government to improve the cause of labour and help to organise and establish themselves on a basis of self-support, and self reliance. I have already explained that we cannot expect much from the Government as constituted at present, and I fear that we cannot place much reli- on it. But there may be individual statesmen to whom we al in emergencies for mediation between the Capitalist abour. But the question is who is going to mediate between he Government and its own servants where the question of the mprovement of the latter's lot is involved and the Government is nwilling to do so, on a proper scale. The situation becomes very ifferent under these circumstances. We will have to find a *modus perandi* to relieve it. With these words I will again thank you for the honou ou have done me and for the patience with which you have heard me.

Reception Address.

Mr. Joseph Baptists, Chairman of the Reception Committee, in welcoming the delegates, said :—

Brother and Sister Delegates,—

The high honour of welcoming you to the First All-India Trade Union Congress devolves upon me and I bid you welcome with feelings of much pleasure and pride. I can assure you that the originators of the idea of this Congress, Mr. Chaman Lal and Mr. Pawar, and their collaborators have been all working with edifying energy and enthusiasm. Nevertheless, I anticipate that some of you will be subjected to discomfort and inconvenience. I must, therefore, request to forgive our faults and overlook our shortcomings and I am confident you will respond with customary Oriental indulgence.

Sowing the Seed.

The agenda of business is not formidable, but the Chief business of this Congress will be to sow the seed, which like the proverbial mustard will germinate and grow into the mighty tree of Federation Labour in India, which we all desire. To nurse and water the seedling and sapling will be a labour of love for the Knights of Labour in India, but their reward will be met with sweet ascendant. The supreme need of the moment is really for some light from the East to illumine the darkness of the West; for the humanising spiritualism of the East to chasten the brutalising materialisation of the West. I believe we can achieve this object by the power and principles of organised Labour in India. Among labourers, I include the hewer of wood and drawer of water and the tiller in the fields. These too ought to be organised into Trade Unions or analogous associations.

Well-Being of Society.

The fist article of our creed should be that the well-being of the Society depends upon the well-being of the workers. The workers' welfare, therefore ought to be the chief object of the solicitude of the State. This has never been denied in theory by any Government, ancient or modern, but it has never been enforced in practice by the governing classes. The "via dolorosa' for the labourer has been slavery, serfdom, or indentures or statutes of labour, combination laws and similar beds of roses. The emancipation of labour from this oppressive system is not yet fully attained as our own people are experiencing in some parts of the world under Christian Governments. But even where there are no indenture conditions or combinations laws labour is dominated by capital. Capitalists have ceased to buy slaves, but they still buy labour, and pay for it acording to the eternal and infernal law of demand and supply. This idea of buying is the root of the evil. Till it is eradicated and supplanted by the higher idea of partnership the well-being of the workers will never be secured. They are partners and co-workers and not buyers and sellers of labour. They are all engaged in promoting the well-being of the society. Capital does not buy or employ labour. Society is the ideal we must strive to achieve through good and evil report. Without the political power of the purse and the law-maker we cannot go far, but we can go a good way towards the goal by the power of Unions, Strikes and Boycotts.

Unior .

There are no combination laws in India to render Unions criminal conspiracies' but there are a few individuals who denounce them as bulwarks of Bolshevism and anarchy. Such madcaps once

existed in England as well, and it was only after a long struggle between Capital and Unions that they realised that Unions substituted reason for violence in collective bargaining. I have no doubt that antagonism will soon give way to a more reasonable frame of mind. But after the decree of the League of Nations, Government ought to abandon their attitude of benevolent neutrality and legislate for the compulsory recognition of the right of association of lawful objects to give effect to the decree of the League of Nations.

I am inclined to agree with Sir Thomas Holland that the officials of any Labour Union ought to be recruited from their own class, but in the absence of primary education and the practice of victimisation this appears to be a counsel of perfection outside the pale of practical politics. In fact I am not quite sure that the want of education does not make these associations premature. We are, I have no doubt, experimenting a combination of officials consisting of insiders and outsiders, but I have no doubt that for the present Unions would be forces without outsiders. The workman knows where the shoe pinches and can state his demands with emphasis. He feels he is right, but cannot justify them by facts or figures or arguments. I had a remarkable illustration of this in the lock-out of the Petroleum Company.

One of the demands of the men was a change of the system of piece-work into daily wages at the rate of Rs. 1-8-0 per diem for which they offered to do 200 solderings a day. But they could not assign any reason for limiting it to 200. They admitted that some of them under the inducement of piece-work soldered 300 to 500 tins ; but they insisted that 200 was the right number. I met the agents with some fear and trembling. They declared that 200 was ridiculously low. They thought that 400 was nearer the mark. They reduced it to 300, but would not hear even of the golden means between 200 and 300. Here was a dead-lock. The exsisting rate was a bit of a Chinese puzzle, i. e., 7 annas per 200 plus 60 per cent, plus one and half annas per day. But this rate meant exactly Rs. 1-8-0 for 200 tins according to the calculation made by W. Johnson of the Standard Oil Company. But if this was the fact why should they insist in the future for 300 when they paid Rs. 1-8 0 for 200 at present. The agents readily recognised the reasonableness of the limitation and solution was simplified and we were able to combine a system of daily wage with piece-work. But here were masters of experience on one side and men of experience on the other side—masters regarding the men as strikers for limiting the figure to 200 and men regarding the masters as hard task masters for exacting more than 200. I believe the presence of a political lawyer whom

employers delight to defeat on account of his ignorance contributing to termination of strike the prolongation of which for one more day would have compelled many mills in Bombay to cease working altogether and thus aggravating the dangers of the breach of the peace. Lawyers are not quite so bad as the bureaucrats who believe they can do things better than people. Bombay got peace, the companies got contented men and the men got the benefit of a compound system which secured the minimum of Rs. 1-8-0 a day even where business was slack, and owners had not enough work for output of 200 tins per man.

Strikes and Boycotts.

Having combined themselves into a Union and failing to obtain any legitimate demand or to redress any grave grievance the Unions can use the weapons of strikes and boycotts to enforce their demands. Unions should of course precede strikes. My experience in Bombay is that strikes precede unions in most cases. This is like putting the cart before the horse. "Agal gharry" piche gadha'. It is like digging a well for water after the house was on fire. It makes a world of difference which comes first—George or Lloyd. We shall have Lloyd George or or George Lloyd,—Premier or Pro-Consul.

Nobody challenges the legitimacy of strikes nowadays; but boycott is not recognised as legitimate in every case. Boycotts are either simple or compound like fractures of bone. In America bills have promoted to make boycott legal: but we have not yet educated the world regarding it as we educated them regarding strikes. Boycotts are expensive to the masters for the men work while customers abstain. I read boycotts have been successfully used in America against profiteering especially in the daily necessaries of life. The most powerful weapon is of course simultaneous use of strike and boycott except in the case of Post Office. In the Post Office while the strike is on they do not want letters posted. If there are no letters to be delivered the Officials can say "All's well." Therefore in the case of postal strikes instead of boycotts there ought to be a larger crop of letters. We have postal strike in Bombay and I would ask all my friends and foes who wish to help the poor to get his daily bread to inundate Bombay with millions of letters. The Postal heart is hard at present. These millions may melt the heart.

Although strikes are legal I find the capitalists in Bombay look upon this struggle for bread as if it was the battle at Waterloo. More than 25 years ago an economist called it "a peculiar method of doing business." And I agree with him that negotiations for

ending a strike should be conducted on business principles if we mean to act honestly in the struggle for bread and not make it a mere occassion for trying strengths. In all the strikes with which I was or am concerned the capitalist from the Director-General and others made the strike the occasion for trying their strength. I cannot sufficiently condemn this method. It is mean and cowardly for the strong to beat the work. "A grain of a sense is better than a grain of gunpowder." The only exception I found was the Petroleum Company and in this case the lock-out lasted only for five days. In Bombay stupid notions of prestige have worked the judgment of men and which makes them demand unconditional surrender. In one case in Bombay at present they secretly offer fairly acceptable terms, but they insist on proclaiming at unconditonal surrender instead of calling it amenable settlement. Personally though a great failure as a strike-manager I would in the interest of peace and order go the length of accepting such silly unconditional surrender if I had guarantees that this was not a method of strike-breaking. The Post and telegraph men were once deceived by a promise of an extra Rs. 10. The man who made it never denied it. Unfortunately, the Manager having gone on leave his successors found no trace of it for six months.

Coercion and Starvation.

I have had no experience of any strike in England, but in Bombay we are confronted with coercion and starvation. Poverty on one side and policemen on the other. Recently we had a "danda Fauj" Pathans with 'dandas' fraternising with policemen for protecting property of companies, but breaking bones of strikers and their friends. They nearly sent me to Purgatory or Hell as well as Messrs. Chaman Lall, Pawar, Ginwala and others, who were with me at the time. Fortunately our heads were saved by policemen. I also find the police courts used as strike-breakers by false charges supported by perjuries. One of the magistrates deems it his duty to send the so-called offenders to jail imagining he is promoting peace and order but actually promoting break of peace by exasperating the strikers who see an innocent man sent to jail. The Postal strikers are a model for the world for their peaceful behaviour ; yet one of them was sent to jail after 36 days of peaceful strike. The police declined to take up the case on the ground that the assaulted man was not a Public servant and let the striker off referring the aggrieved to courts of law. But Postal officials insisted and the police Commissioner yielded holding he was a public servant. The Magistrate held he was not a public servant and gave the innocent man two months' rigorous imprisonment. These are the ways of

employers in Bombay. Neither Government nor Companies will discuss the merits of the men's demands. Their idea is not to do justice, but break the strike and they are assisted by Anglo-Indian papers with all the skill of strike-breakers, with all the venom of serpents and with all the lies in creation. To make matters worse we have to deal with seducers. Some loyalists come to strikers and ask them to resume work. When this angers the strikers he goes back to bring a false charge of intimidation. Even when masters are negotiating with me they have tried to seduce strikers behind my back. In one case he succeeded with about 50 moslems. A policeman did the dirty job. These men had taken the most binding oath that they would stand by one another. That oath was broken. One should have thought that no man of honour would have stooped to conquer by demoralising the oath breakers. Yet such things are done in Bombay. I beg of comrade Wedgwood to cable to the Labour Party and move the Cabinet to cast a few glances at what is going on in Bombay. The local officials and managers have hardened their hearts like Pharoah.

Rights of Labour.

I have dealt with the methods with which Labour must or may employ to get their dues. I will not enter into the question of what are the rights of Labour. These will no doubt occupy your attention. I shall make only a few general observations. The first thing that occurs to me is Christ's injunction "Go thou sluggard and learn wisdom from the ant." This means no bread, no work. The idlers should get no bread, but the rich, they toil not nor do they spin, but they reap all the fruits of labour. The question is how to secure for the labourer the full fruits of his labour. Profit sharing has been suggested as the simplest and best method ; but I think excess profits ought to go to the labourer. Anything above 9 per cent. ought to be considered excess profits. Whatever it is, the time has come when the workman will get his bread and a piece of the cake as well. I need not say that I wish them all success in their great struggle for securing their birthright and full fruits of their labour.

The Resolution.

The following resolutions drafted by the Subject Committee were passed before the All-India Trade Union Congress :—

I,—That this Congress consisting of the representatives of the so many Trade Unions and speaking in the name of the workers of India places on record its sense of irreparable loss which the

cause has suffered by the death of Lokamanya Bal Gangadhar Tilak who had always sympathised with the cause of Indian Labour.

II.—That this Congress extends fraternal greetings to Colonel Wedgwood, who is attending this Congress as the fraternal delegate from the British Labour Party.

III. That this Congress extends fraternal greetings to the British Trade Union Congress.

IV.—(a) Resolved that the standing committee for the year be nominated to manage affairs of Congress to provide permanent machinery for collection of information relative to the Trade Unions, help the Unions by advice and otherwise further the cause of the Workers of this Country until second session of this Congress is held and adopt a permanent constitution.

(b) That the standing committee consist of the following —

1. Principal of the [illegible] to be ex-officio President of the standing Committee.

2. Mr. Baptista, Vice President.

3. A whole-time paid organising secretary to be hereafter appointed by the President and the Vice President and the members of the standing committee.

4. An office Secretary to be appointed as in clause (3).

5. The following 60 members, 36 representing the workers and 24 others.

(c) That the standing committee shall be authorised to collect and disperse funds for the purpose of maintaining a Central Office at Bombay and shall hold its sittings at such interval and on such days as may be fixed by the President in consultation with the Vice-President and the Secretaries.

(d) that all decisions shall be arrived at by majority of votes.

V.—Resolved that draft constitution prepared by the working Committee be submitted in resolution No. 11 for

(a) circulation among the affiliated Unions and such others as express a desire of affiliation.

(b) for consideration of the opinion of the unions and after such consideration tentative adoption for the purpose of second Sessions at which the draft constitution shall be finally constituted and adopted.

VI.—That this Congress is of opinion that the Government should issue general instructions to the Heads of Districts and the Police Department that no obstruction be placed in the way of workers organising themselves into Unions.

VII.—That the Recommendations of the International Labour Conference and the Agenda to be placed before next meeting of the International Labour Conference be referred to the standing Committee of the Congress for consideration and disposal.

President's Remarks.

The President in putting the resolutions before the Congress told them how he had become acquainted with Colonel Wedgwood. He said the British Isles did not posses a truer friend of India than Colonel Wedgwood. He loved India not because it was a part of the British Empire or the world but because it has entitled to us much freedom as any other part of that Empire or of the world. He assured Colonel Wedgwood that his name at the present moment was a household word throughout India. (Applause) There was one more reason why they loved him, and it was that they wanted to prove to the world that they were not haters of the British people, and that they some times spoke strongly not because they were British or Christian, but because some of them who were in authority exploited or oppressed the people of this country. He would assure Colonel Wedgwood that they also disliked those among themselves who exploited and oppressed them as much as they disliked the others He was free to confess and he believed in his heart of hearts that the British were the freest nation in the world. They were very able and conciliating yet very subtle, and their institutions at home were very democratic. But by the way in which they administered and treated their dependency—not their colonies —they had quite deserved all that they said of them. He might tell them once for all that there were very good and noble-minded Englishmen among the services. They know them and valued them, but as instruments of the bureaucracy which they served and as instruments of their nation, they advanced their interest; and it was their bounden duty to protect themselves against the exploiting policy which they pursued.

Friendly with the British.

He wanted Colonel Wedgwood to take it from him that they were anxious to remain friendly to the British and they wanted to remain part of the British Commonwealth if not out of altruistic, for selfish reasons. But at the same time he must tell him that whether they harmed themselves or not, they were determined to pursue their own way. (Applause). They had had many trusted friends among Englishmen, whose advice they had valued and followed. They had placed implicit faith practically for the last fifty years in the words and pledges of English statesmen. They had carried on their propaganda based on those pledges. They had done every thing to convince the British people of their sense of friendship and of their dependence on their good faith. But he must confess that their experience had been so very bitter that they had come to the conclusion that they should no more put faith in the pledges of the British, (Applanse). They knew that the

British were their sincere friends, because the cause of the one was practically the cause of the other, but for some time they were determined to follow their own policy and to carry on their campaign in their own way. They hoped for that reason that they would not forfeit their friendship. They might be mistaken, but they would never learn without making mistakes. They were not in a mood to do things which did not appeal to their own judgment and conscience. They would hear their advice with great consideration. They would try to follow it if they could, but the decision would be their own. He wanted to make this clear, so that there should be absolutely no misunderstanding as to their position. Even since the outbreak of the war, the policy of the British statesmen not only in connection with the other parts of the world had shaken their faith with them. They asked Englishmen to put themselves in their position. Their men had been shot, their women insulted, and their children flogged naked. He possessed no racial hatred at all. His international sympathies were well-known. But after all they were men, and their patience had been sorely tried. He would take Colonel Wedgwood to the place where their men had been shot, their women insulted and their children whipped naked, and then ask him whether they were not justified in assuming the attitude they were taking. He would show Colonel Wedgwood those women who were striped naked and made to sit on thorns. (Cries of "shame"). That statement had been denied by officials, and they challenged them to hold an open enquiry. They wanted to examine these women and come to finding. After Colonel Wedgwood had seen these places and spoken to these women he would ask him to pass judgment on their action. They had absolutely no hatred for Englishmen as such, but the time had come when they should speak in no uncertain terms.